

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ESTABLISHMENT OF A MOORING FIELD IN HOLLYWOOD, FLORIDA; CREATING ARTICLE XXVI AND SECTIONS 25½-152 AND 25½-153 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Broward County ("County") Parks and Recreation Division recommends the creation of a recreational boating mooring field at Loggerhead Park, one of five pocket parks of Hollywood North Beach Park (the "Park"), to consist of a total of 29 mooring buoys for transient boaters to tie their vessels to a protected mooring and access the Park (the "Loggerhead Park Mooring Field");

WHEREAS, the Loggerhead Park Mooring Field will be located adjacent to the Intracoastal Waterway in the coves north and south of Sheridan Street in Hollywood, Florida;

WHEREAS, the County intends to construct floating docks, a sewage pump-out station, a restroom, and a laundry facility for use by boaters utilizing the Loggerhead Park Mooring Field; and

WHEREAS, the establishment of the Loggerhead Park Mooring Field will allow the County to better regulate transient boaters and derelict vessels in the area, and will also allow for the recreational use of mooring spots by transient boaters through permitted registration,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. Article XXVI and Sections 25½-152 and 25½-153 of the Broward
County Code of Ordinances are hereby created to read as follows:

[Underlining omitted]

ARTICLE XXVI. MOORING

Sec. 25½-152. Definitions.

For the purposes of this article, the following terms shall have the meanings as
indicated:

Anchor means to secure a vessel to a specific location by placing an anchor or
other object at the bottom of a body of water.

County Administrator means the County Administrator of Broward County, or
designee.

Derelict refers to any vessel, as defined in Section 327.02, Florida Statutes, as
amended, that is left, stored, or abandoned:

(a) In a wrecked, junked, or substantially dismantled condition upon any public
waters of the County;

(b) At any port or mooring facility under County management without the
consent of the agency having jurisdiction thereof; or

(c) Docked, grounded at, or beached upon the property of another without the
consent of the owner of the property.

Dinghy means any small boat designed as a tender or lifeboat, which may be
rowed, sailed, or driven by motor.

Division means the Broward County Parks and Recreation Division.

Harbormaster means the Parks Manager assigned by the Division to manage the Loggerhead Park Mooring Field on any given day.

Loggerhead Park Mooring Field means a certain project authorized by Broward County pursuant to Environmental Resource License No. DF19-1232 from the Florida Department of Environmental Protection pursuant to Environmental Resource Permit No. 06-0376934-002-EI, and by the U.S. Army Corps of Engineers pursuant to Permit No. SAJ-2019-04349 (SP-CGK), located adjacent to the Intracoastal Waterway in Hollywood, Florida, with the legal description as follows:

North Cove: A portion of Block 59 of the plat of "Hollywood Central Beach", as recorded in Plat Book 4, Page 20, of the Public Records of Broward County, Florida, lying in Section 1, Township 51 South, Range 42 East, being more particularly described as follows:

Commence at the southwest corner of said Section 1; thence N 87°57'46" E along the south line of the southwest ¼ of said Section 1, a distance of 826.04 feet; thence N 00°00'00" E, a distance of 479.69 feet to the Point of Beginning; thence continue N 00°00'00" E, a distance of 240.00 feet; thence N 90°00'00" E, a distance of 30.00 feet; thence N 00°00'00" E, a distance of 80.00 feet to Reference Point "A"; thence N 90°00'00" E, a distance of 60.00 feet; thence S 00°00'00" E, a distance of 80.00 feet; thence N 90°00'00" W, a distance of 30.00 feet; thence S 00°00'00" W, a distance of 240.00 feet; thence N 90°00'00" W, a distance of 60.00 feet to the Point of Beginning.

Together with:

Commence at said Reference Point "A"; thence N 14°02'11" E, a distance of 82.46 feet to Reference Point "B", also being the Point of Beginning; thence N 00°00'00" E, a distance of 200.00 feet to the most southerly north line of Submerged Land Lease Parcel No. 06-0376934-002-EI; thence N 90°00'00" E along said southerly north line, a distance of 60.00 feet; thence S 00°00'00" E, a distance of 200.00 feet; thence N 90°00'00" W, a distance of 60.00 feet to the Point of Beginning at Reference Point "B".

Together with:

Commence at said Reference Point "B"; thence N 36°20'54" W, a distance of 130.37 feet to the Point of Beginning; thence N 90°00'00" W, a distance of 170.00 feet; thence N 00°00'00" E, a distance of 200.00 feet; thence N 90°00'00" E, a distance of 170.00 feet to an easterly line of the Submerged Land Lease Parcel No. 06-0376934-002-EI; thence S 00°00'00" E, along said easterly line, a distance of 200.00 feet to the Point of Beginning.

Said lands situate, lying, and being in the City of Hollywood, Broward County, Florida and containing a total of 65,200 square feet, (1.4968 acres) more or less.

South Cove: A portion of Block 59 of the plat of "Hollywood Central Beach", as recorded in Plat Book 4, Page 20, of the Public Records of Broward County, Florida, lying in Section 12, Township 51 South, Range 42 East, being more particularly described as follows:

94 Commence at the northwest corner of said Section 12; thence N 87°57'46"
95 E along the north line of the northwest ¼ of said Section 12, a distance of
96 823.77 feet; thence S 00°00'00" W, a distance of 160.23 feet to the Point of
97 Beginning; thence N 90°00'00" E, a distance of 60.00 feet; thence
98 S 00°00'00" W, a distance of 240.00 feet; thence N 90°00'00" W, a distance
99 of 60.00 feet; thence N 00°00'00" E, a distance of 240.00 feet to the Point
100 of Beginning.

101 Said lands situate, lying, and being in the City of Hollywood, Broward
102 County, Florida and containing a total of 14,400 square feet, (0.3306 acres)
103 more or less.

104 *Moor* means to tether, tie, or otherwise secure a vessel to a fixed object, such as
105 a mooring buoy.

106 *Mooring field* means an area designated by the city, county, or state for the
107 mooring of vessels, using installed mooring buoys and providing for access to approved
108 pump-out facilities.

109 *Park Permit* means a conditional permit for use of the Loggerhead Park Mooring
110 Field subject to the conditions contained therein issued by the Harbormaster.

111 *Parks Director* means the Director of Broward County Parks and Recreation
112 Division.

113 *Parks Manager* means the individual designated by the Director of Broward County
114 Parks and Recreation Division to enforce the provisions of the Plan as defined in
115 Section 25½-153(a) of this article.

116 *Person* means any individual, partnership, firm, corporation, association, or other
117 entity.

118 *Pump-out facility* means a pumping apparatus and attachments that are
119 connected to a vessel for the purpose of removing sewage from a holding tank or other
120 container of the vessel connected directly to approved sanitary facilities on land
121 adequate to handle sewage treatment and/or disposal in a safe and sanitary manner
122 and consistent with state health standards.

123 *Stored* refers to any vessel not under the direct supervision and control of a person
124 capable of operating the vessel and promptly moving the vessel from the Loggerhead
125 Park Mooring Field.

126 *Vessel* is synonymous with boat as referenced in Section 1(b), Article VII of the
127 Florida Constitution and includes every description of watercraft, barge, and airboat, other
128 than a seaplane on the water, used or capable of being used as a means of transportation
129 on the water.

130 **Sec. 25½-153. Loggerhead Park Mooring Field.**

131 (a) The Loggerhead Park Mooring Field Management Plan approved pursuant
132 to Broward County Environmental Resource License No. DF19-1232 and the Florida
133 Department of Environmental Protection Environmental Resource License No. 06-
134 376934-002-EI, and incorporated herein by reference, is the document that establishes
135 the rules and regulations for the operation and use of the Loggerhead Park Mooring Field
136 (the "Plan"). The Plan may be amended as needed by the Parks Director. The Plan
137 applies to all vessels, owners, crew, guests, or any person entering the Loggerhead Park
138 Mooring Field. Failure to comply with the Plan constitutes a violation of this section and

shall be sufficient grounds for ejection of the vessel and the owner/operator of the vessel from the Loggerhead Park Mooring Field and/or prosecuting any legal action deemed appropriate by the County Administrator to cause the ejection of the vessel.

(b) The anchoring of any vessel within the marked boundaries of the Loggerhead Park Mooring Field is prohibited. No vessel may anchor or moor within one hundred (100) feet outward from the marked boundary of the Loggerhead Park Mooring Field in accordance with Section 327.4109, Florida Statutes, as amended, subject to the exceptions and penalties stated therein.

(c) No vessel may be stored at the Loggerhead Park Mooring Field at any time unless said vessel is tied to both a fore and aft mooring ball as authorized by a Park Permit. The Park Permit may be conditioned upon the owner or operator of a vessel paying to the County mooring fees, administrative fees, late fees, or other charges, as established in the Broward County Administrative Code.

(d) Any vessel moored, tied, or attempting to moor or tie at the Loggerhead Park Mooring Field without a Park Permit, unless for the purpose of making a bona fide application for a Park Permit or seeking information relating to the Division's rules and regulations, shall be guilty of a violation of this section.

(e) The Parks Director is authorized to establish time limits for all Park Permits. However, no vessel may be moored at the Loggerhead Park Mooring Field for more than one hundred eighty (180) days in any rolling twelve (12) month period.

(f) The Harbormaster shall have the authority to revoke any Park Permit given or granted under the provisions of this section (i) based on any violation of any County ordinance or the rules and regulations promulgated by the Division, (ii) in the interest of

public health and safety, as determined by the Harbormaster, or (iii) to allow for construction or maintenance of the Loggerhead Park Mooring Field. If a Park Permit is revoked based on a violation of any County ordinance or the rules and regulations promulgated by the Division, all moneys paid for the Park Permit shall be forfeited to the County at the time of such revocation. If a Park Permit is revoked based on subsection (ii) or (iii) of this section, a prorated refund of the Park Permit fee through the expiration date of the Park Permit will be refunded to the Park Permit holder.

(g) Any vessel moored or anchored in the Loggerhead Park Mooring Field without a Park Permit may be removed by direction of the Harbormaster at the sole expense of the vessel owner. The County Administrator may also approve the prosecution of legal action deemed appropriate to cause the removal of the vessel.

(h) Sections 25½-153 (b) through (g) above and the requirements included therein are subject to enforcement immediately after the buoys and the associated information/regulatory uniform waterway marker depicting the boundaries of the Loggerhead Park Mooring Field are in place.

Section 2. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Amanda M. Tolbert 10/31/2022
Amanda M. Tolbert (date)
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 10/31/2022
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

AMT/jc
Loggerhead Park Mooring Field Ordinance
10/31/2022
#41255.0001

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.