



Legislation Details (With Text)

File #: 9383-20 **Version:** 1 **Name:** Pass Ordinance 9383-20 Derelict Vessels (1st Reading)
Type: Ordinance **Status:** Passed
File created: 7/21/2020 **In control:** Police Department
On agenda: 8/20/2020 **Final action:** 8/20/2020

Title: Amend the Clearwater Code of Ordinances, Section 33.055, relating to the regulation of derelict vessels and pass Ordinance 9383-20 on first reading.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 9383-20 Derelict Vessel Ordinance

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|--------|--------|
| 8/20/2020 | 1 | City Council | | |
| 8/17/2020 | 1 | Council Work Session | | |

SUBJECT/RECOMMENDATION:

Amend the Clearwater Code of Ordinances, Section 33.055, relating to the regulation of derelict vessels and pass Ordinance 9383-20 on first reading.

SUMMARY:

The police department works in conjunction with local and state agencies to address ‘at risk’ vessels and ‘derelict’ vessels.

Per Florida Statute § 327.4107 a vessel is ‘at risk’ if any of the following conditions exist: (a) the vessel is taking on or has taken on water without an effective means to dewater; (b) Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time; (c) The vessel has broken loose or is in danger of breaking loose from its anchor; (d) The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk; or (e) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice.

Per Florida Statute § 823.11 a vessel is ‘derelict’ if it is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition.

The police department is currently addressing four vessels deemed ‘at risk’ and two vessels that are deemed ‘derelict.’

The changes to Section 33.055 will give the City of Clearwater an additional option for addressing derelict vessels: issuance of a civil citation to be heard by the City’s special magistrate. Compared with prosecution through the county court system, the magistrate route will provide the police department a quicker option to legally declare vessels ‘derelict’ or ‘at risk.’