



City of North Port

ORDINANCE NO. 2024-28

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE**
2 **CITY OF NORTH PORT, FLORIDA, CHAPTER 82 – WATERWAYS, CREATING A NEW**
3 **ARTICLE III – MARINE VESSEL REGULATIONS; PROVIDING FOR FINDINGS; PROVIDING**
4 **FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND**
5 **PROVIDING AN EFFECTIVE DATE.**
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7 **WHEREAS**, prior to the adoption of Ordinance No. 2024-13, repealing Unified Land Development Code
8 Chapters 1, 5, 9, 13, 14, 17, 18, 21, 25, 28, 33, 37, 41, 45, 49, 53, 55, 57, 58, 59, 60, and 61, regulations
9 regarding marine vessels, including mooring of vessels on or adjacent to private property abandoned
10 vessels, disabled vessels, and dangerous hazardous vessels were included in Unified Land Development
11 Code Chapter 13, titled Docks, Seawalls, Other Structures and Marine Vessel Regulations; and
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13 **WHEREAS**, regulations regarding marine vessels are more appropriately addressed in the City Code than
14 in the Unified Land Development Code, as these are not land development regulations as described in
15 Florida Statutes Section 163.3202; and
16

17 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare
18 of the citizens of the City of North Port, Florida.
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20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

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22 **SECTION 1 – FINDINGS**

- 23
24 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
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26 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business
27 impact estimate on the City’s website on or before the date the newspaper published notice of
28 this ordinance’s final reading.
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30 **SECTION 2 – ADOPTION**

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32 2.01 Chapter 82 of the Code of the City of North Port, Florida is hereby amended as follows:

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34 **“Chapter 82 – WATERWAYS**
35 ...
36 **ARTICLE III. – MARINE VESSEL REGULATIONS**

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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.

85 **Sec. 82-45. – Removal and impoundment of dangerous hazardous vessels.**
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87 (a) Derelict vessels. The city is authorized to remove and impound any derelict vessel, as
88 defined in F.S. 823.11. All costs related to removal and impound of a derelict vessel shall
89 be borne by the vessel’s owner.
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91 (b) Abandoned vessels. The city is authorized to remove and impound any abandoned vessel.
92 All costs related to the removal and impound of an abandoned vessel shall be borne by
93 the vessel’s owner.
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95 **Sec. 82-46. – Exceptions.**
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97 (a) Emergency event. When an emergency situation or occurrence imposes a reasonable
98 threat to the safety or welfare of the occupants of a vessel or to the vessel itself, a vessel
99 may remain temporarily moored for no more than seventy-two (72) consecutive hours
100 after the emergency event (i.e., a boat may remain moored for 72 hours after a
101 hurricane’s landfall). The city is authorized to remove and impound any vessel moored
102 beyond this timeframe. All costs related to the removal and impound of a vessel under
103 these conditions shall be borne by the vessel’s owner.
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105 (b) Promotional vessels. A vessel used for display or promotional purposes as part of a
106 maritime event, show, boat show, or similar activity, may temporarily moor at the
107 activity’s location and for the period of time identified on the event’s special event permit
108 or temporary use permit.
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110 (c) Commercial fishing and marine construction. A vessel actively engaged in licensed and
111 lawful commercial fishing or marine construction may only moor during active fishing or
112 construction activities.
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114 (1) A commercial fishing or marine construction vessel must minimize its environmental
115 impact on the neighborhood and surrounding areas where it is moored.
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117 (2) Loading operations from public property is authorized upon receipt of the prior
118 written permission of the city manager or designee. The temporary loading or off
119 loading at public property of piling, traps, or related materials is authorized without
120 prior permission. Loading operations must be brief, clean, and efficient, and avoid any
121 environmental impact or damage to the public facilities. No storage of private or
122 personal property or materials is allowed on public property.
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124 **Sec. 82-47. – City not liable for damage.**
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126 The city shall not be held liable for any damages that may occur to a vessel or person within
127 the waterways in the city due to natural or man-made water level alterations.
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129 **Sec. 82-48. – Enforcement.**
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131 The provisions of this article shall be enforced by any law enforcement agency with
132 jurisdiction within the territorial limits of the city.”

133 **SECTION 3 – CONFLICTS**

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135 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
136 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.
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138 **SECTION 4 – SEVERABILITY**

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140 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
141 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
142 deemed a separate, distinct, and independent provision and will not affect the validity of the
143 remaining portions of the ordinance.
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145 **SECTION 5 – CODIFICATION**

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147 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
148 additional codification information and notations appear in *italics*. These editorial notations are
149 not intended to appear in the codified text.
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151 **SECTION 6 – EFFECTIVE DATE**

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153 6.01 This ordinance takes effect on October 28, 2024.

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155 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
156 session on July 23, 2024.
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159 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
160 public session on August 6, 2024.
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163 CITY OF NORTH PORT, FLORIDA
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167 _____
168 ALICE WHITE
169 MAYOR

170 ATTEST

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174 HEATHER FAUST, MMC
175 CITY CLERK
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179 APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON, B.C.S.

184 CITY ATTORNEY