



COUNCIL AGENDA STATEMENT

Meeting Date: August 11, 2020
To: Honorable Mayor and Council Members
From: George Garrett, Planning Director
Through: Chuck Lindsey, City Manager

Agenda Item: **Ordinance 2020-03**, Amending Chapter 36, Article IV, “Water and Mooring Fields,” Modifying Sections 36-81 and 36-83 To Allow Mooring Within The City Marina By Mooring Agreement; To Otherwise Prohibit Mooring On Any City Dock, Appurtenance To A City Boat Ramp, Or Any City Facility Located Adjacent The Water; And To Prohibit The Launching Of Vessels Twenty-six (26) Feet Or Longer From The Boat Ramp Located At Aviation Boulevard And Harbor Drive; Providing For Severability; Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

For a number of reasons, the City recently reviewed its authority under Chapter 36 of the City’s Code of Ordinances, concerning a variety of topics related to the Ports Manager’s authority to regulate activities on and around the waters of the City.

The current Ordinance proposes to:

- To Allow Mooring Within The City Marina By Mooring Agreement,
- To Otherwise Prohibit Mooring On Any City Dock, Appurtenance To A City Boat Ramp, Or Any City Facility Located Adjacent The Water,
- To Prohibit The Launching Of Vessels Twenty-six (26) Feet Or Longer From The Boat Ramp Located At Aviation Boulevard And Harbor Drive, an
- To adopt fees for vehicle and boat trailer parking and to regulate the areas designated for such parking.

City staff has drafted this ordinance indicating that proposed changes to Chapter 36, Article IV is in the best interest of the health, safety, and welfare of the City.

This version of the Staff report and Ordinance address the Council’s request to provide to voluntary assistance to help with regulating activity at the City’s boat ramps, particularly at Harbor Drive

CONSISTENCY CHECKLIST:

| | Yes | No |
|-------------------------|--------------|-------|
| 1. Comprehensive Plan | <u> X </u> | _____ |
| 2. Other –Sewer Mandate | ===== | _____ |

FISCAL NOTE:

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval of Ordinance 2020-03

Sponsored by: Lindsey
Introduction Date: July 14, 2020
Public Hearing Dates: July 14, 2020
August 11, 2020
Enactment date: August 11, 2020

CITY OF MARATHON, FLORIDA
ORDINANCE 2020-03

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 36, ARTICLE IV, “WATER AND MOORING FIELDS,” MODIFYING SECTIONS 36-81 AND 36-83 TO ALLOW MOORING WITHIN THE CITY MARINA BY MOORING AGREEMENT; TO OTHERWISE PROHIBIT MOORING ON ANY CITY DOCK, APPURTENANCE TO A CITY BOAT RAMP, OR ANY CITY FACILITY LOCATED ADJACENT THE WATER; AND TO PROHIBIT THE LAUNCHING OF VESSELS TWENTY-SIX (26) FEET OR LONGER FROM THE BOAT RAMP LOCATED AT AVIATION BOULEVARD AND HARBOR DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT, AND PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a review of Chapter 36, Article IV, “Water and Mooring Fields” indicates that minor revisions to the section are necessary to allow the Ports Manager more effective management authority over the waters of the City; and

WHEREAS, the City Council reviewed the proposed Ordinance at public hearings heard on July 14, 2020 and again on August 11, 2020, listened to staff input, and accepted testimony from the public; and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

~~Strikethrough~~ = deletion **bold underline** = addition

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Modify Sec. 36-81. – “Rules and regulations for City waters,” as follows:

Modify Sec. 36-81

The City may adopt by resolution, fees, rules and regulations for the management of **City owned or managed boat ramps, docks,** designated anchorage areas, and mooring fields in City waters.

Section 3. Modify Sec. 36-83. – “Anchorage areas, and mooring fields”, as follows:

Sec. 36-83. - Anchorage areas, ~~and~~ mooring fields, **City docks, and City boat ramps.**

(a) The City may, by resolution, establish and regulate anchorage areas and mooring fields in City waters to accommodate all vessels both transient and long-term.

(b) Anchorage in a designated mooring field is prohibited.

(c) Anchorage in Boot Key Harbor is allowed only in designated anchorage areas, except during imminent and post-storm events, during which time areas outside the designated anchorage areas and not in designated mooring fields may be used as safe harbor for anchorage.

(d) The Ports Manager has the authority to remove or direct the removal of all vessels, floating structures, ground tackle, or any other equipment or materials prior to the installation of a mooring field. The owners of such vessels, floating structures, ground tackle, or any other equipment or materials shall be responsible for their removal. The City shall attempt to give reasonable notice to owners of those vessels, floating structures, ground tackle, or any other equipment or materials to allow for voluntary removal. If the City is unable to contact the owner of those vessels, floating structures, ground tackle, or any other equipment or materials, the City may remove and impound those vessels, floating structures, ground tackle, or any other equipment or materials and dispose of them.

(e) No one may operate a business from a vessel occupying a mooring without the express written permission of the Ports Manager. This may include, but is not limited to chartering, brokerage, commercial fishing, boat rentals, rental accommodations, and other similar uses.

(f) All vessels desiring to use a City anchorage area or mooring field shall first register with the Ports Manager or designee. Only seaworthy and registered vessels shall be allowed use of the anchorage areas and mooring fields.

(g) The vessel operator, upon leaving the anchorage, must remove all ground tackle.

(h) The registered owner and his/her guests are the only allowed occupants of any vessel on or within City-owned or leased submerged lands within Boot Key Harbor. No vessel anchored or

moored on or within City-owned or leased submerged lands may be rented or leased to another party by its registered owner for the purpose of habitation. Vessels on or within City-owned or leased submerged lands within which the City maintains its mooring field are subject to the terms and conditions of the Boot Key Harbor City Marina License Agreement.

(i) Wet storage is prohibited on or within the City-leased submerged lands utilized as an anchorage field. Violation of this provision of the ordinance from which this Section derives is enforceable utilizing the penalties defined in [Section 36-89](#).

(j) Floating structures are prohibited within the City-owned or leased submerged lands utilized as an anchorage field. Violation of this provision of the ordinance from which this Section derives is enforceable utilizing the penalties defined in [Section 36-89](#).

(k) With the approval of the Ports Manager, and only through a completed Mooring Agreement with the City, vessels may moor within the City Marina.

(l) Except as provided in (k) immediately above, no vessel, liveaboard, floating structure, or abandoned, or wrecked vessel may remain moored to any City dock, appurtenance to any City Boat Ramp, or Any City Property Or Facility Located Adjacent To The Water for a period to exceed four (4) hours. In the event of an emergency, the owner of such vessel, liveaboard, floating structure, or abandoned, , or wrecked vessel may contact the Ports Manager for approval to moor until the vessel, liveaboard, floating structure, or abandoned, or wrecked vessel may be safely removed.

(m) No vessel twenty-six (26) feet or longer in length, bow to stern, shall utilize and launch at the City boat ramp located at Aviation Boulevard and Harbor Drive. Identified use of said boat ramp by such vessels shall be a violation of this Subsection and shall be subject to penalties set out in Section 36-89 of this Chapter. Enforcement shall be carried out using protocols acceptable to the Monroe County Sheriff's Office with potential assistance from citizen volunteers.

(n) By Resolution of the City Council, vehicle and boat trailer parking fees may be established. The Ports Manager, in cooperation with the Code Compliance Department and Monroe County Sheriff's Department, is granted the authority to manage any areas designated for vehicle and boat trailer parking, including the ability to collect fees and to tow said vehicles as may be necessary.

Section 4. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 7. This Ordinance shall be effective immediately upon final adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11th DAY OF AUGUST, 2020.

THE CITY OF MARATHON, FLORIDA

Steve Cook, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

City Attorney, Dirk M. Smits