

ORDINANCE 26-01

AN ORDINANCE OF THE CITY OF MARCO ISLAND, AMENDING CHAPTER 50, "TRAFFIC AND VEHICLES; ARTICLE II "STOPPING, STANDING AND PARKING"; SECTION 50-37, "PROHIBITED PARKING" OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO PROVIDE FOR REGULATIONS RELATED TO LIMITED PERMITTED SWALE PARKING IN DESIGNATED AREAS WITHIN THE CITY OF MARCO ISLAND; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island ("City") has a significant government interest in the general public's safety, and this ordinance regulates conduct for the purpose of alleviating parking concerns for its residents where and when it is practical to do so within existing swales that are generally located between the edge of the pavement of a roadway, and the inside edge of sidewalk or right-of-way boundary if no sidewalk is present; and

WHEREAS, the Marco Island City Council finds that this Amendment to the City's Code of Ordinances is in the best interest to protect the public health, safety, and welfare within the municipal boundaries of Marco Island.

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

SECTION 1. Recitals. Each and all the foregoing recitals be and the same are hereby incorporated into this Ordinance as if specifically set forth herein.

SECTION 2. Amendment and Adoption.

Amendment and Adoption. That Chapter 50, "Traffic And Vehicles," Article II, "Stopping, Standing And Parking," Section 50-37, "Prohibited Parking" of the City of Marco Island Code of Ordinances, be, and the same is hereby amended to read as follows:

CHAPTER 50 – TRAFFIC AND VEHICLES

Article II – Stopping, Standing And Parking

* * * *

Sec. 50-37. - Prohibited parking.

Except when necessary to avoid conflict with other traffic, or in compliance

CODING: Words in ~~struck through text~~ are deletions from existing text; words in underscored text are additions to existing text

with law or the direction of a law enforcement officer or official traffic control device, no person shall:

* * * *

(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., without a city issued swale vehicle parking permit, 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; ~~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;~~

(i) Only one (1) vehicle per adjoining single family household swale area may be issued to the property. Council may, by resolution, adopt appropriate rules and regulations in the best interest of the city. Violation(s) relating to a city issued swale parking permit shall be enforced pursuant to Chapter 14, of the City's Code of Ordinances.

- (b) When prohibited by an official sign;
- (c) On any curbed swale;
- (d) At any time within 500 feet of the entrance to Resident's Beach;
- (e) At any time within 500 feet of the entrance to the South Beach pedestrian access path;
- (f) At any time within 500 feet of the entrance to the Tigertail Beach;
- (g) At any time within 500 feet of the entrance to the Madeira beach access path;
- (h) At any time within 500 feet of the entrance to the Marriott's Crystal Shores beach access path;
- (i) Facing against the direction or flow of traffic for that side of the roadway;
- (j) Angled parking unless posted as authorized;
- (k) If the vehicle is a trailer; parking is prohibited at any time except when attached to a vehicle and being used in conjunction with an ongoing maintenance or repair operation such as utility repairs, public works and landscape maintenance.
- (l) Except between the hours of 7:00 a.m. and midnight for vehicles parking in swales and alley adjacent to commercial zoned districts, unless otherwise temporarily modified by council by resolution, as deemed in the best interest of the city.

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SECTION 3. Severability/Interpretation.

(a) 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 portions of this Ordinance, and this Ordinance shall be read and/or

applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which continues to exist in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this _____ day of _____, 2026.

ATTEST:

Joan Taylor, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: _____
Darrin Palumbo, Chair

Approved as to form and legal sufficiency:

David Tolces, Assistant City Attorney