

ORDINANCE 19-05

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY CODE AT CHAPTER 50, "TRAFFIC AND VEHICLES," ARTICLE II "STOPPING, STANDING AND PARKING," SECTION 50-37 "PROHIBITED PARKING," TO PROVIDE FOR AN EXCEPTION TO SWALE 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, on February 4, 2019, City Council adopted Ordinance 19-04 amending the City Code to allow for an exception to parking regulation enforcement for vehicles parking on the swales within the City's residential districts during the holiday season; and

WHEREAS, City Council finds that additional clarification regarding Sec. 50-37 (3) (a) is required.

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 underlying this Ordinance.

SECTION 2. City Code Amended.

That Subsection (3), paragraph (a) of 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:

Chapter 50 – TRAFFIC AND VEHICLES

ARTICLE II. – STOPPING, STANDING AND PARKING

Sec. 50-37. – Parking Prohibited.

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

(a) Between the hours of 2:00 a.m. and 6:00 a.m.; except this prohibition shall not apply in residential districts between November 15 and January 15 of

each calendar year, unless otherwise temporarily modified by Council Resolution, as deemed in the best interest of the City. ~~The exception shall apply only to the owner of the property adjacent to the swale or swale area or to vehicle owners who have received written permission from the owner of the property adjacent to the swale or swale area.~~ or unless the record owner of the property adjacent to a swale or swale area has requested specific enforcement of this provision in writing during the relevant time period each year.

SECTION 3. Codification.

It is the intention of the City Council that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall constitute a revised "Subsection (3) paragraph (a) of Section 50-37 of the City of Marco Island Code of Ordinances, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

SECTION 4. Conflicts.

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

SECTION 5. Severability.

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

SECTION 6. Effective Date.

This Ordinance shall become effective upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND THIS 18TH DAY OF MARCH 2019.

ATTEST:




Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney