

ORDINANCE NO. 2021- 03
BATTERY PARK MARINA ORDINANCE

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, REPLACING IN WHOLE ORDINANCE NO.(S) 91-9 AND 2003-01; ESTABLISHING RULES, REGULATIONS AND FEES TO BE CHARGED FOR THE USE OF BATTERY PARK MARINA; PROVIDING FOR TEMPORARY PARKING OF CAMPERS AT BATTERY PARK POINT; PROVIDING FOR TIMELY REPORTING OF FEES COLLECTED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; 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 enact ordinances in furtherance thereof;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA:

SECTION 1: THE HARBORMASTER

The Harbormaster, or designee, shall enforce this Ordinance and the collection of designated fees.

The Harbormaster, or designee, shall enter into rental agreements and issue permits for the use of slips in the Battery Park Marina on a first come first served basis.

The Harbormaster, or designee, shall keep a record of receipts for the issuance of all permits and of the various fees collected in the Battery Park Marina.

The Harbormaster, or designee, shall ensure slips are properly numbered for easy identification by emergency responders.

SECTION 2: BATTERY PARK MARINA SLIP RENTALS

The following fees and rules are hereby imposed:

- (a) The applicable rental Fees and Charges are set forth as in the applicable annual City Budget available on the City's Website, incorporated herein by reference and as amended from time to time. The current schedule of Fees and Charges are available at City Hall or the City's website www.cityofapalachicola.com
- (b) All dockage, launching, or permit fees shall be collected in advance and no refunds shall be issued. Parties with a slip rental agreement ("Slip Holders") may receive a 10% discount for pre-paying their annual rent.
- (c) Slip Holders shall be subject to eviction upon sixty (60) days of non-payment on slip rental.

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- (d) Floating structures and liveaboard vessels as defined in Section 327.02, F.S. are prohibited from docking at Battery Park Marina. Any floating structure or liveaboard vessel docked at the marina on the effective date of this ordinance must be removed within twelve (12) months of the effective date.
- (e) No person or entity may lease/rent more than one slip at a time.
- (f) No vessel berthed within the Marina may function as transient rental accommodations.
- (g) Slip Holders shall not store supplies, materials, accessories, or other personal property upon, or make any changes, alterations, or unauthorized additions to the docks, catwalks, seawalls, or other features of the Marina.
- (h) Piers shall be kept in orderly, safe, and sanitary conditions at all times by Slip Holders. Driving, riding, storing, or permitting any motorized vehicle on the piers is prohibited, with the exception of motorized wheelchairs. Hoses and electric cables should be marine grade when applicable and not run across docks. Open fires or charcoal grills are not permitted to be used upon Marina grounds, docks, piers, or vessels within the Marina.
- (i) Any rental agreement shall be subject to termination for tampering or altering of utility meters, boxes, or connections without express written authorization from the Harbormaster.
- (j) The City reserves the Right to terminate the rental agreement with any tenant/Slip Holder that has not docked a vessel (identified in the rental agreement) in their slip for a period of six months.
- (k) Subleasing of a slip or permitting any vessel not named in the rental agreement is prohibited.
- (l) The City of Apalachicola reserves the right to terminate any rental agreement for non-payment, or non-compliance with Marina Rules and Regulations, upon thirty (30) day notice. Ongoing or repeat violations of Marina Rules that are a matter of safety may result in immediate termination.

SECTION 3: BATTERY PARK BOAT RAMP FEES

- (a) The applicable boat launch Fees and Charges are set forth in the applicable City Budget and incorporated herein by reference.
- (b) Upon payment of the required annual fee the party shall receive a permit in the form of a decal.

SECTION 4: OVERNIGHT RECREATIONAL VEHICLE (RV) RENTAL FEES

A nightly rental rate shall be charged for RVs using the Battery Park Marina as set forth in the City's Annual Budget and incorporated herein by reference. RVs must stay in designated areas as identified by the Battery Park Marina parking plan. Open fires and charcoal grills are prohibited. RV renters shall be responsible to remove their own trash.

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SECTION 5: BATTERY PARK MARINA RULES AND REGULATIONS

The following rules and regulations are hereby imposed:

- (a) No major repairs of vessels shall take place within the Battery Park Marina, unless given express written authorization from the Harbormaster.
- (b) The Docking Facilities in the Battery Park Marina, including the shoreline of Battery Park are reserved only for the use of permit and Slip Holders.
- (c) The boarding docks of the launch shall not be used by commercial fishermen for loading or unloading of catches. Nothing in this section prevents a commercial fisherman from launching or recovering their vessel with catch on board.
- (d) The practice of "double docking," or "multiple docking," is prohibited in Battery Park Marina. This practice is defined as one vessel tying up, docking, or berthing alongside another vessel which is already docked.
- (e) Should a vessel sink in the Marina, the Slip Holder shall take immediate action to cause the removal of the vessel within 24 hours of receiving notice of its sinking.
- (f) Any individual or group damaging public or private property within the Marina, whether by negligence or accident, shall be fully responsible for any and all repairs to the damaged property. This includes damages caused by a Slip Holder's vessel during a tropical storm or hurricane.
- (g) Pets may be brought into Battery Park Marina in accordance with local leash laws and under supervision of a responsible individual. Pets shall not be tethered and left unattended in the Marina. Pets may be kept aboard vessels or in vehicles when Humane Society Standards are adhered to. Pet owning Slip Holders are responsible for the removal and disposal of any waste generated by their pet. Failure to comply with this provision shall result in a \$50 fine for a single violation and up to termination of the rental agreement or revocation of a launch permit for repeat violations.
- (h) All trash, garbage, or waste generated by persons lawfully using Battery Park Marina shall be disposed of in the appropriate receptacle on site. Dumping of large household items or other cumbersome materials not related to lawful use of the Marina shall be considered illegal dumping. Discharge or untreated sewage, oil, or petroleum products into the water is prohibited. All sewage systems on board vessels must meet current federal and state regulations, or must be locked off while the vessel is docked. Oil spills shall be immediately reported to the Harbormaster pursuant to U.S. Coast Guard Regulations. Cleaning and pumping of black water tanks while docked within the Marina is prohibited.
- (i) The boat ramp and adjacent boarding docks are for loading and unloading of vessels only. Vessels shall launch and recover in a timely manner as to not impede other vessels from launching or recovering. No vessel shall tie up to the boarding docks adjacent to the boat ramp for more than fifteen (15) minutes.

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- (j) There shall be no fishing or cast netting within 20' of vessels in the marina. Individuals fishing or cast netting on the boarding docks shall yield right of way to vessels launching or recovering.
- (k) Fish carcasses are not to be disposed of in the Marina, or on property of the Marina.
- (l) Battery Park Marina is a designated an idle speed no wake zone.
- (m) Fireworks are not permitted to be launched or used upon Marina grounds.
- (n) Potable water supplied by the Marina to Slip Holders shall not be used to cool air-conditioners and other equipment or to cool the skin of the vessel. The Harbormaster may disconnect a Slip Holder's water hose at the dock in Slip Holder's absence and Marina shall not be responsible for the consequences of such action. Slip Holders shall use a hose shut-off nozzle to conserve water when washing their vessel.
- (o) All motor vehicles and vessels parked in the Marina must have a valid registration and be in operable condition. Slip Holder trailers may not be stored on Marina property.

SECTION 6: PENALTIES

Violation of this Ordinance by a Slip Holder or his/her crew, shall result in fines for a single or repeat violation as set forth in the Schedule of Fees and Charges. Such violation(s) may form the basis for termination of any rental agreement and removal of any vessel found in violation at the discretion of the Harbormaster.

SECTION 7: SEVERABILITY

If any portion of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This Ordinance amending and replacing Ordinances No. 91-9 and 2001-03 is specifically set forth herein and shall take effect on upon adoption.


First Reading on : December 7, 2021

Second Reading and Adoption on : January 4, 2022

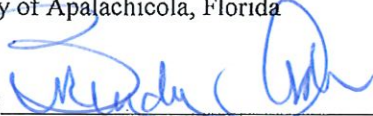
ATTEST:

City Commission of the
City of Apalachicola, Florida

By:


Deborah Guillotte, City Clerk

By:


Brenda Ash, Mayor

APPROVED AS TO FORM:

By:


Dantel W. Hartman, City Attorney