

ORDINANCE 416 - 2010

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FIVE OF THE CODE OF ORDINANCES, ENTITLED BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS; ARTICLE III. MARINE CONSTRUCTION AND IMPROVEMENTS, DOCKING OF BOATS; DIVISION 3. DOCKS, PIERS, AND MOORING EQUIPMENT; SECTION 5-43. ELEVATOR LIFTS; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach has issued regulations relating to construction of elevator boat lifts to ensure safe installation and use; and

WHEREAS, the City Code prohibits installation of elevator boat lifts with forks that extend more than nine (9) feet from the seawall cap or eight (8) feet from a permitted wood dock; and

WHEREAS, the City Commission finds that larger capacity elevator boat lifts all have forks longer than what is permitted; and

WHEREAS, the City Commission desires to provide for reasonable criteria to evaluate requests for approval to install elevator boat lifts.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed-out~~.)

CHAPTER 5. BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS

Article III. Marine Construction and Improvements; Docking of Boats

Division 3. Docks, Piers, and Mooring Equipment

Section 5-43. Elevator lifts.

Elevator lifts may be installed and used in and adjacent to canals or waterways of the city subject to the following conditions:

- (1) Maximum lifting capacity published by the manufacturer is sixteen thousand (16,000) pounds. Lifts with capacities greater than sixteen thousand (16,000) pounds require approval of the city commission.

- (2) Maximum protrusion of the forks into the canal or water body is ~~nine (9)~~ twelve (12) feet. ~~measured from edge of the seawall cap to the end of the forks. When this device is attached to the pilings of a permitted wood dock the maximum distance the forks may protrude into the waterway is eight (8) feet measured from the outer edge of the supporting piling.~~ Forks exceeding maximum distances require approval of the city commission.
- (3) ~~No elevator lift may remain submerged without a boat on the lift. Lift forks must be positioned above the high water mark to insure visibility.~~ Elevator lift forks may remain submerged without a boat on the lift only when a white marine buoy is attached to the end of one of the forks. Reflective devices must be affixed to the ends of the lift forks.
- (4) Side elevator lifts, whether attached directly to a concrete seawall cap or attached to a permitted wooden dock's piling(s) which is attached to a concrete seawall must be certified by a licensed engineer to have a lift capacity equal to or greater than one hundred twenty (120) per cent of the combined weight of the device and the boat (including contents and fuel, etc.) to be lifted.
- (5) Free standing boat lifts mounted on dock pilings must be certified by a licensed engineer that the lifting capacity of the device is equal to or greater than one hundred twenty (120) per cent of this combined weight of the device (including contents, fuel, etc.) to be lifted.
- (6) When a hurricane watch is declared and when the owner is not available to secure his boat for more than one (1) week, all boats on elevator lifts must be secured to the lift with line or straps that are rated to one hundred twenty (120) per cent of the gross weight of the boat and accessories being lifted (including fuel and water).
- (7) In no event shall the horizontal forks be raised more than the height of the seawall cap or, in the case of attachment to the pilings of a wooden dock, more than two (2) feet above the top of the wooden dock.
- (8) Approval by the city commission must be obtained for the installation of an elevator lift in any waterway in the city where the usable and effective waterway width is less than sixty (60) feet including the waterway being obstructed by vegetation growth. The width measurement is from seawall to seawall or seawall to mean high waterline where no seawall is in evidence.

In the Coury Subdivision #2 canals, the measurement is the width of the channel defined by the distance between the outer edges of the wooden docks. Where the shoreline is irregular, at the open end of the Coury Subdivision #2 canals and the Coral Lane Canal, thirty (30) feet from the centerline of the canal to the edge of the wooden dock or seawall, as shown on the city platted maps, will be used as the limiting measurement.
- ~~(9) Approval by the city commission must be obtained for the installation of an elevator lift on any properties in the city on the Seventh Street Canal and the Sadowski Causeway bordering Bonefish Bay.~~

- (9) Boats and boat lifts must be contained within the property boundaries and riparian lines. No part of the boat or lift may protrude onto neighboring properties or across riparian lines.
- (10) In cases where approval of the city commission is required, approval shall be based on the following criteria:
 - a. Neighbor consent or lack thereof.
 - b. Visual impact on ~~sight lines to the water~~ of neighboring properties.
 - c. Hazards to navigation resulting from the proposed installation.
 - d. ~~Detrimental environmental impacts, if any, of the proposed installation.~~

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective immediately upon passage.

Ronald A. Sutton, Mayor

Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency: _____
Thomas D. Wright, City Attorney

June 10, 2010	1 st Reading
June 12, 2010	Date of Notice, Florida Keys Keynoter
June 24, 2010	Second Reading