

**ORDINANCE NO. 98- 7**

**AN ORDINANCE RELATING TO PARKING; PERMITTING PARKING ON A RESTRICTED BASIS WITHIN SWALES ADJACENT TO CERTAIN ROADWAYS AS SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS AND DURATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Marco Island has made a limited review sufficient to determine that swale parking issues exists within that area of Marco Island generally described as Elkcam Circle, particularly with regard to commercial and business parking within that general area; and

**WHEREAS**, the City Council wishes to address the parking considerations within such area, including issues related to parking in drainage swales adjacent to public roadways;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARCO ISLAND, FLORIDA, THAT:**

**SECTION ONE: Findings.**

1. The City Council finds that various swale parking issues exist in that area of the City of Marco Island generally referred to as Elkcam Circle and that it is necessary to address such swale parking issues in a comprehensive and deliberate manner.
2. In order to comprehensively address the parking issues within such area of the City of Marco Island, general parking considerations must be reviewed and examined as part of the comprehensive planning process which is generally expected to take place over the next two years.

3. During such planning process, the City Council finds it necessary and appropriate to permit swale parking on a limited and restricted basis pending the finalization of the comprehensive parking and planning studies.

**SECTION TWO:** Swale Parking and Limitations.

Parking shall be permitted within drainage swale areas adjacent to public roadways in that area of Marco Island generally described as being at or near Elkcam Circle and more particularly described in Exhibit "A", attached hereto and incorporated herein, subject to the following restrictions:

1. Swale parking shall be permitted Monday through Saturday and shall be totally prohibited on Sunday.
2. Swale parking shall be permitted only during the hours of 7:00 a.m. to 7:00 p.m. Any vehicle parked in a swale must be parked in a safe and prudent manner with regard to any adjoining public roadways, private driveways, drainage facilities or other public or private property. Nothing in this ordinance shall be deemed to restrict or prohibit the issuance of a traffic citation or the removal of a vehicle at the direction of a law enforcement officer if such officer, in his or her sole discretion, determines that such vehicle poses a danger to the life or safety of any member of the public, or to public or private property, as a result of the location of the parked vehicle.
3. The authorization for swale parking as provided herein shall be for an approximate two year period ending on June 15, 2000.

**SECTION THREE:** Repeal of Conflicting Regulations.

Any and all ordinances, resolutions or regulations in conflict with the provisions of this ordinance are hereby repealed and superseded. Such ordinances, resolutions or regulations may include, but shall not be limited to, Section 130-66(2)(1), as set forth in the Collier County Code of Laws and Ordinances, to the extent that such ordinances would otherwise be applicable to parking in swales.

**SECTION FOUR:** Severability.

If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity shall not effect the validity of any remaining portions of the ordinance.


**SECTION FIVE:** Effective Date.


This ordinance shall be effective upon its adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 15th day of June, 1998.

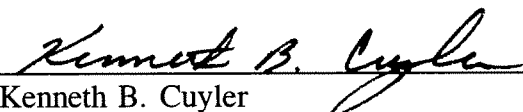
Attest:

CITY OF MARCO ISLAND, FLORIDA

  
\_\_\_\_\_  
A. William Moss  
City Manager/City Clerk

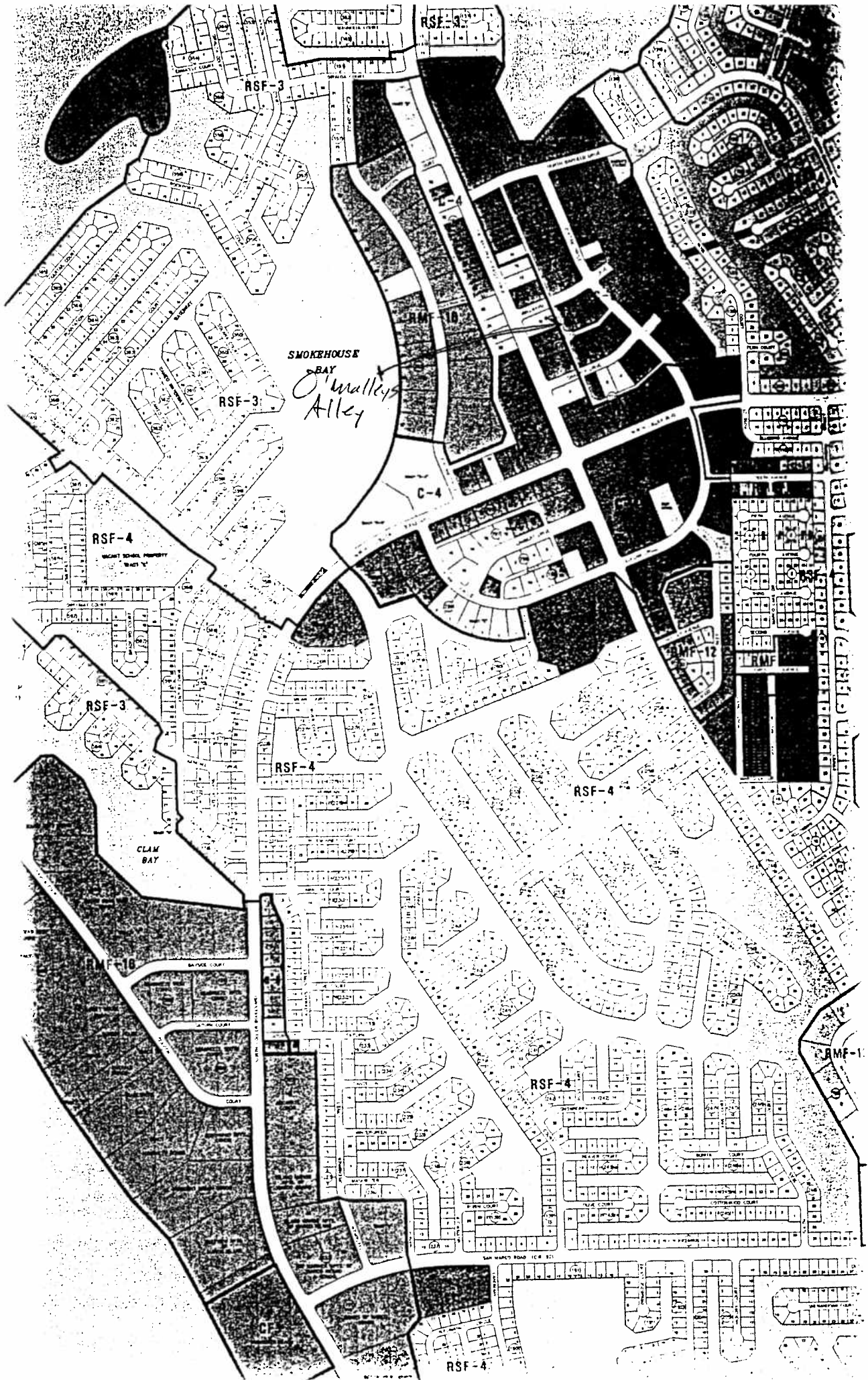
By:   
\_\_\_\_\_  
Harry J. Cowin, Chairman

Approved as to form and  
legal sufficiency:

  
\_\_\_\_\_  
Kenneth B. Cuyler  
City Attorney

## EXHIBIT A

The area referred to as the **Elckam Parking Area** is composed of the areas zoned C-5 which consists of the properties immediately abutting Elckam Circle, which are south of Barfield Avenue and north of Collier Avenue, on the west by "O'Malley's Alley" as it runs north and south, and also as it runs east and west south of Chalmer Drive.



Naples Daily News  
Naples, FL 33940

Affidavit of Publication  
Naples Daily News

CITY OF MARCO ISLAND  
C/O MARCO ISLAND FIRE CONTROL  
1280 SAN MARCO RD  
MARCO ISLAND FL 34145

REFERENCE: 053955  
57702362 PUBLIC HEARING, 2ND

State of Florida  
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 06/05

AD SPACE: 39.000 INCH  
FILED ON: 06/05/98

PUBLIC HEARING,  
2ND READING,  
ORDINANCE #98-7  
CITY OF  
MARCO ISLAND  
The City Council of Marco Island, meeting in regular session at 6:00 p.m., Monday, June 15, 1998, at the Marco Island YMCA, 101 Sandhill Road, Marco Island, Florida will hear on 2nd reading Ordinance #98-7, the title of which reads as follows:  
AN ORDINANCE RELATING TO PARKING; PERMITTING PARKING ON A RESTRICTED BASIS WITHIN SWALES ADJACENT TO CERTAIN ROADWAYS AS SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS AND DURATION; PROVIDING FOR SERVERABILITY; PROVIDING AN EFFECTIVE DATE.  
Members of the public are invited to make oral or written comments in regard to this Ordinance.  
S:  
A. William Moss  
City Manager  
City of Marco Island  
June 5 No. 1221883

Signature of Affiant B. Lamb

Sworn to and Subscribed before me this 5 day of June 1998

Personally known by me Judith A. Flanigan



Judith A. Flanigan  
MY COMMISSION # CC508787 EXPIRES  
February 19, 2000  
BONDED THRU TROY FAIR INSURANCE, INC.