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ORDINANCE 19-04

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 50 "TRAFFIC AND VEHICLES," ARTICLE II "STOPPING, STANDING AND PARKING," SECTION 50-37 "PROHIBITED PARKING," TO PROVIDE FOR AN EXCEPTION TO PARKING REGULATIONS ENFORCEMENT FROM NOVEMBER 15 THROUGH JANUARY 15; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the lack of readily available legal overnight parking options within the City's residential areas, City Council has determined it is in the best interest of the public to establish a moratorium on the enforcement of vehicles in swales in residential districts between November 15 through January 15, of each year; and

WHEREAS, City Council finds that the City has a significant and substantial interest in amending the City Code to allow for a moratorium of parking regulation enforcement for vehicles blocking the sidewalk and swales within the City's residential districts.

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

SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underling this Ordinance.

SECTION 2. City Code Amended.

That Section 50-37 "Prohibited Parking" of Article II "Stopping, Standing and Parking" of Chapter 50 "Traffic and Vehicles" of the Code of Ordinances of Marco Island, Florida, is hereby amended to read as follows:¹

Chapter 50 – TRAFFIC AND VEHICLES

ARTICLE II. – STOPPING, STANDING AND PARKING

Sec. 50-37. – Parking Prohibited.

¹ Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strikethrough~~.

37 (3) Stand or park a vehicle on a swale, or in a swale area, whether the vehicle is occupied or
38 not, except momentarily to pick up or discharge a passenger, or passengers, or property, under
39 the following circumstances:

40 (a) Between the hours of 2:00 a.m. and 6:00 a.m.; except this prohibition shall not apply
41 in residential districts between November 15 and January 15 of each calendar year,
42 unless otherwise temporarily modified by Council by Resolution, as deemed in the
43 best interest of the City. The exception shall apply only to the owner of the property
44 adjacent to the swale or swale area or to vehicle owners who have received written
45 permission from the owner of the property adjacent to the swale or swale area.

46 ***

47 **SECTION 3. Codification.**

48 It is the intention of the City Council, and it is hereby ordained, that the amendments to the
49 City of Marco Island Code of Ordinances made by this Ordinance shall constitute a revised
50 Section 50-37 of the City of Marco Island Code of Ordinances, and that the sections of this
51 Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance"
52 may be changed to "Section", "Article" or other appropriate word.

53 **SECTION 4. Conflicts.**

54 All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
55 with the provisions of this Ordinance are hereby superseded and resolved to the extent of
56 any conflict in favor of the provisions of this Ordinance.

57 **SECTION 5. Severability.**

58 If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to
59 be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall
60 not affect the validity of the other or remaining terms, sections, clauses, sentences or
61 phrases portions of this Ordinance, and this Ordinance shall be read and applied as if the
62 invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

63 **SECTION 6. Effective Date.**


64 This Ordinance shall become effective upon its adoption.

65

66 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND THIS 22ND
67 DAY OF JANUARY 2019.

68

69 ATTEST:

70 
71 _____
72 Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

73 By: 
74 _____
75 Erik Brechnitz, Chairman

76 Approved as to form and legal sufficiency:

77 

Alan L. Gabriel, City Attorney