



COUNCIL AGENDA STATEMENT

Meeting Date: December 9, 2025

To: Honorable Mayor Senmartin and Council Members

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Agenda Item: **Ordinance 2025-11** Of The City Of Marathon, Florida, Amending The City's Code Of Ordinances, Chapter 20, "Parks And Recreation," Section 20-2, "Rules Of Conduct And Operational Procedure For Certain Parks," Subsection (I) "Golf Balls,"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; And Providing For An Effective Date.

BACKGROUND:

The City Parks Department would like to provide for additional uses within the existing batting cages. The cages have the necessary netting to allow for the use as a driving range. In order to allow this to occur, the City must amend the Code of Ordinances to allow golf balls within designated areas of City Parks.

CONSISTENCY CHECKLIST:

Yes

No

1. Comprehensive Plan

NA

FISCAL NOTE:

NA

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval of Ordinance 2025-11, proposed revisions to the Parks and Recreation Ordinance.

**CITY OF MARATHON, FLORIDA
ORDINANCE 2025-11**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA; AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 20, "PARKS AND RECREATION," SECTION 20-2, "RULES OF CONDUCT AND OPERATIONAL PROCEDURE FOR CERTAIN PARKS," SUBSECTION (I) "GOLF BALLS,"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon has specific regulations that pertain to golf balls in all City Parks; and

WHEREAS, the City of Marathon intends to allow for the use of a driving range option within the existing batting cages; and

WHEREAS, in order to allow this use, the code of ordinances must be amended; and

WHEREAS, modification of this Ordinance is in the best interest of the citizens of the City of Marathon.

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

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

SECTION 2. Chapter 20, Section 20-2, is hereby amended and adopted as attached in Exhibit A.

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Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.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 13TH DAY OF JANUARY, 2026.**

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, 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

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under "Applicable Exemptions", this indicates that the City of Marathon has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the "Business Impact Estimate" section below. In addition, even if one or more exemptions are identified, the City of Marathon may nevertheless choose to provide information concerning the proposed ordinance in the "Business Impact Estimate" section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance's title/reference:

Ordinance 2025-11 Of The City Of Marathon, Florida, Amending The City's Code Of Ordinances, Chapter 20, "Parks And Recreation," Section 20-2, "Rules Of Conduct And Operational Procedure For Certain Parks," Subsection (I) "Golf Balls, "; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; And Providing For An Effective Date.

Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - Development orders and development permits, as those terms are defined in s.163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Marathon hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Amending the restriction on golf balls to allow them within authorized areas of City Parks.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

None.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None.

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

None.

- 3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

1. FLORIDA KEYS RESORT HOLDINGS LLC

- 4. Additional information the governing body determines may be useful (if any):**

Section 20-2(j) Commercial activities. There shall be no other commercial activity of any type on or in any City beach or park, including, but not limited to, those listed in this section, without a lease or license from the City.

Note: The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.

Sec 20-2 Rules Of Conduct And Operational Procedure For Certain Parks

(i) Golf balls. No person may hit or otherwise propel, place or leave golf balls in any City park, except within an area designated by the city for such purposes.