

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF
ORDINANCES ENTITLED "WATERWAYS" BY AMENDING
SECTION 82-31 TO ADD DEFINITIONS AND AMEND
REGULATIONS REGARDING UNLAWFUL DOCKING AND
MOORING; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEAL OF INCONSISTENT
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to
amend regulations regarding the use of dinghy docks at city-
owned facilities to improve and enhance safety, environmental
protection and orderly operation of such facilities; and

WHEREAS, the Key West Bight Management District Board
approved the proposed amended regulations at its meeting of
January 15, 2014, and recommends approval by the City
Commission; and

WHEREAS, an amendment to the "unlawful docking and mooring"
ordinance will promote the health, safety and welfare of the
citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That Section 82-31 of the Code of Ordinances is hereby amended as follows*:

Sec. 82-31. Unlawful docking and mooring.

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

Dinghy means a small boat usually 13 feet or less, either inflatable or rigid, that serves to provide transportation between a larger anchored vessel and land.

Tender means a small boat larger than 13 feet but normally less than 20 feet, either inflatable or rigid that serves to provide transportation between a larger anchored vessel and land.

a)b) It is unlawful to tie, moor, anchor, beach or attach in any way a vessel to public or private property, including seawalls, structures, other vessels, waterway markers, signposts or ~~fenceposts~~ fence posts, vegetation (trees, bushes, plants)

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

and submerged lands, without prior written permission from the owner within the city limits, unless authorized by state and/or federal law. When the owner of the property is the city, the written permission must be granted by the city manager, or his/her designee. This written permission shall be specific to the vessel by registration number and operator by name and shall include the duration of permission to stay. Failure to provide written permission to a law enforcement official may result in the removal and storage of the vessel at the owner's expense consistent with state and local law. Responsibility of compliance with this section is the burden of the vessel owner/operator.

~~b~~c) All vessels docking at a city marina or mooring in a city mooring field shall abide by the rules and regulations of the city. The respective dockmasters are authorized to enforce such rules and regulations.

~~e~~d) The city manager or his/her designee shall designate areas to be used as dinghy docks.

e) Dinghies in disrepair, with protruding edges or any other conditions that may damage a neighboring docked dinghy will not be permitted to dock at the dinghy dock.

f) Prior to securing a dinghy at any city-owned dinghy dock designated by the city manager or his/her designee or prior to securing a tender at any city owned dock, the owner of the dinghy or tender shall provide payment for dockage in advance. In addition, the owner of the dinghy or tender shall present proof that the dinghy or tender was tethered to a vessel which is currently enrolled and participating in the pump-out service administered by Monroe County. In the alternative, the owner of the dinghy or tender may present a valid receipt establishing that the dinghy or tender was tethered to a vessel which was serviced by a pump-out service within fourteen (14) days of the owner's request to dock.

g) In the event a dinghy is placed at a city-owned dock designated by the city manager or his/her designee or a tender is placed at a city owned dock without permission and without complying with subsections (e) and (f) above, a notice of the violation will be placed on the dinghy or tender directing the owner to contact the dock master to correct the violation or violations and to pay the dockage fee within one (1) hour. In the event the violations are not remedied within the

prescribed period, the dinghy or tender will be towed by the dock master to the dock master's office where it will be impounded and secured. A \$25 impound fee to the marina will be required for release of the dinghy or tender to its owner.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2014.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2014.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2014.

Filed with the Clerk _____, 2014.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK