**ORDINANCE NO. 2026-_____**

**CITY OF POMPANO BEACH**
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 91.17, "POMPANO BEACH OVERNIGHT ANCHORING LIMITATION AREA," TO ESTABLISH AN ANCHORING LIMITATION AREA WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Chapter 327 of the Florida Statutes is known as the "Florida Vessel Safety law;" and

**WHEREAS,** the City of Pompano Beach ("City") attracts residents and visitors from around the world, including boating enthusiasts operating vessels of all types, who enjoy the water quality and amenities that the City's jurisdictional waters and waterways offer; and

**WHEREAS,** the City Commission further finds that some of the identified waterways contain or are adjacent to environmentally sensitive resources, including seagrass beds and submerged aquatic vegetation, which are vulnerable to damage from repeated anchoring and long-term vessel presence; and

**WHEREAS,** the City Commission finds that unmanaged long-term anchoring within these waterways has contributed to an increased incidence of abandoned and derelict vessels, vessels at risk of becoming derelict, and prolonged vessel storage on the water, requiring disproportionate expenditures of City staff time and public resources; and

**WHEREAS,** the City Commission finds that prolonged overnight anchoring in these identified waterways has, in certain locations, impeded navigation, restricted emergency vessel

access, interfered with the safe use of docks, seawalls, and bridges, and increased the risk of vessel allisions, particularly during periods of high tide, storm events, or reduced visibility; and

**WHEREAS,** during the 2025 Florida Legislative Session, the Florida Legislature enacted, and the Governor signed into law Ch. 2025-39, Law of Florida, amending Fla. Stat. 327.60(2)(f) to include a new subsection, which now authorized counties with a population of more than 1.5 million, including municipalities within those counties, to regulate overnight anchoring within the waters of their jurisdiction by creating Anchoring Limitation Area; and

**WHEREAS,** the City lies entirely within Broward County, a County with a population greater than 1.5 million, and is therefore eligible to create overnight Anchoring Limitation Area pursuant to Fla. Stat. 327.60(2)(f)3; and

**WHEREAS,** pursuant to law, ten (10) days' notice has been given by publication in a newspaper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, two public hearings before the City Commission were held pursuant to the published notice described above, at which hearings the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 91.17, "Overnight Anchoring Limitation Area," of Chapter 91, "Boats and Water Recreation," of the Pompano Beach Code of Ordinances is hereby created as follows:

**§ 91.17 POMPANO BEACH OVERNIGHT ANCHORING LIMITATION AREA.**

(A) *Pompano Beach Overnight Anchoring Limitation Area.* Pursuant to the authority granted by the Florida Legislature, the City of Pompano Beach hereby designates all waters within the areas designated and known as Lettuce Lake, Lake Santa Barbara, Lake Capri, and Hillsboro Inlet to constitute an Overnight

Anchoring Limitation Area as authorized in Ch. 2025-39, Laws of Florida and codified at Section 327.60(2)(f)3, Florida Statutes.

(B) *Restriction on Overnight Anchoring within the Pompano Beach Overnight Anchoring Limitation Area*. No vessel shall be anchored anywhere within the Pompano Beach Overnight Anchoring Limitation Area for a period of 1 hour or more between one-half hour after sunset and one-half hour before sunrise for more than 30 days in any 6-month period.

(C) *Exemptions: Vessels Not Restricted in the Pompano Beach Overnight Anchoring Limitation Area.* The following vessels are not subject to the restriction set forth in subsection (b) above pertaining to the restriction on overnight anchoring within the Pompano Beach Overnight Anchoring Limitation Area:

(1) Vessels anchored within the boundaries of a marked mooring field.

(2) Vessels anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.

(3) Vessels owned by a governmental entity or otherwise operated at the request of a governmental entity for a governmental purpose.

(4) Commercial fishing vessels as defined in Section 327.02(6), Fla. Stat.

(D) *Section Supplemental.* This section is supplemental to, and does not limit or otherwise alter, the restrictions on anchoring or mooring in the Pompano Beach Overnight Anchoring Limitation Area that are subject to any more restrictive local, state, or federal law.

(E) *Enforcement: Penalties for Violation; Appeal*. The provisions of this section may be enforced by the City's Code Compliance Department, the City's Law Enforcement Agency, or any other law enforcement agency having jurisdiction within the Pompano Beach Overnight Anchoring Limitation Area in the manner prescribed below:

(1) Warning Notice. Prior to the issuance of a Notice of Violation pursuant to this section, the vessel owner, occupant, or operator must be provided a warning in the manner prescribed below that the vessel will be subject to enforcement if it remains anchored in the Pompano Beach Overnight Anchoring Limitation Area in violation of subsection B above.

(2) Warning Notice Procedure. At any time during which a vessel is anchored overnight in the Overnight Anchoring Limitation Area for more than 15 days in any 6-month period, a code compliance officer or law enforcement officer who has reason to believe that such vessel may violate the prohibition on overnight anchoring established by this section,

shall provide the vessel owner, occupant, or operator with written notice that it may be subject to future enforcement in the manner prescribed below:

(a) If the vessel is occupied, written notice shall be provided directly to the vessel owner, occupant, or operator, unless such person refuses to accept the written notice in which case the notice may be affixed to the vessel; or

(b) If the vessel is unoccupied or if occupancy cannot be determined, written notice shall be affixed to the vessel; and

(c) In addition to either subsection a, or b above, written notice shall be sent via U.S. Postal Service by certified mail, return receipt requested, to the registered owner and any lienholder of the vessel irrespective as to whether the vessel is occupied or unoccupied. The requirements of this subsection shall be deemed satisfied upon mailing. If no owner or lienholder can be identified after reasonable effort to ascertain the name and address of the owner and any lienholder, then this subsection (c) shall not apply.

(d) The written warning notice shall include the following:

i. Information that the vessel may soon be in violation of subsection 91.17(B) – Restriction on Overnight Anchoring within the Pompano Beach Overnight Anchoring Limitation Area; and

ii. A copy of this section, 91.17.

(3) Notice of Violation. If a vessel is found to be in violation of this section as of a date that is 15 days or more after issuance of a warning notice by any method prescribed in subsection (2) above, a code compliance officer or law enforcement officer may issue a Notice of Violation utilizing the same procedure set forth in subsections (2)(a) – (c) above.

(4) Fines and Enforcement. The owner, occupant, and/or operator of a vessel found to be in violation of this section as of a date that is 15 days or more after issuance of a warning notice by any method prescribed in subsection (2) above shall be subject to the following penalties:

(a) $250 fine per day for a first violation;

(b) $500 fine per day for a second or subsequent violation.

In addition to the fines prescribed above, any vessel found to be in violation of this section as of a date that is 15 days or more after issuance of a warning notice

by any method prescribed in subsection (2) above shall be subject to removal, towing, impoundment, and disposal in accordance with the provisions set forth in subsection (5) below.

(5) Appeal Procedure; Removal, Towing, Impoundment, Disposal.

(a) Any cited party shall have ten (10) days within which to appeal the Notice of Violation to the City of Pompano Beach by paying any administrative fee and submitting a written request to the Clerk of the Special Magistrate which must include the vessel owner's name, address, telephone number, email address, and a copy of the Notice of Violation that was issued to the vessel owner, occupant, operator, or affixed to the vessel.

(b) Hearings held pursuant to this section shall be noticed and conducted according to the provisions of Chapter 37. However, hearings under this section shall be advanced on the Special Magistrate's calendar to the soonest practicable hearing date and continuances, requested by either the cited party or the City shall be limited to only one continuance per side and each continuance shall be limited to no more than 10 days.

(c) Prior to and until a Special Magistrate's determination, the vessel found to be in violation of this section shall not be towed but fines shall continue to accrue so long as the vessel remains anchored in violation of this section.

(d) If no cited party timely appeals the Notice of Violation or the Special Magistrate upholds the violation, the vessel may be removed, towed and impounded by the City or its contractor until such time as the vessel owner or lienholder retrieves the vessel after paying all costs associated with the removal, towing and impoundment, along with all accrued fines owed to the City.

(e) If no cited party timely appeals the Notice of Violation, or no cited party timely appeals the Special Magistrate's determination, or all appeals from the Special Magistrate's determination have been exhausted, and the vessel owner or lienholder has failed to retrieve the vessel from the impoundment facility, the City or its contractor may dispose of the vessel in accordance with law.

(6) Additional Remedies. The City may also pursue any additional remedies available to it in accordance with law, including but not limited to, for collection of outstanding unpaid fines.

(7) Nothing in this section shall limit the authority of law enforcement to require relocation of a vessel when necessary to protect public safety or navigation.

(F) *Contractors: License and Insurance Required*. A contractor performing removal, towing, or impoundment services at the direction of a code compliance officer or law enforcement officer pursuant to this section must:

(1) be licensed in accordance with United States Coast Guard regulations, as applicable;

(2) obtain and carry a current insurance policy issued by a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and

(3) be properly equipped to perform such services.

(G) (1) The waterway areas and their boundaries included in the Pompano Beach Overnight Anchoring Limitation Area established by this section are depicted in Composite Exhibit "1," a series of aerial photographs entitled "Pompano Beach Overnight Anchoring Limitation Area," consisting of 4 pages of photographs.

(2) Said documents is hereby adopted by reference and incorporated into this section as if fully set forth herein. The photographs shall be maintained on file in the Office of the City Clerk and shall be available for public inspection during normal business hours.

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**<u>SECTION 3.</u>** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this _____ day of _____, 2026.

**PASSED SECOND READING** this _____ day of _____, 2026.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**KERVIN ALFRED, CITY CLERK**

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