

**ORDINANCE NO. 01-01-01**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, ADOPTING THE APPLICABLE PROVISIONS OF THE MONROE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Marathon, Florida (the "City") was incorporated by Laws of Florida, Chapter 99-427 and such existence was effective on November 30, 1999; and

WHEREAS, the City Charter specifically adopted the Monroe County Comprehensive Plan and Land Development Regulations, however, the Charter did not adopt other regulations pertinent to everyday municipal functions; and

WHEREAS, in order for the City to have municipal regulations in place from inception, the Board of County Commissioners of Monroe County adopted Ordinance No. 63-1997, which extended the jurisdiction of applicable Monroe County ordinances to the incorporated boundaries of newly incorporated cities for one year; and

WHEREAS, the jurisdictional provisions for the application of the Monroe County Code to the City will expire unless extended by action of the City Council; and

WHEREAS, the City Council desires to extend the Code provisions until City staff has an opportunity to adequately explore these issues.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

Section 1.     Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2.     Adoption of Code.   The applicable provisions of the Monroe County Code (the "Code") pertaining to municipal services, functions and fees, as it existed on November 30, 1999, is adopted for use by the City until such time as such provisions are amended, modified or repealed by action of the City Council. Those provisions of the Code previously repealed, amended or modified by ordinances of the City Council shall remain repealed, amended or modified. Any provisions of the Code specifically superseded or modified by the City Charter or applicable specifically to County issues shall not be subject to this Ordinance. The sections of the Monroe County Code regarding employment, employees, civil service, discipline, employment rights and procurement shall not be considered applicable to the City.

Section 3.     Severability.   If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3.     Repeal of Conflicting Ordinances.   All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 4.     Inclusion in Code.   The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Marathon, Florida.

Section 5.     Effective Date.   This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember GREENMAN, who moved its adoption on first reading. This motion was seconded by Councilmember JOHNSON, and upon being put to a vote, the vote was as follows:

The foregoing Ordinance as offered by Councilmember GREENMAN, who moved for its adoption. This motion was seconded by Councilmember JOHNSON, and upon being put to a vote, the vote was as follows:

Mayor Robert Miller	<u>YES</u>
Vice Mayor John Bartus	<u>YES</u>
Councilman Frank Greenman	<u>YES</u>
Councilman Jon Johnson	<u>YES</u>
Councilman Randy Mearns	<u>YES</u>

PASSED on first reading this 12<sup>TH</sup> day of DECEMBER, 2000.

The foregoing Ordinance as offered by Councilmember GREENMAN, who moved for its adoption. This motion was seconded by Councilmember JOHNSON, and upon being put to a vote, the vote was as follows:

Mayor Robert Miller	<u>YES</u>
Vice Mayor John Bartus	<u>YES</u>
Councilman Frank Greenman	<u>YES</u>
Councilman Jon Johnson	<u>YES</u>
Councilman Randy Mearns	<u>YES</u>

PASSED AND ADOPTED on second reading this 9<sup>TH</sup> day of JANUARY, 2000.

ATTEST:

[Signature]  
CITY CLERK

[Signature]  
ROBERT MILLER, MAYOR

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]  
CITY ATTORNEY