

Sponsored by: Hernstadt
Introduction Date: February 26, 2013
Public Hearing Dates: February 26, 2013
March 12, 2012
Enactment date: March 12, 2013

CITY OF MARATHON, FLORIDA
ORDINANCE 2013-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 18, ARTICLE III, DIVISION 2, OF THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA CONCERNING THE DEFINITION AND REGULATION OF PUBLIC ASSEMBLIES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon, Florida (the "City) considers it necessary to modify the City's regulations regarding public assemblies to protect the health, safety and welfare of the City's property owners, residents, and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:¹

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Section 18-147 of the Code of Ordinances, City of Marathon, Florida is hereby amended to read as follows:

Sec. 18-147. Definitions.

The following words terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public assembly means an outdoor gathering including flea markets and including in temporary structures such as tents, of individuals which may be attended by members of the general public, with or without an admission charge, when the anticipated daily attendance is

1 / 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~~.

expected to exceed 250 persons a day and at any point in time during the event day which occurs on more than one day per calendar month, including flea markets, but excluding:

- (1) Events or functions, put on by any government agency including athletic events on athletic fields; or
- (2) Camping activities conducted by charitable organizations devoted to serving young people.

Section 3. Section 18-148 of the Code of Ordinances, City of Marathon, Florida is hereby amended to read as follows:

Sec. 18 -149. - Application.

- (a) An application for a permit to hold a public assembly must be filed with the City Manager or designee at least nine (9) days before the day on which the public assembly is to be held. There shall be a fee associated with the application, which, shall be established by resolution of the City Council. The City Manager is authorized to waive said fee in the instance that the applicant represents a legally accepted not-for-profit organization. However, if the public assembly is to be held within nine (9) days after a specific and unanticipated event or announcement of public importance and in response to it, the application may be filed within 24 hours after the event or announcement and at least 36 hours before the public assembly is to be held. The City Manager or designee may also receive and act on an application even though the application was not filed in time if necessary to preserve the First Amendment rights of an applicant.

Section 4. 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 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. 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 7. This Ordinance shall be effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12th DAY OF MARCH, 2013.

THE CITY OF MARATHON, FLORIDA


Mike Cinque, Mayor

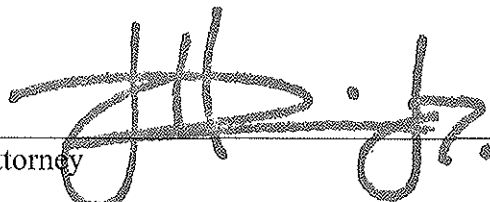
AYES: Snead, Bull, Keating, Ramsay, Cinque
NOES: None
ABSENT: None
ABSTAIN: None

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