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**ORDINANCE 19-06**

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**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 50 “TRAFFIC AND VEHICLES,” ARTICLE II “STOPPING, STANDING AND PARKING,” SECTION 50-37 “PROHIBITED PARKING,” TO ALLOW PARKING IN SWALES AND ALLEYS ADJACENT TO COMMERCIAL ZONED DISTRICTS BETWEEN 7:00 AM AND MIDNIGHT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, due to the lack of readily available legal parking options for patrons of commercial businesses, City Council has determined it to be in the best interest of the public to allow vehicle parking in swales and alleys in commercial areas between the hours of 7:00 a.m. and midnight; and

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**WHEREAS**, City Council finds that the City has a significant and substantial interest in amending the City Code to allow for parking in swales and alleys adjacent to commercially zoned districts between the hours of 7:00 a.m. and midnight.

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

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**SECTION 1. Recitals.**

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

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**SECTION 2. City Code Amended.**

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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 by adding a new paragraph (1) to Subsection (3) to read as follows:

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**Chapter 50 – TRAFFIC AND VEHICLES**

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**ARTICLE II. – STOPPING, STANDING AND PARKING**

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**Sec. 50-37. – Parking Prohibited.**

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(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:

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41 (l) Except between the hours of 7:00 a.m. and midnight for vehicles parking in swales  
42 and alleys adjacent to commercially zoned districts. unless otherwise temporarily  
43 modified by Council by Resolution, as deemed in the best interest of the City.

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45 **SECTION 3. Codification.**

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

51 **SECTION 4. Conflicts.**

52 All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict  
53 with the provisions of this Ordinance are hereby superseded and replaced to the extent of  
54 any conflict by the provisions of this Ordinance.

55 **SECTION 5. Severability.**

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

61 **SECTION 6. Effective Date.**

62 This Ordinance shall become effective upon its adoption.

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64 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND THIS 18<sup>TH</sup>  
65 DAY OF MARCH 2019.

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67 **ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

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69 \_\_\_\_\_  
70 Laura M. Litzan, City Clerk

By: \_\_\_\_\_  
Erik Brechnitz, Chairman

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72 Approved as to form and legal sufficiency:

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75 Alan L. Gabriel, City Attorney