

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING ARTICLE I OF CHAPTER 6 OF THE CODE OF ORDINANCES PERTAINING TO BEACHES, BOATS, BOATING AND WATERFRONT STRUCTURES; PROVIDING FOR AMENDMENT OF SECTION 6-1 DEFINITIONS; PROVIDING FOR THE CREATION OF SECTION 6.11.1 SLOW SPEED MINIMUM WAKE ZONES; 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 watercraft within the City; 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

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

Section 1. Article I of Chapter 6 of the Code of Ordinances of the City of Gulfport, pertaining to Beaches, Boats, Boating and Waterfront Structures, Section 6.1 Definitions, is hereby amended, as follows:

Sec. 6-1. - Definitions.

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

- (1) *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.
- (2) *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.

- (3) *Idle Speed No Wake and Idle Speed:* Terms may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.
- (4) (11) *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.
- (5) (3) *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.
- (6) (4) *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.
- (7) (5) *Municipal waterfront:* All city-owned land contiguous to the waters of Boca Ciega Bay and Clam Bayou.
- (8) (9) *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.
- (9) (6) *Slip:* An area of water, together with any dockage facilities, utilized for the berthing of watercraft.
- (10) *Slow Speed" and Slow Speed Minimum Wake:* Terms may be used interchangeably and will mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using

the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow. A vessel that is:

- a. Operating on plane is not proceeding at this speed.
- b. In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed.
- c. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed.
- d. Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

- (11) ~~(10)~~ *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.
- (12) ~~(7)~~ *Waters*: All waters of Clam Bayou and Boca Ciega Bay within the city.
- (13) ~~(8)~~ *Waterways*: All navigable waters in Clam Bayou and Boca Ciega Bay within the city.

Section 2. Article I of Chapter 6 of the Code of Ordinances of the City of Gulfport, pertaining to Beaches, Boats, Boating and Waterfront Structures is hereby amended by creating Section 6-11.1 Slow Speed Minimum Wake Zones as follows:

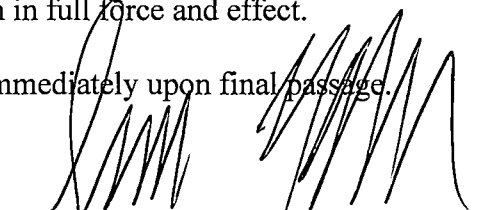
Sec. 6-11.1 – Slow Speed Minimum Wake Zones.

- (a) *Slow Speed Minimum Wake Zones Designated.* The following waterways within the city, as depicted on the maps available in the Office of the City Clerk, and as shown on Exhibit (1) and (2) attached hereto, are hereby designated as Slow Speed Minimum Wake Zones, and all vessels operated therein shall comply with the provisions of this section:
 - (1) *Gulfport Municipal Mooring Field.* The area beginning at the northern boundary markers, (BFR-18) (27°44.131) - (82°42.613), (BFR-13) (27°44.133) - (82°42.336) of the municipal mooring field, extending to the East, (BFR-2) (27°44.075) - (82°42.63) and extending West, (BFR-11) (27°44.074) – (82°42.317) boundary markers, extending to the southern boundary markers (BFR-4) (27°44.014) - (82°42.613), (BFR-9) (27°44.015) - (82°42.335).
 - (2) *Slow Speed Minimum Wake Channel.* The area beginning at the Northwest Pile marker (NWK-2) (27°44.134) extending to the Northeast and Southeast Pile markers (NWK-5) (27°44.153) - (82°42.281) (NWK-6) (27°44.137) - (82°42.281).
- (b) *Excessive speed prohibited.* No vessel within a designated Slow Speed Minimum wake zone shall be operated at a speed greater than that speed which is necessary to maintain steerage.
- (c) *Penalty for violation.* Any violation of this section shall be punishable as provided in Section 327.46 (1) (c) Florida Statutes, or as otherwise provided by law.

Section 3. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 4. 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 5. This ordinance shall become effective immediately upon final passage.



Samuel Henderson, Mayor

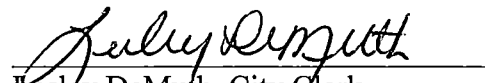
FIRST READING: December 4, 2018

PUBLISHED: December 7, 2018

SECOND READING/

PUBLIC HEARING: December 18, 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 applicable law this 18th day of December, 2018.



Lesley DeMuth, City Clerk