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AN ORDINANCE OF THE CITY OF ST. PETERSBURG DELETING THE EXISTING ARTICLE VI OF CHAPTER 7; CREATING A NEW ARTICLE VI OF CHAPTER 7, ANCHORING IN WATERWAYS OF ST PETERSBURG; PROVIDING A PURPOSE, INTENT AND DEFINITIONS; CREATING DIVISION 1, RELATING TO THE REGULATION OF VESSELS, EXCLUDING LIVE-ABOARD VESSELS AND FLOATING STRUCTURES, OUTSIDE THE MOORING FIELD; CREATING DIVISION 2, RESTRICTIONS ON LIVE-ABOARD VESSELS AND FLOATING STRUCTURES; CREATING DIVISION 3, ENFORCEMENT PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section One. The existing Article VI of Chapter 7 of the St. Petersburg City Code is deleted and replaced with new Sections 7-214 and 7-215 to read as follows:

ARTICLE VI – ANCHORING IN WATERWAYS OF ST. PETERSBURG

Sec. 7-214. Purpose

The purpose of this article is to regulate the anchoring of vessels within the waterways of St. Petersburg.

Sec. 7-215. Intent

The intent of this article is to (1) encourage the use of the mooring field; (2) promote public access to the waters; (3) enhance navigational safety; (4) protect maritime infrastructure; (5) protect the marine environment; and (6) to deter improperly stored, abandoned, hazardous and derelict vessels.

Section Two. The St. Petersburg City Code is amended to add a new Section 7-216 to read as follows:

Sec. 7-216. Definitions

The definitions in F.S. ch. 327 apply to this article. As used in this article the following terms shall have the meaning ascribed to them:

Anchoring means the use of a heavy device fastened to a line or chain to hold a vessel in a desired position.

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Hazardous vessel means a vessel in danger of becoming derelict because the vessel: (1) is unable to operate or navigate without the assistance of another vessel; (2) displays excessive marine growth; (3) has its interior exposed to the weather; (4) is taking on water without the ability to dewater; (5) is leaking contaminants into the water; (6) is in violation of section 327.53, F.S.; (7) does not comply with the registration requirements set forth in chapter 328, F.S.; (8) has an improper, non-working or no anchor light; or (9) is in danger of breaking loose from its anchor due to an inadequate anchor or due to twisted, rotted or chaffing anchor lines.

Mooring field means the designated area in the North Yacht Basin where the City may place permanently anchored buoy systems in accordance with a mooring field management plan.

Section Three. The St. Petersburg City Code is amended to add a new Article VI, Division 1, Sections 7-219 through 7-223 to read as follows:

DIVISION 1 –ANCHORING OF VESSELS OUTSIDE MOORING FIELD

Sec. 7-219. Applicability

This division shall apply to all vessels, except live-aboard vessels and floating structures, anchoring in the waterways of St. Petersburg outside the mooring field.

Sec. 7-220. Hazardous vessels.

Hazardous vessels are prohibited from anchoring in the waterways of St. Petersburg.

Sec. 7-221. Anchoring Restricted.

Anchoring a vessel outside the mooring field is subject to the following prohibitions:

- (1) No vessel shall anchor within two hundred (200) feet of any publicly owned or privately owned marina for more than seventy-two (72) hours.
- (2) No vessel shall anchor within two hundred (200) feet of any publicly owned boat ramp. This subsection shall not apply to any governmentally owned vessel or to any construction vessel holding a current, unexpired permit.
- (3) No vessel shall anchor in the Central Yacht Basin for more than seventy-two (72) hours during any thirty day time period.
- (4) No vessel shall anchor in the South Yacht Basin for more than seventy-two (72) hours during any thirty day time period.
- (5) No vessel shall anchor in Bayboro Harbor for more than seventy-two (72) hours during any thirty day time period.

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Sec. 7-222. Anchoring Prohibited.

Anchoring a vessel outside the mooring field is prohibited in the following areas:

- (1) No vessel shall anchor in any area so to obstruct or be a hazard to navigation.
- (2) No vessel shall anchor in the Port of St. Petersburg.

Sec. 7-223. Expiration of Division.

This division shall sunset on July 1, 2014, unless extended by an ordinance of the City.

Section Four. The St. Petersburg City Code is amended to add a new Article VI, Division 2, Section 7-226 to read as follows:

DIVISION 2 – LIVE-ABOARD VESSEL AND FLOATING STRUCTURES.

Sec. 7-226. Restrictions on Live-aboard vessels and floating structures.

No live-aboard vessel or floating structure shall dock, berth, moor or anchor in any of the waters or waterways within the limits of the City unless such live-aboard vessel or floating structure is docked, berthed, moored or anchored in a public or private marina within a berth or slip.

Section Five. The St. Petersburg City Code is amended to add a new Article VI, Division 3, Sections 7-229 through 7-233 to read as follows:

DIVISION 3 – ENFORCEMENT

Sec. 7-229. Enforcement procedure.

Except where the POD has reason to believe that a vessel presents a serious threat to the public health, safety or welfare, the enforcement procedure under this article shall be as follows:

- (1) It shall be the duty of the POD to initiate enforcement proceedings.
- (2) Where the POD finds or is made aware of a vessel in violation of any section of this article, the POD shall notify the owner of the vessel and such notice of violation shall provide a reasonable time within which to correct the violation. The term “reasonable time” shall be set forth in the notice and shall not be less than three days and not more than thirty days. Notice of violation shall be provided by certified mail, return receipt requested, and first class mail or hand delivery to the owner of the vessel. Notice of violation shall also be posted on the vessel. Should the violation

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continue beyond the correction time specified in the notice of violation, the POD shall have the authority to impound the vessel pursuant to this division.

Sec. 7-230. Authority to impound vessels.

(a) The POD is authorized to immediately remove and impound, without warning and at the owner's expense, a vessel to an area designated or maintained by the City, for the following reasons:

- (1) When a vessel is left unattended in the waterways of St. Petersburg and the vessel constitutes an obstruction to navigation.
- (2) When a hazardous vessel remains in the waterways of St. Petersburg after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (3) When a vessel remains anchored within two hundred (200) feet of any publicly owned or privately owned marina for more than seventy two (72) hours and after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (4) When a vessel remains anchored within two hundred (200) feet of any publicly owned boat ramp and after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (5) When a vessel remains anchored within the Central Yacht Basin for more than seventy two (72) hours during a thirty day time period and after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (6) When a vessel remains anchored within the South Yacht Basin for more than seventy two (72) hours during a thirty day time period and after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (7) When a vessel remains anchored within the Bayboro Harbor for more than seventy two (72) hours during a thirty day time period and after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (8) When a vessel remains anchored within the Port of St. Petersburg and after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (9) When a live-aboard vessel remains docked, berthed, moored or anchored in any of the waters or waterways within the limits of the City after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.
- (10) When a floating structure remains docked, berthed, moored or anchored in any of the waters or waterways within the limits of the City after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.

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(b) No impounded vessel shall be released until the charges for towing the vessel and storage charges have been paid.

Sec. 7-231. Procedure for appeal and recovery of vessel.

Procedures for the appeal and recovery of a vessel shall follow those procedures for vehicles for vehicle impoundment in Chapter 26 (currently 26-49). The term "vehicle" used therein, shall for the purposes of this division, mean "vessel." Vessels shall include live-aboard vessels and floating structures.

Sec. 7-232. Compliance with State Law.

The provisions of this article shall be read in *pari materia* with F.S. ch. 327.

Sec. 7-233. Penalties.

Whoever violates any provision of this article shall be subject to the penalties and procedures set forth in F.S. ch. 327, section 1-7 of this Code and this article.

Section Six. Words in struck-through type shall be deleted. Underlined words constitute new language which shall be added. Provisions not specifically amended shall continue in full force and effect.

Section Seven. The provisions of this ordinance shall be deemed to be severable. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect thereof shall be confined to the section, paragraph, subdivision, clause sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section Eight. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5th) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing of such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

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