

Sponsored By: Garrett
City Council Public Hearing Date: June 27, 2023
July 11, 2023
Enactment Date: July 11, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-11**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, DELETING CITY OF MARATHON’S CODE OF ORDINANCES SECTION 14-4 TITLED “UNLOADING OF SHRIMP BY COMMERCIAL FISHING VESSELS RESTRICTED.”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, there are not currently any commercial shrimp vessels within the City; and

WHEREAS, Sec. 14-4 of the Marathon Code of Ordinances is moot since there are no commercial shrimp vessels for the Section to apply to.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion

Bold underline = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. “Unloading of shrimp by commercial fishing vessels restricted.” is hereby amended to read as follows:

~~Section 14.4. Unloading of shrimp by commercial fishing vessels restricted.~~

~~(a) As used in this section, the following terms shall have the meanings indicated:~~

~~*Commercial fishing vessel* means any boat or vessel which is required to be numbered or registered or enrolled by and under the laws of the United States of America or the State and which vessel or boat is used for the purpose of taking or catching, or assisting in the taking or catching of shrimp for pay or for the purpose of sale, barter or exchange, or which is used for the purpose of taking or catching, or assisting in the taking or catching of shrimp for pay, barter or exchange.~~

~~*Commercial shrimp business* means any person, firm or corporation who or which operates a shrimp house, plant or other establishment for compensation or profit for the purpose of unloading and handling from commercial fishing vessels.~~

~~(b) Nothing in this section shall be so construed to prohibit a regularly established commercial shrimp business house which is duly licensed under the laws of the State from removing or unloading shrimp from any commercial fishing vessel to a motor vehicle for transport to such duly licensed commercial shrimp business, or to prohibit an owner or lessee of a commercial boat from selling his shrimp to buyers other than to shrimp houses.~~

~~(c) Nothing herein contained shall be so construed to prohibit the removal, transferring or unloading under the direct and personal supervision of the registered owners of the vessel.~~

~~(d) The owner of the vessel shall produce, upon demand by any law enforcement officer or other person authorized by law, positive verification of ownership of the vessel and personal identification of the owner~~

SECTION 3. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or 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 5. It is the intention of the City Council and it is hereby ordained that 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 "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 6. This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS 11th DAY OF July, 2023.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

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

Steven Williams, City Attorney