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AN ORDINANCE OF THE CITY OF ST. PETERSBURG DELETING THE EXISTING ARTICLE VI OF CHAPTER 7; CREATING A NEW ARTICLE VI OF CHAPTER 7, ANCHORING IN WATERWAYS OF ST PETERSBURG; PROVIDING A PURPOSE, INTENT AND DEFINITIONS; CREATING DIVISION 1, RELATING TO THE REGULATION OF VESSELS, EXCLUDING LIVE-ABOARD VESSELS AND FLOATING STRUCTURES, OUTSIDE THE MOORING FIELD; CREATING DIVISION 2, RESTRICTIONS ON LIVE-ABOARD VESSELS AND FLOATING STRUCTURES; CREATING DIVISION 3, ENFORCEMENT PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section One. The existing Article VI of Chapter 7 of the St. Petersburg City Code is deleted and replaced with new Sections 7-214 and 7-215 to read as follows:

ARTICLE VI – ANCHORING IN WATERWAYS OF ST. PETERSBURG

Sec. 7-214. Purpose

The purpose of this article is to regulate the anchoring of vessels within the waterways of St. Petersburg.

Sec. 7-215. Intent

The intent of this article is to (1) encourage the use of the mooring field; (2) promote public access to the waters; (3) enhance navigational safety; (4) protect maritime infrastructure; (5) protect the marine environment; and (6) to deter improperly stored, abandoned, hazardous and derelict vessels.

Section Two. The St. Petersburg City Code is amended to add a new Section 7-216 to read as follows:

Sec. 7-216. Definitions

The definitions in F.S. ch. 327, including the definitions of live-aboard vessel and floating structure, shall apply to this article. As used in this article the following terms shall have the meaning ascribed to them:

Anchoring means the use of a heavy device fastened to a line or chain to hold a vessel in a particular place for a limited period of time.

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Hazardous vessel means a vessel in danger of becoming derelict because the vessel displays one or more of the following indicators: (1) is unable to operate or navigate without the assistance of another vessel; (2) displays excessive marine growth (e.g., prevents proper use of vessel, visible barnacles); (3) has its interior exposed to the weather; (4) is taking on water without the ability to dewater; (5) is leaking contaminants into the water; (6) is in violation of section 327.53, F.S.; or (7) is in danger of breaking loose from its anchor due to an inadequate anchor or due to rotted or chaffing anchor lines (e.g., anchor too small for boat size, wrong type of anchor for boat).

Mooring field means the properly permitted area in the North Yacht Basin where the City has placed permanently mooring buoy systems in accordance with a mooring field management plan.

Safe harbor means a designation by the POD, after consultation with the captain, operator, or other authorized representative of a vessel, to allow temporary anchoring of a vessel in a designated location due to a mechanical issue or severe weather.

Special event means a designation by the POD to allow temporary anchoring of a vessel in a designated location due to a City special event.

Section Three. The St. Petersburg City Code is amended to add a new Article VI, Division 1, Sections 7-219 through 7-223 to read as follows:

DIVISION 1 –ANCHORING OF VESSELS OUTSIDE MOORING FIELD

Sec. 7-219. Applicability

This division shall apply to all vessels, except live-aboard vessels and floating structures, anchoring in the waterways of St. Petersburg outside the mooring field.

Sec. 7-220. Hazardous vessels.

Hazardous vessels are prohibited from anchoring in the waterways of St. Petersburg.

Sec. 7-221. Anchoring Restricted.

Except for safe harbor or a special event, anchoring a vessel outside the mooring field is subject to the following prohibitions:

- (1) No vessel shall anchor within two hundred (200) feet of any publicly owned or privately owned marina.
- (2) No vessel shall anchor within two hundred (200) feet of any publicly owned boat ramp. This subsection shall not apply to any governmentally owned vessel or to any construction vessel holding a current, unexpired permit.

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- (3) No vessel shall anchor in Bayboro Harbor for more than seventy-two (72) hours during any thirty day time period.

Sec. 7-222. Anchoring Prohibited.

Except for safe harbor or a special event, anchoring a vessel outside the mooring field is prohibited in the following areas:

- (1) No vessel shall anchor in any area which shall unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel.
- (2) No vessel shall anchor in the Port of St. Petersburg.
- (3) No vessel shall anchor in the South Yacht Basin.
- (4) No vessel shall anchor in the Central Yacht Basin.

Section Four. The St. Petersburg City Code is amended to add a new Article VI, Division 2, Section 7-226 to read as follows:

DIVISION 2 – LIVE-ABOARD VESSEL AND FLOATING STRUCTURES.

Sec. 7-226. Restrictions on Live-aboard vessels and floating structures.

No live-aboard vessel or floating structure shall dock, berth, moor or anchor in any of the waters or waterways within the limits of the City unless such live-aboard vessel or floating structure is docked, berthed, moored or anchored in a public or private marina within a berth or slip or moored in the mooring field.

Section Five. The St. Petersburg City Code is amended to add a new Article VI, Division 3, Sections 7-229 through 7-233 to read as follows:

DIVISION 3 – ENFORCEMENT

Sec. 7-229. Enforcement procedure.

Except where the POD has reason to believe that a vessel presents a serious threat to the public health, safety or welfare, the enforcement procedure under this article shall be as follows:

- (1) It shall be the duty of the POD to initiate enforcement proceedings.
- (2) Where the POD finds or is made aware of a vessel in violation of any section of this article, the POD shall notify the owner of the vessel and such notice of violation shall provide a reasonable time within which to correct the violation. The term “reasonable time” shall be set forth in the notice and shall not be less than three days and not more than thirty days. Notice of violation shall be provided by certified mail, return receipt requested, and first class mail or hand delivery to the owner of the vessel.

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Notice of violation shall also be posted on the vessel. Should the violation continue beyond the correction time specified in the notice of violation, the POD shall have the authority to pursue legal action in accordance with this division.

Sec. 7-230. Violations and Fines.

(a) Whoever violates any provision of this article shall be subject to the penalties and procedures set forth in F.S. ch. 327, section 1-7 of this Code (e.g., notice to appear to county court) and this article.

(b) The amount of the fine for violation of this article is as follows:

- (1) For a first violation of this article..... \$150.00
- (2) For a second violation of this article \$250.00
- (3) For a third and all subsequent violations of this article \$500.00

Sec. 7-231. Authority to impound vessels.

(a) The POD is authorized to immediately remove and impound, without warning and at the owner's expense, a vessel to an area designated or maintained by the City, for the following reasons:

- (1) When a vessel is anchored in any area which shall unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel.
- (2) When a hazardous vessel remains in the waterways of St. Petersburg after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (3) When a vessel continues to be in violation of Section 7-221 after the owner has been issued at least three notices to appear to county court.
- (4) When a vessel continues to be in violation of Section 7-222 after the owner has been issued at least two notices to appear to county court.
- (5) When a vessel continue to be in violation of Section 7-226 after the owner has been issued at least three notices to appear to county court.

(b) No impounded vessel shall be released until the charges for towing the vessel and storage charges have been paid.

Sec. 7-232. Procedure for appeal and recovery of vessel.

Procedures for the appeal and recovery of a vessel shall follow those procedures for vehicles for vehicle impoundment in Chapter 26 (currently 26-49). The term "vehicle" used therein, shall for the purposes of this division, mean "vessel." Vessels shall include live-aboard vessels and floating structures.

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Sec. 7-233. Compliance with State Law.

The provisions of this article shall be read in *pari materia* with F.S. ch. 327.

Section Six. Division 1 shall sunset on July 1, 2014, unless § 327.4105, Florida Statutes is reenacted by the Florida Legislature in which case Division 1 shall continue in effect so long as § 327.4105, Florida Statutes is in effect unless Division 1 is amended (and approved by Florida Fish & Wildlife Conservation Commission) or repealed by City Council.

Section Seven. Words in struck-through type shall be deleted. Underlined words constitute new language which shall be added. Provisions not specifically amended shall continue in full force and effect.

Section Eight. The provisions of this ordinance shall be deemed to be severable. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect thereof shall be confined to the section, paragraph, subdivision, clause sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section Nine. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5th) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing of such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

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