

**Sponsored By:** Burnett  
**Introduction Date:** September 9, 2008  
**Public Hearing Dates:** September 23, 2008  
November 10, 2008  
**Enactment date:** November 25, 2008

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2008-27**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 36, WATERWAYS, PROVIDING FOR A DEFINITION OF WET STORAGE; PROVIDING FOR A MODIFICATION OF THE DEFINITION OF ANCHORING AREA; PROVIDING FOR A PROHIBITION OF WET STORAGE AND OF FLOATING STRUCTURES WITHIN THE CITY OWNED OR LEASED SUBMERGED LANDS UTILIZED AS THE ANCHORAGE FIELD; PROVIDING FOR A PROHIBITION ON LIVEBOARD VESSEL RENTAL OR LEASE FOR THE PURPOSE OF HABITATION WITHIN THE CITY MANAGED MOORING FIELD AND ANCHORAGE AREAS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CITY OF MARATHON CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ANY ORDINANCES FOUND INCONSISTENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Boot Key Harbor (“Harbor”) is one of the most significant and best protected managed mooring and anchorage areas in South Florida; and

**WHEREAS**, the City of Marathon (the “City”) manages the Harbor mooring field and anchorages under a submerged land lease with the State of Florida (the “Lease”); and

**WHEREAS**, the Lease prohibits “wet storage” as defined therein within the managed area and further requires that the City regulate wet storage; and

**WHEREAS**, unattended wet storage of vessels is a nuisance to the safety of other vessels and liveboards in the Harbor; and

**WHEREAS**, the City needs the regulatory means to cite and arrange for the removal of nuisance wet storage vessels and floating structures;

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

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

**Section 2.** Chapter 36, Article IV, Sec. 36-80 is hereby amended to add the following new and amended definitions thereto:

Anchoring-area Anchorage Field means an area or areas within the City owned or leased submerged lands designated for vessels to moor temporarily using their own ground tackle (anchor).

Wet Storage is the act of leaving a vessel or floating structure un-attended within the City of Marathon owned or leased submerged lands such that it is not being utilized exclusively as a live-aboard vessel.

**Section 3.** Chapter 36, Article IV, Section 36-83(h) and (i) are hereby added to read as follows:

- h. The registered owner and his/her guests are the only allowed occupants of any vessel on or within City-owned or leased submerged lands within Boot Key Harbor. No vessel anchored or moored on or within City-owned or leased submerged lands may be rented or leased to another party by its registered owner for the purpose of habitation. Vessels or on or within City-owned or leased submerged lands within which the City maintains its mooring field are subject to the terms and conditions of the Boot Key Harbor City Marina License Agreement.
- i. Wet storage is prohibited on or within the City leased submerged lands utilized as an anchorage field. Violation of this provision of the ordinance is enforceable utilizing the penalties defined in Section 36-88.
- j. Floating Structures are prohibited within the city owned or leased submerged lands utilized as an anchorage field. Violation of this provision of the ordinance is enforceable utilizing the penalties defined in Section 36-88.

**Section 4.** Chapter 36, Article IV Sec. 36-86 is hereby amended to add the following new sub-paragraph (c) thereto:

(c) In addition to the means of compliance defined in this section, violation of this provision of the ordinance is enforceable utilizing the penalties defined in Section 36-88.

**Section 5.** Chapter 36, Article IV is hereby amended to add the following new Section 36-88 thereto:

**Sec. 36-88. Penalties.**


A violation of this article may be enforced by issuance of a citation, summons, notice to appear in County court, arrest as provided in Fla. Stat. ch. 901, or in accordance with this Code, and punishable by a fine not to exceed \$500.00. Nothing contained herein, however, shall prohibit the City from enforcing this article by any other lawful means.

**Section 6.** Upon adoption by the City Council of the City of Marathon, the City Clerk will cause this Ordinance to be timely placed in the Code of Ordinances for the City; and

**Section 7.** This Ordinance shall be effective immediately upon approval of the City Council of the City of Marathon.


**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 25th day of November, 2008.**

**THE CITY OF MARATHON, FLORIDA**


  
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**Mayor Mike Cinque**

AYES: Vasil, Snead, Worthington, Ramsay, Cinque  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
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Diane Clavier  
City Clerk

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

  
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City Attorney