

**ORDINANCE NO.: 2008-01**

**AN ORDINANCE OF THE BOARD OF HERNANDO COUNTY COMMISSIONERS CREATING A SECTION OF THE HERNANDO COUNTY CODE RELATING TO THE MOORING OR DOCKING OF COMMERCIAL VESSELS AS DEFINED; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROHIBITING THE MOORING OR DOCKING OF COMMERCIAL VESSELS AS DEFINED ADJACENT TO RESIDENTIAL PROPERTY BETWEEN 6:00 P.M. AND 7:00 A.M.; PROHIBITING REPAIR, FUEL, OR WASHING OF, OR UNLOADING OF SALTWATER PRODUCT FROM, COMMERCIAL VESSELS AS DEFINED WHEN DOCKED OR MOORED ADJACENT TO RESIDENTIAL AREAS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SCOPE; PROVIDING FOR CONFLICT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

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CLERK OF COUNTY COMMISSIONERS  
HERNANDO COUNTY FLORIDA

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Hernando County to provide and maintain for the citizens of the County standards which ensure their health, welfare and well being; and

WHEREAS, Section 327.22, Florida Statutes, authorizes the Board of County Commissioners of Hernando County to regulate the use of vessels within the territorial limits of the County; and

WHEREAS, the mooring or docking of commercial vessels at residential properties outside of areas with a long and substantial history of commercial vessel usage reduces the aesthetic value of Hernando County's waterways; and

WHEREAS, the repairing, fueling, and washing of commercial vessels at

residential properties place said waterways at an increased risk of pollution; and

WHEREAS, the protection of Hernando County's waterways constitutes a valid exercise of the County's police powers.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, that:

**SECTION ONE: SHORT TITLE**

This Ordinance will be known and cited as the Hernando County Commercial Vessel Docking and Mooring Ordinance.

**SECTION TWO: DEFINITIONS**

- A. Unless otherwise provided herein, all of the words and phrases contained in this Ordinance shall have the meanings provided by Section 327.02, Florida Statutes, as may be amended from time to time.
- B. For the purpose of this Ordinance, "commercial vessel" shall include any vessel, boat, barge, or other water craft which is used for dredging or excavation work, construction work, transportation of cargo for a fee, commercial fishing, including but not limited to harvesting, storing, loading or unloading of saltwater product for wholesale or retail sale, entertainment for a fee, towing other vessels, or any other commercial enterprise or purpose.
- C. For the purposes of this Ordinance, "dock" shall mean:
  - 1. A protected water area in which vessels are moored or berthed.
  - 2. Any platform built out from the shore into the water and supported by pilings or floats where boats can make fast. Docks may be subdivided into smaller areas for docking known as slips.

3. The act of securing a boat in such a manner or the act of entering a dock.
- D. For the purposes of this ordinance, “governmental entity” shall include, but not be limited to, Hernando County, the Hernando County Port Authority, the State of Florida, and the United States of America.
- E. For the purposes of this Ordinance, “moor” or “mooring” shall mean:
1. A place, other than a pier, where vessels are secured.
  2. A chain, line or other device by which a vessel is secured in place and which is not carried aboard the vessel as regular equipment when the vessel is underway.
  3. The process of securing a vessel by means of chains, lines or other devices by which a vessel is secured in place and which is not carried aboard the vessel as regular equipment when underway.
  4. “Mooring” shall also be taken to mean the act of securing a vessel to another vessel when such other vessel is moored as defined herein.

**SECTION THREE: PROHIBITION ON DOCKING OR MOORING OF  
COMMERCIAL VESSELS ADJACENT TO  
RESIDENTIAL AREAS**

In any canal, lake, basin, or other waterway within the territorial jurisdiction of Hernando County, no more than one (1) commercial vessel shall be moored, docked, or otherwise secured in any way to a dock, seawall, boat lift, or other marine improvement or structure that projects from, is attached to, or is located in conjunction with a residential property between the hours of 6:00 p.m. and 7:00 a.m.

**SECTION FOUR: PROHIBITION ON THE REPAIR, FUEL, OR WASHING OF, OR UNLOADING OF SALTWATER PRODUCT FROM, COMMERCIAL VESSELS DOCKED OR MOORED ADJACENT TO RESIDENTIAL AREAS**

No commercial vessel shall be repaired, fueled, or washed when moored or docked adjacent to residential property in any waterway within the territorial jurisdiction of Hernando County, nor shall saltwater product be loaded or unloaded from a commercial vessel when moored or docked adjacent to residential property in Hernando County. It shall be unlawful to evade the requirements of this section by unloading saltwater product from a commercial vessel to any other vessel and then unloading such product when such other vessel is moored or docked adjacent to residential property in Hernando County.

**SECTION FIVE: EXEMPTIONS**

- A. The following vessels are exempt from the provisions of this Ordinance:
1. Vessels owned or leased by a governmental entity for the accomplishment of a governmental purpose, or owned or leased by a contractor or subcontractor under agreement with a governmental entity to accomplish a governmental purpose.
  2. Vessels owned or leased by a public utility operating within Hernando County, or by a contractor or subcontractor under agreement with such public utility, for the installation, maintenance, adjustment, or repair of or to a public utility facility, and
  3. Vessels owned or leased by a governmental entity which are moored,

docked, or otherwise secured in any way to a dock, boat lift, seawall, or other marine improvement or structure that projects from or is attached to residential property in a waterway when such vessels are lawfully in the possession of an authorized agent or employee of the governmental entity.

4. Construction barges and dredges utilized for construction activities under way pursuant to a valid permit.
5. Vessels docked or moored at a commercial marina or livery lawfully permitted pursuant to the Hernando County Zoning Code.
6. Vessels docked or moored adjacent to shoreline of the unincorporated geographic area commonly known as "Aripeka," from the Pasco County line north to a line running east and west at Latitude : 28.4625, which area shall include Indian Bay but shall exclude Dinner Point and all points north of Dinner Point. This exemption is based on the long and substantial history of the Aripeka area as a fishing village.
7. Vessels smaller than twenty-six (26) feet in length.
8. Vessels upon which emergency repairs are being performed.
9. Vessels anchored or moored to provide safe harbor during a storm event or verifiable emergency.
10. Nothing in this exemptions subsection specifically or in this ordinance generally shall be deemed to supersede, amend, or impliedly repeal any provision of the Hernando County Zoning Code or other land development regulations.

B. Once a vessel is moored within Hernando County, the vessel shall be deemed to have

been continuously moored from the time at which it was first docked or moored. The vessel need not have been continuously docked or moored in the same location. It is the express purpose of this section to prohibit evasion of the time limitations contained in this ordinance by relocation from one mooring or docking location to another.

**SECTION SIX: SCOPE**

The provisions of this Ordinance shall apply to any navigable waters of the United States located within the territorial limits of Hernando County, and the marginal sea adjacent to Hernando County, and all the inland lakes, rivers, and canals under the jurisdiction of Hernando County.

**SECTION SEVEN: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements shall apply.

**SECTION EIGHT: SEVERABILITY**

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

**SECTION NINE: INCLUSION IN THE CODE**

It is the intention of the Board of County Commissioners of Hernando County,

Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section, "article", or other appropriate designation.

**SECTION TEN: ENFORCEMENT**

The violation of the provisions of this Ordinance shall constitute a non-criminal infraction to be enforced pursuant to Chapter 2, Article III, of the County Code of Ordinances, or in accordance with any other applicable provisions of law. The enforcement procedures contained in this section are in addition to, and not in lieu of, any other enforcement procedures or remedies available to Hernando County for the enforcement of its Code of Ordinances.

**SECTION ELEVEN: EFFECTIVE DATE**

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY** in Regular Session this 15th day of January, 2008.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**



Attest: Karen Nicolai  
KAREN NICOLAI  
Clerk

By: Christopher A. Kingsley  
CHRISTOPHER A. KINGSLEY  
Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY: KW KW 1/15/08  
County Attorney's Office