



City of North Port

ORDINANCE NO. 2024-28

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 82 – WATERWAYS, CREATING A NEW ARTICLE III – MARINE VESSEL REGULATIONS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, prior to the adoption of Ordinance No. 2024-13, repealing Unified Land Development Code Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 54, 55, 57, 58, 59, 60, and 61, regulations regarding marine vessels, including mooring of vessels on or adjacent to private property abandoned vessels, disabled vessels, and dangerous hazardous vessels were included in Unified Land Development Code Chapter 13, titled Docks, Seawalls, Other Structures and Marine Vessel Regulations; and

WHEREAS, regulations regarding marine vessels are more appropriately addressed in the City Code than in the Unified Land Development Code, as these are not land development regulations as described in Florida Statutes Section 163.3202; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City's website on or before the date the newspaper published notice of this ordinance's final reading.

SECTION 2 – ADOPTION

- 2.01 Chapter 82 of the Code of the City of North Port, Florida is hereby amended as follows:

"Chapter 82 – WATERWAYS

. . .

ARTICLE III. – MARINE VESSEL REGULATIONS

Sec. 82-40. – Findings.

The city commission finds that the mooring of vessels not associated with a city approved or grandfathered dockage facility, marina, or other water dependent facility may adversely affect marine navigation and the public's health, safety, and welfare, if the mooring is not consistent with this article.

Sec. 82-41. – Applicability.

- (a) This article applies throughout the city.
- (b) This article does not apply to vessels of any Federal, State, or local government while operated by an officer, employee, or agent is engaged in law enforcement or other governmental activities.

Sec. 82-42. – Mooring of vessels on or adjacent to private property.

- (a) It shall be a violation of this Code for any person to moor a vessel to real or personal property except when mooring at the location is a lawfully permitted use pursuant to the Unified Land Development Code and the vessel is moored:
 - (1) With the permission of the owner or operator of the property; or
 - (2) At a commercial marina, yacht basin, or yacht club lawfully operating pursuant to an approval issued by the city.
- (b) It shall be a violation of this Code for any person to moor a vessel such that it is an unreasonable hazard to marine navigation or a threat to the environment.
- (c) It shall be a violation of this Code for any person to moor a vessel that blocks a navigation channel.

Sec. 82-43. – Abandoned vessels.

It shall be a violation of this Code for any person to abandon a vessel in a public waterway.

Sec. 82-44. – Disabled vessels.

- (a) It shall be a violation of this Code for any person to moor a disabled vessel that cannot reasonably and effectively move under its own mechanical power or by sail. This section does not apply to a rowboat, dinghy, canoe, or other vessel or watercraft not propelled by mechanical power or by sail.
- (b) The city may remove and store any disabled vessel that is moored for more than seventy-two (72) consecutive hours. The city, at its discretion, may cause the removal of a disabled vessel that constitutes a hazard to marine navigation by virtue of the vessel's location or condition. All costs related to removal and impound of a disabled vessel shall be borne by the vessel's owner.

Sec. 82-45. – Removal and impoundment of dangerous hazardous vessels.

- (a) Derelict vessels. The city is authorized to remove and impound any derelict vessel, as defined in F.S. 823.11. All costs related to removal and impound of a derelict vessel shall be borne by the vessel's owner.
- (b) Abandoned vessels. The city is authorized to remove and impound any abandoned vessel. All costs related to the removal and impound of an abandoned vessel shall be borne by the vessel's owner.

Sec. 82-46. – Exceptions.

- (a) Emergency event. When an emergency situation or occurrence imposes a reasonable threat to the safety or welfare of the occupants of a vessel or to the vessel itself, a vessel may remain temporarily moored for no more than seventy-two (72) consecutive hours after the emergency event (i.e., a boat may remain moored for 72 hours after a hurricane's landfall). The city is authorized to remove and impound any vessel moored beyond this timeframe. All costs related to the removal and impound of a vessel under these conditions shall be borne by the vessel's owner.
- (b) Promotional vessels. A vessel used for display or promotional purposes as part of a maritime event, show, boat show, or similar activity, may temporarily moor at the activity's location and for the period of time identified on the event's special event permit or temporary use permit.
- (c) Commercial fishing and marine construction. A vessel actively engaged in licensed and lawful commercial fishing or marine construction may only moor during active fishing or construction activities.

 - (1) A commercial fishing or marine construction vessel must minimize its environmental impact on the neighborhood and surrounding areas where it is moored.
 - (2) Loading operations from public property is authorized upon receipt of the prior written permission of the city manager or designee. The temporary loading or off loading at public property of piling, traps, or related materials is authorized without prior permission. Loading operations must be brief, clean, and efficient, and avoid any environmental impact or damage to the public facilities. No storage of private or personal property or materials is allowed on public property.

Sec. 82-47. – City not liable for damage.

The city shall not be held liable for any damages that may occur to a vessel or person within the waterways in the city due to natural or man-made water level alterations.

Sec. 82-48. – Enforcement.

The provisions of this article shall be enforced by any law enforcement agency with jurisdiction within the territorial limits of the city."

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

- 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

- 6.01 This ordinance takes effect on October 28, 2024.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on July 23, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on August 6, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY