

Sponsored by: Garrett
Introduction Date: October 10, 2023
Public Hearing Dates: October 10, 2023
November 14, 2023
Enactment Date: November 14, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-20**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, MODIFYING SECTION 32-34 OF THE CITY CODE OF ORDINANCES, ‘TOW AWAY ZONES’; ADD ONE TOW AWAY ZONE AND ADDING SECTION 32.35 ‘PARKING PROHIBITIONS IN SPECIFIED PLACES’; 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 2022;
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 by adding one tow away zone predicated on previous Council actions; and

WHEREAS, this proposed Ordinance modifies the existing Code section by adding section 32.35; 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. Section 32-34 *Tow away zones* is hereby modified to read:

Sec. 32-34. - Tow away zones.

(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, **from its intersection within U.S. Highway 1 to 107th Street** except: ~~for~~

a. the areas in front of residential homes so long as parking in front of those areas does not obstruct traffic;

b. 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, and

c. ~~designated parking spaces on the south side of the road between Shark Street and 107th Street.~~

(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.

(5) 25th Street: A tow away zone is established along the right-of-way of 25th Street 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.

Section 3. Section 32-35 *Parking prohibitions in specified places* is hereby to read:

Sec. 32.35 - Parking prohibitions in specified places.

(a) No person shall stop, stand, or park a vehicle within any of the following places:

(1) On a sidewalk, shared-use path, or bikelane except to lawfully load and unload passengers or freight for any period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise,

(2) Within a utility easement when utilities are being constructed, maintained or repaired at the direction of City of Marathon employees or contractors. Notice must be given to the owner of any parked vehicle by notice attached to the vehicle in a conspicuous at least 48 hours before any work in the easement. After which the vehicle may be towed at owners' expense.

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

(c) Violators of this section shall have their vehicle or property, including any trailers or other items attached to the vehicle, towed at the owner's expense. . The cost of such towing and impoundment shall be a lien against the vehicle. In the event that a court of the Sixteenth Judicial Circuit determines that the noncriminal violation charged was invalid:

(1)The vehicle shall be immediately released without charge and the lien provided for in this section automatically extinguished; or

(2) If the owner or operator has paid the cost of towing and impoundment, the amount paid shall be refunded from the City's general fund.

(d) 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) The noncriminal civil penalty for a violation of Subsection (a) of this Section is \$250.00. A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of Subsection (a) of this Section may issue a ticket in the form used by the City for parking violations to the driver or, if the vehicle is unattended, attach the ticket to the vehicle in a conspicuous place. The liability for payment of the ticket is pursuant to Fla. Stat. § 316.1967. Penalties collected under this Section may be remitted to the City's general fund.

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 5. 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 6. 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 NOVEMBER, 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 LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

City Attorney
Steven T. Williams