

114-39. Junked, wrecked, abandoned or derelict property.

(a) No person shall abandon or dump any article of wrecked or derelict property on or in any water of the county or at any port within the county. This includes but is not limited to wrecked, inoperative or partially dismantled vessels, decrepit or partially sunken docks, trailers, boats, machinery, construction debris, garbage, solid waste or other material. Notwithstanding this prohibition, it shall be lawful to place rip-rap at the toe of a vertical seawall or along an unimproved shoreline provided:

(1) The rip-rap consists only of natural boulders or clean concrete rubble one (1) to three (3) feet in diameter in average dimensions;

(2) The slope of the riprap is no steeper than two (2) horizontal to one (1) vertical and the horizontal distance from the toe of the seawall is no more than eight (8) feet, or one-third (  $\frac{1}{3}$ ) of the total width of waterway, whichever is more restrictive (the width of the waterway shall be calculated at low tide);

(3) There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments, paint, stain or other such coatings and free of saturation by any petroleum based product.

(4) Neither the distance nor the use of the riprap shall interfere with navigation;

(5) There is no filling or dredging associated with the placement of riprap other than the riprap material itself;

(6) There shall be no filling of submerged grassbeds;

(7) The amount of wetland area filled shall not exceed one hundred (100) square feet; and

(8) There shall be no filling of coral communities.

(9) This exemption allowing rip-rap is also subject to the specific conditions as follows:

a. Installation of the rip-rap shall not result in requiring any subsequent request to dredge for navigational access;

b. There shall be no backfilling to obtain useable upland or to straighten an otherwise sinuous shoreline; and

c. There shall be no filling or backfilling to reclaim land lost by avulsion or erosion.

(10) "Rip-rap" is a sloping retaining or stabilizing structure made to reduce the force of waves and to protect the shore from erosion, and consists of unconsolidated boulders, rock, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

(b) If a vessel or other article of derelict or abandoned property is located on or in the waters of the county or at any port in the county in violation of subsection (a) of this section, the county may remove and dispose of the property in accordance with F.S. ch. 705 or may require the owner of the property to remove the property.

(c) It shall be unlawful for any person to oppose, obstruct or resist any designated agent of the county in his discharge of duties or to fail or neglect or refuse to remove the abandoned, wrecked, junked or partially dismantled, inoperative or derelict property in accordance with the notice given pursuant to subsection (b) of this section.

(Code 1970, §§ 2  $\frac{3}{4}$ -10--2  $\frac{3}{4}$ -12; Ord. No. 82-22, §§ 7--9, 8-31-82; Ord. No. 88-31, §§ 10--12, 11-29-88; Ord. No. 93-04, §§ 10(2  $\frac{3}{4}$ -10), 11(2  $\frac{3}{4}$ -11), 12(2  $\frac{3}{4}$ -12), 1-26-93; Ord. No. 02-16, § B, 7-30-02; Ord. No. 07-06, § B, 3-27-07)

