

ORDINANCE NO. C-25-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 8-145 (a), OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE ENTITLED "REGULATION OF VESSELS ANCHORED IN PUBLIC WATERWAYS," MAKING IT UNLAWFUL TO ANCHOR A VESSEL WITHIN THE CITY'S PUBLIC WATERWAYS DURING CERTAIN TIME PERIODS, AND REPEALING SECTIONS 8-145 (b), (c), (d) and (e) THEREOF AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, in 1971, relying on its Home Rule Powers, pursuant to Florida Constitution, Article I, Section 2 (1968) and Florida Statue § 166.021 adopted City Ordinance No. C-71-171 that made it, among other matters, unlawful to anchor or moor a vessel in the public waterways of the City of Fort Lauderdale in excess of twenty-four (24) consecutive hours, except in emergency situations; and

WHEREAS, in 2009 by adoption of Laws of Florida 2008-86, amending Florida Statue § 327.60, the State of Florida pre-empted local governments from regulating the anchoring of vessels by prohibiting local governments from enacting, continuing in effect or enforcing any ordinance or local regulation regulating the anchoring of vessels outside the marked boundaries of mooring fields, pursuant to Rule No. 62-330.420, Florida Administrative Code "General Permit to Local Governments For Public Mooring Fields"; and

WHEREAS, by adoption of Laws Florida Chapter 2025-39 on May 19, 2025, Fla. Stat. § 327.60 was amended to allow a county or municipality with a county population of 1.5 million or more (which includes Broward County) to regulate vessels anchored for a period of one (1) hour or more between one-half hour after sunset and one-half hour before sunrise for more than thirty (30) days in any six (6) month period; and

WHEREAS, this Ordinance, pursuant to City Code § 8-34, was presented to the City's Marine Advisory Board on July 8, 2024, and the Marine Advisory Board recommended adoption of this Ordinance by the City Commission; and

WHEREAS, adoption of these ordinance amendments serves a valid municipal interest.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 8-145 of the Code of Ordinances for the City of Fort Lauderdale is hereby amended to read as follows:

Sec. 8-145. Regulation of vessels anchored in public waterways.

(a) ~~Except as authorized in section 8-146, and except as to anchoring a vessel within an anchoring limitation area authorized by ordinance and~~ Section 327.4108, Florida Statutes (2025) and a public mooring field as authorized under Rule 62-330.420, Florida Administrative Code, in accordance with Laws of Florida Chapter 2025-39, it is unlawful and a violation of this Code punishable in accordance with City Code Sec. 1-6 to anchor a vessel within the public waterways within the corporate limits of the City of Fort Lauderdale for a period of one (1) hour or more between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise for more than thirty (30) days in any six (6) month period, excluding any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation or maintenance work ~~it is unlawful to anchor or moor in the public waterways of the city in excess of twenty-four (24) consecutive hours, except in an emergency situation.~~

~~(b) — In the event of an emergency situation, the owner or occupant of the vessel shall immediately contact the appropriate authorities and inform them of the nature of the emergency and the amount of time required to remedy the emergency situation. Upon abatement of the emergency, the vessel may anchor or moor under permit in a designated area.~~

~~(c) — Anchoring or mooring in the public waterways for more than twenty-four (24) consecutive hours is permitted only at a site designated by resolution of the city commission as appropriate for liveaboard vessels or for special events. Such resolution shall establish policy for mooring location, maximum length of stay, motor vehicle parking rules, permit fee and other rules and regulations that shall apply to each designated site.~~

~~(d) — The supervisor of marine facilities shall issue a permit to anchor or moor in a designated area if space is available and upon remittance of the required permit fee unless the supervisor finds:~~

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~~(1) — The vessel does not have adequate facilities for living aboard without creating a health hazard; or~~

~~(2) — The vessel is not seaworthy and may reasonably constitute a hazard to life or navigation.~~

~~The decision of the supervisor to accept or reject a vessel for anchorage or moorage is final. The owner or occupant of a vessel receiving a permit shall be required to keep a copy thereof prominently displayed on such vessel during the entire duration of the anchorage or moorage so that it is clearly visible from the exterior of the vessel and to produce it upon demand of any police officer, auxiliary police officer or supervisor of marine facilities or his assistant.~~

~~(e) — This section shall not apply to the anchorage or moorage of nonliveaboard vessels engaged in the exercise of rights of navigation.~~

SECTION 2. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his or her designee, without the need for a public hearing.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

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PASSED FIRST READING this _____ day of _____, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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Exhibit 1
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