

**CITY OF BRADENTON BEACH, FLORIDA**

**ORDINANCE NO. 18-498**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, PROVIDING FOR THE REPEAL AND REPLACEMENT IN ITS ENTIRETY OF ORDINANCE NO. 09-412, WHICH IS THE CITY WATERS, MARINE ANCHORAGE AND MOORING FIELD, AS CODIFIED IN CHAPTER 27 OF THE CITY OF BRADENTON BEACH CODE OF ORDINANCES PROVIDING FOR VESSEL CONTROL AND WATER SAFETY ORDINANCE; AMENDING ORDINANCE 17-480; PROVIDING FOR TITLE, PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT AND MEANS OF ENFORCEMENT; PROVIDING FOR VESSEL, MOORING, ANCHORING, HOUSEBOAT, AND WATER TAXI REGULATIONS; PROVIDING FOR PROHIBITION OF GAMBLING ON CITY WATERS; PROVIDING FOR REGULATIONS FOR PERSONAL WATERCRAFTS; PROVIDING FOR PROCEDURES TO DESIGNATE AREAS; PROVIDING FOR PENALTY, INCLUDING, BUT NOT LIMITED TO REMOVAL AND IMPOUNDMENT OF WATER VESSELS; PROVIDING FOR APPEAL PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERWITH; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, as follows:**

**WHEREAS,** Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government; and

**WHEREAS,** Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to adopt resolutions in furtherance thereof; and

**WHEREAS,** the recreational and commercial use of City Waters is an asset of the City, which is afforded the public at large, including residents and visitors to the City; and

**WHEREAS,** the City has not adopted, nor created a managed anchorage or mooring field as contemplated in Ordinance 09-412 and, after considering public comment and having considered supporting documentation and testimony from the staff, the City Commission of the City of Bradenton Beach has determined it to be in the best interest of the City to repeal and replace Ordinance 09-412 with an ordinance to regulate the recreational and commercial use of City Waters and to protect the City Pier and the public health, safety, and welfare of its visitors and residents and to amend Ordinance 17-480.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

**Section 1.** Findings of Fact. The Whereas clauses set forth above, are hereby adopted as findings of fact.

**Section 2.** AMENDMENT: That Ordinance 17-479 is hereby amended. Additions are shown in underscore and deletions are shown as ~~striketrough~~. Said provisions below shall be codified as, and be made a part of Chapter 27, City Waters, Marine Anchorage and Mooring Field, of the Code of Ordinances of the City of Bradenton Beach. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

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Chapter 27 - CITY WATERS, MARINE ANCHORAGE AND MOORING FIELD.

ARTICLE I. - IN GENERAL

Sec. 27-1. - Intent and purpose.

The intent and purpose of this chapter is authorize the police department of the City to exercise its police powers 500 feet into the waters of the Gulf of Mexico adjacent to its established corporate limits and within Sarasota Bay from the eastern municipal boundary of the city to the west right-of-way line of the Intracoastal Waterway.

Sec. 27-2. - Definitions.

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

*Abandoned vessel* means any vessel that is left unattended long enough for the vessel to become a hazard to other boats, un-seaworthy, or a hazard to navigation regardless of it being properly registered.

*Anchor* means a portable object attached to a vessel by a cable, chain, or rope or combination thereof and cast overboard to keep the vessel in place by gripping the bottom.

*Anchorage* means a customary, suitable and designated harbor area in which vessels may anchor.

*Anchoring* means the use of a heavy device fastened to a line or chain to hold a vessel in a desired position.

*Bather* means any person who is swimming, wading or engaged in any other activity in or under the water.

*City designee* means any individual or city department appointed by the City Commission to enforce or implement any provision or section of this chapter.

*City waters* shall have the same meaning as Jurisdiction Waters of the City.

*Congested areas* means waterways where, by virtue of their shape, size, or normal traffic levels, hazards may be created to persons or property.

*Derelict vessel* means any vessel in a wrecked, junked, or substantially dismantled condition or abandoned upon any city waters or at any anchorage area or mooring field in the waters of the city or jurisdictional waters of the city without the consent of the city or other agency having jurisdiction thereof or docked at any private property without the consent of the owner of the private property.

*Designated special anchorage areas* means anchorage areas designated by the coast guard where it has been determined such an anchorage ground is necessitated due to maritime or commercial interests.

*Emergency* means any occurrence, or threat thereof, whether natural, technological or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

*Floating structure* shall have the same meaning as set forth in F.S. ch. 327.

*Harbor* means a natural or manmade anchorage and/or mooring area providing some degree of protection and security from storms.

*Houseboat/live-aboard vessel* means the occupancy or use of a water vessel by one or more persons, as a place of habitation, residence, living quarters or for dwelling purposes, temporarily or permanently, continuously or transiently, or for which a declaration of domicile has been filed pursuant to section 222.17 at any location within the city or 500 feet into the waters of the Gulf of Mexico adjacent to the established corporate limits of the city and within Sarasota Bay from the eastern municipal boundary of the city to the west right-of-way line of the intracoastal waterway. This includes any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

*Idle speed* means the lowest speed at which a vessel can operate and maintain steering control.

*Idle speed-no wake* means a restriction or controlled zone, which has been established to protect the interest of the public. "Idle Speed-No Wake" means that a vessel cannot proceed at a speed greater than the speed, which is necessary to maintain steerageway.

*Jurisdictional waters of the city* means 500 feet into the waters of the Gulf of Mexico adjacent to the established corporate limits of the city and within Sarasota Bay from the eastern municipal boundary of the city to the west right-of-way line of the Intracoastal Waterway as set forth in Chapter 2006-345, Laws of Florida.

*Marine sanitation device* means any equipment for installation on board a watercraft, which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

*Moor* means to dock, beach, land or intentionally ground a vessel; to tie off a vessel to any submerged fixed object; or to tie or secure a vessel to a piling, dock, wharf, seawall, dolphin, or other object or thing located or attached to real property in or adjacent to the City Waters. "Moor" does not include Anchor.

*Mooring field* means a City Commission officially designated area for mooring and anchorage purposes located within the jurisdictional waters of the City where permanent ground tackle is utilized to provide multiple vessel moorings.

*Registered owner* means the name denoted on the vessel registration.

*Restricted zone* means an area, which has restrictions greater than normal careful and prudent operation.

*Resume normal-safe operation* means the end of a Restricted Zone.

*Slow speed—Minimum wake* means a restriction or controlled zone, which has been established to protect the interest of the public. "Slow speed—Minimum wake" means a vessel must not proceed at a speed greater than that speed which is reasonable and prudent under existing circumstances to avoid an excessive wake or dangerous conditions. A vessel in an area designated as a "Slow speed—Minimum wake" zone:

1. That is operating on a plane is not proceeding at "Slow speed—Minimum wake" speed.
2. That is in the process of coming off plane and settling into the water, which action creates more than no or minimum wake is not proceeding at "Slow speed—Minimum wake" speed.
3. That produces no wake or minimum wake is proceeding at "Slow speed—Minimum wake" speed.
4. That is completely off a plane and which has settled into the water and is proceeding without wake or with minimum wake is proceeding at "Slow speed—Minimum wake" speed.

*Vessel* means a term synonymous with the word "boat," as referenced in section 1(b), section VII of the State Constitution, and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water under the Florida Vessel Registration and Safety Law; provided, however, that this definition shall not apply to boats which are utilized, temporarily, for promotional purposes as part of an event, show, boat show, or the like permitted by the City.

*Vessel registration* means federal, state, local or international registration indicating the ownership of the vessel to include its official number, port of registration and address of owner.

*"Wake."* Any disturbance of the waters created by vessels being propelled on any of the waters within the area of the City.

Secs. 27-3--27-20- Reserved.

## ARTICLE II. - VESSELS, FLOATING STRUCTURES AND LIVE-ABOARD VESSELS

### Sec. 27-21. Enforcement by Chief of Police and Penalties.

As authorized by Special Act, the provisions of this Chapter 27 of the City Code may be enforced by the City Police Department in exercising extraterritorial law enforcement powers over those waters east of the City to the Intracoastal Waterway (specifically the anchorage area south of the city's pier) and those out to 500 feet into the Gulf of Mexico, or to the expansion of the City's boundaries over those waters to be included within a proposed mooring field; however, Manatee County and the Florida Fish and Wildlife Conservation Commission shall have concurrent jurisdiction to enforce said provisions. The Chief of Police, or designee, is hereby authorized and designated to receive such information, keep records and details of Chapter 27, and the police department and any code enforcement official is hereby authorized to enforce and carry out the provisions of this Chapter.

(A) A violation of this Chapter or any resolution adopted pursuant to this Chapter may be enforced as provided in F.S. ch. 327, F.S. ch. 376, F.S. ch. 705, F.S. ch. 823, or pursuant to F.S. ch. 162 and Chapter 2, Article III, Code Enforcement of the City Code of Ordinances. The City may also enforce this article by issuance of a citation, summons, or notice to appear in county court, or arrest as provided in F.S. ch. 901 or by injunctive relief. Nothing contained in this ordinance shall prohibit the City from enforcing this ordinance by any other lawful means. All fines and fees may be set by resolution.

The City may prosecute a violation of this Division in any manner allowed by law, specifically including but not limited to prosecution for a municipal ordinance violation before a special master and an action for mandatory injunctive relief ordering that a vessel be moved from a particular location.

(B) Prohibition of drugs and criminal acts. Illegal drugs and illegal criminal acts as set forth in Florida Statutes or any local ordinance of the City, shall be prohibited in or on City Waters. Law enforcement personnel, including the City of Bradenton Beach Police are authorized to board vessels within the Jurisdictional Waters of the City to determine compliance with these regulations, state statutes and boating safety regulations.

(C) Business operations. No one may operate a business from a vessel occupying a mooring without the permission of the city commission and upon receiving permission, shall comply with local regulations governing local business tax. This may include but is not limited to chartering, brokerage, commercial fishing, boat rentals, rental accommodations, and other similar uses.

Sec. 27-22. Vessel equipment; identification numbers.

(A) It shall be unlawful for any vessel to be operated within the waters of the City without navigational or other lights, as prescribed therefore by the Inland or International Piloting Rules and Regulations of the United States Coast Guard.

(B) The indiscriminate or unnecessary use of searchlights, horns, whistles or bells on or from any vessel within the corporate limits of the City is prohibited.

(C) No vessel shall be operated within the waters of the City that does not show Vessel Registration or identification numbers prescribed by law, or appropriate governmental regulation.

Sec. 27-23. Designation of "areas of restricted water activities."

The City Commission may designate "areas of restricted water activities" by resolution.

Sec. 27-24. Operation.

Every person operating any vessel in, on or under any waters within the area of enforcement as set forth herein, shall do so in a careful and prudent manner, taking into consideration the weather conditions and range of visibility, water turbulence, proximities to fishermen, bathers, waterskiers, divers and other boats and watercraft, and all other attendant circumstances so as not to endanger the life, limb or property of any person. Failure to operate a vessel in such a careful and prudent manner shall constitute careless boating in violation of this chapter.

No vessel or other watercraft shall be operated on any City Waters at a rate of speed which causes waves to damage, or cause damage to docks, wharves, seawalls, the shoreline, boats, or personal property contained in boats moored or tied to docks or wharves.

Sec. 27-25. - Repairs.

Major repairs or refitting of vessels, including any activity that could result in a deposition of any materials into City Waters, are strictly prohibited since a significant water quality violation would result in an adverse impact to public health. Only minor repairs or mechanical adjustments may be conducted on vessels while in City Waters.

Sec. 27-26. - Boarding by law enforcement personnel.

The vessel operator is encouraged to cooperate with, and assist law enforcement personnel in, the lawful pursuit of their duties. The vessel operator shall not improperly resist or obstruct a lawful boarding or inspection conducted by a law enforcement officer.

Sec. 27-27. Watercrafts as hazards; notice, removal unobstructed waterways.

(A) Whenever, in the opinion of the Chief of Police, or designee, the condition of any watercraft in the city waterway is such as to constitute a hazard to the safe passage of other water craft because of unsanitary conditions created thereby, or because of the dilapidation or unsightliness thereof, the owner of such watercraft shall, within three days

after receiving notice from the Chief of Police, or designee, remove such watercraft from the City Waters. Failure to do so shall be guilty of an offense and the owner of the watercraft shall be responsible to the City for any cost or expense undertaken by the City for the purpose of removing the watercraft.

(B) It shall be unlawful to moor, anchor or tie up a boat or watercraft in a position that endanger, interferes, or impedes with the free and unobstructed navigation of other boats or watercrafts through the waterways, except as provided for in Section 27-27, entitled "Hurricane procedure-Regulations."

Sec. 27-28. Hurricane procedure- Regulations.

(A) In consonance with the provisions of this Chapter, and in recognition of the inherent responsibility of the City to protect the lives and property of its citizens, the chief of police will promulgate, distribute, post, and enforce regulations for the use of the City Waters in the event of a hurricane, or other act of God or natural disaster. It is recognized that a hurricane is considered a natural disaster or an act of God, and therefore, certain regulations, laws and ordinances may be negated by such an event.

(B) In view of the proficiency of the National Hurricane Center in predicting a hurricane, the following shall obtain:

(1) Vessels using the City Waters for refuge will be securely moored not later than 24 hours prior to the officially predicted approach of a hurricane.

(2) Such vessels will be moored only with adequate equipment and safeguards and in a manner so as to eliminate or minimize damage to other vessels, property or persons in the City. However, no such mooring will constitute an official approval thereof by the City, and no resultant damages or liability will accrue against the City.

(3) It should be clearly understood that any damages to vessels, property or persons flowing from any hurricane moorings in the City Waters will be the personal responsibility and liability of the vessel's owner, including removal or salvage of the vessels.

27-29. Mooring Regulations.

(A) It is unlawful for any person to moor any vessel upon the City Waters, which is not capable of moving under its own mechanical power or by sail.

(B) It is unlawful for any person to moor a vessel upon the City Waters, other than to private property, for any period of time where "Mooring Prohibited" has been posted.

The provisions of subsections (A) and (B) of this section shall not apply to vessels that are exclusively self-propelled or wind-propelled or when an emergency situation or occurrence imposes a reasonable threat to the safety or welfare of the occupants of the vessel. In such event, a vessel may remain temporarily moored, the prohibitions of the referenced sections notwithstanding, for a period of time not to exceed 72 hours; provided, however, that the owner or occupant of a vessel moored in violation of the aforementioned sections, shall be allowed to moor, pursuant to this section, only for such period of time as is reasonably required to correct the emergency situation and thereupon the vessel shall be required to conform to those sections. If a disabled vessel cannot be repaired within 72 hours, it shall be towed or otherwise removed from the City Waters or the disabled vessel shall be moored in conformity with this Chapter.

Sec. 27-30. Live-aboard vessels.

Any vessel with a person or persons aboard that is anchored, moored or docked in the same location for 72 hours is presumed to be a live-aboard vessel. This prohibition does not apply to a marina in lawful operation on the effective date of this Chapter. Any marina, yacht basin or yacht club at which a live-aboard is docked, as a condition for site improvements or redevelopment, shall provide an on-site pump out station or a contract for pump out services.

Sec. 27-31. Sanitary, health regulation for vessels.

All vessels, and the persons thereon, moored within the City limits, shall observe all health and sanitary regulations of the City and other ordinances of the City.

Sec. 27-32. - Sewage.

No person shall discharge raw or treated sewage from any vessel including live-aboards or any floating structure. At such time as the city waters and jurisdictional city waters are designated a no-discharge zone, the disposal of all waste shall comply with all applicable federal and state rules and regulations applicable to waste discharge. This section shall be enforced pursuant to F.S. § 327.70.

Sec. 27-33. - Refuse.

No person on any vessel or on land may throw garbage, waste (solid or liquid) including plastics, fuel oils, or derivatives thereof, rubbish, swill, offal or refuse into city waters.

Sec. 27-34. - Emergencies.

With the exception of areas designated law enforcement, or City designee for emergency purposes, such as hurricane preparations, and until the emergency has subsided (as defined by the mayor or the designee of the mayor), no person may anchor, moor or dock, or permit or cause to be anchored, moored or docked, any live-aboard vessel:

- (a) In a manmade canal, manmade basin, or manmade cove that is adjacent to any residential area; or
- (b) Within 100 feet of a manmade canal mouth, manmade basin, manmade cove, or a manmade or natural shoreline whose adjacent or upland property is a residential area.

Sec. 27-35. - Removal and impoundment of dangerous or hazardous vessels.

Any vessel, due to fire, explosion, accident, or negligence, which in the determination of law enforcement, or city designee, creates an immediate danger to life or property, hazard to navigation, or imminent environmental hazard shall be subject to immediate removal and impoundment of the vessel, and costs incident thereto shall be borne by the vessel owner in accordance with Section 27-40.

Sec. 27-36. - Abandoned, derelict and wrecked vessels and illegal floating structures.

(A) No abandoned, derelict or wrecked vessel, or illegal floating structure, shall be allowed in or upon the city waters, jurisdictional waters of the city, or the shores of the city. No vessel which is likely to damage private or public property or become a hazard to navigation shall be permitted to anchor, dock or moor in city waters. Law enforcement, or city designee, shall determine whether any vessel is abandoned, derelict or wrecked, or a floating structure is illegal and if so determined, ~~and upon authorization by the City Commission~~ shall take steps for its removal as follows:

- (1) To the extent possible, notify the owner or other responsible party, as soon as possible, of the determination.
- (2) If the owner or responsible party fails to remedy the condition, in the manner and time directed, law enforcement shall then notify the registered owner, and any other party known by the City to have an interest in the vessel or floating structure, in writing, specifying the remedy required and the time frame within which it is to be completed.
- (3) In addition to the penalties herein, the city may choose to remove, or cause to be removed, the vessel or floating structure. The responsible party shall be required to reimburse the city for the costs incurred in the removal. If the responsible party fails to reimburse the city for the costs of removal, the City may place a lien on the responsible party's real and personal property for the costs incurred by the City. The City may foreclose on the lien, or seek a money judgment, as provided for by state law.
- (4) Appeal procedure. Any individual who desires to contest the agency action or proposed action under this Section may request a hearing from a municipal special master within twenty-one (21) days from the date the owner or responsible party receives notice of the agency action or proposed agency action.

Sec. 27-37. Gambling vessels.

No vessel which provides gaming or gambling activities for its passengers shall be permitted to board or debark any passenger from a location within the City limits or within the City Waters. No vessel which contains gambling paraphernalia shall be permitted to moor at a location within the City limits or within the City Waters except to take on fuel or to address an on-board emergency. The words and phrases used herein shall have the definitions ascribed to them in F.S. ch. 849.

Secs. 27-38—27-40. - Reserved.

ARTICLE III. - ANCHORAGE AREAS AND MOORING FIELDS

DIVISION 1. - GENERALLY

Intent and purpose.

The intent and purpose of this Article is to regulate activities within City Waters to promote water quality, quality of life, and manage the economic impact of the use of City waters. As such, this Article authorizes and provides for the adoption of rules and regulations governing the management and use of City designated vessel anchorage areas and mooring fields, which may be adopted by separate resolution and amended from time to time. City Waters, anchorage areas and mooring fields shall be managed so as to eliminate abandoned and derelict vessels, ensure compliance with the Clean Vessel Act, minimize benthic damage, and provide a safe secure harbor for the boating community. This Article is adopted pursuant to, and shall be construed as consistent with Fla. Stat. Chapters. 315 and 327.

Sec. 27-41. - Rules and regulations.

- (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) The city may adopt by resolution, fees, rules and regulations for the management of designated anchorage areas and mooring fields in City Waters.
- (c) All persons using the anchorage areas or mooring field shall abide by all city ordinances, including chapter 26 governing abandoned vessels and noise.
- (d) All persons using or traversing the anchorage areas or mooring field shall operate vessels in compliance with F.S. ch. 327 and all other statutes and boating safety regulations.
- (e) No vessel shall anchor within any environmentally protected area as set forth in Section 253.04, Fla. Stat. Violation of this section will result in a fine and the immediate removal of the vessel at owner's expense.

Sec. 27-42. - Liability of City.

The City assumes no liability for use of the managed mooring field by tenants or guests. Also, the City neither assumes, nor accepts any responsibility for personal possessions, vessel, dinghy, or their contents or use while said vessels are located within the managed mooring field

or upland facilities. Persons using the City Waters and jurisdictional waters of the City shall assume all risk of personal injury and damage or loss to their property. The City assumes no risk due to accident, fire, theft, vandalism, or acts of God.

Secs. 27-43—27-50. - Reserved.

#### DIVISION 2. - ANCHORAGE AREAS

The City Commission may designate, create, and establish anchorage areas.

Secs. 27-60—27-70. - Reserved.

#### DIVISION 3. - MOORING FIELD

The City Commission may designate, create, and establish mooring fields.

Secs. 27-71—27-80. - Reserved.

#### DIVISION 4. - PARKING SPACES

The City Commission may designate and regulate parking spaces for anchorage areas and mooring fields.

Secs. 27-81—27-90. - Reserved.

### ARTICLE IV. MUNICIPAL WATER STRUCTURES

#### DIVISION 1. - MUNICIPAL DINGHY DOCKS

Sec. 27-91. - Use of municipal docks.

Any person using the mooring field or anchorage areas shall use the designated municipal dinghy dock only. Any docking at municipal floating or day docks is prohibited. Dinghy dock hours of use are from 5:00 a.m. until 12:00 a.m. daily. No commercial vessels or vessels in excess of 12 feet shall be allowed to tie off to the dinghy dock at any time.

Secs. 27-92—27-100. - Reserved.

### ARTICLE V. WATER TAXIS

#### DIVISION 1. – WATER TAXIS

Sec. 27-101. - Intent and purpose.

The intent and purpose of this Article is to provide for the licensing and regulation of water taxis operating within City limits.

Sec. 27-102. - Water taxi license required.

It shall be unlawful for any person or firm to operate water taxis within the City's jurisdiction without first obtaining from the City a license and paying the fee required for the

right to operate each vessel authorized under the license. A water taxi licensee shall obtain all required occupational licenses prior to commencing operations.

Sec. 27-103. - Application.

(A) *Application contents.* Application for a water taxi license shall be made to the City Clerk or designee and must include the following information:

- 1) The name, business address and telephone number of the person or firm operating the water taxi business. If a corporation or partnership, include the names of all directors, officers or partners, where applicable and specify whether or not each partner will be involved in the operations of the water taxi.
- 2) A description and photograph of each vessel proposed to be utilized as a water taxi, including a copy of the Florida vessel registration and applicable United States Coast Guard certificate of inspection.
- 3) A list of all pilots who will operate a water taxi, including their names, addresses, employment histories over the past five (5) years, and a copy of the United States Coast Guard license for the class of vessel the pilots will operate.
- 4) Where each water taxi will be located when not in use. The method of dispatch and the location of the dispatcher. A copy of the FCC - VHF marine radio license.
- 5) A certificate of insurance showing the City as a named insured on a policy or policies insuring each vessel and the business for operation in City Waters for:
  - a. Commercial marine protection and indemnification with limits of liability not less than \$1,000,000.00 per occurrence, combined single limit for bodily injury liability and property damage liability.
  - b. Commercial marine liability coverage with limits of liability not less than \$1,000,000.00 per occurrence, combined single limit for bodily injury liability and property damage liability.
  - c. Worker's compensation and employer's liability insurance. If applicable, coverage to apply for all employees at minimum statutory limits as required by Florida law. Contractors with worker's compensation exemption shall not hold the City liable for employee injury or claims.
  - d. Each policy certificate shall be endorsed with a provision that not less than 30 calendar days' written notice shall be provided to the City before any policy or coverage is cancelled or restricted.
- 6) An affidavit stating that there has been no conviction by the operator, if a person, or by any director, officer or partner of the licensee that will be operating the water taxi, if a corporation or a partnership, of a felony violation in this State or violation of the laws of any other State which would constitute a felony violation in this State.

(B) *Application review.* The Chief of Police or his designee, shall review and either approve or reject all applications for a license, based on the applicant's demonstration that it has the proper equipment and personnel to operate a safe and high quality water taxi operation. No application from the same person or firm whose application has been rejected shall be submitted again within six (6) months from the date of such rejection.

(C) *Licenses and renewals.* Upon the granting of a license by the Chief of Police or his designee shall give the licensee a permit for each vessel operated as a water taxi. The fee for each license shall be established by resolution and authorize the operation of vessels as water taxis for a period of one (1) year. Each license is renewable for a period of one (1) year upon submission of documentation to the Chief of Police, or his designee that all vessels and pilot licenses and insurances are in full force and effect. The renewal fee shall be established by resolution and is payable 30 days prior to the expiration of the license. A water taxi license that has been revoked or suspended is not renewable. A license or permit may not be assigned.

(D) *Operations.* The water taxi operator shall at all times operate in a safe manner and shall adhere to all laws, including, but not limited to wake and speed limits. All water taxis must cease operations during any period in which wind speeds are predicted or recorded at 39 miles per hour or above. Operations may resume no sooner than two (2) hours after the last recorded incident of such wind speed.

(E) *Revocation or suspension of license.*

(1) A license may be revoked or suspended for any of the following causes:

- (a) Failure to comply with all State and Federal laws and regulations concerning the vessels of the type utilized by the licensee.
- (b) Three (3) or more instances of careless operation of a water taxi in violation of State or local laws.
- (c) Failure to report any accident occurring within the City limits within 24 hours of said occurrence.
- (d) Failure to maintain all required policies of insurance in full force and effect.
- (e) Conviction by the licensee or by any director, officer or partner of the licensee, who is involved in the direct operation of the water taxi, of a felony violation in this State or violation of the laws of any other State which would constitute a felony violation in this State.
- (f) Submission of false or incomplete documentation or information required by this article.

(2) If the Chief of Police, or his designee has reason to believe that a water taxi license should be revoked or suspended for one (1) or more of the aforementioned causes, he shall send written notice to the licensee to show cause to the City Commission why the license should not be revoked or suspended. The Chief of Police or his designee shall agenda a revocation hearing at the next regular meeting of the City Commission held at least 15 days after receipt of the notice by the licensee. All interested parties shall have the right to be heard. Upon finding cause, the City Commission may revoke or suspend any license and the permits issued thereunder.

(F) *Municipal dock facilities; mooring in residential areas.*

- 1) A Municipal dock facility may be designated by the City Commission, or its designee, as a water taxi stop. Each stop is to be utilized on a first-come first-served basis.

- 2) At each stop the captain of a water taxi shall remain within five (5) feet of the vessel except for the purpose of entering a structure, such as a restaurant, and announcing his arrival, for restroom use, or to obtain refreshments. No water taxi shall remain moored at a stop for longer than 15 consecutive minutes.
  - 3) No water taxi shall remain moored adjacent to a residential structure except to board or discharge passengers.
  - 4) No water taxi shall fuel while moored at any Municipal dock facility; all fueling shall be carried out at a mooring facility licensed to dispense fuels.
  - 5) No water taxi shall at any time have in use loudspeakers or any device to amplify sound, with the exception of an internal intercom system, the sounding of horns for navigational purposes, passenger pick-up and discharge for safety-related purposes, or in the case of an emergency.
  - 6) No water taxi shall at any time, except for safety-related purposes, illuminate by spotlight or any other means any of the sights or places of interest located along its route of operation, including, but not limited to, residential dwellings, other vessels, businesses or governmental buildings.
- (G) The operator of a water taxi, by applying for a license from the City, grants permission to any duly authorized representative of the City to board any vessel or vessels to determine whether such vessel is in compliance with this Chapter or with any other applicable laws, ordinances, rules or regulations promulgated by any jurisdiction, body or agency pursuant thereto.
- (H) Penalties.
- 1) A violation of this Article may be enforced by issuance of a uniform boating citation by a duly authorized law enforcement officer pursuant to the procedures set forth in Fla. Stat. § 327.73.
  - 2) The civil penalty for a violation of this Article shall be \$50.00 as provided in Fla. Stat. § 327.73, or such other amount as may be authorized by the Florida Legislature should Fla. Stat. § 327.73 be amended.
  - 3) A violation of this article or any resolution adopted pursuant to this article may be enforced by issuance of a citation, summons, or notice to appear in County court, or arrest as provided in Fla. Stat. ch. 901, or by injunctive relief. Nothing contained in the City Code shall prohibit the City from enforcing this article by any other lawful means. All fines and fees may be set by resolution.

**Section 3.** Severability. In the event, any Section, Paragraph, Sub-Paragraph, Sentence, Clause, Phrase or Word of this Ordinance shall be called invalid, illegal or unenforceable by a Court of competent jurisdiction, such declaration shall not effect the validity of the remaining portions hereof.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon adoption or as provided by law.

**PASSED AND DULY ADOPTED** with a quorum present and voting this 5<sup>th</sup> day of April, 2018.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH

BY:   
John Chappie, Mayor

ATTEST: Terri Sanclemente, City Clerk

BY:   
Clerk/Deputy Clerk