

**ORDINANCE NO. 2019-14**

**AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, RELATING TO THE USE AND REGULATION OF THE MUNICIPAL MARINA LOCATED WITHIN THE CITY OF TREASURE ISLAND; AMENDING THE CODE OF ORDINANCES OF THE CITY OF TREASURE ISLAND, FLORIDA, BY AMENDING CHAPTER 24 "PARKS AND RECREATION" BY ESTABLISHING ARTICLE III "MUNICIPAL MARINA" WHICH INCLUDES SECTION 24-37 "RULES AND REGULATIONS, PROMULGATION AND ENFORCEMENT," SECTION 24-38 "ADMINISTRATION OF THE CHAPTER," SECTION 24-38 "DEFINITIONS," SECTION 24-40 "PERMITTED USES AND FEES," SECTION 24-41 "LICENSE REQUIRED UNLESS USING METERED SLIP(S)," SECTION 24-42 "WASTE DISPOSAL AT MUNICIPAL MARINA," SECTION 24-43 "ALTERATION OR REPAIR OF DOCKS," SECTION 24-44 "MAINTENANCE OF VESSELS," SECTION 24-45 "VIOLATIONS AND AUTHORITY TO REVOKE LICENSE AND REMOVE/SELL VESSEL," PROVIDING FOR SEVERABILITY; CONFLICT; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City leases sovereign submerged lands from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to operate a marine facility, ("State Lands Lease"); and

**WHEREAS**, in accordance with the State Lands Lease, the City operates a 14-slip commercial marine facility with a boat lift that is used exclusively for the mooring of recreational vessels in conjunction with an upland police station/municipal buildings ("Municipal Marina"); and

**WHEREAS**, to ensure compliance with the State Lands Lease and protect the waterways within the City and City property, the City desires to establish regulations and standards for operation of the Municipal Marina; and

**WHEREAS**, pursuant to the authority of the City's Charter and the City's home rule powers, the City Commission of the City of Treasure Island, Florida possesses the power to amend the Code of Ordinances for the City of Treasure Island, Florida; and

**WHEREAS**, the City Commission of the City of Treasure Island, Florida has determined that it is in the public interest of the City of Treasure Island, Florida, to codify and memorialize the regulations and operational standards pertaining to the Municipal Marina facility located within the boundaries of the City of Treasure Island, Florida in Chapter 24.



**NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:**

**SECTION 1.** The recitals set forth in the "Whereas" clauses above are ratified and confirmed as true and correct, and are hereby adopted as legislative findings by the City Commission of the City of Treasure Island, Florida for the adoption of this Ordinance.

**SECTION 2.** That Chapter 24 "Parks and Recreation" of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended by adding Article III "Municipal Marina," which reads as follows:

ARTICLE III. – MUNICIPAL MARINA

Sec. 24-37. - Rules and regulations - Promulgation and Enforcement.

The city manager is authorized and directed to establish written rules regulating the use of city's Municipal Marina. Such rules may encompass the areas of public safety, conduct of marina users and visitors, and other areas where the safety and wellbeing of the public and the property of the City may be affected. The city manager is authorized to grant the revocable license as described in Section 24-41. The city manager is authorized and directed to enforce the Municipal Marina rules and regulations established pursuant to this section and to assist in the collection of user fees and other charges levied and imposed by the city for use of the Municipal Marina. The remedies for violation of this Article are in addition to any remedies provided by state law.

Sec. 24-38. - Administration of the Chapter.

The city manager or designee shall be the principal city official responsible for the administration of this Article, and he may delegate any or all of the duties herein.

Sec. 24-39. – Definitions.

Municipal Marina means the 14-slip commercial marine facility, including, but not limited to, all associated docks, tire poles, dry boxes, hoses, meters, signs, and lifts, with a boat lift exclusively to be used for mooring of recreational vessels in conjunction with an upland police station/municipal buildings without fueling facilities, with a sewage pumpout facility.

Marina User means any person using the Municipal Marina, including but not limited to revocable license holders and users of transient vessel metered slips and their guests.

Sec. 24-40. - Permitted uses and fees.

The Municipal Marina may be used only for the mooring of recreational vessels, which includes the wet storage of recreational vessels. Unless otherwise authorized through section 24-41, the use of boat slips will be limited to one vessel per space. No commercial activity shall be permitted at the Municipal Marina. The city commission shall establish through resolution user fees for the Municipal Marina.

Sec. 24-41. - License Required Unless Using Metered Slip(s).

Authorization to use the Municipal Marina may only be obtained through a revocable license, unless the Marina User is using the transient vessel metered slip(s). A revocable license issued pursuant to this section may not convey or grant any interest in the Municipal Marina. Vessels using the transient vessel metered slip(s) must pay the appropriate metered rate immediately upon arrival and throughout their stay at the Municipal Marina.

Sec. 24-42. – Waste Disposal at Municipal Marina.

No person shall dispose of or store any waste at the Municipal Marina, except at a City authorized pump-out facility.

Sec. 24-43. - Alteration or Repair of Docks.

No person shall make any alterations or repairs of any kind to the Municipal Marina without written permission of the city.

Sec. 24-44. - Maintenance of Vessels.

All vessel owners must keep their vessels that are moored at the Municipal Marina in a safe and working condition at all times and must conform to all federal and state regulations with regard to the operation, equipment, and care of vessels. All vessels moored at the Municipal Marina must display a valid registration certificate as may be required by state law. Failure to comply with this section may result in vessel removal pursuant to section 24-45.

Sec. 24-45 – Violations and Authority to Revoke License and Remove/Sell Vessel.

1. Any violations of this Article may result in removal of the vessel from the Municipal Marina.
2. Revocation of license.
  - a. The revocable license for the use of the Municipal Marina may be immediately revoked by the city manager for failure to pay the appropriate user fee or for any other breach of the conditions of the revocable license.
  - b. The revocable license for the use of the Municipal Marina may be revoked anytime a vessel is operated in violation of any ordinance, law, regulation, rule or act of the city, county, state, or federal government or anytime any illegal activity is conducted on board the vessel, whether under way, moored, or at anchor.
  - c. Upon notification of such revocation of the revocable license, the vessel owner must immediately remove the vessel from the Municipal Marina. Licensee will be responsible for any delinquent charges accrued under the revocable license.



3. Unlicensed or Transient Vessels. Any unlicensed vessel at Municipal Marina may be removed and impounded by the city or city contracted vendor. Any vessel at an expired transient vessel metered slip(s) may be removed and impounded by the city or a city contracted vendor.
4. Marina Users will be responsible for any applicable fees paid by the city for the removal, impoundment, and sale of the vessel. Vessels removed and impounded by the city, or a third party designated by the city, will remain impounded until lawfully claimed by the vessel owner, disposed of, or sold by the city or a city contracted vendor in accordance with Florida law.

**SECTION 3. SEVERABILITY.** It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4. CONFLICT.** This action supersedes all codes and ordinances of the City or portions of, in conflict with or inconsistent with this ordinance, to the extent of such inconsistency or conflict.

**SECTION 5. CODIFICATION.** Section 2 of this Ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage.

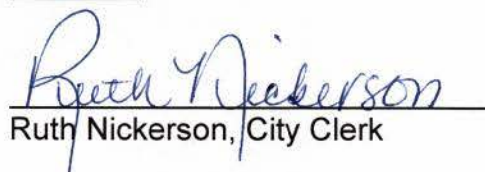
**FIRST READING: November 19, 2019**

**SECOND READING AND PUBLIC HEARING: December 3, 2019**

**PUBLISHED: November 22, 2019**

  
Lawrence Lunn, Mayor

**ATTEST:**

  
Ruth Nickerson, City Clerk