

46 pumpout regulation may be applied, to include the entirety of the No Discharge Zone for State
47 waters within the boundaries of the Florida Keys National Marine Sanctuary; and
48

49 **WHEREAS**, the adopted ordinance cannot take effect until it is reviewed and approved by the
50 FWC; and
51

52 **WHEREAS**, upon adoption by the BOCC the ordinance will be submitted to FWC for review
53 and approval;
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56 **NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF**
57 **COUNTY COMMISSIONERS:**
58

59 **Section 1.** Article V of Chapter 26 of the Monroe County Code is amended as follows:
60

61 **Chapter 26 – WATERWAYS**
62

63 **ARTICLE V. - PROOF OF PUMPOUT²¹**
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65 **Sec. 26-100. - Purpose.**

66 It is the purpose of this Section of this Code to establish a requirement, based on the authority
67 provided under F.S.327.60(4), for vessels and floating structures subject to the marine sanitation
68 requirements of F.S. 327.53 to provide proof of proper sewage disposal by means of an approved mobile
69 sewage pumpout service, an approved sewage pumpout facility, or an approved waste reception facility
70 when anchored or moored for more than ten (10) consecutive calendar days within the federally-established
71 No-Discharge Zone in the Florida Keys.
72

73 **Sec. 26-101. - Definitions.**

74 *Proof of pumpout* means an acceptable form of proof that a vessel or floating structure has had its
75 sewage legally pumped out, or disposed of (in the case of a Porta-Potti or other portable toilet). Acceptable
76 forms of proof include a current pumpout registration sticker or tag issued by the Monroe County pumpout
77 program indicating that the vessel or floating structure receives routine pumpouts, or a valid pumpout
78 receipt from an approved pumpout facility (including portable toilet dump stations) or approved pumpout
79 vessel.
80

81 **Sec. 26-102. - Proof of Pumpout Required**

82 *Proof of pumpout required.* Vessels and floating structures anchored or moored for more than ten
83 consecutive days, and which are required to have a marine sanitation device in accordance with F.S. §
84 327.53, must provide proof of pumpout. Vessel or floating structure owners may utilize a pumpout service
85 which may be provided by the Monroe County pumpout program, or other approved vessel pumpout facility
86 or vendor. The County pumpout service is structured to provide ongoing pumpouts for anchored vessels and
87 floating structures, and may provide a registration process by which vessel and floating structure owners
88 sign up for regular pumpouts at a frequency based on anticipated need, with a maximum of one pumpout per
89 week. A monthly, color coded, registration sticker or tag may be provided which vessel and floating
90 structure owners may display on their vessel or floating structure, indicating participation in the County
91 pumpout program, and which will be considered proof of pumpout. The County pumpout program shall
92 maintain registration documentation and pumpout logs, which shall be available for review by any law
93 enforcement officer. If a vessel or floating structure owner utilizes another approved vessel pumpout
94 provider the vessel or floating structure owner is required to maintain documentation and pumpout logs to
95 demonstrate use of pumpout to FWC, the Monroe County Sheriff's Office or other law enforcement officers.
96 Proof of pumpout, regardless of the type of proof, must indicate that the vessel or floating structure was

97 pumped out within the last thirty (30) days. Monroe County encourages utilization of the County's pumpout
98 service to ensure availability of routine pumpouts as may be needed.

99 **Sec. 26-103. - Enforcement.**

100 Regulations described in this article may be enforced by Law Enforcement Officers of Monroe
101 County, FWC or any other law enforcement officer.

102 **Sec. 26-104. - Penalties.**

103 (a) Any person cited for a violation of this article shall be charged with a noncriminal infraction. A
104 Uniform Boating Citation may be issued for violations of this ordinance pursuant to F.S. § 327.74 by
105 any law enforcement agency authorized to issue such citations. Vessel and floating structure owners
106 will be provided 30 days between issuance of citations. Fines associated with citations are established
107 as follows:

- 108 (1) *First offense*: \$50.00.
- 109 (2) *Second offense*: \$100.00.
- 110 (3) *Third offense*: \$250.00.
- 111 (4) Fourth or subsequent offenses: \$250.00.

112 (b) Any person who fails to properly respond to a Uniform Boating Citation issued for a violation of this
113 article shall, in addition to the charge relating to the violation of the boating laws of this County, be
114 charged with the offense of failing to respond to such citation and upon conviction be guilty of a
115 misdemeanor of the second degree punishable as provided in F.S. § 775.082 and F.S. § 775.083.

116 **Sec. 26-105. - Exemptions.**

117 The following exemptions are provided:

118 (a) Vessels or floating structures equipped with only incinerating or composting toilets are not
119 required to provide proof of pumpout, as those types of toilets are not designed to be pumped
120 out. However, effluent from those toilets is not allowed to be disposed of in the waters of the no
121 discharge zone within the Florida Keys.

122 (b) Stored vessels and floating structures are not required to provide proof of pumpout.

123

124 **Section 2.** Severability. If any section, paragraph, subdivision, clause, sentence or provision
125 of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such
126 judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the
127 effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or
128 provision immediately involved in the controversy in which such judgment or decree shall be
129 rendered.

130

131 **Section 3.** Repeal of Inconsistent Provisions. All ordinances or parts of ordinance in conflict
132 with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance
133 herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has
134 been repealed thereby.

135

136 **Section 4.** Filing and Effective Date. This ordinance shall be filed in the Office of the
137 Secretary of the State of Florida and shall become effective as provided by law.

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139

140 **Section 5.** Codification. The provisions of this ordinance shall be included and incorporated
141 into the Code of Ordinances of Monroe County, Florida and shall be numbered to conform with
142 the uniform numbering system of the Code.

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144
145 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida
146 at a regular meeting held on the 16th day of August, 2017.

148	Mayor George Neugent	<u>Yes</u>
149	Mayor <i>pro tem</i> David Rice	<u>Yes</u>
150	Commissioner Danny Kolhage	<u>Yes</u>
151	Commissioner Heather Carruthers	<u>Absent</u>
152	Commissioner Sylvia Murphy	<u>Yes</u>

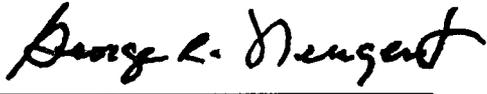
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155 **MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

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157 **KEVIN MADOK, CLERK**

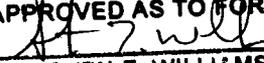
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159 By


Deputy Clerk

By


Mayor George Neugent

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162

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 8/21/17

FILED FOR RECORD
2017 AUG 28 AM 8:45
CLK. CIR. CL.
MONROE COUNTY, FLA