

**Sponsored by: Zieg**  
**Introduction Date: January 12, 2016**  
**Public Hearing Dates: February 9, 2016**  
**March 8, 2016**  
**Enactment date: March 8, 2016**

**CITY OF MARATHON, FLORIDA**  
**ORDINANCE 2016-01**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, CREATING SECTION 32-34 OF THE CITY CODE ESTABLISHING A TOW AWAY ZONE ON AVIATION BOULEVARD AND A PORTION OF HARBOR DRIVE; 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 wishes to establish a tow away zone on Aviation Boulevard and a portion of Harbor Drive in order to ensure the health, safety, and welfare of drivers, bicyclists, and pedestrians that frequent the area; and

**WHEREAS**, pursuant to Sections 316.006 and 316.008, Florida Statutes, the City Council retains original jurisdiction to regulate stopping, standing or parking on the public streets, highways, roadways, parking areas and specified reserved parking areas in the City and on property owned or leased by the City; and

**WHEREAS**, the City Council finds that regulation of parking, standing or stopping on the public streets, highways, roadways, and parking areas in and on property owned or leased by the City promotes the public health safety and welfare; and

**WHEREAS**, pursuant to Sections 316.008, 316.1945, 316.195, 316.1967, and 318.325, Florida Statutes, the City Council is authorized to enforce violations of City ordinances dealing with parking, standing or stopping in certain specified locations and for the removal of the vehicles found to be in violation.

**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 of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

\* \* \*

## **Sec. 32-34. Tow Away Zones**

### **(a) Aviation Boulevard**

- (1) A tow away zone is established along the entire length of Aviation Boulevard, on both sides of the street, including all land located within the Aviation Boulevard right of way within the City of Marathon.
- (2) City staff is authorized to post "tow-away zone" signs on Aviation Boulevard, spaced at such intervals as to place a motorist on notice of the area's designation. After this area, or any portion thereof, has been designated and posted as a "tow-away zone," no vehicle shall be permitted to park in the designated and posted areas.
- (3) The "tow-away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.
- (4) Violators of this section shall have their vehicle, including any trailers or other items attached to the vehicle, towed away at the owner's expense.
- (5) This section shall only be enforceable by the Sheriff's Office. If a Sheriff's Deputy discovers a vehicle parked in violation of this section, he may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle, and shall not exceed the rates listed in Section 32-2(d) of this Code.
- (6) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.

### **(b) Harbor Drive**

- (1) 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 five hundred (500) feet on both sides of the street, including all land located within the Harbor Drive right of way within the City of Marathon.
- (2) City staff is authorized to post "tow-away zone" signs on the portion of the Harbor Drive described in the paragraph above spaced at such

intervals as to place a motorist on notice of the area's designation. After this area, or any portion thereof, has been designated and posted as a "tow-away zone," no vehicle shall be permitted to park in the designated and posted areas.

- (3) The "tow-away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.
- (4) Violators of this section shall have their vehicle, including any trailers or other items attached to the vehicle, towed away at the owner's expense.
- (5) This section shall only be enforceable by the Sheriff's Office. If a Sheriff's Deputy discovers a vehicle parked in violation of this section, he may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle, and shall not exceed the rates listed in Section 32-2(d) of this Code.
- (6) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.

**Section 3.** Any provisions of the City 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 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 5.** This Ordinance shall be effective immediately upon its adoption.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, THIS 8<sup>th</sup> DAY OF MARCH, 2016.**

**THE CITY OF MARATHON, FLORIDA**



**Mark Senmartin, Mayor**

AYES: Zieg, Bartus, Coldiron, Kelly, Senmartin  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

*for Hillary Palmer*  
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:**

*David Migut*  
David Migut, City Attorney