

## M E M O R A N D U M

**To:** Tom Harmer, Town Manager

**From:** Allen Parsons, AICP  
Director, Planning, Zoning and Building Department

**Report date:** September 24, 2020

**Meeting date:** October 5, 2020

**Subject:** Ordinance 2020-15, Amending Chapter 93, Vessels, Waterways and Water Activities.

### **Recommended Action**

Forward Ordinance 2020-15 to the November 2, 2020, Regular Meeting for second reading and public hearing.

### **Background**

The Florida Legislature has adopted extensive regulations governing vessel anchoring and mooring in Chapters 327 and 328 of the Florida Statutes; and pre-empted much of the vessel anchoring and mooring regulations to the State. In recent years, as a result of live-aboard vessel complaints throughout the State, the Legislature has clarified and expanded the statutory definition of “live-aboard” and expanding a local government’s authority to prohibit such qualifying live-aboard vessels within their jurisdictions.<sup>1</sup>

Ordinance 2020-15 provides for language that brings the Town Code into compliance with revisions to Florida Statutes, including the definition of “live-aboard vessels”. The Ordinance deletes the Town Code language that regulates vessel motor noise because this subject has been pre-empted by State law which only authorizes a county to regulate such noise following a county’s adoption of certain specified sound regulations. See, Fla. Stats. §§ 327.60 and 327.65. Accordingly, the purpose of this amendment is to update Chapter 93 of the Town Code regarding the regulation of Vessels, Waterways and Water Activities in and on the waters of the Town of Longboat Key to achieve consistency with applicable general law, provide cleanup of existing ordinance text and definitions, and provide sound basis for any future required Code enforcement of Chapter 93.

Staff worked with the Town Attorney, the Town Police Department, and Florida Fish & Wildlife Commission representatives to develop the amendments in Ordinance 2020-15. This amendment consists primarily of updating the definitions Section of Chapter 93, but also provides updates to Sections of this Vessels, Waterways and Water Activities in the Town Code regarding Disturbing the Peace from Vessels, Mooring Regulations,

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<sup>1</sup> Fla. Stat. 327.02(22) defines a “live-aboard vessel” as: (a) a vessel used solely as a residence and not for navigation; (b) A vessel for which a declaration of domicile has been filed pursuant to s. 222.17; or (c) A vessel used as a residence that does not have an effective means of propulsion for safe navigation. A commercial fishing vessel is expressly excluded from the term “live-aboard vessel.”

Placing of Obstructions, Abandonment of Vessels, cleanup amendment wording of the ordinance, and to provide for consistency with Florida Statutes.

**Staff Recommendation**

Forward Ordinance 2020-15, to the November 2, 2020 Regular Meeting for second reading and public hearing.

**Attachments**

- A. Ordinance 2020-15 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

**End of Agenda Item**