

Chapter 66

WATERWAYS

State Law References: Coastal zone protection, F.S. §161.52 et seq.; coastal building code required, F.S. §161.56; vessel registration and safety, F.S. ch. 327

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ARTICLE I. IN GENERAL

Sec. 66-1. Fishing from manmade residential canals restricted.

It shall be unlawful for any person to catch or take fish from the following manmade saltwater residential canals by means other than hook-and-line or cast net thrown by hand:

- (1) The dredged canal lying between Cinnamon Court and Kenwood Court.
- (2) The dredged canal lying between Kenwood Court and Redwood Court.
- (3) The dredged canal lying between Redwood Court and Barcelona Court.
- (4) The dredged canal lying between Barcelona Court and Fountains Boulevard.
- (5) The dredged canal lying between Fountains Boulevard and Seville Court.
- (6) The dredged canal lying between Seville Court and right-of-way designated as future Canal Street.
- (7) The dredged canal lying between future Canal Street and Grant Court.
- (8) The dredged canal lying between Grant Court and right-of-way designated as future Anderson Court.
- (9) The dredged canal lying between future Anderson Court and Jackson Court.
- (10) The dredged canal lying between Jackson Court and South Hedgecock Square.
- (11) The dredged canal lying between North Hedgecock Square and Mark and Randy Drive.
- (12) The dredged mosquito control canal (Grand Canal) from the northern city limits to the southern city limits.
- (13) Those canals lying north and south of that area known as Samsons Park.
- (14) The dredged canal lying between the southern city limits and Cinnamon Court.

(Code 1976, §14-19)

State Law Reference: Saltwater fishing, F.S. ch. 370

Secs. 66-2 thru 66-30. Reserved.

ARTICLE II. BEACHES

State Law Reference: Beach and shore preservation, F.S. ch. 161

Division 1. Generally

Sec. 66-31. Operating motor vehicles on beaches.

No person shall operate any motor vehicle upon any public beach within the city. "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(Code 1976, §5-1)

State Law Reference: Operating vehicles on beaches, F.S. §161.58

Secs. 66-32 thru 66-50. Reserved.

Division 2. Dune Preservation

State Law References: Driving vehicle on, over, etc., sand dunes, damaging dune or vegetation, F.S. §161.053; penalties for misdemeanors, F.S. §§775.082, 775.083

Sec. 66-51. Definitions.

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

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). Unless otherwise specified, the seaward limit of a beach is the mean low water line. "Beach" is alternatively termed the "shore."

Crest means the highest and/or most seaward high point of land east of the coastal construction control line as established by F.S. §161.053.

Dune means that portion of land between a line 50 feet west of the crest and a line 20 feet east of the crest, or the farthest eastward extent of vegetation, whichever is greater. In the case of beach abutted by a seawall, riprap or other artificial barrier, the dune shall be deemed to extend 20 feet seaward from the foot of any seawall, riprap or other artificial barrier, or the farthest eastward extent of vegetation, whichever is greater.

Vegetation means ground cover or vines as set forth in the approved list of ground cover and vines found in chapter 30, Land Development Regulations.

(Code 1976, §7.1-2)

Sec. 66-52. Declaration of nuisance.

The maintenance or allowance of any portion of the dune by any person within the city without vegetation is hereby declared to be a nuisance.

(Code 1976, §7.1-1)

Sec. 66-53. Penalty.

(a) Any person who willfully refuses to sign and accept a citation issued by a police officer under this division shall be guilty of a violation of this division and upon conviction thereof, shall be punished as provided in section 1-13.

(b) Fines for violating section 66-54 shall be pursuant to the schedule approved by resolution from time to time by the city council.

(Code 1976, §7.1-13)

Sec. 66-54. Crossing dunes; use of crossovers.

No person shall, by any means of locomotion, traverse or cross the crest of any dune within the city, except a person may cross a dune over and across a dune crossover constructed pursuant to the specifications and approval of the city and any applicable state and county agencies for which a valid permit has been issued.

(Code 1976, §7.1-11)

Sec. 66-55. Issuance of citation.

Any law enforcement officer is authorized to issue a citation to a person when, based upon personal observations, that person has committed a violation of section 66-54. A citation issued under this section shall be in a form prescribed by the city and shall contain at a minimum:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the violation was committed.
- (4) The facts constituting personal observation and reasonable cause for finding a violation.
- (5) The number and section of this article.
- (6) The name and authority of the officer.
- (7) The procedure for the person to follow in order to pay the penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if a person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that in such case judgment may be entered against the person for an amount up to the maximum civil penalty.

(Code 1976, §7.1-12)

Sec. 66-56. Provisions deemed supplemental.

The provisions of this division are additional and supplemental means for protecting dunes and beaches.

(Code 1976, §7.1-21)

Sec. 66-57. Disposition of collected fines.

Any fines collected pursuant to this division shall be placed as a separate line item for purposes of funding renourishment projects of the dune within the city.

(Code 1976, §7.1-22)

Secs. 66-58 thru 66-75. Reserved.

Division 3. Lighting

State Law Reference: Beach lighting regulations, F.S. §161.163

Sec. 66-76. Definitions.

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

Artificial lighting means any source of light emanating from a manmade device, including, but not limited to, incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, or other similar type lights.

Beach means that area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

Dune means a mound or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism (e.g., dune may also include a beach ridge, dune ridge, chenier, etc.).

Person means individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Toe means the junction between the dune and the beach.

(Code 1976, §23-1)

Sec. 66-77. Standards for beachfront property.

Exterior artificial lighting used to illuminate buildings or associated grounds and streets for safety, security, decorative and recreational purposes shall be shielded in such a manner so that the source of the light is not visible from any point on the beach between the toe of the ocean bluff and the waters of the Atlantic Ocean between the hours of 9:00 p.m. and 6:00 a.m. during the period of May 1 to October 31 of each year.

(Code 1976, §23-2)

Sec. 66-78. Compliance.

This division shall take effect upon adoption as follows:

(1) All new construction that which has not yet been granted a construction permit on the date of adoption of this chapter shall comply with all requirements of this division prior to issuance of an occupancy permit.

(2) All artificial lighting in use or authorized by a construction permit shall be brought into compliance with this division.

(Code 1976, §23-3)

Sec. 66-79. Penalty.

Any person who shall be found guilty of violating the provisions of this division shall be subject to a fine not to exceed \$50.00 upon conviction on a first offense. On second and all subsequent convictions, violators shall be punished as provided in section 1-13.

(Code 1976, §23-4)

Secs. 66-80 thru 66-100. Reserved.

ARTICLE III. BOATS

State Law References: Regulation and registration of boats, F.S. ch. 327

Division 1. Generally

Sec. 66-101. Definitions.

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

Boat means any watercraft, including seaplanes when not airborne, in or upon, or docked or moored at any place in any waterway within the boundaries of the city.

Waterway means any waters, waterway, lake, river, tributary, canal, lagoon or connecting waters within the boundaries of the city.

(Code 1976, §5-3)

Sec. 66-102. Speed limit; seaplanes restricted.

No person shall operate a boat at a speed which creates a wake in canals or within a yacht basin or other place of similar concentration of craft within a defined area which is posted for "slow speed, minimum wake" except in cases of fire or extreme emergency. Seaplanes shall not take off or land in any canal, lagoon, lake or other waterways within the city limits, except in the case of extreme emergency.

(Code 1976, §5-4; Ord. 947, §1, 8-16-06)

Sec. 66-103. Use of searchlights.

No person operating a boat shall use searchlights indiscriminately or in such manner as to annoy or disturb other persons or boats.

(Code 1976, §5-10)

Sec. 66-104. Mooring at private docks.

No person shall moor a boat to a private seawall or dock or beach it upon private property within the city without the permission of the owner thereof.

(Code 1976, §5-12)

Sec. 66-105. Exhibition boats may be exempted from article.

The provisions of this article shall not be construed to prohibit the running of exhibition boats during a publicly announced, properly authorized and supervised and adequately patrolled regatta. Authority for granting a permit for such exhibitions rests with the city clerk upon approval by the mayor.

(Code 1976, §5-15)

State Law Reference: Regattas, races, marine parades, F.S. §327.48

Sec. 66-106. Boats as permanent or temporary living quarters.

The permanent use of boats as living quarters in the waters of the city is prohibited. The temporary use of boats as living quarters in the waters of the city is permitted for periods of 48 hours or less if the boat has a holding tank to retain toilet wastes on board.

(Code 1976, §5-16)

State Law Reference: Authority to regulate living aboard vessels, F.S. §327.60(2)

Sec. 66-107. Reserved.

(Ord. 747, §2, 8-18-99)

Sec. 66-108. Observation of health and conduct rules.

(a) Persons in charge of or occupying boats underway or docked at or moored to land, docks, piers or wharves abutting waterways shall observe all the health and sanitary regulations of the city and county and all regulations of the city and county relating to the conduct of persons and prohibiting acts contrary to public health, morals, safety or public peace.

(b) No person or any boat shall discharge any waste of any kind into the waterways of the city.

(Code 1976, §5-13)

Sec. 66-109. Cleanliness of docks.

Persons in charge of or occupying boats shall at all times keep the docks, seawalls and premises adjacent to such watercraft in a neat and orderly manner and free from trash, rubbish and debris of all kinds.

(Code 76, §5-14)

Secs. 66-110 thru 66-130. Reserved.

Division 2. Samsons Island

Sec. 66-131. Definitions.

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

Manually powered watercraft means watercraft which uses human physical effort as its primary source of motor propulsion. The term does not include sailboats or other watercraft whose sole source of propulsion is the wind.

Non-manually powered watercraft means any watercraft which uses anything other than human physical effort as its primary source of motor propulsion.

Personal watercraft means a class A (under 16 feet) inboard vessel which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion, designed to be operated by a person sitting, standing or kneeling on, or being towed behind, the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Samsons Island means that portion of the city, owned by the city, and identified in exhibit A and incorporated in this division by this reference and is on file in the city clerk's office.

Watercraft shall include, but not be limited to, any boat, vessel, barge, personal watercraft, surf board, skim board, water ski, windsurfer, jet ski or any similar contrivance or device used, or capable of being used as a means of transportation on the water.

Watercraft operator shall mean a person who is in actual physical control of or steering a watercraft or who is exercising control over or steering any device being towed by a watercraft.

(Code 1976, §5-20)

Sec. 66-132. Special operating conditions.

(a) A watercraft operator shall not operate any motorized watercraft within the restricted area on Samsons Island as identified as such on Exhibit A, which is on file in the city clerk's office.

(b) The city shall post signs at the entrance to the restricted area advising of these prohibitions.

(Code 1976, §5-21; Ord. 628, §1, 7-5-95; Ord. 666, §1, 1-2-97; Ord. 743, §1, 12-16-98; Ord. 772, §1, 11-17-99)

Sec. 66-133. Enforcement.

This division shall be enforced pursuant to the authority granted the city in F.S. §§327.60, 327.22, 327.33(2) and 327.74.

(Code 1976, §5-23)

END CHAPTER 66