

# Anchoring and Mooring Pilot Program: Monroe County Ordinance



Florida Fish and Wildlife Conservation Commission  
September 5, 2012  
Division of Law Enforcement

This presentation is a review of the local ordinance prepared by Monroe County in response to s. 327.4105, Florida Statutes, which allows a specific number of local governments to adopt regulations on anchoring and mooring of vessels within their jurisdiction.

These will be considered “Pilot Programs” and will provide an opportunity for the Commission and Legislature to evaluate this subject more fully.

No local ordinance can become effective without approval from the Commission.

# Monroe County Ordinance

- Definitions
- Managed Anchoring Zones
- No Anchoring Buffer Zones
- Exemptions to Proof of Pumpout
- Enforcement and Penalties



This ordinance regulates the mooring of vessels outside of the designated mooring fields.

The Monroe ordinance can be broken down into general segments.

Definitions

Managed Anchoring Zones

No Anchoring Buffer Zones

Exemptions to Proof of pumpout

Enforcement and Penalties

This presentation will touch on each of these briefly.

# Definitions

- Proof of Pumpout Clarifications
- Derelict Vessel



**The “proof of pumpout definition” was created to clarify the acceptable forms or ways to show proof of pumpout.**

**The derelict vessel definition is the same as Florida Statute definition (823.11(1)).**

Sec. 26-101. Definitions.

*Proof of pumpout* means an acceptable form of proof that a vessel has had its vessel sewage legally pumped out, or disposed of (in the case of a Porta-Potti or other portable toilet). Acceptable forms of proof include a pumpout registration sticker or tag issued by the City of Key West, City of Marathon or Monroe County pumpout programs indicating that the vessel receives routine pumpouts, or a pumpout receipt from a pumpout facility (including portable toilet dump stations) or pumpout vessel within the past ten (10) days.

*Derelict Vessel* means any vessel, as defined in F.S. § 327.02, that is left, stored, or abandoned: In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.

At any port in this state without the consent of the agency having jurisdiction thereof.

Docked or grounded at or beached upon the property of another without the consent of the owner of the property

# Managed Anchoring Zones

- Applicable to vessels anchoring in Boca Chica Basin, Sunset Cove, Key West Harbor, Cow Key Channel, and Boot Key Harbor
- Prohibition of vessels exhibiting pre-derelict vessel conditions
- Prohibition of derelict vessels
- Proof of pumpout required



Monroe County did something unique with its development of “Managed Anchoring Zones.” These are areas in which vessels need to meet certain requirements (proof of pumpout) and not present certain characteristics (pre derelict indicators or being derelict). Applicable to vessels in those specified areas; Boca Chica Basin, Sunset Cove, Key West Harbor, Cow Key, and Boot Key Harbor only.

Sec. 26-102. Anchoring and Mooring Restricted Areas.

(a) *Managed Anchoring Zones.* Managed Anchoring Zones are established for the purpose of protecting the marine environment, enhancing navigational safety, and deterring improperly stored, abandoned, or derelict vessels. Managed Anchoring Zones are created as a tool to regulate anchoring activity in currently unmanaged anchorages.

(2) The following regulations shall apply within Managed Anchoring Zones:

a. Prohibition of vessels exhibiting pre-derelict vessel conditions. Vessels determined to exhibit conditions known to precede a derelict vessel condition are prohibited, including:

1)Vessel is not able to be used for navigation.

2)Vessel is listing.

3)Vessel is aground.

4)Vessel is in danger of breaking its mooring.

5)Vessel is sinking.

6)Vessel is dragging anchor.

7)Vessel has broken its mooring and has been secured for the protection of the health, safety and welfare of the citizens.

b. Prohibition of derelict vessels. Vessels determined to be derelict in accordance with F.S. § 823.11 are prohibited.

c. Proof of pumpout required. Vessels anchored or moored for more than ten (10) consecutive days, and which are required to have a marine sanitation device in accordance with F.S. § 327.53, must provide proof of pumpout. Vessel owners may utilize a pumpout service which may be provided by the City of Key West, City of Marathon, Monroe County pumpout programs, or other authorized vessel pumpout facility or vendor. The municipal and County pumpout services are structured to provide ongoing pumpouts for vessels located within managed anchoring zones, and may provide a registration process by which vessel owners sign up for regular pumpouts at a frequency based on anticipated need, with a minimum of one pumpout per month. A monthly, color coded, registration sticker or tag may be provided which vessel owners may display on their vessel, indicating participation in the municipal or County pumpout program, and which will be considered proof of pumpout. The municipal and/or County pumpout programs shall maintain registration documentation and pumpout logs throughout the duration of the Pilot Program, which shall be available for review by any law enforcement officer. If a vessel owner utilizes another vessel pumpout provider the vessel owner is required to maintain documentation and pumpout logs to demonstrate use of pumpout to FWC, MCSO or other law enforcement officers.

# Managed Anchoring Zones Sunset Cove



**Purple line represents the visual example of ordinance language**

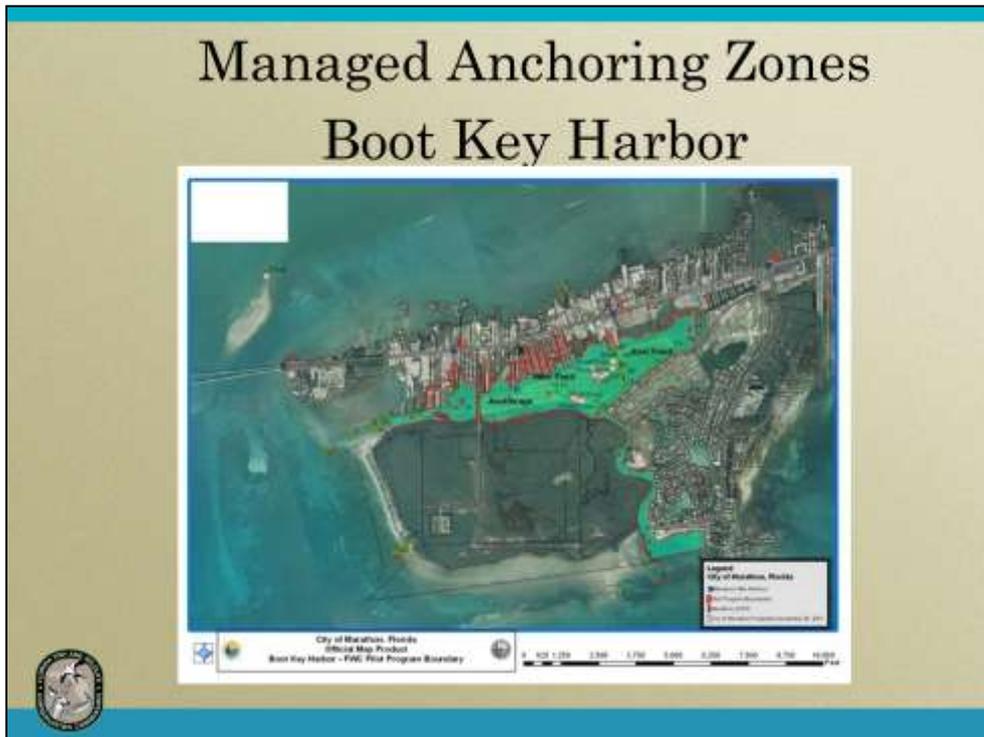
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(1) Managed Anchoring Zones shall be established in the following described geographic areas. Maps delineating the Managed Anchoring Zones are attached hereto as Attachment A, and are incorporated herein by reference and will be made available in the Marine Resources Office.

b. Sunset Cove: To include the body of water in Buttonwood Sound occurring southeast of the Intracoastal waterway and bounded by the Key Largo shoreline.

# Managed Anchoring Zones Boot Key Harbor



The green shaded area is a visual representation of the ordinance language.

e. Boot Key Harbor: To include the area of Boot Key Harbor (excluding the permitted public mooring field and No-Anchoring Buffer Zone) occurring south of the Vaca Key shoreline, east of Boot Key Harbor main channel entrance marker 7 located at position  $24^{\circ} 42.13' N 81^{\circ} 06.84' W$ , north of the Boot Key shoreline, and west of the far eastern side of Boot Key Harbor at position  $24^{\circ} 42.54' N 81^{\circ} 04.99' W$ , and including the entirety of Sisters Creek south to marker 4 at the entrance of Sisters Creek, and including the area occurring from Sisters Creek marker 4 at position  $24^{\circ} 41.35' N 81^{\circ} 05.26' W$  running east to the shoreline of Vaca Key at position  $24^{\circ} 41.43' N 81^{\circ} 04.93' W$  and running north along the shoreline of Vaca Key and continuing to the west along the shoreline of Sombrero Beach.

# Managed Anchoring Zones Boca Chica Basin



Purple line represents the visual example of ordinance language

Boca Chica Basin has a managed anchoring zone right next to a no anchoring buffer zone . In this basin there is some Navy owned bay bottom as well as a accident potential zone(APZ), which is what the Navy call a flight crash zone, for the adjacent Naval base. The Navy requested Monroe County to restrict anchoring in this area. As a compromise and in the interest of public safety Monroe County restricted anchoring from the Navy owned bay bottom and the APZ, but retained the rest of the basin as a managed anchoring zone for public use.

a. Boca Chica Basin: To include the body of water occurring between Stock Island and Boca Chica Key (excluding the Navy Accident Potential Zone (APZ), restricted areas, and bay bottom) south of U.S. Highway 1, west of the western edge of the arc of the NAS Key West Accident Potential Zone (APZ), west of a line intersecting the APZ at 24° 34.10' N 81° 43.35' W and running south to 24° 33.63' N 81° 43.35' W, south of a line running east-west from 24° 33.63' N 81° 43.35' W to 24° 33.63' N 81° 43.15' W, west of the western edge of Boca Chica Channel running southwest from 24° 33.63' N 81° 43.15' W to 24° 33.45' N 81° 43.24' W, north of latitude 24° 33.45' N (approximately at the location of Boca Chica Channel marker 7), east of a line running north-northwest from 24° 33.45' N 81° 43.38' W to 24° 33.82' N 81° 43.46' W and continuing along the Stock Island shoreline.

# Managed Anchoring Zones Cow Key Channel



**Purple line represents the visual example of ordinance language**

d. Cow Key Channel: To include the body of water occurring between Key West and Stock Island, south of U.S. Highway 1, and north of a line running east-west at latitude 24° 33.44' N (approximately at the location of Cow Key Channel marker 5).

# Managed Anchoring Zones Key West Harbor



**Purple line represents the visual example of ordinance language**

c. Key West Harbor: To include the body of water occurring west of Fleming Key and Key West (excluding Navy restricted areas), south of a line running east-west at latitude  $24^{\circ} 35.19' N$ , east of a line running from the northwest tip of Pearl Bank to the north side of Tank Island (Sunset Key), and north of a line running east-west at latitude  $24^{\circ} 33.84' N$ .

# No-Anchoring Buffer Zones

- Applicable to vessels in Boot Key Harbor, Boca Chica Basin, and Seaplane Basin
- No anchoring except for certain vessels and activities



**There are three “No-anchoring buffer zones” ; Boot Key Harbor-Marathon, Boca Chica Basin-Stock Island, Seaplane Basin-Key West**

**No anchoring, except for these allowances;**

Commercial vessels (e.g. barges) engaged in marine related work

Military operations

Vessels anchored for the purpose of fishing or other recreational activities (but not overnight)

In the case of an emergency (e.g. weather, mechanical, medical) causing the need for a vessel to temporarily anchor.

**The photo’s are of a couple of vessels, tied to each other, and using an outboard motor as their anchor.**

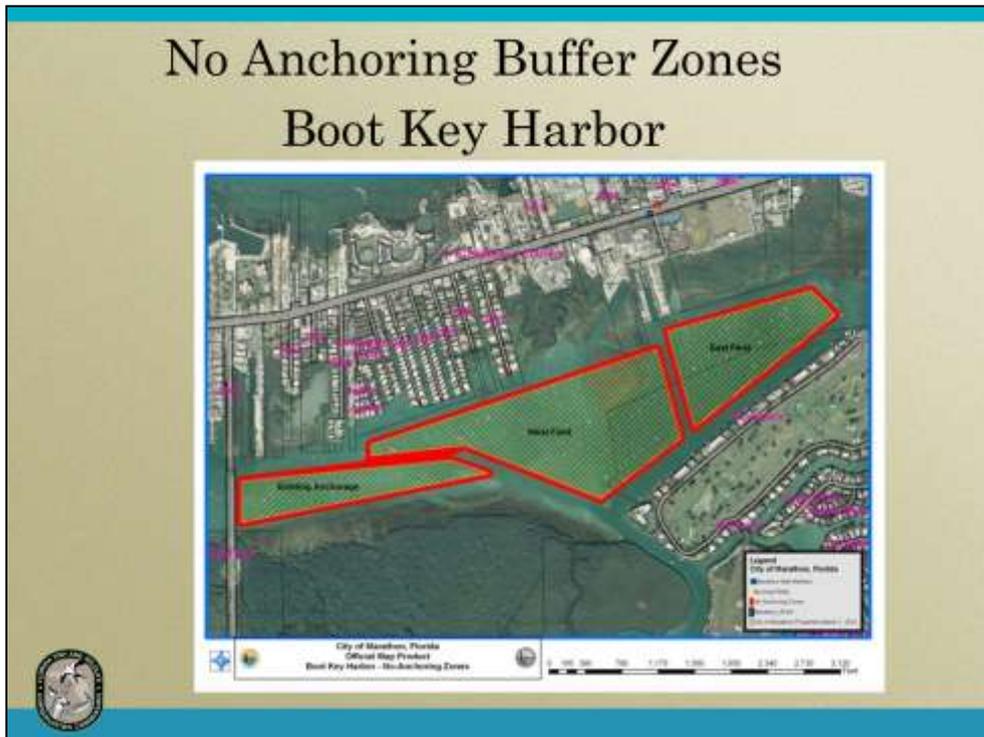
(b) No-Anchoring Buffer Zones. No-Anchoring Buffer Zones are established outside of, and immediately adjacent to, permitted public mooring fields for the purpose of protecting maritime infrastructure, enhancing navigational safety and promoting public access and the use of public mooring fields.

(1) No-Anchoring Buffer Zones shall be established in the following described geographic areas. Maps delineating the No Anchoring Zones are attached hereto as Attachment B, and are incorporated herein by reference and will be made available in the Marine Resources Office.

(2) The following regulations shall apply within No-Anchoring Buffer Zones:

No anchoring or mooring of any kind (vessels or floating structures) except for vessels mooring within established permitted public mooring fields by permission of the mooring field owner or manager, vessels within a leased anchoring area associated with a mooring field, commercial vessels (e.g. barges) engaged in marine related work, military operations, vessels anchored for the purpose of fishing or other recreational activities (but not overnight), or in the case of an emergency (e.g. weather, mechanical, medical) causing the need for a vessel to temporarily anchor.

## No Anchoring Buffer Zones Boot Key Harbor



**Boot Key Harbor-Marathon-50 feet around the mooring fields and the leased anchoring area as represented by the red line.**

(1) No-Anchoring Buffer Zones shall be established in the following described geographic areas. Maps delineating the No Anchoring Zones are attached hereto as Attachment B, and are incorporated herein by reference and will be made available in the Marine Resources Office.

a. Boot Key Harbor: To include a fifty foot (50') wide area immediately adjacent to, and outside of, the perimeter of the east and west mooring fields and the leased anchoring area.

# No Anchoring Buffer Zones Boca Chica Basin



Purple line represents the visual example of ordinance language

Boca Chica Basin has a managed anchoring zone right next to a no anchoring buffer zone . In this basin there is some Navy owned bay bottom as well as a accident potential zone(APZ), which is what the Navy call a flight crash zone, for the adjacent Naval base. The Navy requested Monroe County to restrict anchoring in this area. As a compromise and in the interest of public safety Monroe County restricted anchoring from the Navy owned bay bottom and the APZ, but retained the rest of the basin as a managed anchoring zone for public use.

c. Boca Chica Basin: To include the body of water occurring between Stock Island and Boca Chica Key (excluding Navy restricted areas) south of U.S. Highway 1, east of the western edge of the arc of the NAS Key West APZ, east of a line intersecting the Navy APZ at 24° 34.10' N 81° 43.35' W and running south to 24° 33.63' N 81° 43.35' W, north of a line running east-west from 24° 33.63' N 81° 43.35' W to 24° 33.63' N 81° 43.15' W, and west of the western edge of Boca Chica Channel and the Navy restricted area (which includes Boca Chica Channel and the Navy mooring field basin).

## No Anchoring Buffer Zones Seaplane Basin



Purple line represents the visual example of ordinance language

The size of the Seaplane Basin No Anchoring Zone size has been decreased in response to public input and the coordinated review of the original ordinance language.

b. Seaplane Basin: To include the area of Garrison Bight known as the Seaplane Basin occurring north of the Key West shoreline, east of the Fleming Key shoreline, south of a line running east-west 50' north of the Garrison Bight mooring field boundary markers C and D, and west of Sigsbee Park.

## Exemptions to proof of pumpout requirement

- Vessels equipped with incinerating or composting toilets
- Stored vessels



**The exemptions in the ordinance refer exclusively to the proof of pumpout requirement. There are exemptions for stored vessels and vessels equipped with incinerating or composting toilets. Being aware that the Keys are a No Discharge Zone.**

**The photo is of a vessel that has been altered to allow effluent to be discharged directly into Florida waters .**

Sec. 26-105. Exemptions. The following exemptions are provided:

Vessels equipped with only incinerating or composting toilets are not required to provide proof of pumpout, as those types of toilets are not designed to be pumped out. However, effluent from those toilets is not allowed to be disposed of in the waters of the No Discharge Zone within the Florida Keys.

Stored vessels are not required to provide proof of pumpout.

# Enforcement and Penalties

- Enforcement by law enforcement officers of the City of Marathon or City of Key West (within their areas of jurisdiction), Monroe County, or FWC or any other law enforcement officer.
- Safe harbor for vessels due to severe weather conditions or temporary mechanical issues



The photo's are of a vessel that is using a sunken vessel as it's anchor.

Sec. 26-103. Enforcement. Regulations described in this Article may be enforced by law enforcement officers of the City of Marathon or City of Key West (within their areas of jurisdiction), Monroe County, or FWC or any other law enforcement officer.

Sec. 26-104. Penalties.

(d) Allowance shall be provided for vessels in need of safe harbor due to severe weather conditions or temporary mechanical issues which may otherwise prohibit a vessel from safely departing a managed anchoring zone within the timeframe stipulated.

# Enforcement and Penalties

- A written warning to allow 30 days for corrective action or removal of the vessel by owner.
- Non-criminal citation if corrective action or removal is not accomplished (30 days between citations)
  - First offense- \$50
  - Second offense- \$100
  - Third offense- \$250
  - Fourth or subsequent offenses- \$250 and FWC will request that the owner remove the vessel from the Managed Anchoring Zone or No-Anchoring Buffer Zone



**One written warning will be given to a vessel owner to allow corrective action or removal of vessel by owner. After that a non-criminal citation may be issued. If corrective action is not taken another citation for that violation may be issued again after 30 days. If owner fails to properly respond to a UBC, they could be charged with that offense, which is a misdemeanor(2<sup>nd</sup> degree).**

## Sec. 26-104. Penalties.

Any person cited for a violation of this article shall be charged with a noncriminal infraction. A written warning shall be issued to provide the vessel owner 30 days for corrective action or removal of the vessel. If corrective action or removal is not accomplished, a Uniform Boating Citation may be issued for violations of this ordinance pursuant to F.S. § 327.74 by any law enforcement agency authorized to issue such citations. Vessel owners will be provided thirty (30) days between issuance of citations. Fines associated with citations are established as follows:

First offense- \$50

Second offense- \$100

Third offense- \$250

Fourth or subsequent offenses- \$250 and FWC will request that the owner remove the vessel from the Managed Anchoring Zone or No-Anchoring Buffer Zone

Any person who fails to properly respond to a Uniform Boating Citation issued for a violation of this article shall, in addition to the charge relating to the violation of the boating laws of this County, be charged with the offense of failing to respond to such citation and upon conviction be guilty of a misdemeanor of the second degree punishable as provided in F.S. § 775.082 and F.S. § 775.083.

If a law enforcement officer determines that a vessel is derelict, the violation shall be processed in accordance with F.S. § 823.11

Allowance shall be provided for vessels in need of safe harbor due to severe weather conditions or temporary mechanical issues which may otherwise prohibit a vessel from safely departing a managed anchoring zone.

## Public Input

- Public was notified of the proposed ordinance through the local government process
- Ordinance published on FWC website which generated 39 public comments



**Monroe County held three public meetings specifically for A&M discussion in early June(7-9) of 2011. These meetings were held in Key Largo, Marathon, and Key West on consecutive days. There have been numerous Board of County Commissioners(BOCC) and other public meetings during which A&M was a topic as well. The most recent was held July 26<sup>th</sup> at which this ordinance was approved by Monroe County's BOCC.**

In compliance with the statute, 327.4105, we coordinated the review of the Monroe Ordinance by reaching out to the Department of Environmental Protection, United States Coast Guard, West Coast Inland Navigation District, BOATUS, 7 Seas Cruising Association, Marine Industries Association of Florida, and National Marine Manufacturers Association. Boating and Waterways staff held a public meeting (July 11<sup>th</sup>) with a representative from the City to answer any questions from the reviewers and the public. Discussions centered around the Sunset Cove area, the Seaplane Basin no anchoring zone perimeter, and the Boca Chica Basin zone arrangement.

The ordinance was also posted online to gather public input for two weeks. From this process Boating and Waterways staff received approximately 39 public comments and 3 responses from agencies/organizations directed towards the St. Petersburg ordinance.

Of the 39 public comments received;

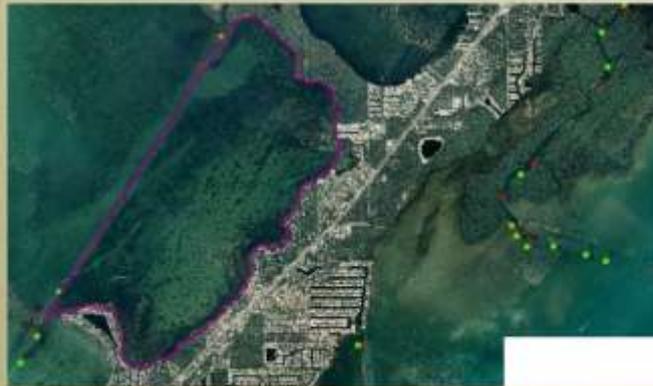
18 were negative towards the ordinance, it's provisions, or the pilot program in general.

12 were positive towards the ordinance, it's provisions, or the pilot program in general.

9 couldn't be categorized. The comments were off topic, un/misinformed, appeared to be a misreading of the ordinance language, or were not able to be classified.

## Staff Recommendation

Approval of Monroe County Ordinance  
contingent upon the removal of the Sunset  
Cove Managed Anchorage Zone provision



Staff recognizes the challenges of reaching consensus on an ordinance such as that proposed by Monroe County, and their proposal is not based on full consensus of the interested parties. Anchoring ordinances have historically been contentious and it is this lack of “common ground” that led to the creation of the Pilot Program. We do note the use of Managed Anchoring Zones as an example of exploring the regulatory options allowed by the statute.

We believe Monroe County has met the requirements for public input and involvement, has given proper consideration to the input received, and their proposed ordinance is a reasonable attempt to meet the statutory standards for the Pilot Program within their specific geographic location.

Staff understands the Sunset Cove provision was originally added to the ordinance due to the amount of public comment received from residents during the public meeting held in Key Largo June 7<sup>th</sup>, 2011. Unfortunately, Sunset Cove is 45-50 miles from the Marathon mooring field and the Key West mooring field is another 45-50 miles. These were the mooring fields identified as part of Monroe County’s original application package for the pilot program. There is also strong opposition from the boater groups on this provision. Staff’s recommendation is made in order to meet our statutory mandate to “...explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields.” Staff recommends the approval of the ordinance contingent upon Sunset Cove Managed Anchorage Zone provision be removed.