

COUNCIL AGENDA STATEMENT



Meeting Date: November 15, 2022
To: Honorable Mayor and Council Members
Through: George Garrett, City Manager
From: Brian Shea, Planning Director

Agenda Item: **Ordinance 2022-26**, Adding Sections 15-5 and 15-6 Of The City Code Of Ordinances, ‘Recreational Fires’ and ‘Penalty’ Respectively; Providing For Renumbering Of This Chapter; 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

Chapter 15 of the City’s Code of Ordinances was adopted in 1999. Said Code Section establishes general fire provisions, as well as powers and duties of the Fire Marshal. Sections 15-5-15-26 were reserved for future amendments. It is in the best interest of the City for the further protection of health safety and welfare to amend the code section to include regulations for recreational fires and insert specific penalty language.

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: October 11, 2022
Public Hearing Dates: October 11, 2022
November 15, 2022
Enactment Date: November 15, 2022

**CITY OF MARATHON, FLORIDA
ORDINANCE 2022-26**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, ADDING SECTIONS 15-5 AND 15-6 OF THE CITY CODE OF ORDINANCES, ‘RECREATIONAL FIRES’ AND ‘PENALTY’ RESPECTIVELY; PROVIDING FOR RENUMBERING OF THIS CHAPTER; 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, Chapter 15 of the City’s Code of Ordinances was adopted in 1999; and

WHEREAS, said Code Section establishes general fire provisions, as well as powers and duties of the Fire Marshal; and

WHEREAS, this proposed Ordinance modifies the existing Code section to add additional language regarding recreational fires and specific penalties of the chapter; and

WHEREAS, modification of this Ordinance is in the best interest of the citizens of the City of Marathon, in protection of their health, safety, and welfare,

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. Section 15-5 *Recreational Fires* is hereby adopted to read:

Section 3. Section 15-6 *Penalty* is hereby adopted to read:

Sec. 15-5. Recreational Fires.

(a) Permit required.

(1) A permit for a recreational fire on City property, shall be acquired from the Fire Chief or designee. The Fire Chief or designee will approve the application for a recreational fire permit only if safety conditions and provisions of law are met. An application for a recreational fire on City property must be received by the Fire

Chief or designee at least 30 days in advance of the date of the event under written procedures and on a form approved by the City Council. Any indemnification and hold-harmless agreement on behalf of the City Council should be approved by the City Attorney and City Risk Management/HR Coordinator.

(2) No permit shall be required for fires in City supplied and designated BBQ facilities.

(3) No permit shall be approved and issued at any of the Beach properties or other potential turtle nesting areas during turtle nesting season pursuant to Section 14-62.

(b) *Supervision.* It is unlawful for any individual or group of individuals to build a warming fire, bonfire, or campfire and leave it unattended while visible flame, smoke, or emissions exist.

(c) *Time limit on permit.* Any permit issued shall be for a time not to exceed four (4) hours and shall state with certainty on the application where, during what hours and the time the recreational fire shall occur. Further rules and regulations where indicated and needed shall be adopted by this Council on the recommendation of the Fire Chief or public works department.

Sec. 15-6. Penalty.

(a) The City may enforce the provisions of this chapter by any lawful means including, but not limited to, in accordance with Section 1-7 of the Marathon Code, Chapter 10 of the Marathon Code, or Chapter 109, Article II of the Land Development Regulations

Secs. 15-~~57~~—15-26. Reserved.

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 15th DAY OF NOVEMBER, 2022.**

THE CITY OF MARATHON, FLORIDA

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:**

City Attorney
Steven T. Williams