

MEMORANDUM

TO: Members of the Florida Fish and Wildlife Conservation Commission

FROM: Macall Dyer, Assistant City Attorney

DATE: Meeting of May 2-3, 2012

SUBJECT: St. Petersburg's Anchoring and Mooring Pilot Program Draft Ordinance

The attached draft ordinance replaces the current Article VI of Chapter 7 of the St. Petersburg City Code with a new Article VI regarding Anchoring in Waterways of St. Petersburg.

The draft ordinance provides a purpose and intent and sets forth definitions for the article. This article is then divided into three (3) divisions as follows:

DIVISION 1 – Anchoring of vessels outside the mooring field.

This division prohibits hazardous vessels from anchoring in the waterways of the St. Petersburg. Hazardous vessel is defined in the ordinance. Removing derelict vessels (defined in Florida Statutes) from the waterways of St. Petersburg is costly and time consuming therefore targeting vessels in danger of becoming derelict (e.g., hazardous vessels) because they display certain indicators would reduce cost and time, protect the marine environment, and deter owners from storing vessels in the waterways of St. Petersburg that are in danger of becoming derelict.

The division also restricts anchoring within 200 feet of any publicly owned boat ramp and within 200 feet of any publicly and privately owned marina. Anchoring in Bayboro Harbor is limited to seventy-two (72) during a thirty day time period. These restrictions are necessary to enhance navigational safety, protect maritime infrastructure, protect marine environment and to ensure that the public has access to the waters of this State.

This division prohibits anchoring in the Port of St. Petersburg, Central Yacht Basin, South Yacht Basin and anchoring in any manner that would unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel. The mooring field in the North Yacht Basin just opened and provides a safe and manageable alternative to anchoring in these areas. Prohibiting anchoring in these areas would protect the marine environment (e.g., sea grass and manatees) and the extensive maritime infrastructure (e.g., City marina and St. Petersburg Yacht Club marina). Finally, prohibiting anchoring in these areas and manner would promote the public's access to the water (e.g., Sailing Center who teaches over 300 kids and 200 adults to sail each year) and to enhance navigational safety (e.g., for users of the operational port and marinas). The draft ordinance provides for temporary anchoring in the restricted and prohibited areas for a safe harbor reason or a special event designated by the City.

This division will expire on July 1, 2014, unless Florida Statute 327.4105 is reenacted by the Florida Legislature. Per Florida Statute 327.4105, you must approve this division.

DIVISION 2 - Sets forth the Restrictions on live-aboard vessels and floating structures.

Florida law allows the City to regulate live-aboard vessels and floating structures. Live-aboard vessels and floating structures are defined by Florida statute. Therefore, if a vessel meets the State's definition of a live-aboard vessel or a floating structure it is subject to the restrictions set forth in this division 2. You do not have to approve this division.

DIVISION 3 - Sets forth Enforcement Procedures for this new Article VI. This division explains how the City is going to enforce this article, including Division 1 and Division 2.

Enforcement procedures include sending the owner of the vessel a notice of violation and providing the owner of the vessel with a reasonable amount of time to correct the violation. Notice of violation must be sent by certified mail and first class mail or hand delivered to the owner of the vessel. Notice of violation must also be placed on the vessel. If the owner of the vessel fails to correct the violation within the time period specified in the notice of violation, the City will pursue legal action which includes issuing a notice to appear to county court or impoundment of the vessel. You must approve this division.