

Sec. 8-91. - Mooring structures.

- (a) The following words when used in this section shall, for the purposes of this section, have the following meanings:
- (1) *Mooring device* means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include a dock, slip, seawall or mooring pile.
 - (2) *Mooring structure* means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or similar structure attached to land more or less permanently to which a vessel can be moored.
- (b) Prior to the commencement of any construction activities, a permit for the erection of docks, slips, boat davits, hoists, mooring piles or similar boat mooring structures shall be obtained from the building department, and if constructed on or in navigable waters, the approval of all governmental authorities regulating the erection of such mooring structure shall be secured. Further, before a permit is issued to any person to construct such mooring structure, the person shall certify that he either owns the land abutting the water upon which the mooring structure will be constructed or produce written consent of the owner, be it a private person or a governmental agency, to construct such mooring structure in the particular waterway.
- (c) Inspection of all mooring structures, private, municipal and commercial, under the jurisdiction of the city, is the responsibility of the director of building. In the event any mooring structure shall be found in an unsafe or unsatisfactory condition, the owner shall be notified in writing that he has a period of thirty (30) days to correct the condition.
- (d) Any portion of a mooring device that is capable of being submerged under a waterway must have a guide pole attached to the end of such device that extends over the waterway. The guide pole shall be a pole no less than one and one-half (1½) inches in diameter and permanently attached to such device. The guide pole shall be vertical and extend at least six (6) feet above the surface of the water at all times and shall display a reflective color over the exposed surface. An alternative to a guide pole may be permitted if it displays a permanently affixed reflective color, and the city's marine facilities director determines that alternate device affords the same or greater level of safety and aid to navigation as the guide pole.
- (e) Boats, vessels or watercraft moored to mooring structures shall not extend to more than thirty (30) percent of the width of the canal or waterway measuring from the recorded property line.
- (f) No vessel or watercraft of any kind whatsoever shall moor to or tie up to a seawall or other mooring structure or be beached upon property within the city limits without the permission of the owner thereof; provided, however, that nothing in this section shall be construed to prohibit vessels or persons in distress from mooring to or tying up or beaching on private property to protect life, limb or property.
- (g) The renting of docks, dock space, or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential areas zoned RS-8 and RS-4.4.
- (h) It shall be unlawful for any person, owner, or his agent, or lessor or lessee, or member or employee of any firm, company or corporation or any firm, company or corporation to permit violations of or to violate any of the provisions of subsection (g) of this section. Knowledge or scienter shall not be an element of the offense.

(Code 1953, § 11-20; Ord. No. C-68-23, § 2, 6-4-68; Ord. No. C-70-78, §§ 2, 4, 11-3-70; Ord. No. C-71-79, § 1, 9-21-71; Ord. No. C-72-42, § 1, 9-19-72; Ord. No. C-73-55, §§ 1, 2, 6-5-73; Ord. No. C-77-147, § 1, 11-15-77; Ord. No. C-84-46, § 1, 6-5-84; Ord. No. C-87-93, § 1, 11-17-87; Ord. No. C-10-44, § 1, 12-7-10)