

Sponsored by: Near-Shore Waters Advisory Committee

Introduction Date: April 12,2005

Public Hearing Dates: April 12,2005

April 26, 2005

Enactment Date: April 26,2005

CITY OF MARATHON, FLORIDA  
ORDINANCE 2005-09

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,  
CREATING A NEW CHAPTER OF THE CITY CODE ESTABLISHING  
THE CREATION OF WATER TAXI LICENSES

WHEREAS, the City of Marathon (the "City") presently does not have any regulations in place concerning water taxis; and

WHEREAS, the operation of unlicensed and unregulated water taxis within City limits could pose a threat to the safety and welfare of the City's citizens; and

WHEREAS, the City Council finds that the creation of a chapter in the City Code regulating water taxis is in the best interest of the City.

NOW THEREFORE, BE IT **ORDAINED** BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Chapter \_\_\_ of the City Code is created to read as follows:

Chapter \_\_\_\_

Water Taxi License

Section \_\_, Intent and Purpose.

The intent and purpose of this Chapter is to provide for the licensing and regulation of water taxis operating within City limits.

Section \_\_, Water Taxi License Required.

1. It shall be unlawful for any person or firm to operate water taxis within the City's jurisdiction without first obtaining from the city a license and paying the permit fee required for the right to operate each vessel authorized under the license. A

water taxi licensee shall obtain all required occupational licenses prior to commencing operations.

**Section \_\_. Application.**

1. *Application contents.* Application for a water taxi license shall be made to the City Manager or his designee and must include the following information:
  - a. The name, business address and telephone number of the person or firm operating the water taxi business. If a corporation or partnership, include the names of all directors, officers or partners, where applicable and specify whether or not each partner will be involved in the operations of the water taxi.
  - b. A description and photograph of each vessel proposed to be utilized as a water taxi, including a copy of the Florida vessel registration and applicable United States Coast Guard certificate of inspection.
  - c. A list of all pilots who will operate a water taxi, including their names, addresses, employment histories over the past five (5) years, and a copy of the United States Coast Guard license for the class of vessel the pilots will operate.
  - d. Where each water taxi will be located when not in use.
  - e. The method of dispatch and the location of the dispatcher.
  - f. A copy of the FCC - VHF marine radio license.
  - g. A certificate of insurance showing the City as a named insured on a policy or policies insuring each vessel and the business for:
    - i. Commercial Marine Protection and Indemnification with limits of liability not less than \$1,000,000.00 per occurrence, combined single limit for Bodily Injury Liability and Property Damage Liability.
    - ii. Commercial Marine Liability coverage with limits of liability not less than \$1,000,000.00 per occurrence, combined single limit for Bodily Injury Liability and Property Damage Liability.
    - iii. Worker's Compensation and Employer's Liability Insurance. If applicable, coverage to apply for all employees at minimum statutory limits as required by Florida Law. Contractors with Worker's Compensation exemption shall not hold City liable for employee injury or claims.

- iv. Each policy certificate shall be endorsed with a provision that not less than thirty (30) calendar days' written notice shall be provided to the City before any policy or coverage is cancelled or restricted.
  - h. An affidavit stating that there has been no conviction by the operator, if a person, or by any director, officer or partner of the licensee that will be operating the water taxi, if a corporation or a partnership, of a felony violation in this state or violation of the laws of any other state which would constitute a felony violation in this state.
2. *Application review.* The City Manager or his designee shall review and either approve or reject all applications for a license, based on the applicant's demonstration that it has the proper equipment and personnel to operate a safe and high quality water taxi operation. No application from the same person or firm whose application has been rejected shall be submitted again within six (6) months from the date of such rejection.

**Section \_\_. Permits and Renewals.**

Upon the granting of a license by the City, the City Manager or his designee shall give the licensee a permit for each vessel operated as a water taxi. The fee for each license shall be established by resolution and authorizes the operation of vessels as a water taxis for a period of one (1) year. Each license is renewable for a period of one (1) year upon submission of documentation to the City Manager or his designee that all vessels and pilot licenses and insurances are in full force and effect. The renewal fee shall be established by resolution and is payable thirty (30) days prior to the expiration of the permit. A water taxi license that has been revoked or suspended is not renewable. The permit shall be displayed on the vessel alongside the state commercial registrations sticker.

2. A license or permit may not be assigned.

**Section \_\_. Operations.**

1. The water taxi operator shall at all times operate in a safe manner and shall adhere to all laws, including but not limited to wake and speed limits. All water taxis must cease operations during any period in which wind speeds are predicted or recorded at 39 miles per hour or above. Operations may resume no sooner than 2 hours after the last recorded incident of such wind speed.

**Section \_\_. Revocation or Suspension of License.**

1. A license may be revoked or suspended for any of the following causes:
- a. Failure to comply with all state and federal laws and regulations

concerning the vessels of the type utilized by the licensee.

- b. Three or more instances of careless operation of a water taxi in violation of state or local laws.
  - c. Failure to report any accident occurring within the City limits within 24 hours of said occurrence.
  - d. Failure to maintain all required policies of insurance in full force and effect.
  - e. Conviction by the licensee or by any director, officer or partner of the licensee, who is involved in the direct operation of the water taxi, of a felony violation in this state or violation of the laws of any other state which would constitute a felony violation in this state.
  - f. Submission of false or incomplete documentation or information required by this Chapter.
2. If the City Manager or his designee has reason to believe that a water taxi license should be revoked or suspended for one (1) or more of the aforementioned causes, he/she shall send written notice to the licensee to show cause to the City Council why the license should not be revoked or suspended. The City Manager or his designee shall agenda a revocation hearing at the next regular meeting of the City Council held at least fifteen (15) days after receipt of the notice by the licensee. All interested parties shall have the right to be heard. Upon finding cause, the City Council may revoke or suspend any license and the permits issued thereunder.

**Section \_\_\_\_. Municipal dock facilities; mooring in residential areas.**

1. A municipal dock facility may be designated by the City Manager or his designee as a water taxi stop. Each stop is to be utilized on a first-come-first served basis. At each stop the captain of a water taxi shall remain within five (5) feet of the vessel except for the purpose of entering a structure, such as a restaurant, and announcing his arrival, for restroom use, or to obtain refreshments. No water taxi shall remain moored at a stop for longer than fifteen (15) consecutive minutes.
2. No water taxi shall remain moored adjacent to a residential structure except to board or discharge passengers.
3. No water taxi shall fuel while moored at any municipal dock facility; all fueling shall be carried out at a mooring facility licensed to dispense fuels.
4. No water taxi shall at any time have in use loudspeakers or any device to amplify sound, with the exception of an internal intercom system, the sounding of horns

for navigational purposes, passenger pick-up and discharge for safety-related purposes, or in the case of an emergency. No water taxi shall at any time, except for safety-related purposes, illuminate by spotlight or any other means any of the sights or places of interest located along its route of operation, including, but not limited to, residential dwellings, other vessels, businesses or governmental buildings.

5. The operator of a water taxi, by applying for a license from the City, grants permission to any duly authorized representative of the City to board any vessel or vessels to determine whether such vessel is in compliance with this chapter or with any other applicable laws, ordinances, rules or regulations promulgated by any jurisdiction, body or agency pursuant thereto.

### **Section \_\_. Penalties.**

1. A violation of Section \_\_ of this Chapter may be enforced by issuance of a uniform boating citation by a duly authorized law enforcement officer pursuant to the procedures set forth in Section 327.73, Florida Statutes.
2. The civil penalty for a violation of Section \_\_ of this Chapter shall be \$50.00 as provided in Section 327.73, Florida Statutes, or such other amount as may be authorized by the Florida Legislature should Section 327.73, Florida Statutes, be amended.
3. A violation of this Chapter or any resolution adopted pursuant to this Chapter may be enforced as provided in Chapter 6.3 of the City Code, or by issuance of a citation, summons, or notice to appear in county court, or arrest as provided in Chapter 901, Fla. Stat., or by injunctive relief. Nothing contained in the City Code shall prohibit the City from enforcing this Chapter by any other lawful means. All fines and fees may be set by Resolution.

**Section 3.** Any provision of the Code that conflicts with this Ordinance is hereby repealed.

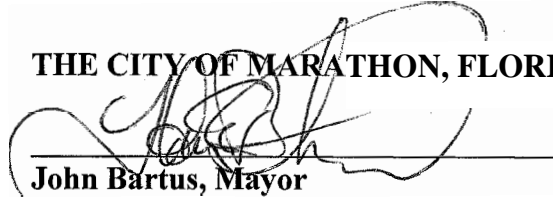
**Section 4.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the City of Marathon, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6.** This Ordinance shall be effective immediately upon its adoption on second reading.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 26 day of April 2005.**

**THE CITY OF MARATHON, FLORIDA**



**John Bartus, Mayor**

AYES:--Finkus, Mearns, Miller, Bull, Bartus

NOES: None

ABSENT: None

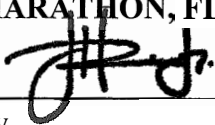
ABSTAIN: none

**ATTEST:**



Cindy L. Ecklund  
City Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



City Attorney