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ORDINANCE 25-02

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA;
AMENDING CHAPTER 50, "TRAFFIC AND VEHICLES," SECTION
50-37, "PROHIBITED PARKING," BY PROHIBITING PARKING IN
CITY SWALES, NORTH OF OLD MARCO LANE, THAT DO NOT
HAVE LEGALLY PERMITTED IMPROVED PARKING; PROVIDING
FOR SEVERABILITY/INTERPRETATION; AND PROVIDING AN
EFFECTIVE DATE.**

10 **WHEREAS**, section 1.01 of the City of Marco Island Charter empowers the City
11 Council to adopt, amend, or appeal ordinances, resolutions and codes as may be required
12 for the benefit of the City of Marco Island ("City"); and

13 **WHEREAS**, the United States Supreme Court has held that the police power of a
14 state extends beyond regulation of health, morals, and safety, and comprehends the duty,
15 within constitutional limitations, to protect the well-being and tranquility of a community;
16 and

17 **WHEREAS**, pursuant to Article VIII, Section 2 of the Florida Constitution, and
18 Chapter 166, Florida Statutes, the City of Marco Island is authorized to protect the public
19 health, safety and welfare of its residents and has the power, and authority to enact
20 regulations for valid governmental purposes that are not inconsistent with general or
21 special law; and

22 **WHEREAS**, the Marco Island City Council desires to amend its current parking
23 regulations in order to prevent traffic congestion, which degrade the quality of life, disturbs
24 the public peace, and jeopardizes the health, safety, and welfare of the citizens of Marco
25 Island; and

26 **WHEREAS**, pursuant to Section 38-40(1), of the City's Code of Ordinances, the
27 Planning Board serves as the City's Local Planning Agency; and

28
29 **WHEREAS**, the City Council adopts the findings of the Planning Board, also sitting
30 as the City's Local Planning Agency; and

31 **WHEREAS**, the Planning Board has found the need and justification for this
32 Ordinance and Code amendment; and
33

34 **WHEREAS**, the City of Marco Island City Council finds that this Ordinance serves
35 a municipal and public purpose, and is in the best interest of the health, safety, and
36 welfare of the citizens and residents of the City of Marco Island.

37
38 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
39 OF MARCO ISLAND AS FOLLOWS:

40 **Section 1.** Recitals.

41 The foregoing "WHEREAS" clauses are true and correct and reflective of the
42 legislative intent underlying this Ordinance and are hereby ratified and made a
43 specific part of this Ordinance.

44 **Section 2.**

45 That Chapter 50, "Traffic and Vehicles," Section 50-37. " Prohibited Parking," of
46 the City of Marco Island Code of Ordinances be, and the same is hereby
47 amended to read as follows:

48 **Sec. 50-37. Prohibited parking.**

49 Except when necessary to avoid conflict with other traffic, or in compliance
50 with law or the direction of a law enforcement officer or official traffic control
51 device, no person shall:

- 52 (1) Stop, stand or park a vehicle:
- 53 (a) Upon a street in such a manner or under such conditions as to
54 obstruct or interfere with the free movement of traffic;
- 55 (b) On the roadway side of any vehicle stopped or parked at the edge or
56 curb of a street;
- 57 (c) On a sidewalk, bike path, or bike lane; if any portion of a vehicle
58 obstructs or projects over the edge of the sidewalk, bike path, or bike
59 lane, the vehicle is in violation of this section;
- 60 (d) Within an intersection;
- 61 (e) On a crosswalk;
- 62 (f) Alongside or opposite any street, or obstruction when stopping,
63 standing or parking would obstruct traffic;
- 64 (g) Upon any bridge or other elevated structure upon a highway, where
65 parking is not provided for;
- 66 (h) Within any appropriately signed or marked fire lane;

- 67 (i) Between a safety zone and the adjacent curb or within 30 feet of
68 points on the curb immediately opposite the ends of a safety zone,
69 unless the city manager or the state department of transportation
70 indicates a different length by signs or marking;
- 71 (j) Within 50 feet of a driveway entrance to any fire station and on the
72 side of a street or highway opposite the entrance to any fire station
73 within 75 feet of said entrance;
- 74 (k) In the median area between traffic lanes;
- 75 (l) At any place where official signs prohibit standing;
- 76 (m) On any improved surface adjacent to a roadway designed and
77 marked for parking for a period longer than 72 consecutive hours;
- 78 (n) On any improved surface in a city parking lot designed and marked
79 for parking for a period longer than 72 consecutive hours;
- 80 (o) On any improved surface meeting the criteria of (m) and (n) of this
81 section: outside of the marked parking space;
- 82 (p) Excluding on private property, next to a curb line painted yellow
83 designating a no-parking zone;
- 84 (q) With expired or unregistered license plates on any street, street right-
85 of-way, swale or public access parking area, except as provided for
86 in section 30-1007.
- 87 (2) Stand or park a vehicle, whether occupied or not, except momentarily
88 to pick up or discharge a passenger or passengers:
- 89 (a) In front of a public or private driveway;
- 90 (b) Within 15 feet of a fire hydrant;
- 91 (c) Within 20 feet of a crosswalk at an intersection;
- 92 (d) Within 30 feet upon the approach to any flashing signal, stop sign or
93 traffic control signal located at the side of a roadway;
- 94 (e) Within 100 feet of intersecting road right-of-way;
- 95 (f) On any roadway pavement maintained by the city on other than duly
96 designated parking lanes;
- 97 (g) At any place where official signs prohibit or restrict parking, or in
98 excess of time periods authorized by such signs;
- 99 (h) Along or adjacent to any curb painted red or yellow, or across the
100 delineated boundaries of a public parking place;
- 101 (i) Seaward of the coastal construction setback line.

- 102 (3) Stand or park a vehicle on a swale, or in a swale area, whether the
103 vehicle is occupied or not, except momentarily to pick up or
104 discharge a passenger, or passengers, or property, under the
105 following circumstances:
- 106 (a) Between the hours of 2:00 a.m. and 6:00 a.m., except this prohibition
107 shall not apply in residential districts between November 15 and
108 January 15 of each calendar year, unless otherwise temporarily
109 modified by council resolution, as deemed in the best interest of the
110 city, or unless the record owner of the property adjacent to a swale
111 or swale area has requested specific enforcement of this provision in
112 writing during the relevant time period each year;
- 113 (b) When prohibited by an official sign;
- 114 (c) On any curbed swale;
- 115 (d) At any time within 500 feet of the entrance to Resident's Beach;
- 116 (e) At any time within 500 feet of the entrance to the South Beach
117 pedestrian access;
- 118 (f) At any time within 500 feet of the entrance to the Tigertail Beach;
- 119 (g) At any time within 500 feet of the entrance to the Madeira beach
120 access path;
- 121 (h) At any time within 500 feet of the entrance to the Marriott's Crystal
122 Shores beach access path;
- 123 (i) Facing against the direction or flow of traffic for that side of the
124 roadway;
- 125 (j) Angled parking unless posted as authorized;
- 126 (k) If the vehicle is a trailer; parking is prohibited at any time except when
127 attached to a vehicle and being used in conjunction with an ongoing
128 maintenance or repair operation such as utility repairs, public works
129 and landscape maintenance.
- 130 (l) Except between the hours of 7:00 a.m. and midnight for vehicles
131 parking in swales and alleys adjacent to commercially zoned
132 districts, unless otherwise temporarily modified by council by
133 resolution, as deemed in the best interest of the city.
- 134 (m) At any time in City swale areas north of Old Marco Lane, that do not
135 have legally permitted improved parking.
- 136

137 **Section 3. Codification.**

138

139 It is the intention of the City Council, and it is hereby ordained, that the
140 amendments to the City of Marco Island Code of Ordinances made by this
141 Ordinance shall constitute new provisions within the Code of Ordinances, and
142 that the sections of this Ordinance may be renumbered and re-lettered as
143 necessary, and that the word "Ordinance" may be changed to "Section", "Article"
144 or other appropriate word.

145
146 **Section 4. Conflicts.**

147
148 All ordinances or parts of ordinances and all resolutions or parts of resolutions in
149 conflict with the provisions of this Ordinance are hereby superseded and
150 resolved to the extent of any conflict in favor of the provisions of this Ordinance.
151

152 **Section 5. Severability.**

153
154 If any term, section, clause, sentence or phrase of this Ordinance is for any
155 reason held to be invalid, illegal, or unconstitutional by a court of competent
156 jurisdiction, the holding shall not affect the validity of the other or remaining terms,
157 sections, clauses, sentences or phrases portions of this Ordinance, and this
158 Ordinance shall be read and applied as if the invalid, illegal, or unenforceable
159 term, provision, clause, sentence or section did not exist.
160

161 **Section 6. Effective Date.**

162 This Ordinance shall become effective upon its adoption.

163 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this ____
164 day of _____, 2025.

165
166 **ATTEST:**

CITY OF MARCO ISLAND, FLORIDA

167
168 _____
169 Joan Taylor, City Clerk

By: _____
Eric Brechnitz, Acting Chair

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171 Approved as to form and legal sufficiency:

172
173 _____
174 Alan L. Gabriel, City Attorney