

# Question 1: Does the City have rules about storage of boats in waterway during a Hurricane emergency?

Yes, the City has rules regarding storage of vessels for hurricanes.

Coral Gables Municipal code 86-87 states:

## **Hurricane procedure; regulations**

- (a) Owners of boats or other watercraft residing in the city are responsible to take precautionary measures to protect and secure their property in preparation of an event of a hurricane, or other natural disaster.
  
- (b) In view of the proficiency of the National Hurricane Center in predicting a hurricane, the following shall be obtained:
  - (1) Boats or watercraft using the city waterway for refuge will be securely moored not later than 24 hours prior to the officially predicted approach of a hurricane.
  - (2) Such boats or watercraft will be moored only with adequate equipment and safeguards and in a manner so as to eliminate or minimize damage to other boats, watercraft, property or persons in the city. However, no such mooring will constitute an official approval thereof by the city, and no resultant damages or liability will accrue against the city.
  - (3) It should be clearly understood that any damages to boats, watercraft, property or persons flowing from any hurricane moorings in the city waterway would be the personal responsibility and liability of the boat or watercraft owner, including removal or salvage of the boat or watercraft.
  
- (c) It shall be unlawful to moor or tie a boat or watercraft at a dock, piling or seawall of a property without the consent of the property owner or person in control of the premises.

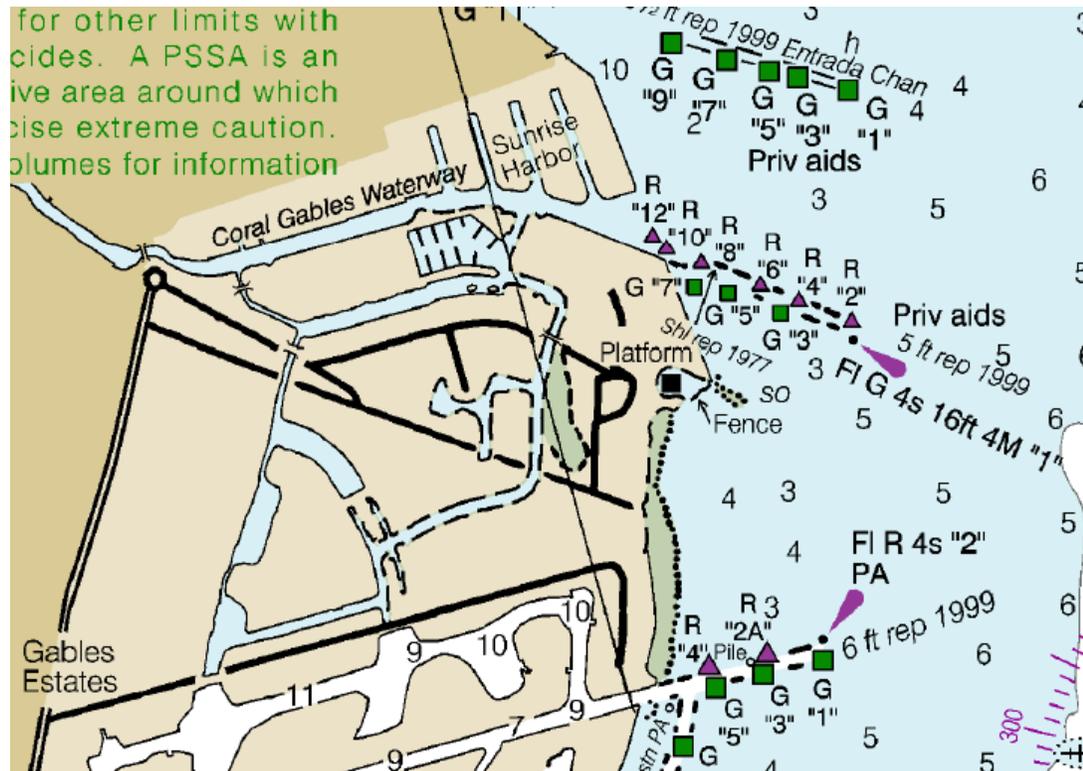
# Florida Statute – Anchoring

Florida Statutes 327.4109 – Anchoring or mooring prohibited; exceptions; penalties

- (2) Notwithstanding subsection (1), an owner or operator of a vessel may anchor or moor within 150 feet of any public or private marina,
- (b) Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

# Question 2: What does the designated anchorage on marine charts mean (legally)?

## 2022 Miami to Elliott Key Chart #11465



## Understanding NOAA Chart Symbolology – March 2016

U.S. Chart No. 1 Edition	Symbol Number	Symbol	Description
Ed. 12, 2013	N 10		Reported Anchorage (no defined limits)

**Harbor of Refuge:** The black anchor symbol is occasionally mistaken as showing a "harbor of refuge," used by vessels in distress or during bad weather. This has never been the case; there is no symbol representing "harbors of refuge" on NOAA charts. Defining and charting what would be an adequate refuge for ships in general is unfeasible, because it depends on the size and characteristics of each ship. A refuge for one type of vessel may be potentially dangerous for another.

# Question 3: Is obstruction of a navigable waterway an infraction that MP can act on? Does this fall under federal, state, or local jurisdiction?

It falls under the jurisdiction of all three.....so yes MP can act

## Federal

33 CRF 329.4 - General definition

Navigable waters of the United States are **those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.**

## State

Water is considered navigable **when it is of a size and character that make it usable for public purposes.** Art. X, § 11, of the Florida Constitution vests title in navigable water to the State of Florida. This means such waters are owned by the State of Florida and held in trust for use by the public.

## Local

Coral Gables Municipal code 86-85 :

### **Watercraft as hazards; unobstructed waterways.**

(a) Whenever, in the opinion of the police chief or his or her designee the condition of any watercraft in the city waterway is such as to constitute a hazard, either to the safe passage of other watercraft or due to the unsanitary conditions created thereby, or due to the dilapidation or unsightliness thereof, the owner of such watercraft shall, within three days after receiving notice from the police chief or his or her designee, remove such watercraft from the city waterway, and for failure to do so shall be guilty of an offense and the owner of the watercraft shall be responsible to the city for any cost or expense undertaken by the city for the purpose of removing the watercraft.

(b) It shall be unlawful to moor, anchor or tie up a boat or watercraft in a position that endangers, interferes, or impedes with the free and unobstructed navigation of other boats or watercraft through the waterways.

# Question 4: What can MP do about derelict vessels?

## **FSS 327.4107 Vessels at risk of becoming derelict on waters of this state**

- (1) To prevent vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict pursuant to subsection (2) may not anchor on, moor on, or occupy the waters of this state.
- (2) An officer of the commission or of a law enforcement agency specified in s. [327.70](#) may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:
- (a) The vessel is taking on or has taken on water without an effective means to dewater.
  - (b) Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.
  - (c) The vessel has broken loose or is in danger of breaking loose from its anchor.
  - (d) The vessel is listing due to water intrusion.
  - (e) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic notice, in-person notice recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.
  - (f) The vessel is tied to an unlawful or unpermitted structure or mooring.

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# Question 5: Is Bowriding Legal ?

- Old Statute-Florida Statute 327.33(2).

Riding on the bow, deck, or gunwale, transom, seat backs, seats on raised decks, or any other place where there may be a chance of falling overboard is also considered reckless or careless operation of a vessel.

- New Statue - FSS language changed in 2016

All operators are responsible for operating their vessel in a reasonable and for other vessel traffic, posted restrictions, the presence of a divers-down so as **not to endanger people outside of the vessel** or property. Failure to do operation (a non-criminal infraction).

- Because of new language, FWC does not cite for this practice.

# Question 6: Who handles signage in waterways in Coral Gables?

- FWCC is responsible for properly marking the boating restricted areas and Manatee protection zones implemented under its authority.
  - If the City of Coral Gables wants to do its own safety, regulatory, informational or navigational signage then the City must apply for a permit to the Boating and Waterways section within the FWCC (FSS 327.40)
- Coral Gables Public Works Sign shops makes replacement signs for existing Channel Markers as needed.

# Question 7: Who enforces City of Coral Gables Codes on the waterways?

- Coral Gables Code Enforcement handles code enforcement in Coral Gables
- Police/Marine Patrol is happy to assist Code Enforcement as needed/requested.
- Potential violations of Code that are observed by MP are forwarded to Code Enforcement for follow up.