

ORDINANCE NO. 9413-20

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA
AMENDING SECTION 33.055 OF THE CLEARWATER CODE OF
ORDINANCES TO LIMIT A VESSEL'S DAILY HOURS OF
OCCUPANCY OF CERTAIN NON-LEASED PUBLIC DOCK
SLIP(S); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City owns three non-leased public dock slips commonly referred to as the Island Way Grill dock slip, the Recreation Center (Sand Pearl) dock slip, and the Downtown Boat Slips (collectively, "the Public Dock Slips"); and

WHEREAS, one purpose of the Public Dock Slips is to provide free public docking options for the boating public at large; and

WHEREAS, another purpose of the Public Dock Slips is to encourage boating as a transportation alternative and to provide water access to businesses and the beach; and

WHEREAS, other than the prohibition that there can be no occupancy between the hours of 10:00 p.m. and 8:00 a.m., there is no time limitation on a vessel's use of any of the Public Dock Slips; and

WHEREAS, because there is no time limitation on a vessel's use of any of the Public Dock Slips other than the prohibition against occupancy between the hours of 10:00 p.m. and 8:00 a.m., the Public Dock Slips are often monopolized by a few vessels that are left at the slips all day such that there is little turnover for the boating public at large; and

WHEREAS, the City has determined that placing further time limitations on the Public Dock Slips is in the interest of the public health, safety, morals, and welfare of the City's residents; now therefore,

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

Section 1. That Chapter 33, Waterways and Vessels, Section 33.055 be amended by adding the underlined language and deleting the stricken language 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 any of the City-owned Island Way Grill, non-leased public dock slips for more than three (3) hours per day between the hours of 8:01 a.m. and 9:59 p.m. and at all between the hours of 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 for more than three (3) hours per day between the hours of 8:01 a.m. and 9:59 p.m. and at all between the hours of 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, for more than three (3) hours per day between the hours of 8:01 a.m. and 9:59 p.m. and at all between the hours of 10:00 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 harbormaster. The harbormaster 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 V. Hibbard
Mayor

Approved as to form:

Attest:

Michael P. Fuino
Assistant City Attorney

Rosemarie Call
City Clerk