

ORDINANCE NO. 2008-109

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO THE REGISTRATION OF BOATS AND PERSONAL WATERCRAFT; PROVIDING FOR A BOAT REGISTRATION PERIOD AND CONDITIONS FOR APPROVAL; PROVIDING FOR AN APPLICATION FEE; PROVIDING FOR CONTINUING ENFORCEMENT; AMENDING ARTICLE 6, SUPPLEMENTARY REGULATIONS, OF THE TOWN LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Land Development Code (the "LDC") was amended by Ordinance No. 04-64 on January 18, 2005 (the "Ordinance") to prohibit outdoor storage of boats and personal watercraft within the Town and providing a 90 day registration period for boats and personal watercraft stored outside and meeting the Town Code as of December 5, 2000 to allow continued outdoor storage; and

**WHEREAS**, the registration period provided in the Ordinance expired on April 18, 2005; and

**WHEREAS**, the Town LDC was amended by Ordinance No. 08-102 on June 17, 2008 to prohibit variances to the outdoor boat and personal watercraft storage registration period; and

**WHEREAS**, the Town Council has determined that residents may have met the original Ordinance requirements, but did not register during the original registration period and are now without a means to register; and

**WHEREAS**, the Town Council wishes to provide notice and an additional boat registration period to allow the continuation of outdoor storage of boats and personal watercraft which met the requirements of the Ordinance but were not timely registered; and

**WHEREAS**, the Town Council finds that it is in the best interests of the residents of the Town to adopt the following provisions to allow registration for outdoor storage of boats or personal watercraft meeting the requirements of this Ordinance and the Town Code.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Application.** This Ordinance shall apply to all property owners or occupants who owned a boat or personal watercraft, as of January 18, 2005, which complied with the Town Code as of December 5, 2000 and meets the conditions in Section 5 below.

**Section 3. Public Notice.** Public notice shall include publication in the non-legal section of a local newspaper of general circulation and other measures as approved and directed by the Administrative Official.

**Section 4. Boat Registration Period.** A boat or personal watercraft may be registered within 180 days of the effective date of this Ordinance. (the “Boat Registration Period”)

**Section 5. Conditions for Approval of Boat Registration/Application Process.**

(1) An applicant’s storage of a boat or personal watercraft must meet all of the following conditions in order to be approved for a boat registration:

- A) One boat or personal watercraft per property and repair on the boat is not permitted; and
  - B) Living or sleeping on the boat is prohibited; and
  - C) Maximum of 26 feet in length; and
  - D) Maximum of 96 inches in width; and
  - E) Maximum 13 feet 6 inches in height; and
  - F) Covered and completely screened from public view; and
  - G) Stored or parked rear of the front building line and behind the side street setback, and setback a minimum of two feet from the interior side property line and five feet from the rear property line; and
  - H) The specific location shall be in compliance with the fire and life safety and building code provisions; and
  - I) Maintain boat storage area in a clean presentable manner; and
  - J) Located in the RU, AU or GU zoning districts.
- (2) During this Boat Registration Period, any person owning a boat or personal watercraft which met the Town Code as of December 5, 2000, and the provisions listed in Subsection (1) above and owning or occupying real property within the Town as of January 18, 2005, may apply to the Administrative Official or his or her designee for a boat registration approval on a form provided by the Town. The Applicant shall submit an affidavit, in a form approved by the Town Attorney, attesting to the permanent storage of the boat on the subject property on or before January 18, 2005. In the event that the boat or personal watercraft owner and real

property occupant is not also the real property owner, the owner shall be required to join in the application. The applicant shall provide proof of ownership and occupancy of the real property and of the boat (or a predecessor boat) on, or prior to, January 18, 2005. Upon a determination by the Administrative Official that the ownership requirements, criteria A through J above, and all other applicable provisions of the Town Code are met, the Administrative Official shall issue and log the registration for the specific boat or personal watercraft.

- (3) Any prior registration or variance denial shall not prohibit the owner of a boat or personal watercraft from applying.
- (4) Once the property is sold the boat registration shall be deemed expired and no further boats or personal watercraft may be kept on the property unless the boat or personal watercraft complies with the Town Code.
- (5) Once registered, all conditions and requirements of the Town Code apply including all other provisions of Division 6.6, Boats and Watercraft, of the Town LDC.
- (6) The applicant shall comply with the requirements and conditions of this Ordinance, any approved registration, and the Town LDC. If a code compliance warning for violation for failure to meet these requirements and conditions is issued, the failure of the applicant to comply with the warning within the timeframe set forth in the warning, shall render any registration issued under this Ordinance null and void.
- (7) A registered boat or personal watercraft may be replaced with a boat or personal watercraft of equal or smaller length provided that the new boat or personal

watercraft is registered with the Town within 180 days of the date of purchase of the replacement boat or personal watercraft.

**Section 6.** **Fee.** There shall be an administrative fee of \$50.00 to cover research, site inspection, and registration, which shall be payable at the time of application for a Boat Registration or replacement Boat Registration.

**Section 7.** **Enforcement of the Code.** Notwithstanding the provisions of this Ordinance, the Town may at all times continue enforcement of the Town Code through any authorized code compliance methods specified in Chapter 8CC of the Town Code or other authorized means, including but not limited to, issuance of and prosecution of a notice of violation or the issuance of a citation. This section shall not be construed or interpreted to serve as a defense against any enforcement action brought by the Town based on non-compliance with the current requirements of the Town Code.

**Section 8.** **Amendment To Article 6. Supplementary Regulations.** Division 6.6(e) of Article 6, Supplementary Regulations, of the Town LDC is hereby amended as follows<sup>1</sup>:

**DIVISION 6.6 - BOATS AND WATERCRAFT**

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- (e) Existing watercraft or boats that complied with the Town Code as of December 5, 2000 and were registered with the Town by April 18, 2005 or have received other registration approval from the Town Council or the Administrative Official pursuant to Ordinance No. 08-~~109~~ shall be considered legal, non-conforming structures. A registered boat or registered personal watercraft may be replaced with a boat or personal watercraft of equal or smaller length provided that the boat or personal watercraft is registered with the Town within 180 days of the date of purchase of the replacement boat or personal watercraft. The boat or personal watercraft must be owned by and registered to the owner or occupant of the real property. Once the property is sold no further boats

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

or personal watercraft may be kept on the property unless the boat or personal watercraft complies with this Code. No variances to the April 18, 2005 registration deadline shall be granted.

**Section 9. Inclusion In The Town Land Development Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of Section 8 of this Ordinance shall become and be made part of the Town LDC and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

**Section 10. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 11. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Mary Collins, who moved for its adoption on first reading. This motion was seconded by Councilmember Michael Pizzi, and upon being put to a vote, the vote was as follows:

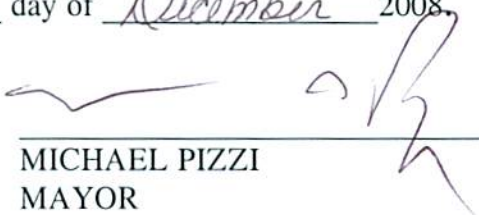
Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Richard Pulido	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Nick Perdomo	<u>absent</u>
Councilmember Nancy Simon	<u>absent</u>

PASSED AND ADOPTED on first reading this 18 day of November, 2008.

The foregoing Ordinance was offered by Councilmember Nancy Simon, who moved for its adoption on second reading. The motion was seconded by Councilmember Robert Meador and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Richard Pulido	<u>yes</u>
Councilmember Mary Collins	<u>absent</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Nick Perdomo	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>


PASSED AND ADOPTED this 16 day of December 2008.

  
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MICHAEL PIZZI  
MAYOR

ATTEST:

  
\_\_\_\_\_  
DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

  
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WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.L.  
TOWN ATTORNEY