## Chapter 7 BOATS, DOCKS AND WATERWAYS [[1]](#BK_2757CDE6DCE0368E8EE4263AEBDEAE69)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx)

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FOOTNOTE(S):

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**Editor's note—** Development within coastal flood hazard districts, Ch. 11C; fish and marine life, Ch. 14A; water conservation works, etc., prohibited, penalty, § 21-34; environmental protection, Ch. 24; obstructing, damaging, etc., canals, drains, seaport security and operations, Ch. 28A [(Back)](#BK_5B21EA484B15D072064A1A7697500489)

**State Law reference—** Boats and boating safety, F.S. Ch. 327. [(Back)](#BK_5B21EA484B15D072064A1A7697500489)

### ARTICLE I. IN GENERAL

[Sec. 7-01. Ordinances, rules, regulations and orders affecting waters controlled by Florida Statutes, Chapter 373, reenacted.](#BK_949A10220C8B1AC6B835CEE77102F90A)

[Sec. 7-1. Water Conservation District.](#BK_46FAE8010B80A5A47AB2F3583CAFC1BA)

[Sec. 7-2. Reserved.](#BK_E57DEAFB10442F98B47FAE3D052E8323)

[Sec. 7-3. Swimming or fishing from road bridges.](#BK_BD95F6D7466233455375A469FDFBCDC3)

[Sec. 7-4. Mooring watercraft to bridges, fender systems, public bank, etc.](#BK_16EE095582786C18F4D952EDDA912480)

[Secs. 7-5—7-20. Reserved.](#BK_0C5361E57D86AB2C42032D3F303C9A9A)

Sec. 7-01. Ordinances, rules, regulations and orders affecting waters controlled by Florida Statutes, Chapter 373, reenacted.

All ordinances, rules, regulations and orders of Dade County affecting the waters in the State controlled under the provisions of Chapter 373, Florida Statutes, are hereby reenacted, affirmed, validated and declared to be valid.

(Ord. No. 75-25, § 1, 4-2-75)

**Editor's note—**

Ord. No. 75-25, § 1, has been codified as [§ 7-01](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx#PTIIICOOR_CH7BODOWA_ARTIINGE_S7-01ORRUREORAFWACOFLSTCH373RE) at the discretion of the editors. Said ordinance provided for inclusion in this Code, but did not specify the manner thereof.

Sec. 7-1. Water Conservation District.

(a) *Established.* The establishment of a Water Conservation District embracing all of Dade County, Florida, known as the "Dade County Water Conservation District," accomplished by Resolution No. 1988 [[2]](#BK_7B1C04F73CFE95E1F1FFD45B5AB3625E), is hereby ratified, confirmed and reestablished.

(b) *Salt barrier line fixed.* The Dade County salt barrier line, shown, depicted and described upon the map hereto attached and made a part hereof by reference, [[3]](#BK_D37F6A9BCD9D0455BD79816EEBE6AE1E) is hereby fixed, established and set, and shall constitute the westerly limit beyond which no new uncontrolled canals, channels, or continuous excavations from any salt contaminated areas easterly thereof shall be excavated or constructed. Such map fixing and establishing the Dade County salt barrier line shall be filed for record with the Clerk of the Circuit Court, and shall supersede all prior maps, sketches or plans in respect to the location or establishment of a salt barrier line.

(c) *Penalties.* It shall be unlawful for any person to violate, breach, or fail to observe or obey the salt barrier line herein fixed and established, or to violate any provision herein contained. It shall be the duty of all County and municipal officers, officials and employees to enforce the provisions of this section. No permit, license or authorization to excavate, create or construct any uncontrolled canal, channel, or continuous excavations from any salt contamination area easterly of said salt barrier line shall be granted or issued, and no subdivision plat shall be approved or filed for record that provides or contemplates any improvements which would violate, breach or in any way impair or constitute a waiver of the Dade County salt barrier line. The provisions of this section may be enforced by injunction, or other appropriate civil action. In addition to any civil remedies, any person convicted of a violation of the provisions of this section shall be punished by a fine or imprisonment, or both, in the discretion of the court of appropriate jurisdiction, as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) of this Code. (Ord. No. 60-33, §§ 1—3, 10-25-60)

(d) *Exception.* The provisions of this section shall not be construed to prohibit construction of boat slips or similar bank line excavations within the reaches of existing canals at points westerly of the salt barrier line, when the Director of the Public Works Department certifies to the County Commission that any such proposed boat slip or bank line excavation will not increase salt intrusion or contamination of the area involved. No such permits shall be issued until authorized by the County Commission.

(Ord. No. 61-32, § 1, 7-11-61)

**State law reference—** Board of County Commissioners, authorized to establish water conservation districts, establish water levels, in fresh water lakes, canals, etc., within said districts, adopt regulations and enforce same, Ch. 22935, Special Acts 1945.

Sec. 7-2. Reserved.

**Editor's note—**

Ord. No. 70-36, § 1, enacted April 29, 1970, repealed [§ 7-2](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx#PTIIICOOR_CH7BODOWA_ARTIINGE_S7-2RE), prohibiting fishing with nets in certain areas, and outlining exceptions thereto. Said section was derived from Ord. No. 65-41, enacted as amending Ch. 21168, Acts of 1941, as amended by Ord. No. 66-11, enacted March 15, 1966.

Sec. 7-3. Swimming or fishing from road bridges.

(a) The County Manager shall cause to be investigated and determined whether it is detrimental to traffic safety or dangerous to human life for any person to swim or fish from any road bridge located in Dade County.

(b) After making an affirmative finding in writing as to any road bridge as provided in subsection (a) of this section, the County Manager shall cause to be designated, in writing, such bridge as one (1) from which swimming or fishing is prohibited and shall post official signs thereon declaring that swimming or fishing is prohibited.

(c) When an official sign is erected giving notice thereof no person shall swim or fish from a bridge in violation of such sign.

(d) Adult offenders of this section shall be tried in the court of appropriate jurisdiction of Dade County, Florida, and juvenile offenders of this section shall be tried in the Dade County Juvenile and Domestic Relations Court.

(e) Violations of this section may be punished by:

(1) A fine not to exceed two hundred dollars ($200.00);

(2) Imprisonment in the county jail for a period not to exceed thirty (30) days;

(3) Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

(4) Fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County; or

(5) Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(Ord. No. 69-13, §§ 1—5, 2-18-69; Ord. No. 69-57, § 1, 9-17-69; Ord. No. 10-52, § 1, 9-21-10)

Sec. 7-4. Mooring watercraft to bridges, fender systems, public bank, etc.

(a) No watercraft of any nature whatsoever shall be moored to public bridges, bridge approaches, fender systems, or piles driven for the protection of bridges or their approaches, or to any publicly owned bank or shore, unless under a lease or permit issued by the governmental body having jurisdiction thereof.

(b) It is unlawful and a violation of this section to moor any watercraft in the area between the bank or shore owned by a public authority and the bridge fender system.

(c) All violations under this section shall be punishable by a fine not to exceed two hundred and fifty dollars ($250.00) or imprisonment not to exceed thirty (30) days in the County Jail, or by both such fine and imprisonment, in the discretion of the court of appropriate jurisdiction.

(d) This section shall not be interpreted to prohibit temporary docking to any structure listed in subsection (a) during an emergency. By temporary is meant a period of time not exceeding twenty-four (24) hours. By emergency is meant any structural defect in the watercraft, caused by either a normal breakdown or collision, which would render the watercraft a hazard to navigation if not immediately moored to structures listed in subsection (a), or any weather condition which seriously endangers a watercraft and which would render the watercraft a hazard to navigation if not moored to any of the structures listed in subsection (a).

(Ord. No. 69-1, §§ 1—4, 1-7-69)

Secs. 7-5—7-20. Reserved.

**Editor's note—**

Ord. No. 04-214, §§ 2, 3, adopted Dec. 2, 2004, repealed sections 7-5, 7-5.1, in their entirety. Former sections 7-5, 7-5.1 pertained to the designation of Biscayne Bay and environs as an aquatic park and conservation area and the Biscayne Bay Environmental Enhancement Trust Fund, respectively, and derived from Ord. No. 74-13, §§ 1, 2, adopted April 2, 1974; Ord. No. 80-9, § 1, adopted Feb. 19, 1980.

FOOTNOTE(S):

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**Editor's note—** Resolution No. 1988, which is not included in this Code, is on file in the Office of the County Clerk. [(Back)](#BK_986329E662947A47DA82C4A690E28622)

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**Editor's note—** The salt water barrier line map is not included in this Code. [(Back)](#BK_D210EF50509A2151CA5DFDB83FA056BE)

### ARTICLE II. MOTORBOATS [[4]](#BK_7318A2B129315B23D3CED5D073AC4AF1)

[Sec. 7-21. Applicability of State law governing operation.](#BK_AFD984795095D6EB148A3632B5A8ACE8)

[Sec. 7-22. Registration and license fees.](#BK_831394B33C2BACEA0CBB1DCDEE8FC53E)

[Sec. 7-22.1. Metropolitan Dade County vessel registration fee.](#BK_734B109243C7F4CE29C9EA675A9FD30F)

[Sec. 7-23. Violation of Sections 7-21 and 7-22.](#BK_8E8F9DB065CD66F7A7CE9FDC8E17A6A9)

[Sec. 7-24. Declaration of legislative intent.](#BK_718948CB0177AD1FEC474F81E6F79756)

[Sec. 7-25. Definitions.](#BK_ED320C8B1F3F8A77A1BE68203269A7C5)

[Sec. 7-26. Prohibitions; motorboat restricted zones.](#BK_C447E07BB42BF1A863D11A406DFEBE5D)

[Sec. 7-26.1. Prohibitions; maximum sound level standards for vessels on County waters.](#BK_D019E39D8D5E012EE59DDD4268B7E6E0)

[Sec. 7-27. Power and authority of County Manager.](#BK_14B45587A874183A0905C2FB54367905)

[Sec. 7-28. Penalties for violation of Sections 7-24 through 7-27.](#BK_40A89FE7C174BE8E6EF9BCBC32F1CBC9)

[Secs. 7-29, 7-30. Reserved.](#BK_A709F53AA4E27B49A60444C773BD4D93)

Sec. 7-21. Applicability of State law governing operation.

The laws of the State of Florida, as may be amended from time to time, governing the operation of motorboats be and the same are hereby enacted by this reference as regulations pertaining to the operation of motorboats applicable to all waters lying within the boundaries of Dade County.

(Ord. No. 63-42, § 1, 9-24-63; Ord. No. 70-78, § 1, 10-20-70; Ord. No. 83-113, § 1, 12-6-83)

Sec. 7-22. Registration and license fees.

The laws of the State of Florida, as may be amended from time to time, be and the same are hereby enacted by this reference as requiring registration of all motorboats with the Florida Department of Natural Resources and the payment of certain license fees to the State of Florida.

(Ord. No. 63-42, § 2, 9-24-63; Ord. No. 70-78, § 1, 10-20-70; Ord. No. 83-113, § 1, 12-6-83)

Sec. 7-22.1. Metropolitan Dade County vessel registration fee.

There is hereby imposed an annual County registration fee on vessels required to be registered by the State of Florida and which are operated or stored in Dade County, Florida. This fee shall be fifty (50) percent of the applicable State registration fee as same may be amended from time to time.

The Tax Collector of Dade County is hereby authorized to collect the annual County vessel registration fee at the time when State vessel registration fees are collected and to issue a receipt for payment of the County fee. The first one dollar ($1.00) of every registration fee imposed under this section shall be remitted to the State for deposit in the Motorboat Revolving Trust Fund. All other monies received shall be deposited into the Biscayne Bay Environmental Enhancement Trust Fund.

Monies realized from the annual vessel registration fee and deposited in the Biscayne Bay Environmental Enhancement Trust Fund shall be used for:

(a) Maintenance and installation of aids to navigation to protect valuable Bay habitats,

(b) Fisheries enhancement and maintenance,

(c) Habitat enhancement and maintenance,

(d) Activities related to the preservation of manatees and their habitat,

(e) Other water body maintenance, regulation, and enhancement activities.

(Ord. No. 85-11, § 1, 2-19-85; Ord. No. 89-122, § 1, 12-5-89)

Sec. 7-23. Violation of Sections 7-21 and 7-22.

A violation of any provisions of the foregoing enactments [Sections [7-21](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-21APSTLAGOOP), [7-22](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-22RELIFE)] may be prosecuted in the court of appropriate jurisdiction and shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding sixty (60) days or both such fine and imprisonment.

(Ord. No. 63-42, § 3, 9-24-63; Ord. No. 70-78, § 1, 10-20-70; Ord. No. 83-113, § 1, 12-6-83)

Sec. 7-24. Declaration of legislative intent.

The Board finds and determines that motorboats which operate on all waters lying within the boundaries of Dade County at excessive speeds or in a reckless and unsafe manner create a situation dangerous to the lives and property of persons using said waters, that excessive motorboat speed erodes shoreline property and destroys bulkheads, seawalls, docks and piers, and that said excessive speed or the operation of motorboats in a reckless and unsafe manner reduces other available recreational uses for said waters. The board further finds and determines that because different size motorboats create different problems when they operate at the same speed, a flexible regulatory scheme is required.

(Ord. No. 74-15, § 1, 4-2-74; Ord. No. 83-113, § 1, 12-6-83)

**Editor's note—**

Section 6 of Ord. No. 74-15 provided that said ordinance be included in this Code, but did not specify the manner thereof; hence, codification of §§ 1—5 herein as §§ [7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN)—7-28, was at the discretion of the editors.

Sec. 7-25. Definitions.

(a) *Motorboat* as used herein means any vessel which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water.

(b) *Person* as used herein means an individual, partnership, firm, corporation, association or other entity.

(c) *Operate* as used herein means to navigate or otherwise use a motorboat on any waters lying within the boundaries of Dade County.

(d) *Idle speed no wake* as used herein means that a motorboat cannot proceed at any speed greater than that speed which is necessary to maintain steerageway. A motorboat that is operating on a plane is not proceeding at idle speed no wake.

(e) *Regulatory marker* as used herein means any anchored or fixed marker in, on or over the water or on the shore and shall include but not be limited to bathing beach markers, speed zone markers, congested area markers, or warning markers.

(Ord. No. 74-15, § 2, 4-2-74; Ord. No. 83-113, § 1, 12-6-83; Ord. No. 86-80, § 1, 10-28-86)

**Note—**See the editor's note following [§ 7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN)

Sec. 7-26. Prohibitions; motorboat restricted zones.

(a) It shall be unlawful for any person to operate a motorboat on any waters lying within the boundaries of Dade County in violation of the rules, regulations and standards established by the County Manager under the authority and power granted in [Section 7-27](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-27POAUCOMA)

(b) No person shall operate a motorboat, or permit, allow or suffer a motorboat to be operated in the Miami River Idle Speed No Wake Zone at any speed greater than idle speed no wake. The Miami River Idle Speed No Wake Zone is hereby established to be all waters of the Miami River and its tributaries, the Tamiami Canal, Comfort Canal and Seybold Canal from their respective salinity control structures to the Intracoastal Waterway in Biscayne Bay at the mouth of the Miami River. The Miami River Idle Speed No Wake Zone shall be marked on the river with uniform waterway regulatory markers in accordance with applicable State and federal laws and regulations. The regulation of motorboat speed in the Miami River Idle Speed No Wake Zone as herein described has been established by the County Manager under authority and power granted in [Section 7-27](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-27POAUCOMA)

(c) No person shall operate a motorboat, allow or suffer a motorboat to be operated in the Little Maule Lake Idle Speed/No Wake Zone at any speed greater than idle speed, no wake. The Little Maule Lake Idle Speed/No Wake Zone is hereby established to be all the waters of Little Maule Lake. The Little Maule Lake Idle Speed/No Wake Zone shall be marked on the lake with uniform waterway regulatory markers in accordance with applicable State and federal laws and regulations. The regulation of motorboat speed in the Little Maule Lake Idle Speed/No Wake Zone as herein described has been established by the County Manager under the authority and power granted in [Section 7-27](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-27POAUCOMA)

(d) No person shall operate a motorboat, or permit, allow or suffer a motorboat to be operated in the Rickenbacker Causeway Motorboat Exclusion Zone. The Rickenbacker Causeway Motorboat Exclusion Zone is hereby established to be all waters within four hundred (400) feet south of the Rickenbacker Causeway from the east bulkhead of the West Bridge to the west bulkhead of the William M. Powell Bridge, including all improvements, recreational areas and property thereof measured from the mean low-water line; and that portion of the water area of Biscayne Bay on the southwesterly side of the Rickenbacker Causeway from the east bulkhead of the William M. Powell Bridge to the northwest bulkhead of the Seaquarium property, and northeasterly of the following described line of sight:

Begin at a point on the southern tip of the northern concrete bulkhead at the entrance to the circular cove of the west side of the property upon which the Seaquarium is situated; thence run northwesterly, in a straight line, to a point on the southwesterly tip of the concrete bulkhead at the east end of the William M. Powell and old Rickenbacker Causeway (Crandon Boulevard) Bridges.

A map reflecting the boundaries of the Rickenbacker Causeway Motorboat Exclusion Zone shall be available at the Metropolitan Dade County Public Works Department for reference by the public. The Rickenbacker Causeway Motorboat Exclusion Zone shall be marked on the waters with uniform regulatory markers in accordance with the applicable State and federal laws and regulations. The regulation of motorboat use in the Rickenbacker Causeway Motorboat Exclusion Zone as herein described has been established by the County Manager under the authority and power granted in Section 7-27, and Sections 327.46 and 327.60, Florida Statutes (1987).

(e) No person shall operate a motorboat or permit, allow or suffer a motorboat to be operated in the Key Biscayne Hurricane Harbor and Pines Canal Idle Speed/No Wake Zone at any speed greater than idle speed no wake. The Key Biscayne Hurricane Harbor and Pines Canal Idle Speed/No Wake Zone is hereby established to be all waters of Hurricane Harbor to its mouth at Biscayne Bay and all waters of Pines Canal and adjoining canal systems to its mouth at Biscayne Bay. The Key Biscayne Hurricane Harbor and Pines Canal Idle Speed/No Wake Zone shall be marked on the waters with uniform waterway regulatory markers in accordance with applicable State and federal laws and regulations. The regulation of motorboat speed in the Key Biscayne Hurricane Harbor and Pines Canal Idle Speed/No Wake Zone as herein described has been established by the County Manager under the authority and power granted in Section 7-27, and Sections 327.46 and 327.60, Florida Statutes (1987).

(f) No person shall operate a motorboat, or permit, allow or suffer a motorboat to be operated in the Oleta River Idle Speed/No Wake Zone at any speed greater than idle speed no wake. The Oleta River Idle Speed/No Wake Zone is hereby established to be all waters of the Oleta River from its intersection with Maule Lake at Snake Creek Canal to its mouth at the Intracoastal Waterway. The Oleta River Idle Speed/No Wake Zone shall be marked on the waters with uniform waterway regulatory markers in accordance with applicable State and federal laws and regulations. The regulation of motorboat speed in the Oleta River Idle Speed/No Wake Zone as herein described has been established by the County Manager under the authority and power granted in Section 7-27, and Sections 327.46 and 327.60, Florida Statutes (1987).

(g) No person shall operate a motorboat, or permit, allow or suffer a motorboat to be operated in the Upper Oleta River Idle Speed/No Wake Zone at any speed greater than idle speed no wake. The Upper Oleta River Idle Speed/No Wake Zone is hereby established to be all waters of the Oleta River and adjoining canals and lakes from Ives Dairy Road to the intersection of the river with northwestern Maule Lake. The Upper Oleta River Idle Speed/No Wake Zone shall be marked on the waters with uniform waterway regulatory markers in accordance with applicable State and federal laws and regulations. The regulation of motorboat speed in the Upper Oleta River Idle Speed/No Wake Zone as herein described has been established by the County Manager under the authority and power granted in Section 7-27, and Sections 327.46 and 327.60, Florida Statutes (1987).

(h) No person shall operate a boat, motorboat or personal watercraft (commonly known as jet skis), or permit, allow or suffer a boat, motorboat or personal watercraft to be operated in or allowed to moor or tie-up to any marker used within the Haulover/Sunny Isles Beach Boat, Motorboat or Personal Watercraft Exclusion Zone. The Haulover/Sunny Isles Beach Boat, Motorboat or Personal Watercraft Exclusion Zone is hereby established to be all waters within 195th Street to the north and southward to the northside of Bakers Haulover Cut, including all improvements, recreational areas and property thereof measured from the mean low water line; and that portion of the water area of the Atlantic Ocean, extending up to a minimum of 300 feet off shore on the southside of 195th Street to the northside of the Bakers Haulover Cut described as a direct line of sight. There will be Idle Speed Zones established to allow concessions and others to make landfall through these zones. Each of the zones will be clearly marked and equally spaced throughout the entire length of the "Exclusion Zone." No person shall be allowed to moor outside the "Exclusion Zone" and swim towards the shoreline or a swimmer to swim from the shoreline to a boat moored outside the "Exclusion Zone." Emergency or chase boats, motorboats or personal watercrafts used solely for the purpose of affecting an emergency/sea rescue or for the purpose of ensuring compliance with federal or state laws or city or county ordinances are excluded from this ordinance. A map reflecting the boundaries of the Haulover/Sunny Isles Beach Boat, Motorboat or Personal Watercraft Exclusion Zone shall be available at the Metropolitan Dade County Park and Recreation Department for reference by the public. After the effective date of this ordinance, the areas located on the public beaches within the Haulover/Sunny Isles Beach areas, as previously described shall be known as restricted swim areas and shall be governed by the provision set forth in this ordinance. The Haulover/Sunny Isles Beach Boat, Motorboat or Personal Watercraft Exclusion Zone shall be marked on the water with uniform regulatory markers in accordance with the applicable state and federal laws and regulations. The provisions of this ordinance shall be enforced by the Metropolitan Dade County Police Department's Marine Patrol and other state and federal authorities having jurisdiction over the water located within the "Exclusion Zone." Any person, corporation, partnership, limited partnership, association or other business entity which is convicted of violating this ordinance shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County jail for not more than thirty (30) days or by both such fine and imprisonment. The regulation of a boat, motorboat, or personal watercraft use in the Haulover/Sunny Isles Beach Boat, Motorboat or Personal Watercraft Exclusion Zone as herein described has been established by the County Manager under the authority and power granted in Section 7-27, and Sections 327.46 and 327.60, Florida Statutes (1995). The effect of this section shall be subject to approval by the Department of Environmental Protection of the State of Florida of the restricted area established in this section pursuant to Section 327.46, Florida Statutes (1995).

(i) No person shall operate a motorboat or personal watercraft, or permit, allow or suffer a motorboat or personal watercraft to be operated in or allowed to moor or tie-up to any marker used within the Crandon Park Motorboat or Personal Watercraft Exclusion Zone. The Crandon Park Motorboat or Personal Watercraft Exclusion Zone is hereby established within Crandon Park Lands extending south around the Bear Cut Preserve on the Atlantic Ocean side to the southern boundary of Crandon Park Lands extending up to 1,000 feet offshore. The waters through Bear Cut are excluded from this ordinance. No person shall be allowed to moor outside the "Exclusion Zone" and swim towards the shoreline or a swimmer to swim from the shoreline to a boat moored outside the "Exclusion Zone." Emergency or chase boats, motorboats or personal watercraft used solely for affecting an emergency/sea rescue or for ensuring compliance with Federal or State Laws or City or County Ordinances are excluded from this Ordinance. A map reflecting the boundaries of the Crandon Park Motorboat or Personal Exclusion Zone shall be available at the Miami-Dade Park and Recreation Department for reference by the public. After the effective date of this Ordinance, the areas located on the public beaches within the Crandon Park Lands, as previously described shall be known as restricted swim areas and shall be governed by the provisions set forth in this Ordinance. The Crandon Park Motorboat or Personal Watercraft Exclusion Zone shall be marked on the water with uniform regulatory markers in accordance with the applicable Federal and State Laws and Regulations. The provisions of this Ordinance shall be enforced by the Miami-Dade Police Department, Marine Patrol Division and other Federal and State authorities having jurisdiction over the water located within the "Exclusion Zone." Any person, corporation, partnership, limited partnership, association or other business entity which is convicted of violating this Ordinance shall be punished by a fine not to exceed five hundred ($500) dollars or by imprisonment in the County jail for not more than thirty (30) days or by both such fine and imprisonment. The regulation of motorboat or personal watercraft use in the Crandon Park Motorboat or Personal Watercraft Exclusion Zone as herein described has been established by the County Manager under the authority and power granted in Section 7-27, and Section 327.46 and 327.60, Florida Statutes (2001). The effect of this Section shall be subject to approval by the Department of Environmental Protection of the State of Florida of the restricted area established in this Section pursuant to Section 327.46, Florida Statutes (2001).

(Ord. No. 74-15, § 3, 4-2-74; Ord. No. 83-113, § 1, 12-6-83; Ord. No. 86-80, § 2, 10-28-86; Ord. No. 87-16, § 1, 4-7-87; Ord. No. 89-40, § 1, 5-18-89; Ord. No. 89-60, § 1, 7-11-89; Ord. No. 89-91, § 1, 9-26-89; Ord. No. 89-93, § 1, 9-26-89; Ord. No. 96-88, § 1, 6-4-96; Ord. No. 03-48, § 1, 3-11-03)

**Note—**See the editor's note following [§ 7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN)

Sec. 7-26.1. Prohibitions; maximum sound level standards for vessels on County waters.

(1) *Definitions:* The following words and phrases when used in this section shall have the meaning respectively assigned to them in this subsection:

(a) *dBA* means the composite abbreviation of the A-weighted sound level and the unit of sound level, the decibel.

(b) *Sound level* means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided.

(2) *Prohibition:* No person shall operate or give permission for the operation of any vessel on the waters of Dade County, including the waters of the Florida Intracoastal Waterway, in such a manner as to exceed the following sound levels at a distance of fifty (50) feet from the vessel: For all vessels, a maximum sound level of ninety (90)dBA.

(3) *Penalty for refusal to submit to sound level test:* Any person who refuses to submit to a sound level test when requested to do so by a law enforcement officer is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082, 775.083 or 775.084, Florida Statutes.

(Ord. No. 89-30, § 1, 4-18-89)

Sec. 7-27. Power and authority of County Manager.

(a) The County Manager shall have the duty, power and authority to promulgate rules, regulations, and standards designed to reduce the speed of motorboats and eliminate the operation of motorboats in a reckless or unsafe manner in any waters lying within the boundaries of Dade County, except the Florida Intracoastal Waterway, in accordance with the legislative intent of [Section 7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN)

(b) Rules, regulations and standards promulgated by the County Manager pursuant to the mandate of this section, shall become effective upon approval by the Board of County Commissioners.

(Ord. No. 74-15, § 4, 4-2-74; Ord. No. 83-113, § 1, 12-6-83)

**Note—**See the editor's note following [§ 7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN)

Sec. 7-28. Penalties for violation of Sections 7-24 through 7-27.

A violation of any provision of Sections [7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN) through [7-27](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-27POAUCOMA) may be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding sixty (60) days or both such fine and imprisonment.

(Ord. No. 74-15, § 5, 4-2-74; Ord. No. 83-113, § 1, 12-6-83)

**Note—**See the editor's note following [§ 7-24](../level3/PTIIICOOR_CH7BODOWA_ARTIIMO.docx#PTIIICOOR_CH7BODOWA_ARTIIMO_S7-24DELEIN)

Secs. 7-29, 7-30. Reserved.

FOOTNOTE(S):

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**Cross reference—** Motorboat fuel dispensing stations sign requirements, § 8A-4; park and recreation boating permits, § 26-1(R.11, R.37); alcoholic beverages on excursion boats, § 33-150(E)(11). [(Back)](#BK_976938BF7B42BD3530489DDEA9D62A4B)

### ARTICLE III. DADE COUNTY VESSEL MOORING CODE

[DIVISION 1. - IN GENERAL](../level4/PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV1INGE.docx)

[DIVISION 2. - VESSELS CONSTITUTING NUISANCES](../level4/PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV2VECONU.docx)

#### DIVISION 1. IN GENERAL

[Sec. 7-31. Short title; definitions; scope.](#BK_9A5B0C3DF54E79ACC114F477A7946182)

[Sec. 7-32. Declaration of legislative intent.](#BK_76A301EE30069FD7FCDA6ACC2AAB787E)

[Sec. 7-33. Mooring to bank except where bulkhead prohibited.](#BK_29A19CB83269B47BAE8F6A2D29D1D8E5)

[Sec. 7-34. Mooring to bitts, cleats, bollards or pilings required.](#BK_3AF94B8101269D6E867704E543E992AB)

[Sec. 7-35. Nesting or rafting of vessels prohibited in certain circumstances.](#BK_C7277C3B6C8113E34EA28EE3B4454A56)

[Sec. 7-36. Adequate mooring lines required.](#BK_964A1FD23DF5FEB828531F55BDA06B5B)

[Sec. 7-37. Abandonment of vessels.](#BK_8FD4FFFBDC40A9EEAE862AE30667C203)

[Sec. 7-38. Water in bilges.](#BK_778407EFB3AFD1085B5576DF2AF0390A)

[Sec. 7-39. Safety inspections; qualified.](#BK_32073C4CD2C294F15AACE70F554D9E88)

[Sec. 7-40. Penalties for violation of article provisions.](#BK_7C778DF17D920C6FF94AEC28E918BA94)

[Secs. 7-41—7-44. Reserved.](#BK_7996721560BEDB45E011019DCC349711)

Sec. 7-31. Short title; definitions; scope.

This article shall be known as the "Dade County Vessel Mooring Code" and shall apply to the entire Biscayne Bay, Miami River and their tributaries in Dade County, Florida, whether within or without the limits of municipalities.

The word "vessels" as used herein includes all craft, boats, ships, barges, and floating structures. The standards for the mooring of vessels provided herein shall not pertain to emergencies, or during periods of hurricane watch and hurricane warning as designated by the United States Weather Bureau and a three-day period after the said hurricane watch or warning.

(Ord. No. 65-52, § 1, 7-27-65; Ord. No. 70-38, § 1, 5-6-70; Ord. No. 79-28, § 1, 4-17-79)

Sec. 7-32. Declaration of legislative intent.

The Board finds and determines that the insecure and improper mooring of vessels in Biscayne Bay, the Miami River and their tributaries increases the danger of grounding and breaking loose of the said vessels and thereby endangers navigation, life and property; that insecurely and improperly moored vessels have broken loose in the past and damaged bridges, structures, and other valuable property; that scrap and derelict vessels occupy areas which could be developed as berths for economically active and attractive vessels; that scrap and derelict vessels moored or sunk in the Biscayne Bay, Miami River and their tributaries are unsightly, a danger to navigation, and a detriment to tourism and to property values; that the infestation of rats and the breeding of mosquitoes on derelict vessels moored upon Biscayne Bay, the Miami River and their tributaries constitute dangers to public health, and that derelict or sunken vessels often constitute attractive nuisances that endanger the lives and safety of children. The Board hereby declares its intention that the provisions of this article are not intended and should not be construed as in any way superseding or attempting to conflict with applicable statutes, ordinances, rules or regulations of the federal government or of the State of Florida but are intended to supplement any such enactments or provisions. However, this Code shall serve as a minimum standard for all municipalities within Dade County regarding the subject matter herein.

(Ord. No. 65-52, § 2, 7-27-65; Ord. No. 70-38, § 1, 5-6-70; Ord. No. 79-28, § 2, 4-17-79)

Sec. 7-33. Mooring to bank except where bulkhead prohibited.

No vessel shall be moored to the bank or shore unless the major portion of the moored vessel lies adjacent to a bulkhead, seawall, dock or pier, or the natural condition of the bank is solid and comparable to concrete bulkheading, and the depth of the water at mean low water along the entire length of the vessel is equal to the draft of the vessel.

(Ord. No. 65-52, § 3, 7-27-65; Ord. No. 70-38, § 1, 5-6-70)

Sec. 7-34. Mooring to bitts, cleats, bollards or pilings required.

All moored vessels shall be secured by attachment to bitts, cleats, bollards or pilings of sufficient strength to clinch them to the adjacent bulkhead, seawall, dock or pier. No vessels shall be moored to trees, shrubs, houses or other structures on shore, or to bridges, bridge approaches, bridge fenders, or piles driven or placed for the protection of bridges or their approaches.

(Ord. No. 65-52, § 4, 7-27-65; Ord. No. 70-38, § 1, 5-6-70)

Sec. 7-35. Nesting or rafting of vessels prohibited in certain circumstances.

The installation of pilings or the nesting or rafting of vessels in such manner as encroaches on the navigable channel of the river as defined by the U.S. Army Corps of Engineers, or creates a hazard to river navigation, shall be unlawful.

(Ord. No. 70-38, § 2, 5-6-70; Ord. No. 86-62, § 1, 9-16-86)

Sec. 7-36. Adequate mooring lines required.

Vessels of fifty (50) or more feet in length shall be moored by at least four (4) strong lines with each line having no less strength than a manila line three (3) inches in circumference and retaining seventy-five (75) percent of its original tensile strength. One (1) of such four (4) lines shall be a bow line, one (1) shall be a stern line, and two (2) shall be an amidship lines. Vessels of between twenty-five (25) and fifty (50) feet in length shall be moored by at least three (3) strong lines with each line having no less strength than a manila line three (3) inches in circumference and retaining seventy-five (75) percent of its original tensile strength. One (1) of such lines shall be a bow line, one (1) shall be a stern line, and one (1) shall be an amidship line. Vessels of less than twenty-five (25) feet in length shall be moored by at least two (2) strong lines, one (1) fore and one (1) aft, with each line having no less strength than a manila line two (2) inches in circumference and retaining seventy-five (75) percent of its original tensile strength.

(Ord. No. 65-52, § 5, 7-27-65; Ord. No. 70-38, § 2, 5-6-70)

Sec. 7-37. Abandonment of vessels.

It shall be unlawful to abandon or sink a vessel or to permit a vessel to remain sunk for more than seven (7) days.

(Ord. No. 65-52, § 6, 7-27-65; Ord. No. 70-38, § 2, 5-6-70)

Sec. 7-38. Water in bilges.

Not more than one (1) foot of water shall be permitted to remain in the bilges of any vessel for a period of more than one (1) week. The measurement to determine the depth of water in the bilges shall be at any point along the length of the vessel, but only at points one-half the distance from the amidship line to the outboard edge of the hull or hulls measured along the horizontal plane of the main deck.

(Ord. No. 65-52, § 7, 7-27-65; Ord. No. 70-38, § 2, 5-6-70)

Sec. 7-39. Safety inspections; qualified.

No officer shall board any vessel to make a safety inspection if the owner or operator is not aboard. When the owner or operator is aboard an officer may board a vessel with consent or when he has probable cause or knowledge to believe that a violation of a provision of this article has occurred or is occurring.

(Ord. No. 70-38, § 3, 5-6-70)

Sec. 7-40. Penalties for violation of article provisions.

Any person having control of a vessel in violation of the terms of this article, or owning or controlling the land to which such a vessel is moored, or who causes or permits such a vessel to violate any provision of this article or who permits a vessel offending against the terms of this article to be moored to his land, shall be guilty of a violation of this article and upon conviction therefor shall be punished by a fine not to exceed two hundred fifty dollars ($250.00) or imprisonment in the County Jail not to exceed thirty (30) days or by both such fine and imprisonment, in the discretion of the court of appropriate jurisdiction. Prosecutions for the violation of this article shall only be in the court of appropriate jurisdiction. It shall, however, be the duty of all municipal police officers within the boundaries of Dade County as well as the duty of the police officers of Dade County to enforce the penal provisions of this article.

(Ord. No. 65-52, § 13, 7-27-65; Ord. No. 70-38, § 3, 5-6-70)

Secs. 7-41—7-44. Reserved.

#### DIVISION 2. VESSELS CONSTITUTING NUISANCES

[Sec. 7-45. Offending vessels declared nuisances.](#BK_204656D4F58B45FAE82E416346CFE483)

[Sec. 7-46. Notice.](#BK_751CAF2D0D081C6E621BB1C1D20F25A4)

[Sec. 7-47. Hearing.](#BK_DEF6BEDB2FE3F1A7D9A9FE424A2EF1E2)

[Sec. 7-48. Condition may be remedied by County.](#BK_1F57D753664DAB9C0578C061CD876FD1)

[Sec. 7-49. Right of action to collect costs.](#BK_A89DC7012D09D2B4B56E076E72BF4C31)

[Secs. 7-50—7-54. Reserved.](#BK_F01C9C75F0829BC50BA3FE620BF1350A)

Sec. 7-45. Offending vessels declared nuisances.

Vessels in violation of Sections [7-33](../level4/PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV1INGE.docx#PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV1INGE_S7-33MOBAEXWHBUPR) through [7-37](../level4/PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV1INGE.docx#PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV1INGE_S7-37ABVE) of this article are hereby declared to endanger public health, safety and welfare and to be public nuisances.

(Ord. No. 65-52, § 8, 7-27-65)

Sec. 7-46. Notice.

If the County Manager finds and determines that a vessel constituting a public nuisance is moored to or located upon land abutting Biscayne Bay, the Miami River or their tributaries, he shall so notify the record owner of the offending vessel or his lawful agent and the record owner of the said abutting land, or only the latter if the record owner of the offending vessel or his lawful agent cannot be ascertained, in writing and demand that such owners cause the condition to be remedied. The notices shall be given by registered mail, addressed to the owner or owners of the property described, as their names and addresses are known to the Manager or are shown upon the records of the County Property Appraiser or the public records of Dade County, Florida, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. In the event that such notices are returned by postal authorities the Manager shall cause a copy of the notices to be served by a law enforcement officer upon the owner of the offending vessel or his lawful agent and upon the occupant of the land, the owner, or upon any agent of the owner thereof. In the event that personal service upon the owner of the offending vessel or his lawful agent or upon the occupant of the land, the owner, or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer the notices shall be accomplished by physical posting on the said property.

The notices shall be in substantially the following form:

NOTICE OF PUBLIC NUISANCE  
     (VESSEL \_\_\_\_\_)

Name of Owner of Vessel or his Lawful Agent

\_\_\_\_\_

Address of Owner of Vessel or his Lawful Agent

\_\_\_\_\_

Our records indicate that you are the owner(s) or lawful agent of the owner of the following vessel in Dade County, Florida:

  (describe vessel)

An inspection of this vessel and its surrounds discloses, and I have found and determined, that a public nuisance exists thereon so as to constitute a violation of the Dade County Vessel Mooring Code in that:

  (describe here the condition which places the vessel in violation)

You are hereby notified that unless the condition above described is remedied so as to make it nonviolative of the Dade County Vessel Mooring Code within twenty (20) days from the date hereof, Dade County will proceed to remedy this condition and the cost of the work, including advertising costs and other expenses, will be imposed as a lien on the vessel if not otherwise paid within thirty (30) days after receipt of billing.

|  |  |
| --- | --- |
|  | DADE COUNTY, FLORIDA |
|  | By:  \_\_\_\_\_ |
|  | County Manager |

NOTICE OF PUBLIC NUISANCE  
     (VESSEL \_\_\_\_\_)

Name of Owner of Land or his Lawful Agent

\_\_\_\_\_

Address of Owner of Land or his Lawful Agent

\_\_\_\_\_

Our records indicate that you are the owner(s) or lawful agent of the owner of the following land in Dade County, Florida:

  (describe property)

An inspection of this land discloses, and I have found and determined, that a public nuisance exists thereon so as to constitute a violation of the Dade County Vessel Mooring Code in that:

  (describe here the condition which places the property in violation)

You are hereby notified that unless the condition above described is remedied so as to make it nonviolative of the Dade County Vessel Mooring Code within twenty (20) days from the date hereof, Dade County will proceed to remedy this condition and the cost of the work, including advertising costs and other expenses, will be imposed as a lien on the land if not otherwise paid within thirty (30) days after receipt of billing.

|  |  |
| --- | --- |
|  | DADE COUNTY, FLORIDA |
|  | By:  \_\_\_\_\_ |
|  | County Manager |

(Ord. No. 65-52, § 9, 7-27-65; Ord. No. 76-61, § 1, 7-6-76; Ord. No. 79-28, § 3, 4-17-79)

Sec. 7-47. Hearing.

Within twenty (20) days after the mailing of notice to him, the owner of the vessel may make written request to the Board of County Commissioners for a hearing before that body to show that the condition alleged in the notice does not exist or that such condition does not constitute a public nuisance. At the hearing the County and the vessel owner may introduce such evidence as is deemed necessary.

Within twenty (20) days after the mailing of notice to him, the owner of the land may make written request to the Board of County Commissioners for a hearing before that body to show:

(1) That the condition alleged in the notice does not exist,

(2) That such condition does not constitute a public nuisance, or

(3) That the vessel moored beside or tangential to the owner's land was moored or positioned there without the said land owner's consent, and that the said land owner receives no rental or other similar benefit from the owner of the vessel or his agent.

At the hearing the County and the land owner may introduce such evidence as is deemed necessary.

(Ord. No. 65-52, § 10, 7-27-65; Ord. No. 76-61, § 2, 7-6-76)

Sec. 7-48. Condition may be remedied by County.

If within twenty (20) days after the mailing or posting of the notices no hearing has been requested and the condition described in the notice has not been remedied, the County Manager shall cause the condition to be remedied by Dade County at the expense of either vessel owner or the land owner or both of these property owners, jointly or severally. If a hearing has been held and has been concluded adversely to either or both of these property owners, the County Manager may cause the condition to be remedied by Dade County at the expense of either or both of these property owners unless the Commission directs otherwise. Actions taken by the County Manager to remedy the said condition may include but are not limited to pumping out vessels, providing lines for vessels, installing cleats, bitts, bollards or pilings adequate to keep vessels securely moored, and removing and destroying vessels abandoned or left in a derelict condition and having only nominal or junk value. Persons designated by the Manager to remedy the said conditions are hereby expressly authorized to enter upon the said property described in the notices set out in [Section 7-46](../level4/PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV2VECONU.docx#PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV2VECONU_S7-46NO) above. Upon ordering a condition to be remedied by the County, the County Manager shall cause to be recorded in the public records a notice of vessel mooring lien pending, which shall include a description of the vessel and land involved and a statement that the mooring of a vessel or its destruction in accordance with this article has been ordered, the cost of which shall under this article constitute a lien. The said notice of vessel mooring lien pending shall, twelve (12) months after the date thereof be null and void and constitute no record notice of a pending lien. After remedying the nuisance, the County Manager shall certify to the Director of Finance the expenses incurred in effecting the proper vessel mooring or destruction, and shall include a copy of the notice described in the preceding sentence, whereupon such expense shall become payable within thirty (30) days, after which a special assessment lien and charge will be made upon the vessel or land or both, together with costs of recordation of all documents required to be recorded hereby and with interest at the rate of six (6) percent per annum from the date of such certification until paid; provided however, that the said lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The Director of Finance shall file for record a notice of lien pertaining to such lien in the office of the Clerk of the Circuit Court, and shall keep complete records relating to the amount payable thereon. The amount of liens accruing during any year ending on June first shall be billed and mailed in the fall of the same year to the owners of the vessel, the land, or both of these properties subject to such liens at the same time as tax statements for ad valorem taxes are mailed, and if the said amount shall not be paid on or before April first of the following year, the lien shall be delinquent, overdue, and in default, and the entire amount of the lien shall be collected in the same manner as delinquent taxes by advertisement and sale of certificates. Upon full payments of liens provided hereby or sale certificates resulting therefrom, the Director of Finance shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of vessel mooring lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.

(Ord. No. 65-52, § 11, 7-27-65; Ord. No. 76-61, § 3, 7-6-76)

Sec. 7-49. Right of action to collect costs.

If the costs of remedying the condition constituting a nuisance shall not be paid when due and payable, as provided in [Section 7-48](../level4/PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV2VECONU.docx#PTIIICOOR_CH7BODOWA_ARTIIIDACOVEMOCO_DIV2VECONU_S7-48COMABERECO), the said land owner or owners and also the owner or owners of the offending vessel constituting a nuisance shall be liable to Dade County for the said costs and Dade County shall have a right of civil action against either the said land owners or said vessel owners or against both of them. This remedy shall be cumulative and in addition to other remedies elsewhere provided.

(Ord. No. 65-52, § 12, 7-27-65; Ord. No. 76-61, § 4, 7-6-76)

Secs. 7-50—7-54. Reserved.

### ARTICLE IV. BARGES [[5]](#BK_BBD5613AA592F1991562FAD09F189A7A)

[Sec. 7-55. Definitions.](#BK_45EA2397E4957C6F2889DD5633973587)

[Sec. 7-56. Penalties for violation of article.](#BK_6C2E1F92DAE2612F7B4D378EB82FAF9C)

[Sec. 7-57. Administration by Dade County Seaport Director.](#BK_04B4B23BC64052EB3AA33552B0AD9FF2)

[Sec. 7-58. Undocumented barges required to display identification.](#BK_B701B83BEDB2E39E8976A2B41F3FD4A9)

[Sec. 7-59. Mooring and anchoring.](#BK_373A4DB05D61F63A3CE4CE66F18A83C7)

[Sec. 7-60. Variances.](#BK_1AEB75F39CB76F01D64105097DDF2067)

Sec. 7-55. Definitions.

*Miami Harbor.* For purposes of this article, the term "Miami Harbor" shall include all navigable waters within the confines of Dade County.

*Storm warning.* [A "storm warning" is] a warning issued by the U.S. Weather Bureau that one (1) or more of the following dangerous weather conditions are expected in a specified coastal area in twenty-four (24) hours or less:

(a) *Tropical storm.* A tropical cyclone with closed isobars and highest wind speeds of thirty-four (34) to sixty-three (63) knots (thirty-nine (39) to seventy-three (73) mph) inclusive.

(b) *Whole gale.* Winds in the range of fifty-five (55) to seventy-three (73) miles per hour (forty-eight (48) to sixty-three (63) knots).

*Hurricane warnings.* [A "hurricane warning" is] a warning issued by the U.S. Weather Bureau that one (1) or more of the following dangerous effects of a hurricane are expected in a specified coastal area in twenty-four (24) hours or less:

(a) Hurricane force winds (seventy-four (74) miles per hour or higher).

(b) Dangerously high water or a combination of dangerously high water and exceptionally high waves, even though winds expected may be less than hurricane force.

*Barges.* [A "barge" is] any vessel without sail or internal motive power of its own intended to be utilized by being towed by another vessel.

*Undocumented barge.* [An "undocumented barge" is] any barge which is not required to have, and does not have, a valid marine document issued by the U.S. Coast Guard or Bureau of Customs.

*Open water.* ["Open water" is] all navigable water in Dade County not protected from wind and wave action on all points of the compass, including all of Biscayne Bay except sheltered coves.

*Sheltered waters.* ["Sheltered waters" are] all navigable waters in Dade County protected from wind and wave action on all sides including the upper reaches of the Miami River and excluding all of Biscayne Bay except sheltered coves.

*Safe anchorage.* ["Safe anchorage" is] a place for anchorage or mooring that is sheltered from the action of wind and wave, and provides adequate holding power for anchors or mooring lines utilized.

(Ord. No. 67-51, § 1, 7-25-67)

Sec. 7-56. Penalties for violation of article.

Any person, including specifically but not limited to, the officers and managing agents of any entity, agency or corporation, private or public, who knowingly fails or refuses to obey or comply with, or wilfully violates, any of the provisions of this article, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court. Each day of continued violation shall be considered as a separate offense. In addition or alternatively by direction of the County Commission, the provisions of this article may be enforced by injunction or other appropriate civil action.

(Ord. No. 67-51, § 4, 7-25-67)

Sec. 7-57. Administration by Dade County Seaport Director.

The Dade County Seaport Director is hereby designated as the County's chief administrative officer regarding interpretation of this article and shall make recommendations for enforcement thereof. All owners of barges covered by this article will be required to notify the Seaport Director of their name and address and of the identification and the proposed safe anchorage of their barges upon issuance of storm or hurricane warnings.

(Ord. No. 67-51, § 5, 7-25-67)

Sec. 7-58. Undocumented barges required to display identification.

Commencing with the effective date of this article [thirty (30) days after July 25, 1967], all undocumented barges, as defined herein, located in the navigable waters of Dade County shall conspicuously display identification including a name or number and the name of the owner of said barges. The letters and numerals of the identification provided must be at least three (3) inches in height with black on white background so as to be clearly visible from a distance of at least two hundred (200) feet. It shall be unlawful for any undocumented barge, not displaying acceptable identification as required hereunder, to be located on the navigable waters of Dade County subsequent to the effective date of this article.

(Ord. No. 67-51, § 2, 7-25-67)

Sec. 7-59. Mooring and anchoring.

Mooring and anchoring of barges in the navigable waters of Dade County shall continue to be in accordance with accepted practices and regulations except as provided herein. Owners of barges shall take action to insure that their barges are moved from open waters to areas of safe anchorage in sheltered waters, as defined herein, immediately upon the issuance of a storm or hurricane warning which includes the area of Dade County in which the barges are located. The practice of scuttling as an aid in securing an anchored or moored barge will be permitted provided that the barge is hard aground in water not ordinarily used by other craft and is properly marked according to current federal regulations so as not to constitute a menace to navigation.

(Ord. No. 67-51, § 3, 7-25-67)

Sec. 7-60. Variances.

In the event the application of any one (1) or more of the requirements established by this article as applied to a particular case, in light of the particular circumstances, is demonstrated to be either unreasonable, arbitrary or not in the public interest and if it be found that such requirement results in undue hardship to some person, the Board of County Commissioners may, after public notice and hearing at the petition of such person, grant a variance from the application of such regulation for that particular case.

(Ord. No. 67-51, § 6, 7-25-67)

FOOTNOTE(S):

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**Editor's note—** Article IV, §§ 7-55—7-60, is derived from Ord. No. 67-51, §§ 1—6, adopted July 25, 1967, effective thirty (30) days after enactment. Section 8 of said ordinance authorized its inclusion as a part of this Code. [(Back)](#BK_A4CEE1A9CC3D0A3D1F6284322DBF11E8)