

ORDINANCE NO. 2011-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 7-93 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR REGULATION OF THE ANCHORAGE OF VESSELS; PROVIDING FOR REGULATION OF ANCHORAGE OF VESSELS ON WATERWAYS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REGULATION OF ANCHORAGE IN BOTTOMLANDS OWNED BY THE CITY OF ST. AUGUSTINE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR SUNSET OF THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by the enactment of Ordinance 2009-38 as codified in Section 7-93 of the Code of the City of St. Augustine, the City Commission of the City of St. Augustine, Florida addressed the public safety concerns associated with the unregulated anchorage of vessels located within the corporate boundaries of the City and specifically addressed threats related to the discharge of materials detrimental to water quality and public health and threats to protected flora and fauna located in and on the water and on the bottomlands within the anchorage areas; and

WHEREAS, Ordinance 2009-38 created and provided for the creation and regulation of vessel mooring fields located within the municipal boundaries of the City and established and provided for additional regulation of live-aboard vessels, as defined by Section 327.02, Florida Statutes, located outside of a mooring field; and

WHEREAS, Section 327.4105, Florida Statutes, grants authority to the Florida Fish and Wildlife Commission, in consultation with the Florida Department of Environmental Protection, to establish a pilot program for exploring options for regulating the anchorage and mooring of non-live-aboard vessels outside the municipal boundaries of an established mooring field; and

WHEREAS, the pilot program goals and objectives include the development and testing of policies and regulatory regimes which promote the establishment and use of public mooring fields, promote public access to waters of the state, enhance navigational safety, protect maritime infrastructure, protect the marine environment and deter abandoned, derelict and improperly stored vessels; and

WHEREAS, the City Commission of the City of St. Augustine finds that, in addition to the policies and regulations provided in Ordinance 2009-38, the protection of the marine environment, the protection of marine infrastructure such as docks, piers, bridges and seawalls and the protection and enhancement of navigational safety call for additional policies and regulations specifically tailored to meet the described public safety and health needs; and

WHEREAS, the City Commission finds that specific modifications to Section 7-93 of the Code of the City of St. Augustine will promote the pilot program goals and objectives, as follows: 1) prohibiting anchorage of vessels at any location closer than fifty (50) feet from the defined boundaries of the San Sebastian River will promote the protection of marine infrastructure and will enhance navigational safety; 2) prohibiting anchorage of vessels at any location closer than one hundred (100) feet from the

boundaries of an established mooring field will promote the protection of marine infrastructure and will enhance navigational safety; 3) prohibiting anchorage within five hundred (500) feet from the marked boundaries of shell fish harvesting areas will promote the protection of marine environment; 4) prohibiting anchorage closer than fifty (50) feet from marine structures will promote protection of marine infrastructure and enhancement of navigational safety; 5) prohibiting anchorage of occupied vessels outside of a designated mooring field for more than ten (10) consecutive days in any period of thirty (30) consecutive days will promote the establishment and use of public mooring fields; and 6) prohibiting anchorage of unoccupied vessels outside of a designated public mooring field unless the vessel is seaworthy and able to get underway using its own propulsion system will promote deterrence of improperly stored, abandoned or derelict vessels;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Section 7-93 of the City Code. Section 7-93 of the Code of the City of St. Augustine is hereby amended to read, as follows:

"Sec. 7-93. Regulation of mooring fields for anchorage of vessels.

...

(j) *Anchorage areas.* ~~Nonlive-aboard vessels may anchor in anchorage areas located outside designated mooring fields subject to the following regulations: The vessel operator must remove all ground tackle upon leaving the anchorage.~~

(1) The vessel operator must remove all ground tackle upon leaving the anchorage.

- (2) No vessel shall anchor at any location closer than fifty (50) feet from the defined boundaries of the channel located in the San Sebastian River.
- (3) No vessel shall anchor at any location closer than one hundred (100) feet from the marked boundaries of an established mooring field.
- (4) No vessel shall anchor at any location closer than five hundred (500) feet from the marked boundaries of the shell fish harvesting area located in the southern end of Salt Run between dusk and dawn. Dusk and dawn are defined respectively to include the times beginning thirty (30) minutes after the official time of sunset and ending thirty (30) minutes prior to the official time of sunrise.
- (5) No vessel shall anchor at any location closer than fifty (50) feet from any marine structure such as public docks, private docks, public seawalls, private seawalls, marker buoys, boat ramps and dolphins. This prohibition does not include mooring balls and crab traps.
- (6) No vessel occupied by persons shall anchor at any location within the municipal boundaries of the City but outside of a designated mooring field for more than ten (10) days. After midnight of the tenth day, the vessel shall be required to relocate to a mooring field or to a location outside the municipal boundaries of the City.
- (7) No vessel unoccupied by persons shall anchor at any location within the municipal boundaries of the City but outside of a designated mooring field unless the vessel gets underway on at least two (2) occasions during each calendar year during the months of February and August using its own propulsion system and travels to the City marina.
 - a. At the marina, marina staff will verify the ability of the vessel to get underway and will collect and verify contact information for the owner and/or authorized representative of the owner of the vessel for use in emergency and storm events.

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b. Upon satisfactory completion of the annual demonstration of the ability to get underway and of the collection of the required contact information, the marina staff shall issue and apply to the vessel a medallion certifying completion.

c. The issuance of a medallion shall not be considered proof that between the date of issuance and the one year anniversary of the date of issuance the vessel remains seaworthy and able to get underway.

...

(r) Enforcement. Pursuant to the authority of Section 327.70, Florida Statutes, as amended from time to time, the provisions of this Section 7-93 shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the Sheriff of St. Johns County and his or her deputies and the Chief of Police of the City of St. Augustine and his or her deputies.

(s) Penalties. Offenses under this section shall be punishable as provided in Section 327.72, Florida Statutes, or as provided in section 1-8 of this Code."

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Section 2. Inclusion in Code. The provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such inclusion.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Expiration of Ordinance. Pursuant to the requirements of Section 327.4105, Florida Statutes, this ordinance shall expire concurrently with the statutory pilot program on July 1, 2014 unless Section 327.4105, Florida Statutes, is reenacted by the Florida legislature.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2011.

ATTEST:

Joe Boles, Jr., Mayor-Commissioner

Alison Ratkovic, City Clerk

(SEAL)

Coding: Words ~~stricken~~ are deletions; words underlined are additions.