

**CITY OF MIAMI
DINNER KEY MANAGED MOORING FACILITY
RULES & REGULATIONS**

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1.0 Intent of Management Plan

It is the intent of this Facility Management Plan to address the primary management functions and concerns of the City of Miami's Dinner Key Managed Mooring Facility ("the Facility"). The stated purpose of this Plan is to provide the City of Miami a managed mooring field with first-class upland amenities to accommodate the needs of City residents and other visiting boaters. The provisions of this Plan will relate to the entire Managed Mooring Facility. These rules and regulations shall apply to any vessel, its owner(s), crew, guests or any other persons entering the Dinner Key Managed Mooring Facility (including the mooring fields and upland amenities). Failure to comply with these rules shall constitute a violation of City of Miami Ordinances and shall be sufficient for ejection from the Facility and/or appropriate legal action.

2.0 Rules & Regulations

2.1 Authority of the Harbormaster: The Harbormaster shall be authorized to assign moorings. No vessel shall occupy any mooring slip without the approval of the Harbormaster. Transfer of vessels from one mooring slip to another without the prior approval of the Harbormaster is prohibited. Vessel owners desiring to transfer to a different mooring than the one assigned shall obtain the prior authorization of the Harbormaster and complete all required paperwork to be obtained in the Harbormaster's Office. For safety, security, or other management considerations the Harbormaster may move or relocate any vessel from the particular mooring space rented to any other mooring space in the sole discretion of the Harbormaster.

Any violation of these Rules & Regulations may void the Agreement for use of the mooring space and result in the ejection of the vessel from the Facility, as well as the forfeiture of any part or all of the security deposit, if deemed appropriate in the sole discretion of the Harbormaster. The decision or interpretation of these Rules & Regulations shall be the responsibility of the Harbormaster. Appeals thereof may be made to the Marinas Manager, the Director of Conferences, Conventions, & Public Facilities, and ultimately the City Manager.

2.2 Operational Vessels Only: Only vessels that are deemed to be in compliance with the United States Coast Guard regulations and safety standards and Chapter 327, Florida State Statutes shall be allowed to moor in the Facility. Only vessels in good operational condition, capable of maneuvering under their own power and with current registration or documentation shall be allowed to moor in the Facility. The determination of whether a vessel is considered to be in good operational condition, capable of maneuvering under their own power shall be the sole discretion of the Harbormaster. Vessels without integral or functional power for propulsion are not allowed in the Facility.

2.3 Vessel Equipment Requirements: All vessels should have a dinghy or other small craft as an alternate means of conveyance to enable access to the Dinghy Dock and Harbormaster's Office. Absent this, the vessel owner shall communicate the absence of a dinghy to the Harbormaster. The lack of such a dinghy shall not be cause to refusal rental of a mooring. The Harbormaster may allow the use of a dinghy for the vessel occupants to access the upland property if such a dinghy is available and on the condition that the use of that dinghy is and remains at the sole risk of the user. It is the sole responsibility of vessel occupants to provide their own conveyance to the upland facilities. Under no circumstances is the City responsible for owning, operating, or maintaining a dinghy for the exclusive use of mooring patrons.

2.4 Commercial Use of Moorings Prohibited: Commercial activities or vessels engaged in commercial activities are prohibited from mooring in the Facility. However, this would not prohibit commercial vessels from using the Facility.

No advertising or soliciting shall be permitted on any vessel within the Facility, except for "For Sale By Owner" signs not to exceed two (2) square feet in size. Each vessel shall be limited to a maximum of two (2) such signs. Use of moorings for brokerage purposes is prohibited.

2.5 Mooring of the Vessel: All persons landing by vessel or dinghy must register at the Harbormaster's Office within twelve (12) hours of landing. Vessels shall be moored in designated mooring areas only. The sole method of mooring of vessels at each slip shall be by tying the vessels to the bow only – no vessel shall be moored to the buoys at the stern. The use of anchors within the facility is prohibited – the use of additional anchors to supplement the mooring provided is prohibited. Dinghies shall be kept on board the vessel when not in use, and shall not impede or restrict access to fairways and channels. Subleasing of the vessel or assignment of the rental agreement is prohibited. Rafting or mooring of more than one vessel to any buoy shall be prohibited, without the prior approval of the Harbormaster.

2.6 Illegal Activities Prohibited / Zero Tolerance for Drug Use or Possession: Any illegal activity within the Dinner Key Managed Mooring Facility shall be grounds for immediate prosecution under the provisions of Florida law. It is the intent of the City to prosecute each violation to the fullest extent of the law. If there is a reasonable cause for suspicion of an illegal activity occurring within the Facility, the appropriate authorities will be called immediately.

It is the policy of the City of Miami to not tolerate any illegal drug use or possession of illegal drugs within its jurisdiction or within the Dinner Key Managed Mooring Facility. Such use or possession shall be immediately prosecuted to the fullest extent of all applicable laws.

2.7 Waste Management / Marine Pollution: Discharge of human or pet waste overboard in City waters is prohibited. Upon entering the mooring field, all vessels shall secure their sewage holding tanks, which are to be emptied into the sewage pumpout facilities prior to mooring. Absolutely no pumping of any sewage into any area within the Facility except at the pumpout station or by a pumpout vessel. All vessels with liveaboard occupants will be required to have their holding tanks pumped out not less than every three (3) days without fail. Violation of this provision shall constitute immediate grounds for ejection from the Facility and forfeiture of security deposit.

2.8 Use of Dinghy Dock: The City shall provide a dinghy dock or docks for the accommodation of dinghies (not vessels) of Mooring Facility customers at no charge on a first come, first served basis. Dinghies of non-Facility vessels shall pay a landing fee and shall be issued a Use Permit by the Facility; which rate shall be established by the City Manager or their designee. First priority for dinghy dock use and dinghy landing shall be given to dinghies of Dinner Key Managed Mooring Facility customers over all other dinghies with regard to space availability. Proof of current Facility tenancy is required at all times to use the Dinghy Dock. Use of the Dinghy Dock is restricted to such reasonable limits on time as may be established by the Harbormaster and no dinghy shall be left at the Dinghy Dock for more than twenty four (24) continuous hours without the prior permission of the Harbormaster.

The tying of dinghies by Facility customers or other non-facility vessel owners to the docks, piers, and sea walls of Dinner Key Marina is prohibited. Unattended dinghies found

tied to the docks, piers, and sea walls shall be considered abandoned, and shall be seized and impounded for purposes of disposal.

2.9 Unattended Vessels / Abandonment of Vessels: Any vessel left unattended for more than twenty four (24) continuous hours without the express approval of the Harbormaster shall be considered to be abandoned. If a vessel is abandoned, it may be removed from the Facility and placed in a secure location or commercial marina for storage for thirty (30) days, during which time the City or its designated parties shall make diligent, reasonable efforts to locate the vessel owner, pursuant to Florida Statutes. If the vessel is not reclaimed by that time, the vessel shall be sold at fair market value to cover the cost of unpaid rental fees and any other associated costs.

2.10 Fueling Prohibited: Fueling of vessels within the Facility is prohibited; vessel fueling is permitted at designated fueling stations, such as Dinner Key Marina Fuel Dock.

3.0 Responsibilities of Licensees

3.1 No Liability on Use of Mooring Facility: The City of Miami assumes no responsibility for the use of the moorings, dinghy dock, and upland amenities comprising the Facility by vessel owners, operators, guests, or other personnel. The City and its personnel assume absolutely no liability for personal possessions, any vessel, dinghy, or their contents or use while said vessels are located within the Mooring Facility, dinghy dock, or upland amenities.

3.2 Safe Operation of Vessels: Reckless operation of any vessel, including any recreational vessel, small craft, or dinghy, when in the judgment of the Harbormaster said operation is an endangerment to life, property, or other vessels, shall be grounds for immediate ejection from the Facility.

3.3 Use of Pumpout Vessel / Pumpout Facilities: Vessels moored at the Facility are required to utilize City-provided pumpout facilities or pumpout vessel as described in Sec. 2.7. Those vessels utilizing a Type I or II Marine Sanitation Device are required to prove the functionality of their system or to seal their tank. Any use of their system must be in strict accordance with USCG and state requirements.

The Harbormaster may, in their discretion, mandate the placement of trace dye tablets to be placed in the holding tank of any vessel moored within the Facility.

3.4 Major Repairs Prohibited: Major repairs or refitting of vessels, including any activities which could result in a deposition of materials into the water or within the Facility, is strictly prohibited. Minor repairs and maintenance work may only be conducted with the prior notification and approval of the Harbormaster. The Harbormaster shall be contacted in advance of any contemplated work to verify compliance. Additionally, only City staff shall undertake and accomplish any repairs to docks, piers, moorings, or any other common area structures or appurtenances. Any unauthorized activity in violation of the above may result in ejection from the Facility and forfeiture of security deposit.

3.5 Discharge of Waste / Removal of Trash: Discharge of any solid or liquid waste (human or pet) into the waters within the Facility is prohibited. Violators are subject to immediate ejection from the facility, and notification by the Harbormaster of said violation to the Florida Department of Environmental Protection (FDEP) for appropriate enforcement action.

Litter must be deposited ashore to Facility receptacles. Vessel owners shall contact the Facility regarding the proper disposal procedures for waste oil, rags, bilge socks, absorbents, anti-freeze, used fuel, and batteries. The Facility does not accept Hazardous Waste or materials for disposal.

3.6 Prohibited Activities: Prohibited activities at the Facility shall include, but not be limited, to the following:

- Major repairs / refitting
- Charcoal, wood, or open flame burners (cooking stoves to be UL approved)
- Swimming or diving within the Mooring Facility unless performing vessel maintenance or repairs
- Commercial activities; advertising or soliciting
- Disorderly, rowdy, or boisterous conduct; excessive noise that impedes the quiet enjoyment of the Facility by others
- Hanging laundry from the vessel in public view

3.7 Manatees & Other Protected Species / Feeding the Wildlife: Vessel owners and their guests shall acquaint themselves with the publications and warnings available at the Harbormaster's Office regarding safe operation in waters frequented by manatees, and to abide by all laws, ordinances, rules and regulations governing the operation of watercraft in the presence of manatees. Harassment of protected species is illegal and will not be tolerated. It is prohibited for any vessel owner or guest to feed or leave food for wildlife, particularly birds or endangered species.

3.8 Vessel Inspections / Boarding by Law Enforcement: In order to insure compliance with federal and state safety and marine sanitation regulations, the Harbormaster shall be authorized to conduct periodic vessel inspections. Denial of an inspection shall be considered grounds for termination of the vessel owner's Mooring Rental Agreement. The vessel owner shall fully comply with the directions of the Harbormaster and Law Enforcement personnel, and shall allow access to their vessel by those personnel as necessary.

3.9 Reporting of Fuel / Oil Spills: Vessel owner shall contact the Harbormaster's Office and Spill Hotline (800-424-8802) when an oil/fuel spill is discovered. Oil absorbent pads and containment boom are located at the Harbormaster's Office and are available for deployment in the event of a spill. **Do not** use detergents to break up spills.

3.10 Vessel Cleaning: Cleaning or washing vessels with detergents containing phosphates, chlorine, or petroleum distillates is prohibited within the Facility.

3.11 Non-tenant Use of Moorings Prohibited: It is prohibited for any non-tenant vessel to moor within the Facility without the prior authorization of the Harbormaster, except in case of emergency or otherwise provided in this Plan.

3.12 Misuse of Amenities: The misuse of any Facility amenities is grounds for ejection. If any tenant, guest, or crew damages any property or equipment of the 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.

3.13 Unauthorized Departure of Vessels: It is unlawful for a vessel owner to remove their vessel from the Facility when the vessel has a delinquent dockage balance without the

authorization of the Harbormaster. The Harbormaster shall have the authority to secure the vessel to prevent its removal until the delinquent dockage balance is satisfactorily addressed.

3.14 Maritime Lien: The City shall maintain retain a maritime lien against the vessel, their appurtenances, and contents for all unpaid mooring fees, late charges, or any damage caused to any mooring or any other property of the Facility. **For undocumented vessels, pursuant to Florida Statute 328.17, in the event of non-payment of storage within the prescribed period, the Facility is authorized to sell the owner's vessel at a nonjudicial sale.**

3.15 Emergency Repairs: The tenant shall be required to grant consent to the Harbormaster that in the event of an emergency, the Harbormaster has the authority to have necessary repairs made to the tenant's vessel, as economically as possible. Emergencies can include, but are not limited to: breakdown of bilge, fuel, or sewage pump or any other leak; chafed or broken lines, or any other emergency that may imperil the vessel and possible lead to sinking. The cost of these repairs, parts, labor, and any other appropriate charges, shall be billed to the vessel owner and payable within 24 hours of the vessel owner's return or as provided by the Harbormaster.

3.16 Rental Fees / Payment of Charges: The City, by separate resolution, shall be allowed to assess any charge deemed necessary to cover the costs of operation, maintenance, or the projected costs of future expansion of the Managed Mooring Facility.

Payment for the rental of moorings is due and payable in advance. Monthly dockage fees, based on a 30-day month, including tax, are due and payable on the first day of each month and are considered delinquent if not paid on or before the tenth of the month. Mooring fees which are delinquent shall be subject to a delinquency charge of five percent (5%) of the monthly mooring fee, which shall accrue and be automatically posted to the customer's account on the eleventh of the month. A tenant who is delinquent for a period of 20 days shall be considered to be in breach of and have defaulted on their mooring agreement, and shall have 30 days to pay in full all outstanding mooring payments and late fees owed the City. If payment in full has not been received after this period, the City shall revoke their mooring agreement and reassign the mooring and, if the vessel is still occupying the mooring, shall impound the vessel in accordance with the procedures for impounding vessels as specified in Section 50 of City of Miami Code.

4.0 Hurricanes / Tropical Storms

4.1 Evacuation of Vessels for Storm Event: City Mooring Facilities are not safe locations for vessels during tropical storms or hurricanes, and the City believes that significant damage to the vessels and Facility will likely occur in a major storm if vessels are left at the Facility. The City warns vessel owners to exercise prudent and appropriate judgment on whether to remove their vessel from the Facility in the event that a tropical storm or hurricane threatens the area. The City recommends that vessels evacuate the Facility prior to the declaration of a hurricane watch or warning. Tenants are advised that mooring equipment provided in the Facility may not be able to withstand the pending hurricane or tropical storm or associated wind or tidal surges. All Facility tenants shall be solely and totally responsible for any and all damages to persons or property caused by their failure to remove their vessels from the Facility in a timely fashion.