

COUNCIL AGENDA STATEMENT



Meeting Date: May 10, 2022
To: Honorable Mayor and Council Members
From: George Garrett, City Manager

Agenda Item: **Ordinance 2022-12**, Modifying Section 32-34 Of The City Code Of Ordinances, ‘Tow Away Zones;’ Providing For Modifying The Existing Code Section To Consolidate Code Language, Modify The Individuals With Authority To Authorize Towing, And Add Two Tow Away Zones Predicated On Previous Council Actions; Providing For Rescinding Resolutions 2021-6 And 2022-37; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

BACKGROUND

Section 32-34 of the City’s Code of Ordinances was last amended in 2016. Said Code Section establishes the criteria and specific location for the development and enforcement of tow away zones. This proposed Ordinance modifies the existing Code section to consolidate Code language, modify the individuals with authority to authorize towing, and adds two tow away zones predicated on previous Council actions. Modification of this Ordinance is in the best interest of the citizens of the City of marathon, in protection of their life / safety,

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other – 2010 Sewer Mandate	<u> </u>	<u> X </u>

FISCAL NOTE:

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval

Sponsored by: Garrett
Introduction Date: May 10, 2022
Public Hearing Dates: May 10, 2022 / June 14, 2022
Enactment Date: May 10, 2022

**CITY OF MARATHON, FLORIDA
ORDINANCE 2022-12**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, MODIFYING SECTION 32-34 OF THE CITY CODE OF ORDINANCES, ‘TOW AWAY ZONES;’ PROVIDING FOR MODIFYING THE EXISTING CODE SECTION TO CONSOLIDATE CODE LANGUAGE, MODIFY THE INDIVIDUALS WITH AUTHORITY TO AUTHORIZE TOWING, AND ADD TWO TOW AWAY ZONES PREDICATED ON PREVIOUS COUNCIL ACTIONS; PROVIDING FOR RESCINDING RESOLUTIONS 2021-6 AND 2022-37; PROVIDING FOR REMOVAL OF ANY SECTIONS OF THE CODE FOUND IN CONFLICT WITH THIS CHANGE IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 32-34 of the City’s Code of Ordinances was last amended in 2016;
and

WHEREAS, said Code Section establishes the specific location and criteria for the development and enforcement of tow away zones; and

WHEREAS, this proposed Ordinance modifies the existing Code section to consolidate Code language, modify the individuals with authority to authorize towing, and add two tow away zones predicated on previous Council actions; and

WHEREAS, modification of this Ordinance is in the best interest of the citizens of the City of marathon, in protection of their life / safety,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby confirmed and adopted.

Section 2. Rescind Resolutions 2022-6 and 37

Section 3. Section 32-34 *Tow away zones* is hereby modified to read:

Sec. 32-34. - Tow away zones.

a) ~~Aviation Boulevard.~~

~~(1) A tow away zone is established along the entire length of Aviation Boulevard, on both sides of the street, including all land located within the Aviation Boulevard right-of-way within the City of Marathon.~~

~~(2) City staff is authorized to post "tow away zone" signs on Aviation Boulevard, spaced at such intervals as to place a motorist on notice of the area's designation. After this area, or any portion thereof, has been designated and posted as a "tow away zone," no vehicle shall be permitted to park in the designated and posted areas.~~

~~(3) The "tow away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.~~

~~(4) Violators of this section shall have their vehicle, including any trailers or other items attached to the vehicle, towed away at the owner's expense.~~

~~(5) This section shall only be enforceable by the Sheriff's Office. If a Sheriff's Deputy discovers a vehicle parked in violation of this section, he may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle, and shall not exceed the rates listed in Subsection [32-2\(d\)](#) of this Code.~~

~~(6) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.~~

b) ~~Harbor Drive.~~

~~(1) A tow away zone is established along a portion of Harbor Drive, beginning at the intersection of Harbor Drive with Aviation Boulevard, and extending north for 500 feet on both sides of the street, including all land located within the Harbor Drive right-of-way within the City.~~

~~(2) City staff is authorized to post "tow away zone" signs on the portion of the Harbor Drive described in the paragraph above spaced at such intervals as to place a motorist on notice of the area's designation. After this area, or any portion thereof, has been designated and posted as a "tow away zone," no vehicle shall be permitted to park in the designated and posted areas.~~

~~(3) The "tow away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.~~

~~(4) Violators of this section shall have their vehicle, including any trailers or other items attached to the vehicle, towed away at the owner's expense.~~

~~(5) This section shall only be enforceable by the Sheriff's Office. If a Sheriff's Deputy discovers a vehicle parked in violation of this section, he may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle, and shall not exceed the rates listed in Subsection [32-2\(d\)](#) of this Code.~~

~~(6) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.~~

(a) Direction and Criteria Established: This Section provides the criteria for approving and specific for areas established pursuant to City Council direction to establish tow away zones. Unless otherwise prescribed for a specific area or zone set out in Section 32-34 (b), the following rules apply:

(1) In designating a tow away zone, staff and the City Council shall determine the need based on community character considerations, impact on local neighborhoods and vehicular and pedestrian traffic, and on basic life safety considerations.

(2) Once created, City staff is authorized to post "tow-away zone" signs within the areas so designated in Section 32-34 (b) below, spaced at such intervals as to place a motorist on notice of the area's designation. After this area, or any portion thereof, has been designated and posted as a "tow-away zone," no vehicle shall be permitted to park in the designated and posted areas.

(3) The "tow-away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.

(4) Violators of this section shall have their vehicle, including any trailers or other items attached to the vehicle, towed away at the owner's expense.

(5) This section shall only be enforceable by the Sheriff's Office, the City Manager, or his/her designee. If a Sheriff's Officer, the City Manager, or his/her designee discovers a vehicle parked in violation of this section, they may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle, and shall not exceed the rates listed in Subsection 32-2(d) of this Code.

(6) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.

(b) Tow Away Zones Established:

(1) Aviation Boulevard: A tow away zone is established along the entire length of the Aviation Boulevard right-of-way, except for the area off the pavement on the north side of the road within 250 feet west of the intersection of Aviation Boulevard with Stirrup Key Boulevard.

(2) Harbor Drive: A tow away zone is established along a portion of Harbor Drive, beginning at the intersection of Harbor Drive with Aviation Boulevard, and extending north for 500 feet on both sides of the street, including all land located within the Harbor Drive right-of-way.

(3) Sombrero Boulevard: A tow away zone is established along the golf course side of Sombrero Boulevard which prohibits parking except in designated parking areas by passenger vehicles only and further prohibits parking of trailers of any type, RVs, travel trailers, fifth wheels, and other similar vehicles.

(4) Sombrero Beach Road: A tow away zone is established from the Sombrero Beach Park residence to Spoonbill Drive along both sides of the Right-Of-Way of Sombrero Beach Road. The City Council may relax entirely this restriction by their specific direction provided at a Council meeting for requested events and holidays. The 4th of July holiday shall be a specific exception for enforcement of this tow away zone.

Section 4. The Provisions of the Marathon Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. This Ordinance shall become effective immediately upon adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF JUNE, 2022.

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steven T. Williams, City Attorney