

**Sponsored by:** Cinque  
**Introduction Date:** January 26, 2010  
**Public Hearing Dates:** January 26, 2010, February 9, 2010  
**Enactment date:** February 9, 2010

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2010-02**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,  
AMENDING SECTION 10-5 OF THE CITY CODE ESTABLISHING THE  
PROCEDURE BY WHICH CODE COMPLIANCE BOARD MEMBERS  
ARE APPOINTED AND SETTING FORTH THE TERM OF SERVICE  
FOR EACH BOARD MEMBER; PROVIDING FOR THE REPEAL OF  
ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH  
THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Marathon (the "City") wishes to codify its procedures for the appointment and retention of members of the Code Compliance Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS: <sup>1</sup>

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

**Section 2.** Section 10-5 of the Code of Ordinances, City of Marathon, Florida is hereby amended to read as follows:

Sec. 10-5. Amendments to Fla. Stat. ch. 162.

(a) The provisions of Fla. Stat. §162.05, as adopted by this chapter, are hereby amended to read as follows:

(1) The seven members of the Code Compliance Board shall be appointed as follows:

a. Each member of the City Council, at his or her discretion, shall appoint one member of the Code Compliance Board.

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<sup>1</sup> / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

- b. The Council, through a majority of those present, shall appoint the remaining two members of the Board.
- c. A member of the Code Compliance Board appointed directly by a member of the City Council shall serve at the sole discretion of the appointing Council member and may be removed from the Code Compliance Board at any time by the appointing Council member may be removed from the Code Compliance Board by vote of a majority of those members of the City Council present at the time of the removal vote, or as otherwise allowed by law.
- d. A member of the Code Compliance Board appointed by a Council member shall serve a term concurrent with that of the appointing Council member.
- e. A Code Compliance Board member appointed by the City Council shall be appointed to a two year term, renewable by the City Council.

(2) A member of the Code Compliance Board may not simultaneously serve as a member of the Planning Commission.

(b) The provisions of Fla. Stat. § 162.07, as adopted by this chapter, are hereby amended to read as follows:

\* \* \*

**Section 3.** The terms of all existing Code Compliance Board members shall hereby expire and the City Council shall appoint seven (7) new Code Compliance Board members in accordance with this Ordinance.

**Section 4.** The Provisions of the City 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 sentence, section, 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 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6.** This Ordinance shall become effective on February 23, 2010.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, this 9<sup>th</sup> day of February 2010.

THE CITY OF MARATHON, FLORIDA

  
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Ginger Snead, Mayor

AYES: Cinque, Ramsay, Snead  
NOES: Keating, Worthington  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
\_\_\_\_\_  
Diane Clavier, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

  
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City Attorney