

DIVISION 3. - MOORING AND ANCHORING

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Sec. 10-50. - Anchorage and mooring outside mooring fields.

No person shall allow a vessel (as defined in section 10-20(o) of this Code) to anchor or moor at any location outside of a properly permitted mooring field for more than ninety (90) consecutive days. After midnight of the 90th consecutive day, the owner, operator, occupants or person in custody of the vessel shall relocate the vessel to a properly permitted mooring field or to a location outside the municipal boundaries of the city.

For purposes of this division 3, the term "properly permitted mooring field" shall mean an area designated for the mooring of vessels that has been approved and permitted for such purpose by all state and federal agencies with jurisdictional authority.

It shall not be relevant to a determination of a violation of this section that the vessel was temporarily moved from a site or location and then later returned to that same site or location or in close proximity thereto, unless the vessel shall have been absent from the site or location for a period of seventy-two (72) hours between each anchoring or mooring. Nothing in this section shall be construed to limit or restrict a vessel from being tied up to a properly permitted dock or restrict a vessel from being moored pursuant to a mooring permit issued by the Florida Department of Environmental Protection anywhere in the jurisdictional waters of the city.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-51. - Anchoring and mooring on city property.

It shall be unlawful for any person to anchor, moor or tie off a vessel at, to or on any dock, seawall, piers or any real property or beaches owned by the city, except for active loading or unloading and except for tenders (such as dinghies, row boats and similar vessels) in active service to their properly anchored or moored mother vessel. The foregoing exception for tenders in active service is limited to twelve (12) continuous hours within any twenty-four (24) hour period.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-52. - Anchoring and mooring within one hundred fifty feet of shoreline or sea wall.

In order to protect marine infrastructure, such as but not necessarily limited to docks, wharves, sea walls, marine railways and boat ramps, it shall be unlawful for any person to anchor or moor a vessel for a period of time in excess of twelve (12) hours in a manner which allows the vessel or any part of the vessel to be within one hundred fifty (150) feet of waterfront real property as measured from the

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natural shoreline or sea wall. However, the owner of privately owned submerged lands may anchor or moor a single vessel on his or her property in excess of twelve (12) hours, subject to the limitation in section 10-50. The preceding sentence shall not be construed to limit or restrict a vessel from being tied up to a properly permitted dock or restrict a vessel from being moored pursuant to a mooring permit issued by the Florida Department of Environmental Protection anywhere in the jurisdictional waters of the city.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-53. - Anchoring and mooring in close proximity to properly permitted mooring fields.

It shall be unlawful for any person to anchor or moor a vessel for a period of time in excess of twelve (12) hours in a manner which allows the vessel or any part of the vessel to be within one hundred fifty (150) feet from the marked boundaries of a properly permitted mooring field.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-54. - Exceptions to anchoring and mooring prohibitions.

Notwithstanding sections 10-50 through 10-53 above, vessels may remain anchored or moored for longer periods of time than provided therein in the event of a temporary mechanical breakdown or when imminent or existing extreme weather conditions would impose an unreasonable risk of harm to persons or property, in which case vessels may remain anchored or moored until the vessel is repaired, which shall occur within five (5) days, or in the event of extreme weather, until weather conditions improve.

Notwithstanding sections 10-50 and 10-53 above, vessels may remain anchored or moored for longer periods of time than provided therein when all properly permitted mooring fields in the city are full and have no space for new occupants. However, the preceding sentence shall only be construed to allow a vessel that remains anchored or moored for a longer period of time than provided in section 10-50 to do so until space becomes available in a properly permitted mooring field. It shall not be construed to allow a vessel to anchor or moor at any location outside of a properly permitted mooring field for a second consecutive ninety (90) day period.

Notwithstanding sections 10-50 through 10-53 above, the city commission may allow or permit vessels that are participants in a boat show, race, parade or other public event to anchor or moor in a location that would otherwise be prohibited by those sections, so long as the vessel owner complies with resolutions or agreements governing the public event.

Sections 10-50 through 10-53 shall not apply within the Florida Intracoastal Waterway, as that term is defined by state statutes.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-55. - Determination of a violation and enforcement.

For the purpose of determining whether or not the time limitation of Section 10-50 has been violated, the initial physical observation of a vessel at a particular location outside a properly permitted mooring field shall be documented in writing and a final observation of the vessel at the same location or approximate location more than ninety (90) days later shall also be documented in writing. The initial and the final observation as described in the preceding sentence plus the physical observation of the vessel at the same location or approximate location, a minimum of two (2) times, with a minimum of

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thirty (30) days between each observation, during the allowed ninety (90) day time period shall be deemed prima facie evidence of a violation of Section 10-50. The required observations may be made by officers, employees, agents of the city, private citizens or both. In the case of observation by private citizens, such citizen shall be required to make affidavit as to the observation.

For the purpose of determining whether or not the time limitations of sections 10-52 or 10-53 have been violated, the physical observation of a vessel at the same location or approximate location, a minimum of two (2) times during an allowed time period and one (1) time beyond the maximum authorized time period shall be deemed prima facie evidence of a violation of the aforementioned sections. The required observations may be made by officers, employees or agents of the city, private citizens or both. In the case of observation by private citizens, such citizen shall be required to make affidavit as to the observation.

The provisions of this chapter 10, article II, division 3 of the City Code shall be enforced by the city police department. However, Sarasota County Sheriff's Department and the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission shall have concurrent jurisdiction to enforce said provisions. The law enforcement agency issuing a citation for violation of this division shall present the completed citation to the owner or occupant of the subject vessel or, in the alternative, shall mail the citation to the owner of the vessel at the mailing address shown on the title or registration of the vessel, by U.S. mail, certified, return receipt requested.

The city may prosecute a violation of this division in any manner allowed by law, specifically including but not limited to prosecution for a municipal ordinance violation in county court and an action for mandatory injunctive relief ordering that a vessel be moved from a particular location. A violation of this ordinance shall be considered a noncriminal violation and shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for a first time violation which shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00).

(Ord. No. 12-5003, § 1, 7-16-12)