

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 86 OF THE CITY CODE, ENTITLED "WATERWAYS" CREATING SECTION 86-62, ENTITLED, "CORAL GABLES OVERNIGHT ANCHORING LIMITATION AREA"; AND PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Ch. 2025-39, Laws of Florida, codified at Section 327.60(2)(f)3., Florida Statutes, authorizing local governments to establish anchoring limitation areas within their jurisdiction; and

WHEREAS, the City of Coral Gables desires to exercise this authority in order to enhance the health, safety, and welfare of its residents by regulating extended overnight anchoring within City waters; and

WHEREAS, the City Commission finds that establishing such regulations will help protect the City's waterways, prevent hazards, and ensure appropriate and orderly use of marine resources;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 86 of the City Code, is amended as attached in Exhibit A¹:

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City Code and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the City Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

SECTION 7. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2025.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY

Exhibit “A”

Chapter 86 WATERWAYS²

DIVISION 2. ANCHORING, MOORING, ETC.

Sec. 86-62 – Coral Gables Overnight Anchoring Limitation Area

- (a) Pursuant to the authority granted by the Florida Legislature, the City of Coral Gables hereby designates all waters within its corporate boundaries to be the Coral Gables Anchoring Limitation Area as authorized in Ch. 2025-39, Laws of Florida and codified at Section 327.60(2)(f)3. Violations of this section shall be punished as provided in section 1-7.
- (b) No vessel shall be anchored anywhere within the Coral Gables Overnight Anchoring Limitation Area for a period of 1 hour or more between one-half hour after sunset and one-half hour before sunrise for more than 30 days in any 6-month period.
- (c) The following vessels are not subject to the restriction set forth in subsection (b) above pertaining to the restriction on overnight anchoring within the Coral Gables Overnight Anchoring Limitation Area:
 - 1) Vessels anchored within the boundaries of a marked mooring field.
 - 2) Vessels anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.
 - 3) Vessels owned by a governmental entity or otherwise operated at the request of a governmental entity for a governmental purpose.
 - 4) Commercial fishing vessels as defined in Section 327.02(6), Fla. Stat.
- (d) This section is supplemental to, and does not limit or otherwise alter, the restrictions on anchoring or mooring in the Coral Gables Overnight Anchoring Limitation Area that are subject to any more restrictive local, state, or federal law.

²State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; vessel safety, F.S. ch. 327.

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- (e) The provisions of this section may be enforced by the Coral Gables Code Enforcement Department, the Coral Gables Police Department, or any other law enforcement agency having jurisdiction within the Coral Gables Overnight Anchoring Limitation Area in the manner prescribed below:
- 1) Warning Notice. Prior to the issuance of a Notice of Violation pursuant to this section, the vessel owner, occupant, or operator must be provided a warning in the manner prescribed below that the vessel will be subject to enforcement if it remains anchored in the Coral Gables Overnight Anchoring Limitation Area in violation of section 86-62(b) above.
 - 2) Warning Notice Procedure. At any time during which a vessel is anchored overnight in the Coral Gables Overnight Anchoring Limitation Area for more than 14 days in any 6-month period, a code enforcement officer or law enforcement officer who has reason to believe that such vessel may violate the prohibition on overnight anchoring established by this section, shall provide the vessel owner, occupant, or operator with written notice that it may be subject to future enforcement in the manner prescribed below:
 - a. If the vessel is occupied, written notice shall be provided directly to the vessel owner, occupant, or operator, unless such person refuses to accept the written notice in which case the notice may be affixed to the vessel; or
 - b. If the vessel is unoccupied or if occupancy cannot be determined, written notice shall be affixed to the vessel; and
 - c. In addition to either subsection a. or b. above, written notice shall be sent via U.S. Postal Service by certified mail, return receipt requested, to the registered owner and any lienholder of the vessel irrespective as to whether the vessel is occupied or unoccupied. The requirements of this subsection shall be deemed satisfied upon mailing. If no owner or lienholder can be identified after reasonable effort to ascertain the name and address of the owner and any lienholder, then this subsection c. shall not apply.
 - d. The written warning notice shall include the following:
 - i. Information that the vessel may soon be in violation of subsection 86-62(b)- Restriction on Overnight Anchoring within the Coral Gables Overnight Anchoring Limitation Area; and
 - ii. A copy of this section 86-62.
 - 3) If a vessel is found to be in violation of this section as of a date that is 10 days or more after issuance of a warning notice by any method prescribed in subsection (2) above, a code enforcement officer or law enforcement officer may issue a violation utilizing the same procedure set forth in subsections (2)a. - (2)c. above.

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- 4) Fines and Enforcement. The owner, occupant, and/or operator of a vessel found to be in violation of this section as of a date that is 10 days or more after issuance of a warning notice by any method prescribed in subsection (2) above shall be subject to the following fines:

- a. \$250 fine per day for a first violation;
- b. \$500 fine per day for a second or subsequent violation.

In addition to the fines prescribed above, any vessel found to be in violation of this section as of a date that is 10 days or more after issuance of a warning notice by any method prescribed in subsection (2) above shall be subject to removal, towing, impoundment, and disposal in accordance with the provisions set forth in subsection (5) below.

- 5) Appeal Procedure: Removal, Towing, Impoundment, Disposal.

- a. Any cited party shall have 20 days within which to appeal the violation to the City of Coral Gables.
- b. Prior to and until a Special Magistrate's determination, the vessel found to be in violation of this section shall not be towed but fines shall continue to accrue so long as the vessel remains anchored in violation of this section.
- c. If no cited party timely appeals the violation or the Special Magistrate upholds the violation, the vessel may be removed, towed and impounded by the City or its contractor until such time as the vessel owner or lienholder retrieves the vessel after paying all costs associated with the removal, towing and impoundment, along with all accrued fines owed to the City.
- d. If no cited party timely appeals the violation, or no cited party timely appeals the Special Magistrate's determination, or all appeals from the Special Magistrate's determination have been exhausted, and the vessel owner or lienholder has failed to retrieve the vessel from the impoundment facility, the City or its contractor may dispose of the vessel in accordance with law.

- 6) Additional Remedies. The City may also pursue any additional remedies available to it in accordance with law.

- (f) Contractors: License and Insurance Required. A contractor performing removal, towing, or impoundment services at the direction of a code compliance officer or law enforcement officer pursuant to this section must:

- 1) be licensed in accordance with United States Coast Guard regulations, as applicable;
- 2) obtain and carry a current insurance policy issued by a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions: and

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- 3) be properly equipped to perform such services.

86-63—86-80. Reserved.