

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>*</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

* No fiscal impact.

Jim Orl 4.10.09
 OFMB

John J. Javel 4/10/09
 Contract Development and Control

B. Legal Sufficiency:

Mark T 4-14-09
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

Background and Policy Issues, Cont'd: Recently, County and municipal residents have become concerned with the use of live-aboard vessels in the Little Lake Worth area of the Lake Worth Lagoon. Little Lake Worth is primarily located within the limits of unincorporated Palm Beach County, with a small portion lying within the municipal limits of Palm Beach Gardens. The land use surrounding the Little Lake Worth area is entirely residential. This Ordinance will prohibit the use of boats as living quarters and restrict commercial activity on boats in Little Lake Worth but will not affect the use of the area for recreational purposes.

ORDINANCE NO. 20 ____ - ____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, SECTION 6-21 THROUGH 6-23, CODIFYING PALM BEACH COUNTY ORDINANCE NO. 95-51, PERTAINING TO CERTAIN VESSELS IN THE LOXAHATCHEE RIVER, TO INCLUDE CERTAIN VESSELS IN LITTLE LAKE WORTH; AMENDING SECTION 6-21, DECLARATION OF LEGISLATIVE INTENT; AMENDING SECTION 6-22, DEFINITIONS; AMENDING SECTION 6-23, PROHIBITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 327.60, Florida Statutes, authorizes local government authorities to enact and enforce regulations to prohibit or restrict the mooring and anchoring of live-aboard vessels used as residences and commercial places of business within their jurisdictions; and

WHEREAS, in 1995, Palm Beach County enacted Ordinance 95-51 to prevent the mooring of live-aboard vessels in the Loxahatchee River, and the Board of County Commissioners now wishes to extend that prohibition to the Little Lake Worth area of the Lake Worth Lagoon; and

WHEREAS, in order to prevent the health and safety hazards caused by the use of live-aboard vessels in Little Lake Worth, it is necessary to regulate such use; and

WHEREAS, the Board of County Commissioners desires to amend the Palm Beach Code Sections 6-21 through 6-23 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. Palm Beach County Code Chapter 6, Article II, "Vessels Prohibited in Designated Areas in Loxahatchee River", Section 21, "Declaration of legislative intent", is amended as set forth below:

(a) The Loxahatchee River area is of special and substantial public interest because of the relationship of the uses on the Loxahatchee River to the vistas, environmental character and public health, safety and welfare of the adjacent property. It is in the best interests of the public that certain vessels be prohibited or restricted because the Loxahatchee River is of unique character historically and environmentally, and requires control of these vessels as to

1 navigability in preventing potential hazards to the surrounding areas and other vessels. A
2 particular hazard is presented to public health and safety by reason of wastewater, other
3 discharges and other uses from these vessels into the Loxahatchee River when used as
4 residences or businesses. Such vessels represent a visual obstacle on the Loxahatchee River
5 and a visual intrusion that interferes with the tranquility otherwise enjoyed by adjacent
6 residential property.

7 (b) A particular hazard is presented to public health and safety by reason of
8 wastewater, other discharges and other uses from certain vessels into Little Lake Worth when
9 used as residences or businesses. Such vessels represent a visual obstacle in Little Lake Worth
10 and a visual intrusion that interferes with the tranquility otherwise enjoyed by adjacent
11 residential property.

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13 **SECTION 2.** **Palm Beach County Code Chapter 6, "Vessels Prohibited in**
14 **Designated Areas in ~~Loxahatchee River~~", Section 22, "Definitions",**
15 **is amended as set forth below:**

16 As used in this article, unless some other meaning is plainly intended:

17 Little Lake Worth means the area shown on attached Exhibit A, including all navigable
18 sections of Little Lake Worth.

19 *Live-aboard vessel* means:

20 (1) Any vessel used solely as a residence; or

21 (2) Any vessel represented as a place of business, a professional or other commercial
22 enterprise, or a legal residence.

23 A fishing boat that is used for commercial fishing is expressly excluded from the term "live-
24 aboard vessel."

25 *Loxahatchee River* means the area shown on attached Exhibit B ~~A*~~, including all navigable
26 sections of the Loxahatchee River, but excluding the areas of the Loxahatchee River located
27 within the boundaries of a municipality.

28 *Moor* means to secure or attach a vessel to a fixed location by way of lines, cables or anchors,
29 or by way of beaching or grounding.

30 *Person* means any individual, partnership, firm, corporation, association, or other entity.

1 *Vessel* is synonymous with boat, and includes every description of watercraft, barge, and air
2 boat, other than a seaplane on the water, used or capable of being used as a means of
3 transportation on water.

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5 **SECTION 3.** **Palm Beach County Code Chapter 6, "Vessels Prohibited in**
6 **Designated Areas in ~~Loxahatchee River~~", Section 23, "Prohibitions",**
7 **is amended as set forth below:**

8 No person shall moor or anchor a live-aboard vessel in or upon the Loxahatchee River or Little
9 Lake Worth. However, it shall not be a violation of this article to moor or anchor a live-aboard
10 vessel in or upon the Loxahatchee River or Little Lake Worth:

11 (1) When the activities of the vessel's owner, operator, and any occupant are solely
12 recreational and not commercial or retail; or

13 (2) If it is necessary to moor or anchor the vessel for the sole purpose of performing
14 bona-fide emergency repairs to the vessel, and the owner, operator, or occupant of the
15 vessel uses due diligence to ensure that the bona-fide emergency repairs are completed
16 within a reasonable time; or

17 (3) If it is necessary to moor or anchor a tow vessel in connection with performing
18 bona-fide emergency repairs upon a vessel, or during preparations to tow a vessel, that
19 is incapable of moving under its own power; or

20 (4) If it is necessary to moor or anchor the vessel for the sole purpose of performing
21 dredging, or construction or repair work upon, or in connection with, adjacent upland
22 uses, when such dredging, construction or repair work is pursuant to valid applicable
23 permits.

24 Notwithstanding any other provision of this section, no person shall occupy any vessel as a
25 dwelling or lodging in or upon the Loxahatchee River or Little Lake Worth, and no person shall
26 conduct any retail or other commercial activity from a vessel moored or anchored in the
27 Loxahatchee River or Little Lake Worth.

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29 **SECTION 4. REPEAL OF LAWS IN CONFLICT:**

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31 All local laws and ordinances in conflict with any provisions of this Ordinance are
32 hereby repealed to the extent of such conflict.

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1 **SECTION 5. SEVERABILITY:**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
3 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
4 such holding shall not affect the remainder of this Ordinance.

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6 **SECTION 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

7 The provisions of this Ordinance shall become and be made a part of the Palm Beach
8 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
9 such, and the word "ordinance" may be changed to "section", "article" or any other appropriate
10 word.

11

12 **SECTION 7. ENFORCEMENT:**

13 This Ordinance is enforceable by all means provided by law. Additionally, the County
14 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
15 Beach County.

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17 **SECTION 8. PENALTY:**

18 Any violation of any portion of this Ordinance shall be punishable as provided by law.

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20 **SECTION 9. CAPTIONS:**

21 The captions, section headings, and section designations used in this Ordinance are for
22 convenience only and shall have no effect on the interpretation of the provisions of this
23 Ordinance.

24

25 **SECTION 10. EFFECTIVE DATE:**

26 The provisions of this Ordinance shall become effective upon filing with the
27 Department of State.

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The remainder of this page is intentionally left blank.

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1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
2 County, Florida, on this the ____ day of _____, 20____.

3 SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

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By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

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10 APPROVED AS TO FORM AND
11 LEGAL SUFFICIENCY

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By: _____
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the ____ day of

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_____, 20____.

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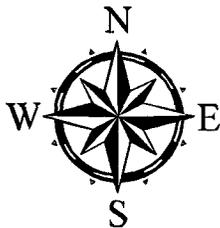
Exhibit A: Little Lake Worth Location Map



Little Lake Worth

Lake Worth Lagoon

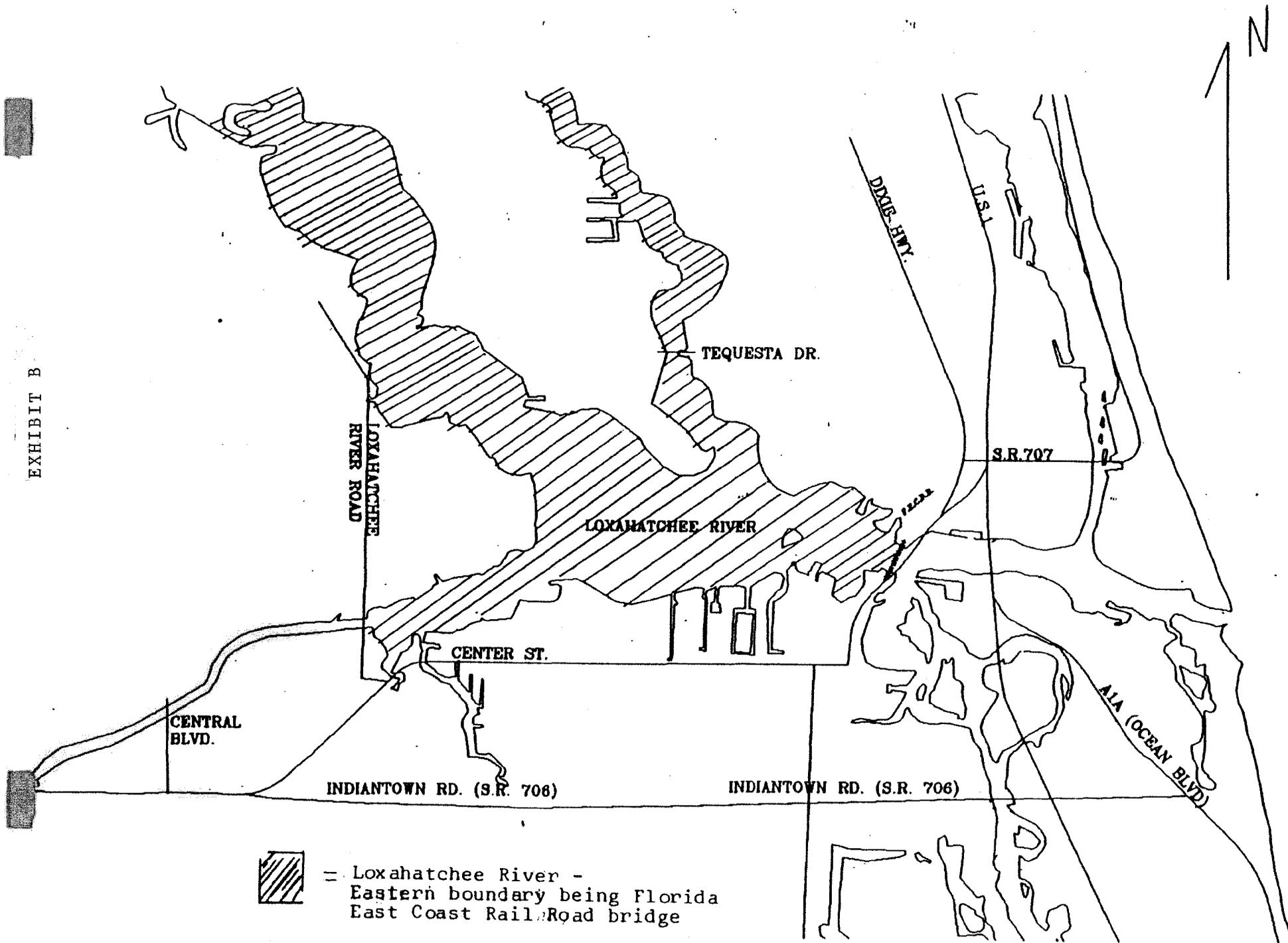
PBC Major Roads



0 500 1,000 2,000 Feet

2007 PBC Aerial Photography

EXHIBIT B



 = Loxahatchee River -
Eastern boundary being Florida
East Coast Rail Road bridge

ORDINANCE NO. 95-51
NOV 21 1995