

ORDINANCE NO. C-22-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 8 ENTITLED "BOATS, DOCKS, BEACHES AND WATERWAYS", ARTICLE 1 ENTITLED "IN GENERAL", SECTION 8-1 ENTITLED "DEFINITIONS", ARTICLE IV ENTITLED "DOCKS, BOAT SLIPS, ETC.", SECTION 8-91 ENTITLED "MOORING STRUCTURES", AND SECTION 8-149 ENTITLED "MAINTENANCE OF BOATS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND THE LOCATIONS AT WHICH THE RENTAL OF DOCKS, DOCK SPACE, OR MOORINGS OR RENTAL OF BOATS IS PROHIBITED AND REGULATIONS PERTAINING TO THE MAINTENANCE OF BOATS; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Chapter 8 entitled "Boats, Docks, Beaches and Waterways", Article 1 entitled "In General", Section 8-1 entitled "Definitions"; Article IV entitled "Docks, Boat Slips, Etc.", Section 8-91 entitled "Mooring Structures"; and Article V entitled "Boats and Waterways", Section 8-149 entitled "Maintenance of Boats" of the City of Fort Lauderdale Code of Ordinances; and

WHEREAS, such regulations and amendments to the City's Code of Ordinances are necessary to promote and protect public safety and welfare, and to prevent dangers to persons and property;

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

**SECTION 1.** That Article 1, Section 8-1 entitled "Definitions" is hereby amended as follows:

**Sec. 8-1. Definitions.**

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

*Boat liveries* means boats for rent without a crew.

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*Private watercraft* means boats and vessels used for pleasure by the owner or others, where no charge is made for fishing or riding upon such vessel.

*Residential property* means a property which is zoned RS-3.52, RS-4.4, RS-6.70, RS-6.85A, RS-6.85B, RS-8, RD-12.22, RM-12.67, RD-15, RC-15, RCs-15, RM-15, RMs-15, RM-16, RM-33.5, RML-25, RMM-25, RMH-25, RMH-60, RO, ROA, ROC, or MHP and which is used for a residential use or which is vacant.

*Sightseeing boats* means watercraft engaged in transporting the public for hire on the waterways within the city limits for sightseeing purposes.

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**SECTION 2.** That Article IV entitled "Docks, Boat Slips, Etc., Section 8-91 entitled "Mooring structures" is hereby amended as follows:

**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.

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(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. The number of boats or vessels that may be moored

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or tied up to a seawall or other mooring structure of a property shall be limited to one boat or vessel for every one hundred (100) feet or portion thereof of the shoreline of the 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 contiguous to residential property ~~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.

**SECTION 3.** That Article V entitled "Boats and Waterways", Section 8-149 entitled "Maintenance of Boats" is hereby amended as follows:

**Sec. 8-149. Maintenance of boats.**

(a) ~~Repair and/or maintenance of watercraft in residential areas shall be permitted when such repair or maintenance is routine or minor in nature and does not involve major exterior alteration, rebuilding, complete refinishing, and/or removal of machinery, or the use of tools and equipment in such repair or maintenance which would be in violation of chapter 17.~~ Repair or maintenance, whether major or minor, shall be permitted in residential areas if such necessary work is conducted wholly within the confines of a permanent enclosed structure, and so long as the work complies with other applicable city ordinances.

(b) The repair or remodeling of boats, whether major or minor in nature, is prohibited at municipal docks. Routine maintenance, including, but not limited to varnishing, painting, washing, waxing, buffing and general cleaning shall be permitted; only hand and cordless power tools may be used for such work.

**SECTION 4.** 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 designee, without the need for a public hearing.

SECTION 5. 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 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 7. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance has not been adopted.

SECTION 8. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2022  
PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN