

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING CHAPTER 6 – BEACHES, BOATS, BOATING AND WATERFRONT STRUCTURES OF THE CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF SECTION 6-1 THEREOF, PERTAINING TO DEFINITIONS OF TERMS; PROVIDING FOR AMENDMENT OF SECTION 6-13.2 THEREOF, PERTAINING TO LIVING ABOARD VESSEL PROHIBITED; EXCEPTIONS; PROVIDING FOR AMENDMENT OF SECTION 6-33 THEREOF, PERTAINING TO THE OFFICE AND GENERAL DUTIES OF HARBORMASTER; CREATING SECTION 6-33.1 THEREOF, PERTAINING TO POWERS AND DUTIES OF HARBORMASTER (DIRECTOR OF MARINA OPERATIONS); CREATING ARTICLE IV OF CHAPTER 6, GULFPORT MOORING FIELD AND ANCHORAGE; CREATING SECTION 6-45 THEREOF, PERTAINING TO THE ESTABLISHMENT OF MOORING FIELDS; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to amend the regulations pertaining to beaches, boats, boating and waterfront structures within the City; and

WHEREAS, the City Council wishes to create regulations governing the mooring of vessels within the city operated mooring field and anchorage; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT HEREBY ORDAINS:

Section 1. Section 6-1 of the Code of Ordinances, pertaining to definitions, is hereby amended, as follows:

Sec. 6-1. - Definitions.

For the purpose of this chapter, the following terms and phrases shall mean:

(1) Anchor means a piece of a vessel's equipment designed to temporarily secure the vessel in an anchorage, or the act of anchoring. All anchors and lines will be considered ground tackle.

(2) Anchorage or mooring agreement means an agreement or license between the City of Gulfport and any person desiring to use a City anchorage area or mooring field, agreeing to the fees, rules and regulations governing the same.

(3) *Berth*: Any water area, including slips, utilized to secure or moor watercraft by any means employed, such means including, but not limited to, anchorage, and moorage to piling, docks, and piers.

(4) *Derelict vessel* means any vessel as defined by F.S. § 327.02, and any amendments thereto, which is left, stored or abandoned in a wrecked, junked or substantially dismantled condition on the waters within the municipal boundaries of the City of Gulfport or which is located in the City's mooring field or at the City of Gulfport Municipal Marina without the consent of the City of Gulfport or which is docked or grounded at or beached upon the private property of another without the consent of the owner of the property or which is grounded at or beached on public property without the consent of the public owner of the property.

(5) *Dinghy* means a vessel of a maximum length not exceeding twelve (12) feet and which serves as a tender vessel to a larger moored or anchored vessel.

(6) *Floating structure* shall have the same meaning as set forth in Fla. Stat. ch. 327.

(7) *Gulfport Yacht Basin*: That body of water, watercraft facilities and land area confined within the following boundaries:

Beginning at a point being the centerline of 29th Avenue South and 46th Street South in the City of Gulfport, Florida; thence proceeding east along the north line of the southwest quarter of section 34, township 31 south, range 16 east, nine hundred ninety feet; thence south on and along the east three-quarter line of the northwest quarter of the southwest quarter of said section 34, one thousand three hundred twenty feet; thence proceeding west on the east and west centerline of said southwest quarter of said section 34 to the west boundary of said section 34 and continuing west on the east and west centerline of the southeast quarter of section 33, township 31 south, range 16 east, six hundred sixty feet; thence north one thousand three hundred twenty feet to the centerline of 29th Avenue, being the north boundary of said southeast quarter of said section 33; thence west six hundred sixty feet to point of beginning.

(8) *Harbormaster* means and shall be interchangeable with the title the Director of Marina Operations of the City. Harbormaster or the Director of Marina Operations means the City Manager or designee; who shall manage City waters, marine operations and operate, manage, and maintain any City docking, berthing facilities and mooring fields. The harbormaster shall have all rights, powers and duties as provided under the laws of the state and ordinances of the City.

(9) *Live aboard*: (Pursuant to F.S. § 327.02) A "live-aboard is defined as any person(s) owning and occupying such a vessel who uses a vessel as a residence and/or is occupying that vessel for four (4) or more days and nights within a seven-day period engaging in those usual and customary activities associated with a person's residences or abode such as but not limited to, sleeping and preparing meals. This definition will also prohibit a place of business, professional location or other commercial enterprise, as evidence vessel used solely as a residence and not in navigation or any vessel for which a declaration of domicile has been filed pursuant to F.S. § 227.17.

(10) *Marine sanitation device (MSD)* shall have the same meaning as set forth in Fla. Stat. ch. 327.

(11) *Moor* means the securing of a vessel, by anchoring, attachment, or mooring, rafting to another vessel, or tying to a dock, pier, pile, or wharf.

(12) *Mooring* means a semi-permanent anchorage installation consisting of a heavy anchor, block, or attachment to the bottom, a rode, and a buoy and pennant used for securing a vessel.

(13) *Mooring field* means a lawfully permitted location defined and described in the survey and any amendments thereto, contained in the City of Gulfport Code of Ordinances for the mooring of vessels. An area designated by the City with a network of moorings.

Legal Description: Said Area lies entirely within Boca Ciega Bay, City of Gulfport, In Section 33, Township 31 South, Range 16 East. Commence at National Geodetic Monument PCDSM GPS 33, North 1237978,120, East 272288.029, thence run South 37°11'27" West, 1,1093.08 feet for a POB.

Thence run, South 00°00'00" East, 510.57 feet, thence run South 590°00'00" West 1,495.02 Feet, thence run, North 00°00'00 East, 510.57 feet, thence run, North 90°00'00 East, 1,495.02, to the POB.

Second upland monument tie: The tie call from NGS monument PCDSM GPS 34, North 1,237,867.147, East 272,229.889, to the parcel POB is as follows: South 25°11'04" West 885.58 Feet (mol).

(14) *Municipal beach*: All lands and water area being particularly described and designated as follows:

Beginning at a point where the south line of Shore Boulevard intersects with the east line of DuPont Street South in the City of Gulfport, Florida; thence running east along the south line of Shore Boulevard eight hundred forty-eight (848) feet, more or less, to the point of the west wall of the casino building, if produced northerly, into the waters of Boca Ciega Bay, four hundred fifty (450) feet; thence at right angles in a westerly direction, eight hundred forty-eight (848) feet, more or less; thence north four hundred fifty (450) feet to the point of beginning.

(15) *Municipal pier*: That City-owned pier which extends into the waters of Boca Ciega Bay at the point of the intersection of Shore Boulevard and 54th Street South.

(16) *Municipal waterfront*: All City-owned land contiguous to the waters of Boca Ciega Bay and Clam Bayou.

(17) *Public casino boat dock*: That certain boat dock in the waterways of the City, generally located between the municipal pier and the Gulfport Casino property, and having berths for the docking of vessels.

(18) *Slip*: An area of water, together with any dockage facilities, utilized for the berthing of watercraft.

(19) *Transient anchoring area or transient mooring field* means an area in the City's waters designated for short-term anchoring and mooring.

(20) *Waters*: All waters of Clam Bayou and Boca Ciega Bay within the City.

(21) *Waterways*: All navigable waters in Clam Bayou and Boca Ciega Bay within the City.

(22) *Vessel/watercraft/boat*: As referenced in Section 1(b), Art. VII of the State Constitution includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Section 2. Section 6-13.2 of the Code of Ordinances, pertaining to living aboard vessel prohibited; exceptions, is hereby amended, as follows:

Sec. 6-13.2. - Living aboard vessel prohibited; exceptions.

It shall be unlawful for any person to live aboard any houseboat or other vessel within the City. This prohibition shall not apply to persons:

- (1) Authorized to live on board or under the City's lease with the Boca Ciega Yacht Club.
- (2) Occupying such vessels on a temporary basis for a period not to exceed seventy-two (72) hours within any thirty-day period, if such vessel contains a Coast Guard approved, self-contained, sewage treatment or storage system.
- (3) Authorized to live on board such vessels by the harbormaster on a temporary basis in the Gulfport Yacht Basin designated transient dock for a period not to exceed fourteen (14) days (three hundred thirty-six (336) hours) within any thirty-day period. Vessel/persons must first register with the harbormaster. All such transient lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements within the municipal marina. Vessels must contain a Coast Guard approved, self-contained, sewage treatment or storage system.
- (4) Authorized to live-aboard such vessel by the harbormaster; persons owning and occupying such a vessel who use a vessel as a residence and/or are occupying that vessel for more than four (4) days and nights within any seven-day period in the Gulfport Yacht Basin designated live-aboard berths.
- (5) Commercial Prohibitions: Such vessels may not be used as a place of business, professional location or other commercial enterprise; all such uses or related business, commercial or commerce activities are prohibited in designated live-aboard berths. All such live-aboard lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements.
- (6) Lawfully moored within the designated mooring field as described in Article III of this Chapter, up to a maximum period of six months.

Section 3. Section 6-33 of the Code of Ordinances, pertaining to office and general duties of harbormaster, is hereby amended, as follows:

Sec. 6-33. - Office and general duties of harbormaster/(Director of Marina Operations).

The City manager is hereby authorized to appoint and to remove when necessary a harbormaster/ (Director of Marina Operations) The City manager may delegate the full power and authority of the City in addition to all other constituted authority of the City, to the harbormaster to enforce all rules and regulations herein provided. It shall be his duty to issue all permits, transfers and assignments to berths and reassignments and to assure that all rentals and other fees provided herein are paid to the finance director and to perform all other duties imposed by the executive directives of the City manager.

Section 4. Section 6-33.1 of the Code of Ordinances, pertaining to powers and duties of harbormaster (Director of Marina operations), is hereby created, as follows:

Sec. 6-33.1. - Powers and duties of harbormaster (Director of Marina Operations).

In addition to any duties that may be assigned by the City manager, the harbormaster shall have the following powers and duties:

- (1) To enforce the provisions of the articles of the City of Gulfport Code of Ordinances.
- (2) To coordinate removal from City owned, operated, maintained or regulated lands, anchorage areas, marinas, ramps, docks and mooring fields all vessels and floating structures not properly anchored, docked or moored, as determined by the harbormaster.
- (3) To control and regulate the use of City boat ramps.
- (4) To represent the City as its agent in the execution of all City docking and mooring field agreements or licenses.
- (5) To coordinate removal of wrecks, derelict vessels, abandoned vessels, vessels which are not seaworthy and floating structures or navigational hazards with applicable federal, state and local government agencies.
- (6) To inspect the y-valves and marine sanitation devices and seal the y-valves as soon as possible after entry of a vessel to a mooring field.

Section 5. Article IV - Gulfport Mooring Field and Anchorage, of Chapter 6 of the Code of Ordinances, and Section 6-45 thereof is hereby created, as follows:

ARTICLE IV. - GULFPORT MOORING FIELD AND ANCHORAGE

Sec. 6-45. - Establishment of mooring fields.

The City hereby establishes a lawfully permitted mooring field(s) within an area designated by the City with a network of moorings for the mooring of vessels within the municipal

boundaries of the City. The dimensions and locations for said mooring fields are hereby established and are described and incorporated herein by reference and any amendments to that description subsequently authorized by resolution of the City council as established in the City of Gulfport Code of Ordinances providing for the mooring of vessels within a City operated mooring field.

- (1) 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.
- (2) The City manager shall undertake development, construction, maintenance, repair, operation and enforcement of rules and regulations regarding the mooring fields established herein. The City manager or designee shall undertake all duties related to the management of the mooring fields and enforcement of the rules and regulations.
- (3) Fees: All fees for use of designated mooring fields shall be set by the City manager subject to approval by resolution by the City council.
- (4) Any amendment to the rules and regulations hereby adopted shall be effected by the City manager.
- (5) The City manager shall cause to be prepared and distributed rules and regulations governing the development, construction, maintenance, repair and operation of the mooring fields created hereby and shall direct enforcement of the rules and regulations. The City council shall approve, and hereby does approve by enactment of this section.
- (6) All vessels desiring to use a City mooring field shall first register with the harbor master or designee. Only seaworthy and registered or documented vessels shall be allowed use of the City mooring fields.
- (7) All vessels within a designated mooring field must connect to mooring facilities located within that mooring field.
- (8) The City manager or his or her designee has the authority to coordinate the removal of all vessels, floating structures, ground tackle or any other equipment or materials located within a designated mooring field 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 as nuisances in accordance with state and federal law.
- (9) Health and safety statutes, ordinances and regulations. All vessels moored, anchored, docked or tied to lands, docks, piers or wharves in or abutting the public waterways located in the City or anchored or moored in the submerged lands located within the City shall observe and satisfy all federal, state and local statutes, ordinances and regulations related to health and safety.
- (10) Prohibition on disposal. No person shall drop, throw, flush or otherwise cause to be deposited into the public waterways located within the City any human waste, sewage, garbage, paper, bottles, cans, refuse, debris, fuel, oil or oily bilge water.
- (11) Any person operating, anchoring or mooring a boat within the boundaries of the public waterways located within the City shall make provision for the lawful disposal of all human waste, sewage, garbage, paper, bottles, cans, refuse, debris, fuel, oil or oily bilge

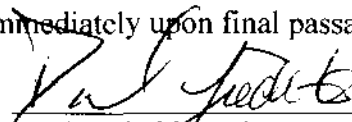
water in order to prevent the discharge of said material and debris into the public waterways.

- (12) Disposal in mooring fields regulated. Any vessel moored in a City mooring field shall comply with the disposal requirements as specified in the City's mooring field rules and regulations and, specifically, shall comply with the Federal Clean Vessel Act of 1994 and F.S. § 327.53, and any amendment to those statutes.
- (13) No one may operate a business from a vessel occupying a mooring located in a City mooring field without the prior express written permission of the City manager or his or her designee. This prohibition includes but is not limited to vessel chartering, vessel sales brokerage, commercial fishing operations, boat rentals, rental accommodations and other similar uses.
- (14) Repairs prohibited. No person shall repair or renovate any vessel or dinghy while moored or tied to the municipal docks or in the City mooring fields or while located on any public lands within the municipal boundaries of the City without the written permission of the harbor master.
- (15) Trespass on mooring. It shall be unlawful to enter on or go upon the moorings of the City mooring field, with the exception of the lessee of the mooring, a guest or authorized agent of the lessee, persons in the employ of the City on City business, or persons having legitimate business on such moorings.
- (16) Trespass on moored watercraft. It shall be unlawful to trespass on any watercraft moored, in the City mooring fields.

Section 6. All ordinances, or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

Section 7. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 8. This ordinance shall become effective immediately upon final passage.


Daniel Liedtke, Vice Mayor

FIRST READING : February 20, 2018

PUBLISHED : February 23, 2018

SECOND READING/

PUBLIC HEARING : March 6, 2018

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of law and the City Charter this 6th day of March, 2018.


Lesley DeMuth, City Clerk