

**Sponsored By:** Garrett  
**Planning Commission Public Hearing Date:** February 26, 2024  
**City Council Public Hearing Date:** March 12, 2024  
April 9, 2024  
**Enactment Date:** April 9, 2024

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2024-08**

**AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 107, ARTICLE 13 (“CONCURRENCY MANAGEMENT”) BY AMENDING SECTION 107.113 TITLED “ENFORCEMENT” TO CLARIFY THE PENALTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE AFTER FINAL ADOPTION BY THE CITY COUNCIL; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, *Florida Statutes*, provides for comprehensive plan implementation through the enactment of certain ordinances; and

**WHEREAS**, the City of Marathon is located within an Area of Critical State Concern, pursuant to Sections 380.05 and 380.0552, *Florida Statutes*; and

**WHEREAS**, Florida Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, *Florida Statutes*, which have been approved by the State, as required by law; and

**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 107, Article 13, Section 107.113 of the Marathon Code of Ordinances is ambiguous as to the penalties that may be imposed for violations of the section; and

**WHEREAS**, in order to make clear this ambiguity, the section needs to reflect the maximum penalties for same.

**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.** “Enforcement.” is hereby amended to read as follows:

Section 107.113. – Enforcement.

A violation of this Chapter shall be ~~a misdemeanor~~ punishable **by up to a \$500 fine and / or imprisonment for up to 60 days, consistent with Florida Statutes** ~~according to law;~~ **and shall be prosecuted in the same manner as misdemeanors are prosecuted in a court having jurisdiction of misdemeanors.** ~~however,~~ In addition to or in lieu of any ~~criminal~~ prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Chapter. Violations of this Chapter may also be referred to the City of Marathon Code Compliance Board for enforcement in accordance with Fla. Stat. ch. 162, and Chapter 10 of the City of Marathon Code of Ordinances, which relate to the Code Compliance Board.

**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.

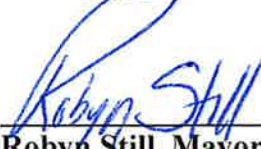
**SECTION 4.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or 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 9<sup>TH</sup> DAY OF APRIL, 2024.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
Robyn Still, Mayor

AYES: Landry, Smith, Gonzalez, Mattlock, Still  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Hillary Palmer, Deputy 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