

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 2026-21 Of The City Of Marathon, Florida, Modifying Section 32-34 (b) Of The City Code Of Ordinances, ‘Tow Away Zones’ In Order To Add A New Subsection (5) Entitled 107th Street / West Side; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; 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):**

The tow away zone which is the subject of this Ordinance was requested by the Monroe County Mosquito Control District. The reason for the request is that vehicles frequently park on the west side of the 107th Street Right-Of-Way blocking the sidewalk, the bike path, and frequently stick out into the vehicle travel land in such a way as to be unsafe. Safe agrees with the premise and facts provided in the request and recommends approval for the adoption of this Ordinance.

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:**

If vehicles are towed because they fail to comply with the zone, they may be charged for tickets, towing, and towing recovery fees

- (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:**

This is a tow away zone not subject to City fees. It is subject to both ticketing and/or towing charges for failure to comply. Enforcement of tickets would occur through the Monroe County Sheriff's Office. Towing and associated costs would inure to the violator. Costs are unknown but should be de minimis once general compliance occurs.

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

None

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

NA

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.*

COUNCIL AGENDA STATEMENT



Meeting Date: March 10, 2026
To: Honorable Mayor and Council Members
From: George Garrett, City Manager

Agenda Item: **Ordinance 2026-21**, Modifying Section 32-34 (b) Of The City Code Of Ordinances, ‘Tow Away Zones’ In Order To Add A New Subsection (5) Entitled 107th Street / West Side; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

BACKGROUND

The tow away zone which is the subject of this Ordinance was requested by the Monroe County Mosquito Control District. The reason for the request is that vehicles frequently park on the west side of the 107th Street Right-Of-Way blocking the sidewalk, the bike path, and frequently stick out into the vehicle travel land in such a way as to be unsafe. Safe agrees with the premise and facts provided in the request and recommends approval for the adoption of this Ordinance.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_X_
2. Other – 2010 Sewer Mandate	_____	_X_

FISCAL NOTE:

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval

Sponsored by: Garrett
Introduction Date: March 10, 2016
Public Hearing Dates: March 10, 2026 / April 14, 2026
Enactment Date: April 14, 2026

**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-21**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
MODIFYING SECTION 32-34 (b) OF THE CITY CODE OF
ORDINANCES, ‘TOW AWAY ZONES’ IN ORDER TO ADD A NEW
SUBSECTION (5) ENTITLED 107TH STREET / WEST SIDE;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE
CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE
DATE.**

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 add a new tow away zone where parallel parking within the 107th Street ROW will be prohibited and within which vehicles found within the zone are subject to towing; 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.

(b) Tow Away Zones Established:

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:
 - 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.

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. *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.
5. **107th Street / West Side. A tow away zone is established for the length of the west side of the City Right-Of-Way of 107th Street from U.S. Highway 1 to Aviation Boulevard. For sake of Code Compliance Officers, MCSO Officers, and tow operators there are legal perpendicular parking spaces between Lindahl Street and Aviation Boulevard which lie on private property. Since they are not within the ROW they are not subject to this tow away zone.**

Section 3. 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 4. 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 APRIL, 2026.**

THE CITY OF MARATHON, FLORIDA

Mayor Lynny Del Gaizo

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