

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD,
FLORIDA, AMENDING CHAPTER 98 OF THE CODE OF
ORDINANCES PROHIBITING LIVE ABOARD VESSELS IN
CERTAIN AREAS AND CREATING RESTRICTIONS ON
THE USE OF PUBLIC PROPERTY.

WHEREAS, over the past several years, the City has experienced an increase in the number of vessels anchoring in North and South Lakes; and

WHEREAS, pursuant to state statute, the City is preempted from regulating the anchoring of vessels outside of the marked boundaries of a mooring field, except for live aboard vessels; and

WHEREAS, vessel owners or operators often tie up vessels to City property for extended periods of time, and the City wishes to prohibit such behavior.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Section 98.000 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

* * *

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

§ 98.000 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the following meanings:

FOSSIL FUEL. Any derivative of oil, including but not limited to gasoline or diesel fuel.

Coding: Underlined text are additions to existing text; ~~struck-through~~ text is text that is removed from existing text.

IDLE SPEED. That minimal speed ~~that~~ which is necessary to maintain navigational steerage.

LIVE-ABOARD VESSEL. As defined in F.S. § 327.02.

~~MARINA, DOCK OR PIER.~~ Any facility ~~at which~~ where vessels are permitted to be secured or moored in accordance with the City Code ~~ordinances of the city.~~

MOORING. The act of docking or anchoring a vessel with the intent to let it remain in that location overnight.

RESTRICTED AREA. The area defined in § 98.005.

VESSEL. As defined in F.S. § 327.02.

~~VENDOR VESSEL.~~ ~~Any watercraft subject to state licensing and includes every description of watercraft, barge, and airboat personal watercraft other than a seaplane on the water used or capable of being used as a means of transportation on the water.~~

Section 3: That Section 98.006 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

* * *

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

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§ 98.006 INTERFERENCE WITH NAVIGATION.

(A) It shall be unlawful ~~for the owner or the operator of any boat or vessel within the city limits to anchor or dock except in case of emergency,~~ a vessel within the City limits in a manner ~~that which shall constitutes constitute~~ a navigational hazard or interferes interfere with another vessel, except in cases of emergency.

* * *

Section 4: That Section 98.013 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

* * *

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

* * *

§ 98.013 LIVE ABOARD VESSELS.

(A) Live aboard vessels are prohibited from mooring or anchoring in all waters of the City, except in marinas, licensed marine facilities, or mooring fields otherwise provided for in this Code. It shall be unlawful to live aboard any type of watercraft within the City city limits, unless the vessel is connected to a United States Coast Guard approved marine sanitation device. Every vessel owner, operator and occupant shall comply with all applicable United States Coast Guard regulations, including those pertaining to marine sanitation devices, and with all applicable regulations of the United States Environmental Protection Agency, or any other agency having jurisdiction.

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Section 5: That Section 98.030 of the Code of Ordinances is deleted in its entirety as follows:

TITLE IX: GENERAL REGULATIONS

* * *

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

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§ 98.030 ~~BOAT DOCK FACILITIES RESERVED.~~

~~*Location.* Except for circumstances of emergency or distress, no person shall dock or moor any vessel in any waterway in the city unless at a marina, dock, pier or other area established by the City Commission for that purpose. This section shall not apply to the Intracoastal Waterway.~~

Section 6: That Section 98.033 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

* * *

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

* * *

**§ 98.033—RESTRICTIONS ON USE OF PUBLIC PROPERTY—REGULATION OF
VESSELS ANCHORED IN PUBLIC WATERWAYS..**

(A) No person shall secure any vessel to any public dock or boat launching ramp in such a manner as to interfere with the landing or docking of other vessels, except when such vessel is actually engaged in the loading or discharging of persons or freight.

(B) No person shall secure, tie, dock, or anchor any vessel to any public property, including any beach, tree, pole, bulk-head or seawall adjacent to any public right of way or easement, within the City, except public docks or boat launching ramps under those conditions provided in subsection (A).

(C) No person shall launch or remove any vessel from the waters of the City over any public seawall, sidewalk, street end, or public property except at locations where a regular business of launching, docking and hauling vessels is conducted or in areas designated and posted for such purpose by the City.

(D) No vessel shall remain secured to a public dock or boat launching ramp in excess of two consecutive hours;

(E) The limitations contained in this section on use of public docks and boat launching ramps shall not be applicable where emergency conditions exist with respect to the vessel.

~~(A) It is unlawful to anchor or moor a vessel in the public waterways of the city for more than 24 consecutive hours, except in an emergency.~~

~~(B) In the event of an emergency, the owner or occupant of the vessel shall immediately contact the appropriate federal, state or local authorities and inform them of the nature of the emergency and the amount of time required to remedy the emergency situation.~~

Section 7: That Section 98.999 of the Code of Ordinances is amended to read as follows:

TITLE IX: GENERAL REGULATIONS

* * *

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

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§ 98.999 PENALTY.

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(E) Any person who violates the provisions of § 98.013 shall be subject to a civil penalty in the amount of \$50. Each day the person is in violation shall constitute a separate offense. A subsequent violation by the same offending vessel shall be punishable by a civil penalty of \$100.00. If the offending vessel remains anchored for a period of 30 days from the date of the first violation, the City may have the vessel towed and impounded. The vessel may be reclaimed by the owner or his/her representative after presenting proof of ownership of the impounded vessel and payment of a reasonable towing and storage charge. Upon proof of ownership and payment of the reasonable charges, the vessel shall be released to the owner or agent. If the owner of the vessel or his/her agent cannot be found, or elects not to pay in accordance with the provisions outlined in this section, then the vessel shall be considered to be abandoned property and the City shall follow the appropriate steps to dispose of the property in accordance with state statutes.

(F) Any person who violates the provisions of § 98.033 shall be subject to a civil penalty in the amount of \$50. A subsequent violation by the same offending vessel shall be punishable by a civil penalty of \$100.00. A subsequent violation by the same offending vessel within 30 days of the first violation may result in the towing and impoundment of the offending vessel. The vessel may be reclaimed by the owner or his/her representative after presenting proof of ownership of the impounded vessel and payment of a reasonable towing and storage charge. Upon proof of ownership and payment of the reasonable charges, the vessel shall be released to the owner or agent. If the owner of the vessel or his/her agent cannot be found, or elects not to pay in accordance with the provisions outlined in this section, then the vessel shall be considered to be abandoned property and the City shall follow the appropriate steps to dispose of the property in accordance with state statutes.

(GE) As an alternative to the penalties provided in divisions (A) to (D) above, which may be imposed by a proper authority having jurisdiction, the penalties provided in § 36.29 of this Code of Ordinances may be imposed by a Code Enforcement Special Magistrate of the City ~~city~~ in any case arising out of an alleged violation of a provision of this chapter which the Special Magistrate has jurisdiction to hear and decide under § 36.02 of this Code of Ordinances.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES PROHIBITING LIVE ABOARD VESSELS IN CERTAIN AREAS AND CREATING RESTRICTIONS ON THE USE OF PUBLIC PROPERTY.

Section 8: That it is the intention of the City Commission and it is 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 9: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 10: 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 are repealed to the extent of such conflict.

Section 11: That this Ordinance shall be in full force and effect immediately upon its adoption.

Advertised on _____, 2021.

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second reading this _____ day of _____, 2021.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance of
the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY