

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES ENTITLED "MARINE AND WATERWAY REGULATIONS; BOATS AND OTHER VESSELS" BY CREATING SECTION 98.015 OF THE CODE OF ORDINANCES ENTITLED "OVERNIGHT ANCHORING LIMITATION" AND REVISING THE PENALTY PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE AND A REPEALER PROVISION.

WHEREAS, the City of Hollywood attracts residents and visitors from around the world, including boating enthusiasts operating vessels of all types; and

WHEREAS, long-term anchoring may pose a threat to the health, safety and welfare of the residents of the City, including boaters and vessel owners, due to the illegal discharge of materials detrimental to water quality and public health and threats to protected aquatic flora and fauna; and

WHEREAS, in 2025, the Florida Legislature amended §327.60(2)(f), Florida Statutes, to create an exception to the general preemption of local regulation of anchoring, allowing municipalities in counties with a population of more than 1.5 million to regulate vessels that anchor for one hour or more overnight for more than 30 days in any 6-month period; and

WHEREAS, the City lies entirely within Broward County, a County with a population greater than 1.5 million, and is eligible to regulate overnight anchoring pursuant to §327.60(2)(f)(3), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED 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 the Code of Ordinances is amended by adding a section to be numbered as 98.015, which shall read as follows¹:

¹ Coding: ~~Struck through~~ words are deletions from existing text; underscoring words are additions to existing text.

TITLE IX: GENERAL REGULATIONS

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

General Provisions

[...]

§ 98.015 OVERNIGHT ANCHORING LIMITATION

(A) The City of Hollywood hereby designates all waters within its corporate boundaries, except the Florida Intracoastal Waterway, to be an Overnight Anchoring Limitation Area. For purposes of this section “overnight” shall mean one-half hour after sunset and one-half hour before sunrise for one hour or more.

(B) No vessel shall be anchored overnight within the Overnight Anchoring Limitation Area for more than 30 days in any 6-month period.

(C) The following vessels are not subject to the restriction set forth above pertaining to overnight anchoring:

1. Vessels anchored within the boundaries of a marked mooring field.

2. Vessels anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.

3. Vessels owned by a governmental entity or otherwise operated at the request of a governmental entity for a governmental purpose.

(D) A vessel that is the subject of more than three violations within 12 months, resulting in dispositions other than acquittal or dismissal, shall be declared a public nuisance and subject to removal pursuant to §823.11, Florida Statutes.

* * *

Section 3: That Section 98.999 of the Code of Ordinances is amended to read as follows:

§ 98.999 PENALTY.

(A) ~~Any person who violates~~ ~~Whoever is charged with a violation of~~ any provision of this chapter for which another penalty is not already otherwise provided shall be subject to a civil penalty in the amount of \$50. A subsequent violation for the same offense shall be subject to a civil penalty of \$100. ~~cited to appear before the county court. The civil penalty for any civil infraction is \$50. Any person failing to appear or otherwise properly respond to a citation for a violation of this chapter shall, in addition to the charge of violating the provisions of this chapter, be charged with the offense of failing to respond to the citation and, upon conviction, shall be guilty of a misdemeanor of the second degree pursuant to state law.~~

(B) ~~Whoever violates any provision of the following sections: § 98.001, § 98.008, § 98.013, § 98.014, § 98.031, § 98.034, § 98.075, § 98.076, and § 98.134, for which another penalty is not already otherwise provided shall, upon conviction, be subject to a fine of not more than \$500 or imprisonment for not more than 60 days, or both. Any person who violates § 98.015 shall be subject to a civil penalty of \$150. A second violation of § 98.015 involving the same vessel shall be subject to a civil penalty of \$300. A third or subsequent violation of § 98.015 involving the same vessel may, at the City's election, be enforced as a criminal offense and, upon conviction, shall be punishable by a fine not to exceed \$500, imprisonment for a period not to exceed 60 days, or both.~~

(C) Any person found guilty of violating any of the terms, conditions and provisions of § 98.029 shall, upon conviction thereof, be subject to a mandatory \$50 fine. Continued noncompliance with § 98.029 shall, after notice, subject the dock to immediate removal from city property. In cases where such dock is not on city property, the dock shall be termed a public nuisance, and such unwarranted use shall be and constitute a trespass which may be summarily removed by the Police Department and/or a Code Enforcement Special Magistrate of the city City.

(D) ~~Any person who violates the provisions of § 98.030 shall, upon conviction shall be subject to a fine of at least \$50 or imprisonment for a period not to exceed 30 days, or both. Each day the person is in violation of § 98.030 shall constitute a separate offense.~~

(DE) Any person who violates the provisions of § 98.013 shall be subject to a civil penalty of \$50. Each day the person remains in violation shall constitute a separate offense. A subsequent violation by the same offending vessel shall be punishable by a civil penalty of \$100. If the offending vessel remains anchored for 30 days after the first violation, the city may have the vessel towed and impounded. The vessel may be reclaimed by the owner or his or her representative after presenting proof of ownership and paying 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 or her agent cannot be found, or elects not to pay in accordance with the provisions of this section, the vessel shall be considered abandoned property, and the city shall follow the appropriate steps to dispose of the property in

accordance with state statutes.

(~~EF~~) 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. 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 or 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 or 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.

(~~EG~~) 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 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.

* * *

Section 4: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 5: 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 6: 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 7: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

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Advertised _____, 2026.

PASSED on first reading this _____ day of _____, 2026.

PASSED AND ADOPTED on second reading this _____ day of _____, 2026.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DAMARIS Y. HENLON
CITY ATTORNEY