ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES ENTITLED "MARINE AND WATERWAY REGULATIONS; BOATS AND OTHER VESSELS"; UPDATING LANGUAGE IN SECTION 98.025 AND FURTHER GRANTING DOCKMASTER AUTHORITY TO THE DIRECTOR OF PARKS, RECREATION AND CULTURAL ARTS OR HIS/HER DESIGNEE.

WHEREAS, Chapter 98 of the Code of Ordinances establishes the regulations regarding the Hollywood Marina which falls under the direction of the Department of Parks, Recreation and Cultural Arts; and

WHEREAS, in order to best provide service to the community it is necessary to regularly review and amend or update the Code of Ordinances to reflect the changes in the communities needs as well as the marine profession; and

WHEREAS, in the following sections the Director of Parks, Recreation and Cultural Arts and city staff have determined it necessary to further define areas and stream-line processes as noted in the requested changes to Chapter 98; and

WHEREAS, the City Commission wishes to amend the Code of Ordinances to permit the Director or his/her designee to have the ability to make decisions at the Hollywood Marina to meet local market conditions and the user needs; and

WHEREAS, the City Commission finds that these amendments to the Code of Ordinances are in the best interest of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 98 of the Code of Ordinances entitled "Marine and Waterway Regulations; Boats and Other Vessels" is hereby amended as follows:

TITLE IX: GENERAL REGULATIONS

*** * ***

CHAPTER 98:
MARINE AND WATERWAY REGULATIONS; BOATS AND OTHER VESSELS

(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions)

* * *

DOCKS AND PIERS

§ 98.025 SUBLETTING BERTHS.

No berth allotted under the terms of this chapter shall be sublet by any owner~~, captain or operator without written authority and permission of the City Dockmaster~~.

* * *

§ 98.028 AUTHORITY OF ~~DOCKMASTER~~ DIRECTOR OVER VESSELS IN VIOLATION.

(A) The ~~City Dockmaster~~ Director or his/her designee shall have the right to move any boat or vessel from its place of berth in city facilities when, in his opinion, it is necessary in order to conserve space, to repair the dock or because of a previous reservation, or for any other goods and sufficient reason within his discretion as set forth in this chapter.

(B) In the event the owner or captain or any other person connected with the boat or vessel, violates any of the provisions of this chapter or generally creates a nuisance in the opinion or discretion of the ~~Dockmaster~~ Director or his/her designee, the ~~Dockmaster~~ Director or his/her designee shall, recommend to the City Commission, that such boat or vessel be ordered to depart, permanently. The owner or captain of such boat or vessel shall be informed of such recommendation by the ~~Dock master~~ Director or his/her designee and shall receive a list of charges, in writing, upon which is based the recommendations for removal. The owner or captain shall have the right to appear before the City Commission, in answer to the charges brought by the ~~Dockmaster~~ Director or his/her designee, and shall be bound by the final decision of the City Commission.

* * *

§ 98.127 PERMIT REQUIRED; APPLICATION AND FEE.

(A) All persons desiring to utilize any space or facilities owned by the city for the purpose of operating boats or vessels for charter parties or fishing or any other commercial purposes, shall first obtain a permit therefor from the ~~Dockmaster~~ Director or his/her designee of the city yacht basin.

(B) (1) The ~~Dockmaster~~ Director or his/her designee shall, upon receiving application for a permit, turn the same over to the City Marine and Waterways Advisory Board for its approval and, if jointly approved by both the Board and the ~~Dockmaster~~ Director or his/her designee, the same shall be issued upon the payment of the dockage fee hereinafter prescribed.

(2) If said permit be approved, the applicant shall pay therefor, to the ~~Dockmaster~~ Director or his/her designee, an annual payment in the sum of $350, which must be paid in full on or before the first day of January of each year.

(3) In the event joint approval of dockage space for any such boat or vessel is not given, the Board and the ~~Dockmaster~~ Director or his/her designee shall submit in writing to the applicant and the City Commission, their reasons for refusing said permit. Thereafter the applicant shall have the right, if desired, to appeal said ruling to the City Commission.

* * *

§ 98.129 SIGHT-SEEING VESSELS; SPECIAL PERMIT REGULATIONS.

All persons desiring to utilize any space or facilities owned by the city for the purpose of operating boats and vessels for hire for sightseeing purposes, shall first make application to the ~~Dockmaster~~ Director or his/her designee for a permit to conduct such business. The ~~Dockmaster~~ Director or his/her designee, upon receiving said application, shall turn the same over to the Marine and Waterways Advisory Board of the city for its approval and, if jointly approved by both the Board and the ~~Dockmaster~~ Director or his/her designee, their recommendation to that effect shall be submitted to the City Commission. The City Commission shall then set and prescribe such fees as it may, in its discretion, deem feasible and advisable, and shall, if said application is approved, refer the same to the City Attorney for the preparation of a proper lease agreement for the use of said city facilities.

* * *

§ 98.131 DOCKING, BERTHING PRIVILEGES; PERMIT REQUIRED.

* * *

(B) When applicants for permits have obtained a permit and paid the necessary dockage fees therefor, the ~~Dockmaster~~ Director or his/her designee shall assign a berth for the boat or vessel, which berth may not be changed by the owner or captain until and unless the ~~Dockmaster~~ Director or his/her designee authorizes said change. The ~~Dockmaster~~ Director or his/her designee shall have the power to move boats or vessels from one berth to another or from one dock or pier to another at his sole discretion in the best interests of the municipal facilities; and the lessee thereof shall have no vested right, title or interest of any kind or nature in and to space to be assigned under the permit acquired, the ~~Dockmaster~~ Director or his/her designee to have sole and complete discretion in this respect.

* * *

§ 98.133 DISPLAY FISH.

Display fish shall not be kept at or on the piers more than six hours and must be removed from the dock area by the boat owner or captain; however, the ~~Dockmaster~~ Director or his/her designee may require that any fish be removed from the dock or pier within a shorter period if in his discretion such removal is deemed necessary in the interest of the public health.

* * *

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

_____
PETER BOBER, MAYOR

ATTEST:

_____
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

_____
JEFFREY P. SHEFFEL, CITY ATTORNEY