



**North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

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**DOCK APPLICATION FOR PUBLIC HEARING**

Page 1 of 3

Site Address \_\_\_\_\_

Owner Name \_\_\_\_\_ Owner Phone # \_\_\_\_\_

Owner Mailing Address \_\_\_\_\_

Applicant Name \_\_\_\_\_ Applicant Phone # \_\_\_\_\_

Applicant Mailing Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Contact Phone # \_\_\_\_\_

Contact Email Address \_\_\_\_\_

Legal Description of Property \_\_\_\_\_

Existing Zoning \_\_\_\_\_ Lot Size \_\_\_\_\_ Folio Number \_\_\_\_\_

Legal Description \_\_\_\_\_

Project Description \_\_\_\_\_

Dock Length Measured Perpendicular from Seawall \_\_\_\_\_

**Mandatory Submittals (Applicant must check that each item is included with this application)**

- |   |  |
|---|--|
| <input type="checkbox"/> Site plans which depict:<br>North point<br>Scale at 1/16 inch to the foot, or larger<br>Date of preparation<br>Dock structures<br>Any mechanical equipment<br>Any exterior lighting<br>Any other physical features | <input type="checkbox"/> Property survey<br><input type="checkbox"/> Elevations<br><input type="checkbox"/> DERM approval<br><input type="checkbox"/> Application fees<br><input type="checkbox"/> Cost recovery deposit |
|---|--|

Mayor  
**Connie Leon-Kreps**

Vice Mayor  
**Eddie Lim**

Commissioner  
**Dr. Richard Chervony**

Commissioner  
**Wendy Duvall**

Commissioner  
**Jorge Gonzalez**

**DOCK APPLICATION FOR PUBLIC HEARING**

Applications are incomplete until all mandatory submittals have been received by the Village Clerk.

All requests for dock approval from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Clerk shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Village Clerk on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting dock approval from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village Clerk shall be deemed a condition precedent to the consideration of such a variance request, pursuant to Section 152.110 of the Village Code.

All new and substantial improvements must comply with the Florida Building Code, Department of Environmental Resource Management (DERM), and FEMA regulations.

I (We) the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Section 152.096. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Village Commission revoked.

Authorized Signature \_\_\_\_\_

Print Name \_\_\_\_\_

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

by \_\_\_\_\_,

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature \_\_\_\_\_

Commission Number/Expiration \_\_\_\_\_

**DOCK APPLICATION FOR PUBLIC HEARING**

Page 3 of 3

**Office Use Only:**

Date Submitted: \_\_\_\_\_

Tentative Meeting Date: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Cash or Check # \_\_\_\_\_

Date Paid: \_\_\_\_\_

Mayor  
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Vice Mayor  
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## Chapter 150

### BOATS, DOCKS, AND WATERWAYS\*

#### General Provisions

- § 150.01 Definitions.
- § 150.02 Enforcement.
- § 150.03 Operation of aircraft.

#### Docks, Piers, and Other Structures

- § 150.10 Private docks (including seawalls).
- § 150.11 Construction; structural alteration.
- § 150.12 Marinas.
- § 150.13 Seawall maintenance and enforcement.

#### Boats, Vessels, and Houseboats

- § 150.15 Adoption of state law.
- § 150.16 Boat registration and permitting.
- § 150.17 Business operations prohibited; exception.
- § 150.18 Houseboats and floating homes.
- § 150.19 Pollution control; sanitation.
- § 150.20 Hurricane and storm regulations.
- § 150.21 Removal of wrecks and debris.
- § 150.99 Penalty.

#### GENERAL PROVISIONS

##### § 150.01 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be in addition to the definitions contained in F.S. § 327.02.

*Dock.* Any fixed or floating structure for securing boats, loading or unloading persons or property, or providing access to the water, and includes the term "pier," "wharf," "float" or any other landing facility.

*Docking site.* Any "slip," "berth," or space to accommodate a single boat, vessel, or houseboat.

*Dolphin or mooring.* Any appliance used to secure a boat or other vessel, other than to a pier, which is not carried aboard the boat or vessel as regular equipment when underway.

*Houseboat or floating home.* Any vessel in fact used or designed primarily to be occupied as living quarters and for any business or occupation

\*Cross reference—Motorboats to have mufflers, § 96.17.

whatsoever, or for any private or social club of whatsoever nature, including the use thereof for the entertainment or recreation of guests or tenants while same is moored or docked within the corporate limits of the Village, whether the vessel is self-propelled or not.

*Marina.* Any area within the Village where one or more sites or locations are rented or offered for rent for the location or dockage of boats, vessels, or houseboats on land or in water, or to be used for living quarters either permanently or on a temporary basis.

*Riparian right-of-way.* The water immediately adjacent to any real property located within the Village limits as defined in F.S. § 197.228.

*Utility hook-up.* Any connection between the waterfront property or docks and piers appurtenant thereto located within the riparian right-of-way and any boat, vessel, or houseboat provided to conduct water, electricity, cable, telephone service, gas, or other utility or sewerage to or from the boat, vessel, or houseboat.

*Village Manager.* For purposes of this chapter, "Village Manager" means the Village Manager or authorized designee.

*Waters of the Village.* All waters within the corporate limits of North Bay Village, whether immediately tangent to one of the islands or a part of Biscayne Bay.  
(1964 Code, § 5-2; Ord. 219, 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

**Cross references**—Operation of motor boat within county restricted, § 7-21; water conservation district created, § 7-1, Dade County Code.

##### § 150.02 Enforcement.

The County Pollution Control Officer may be delegated by the Village Manager to assist in the enforcement of this chapter.  
(1964 Code, § 5-4; Ord. 219, 12-17-69)

**§ 150.03 Operation of aircraft.**

It shall be unlawful for any person, firm, or corporation to, in any manner, operate any type of aircraft, including helicopters or lighter than aircraft, upon the waters within the boundaries of the Village. Such operation of aircraft shall include the landing upon and taking off from the waters.

(1964 Code, § 5-8; Ord. 219, 12-17-69)

Cross reference—Penalty, § 150.99.

**DOCKS, PIERS, AND OTHER STRUCTURES**

**§ 150.10 Private docks (including seawalls).**

(A) No person, firm, or corporation shall be permitted to lease or use any boat, vessel, or houseboat for living quarters, or to otherwise occupy same, on a permanent basis in any area of the Village zoned RS-1, and RS-2. Owners of private docks in those zoned areas will be permitted "utility hook-ups" to one boat from any dock which may be erected upon the riparian right-of-way abutting their property.

(B) The renting of such docks or dock bases, moorings, dolphins or seawalls, and the rental of boats or any portion thereof, for any purpose whatsoever, shall be specifically prohibited in areas of the Village zoned RS-1 and RS-2 and, further, residing on boats within the Village limits is prohibited, except where the docks constitute a part of a marina, a yacht club, hotel, or motel.

(C) No docks, dockheads, moorings, dolphins, seawalls or other docking facility shall be used for the docking or storage of any vessel, barge or similar boat used for transport or storage of goods, materials, or debris of any kind unless such vessel, barge or boat has a Boat Mooring Permit pursuant to Section 150.16(A) and such goods and materials: 1) are being utilized for construction on the adjacent upland property, or 2) are being loaded or unloaded to the adjacent upland property.

(1964 Code, § 5-5; Ord. 219, 12-17-69; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference—Penalty, § 150.99.

**§ 150.11 Construction; structural alteration.**

(A) No person, firm, or corporation shall construct, reconstruct, or repair any docks, piers, dolphins, wharfs, pilings, similar structures of any kind more than 25 feet perpendicular from the seawall or shoreline into any waterway within the corporate limits of the Village. Provided however, if construction of a docking facility is prevented by the requirement of federal, state or preemptive local environmental laws, rules and regulations (laws) whereby in order to obtain a permit for construction of a docking facility, it is necessary to exceed the same more than 25 feet perpendicular from the seawall or shoreline, the docking facility may be constructed such distance from the seawall or shoreline as may be required in order to comply with such laws by obtaining a waiver from the Village Commission in accordance with subsection (G), provided further, however the furthestmost distance seaward from the seawall or shoreline shall not exceed 75 feet including all dolphins or pilings installed beyond the seaward most line of the dock or pier but not including required rip-rap.

(B) Plans and specifications for construction, reconstruction, or repair of docks, piers, dolphins, wharfs, pilings, or similar structures shall comply with all provisions of the Village Code, shall be approved by the Village Manager, and shall be kept permanently in the records of the Village. Repair or reconstruction may be made in accordance with the original plans.

(C) No dock, pier, wharf, dolphin, piling, or similar structure shall be erected in the Village unless the structure is set back at least 7½ feet from the lot line on each side; and the structure shall not exceed five feet above ground level, except a joint or "party" dock may be permitted on the property line if approved by the Village Commission.

(D) No person, firm, or corporation shall build, maintain, extend, or make any structural alteration on any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters adjacent to Harbor Island, Treasurer Island, North Bay Island, and Cameo Island within the corporate limits of the

Village, or do any filling, excavating, or dredging in the waters without first obtaining a written permit to do so from the Village Manager.

(E) Application for any permit or the transfer of any permit required by this section shall be made to the Village Manager in writing on forms provided therefore. The permit shall constitute an agreement by the applicant to comply with all conditions imposed upon granting of the permit. The application shall be accompanied by plans and specifications setting forth in detail the work to be done.

(F) All applications for construction or structural alterations of any building, dock, pier, dolphin, wharf, piling, bulkhead, seawall, or similar structure in, upon, or over the waters within the corporate limits of the Village shall require the approval of the Village Commission after a public hearing. During the public hearing the Village Commission shall consider safety and compatibility as criteria for approving the application.

(G) Notwithstanding the provisions of paragraph (F), if an applicant seeks a dock or pier length greater than 25 feet, the Village Commission shall additionally consider the following criteria to determine if a waiver shall be granted:

- (i) If Miami Dade Department of Environmental Management has required specific depth or location criteria; and
- (ii) If the Applicant has provided to the Village notarized letter(s) of consent from adjoining riparian property owners, and
- (iii) If the Village has received any letter(s) of objection from adjoining riparian property owners; and
- (iv) Any other factors relevant to the specific site.

(H) The Village Commission may deny, approve, or modify the request and/or impose conditions in the permit, pursuant to paragraph (F), or granting of a waiver, pursuant to paragraph (G), which it deems necessary to protect the waterways of the Village in accordance with the public safety and the general welfare. The requirement

of approval by the Village Commission shall not include applications for repair of existing structures.

(I) A public hearing held pursuant to this Section shall be quasi judicial and follow the hearing procedures provided in Section 29.02 of the Code.

(J) Nothing contained in this section shall be construed or apply to prohibiting repair or reconstruction or otherwise limiting those structures which exist at the time of adoption of this section, however, the provisions of subsections (D) and (E) above shall be complied with.

(1965 Code, § 5-6; Ord. 219, 12-17-69; Ord. No. 94-03, § 1, 8-23-94; Ord. No. 2006-06, § 1, 3-14-06; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference—Penalty, § 150.99.

#### § 150.12 Marinas.

(A) No person, firm, or corporation shall lease, rent, or permit the use of docks, piers, wharfs, or similar structures within the limits of the Village by another for consideration, unless they possess a valid license to operate a marina pursuant to the provisions of this chapter. The use of dock space by the tenants or guests of any apartment or hotel as a part of the "unit rent" shall be considered consideration within the meaning of this chapter.

(B) There shall be two classifications of marinas.

- (1) Ancillary, meaning a secondary operation to the primary function of a hotel, club or multifamily, use which permits the use of dock facilities exclusively to the tenants of the apartment, or the guests of a room or hotel unit, where the boats or vessels, as may be owned by the guests or tenants are not used for either permanent or temporary sleeping or living quarters, but, exclusively for the storage of the boats or vessels while they are not in use.
- (2) Business marinas, which shall mean the operation of any marina not included in the foregoing definition of "ancillary" operation.

(C) Any "business marinas," which shall mean those licensed by the Village will be required to meet the following minimum specifications.

- (1) A permanent float, dock, or slip for the mooring or docking of each boat, vessel, or houseboat from which the vessel may be directly boarded.
- (2) Each space intended for live-a-board boat, vessel, or houseboat must be provided with the following: a permanent water supply with an individual anti-backflow valve; a sewer connection leading into a permanent sewer with flow control valve; and provide proper pumping and equipment to reach the Village sewer line, and a permanent supply of electricity.
- (3) Each marina shall be required to provide sufficient visitor parking spaces for marina use.
- (4) Any other additional conditions which the Village Commission might deem necessary to protect the public health, welfare, and safety of the citizens of the Village and to promote the general welfare.

(D) No marina within the limits of the Village shall be permitted to obtain a license, or renewal of a license, unless the areas where boats, vessels, and houseboats are fueled, and, otherwise re-provisioned, are completely separate and apart from the sites for mooring the boats, vessels, or houseboats. Any line, pipe, or other conduit carrying inflammable fuel or other fluid shall be prohibited from running adjacent to any area used as a site for mooring a boat, vessel, or houseboat in the marina, and the Village Manager shall be required to examine the facilities and to approve same as being safe before any license shall be issued or renewed.

(E) The plans of any marina shall be approved by the Corps of Engineers of the United States Army, the State Internal Improvement Board, the County Pollution Control Officer, the Village Engineer, the Village Building Official, the Village Manager, and the Planning and Zoning Board before the plans are submitted to the Village Commission for their approval.

(F) The following fees are required for the issuance of a marina license by the Village. The license shall be required on the first day of October of each year and shall be effective through September 30 of the following year.

- (1) A fee of \$20.00 per year shall be required for each separate utility hook-up.
- (2) Ancillary marinas as defined in § 150.01 shall be charged an annual license fee of \$50.00 for each docking site.
- (3) Business marinas shall be charged an annual license fee of \$150.00 for each docking site. Houseboats shall be charged a docking fee of \$450.00 per year.
- (4) Any marina which fails to obtain all necessary licenses on or before December 31 of any year shall pay a penalty of an additional ten percent on all licenses issued after January 1 of the following year.
- (5) Docking sites of any condominium or cooperative apartment used exclusively by the owners of the cooperative or condominium apartment shall be exempt from the license fee provision of subsections (2), (3), and (4) above.

(1964 Code, § 5-10; Ord. 219, 12-17-69; Am. Ord. 307, 10-15-80; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2006-08, § 1, 5-2-06; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference—Penalty, § 150.99.

**§ 150.13 Seawall maintenance and enforcement.**

(A) It shall be unlawful for any person or entity owning real property abutting the waterways to allow the seawall to be or remain in a state of disrepair.

(B) Upon learning that any seawall is in a defective or dangerous condition or is in a state of disrepair, the Village Manager shall so notify the property owner or other person(s) having charge of the seawall to immediately repair the seawalls in whatever manner necessary to ensure it meets all applicable regulations governing the same. If such person(s) or entity fail(s) or neglect(s) to make such repairs, the Village Manager shall take whatever action is necessary for the protec-

tion of the public, including the hiring of contractors to repair the seawall; charging the cost of such repairs to the property owner or other person(s) having charge of the property; and it shall be a violation of this chapter for any person to interfere with such actions.

(C) If any seawall, or any portion thereof, or any material from such seawall, shall fall into the waters of North Bay Village, it shall be the duty of the owner or other person(s) or entity having charge of the property, to forthwith remove the same from the waters of the Village. If they shall fail to do so, the Village Manager may do so or hire the appropriate individual or entity to do so; and the cost thereof shall be recovered from the property owner or other person(s) or entity having charge of the seawall as provided in this chapter.

(D) All costs for services, charges, work or fines incurred by North Bay Village in connection with its action to ensure the protection of the public through repair of any seawall or as a result of violations of this chapter shall constitute and are hereby imposed as liens against the real property aforesaid and, until fully paid and discharged, shall be imposed as special assessment liens against the subject real property. Such liens shall remain equal in rank and dignity with the lien of ad valorem taxes and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. The maximum rate of interest allowable by law shall accrue to such costs for services, charges, work or fines incurred by North Bay Village. Unpaid costs for services, charges, work or fines incurred by North Bay Village, together with all penalties imposed thereon, shall remain and shall constitute liens against the real property involved. Such liens for costs for services, charges, work or fines incurred by North Bay Village shall be enforced by any of the methods provided in North Bay Village Code of Ordinances; or in the alternative foreclosure proceedings may be instituted and prosecuted under the provisions applicable to practice, pleading and procedure for the foreclosure of mortgages on real estate set forth in state law, or may be foreclosed per F.S. ch. 173, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. The property

owner and/or operator shall pay all costs of collection of fees, including attorney fees and court costs, service charges, penalties and liens imposed by virtue of this chapter.

(Ord. No. 07-07, § 1, 6-12-07; Ord. No. 2011-04, § 2, 5-31-11)

## **BOATS, VESSELS, AND HOUSEBOATS**

### **§ 150.15 Adoption of state law.**

The provisions of the Florida Boat Registration and Safety Law, F.S. Ch. 327, including the definitions contained in F.S. § 327.02, are hereby adopted by reference and incorporated into this chapter.

(1964 Code, § 5-1; Ord. 219, 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

### **§ 150.16 Boat registration and permitting.**

(A) All boats, barges, or vessels of any kind attempting to moor or dock within the Village, for the purposes of temporary storage, construction or materials storage must first obtain a boat mooring permit. A boat mooring permit application shall be submitted to the Village, on forms prepared by the Village Manager, together with a boat mooring permit application fee as established by the Village Commission by ordinance to cover the application review and permit. The boat mooring application shall include, at a minimum, the following information:

- (1) The name, address and contact phone number for the real property owner where the vessel is docked, moored or parked;
- (2) An ownership affidavit in a form provided by the Village and a copy of the property deed.
- (3) The name, address and contact phone number for the real property owner lessee where the vessel is docked, moored or parked, if applicable;
- (4) If the property is under lease, a copy of the lease showing authority over the docking or mooring facilities.
- (5) Signed authorization from the real property owner where the vessel is docked;

- (6) The name, address and 24 hour contact phone number for the owner of the vessel;
- (7) The name, address and 24 hour contact phone number for the person responsible for the navigation of the vessel and any emergency removal;
- (8) Statement of purpose and time period (length of time) for which a permit is sought;
- (9) Identification of activity pursuant to Section 150.10(c).
- (10) A description of the vessel, including the hull identification number;
- (11) Copies of any required state or federal registrations and licenses; and
- (12) Proof of insurance, as may be required by federal or state law, for the vessel to be moored for any commercial vessel and for any private vessel if required by the State for the specific vessel.

(B) Upon receipt of a permit application the Village shall review the application. If the application is complete, the application fee paid, and the authorization required under (A)(4) above is consistent with the ownership affidavit and deed and any lease provided as provided under (A)(5) above, a boat mooring permit will be issued. Under no circumstances will a boat mooring permit be issued for a residential property without signed authorization from the property owner.

(1964 Code, § 5-7; Ord. 219, 12-17-69; Ord. No. 00-01, § 1, 1-11-00; Ord. No. 05-01, 2-8-05; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2011-04, § 2, 5-31-11)

**Cross reference**—Penalty, § 150.99.

**§ 150.17 Business operations prohibited; exception.**

No firm, person, or corporation shall operate any business or profession on any boat, vessel, or houseboat within the corporate limits of the Village where an occupational license is required from the Village, except in the riparian right-of-way abutting the areas zoned C-G and C-L, and then only with the approval of a majority of the members of the Village Commission. The Commission members shall be guided in their determina-

tion by whether the business is consistent with the health, safety, and welfare of the Village. Business operations as referred to in this section shall include the practice of a profession or similar venture.

(1964 Code, § 5-9; Ord. 219, 12-17-69; Am. Ord. 85-11, 9-10-85; Ord. No. 05-08, § 1, 6-14-05)

**Cross reference**—Penalty, see § 150.99.

**§ 150.18 Houseboats and floating homes.**

(A) No houseboat or floating home shall be moored, kept, maintained, or used in the Village or the waters of the Village, except at a licensed business marina, designed and equipped for the mooring and servicing of such houseboats or floating home.

(B) Any houseboat or floating home moored, kept, or maintained in the Village or the waters of the Village in, abutting, or adjacent to any residential zone of the Village, where such houseboats or floating homes are permitted shall comply with all code provisions, ordinances, and zoning regulations of the Village, county, and state, and shall provide to the Village, or have provided on their behalf by a licensed business marina, sufficient financial security bond or insurance to pay the cost of clean up and removal of the vessel or any damage or debris which may be caused by the vessel in the event of its damage or destruction.

(C) No houseboat or floating home being amortized under provision of division (B) above shall be subject to any permission or other actions such as nonconforming uses or special exceptions in contravention of these sections' provisions.

(D) No person, firm, or corporation shall use or occupy or permit the use of or occupancy of a houseboat or floating home for living quarters, either permanently or on a temporary basis, on the waters of the Village, except in a business marina operated pursuant to a permit issued by the Village Commission, and unless the houseboat or floating home meets the following requirements.

- (1) The houseboat or floating home shall be designed and maintained so there is a single opening above the waterline for waste and sewerage removal, and the

opening shall be tightly connected to a permanent sewer in a manner approved by the County Pollution Control Officer.

- (2) The houseboat or floating home shall be designed and constructed so that it meets with the requirements of the building code, plumbing code, and electrical code to the extent the provisions thereof are applicable, and shall not exceed 30 feet above the water level.

(1964 Code, § 5-11; Ord. 219, passed 12-17-69; Am. Ord. 81-06, passed 2-18-81; Ord. No. 05-08, § 1, 6-14-05; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference—Penalty, § 150.99.

#### § 150.19 Pollution control; sanitation.

No person, firm, or corporation shall do any of the following:

- (A) Discharge, permit, or allow any other person on a boat, vessel, floating home, or houseboat under his control or command to discharge any human, or animal excreta or any grey or black water from any head, toilet, or similar facility on a boat, vessel, floating home, or houseboat in the waters of the Village.
- (B) Throw, discharge, deposit, or leave or cause or permit to be thrown, discharged, or deposited or left, either from the shore or from any dock, pier, wharf, or similar structure or any vessel, or elsewhere any refuse matter of any description into the waters of the Village or on the shores of the Village or in the riparian right-of-way, or in such a manner into Biscayne Bay that same may be washed into the Village limits, either by tides or by floods or otherwise.
- (C) Place or allow on boats, vessels, floating homes, or houseboats, materials, garbage, refuse, timber, or waste material of any description nor permit the material to remain on or upon the shorelines within the Village. In the event of the violation of this section, the Village Manager may order the material removed with notice unless there appears an imminent danger and the cost, thereof, may be recovered

from any person, firm, or corporation, owning the boat or causing it to be placed on the shoreline in a civil action.

- (D) Pump or discharge from any vessel or tank into the waters of the Village oil, spirits, or any flammable liquid or bilge water which may contain any of the same or deposit any roughage, refuse, matter, or articles of any offensive character, therein or upon any pier, wharf, or dock.
- (E) Throw, place, or leave any dead animals, or putrid matter, into or in the waters of the Village or along the shoreline within the Village.

(1964 Code, § 5-12; Ord. 219, passed 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference—Penalty, § 150.99.

#### § 150.20 Hurricane and storm regulations.

The Village Manager is authorized, in the event of a hurricane warning or alert, or other danger to the public safety of the Village, in his discretion, to order vessels removed from any dock, pier, wharf, or other mooring within the corporate limits of the Village, if, in his opinion, the vessel would constitute a danger to the public safety.

(1964 Code, § 5-13; Ord. 219, passed 12-17-69; Ord. No. 2011-04, § 2, 5-31-11)

Cross reference—Penalty, § 150.99.

#### § 150.21 Removal of wrecks and debris.

The Village Manager is authorized in the event any boat, vessel, houseboat, or floating home is sunk or seriously damaged within the Village limits or the debris from it is located within the Village limits to order the owner of the marina to remove the vessel or debris within a 30 days of receipt of such order. In the event that the vessel or debris is not removed within the time specified by the order of removal following service of the order of removal upon the property, person, firm, or corporation owning the dock, the person, firm, or corporation shall be in violation of this section and a fine of up to \$10,000.00 per day, as ordered by the Village's Special Master, shall be imposed for each day the violation is committed or permitted to continue. The Village Manager may effect the removal of the vessel or debris and pay for the same out of public funds, and proceed to claim a

lien against the property to which the dock is ancillary. The amount shall include the actual cost plus ten percent for administration and accounting. Such claim or lien shall be filed with the Clerk of the Circuit Court of Miami-Dade County, and the same shall be satisfied in the Circuit Court of Miami-Dade County in accordance with the law.

(1964 Code, § 5-14; Ord. 219, passed 12-17-69; Ord. No. 2006-04, § 1, 1-14-06; Ord. No. 2011-04, § 2, 5-31-11)

**§ 150.99 Penalty.**

(A) A violation of this Chapter may be enforced against the property owner pursuant to F.S. Ch. 162 and Chapter 153 of the Village Code and by issuance of a uniform civil violation notice, citation, summons, notice to appear in county court, or by filing an action in civil court for injunctive relief. Penalties for violation of this chapter are further outlined in Section 153.04 of this Code. A violation of this Chapter may be enforced against the vessel owner and the vessel operator.

(1964 Code, § 5-4; Ord. No. 2006-04, § 1, 1-14-06; Ord. No. 2011-04, § 2, 5-31-11)