

**ORDINANCE NO. 02-2004**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 8, ARTICLES II AND III, OF THE TOWN CODE CHANGING THE NAME OF THE MARINA DEVELOPMENT AND CONTROL BOARD TO HARBOR MARINA ADVISORY BOARD, AND ALL AMENDMENTS RELATED THERETO; PROVIDING FOR ADDITIONAL DEFINITIONS; REPEALING EXISTING RATES FOR RENTAL OF BOAT SLIPS, REPEALING LOCAL PREFERENCE FOR LEASING OF BOAT SLIPS, REPEALING RESTRICTIONS ON USE OF ELECTRICAL OUTLETS; PROVIDING FOR ADDITIONAL RULES AND REQUIREMENTS FOR USE OF THE MARINA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida (Town) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town of Lake Park Commission has the authority to develop a marina advisory board, which shall have the duty to review all rules, regulations and procedures concerned with marina operation and control, and which shall report directly to the Town Commission; and

**WHEREAS**, pursuant to Ordinance Nos. 23-1967 and 3-1976, the Town Commission enacted provisions which were codified into the Town Code at Chapter 8, Article II and III; and

**WHEREAS**, in the redevelopment of the Town's marina, the Town Commission has decided to change the name of the existing Marina Board now known as the Marina Development and Control Board, to the Harbor Marina Advisory Board, to change the name of the "Lake Park marina" to the "Lake Park Harbor Marina", and to change the name of the operator of the Marina from "dockmaster" to "harbor marina manager"; and

**WHEREAS**, the Town Commission recognizes a need to amend the current Code to change all references to the "Marina Development and Control Board" to the "Harbor Marina Advisory Board" to change the the name of the "Lake Park marina" to the "Lake Park Harbor Marina", and to change the name "dockmaster" to "harbor marina manager" to reflect the name changes; and

**WHEREAS**, the Town Commission has further recognized that certain existing rules and requirements pertaining to the use of Lake Park Harbor Marina, including rental rates and other regulations, require modification and amendment; and

**WHEREAS**, the Town has the power and authority pursuant to Chapter 166, F.S. to enact laws for the furtherance of the health, safety, and general welfare of its citizens.

**NOW, THEREFORE**, be it ordained by the Town Commission of the Town of Lake Park, Florida that:

**Section 1.** The whereas clauses are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

**Section 2.** The Town Commission hereby amends Chapter 8, Article II and III of the Town Code as follows:

**Secs. 8-1-8-15. Reserved.**

**ARTICLE II. ~~MARINA DEVELOPMENT AND CONTROL BOARD~~ HARBOR MARINA ADVISORY BOARD**

**Sec. 8-16. Created.**

A ~~marina development and control board~~ harbor marina advisory board of the town is hereby created.

**Sec. 8-17. Composition.**

The ~~marina development and control board~~ harbor marina advisory board shall be composed of five (5) ~~qualified citizens of the town members, with not less than two~~ (2) alternates. ~~Four members of the board shall be residents of the town, and the fifth member may be a local area resident that works within the town. The harbor marina advisory board shall, whenever possible, have individuals with marine experience and shall be appointed by the town commission.~~

**Sec. 8-18. Compensation.**

All members of the ~~marina development and control board~~ harbor marina advisory board shall serve without compensation.

**Sec. 8-19. Terms of members.**

The terms of office for members of the ~~marina development and control board~~ harbor marina advisory board shall be for a period of three (3) years, provided, however, that when originally appointed two (2) members shall be appointed for a term of one year, two (2) members for a term of two (2) years, and one member for a term of three (3) years, and all succeeding terms shall then be for terms of three (3) years.

**Sec. 8-20. Organization.**

The members of the ~~marina development and control board~~ harbor marina advisory board shall organize themselves and shall select a chairman and a secretary from among their own members.

**Sec. 8-21. Reporting to commission; assistance of officials and employees.**

The members of the ~~marina development and control board~~ harbor marina advisory board shall report directly to the town commission on any project requested of it, and shall work closely with other officials and employees of the town for the progressive development and efficient operation of the Lake Park Harbor Marina. To that end, all officials and employees of the town, including the town manager, town attorney and members of the town commission, and ~~the town engineer~~ shall give such operational support and assistance as may be required by the harbor marina advisory board for the effective performance of its assigned responsibilities.

**Sec. 8-22. Revision of Lake Park Harbor Marina master plan.**

The ~~marina development and control board~~ harbor marina advisory board shall have as a first duty the revision of an existing master plan for Lake Park Harbor Marina devised by the Boat Basin Improvement Committee organized under Ordinance 5-1962, with specific concern for property acquired adjacent to the Lake Park Harbor Marina since the marina master plan's ~~had been presented~~ presentation. The revised master plan and any future revisions shall be the guideposts for expansion and control and development of the Lake Park Harbor Marina by the town commission.

**Sec. 8-23. Review of rules and regulations for marina operation and control.**

The ~~marina development and control board~~ harbor marina advisory board shall have the duty opportunity to review all rules, regulations and procedures concerning the marina operation and control, and shall submit such recommendations as it may deem proper and necessary to the town commission, and the town manager, for such action as the commission shall see fit.

**Sec. 8-24. Continuous review; annual report to commission.**

The ~~marina development and control board~~ harbor marina advisory board shall maintain a continuous review of marina planning, construction, maintenance and operation, and shall report periodically to the town commission on these matters for such recommendations as they deem proper and necessary for appropriate action by the town commission. Such report shall be at the discretion of the harbor marina advisory board, however, not less than annually on or before July first of each year the harbor marina advisory board shall present its annual report to the town commission and to the town manager, together with whatever budget recommendations it has for the following year.

**Sec. 8-25. Advise to commission on specific matters.**

The town commission may from time to time seek the advise of the ~~marina development and control board~~ harbor marina advisory board on specific matters to which the harbor marina advisory board shall make as prompt of a reply as possible to the request of the town commission, together with the description of the reasons for the recommendations which the harbor marina advisory board shall make.

**Sec. 8-26. Powers generally.**

The ~~marina development and control board~~ harbor marina advisory board shall have such powers as may be proper or necessary for the discharge of its duties.

**Sec. 8-27. Purchases and contracts.**

All purchases or contracts by the ~~marina development and control board~~ harbor marina advisory board involving or binding the town shall be made only through the office of the town manager in accordance with the requirements of the Charter and this Code.

**ARTICLE III. LAKE PARK HARBOR MARINA**

**Sec. 8-39. Definitions.**

As used in this article, the following words and phrases shall have the meanings indicated:

*Dockmaster Harbor Marina Manager* shall mean any person authorized to represent the town commission, ~~by the town manager, or other group~~ legally designated to operate the marina for the town. The harbor marina manager shall report to, and be directly responsible to the town manager.

*Houseboat* shall mean any flat-bottomed barge-like boat of whatever size or shape fitted for use as a floating dwelling, but not suited to rough water. ~~Additionally, any boat of whatever size or shape which is actually used for living and housekeeping purposes within the marina area shall be deemed to be a houseboat.~~

*Marina* shall mean the Lake Park Harbor Marina.

*Resident* is used to designate a person who resides within the corporate limits of the town.

*Tenant* shall mean the owner and/or operator of a boat regularly moored or launched at the marina, ~~or any other person otherwise using marina facilities.~~

*Transient* shall mean a temporary tenant not to exceed 10 days length of stay.

**Sec. 8-40. Tenant subject to regulations.**

All tenants of the marina shall be subject to the rules and regulations set forth in this article.

**Sec. 8-41. Boats, cars and trailers under jurisdiction of dockmaster harbor marina manager.**

(a) when a boat, car or trailer enters the marina area, it immediately comes under the jurisdiction of the ~~dockmaster~~ harbor marina manager, and his or her duly authorized representative(s), and of the regulations in this article; it shall be berthed, anchored, parked or otherwise maneuvered only as directed.

(b) No motor homes, campers or trucks weighing in excess of one-ton rated capacity (except to make deliveries or pickups) shall be permitted to park in the Lake Park Harbor Marina or the parking area attached thereto. Trucks making deliveries or pickups of fuels and supplies may enter the Lake Park Harbor Marina area only for such purposes and must leave as soon as the delivery or pickup is completed.

**Sec. 8-42. Permitted hours of use.**

(a) No person, except as otherwise provided herein, shall use or be present on the premises of the marina from ~~4:00 p.m.~~ 12:00 a.m. (midnight) until 5:00 a.m.; however, this provision shall not apply to persons using launching ramps for boat recovery only, live-aboards, transients, tenants of the marina and their guests nor to employees of the town.

(b) Vehicular parking within the marina facility from ~~4:00 p.m.~~ 12:00 a.m. (midnight) until 5:00 a.m. shall be prohibited other than for the vehicles of live-aboards, transients, tenants of the marina and their guests, ramp users awaiting recovery, and authorized town employees.; however, this provision shall not apply to vehicle/trailer combinations nor to vehicles displaying a permit therefore.

**8-43. Berthing restrictions restricted to pleasure craft.**

~~Only p~~ Pleasure boats shall, at all times, be allowed to be berthed at the marina. In addition, Hhouseboats, commercial fishing boats, boats for hire, and other types of commercial craft shall not may be berthed or otherwise accommodated at the marina without express prior approval of the town commission. the prior written approval of the town manager.

**8-44. Boats to be marked and in seaworthy condition.**

All boats using marina facilities shall be fully marked and or identified as required by law. They shall be in seaworthy condition and not constitute a fire or safety hazard. The ~~dockmaster~~ harbor marina manager shall have authority to make adequate inspection of any boat and to determine its compliance with these requirements.

**8-45. Information displayed and furnished to dockmaster harbor marina manager.**

~~Tenants of mooring slips in the marina must record their~~ provide the tenant, owner and/or operator's name(s), mailing address and telephone number(s), copies of vessel's registration or documentation, liability insurance and most recent U.S. Coast Guard vessel inspection to the ~~on a placard of standard size and conformation at the head of the assigned slip and also supply such information to the dockmaster~~ harbor marina manager.

**Secs. 8-46. Tie-ups to be safe and secure.**

All boats shall be tied up in berths or at moorings in the marina in a safe and secure manner acceptable to the dockmaster harbor marina manager. The dockmaster harbor marina manager may, at his option, and after notice to the tenant when practical, correct inadequate tie-ups and assess a service fee therefore against the tenant. Lines, pulleys, counterweights and other equipment required for safe and adequate tie-ups shall be supplied by or at the expense of the tenant.

**Sec. 8-47. Storage, structures on walkway areas.**

Tenants of the marina shall not store supplies, materials, accessories or debris upon any walkway, bulkhead or adjacent area and shall not place thereon any lockers, chests, cabinets, steps, ramps, or similar structures except as may be specifically authorized by the dockmaster harbor marina manager in strict accordance with marina standards of design and construction as established, and approved, by the town commission. Attachments or structures affixed as indicated above shall become the property of the marina and may not be later removed by the tenant except as may be specifically authorized by the dockmaster harbor marina manager.

**Sec. 8-48. Refuse disposal.**

No refuse shall be thrown overboard within the marina area. All garbage, trash and other debris shall be placed in containers supplied for the purpose or disposal of as otherwise specified by the dockmaster harbor marina manager.

**Sec. 8-49. Living aboard boats.**

~~Living aboard boats within the marina area shall not be permitted~~ The permanent use of boats for habitation is prohibited within the marina. Short term habitation on boats may be allowed with the prior written approval of the harbor marina manager.

**Sec. 8-50. Noisy equipment; nuisances.**

Tenants of the marina shall use discretion in operating motors, engines, bilge pumps and other noisy equipment and shall not engage in any activities which might create a nuisance or annoyance for other tenants or nearby residents of the town.

**Sec. 8-51. Craft entering under emergency or special conditions.**

Craft entering the marina in an emergency or under other special conditions shall be reported by their owners or operators promptly to the dockmaster harbor marina manager.

**Sec. 8-52. Repairs.**

Only minor repairs, generally to the interior of the boat and in no way endangering or unduly disturbing nearby boats, may be made while boats are moored in slips in the marina.

**Sec. 8-53. Responsibility for losses or damage; sunken vessels.**

The dockmaster harbor marina manager and the town shall not be responsible for any losses or damage to boats in the marina. Each tenant or boat owner shall be held responsible for damage which he or his boat may cause to other boats in the marina or for damage to any marina structure. Any boat which may sink within the marina shall be removed by or at the expense of the tenant.

**Sec. 8-54. Boat equipment and operation.**

Boats in the marina shall be equipped with required lights and other safety equipment and shall be operated according to accepted rules of the road and navigation laws of the United States and the state State of Florida.

**Sec. 8-55. ~~Electricity; restricted use of.~~**

~~Electrical outlets at the marina may be used only for operating small tools and for charging batteries for a reasonable period of time in connection with boats renting slips at the marina. Any use of electricity, except as set forth above, shall only with the express written consent of the dockmaster who may assess reasonable charges therefore to offset any expenses to the town.~~



**Sec. 8-5655. Speed of boats.**

Boats within the marina shall be operated within posted speed limits and at minimum speeds which will not cause objectionable wakes or wash.

**Sec. 8-5756. Swimming, diving, fishing prohibited.**

Swimming, diving and fishing are forbidden within the marina area; provided, however, that persons may fish from designated areas located along the marina bulkhead into Lake Worth, east of the established bulkhead line from sunrise to sunset.

**Sec. 8-5857. Children to be accompanied by adult.**

Children under ~~ten (10)~~ sixteen (16) years of age are not allowed within the marina area except when accompanied by a responsible adult.

**Sec. 8-5958. Rates Fees for rental of boats slips-Schedule.**

The following ~~criteria~~ are used to establish rates for the rental of boat slips at the Lake Park Marina:

<i>Location</i>	<i>Minimum Footage</i>
North Marina:	
East Side	19
West Side	15
South Marina	19

~~Based on these criteria, the fee schedule for the Lake Park Marina shall be established by resolution of the town commission on a per foot, per month basis. All fees for the rental of boat slips within the marina and other charges incidental thereto, shall be established by resolution of the town commission, after receipt and review of the recommendations of the harbor marina advisory board and the town manager. Leases of boat slips shall be by a standard form slip lease agreement prepared by the town. Subleases of slips shall not be permitted, except with the prior written consent of the harbor marina manager using guidelines promulgated by the town, and only upon execution of a written sublease agreement reviewed and approved as to form by the town attorney. The harbor marina manager shall retain copies of all leases and subleases of boat slips.~~

**Sec. 8-6059. Same - Advance payment; terms.**

(a) All rentals for space at the marina shall be paid in advance.

(b) All rental slips at the marina shall be for a minimum period of six (6) months, evidenced by a written lease entered into between the town and the lessee. **a specimen copy of which is attached hereto and made a part hereof.** The lease stipulates that the first and last month's rental on the slip must be paid in advance with the last month's rental being in the form of a security deposit for the future payment of rent. All rental payments are due and payable at the office of the town ~~treasurer~~ finance director on or before the first of each and every month. Provided, however, if there are rental slips at the Lake Park Harbor Marina which are not leased as set forth above, then the ~~dockmaster~~ harbor marina manager may rent the slips for a period of less than six (6) months in order to achieve greater utilization of unused or vacant slips. All rentals, regardless of term, shall be handled in accordance with the provisions of this section. ~~The short-term rentals shall be at a rate set by the dockmaster upon the recommendation of the marina board and approval by motion of the town commission.~~

**Sec. 8-6160. Preference to residents in leasing slips.**

~~In leasing slips at the marina, preferences shall be given to residents of the town who desire to lease slips in competition with nonresidents. Applications for slips shall be honored in accordance with the oldest application getting first priority for renewal.~~ Applications for slips shall be honored in accordance with the oldest application getting first priority for leasing and renewal.

**Sec. 8-6261. Transfer of boats between slips.**

No transfer of boats between slips at the marina shall be allowed except upon specific prior arrangements with the ~~dockmaster~~ harbor marina manager and evidenced by written agreement.

**Sec. 8-6362. Rates for use of launching ramp.**

(a) ~~The following criteria are use to establish rates for use of the launching ramp:~~ The rate for use of the launching ramp is a per launch rate.

~~(1) Annual fee.~~

~~(2) Single-launching fee.~~

(b) Persons who pay for dockage fees provided by this Code are entitled to the use of the launching ramp at no extra cost.

(c) ~~Based upon this criteria, the~~ The fee schedules for the Lake Park Harbor Marina launching ramps shall be established by resolution of the town commission.

**Sec. 8-6463. Other fee schedules pertaining to operation of marina facilities.**

There shall be established by resolution such other fee schedules as may be necessary to effectively ~~handle the administration of~~ operate and maintain the Lake Park Harbor Marina marina.

**Secs. 8-6564 - 8-75. Reserved.**

**Section 3. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Codification.**

The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 5. Repeal of Laws in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Town Commission.

Upon First Reading this 7<sup>th</sup> day of January, 2004 the foregoing ORDINANCE was offered by Commissioner Garretson who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN		X
COMMISSIONER BILL OTTERSON	X	

Upon Second Reading this 21<sup>st</sup> day of January, 2004 the foregoing ORDINANCE was offered by Commissioner Longtin who moved its adoption. The motion was seconded by Commissioner Garretson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO		Absent
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	


The Mayor thereupon declared Ordinance No.02-2004 duly passed and adopted this 21<sup>st</sup> day of January, 2004

TOWN OF LAKE PARK, FLORIDA

BY: 

Mayor Paul Castro

ATTEST:

  
Carol Simpkins, Town Clerk  
(Town Seal)



Approved as to form and legal sufficiency:

  
Thomas J. Baird, Town Attorney