

ORDINANCE NO. 14-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES ENTITLED "WATERWAYS" BY AMENDING SECTION 82-31 TO ADD DEFINITIONS AND AMEND REGULATIONS REGARDING UNLAWFUL DOCKING AND MOORING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to amend regulations regarding the use of dinghy docks at city-owned facilities to improve and enhance safety, environmental protection and orderly operation of such facilities; and

WHEREAS, the Key West Bight Management District Board approved the proposed amended regulations at its meeting of January 15, 2014, and recommends approval by the City Commission; and

WHEREAS, an amendment to the "unlawful docking and mooring" ordinance will promote the health, safety and welfare of the citizens and visitors of the City of Key West,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 82-31 of the Code of Ordinances is hereby amended as follows*:

Sec. 82-31. Unlawful docking and mooring.

a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dinghy means a small boat usually 13 feet or less, either inflatable or rigid, that serves to provide transportation between a larger anchored vessel and land.

Tender means a small boat larger than 13 feet but normally less than 20 feet, either inflatable or rigid that serves to provide transportation between a larger anchored vessel and land.

a)b) It is unlawful to tie, moor, anchor, beach or attach in any way a vessel to public or private property, including seawalls, structures, other vessels, waterway markers, signposts or ~~fenceposts~~ fence posts, vegetation (trees, bushes, plants)

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

and submerged lands, without prior written permission from the owner within the city limits, unless authorized by state and/or federal law. When the owner of the property is the city, the written permission must be granted by the city manager or his/her designee. This written permission shall be specific to the vessel by registration number and operator by name and shall include the duration of permission to stay. Failure to provide written permission to a law enforcement official may result in the removal and storage of the vessel at the owner's expense consistent with state and local law. Responsibility of compliance with this section is the burden of the vessel owner/operator.

b)c) All vessels docking at a city marina or mooring in a city mooring field shall abide by the rules and regulations of the city. The respective dockmasters are authorized to enforce such rules and regulations.

e)d) The city manager or his/her designee shall designate areas to be used as dinghy docks.

e) Dinghies in disrepair, with protruding edges or any other conditions that may damage a neighboring docked dinghy will not be permitted to dock at the dinghy dock.

f) Prior to securing a dinghy at any city-owned dinghy dock designated by the city manager or his/her designee or prior to securing a tender at any city owned dock, the owner of the dinghy or tender shall provide payment for dockage in advance. In addition, the owner of the dinghy or tender shall present proof that the dinghy or tender was tethered to a vessel which is currently enrolled and participating in the pump-out service administered by Monroe County. In the alternative, the owner of the dinghy or tender may present a valid receipt establishing that the dinghy or tender was tethered to a vessel which was serviced by a pump-out service within fourteen (14) days of the owner's request to dock.

g) In the event a dinghy is placed at a city-owned dock designated by the city manager or his/her designee or a tender is placed at a city owned dock without permission and without complying with subsections (e) and (f) above, a notice of the violation will be placed on the dinghy or tender directing the owner to contact the dock master to correct the violation or violations and to pay the dockage fee within one (1) hour. In the event the violations are not remedied within the

prescribed period, the dinghy or tender will be towed by the dock master to the dock master's office where it will be impounded and secured. A \$25 impound fee to the marina will be required for release of the dinghy or tender to its owner.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held
this 1st day of April, 2014.

Read and passed on final reading at a regular meeting held
this 6th day of May, 2014.

Authenticated by the presiding officer and Clerk of the
Commission on 7th day of May, 2014.

Filed with the Clerk May 7, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



EXECUTIVE SUMMARY

TO: CRA
FROM: Mark Tait
CC: Doug Bradshaw
DATE: March 24, 2014
SUBJECT: Amending Ordinance Section 81-32: Unlawful Docking and Mooring (Requiring Pump-out)

ACTION STATEMENT: The purpose of this item is encourage anchored vessels to adhere to the No Discharge Zones of Monroe County and the City of Key West by requiring dinghies that use the dinghy dock at Key West Bight show proof of regular pump-out of their accompanying anchored vessels.

BACKGROUND: The waters surrounding Key West are designated as a no discharge zone. Monroe County has implemented a program that provides free sewage pump-out for all anchored vessels in unincorporated Monroe County. Because of this program the City Manager of Key West believes that there is no excuse for anchored vessels in unincorporated Monroe County not to pump out. Anchoring in the incorporated waters of Key West is prohibited. To help enforce the no discharge zone, dinghies from anchored vessels will not be allowed to dock at the Key West Bight Dinghy Dock or 2-hour courtesy dock unless the owner can show proof that his or her anchored vessel regular pump out.

Attached are proposed changes to City Ordinance Section 81-32 that will require proof of pump-out.

OPTIONS:

1. The City Commission can approve the ordinance change.
2. The City Commission can make changes to the ordinance and approve.
3. The City Commission can disagree with the ordinance change and give staff direction

ADVANTAGES/ DISADVANTAGES:

- Requiring dinghies to provide proof that their anchored vessels are being pumped out will help enforce the no pump out zone designation for Monroe County and the City of Key West.

FINANCIAL IMPACT: There will be two financial impacts when this ordinance changes are implemented:

1. There may be a drop in dinghy revenue if anchored boaters refuse to supply proof of pump-out in which case they will not be allowed to pay to dock at the dinghy dock.

2. Impound fees will help offset staff time to monitor and cleanse the dinghy dock of illegal or non-conforming dinghies.

RECOMMENDATION:

The Key West Bight Board and City Staff recommend that the City Commission approve the changes to City Ordinance 81-32 to reflect the policy.

ATTACHMENTS:

Ordinance 81-32 Current
Ordinance 81-32 Proposed
Ordinance 81-32 Redlined
Dinghy Dock Policy 2013
Pump-Out USA Sticker

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b)c) _____ All vessels docking at a city marina or mooring in a city mooring field shall abide by the rules and regulations of the city. The respective dockmasters are authorized to enforce such rules and regulations.

e)d) _____ The city manager or his/her designee shall designate areas to be used as dinghy docks.

e) Dinghies in disrepair, with protruding edges or any other conditions that may damage a neighboring docked dinghy will not be permitted to dock at the dinghy dock.

f) Prior to securing a dinghy at any city- owned dinghy dock designated by the city manager or his/her designee or prior to securing a tender at any city owned dock, the owner of the dinghy or tender shall provide payment for dockage in advance. In addition, the owner of the dinghy or tender shall present proof that the dinghy or tender was tethered to a vessel which is currently enrolled and participating in the pump-out service administered by Monroe County. In the alternative, the owner of the dinghy or tender may present a valid receipt establishing that the dinghy or tender was tethered to a vessel which was serviced by a pump-out service within 14 days of the owner's request to dock.

g) In the event a dinghy is placed at a city-owned dock designated by the city manager or his/her designee or a tender is placed at a city owned dock without permission and

without complying with subsections (e) and (f) above, a notice of the violation will be placed on the dinghy or tender directing the owner to contact the dock master to correct the violation or violations and to pay the dockage fee within 1 hour. In the event the violations are not remedied within the prescribed period, the dinghy or tender will be towed by the dock master to the dock master's office where it will be impounded and secured. A \$25 impound fee to the marina will be required for release of the dinghy or tender to its owner.

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- c) The city manager shall designate areas to be used as dinghy docks.

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KEY WEST BIGHT MARINA DINGHY DOCK POLICY STATEMENT

PURPOSE

The purpose of this policy is to ensure that vessels anchored offshore that use dinghies of any size to come ashore do not use the City of Key West dinghy dock or other dockage unless there is proof that the anchored vessel is regularly pumped out for sewage.

DEFINITIONS

1. **Dinghy:** A small boat or tender used to travel back and forth from anchored vessel to land.
2. **Dinghy Dock:** Floating dock area behind Turtle Kraals specifically designated for dinghies 13 feet or less in length.
3. **Pump-out Proof:** The owner of the dinghy or tender shall present proof that the dinghy or tender was tethered to a vessel which is currently enrolled and participating in the pump-out service administered by Monroe County. In the alternative, the owner of the dinghy or tender may present a valid receipt establishing that the dinghy or tender was tethered to a vessel which was serviced by a pump-out service within 14 days of the owner's request to dock.

POLICY

The waters surrounding Key West are designated as a no discharge zone. Monroe County has implemented a program that provides free sewage pump-out for all anchored vessels in unincorporated Monroe County. Because of this program the City Manager of Key West believes that there is no excuse for anchored vessels in unincorporated Monroe County not to pump out. To help enforce the no discharge zone dinghies from anchored vessels will not be allowed to dock at the Key West Bight Dinghy Dock or 2-hour courtesy dock unless the owner can show proof that his or her anchored vessel can show proof of regular pump out.

PROCEDURES

1. All dinghies requesting dockage shall apply for dockage at the Key West Dockmaster Office on a daily, weekly or monthly basis.
2. The Dockmaster(s) will request proof of sewage pump out before approval of dockage can be obtained.
3. All customers will be allowed only one non-conforming day of dockage for their dinghy. At that time the Dockmaster(s) will fully explain the proof of pump-out requirement and warn the customer that dockage will not be provided in the future without proof of pump-out.
4. Dockmaster will collect the dockage fee and explain where the customer can park his dinghy, where trash shall be deposited, where water is available and let the customer know that showers are available for an extra fee.

5. Dockmaster(s) will routinely monitor the dinghy dock areas ensure that unlawful or unpermitted dinghies are not tied to the dinghy docks.
6. Unlawful or unpermitted dinghies will be given 1 (one) notice that they cannot tie to the dinghy dock without a proper permit and they need to see the Dockmaster to receive one.
7. Repeat offenders will have their dinghies removed from the dinghy dock and impounded at the Dockmaster Office.
8. Impounded dinghies can be retrieved by the customer after paying an impound fee.

DATES

Dates adopted, implemented, effective, sunset, etc.

Date for adoption of the Policy will be determined after a review period by all participants of the process.



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