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CAROLINE LACOUR SMITH °

November 17, 2022

Mayor and Commissioners
City of Panama City
501 Harrison Avenue
Panama City, FL 32401

Re: Ordinance 3127 - Amendment to Chapter 5, Adding Article III Municipal Waterways
Related to Vessels and Floating Structures

Dear Mayor and Commissioners:

For your consideration is Ordinance 3127, an amendment to Chapter 5, adding a new Article III called Municipal Waterways Related to Vessels and Floating Structures. This ordinance would address the live-aboard vessels and floating structures anchored in the City's bayous and marinas that may be causing nuisances and violations of State statute, such as dumping human waste into the water or becoming at risk for being derelict. Staff recommends having the first reading

The City is statutorily preempted from regulating the anchoring of vessels except for i) vessels within the marked boundaries of permitted mooring fields; ii) live-aboard vessels (as explicitly defined in s. 327.02, Fla. Stat.); and iii) commercial vessels, except commercial fishing vessels.

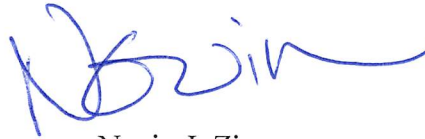
The proposed ordinance will regulate live-aboard vessels, not necessarily vessels that people live on, from anchoring or mooring in the City's waterways for longer than ten (10) days without a thirty (30) day break. A live-aboard vessel means, i) a vessel used solely as a residence and not for navigation; ii) a vessel for which a declaration of domicile has been filed pursuant to F.S. 222.17; or iii) a vessel used as a residence that does not have an effective means of propulsion for safe navigation.

The ordinance would also require live-aboard vessels to show proof of proper sewage disposal if the vessel is subject to the marine sanitation requirements of s. 327.53, Florida Statutes. Currently, Florida Fish and Wildlife Commission is the primary agency that has the authority to regulate vessels, including inspections to ensure that vessels being lived upon have proper sewage disposal

° OF COUNSEL
* ALSO ADMITTED IN GEORGIA
** ALSO ADMITTED IN NEW YORK
*** ALSO ADMITTED IN ALABAMA
+ CERTIFIED CIRCUIT COURT MEDIATOR
++ L.L.M. IN TAXATION
+++ CERTIFIED FAMILY MEDIATOR
♦ BOARD CERTIFIED MARITAL &
FAMILY LAW ATTORNEY

for discarding human waste. This ordinance will provide that the City can enforce the terms of proposed Ordinance 3127 in front of the City's Special Magistrate and will provide the City with the guidelines and authority for removals of unlawfully anchored or moored vessels in the City's waterways.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Nevin J. Zimmerman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nevin J. Zimmerman
City Attorney

cc: Jan Smith, City Clerk-Treasurer
Mark McQueen, City Manager
Mark Smith, Chief of Police

ORDINANCE NO. 3127

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PANAMA CITY; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES BY ADDING ARTICLE III MUNICIPAL WATERWAYS RELATED TO VESSELS AND FLOATING STRUCTURES; INCLUDING REGULATIONS ON ANCHORING AND MOORING FOR LIVE-ABOARD AND COMMERCIAL VESSELS; INCLUDING PROCEDURES FOR THE REMOVAL OF VESSELS AND THE COLLECTION OF COSTS ASSOCIATED THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY, FLORIDA:

WHEREAS, the City Commission of the City of Panama City, Florida, is the governing body in and for Panama City, Florida; and

WHEREAS, the City Commission is authorized pursuant to Chapter 125, Florida Statutes, to enact ordinances necessary to the exercise of its powers; and

WHEREAS, the City Commission wishes to provide for the protection, care and control of the waters within the city limits, to license, govern, regulate or prohibit the permanent anchorage of houseboats or other boats or vessels in the various bodies of water within the city limits, to restrict their use to any portion of the city, for the health, safety, and well-being of the citizens; and

WHEREAS, due to hurricanes, severe weather conditions or neglect, vessels left abandoned within the jurisdictional limits of the city waters of the City of Panama City are of a derelict nature and are hazardous to other boaters, the environment and present a nuisance to the community, and

WHEREAS, live aboard vessels that are anchored in the city waters of the City of Panama City continuously for more than 10 days are hazardous to the navigation of all boaters, create unsightly conditions, create a risk of neglect and dereliction, affect the privacy of neighborhoods, and present a nuisance to the community, and

WHEREAS, abandoned, derelict and live aboard vessels anchored for an extended period create an environmental hazard due to leaking, deterioration and unsanitary dumping in the city waters of the City of Panama City, and

WHEREAS, the Commission has determined that it is appropriate to revise and update the regulations applicable to boats or vessels within the jurisdictional limits of the city waters that are abandoned, at-risk, hazardous, or a nuisance, providing for their towing, removal, immobilization and storage, and collection of the costs associated with those regulations, within the limits of the city waters of the City of Panama City consistent with the provisions of Florida Statutes Chapters 162, 327, 328, 705, and 823; and

WHEREAS, it is within the authority of the City of Panama City to provide nuisance free and safe waters for the navigation of boaters, privacy of residents and to protect the environment; the Commission finds, therefore, it is appropriate and in the best interest of the public health, safety and welfare of the City of Panama City to amend and replace the provisions as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Panama City, Florida, as follows:

SECTION 1. From and after the effective date of this Ordinance, Chapter 5 of the City’s Code of Ordinances is amended to include a new Article III entitled “Municipal Waterways” as follows:

Chapter 5: Boats, Docks and Waterways

ARTICLE III – MUNICIPAL WATERWAYS

Sec. 5-53. – Applicability.

This article shall have application upon all waters lying within the limits of the city. The provisions of F.S. Ch. 327, as may be amended or superseded, except where the context requires otherwise or as noted below, are hereby adopted by reference. In the event of a violation of this article, the vessel or floating structure involved shall constitute a nuisance and will subject its owner and/or operator to be punished as provided by section 5-60 below. Any person found guilty of operating a vessel or of manipulating any water skis, aquaplane, or similar device in violation of the provisions of F.S. Ch. 327, as may be amended or superseded, or this article, will also be punished as provided by section 5-60 of the Code of Ordinance of the City of Panama City, Florida.

Sec. 5-54. – Definitions.

In addition to the terms defined elsewhere in this Code, the following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

Anchoring means the act of securing a vessel or dinghy in city waters by means of an anchor or other device and associated tackle that is carried on board the vessel and cast or dropped overboard.

City waters means State of Florida waters within the jurisdictional boundaries of the City of Panama City as described in the Charter of the City of Panama City, as adjusted by City Ordinance, including from the

water's edge of St. Andrews Bay in the City of Panama City to the center of the Channel of St. Andrews Bay as described in the Charter, and including all bayous, rivers, inlets and waters within the City's jurisdictional boundaries as described in the City's Charter, but excluding the Intercoastal Waterway.

Commercial marina means a licensed and permitted commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.

Commercial vessel means a vessel (other than a vessel primarily used for commercial fishing purposes) used as a place of business or a professional other commercial enterprise and any vessel defined in F.S. Sec. 327.02(8), as may be amended or superseded.

Derelict vessel is as defined in F.S. Sec. 823.11 as may be amended or superseded.

Dinghy means any vessel not exceeding twelve (12) feet designed for and used primarily to serve a larger vessel by transporting persons and/or property to and from the larger vessel, from or to other vessels, piers, docks, or landing facilities.

Docks means a structure supported by pilings with decking that extends over city waters and provides ready foot access to the adjacent upland. A floating structure may be considered a dock provided it is held in place by permanent pilings and has no structure above the level of the deck. Pilings without decking, pilings with associated decking that does not extend to and provide foot access to adjacent upland and pilings placed within city waters without a valid permit or without being exempt from permitting under state or local regulations are not docks.

Floating structure means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term "floating structure" includes, but is not limited to, those structures defined in F.S. Sec. 327.02(14), as may be amended or superseded, and each entity used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Floating docks that are permanently affixed to a dock permitted under F.S. Sec. 403.813(1)(b) and Sec. 403.813(1)(i) are expressly excluded from this definition. Incidental movement upon water or resting partially or entirely on the bottom shall not, in and of itself, preclude a structure from classification as a floating structure if the movement is in the same area.

In the same area means that a vessel is considered to be in the same area if it is within a radius of four (4) miles of any location where the vessel was previously moored or anchored.

Live-aboard vessel means a vessel as defined in F.S. Sec. 327.02(23), as may be amended or superseded. A live-aboard vessel means: i) a vessel used solely as a residence and not for navigation; ii) A vessel for which a declaration of domicile has been filed pursuant to F.S. 222.17; or iii) a vessel used as a residence that does not have an effective means of propulsion for safe navigation. *For the purposes of this article, a*

vessel used as a residence for any amount of time, which has not moved from its anchorage or mooring under its own propulsive power, for fourteen (14) days, shall not be considered engaged in navigation.

Mooring means the act of securing a vessel in city waters by means of a permanent or semi-permanent mooring system affixed to the bottom.

Mooring system means any weight, chain, rope, floating object, structure or appliance used for the purpose of holding a vessel in a particular place and which is not carried on board such vessel as regular equipment when the vessel is underway.

Operator means every person who shall own, physically operate, navigate or control any vessel.

Vessel is as defined in F.S. Sec. 327.02, as may be amended or superseded.

Sec. 5-55. – Specific provisions for live-aboard vessels and commercial vessels.

(a) No vessel may anchor or moor within city waters that is not lawfully registered with a state authority and displaying registration numbers, hailing port and vessel registration decals required by that state. Notwithstanding the foregoing, United States Coast Guard (“USCG”) documented vessels are not required to display registration numbers, but must have hailing port markings and vessel registration decals required by their home port state.

(b) Live-aboard vessels are prohibited from mooring or anchoring in all city waters for more than ten (10) days. At the end of the ten (10) day period, a live-aboard vessel must be moved from city waters and cannot be moored or anchored in city waters again for the next thirty (30) days. This section does not apply to live-aboard vessels engaged in the exercise of rights of navigation or secured at a dock or marina with permission.

(c) No vessel may anchor or moor within city waters for any amount of time without following 33 C.F.R. Sec. 83.30 USCG lighting requirements for vessels at anchor or marine sanitation requirements of F.S. Sec. 327.53, as may be amended or superseded.

(d) No live-aboard vessel within city waters may affix any line to any property abutting city waters unless falling under the exception set forth in (b) above.

(e) All live-aboard vessels anchored or moored within city waters must be removed or evacuated from city waters within twelve (12) hours of a weather emergency declaration issued by the Governor of this state, the Board of County Commissioners of the county, or the Mayor of the city.

(f) A commercial vessel may only anchor or moor within city waters for the purpose of conducting business and must hold a valid city license as required by Ch. 7 Business Licenses and Business Regulations of this Code. In this instance, each period of conducting business operations shall not exceed forty-eight (48) consecutive hours. The provisions of subsections (a) and (c) above shall also apply.

Sec. 5-56. – Floating structures prohibited.

Floating structures are prohibited from anchoring, docking, or mooring in any city waters, except at the following locations:

- (a) Commercial marina by permission of the owner of the facility.
- (b) Any city marina or dock with the written permission of the City Manager or designee.

Sec. 5-57. – Obstructing channels; unlawful anchoring, mooring, or docking.

It shall be unlawful: (1) for any vessel within the city waters to tie up to any navigational aid within the city waters except in an emergency; (2) for any vessel to obstruct any channel marked by the USCG except in an emergency; or (3) for any vessel to anchor, moor or dock without permission within the marked boundaries of any marina.

Sec. 5-58. – Vessel cleaning.

Cleaning or washing vessels with detergents containing phosphates, chlorine, or petroleum distillates is prohibited within city waters.

Sec. 5-59. – Misuse of amenities.

The misuse, vandalism, or destruction of any amenities at city owned or operated docks or mooring facilities is grounds for ejection. If anyone damages any property or equipment of a city facility or its amenities due to neglect, misuse, failure to follow stated directions, or vandalism, they shall be held responsible for the cost of repair and replacement, as well as any criminal or civil charges for the activity.

Sec. 5-60. – Prohibited anchoring or mooring of live-aboard vessels in jurisdictional city waters.

The provisions of this article shall be enforced as provided in Chapter 5 of this Code and by such other means as are specified herein below:

- (a) *Prohibited anchoring or mooring.* It shall be unlawful to anchor or moor any live-aboard vessel within the jurisdictional city waters for more than ten (10) consecutive days without a thirty (30) day break unless the vessel is properly anchored or moored within a public or private marina or a designated mooring field.
 - (1) *Exceptions.* This section shall not apply to any commercial fishing vessel. This section also shall not apply to any vessel:
 - i. Responding to a good faith emergency, such as the failure of the vessel to operate, injury or illness suffered by the vessel’s operator;

- ii. Moored to or docked at private property with the consent of the property owner, whether or not also anchored to secure the vessel; or
 - iii. Anchored immediately adjacent to upland property owned or leased by the owner of the vessel, due to an inability to moor to or dock at the upland property.
- (2) *Emergencies.* In the event of a good faith emergency as provided for in subsection (a)(1)i. above, the owner or occupant of the vessel shall immediately contact the Panama City Police Department and provide the following information with a request that it be relayed to the Marine Unit; 1. The name of the caller; 2. The name of the vessel's registered owner; 3. A description of the vessel; 4. The location of the vessel; 5. The vessel's registration number; 6. The nature of the emergency; and 7. The amount of time required to remedy the situation. Compliance with this section is required within twenty-four (24) hours after the abatement of the emergency.

(b) *Enforcement, notice of violation, and penalties.*

- (1) *Enforcement.* When applicable, violations of this section shall be enforced by the Panama City Police Department and any law enforcement agency having jurisdiction. Additional or supplemental means of enforcing this section may be used by the city, and nothing contained herein shall prohibit the city from seeking alternative enforcement mechanisms.
- (2) *Person(s) responsible.* Any person who owns, operates, or is otherwise in control of an unlawfully anchored or moored vessel within the city's jurisdictional waters may be in violation of this section.
- (3) *Notice of violation given.* Prior to seeking any penalty as provided under sub-section (b)(4), an officer shall give a written notice of violation to any person(s) responsible under this section warning him or her that the vessel is unlawfully anchored or moored and that it must be removed from the city's jurisdictional waters within ten (10) calendar days from the date of the notice or the person(s) is subject to penalties including arrest, fines, removal of the vessel, and costs for any removal. Written notice shall either be posted upon the vessel or hand-delivered to the person(s) responsible in substantially the following form:

NOTICE OF VIOLATION

This vessel, described as: _____ is an unlawfully anchored or moored vessel in the City of Panama City's jurisdictional city waters located at (description/coordinates): _____. Accordingly, you are being notified that you are in violation of Chapter 5, s. 5-60(a) of the City of Panama City's Code of Ordinances, and you must remove this vessel from any unlawful anchoring or mooring in the City of Panama City's jurisdictional city waters within ten (10) calendar days from the date of this notice. Failure to remove this vessel from any unlawful anchoring or mooring in the City of Panama City's jurisdictional waters within ten (10) calendar days will subject you to punishment in accordance with Chapter 5, s. 5-60(b), City of Panama City Code of Ordinances, to include incarceration of up to sixty (60) days and/or fine of up to \$500.00, or

both incarceration and fine. In addition, the city may seek to remove the vessel and recover costs associated with any enforcement.

On the ___ day of _____, 20____, this Notice was delivered as follows:

_____ Posted on vessel.

_____ Hand delivered to: _____.

Name of Officer: _____ PCPD Report No.: _____

Such notice shall be not less than eight (8) inches by ten (10) inches and, if posted, shall be sufficiently weatherproof to withstand normal exposure to the elements.

- (4) *Penalties.* Any person(s) responsible for an unlawfully anchored or moored live-aboard vessel which remains in violation after ten (10) calendar days from the date of the notice violation was given shall be punished with incarceration of up to sixty (60) days and/or fine of up to \$500.00 or both incarceration and fine.
- (5) *Repeat violation.* The officer does not have to issue a notice of violation prior to seeking the penalties as provided under sub-section 5-60(b)(4) if the officer determines that the person is in repeat violation of section 5-60(a).

Sec. 5-61. – Removal of unlawfully anchored or moored vessels in jurisdictional city waters.

- (a) *Qualification for removal and notice of removal.* If the vessel at issue under s. 5-60(a) remains unlawfully anchored or moored in the city's jurisdictional waters after an officer has utilized the general penalties under s. 5-60(b)(4), then the vessel shall also be subject to removal and disposal in accordance with this section and F.S. Chs. 327, 328, and 705, or any amended or successor statutes. An officer will cause a written notice about the restriction on unlawful anchoring or mooring to be posted upon the vessel in substantially the following form:

NOTICE OF REMOVAL

This vessel, described as: _____ is an unlawfully anchored or moored vessel in the City of Panama City's jurisdictional city waters located at (description/coordinates): _____. The City of Panama City posted and/or hand-delivered a Notice of Violation on: _____ informing you that this vessel was an unlawfully anchored or moored vessel in the City of Panama City's jurisdictional waters. This vessel must be removed from any unlawful anchoring or mooring in the City of Panama City's jurisdictional city waters within twenty-one (21) days. Otherwise, the vessel will be removed pursuant to s. 5-61(b) of the City of Panama City's Code of Ordinances and Chapters 327, 328, and 705, Florida Statutes. The owner will be liable for the costs incurred for the removal, storage, and impoundment of the

vessel. If the vessel is not recovered and outstanding costs are not paid within ninety (90) days after the unlawfully anchored or moored vessel is removed, then the city may dispose of the vessel in accordance with section 705.103, Florida Statutes, or any amended or successor statute.

This Notice was posted on this vessel on the ____ day of _____, 20____.

Name of Officer: _____ PCPD Report No. _____

Such notice shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, an officer shall make a reasonable effort to ascertain the name and address of the owner of the vessel. If the name and address of the owner of the vessel is reasonably available to the officer, he or she shall mail a copy of such notice to the owner within five (5) business days from the date of posting. The officer shall also contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vessel as provided in F.S. § 328.15, or any amended or successor statute. On receipt of this information, the officer shall mail a copy of the notice by certified mail, return receipt requested, to the owner of the vessel and to the lienholder(s), if any, except that an officer who has issued an arrest or made a criminal notice to appear for a violation of F.S. § 823.11, to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner.

(b) *Removal of vessel.* If, twenty-one (21) days after posting the notice on the vessel, the owner or any person interested in the vessel at issue in this section has not removed the vessel from any unlawful anchoring or mooring in the city's jurisdictional waters, the following shall apply:

- (1) The city may remove the vessel from the unlawful anchoring or mooring in accordance with this section and F.S. Chs. 327, 328, and 705, or any amended or successor statutes.
- (2) The owner of the vessel shall be responsible for all costs for the removal, storage, and impoundment of the vessel, which shall be paid prior to the release of the vessel to the owner or agent.
- (3) The owner shall be afforded the right to challenge the imposition of costs for removal, storage, and impoundment of the vessel pursuant to the hearing process outlined in s. 5-62.

Sec. 5-62. – Establishment of post-impoundment hearings.

- (a) *Request for Hearing.* Any vessel owner seeking to challenge the imposition of costs pursuant to this article for the removal, storage, and impoundment of the vessel by the city or any entity acting at the city's direction shall be entitled to a post-impoundment hearing before a hearing officer if:
 - (1) The vessel's owner submits a request for a hearing within five (5) business days from the date the owner paid the city the costs for the removal, storage, and impoundment of the vessel on a hearing request form provided by the Marine Unit; or

- (2) If the vessel's owner does not have the financial means to pay the city for the costs for the removal, storage, and impoundment of the vessel, then the owner must submit both (a) a request for a hearing within five (5) business days from the city's removal of the vessel from the unlawful anchoring or mooring; and (b) an affidavit from the owner stating that the owner understands that the owner will be required to pay for all outstanding costs for the removal, storage, and impoundment of the vessel if the hearing officer determines that removal, storage, and impoundment of the vessel by the city or any entity acting at the city's direction pursuant to this article was in accordance with the applicable ordinances, statutes and regulations.
- (3) The request for hearing must include: a complete name and address of the owner requesting a hearing; the registered address of the vessel at issue; a copy of the vessel's registration; and a description of the dispute. The request for hearing may include the owner's phone number, the owner's e-mail address; and a statement as to whether the owner prefers that the notice of hearing be sent to the owner's physical address or to the owner's e-mail address.

(b) *Notice of Hearing.* If the vessel owner's request for hearing complies with the requirements addressed in the previous section, a Notice of Hearing shall be sent to the owner which states:

- (1) The date, time, and location of the hearing;
- (2) That an owner who elects to contest the imposition of costs and then fails to appear shall be deemed to have waived a right to a hearing.

The notice of hearing shall be sent by mail to the owner's physical address or, if stated as a preference on the request for hearing, by e-mail to the e-mail address provided in the request to the owner requesting the hearing. A certification by the Marine Unit that the notice of hearing was mailed to the physical address or e-mailed to the e-mail address provided on the hearing request constitutes prima facie evidence that the owner requesting the hearing was served with the notice of hearing. Upon notification, the owner requesting the hearing is required to comply with the directions on the notice of hearing or waive the right to challenge the imposition of costs for the removal, storage, and impoundment of the vessel.

(c) *Continuance of Hearing.* Any owner seeking to continue a hearing brought pursuant to this section shall deliver a written request for continuance to the City Attorney's Office, City Hall, 501 Harrison Avenue, Panama City, FL 32401 at least three (3) business days prior to the hearing date and shall be automatically granted one (1) continuance. The notice of the rescheduled hearing shall be sent to the owner in accordance with the procedures of subsection (b). An owner seeking any additional continuance(s) shall deliver a written request for continuance to the City Attorney's Office, City Hall, 501 Harrison Avenue, Panama City, FL 32401 at least three (3) business days prior to the rescheduled hearing date; however, the city's decision to grant any further continuance(s) shall be at the city's discretion.

(d) *Conduct of Hearing.* Post-impoundment hearings shall be conducted on the same date and time as the City's code enforcement hearings. The Special Magistrate shall have the power and authority to

make any and all evidentiary findings of fact deemed necessary to make a determination as to whether the city or any entity acting at the city's direction properly impounded a vessel in accordance with this article and complied with the notice requirements of this article. If this hearing is brought pursuant to s. 5-57 or s. 5-60, then the hearing officer's determination may also analyze:

- (1) Whether the vessel at issue constitutes a "vessel" as defined under this article;
- (2) Whether the vessel at issue was anchored or moored within the city's jurisdictional city waters and if so, whether the vessel was properly anchored or moored within a city marina or designated mooring field;
- (3) Whether any exception exists under s. 5-60(a)(1).

(e) *Determination of Special Magistrate.* If the hearing officer determines by a preponderance of the evidence that the removal, storage, and impoundment of the vessel by the city or any entity acting at the city's direction pursuant to this article was in accordance with the applicable ordinances, statutes and regulations, then the city shall be entitled to keep all costs paid to the city for the removal, storage, and impoundment of the vessel. If the hearing officer determines by a preponderance of the evidence that the city's removal, storage, and impoundment of the vessel pursuant to this article was not in accordance with the applicable ordinances, statutes and regulations, then the owner shall be entitled to recover a refund of all costs paid to the city for the removal, storage, and impoundment of the vessel. These costs shall be refunded to the owner without interest and within thirty (30) days of the Special Magistrate's determination.

(f) *Exhaustion of administrative remedies.* Anyone contesting the legality of any removal, storage, and impoundment of any vessel pursuant to this article shall be deemed to have exhausted the administrative remedies under this article once an adjudication or finding has been made by a hearing officer as provided in this section.

Sec. 5-63. – Disposition of unrecovered impounded vessels.

If a vessel impounded pursuant to s. 5-61(b) is not recovered and outstanding costs are not paid within ninety (90) days after the unlawfully anchored or moored vessel is removed from the unlawful anchoring or mooring, then the vessel is considered abandoned. The city may impose a lien against the vessel for the outstanding costs. The city may also dispose of the vessel in accordance with F.S. Ch. 705, or any amended or successor statute.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this

Ordinance. If any penalty of this section is deemed inconsistent with any Florida Statute, the provisions of the Florida Statute shall prevail.

SECTION 3. Scrivener’s Error. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk’s designee, without public hearing.

SECTION 4. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 5. Codification. The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

SECTION 6. Repeal of Conflicting Codes, Ordinances, and Resolutions. All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Panama City, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Panama City on the _____ day of December, 2022.

CITY OF PANAMA CITY, FLORIDA
A Municipal Corporation

Greg Brudnicki, Mayor

ATTEST:

By: _____
Jan Smith, City Clerk-Treasurer