

ORDINANCE NO. 9383-20

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO THE REGULATION OF DERELICT VESSELS; AMENDING CODE OF ORDINANCES CHAPTER 33 – WATERWAYS AND VESSELS, ARTICLE III. – VESSELS, SECTION 33.055 – PROHIBITED MOORING, BEACHING OR PLACING OF VESSELS; PROHIBITING DERELICT VESSELS FROM BEING LEFT IN THE CITY WATERWAYS, AND PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are currently and from time to time will be a number of derelict vessels in, on, and under the City's navigable waterways; and

WHEREAS, such derelict vessels pose potential hazards to the environment, to safe navigation, and commercial and recreational use of City waters; and

WHEREAS, derelict vessels are hazards to public safety and waterfront property during severe weather; and

WHEREAS, § 823.11, Florida Statutes empowers the City with the authority to provide for the removal and disposition, including destruction, of derelict vessels; and

WHEREAS, City Council desires to promote the public safety, health, and welfare of the residents of the City and the tourists and guests visiting or vacationing in the City by reducing or eliminating the threats posed by derelict vessels through the exercise of the authority granted to the City pursuant to § 823.11, Florida Statutes;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1: Sec. 33.055, Clearwater Code of Ordinances is hereby amended to read as follows:

Sec. 33.055. - Prohibited mooring, beaching or placing of vessels.

- (1) No vessel of any kind whatsoever shall moor to or tie up to a private seawall or dock or be beached upon private property within the city limits without the permission of the owner thereof.
- (2) It is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel in any navigable waters within the City. No vessel that is in an unregistered, derelict, wrecked, junked, or substantially dismantled condition shall be permitted to dock, moor, or tie up at any private seawall, dock, or moorage space within the city, except that such vessel may moor at licensed marine facilities for the purpose of repair.
- (3) No vessel shall be moored or otherwise placed in such a manner as to impede, restrict, or otherwise interfere with the use of public docks, launching ramps or other public waterfront facilities.
- (4) No vessel shall be permitted to occupy the City-owned Island Way Grill; non-leased public dock slips during the period each night between 10:00 p.m. and 8:00 a.m., except in an emergency as authorized by the city harbormaster. The harbormaster will determine whether the circumstance constitutes an emergency.

- (5) No vessel shall be permitted to occupy the City-owned Recreation Center (Sand Pearl), non-leased public dock slips during the period each night between 10:00 p.m. and 8:00 a.m., except in an emergency as authorized by the city harbormaster. The harbormaster will determine whether the circumstance constitutes an emergency.
- (6) No vessel shall be permitted to occupy the City-owned side tie, non-leased public mooring section of the Downtown Boat Slips, during the period each night between 9:00 p.m. and 8:00 a.m., except in an emergency or hours may be adjusted to coincide with special events as authorized by the city harbor-master. The harbor-master will determine whether the circumstance constitutes an emergency or a special event.
- (7) Vessels in violation of this section shall be subject to punishment as provided by law, including, but not limited to those enforcement procedures contained in Article 7 of the Clearwater Community Development Code, and all costs of towing and storage of vessels in violation of this section shall be assessed to the vessel owner.

Section 2: This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank Hibbard
Mayor

Approved as to form:

Attest:

Matthew Smith
Assistant City Attorney

Rosemarie Call
City Clerk