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**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA PERTAINING TO PUBLIC SAFETY; AMENDING CHAPTER 36 OF THE TOWN’S CODE OF ORDINANCES TITLED “WATERWAYS AND MARINE ACTIVITIES” TO PROHIBIT JUMPING OR DIVING AND OTHER ACTIVITIES ON A TOWN PIER, BRIDGE, SEAWALL OR DOCK; REMOVING THE MINIMUM AND MAXIMUM FINE FOR THE UNLAWFUL PARKING OF BOAT TRAILERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:**

**Section 1. Legislative Findings.**

- 16 (a) The Town of Windermere owns and/or controls piers, docks, seawalls and bridges within  
17 the incorporated area of the Town.  
18 (b) There have been numerous instances of individuals jumping from Town docks and  
19 bridges and using Town docks for commercial activities, and the Town desires to regulate  
20 such activities to promote the health, safety and welfare of Town residents and visitors to  
21 the Town.  
22 (c) The Town also desires to remove the minimum and maximum fine for unlawful boat  
23 trailer parking so that the Town can utilize the civil citation code enforcement method to  
24 regulate unlawful boat-trailer parking.

25 **Section 2. Amendments to the Town’s Code of Ordinances.** Section 36-21 of Chapter 36 of  
26 the Town’s Code of Ordinances titled “Parking boat trailers” is amended as follows (words that  
27 are underlined are additions; words that are ~~stricken~~ are deletions):

28 **ARTICLE II. - BOATS AND BOATING**

29 \* \* \*

30  
31 **Sec. 36-21. - Parking boat trailers.**

- 32 (a) It shall be unlawful for any boat trailer to be parked on any public property or road right-  
33 of-way within the town limits, except that such parking may be allowed with written  
34 permission from the town manager.  
35 (b) ~~Any violation of this section shall be punished by a minimum fine of \$100.00 and a~~  
36 ~~maximum fine not to exceed \$200.00.~~

37  
38 **Section 3. Amendments to the Town’s Code of Ordinances.** A new Article III is hereby  
39 added to Chapter 36 of the Town’s Code of Ordinances to be titled “Town Facilities” (words that  
40 are underlined are additions; words that are ~~stricken~~ are deletions):

41 **ARTICLE III. – TOWN FACILITIES**

42  
43 **Sec. 36-25. – Piers, docks, seawalls and bridges.**

- 44 (a) It shall be unlawful for any person to jump or dive from a structure raised more than 2-  
45 feet above the level of the surface of a public pier, dock, or seawall.  
46 (b) It shall be unlawful for any person to jump or dive from a public bridge.  
47 (c) It shall be unlawful for any person to jump or dive from an apparatus, facility or utility  
48 such as a water-main pipe or the roof of a dock, when such apparatus, facility or utility is  
49 accessible from a public pier, dock, seawall or bridge.  
50 (d) It shall be unlawful for any person to sit, stand or occupy any railing located upon or  
51 across any public pier, dock, seawall or bridge.  
52 (e) It shall be unlawful for any person to be picked-up or dropped-off by a boat or vessel  
53 from a public pier, dock, seawall or bridge.  
54 (f) The term “public” as used in this section means owned or controlled by the Town of  
55 Windermere, Orange County, or the State of Florida, and located within the corporate  
56 boundaries of the Town of Windermere.  
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58 **Sec. 36-26. – Prohibited uses of public boat ramps and associated recreational areas and**  
59 **facilities.** No person shall use the premises of any dock or boat ramp owned or controlled by  
60 the Town of Windermere for commercial activities, which include but are not limited to, the  
61 following:

- 62 (a) Picking up or dropping off passengers;  
63 (b) Soliciting or advertising commercial activity for hire at a Town owned or controlled dock  
64 or boat ramp, including, but not limited to, the display of any sign, placard, notice, or  
65 commercial announcement of any kind upon a vehicle, boat, or vessel;  
66 (c) Designating the physical address of a Town owned or controlled dock or boat ramp as the  
67 physical address of a commercial business or the meeting location for commercial  
68 activity;  
69 (d) Collecting, receiving or attempting to collect or receive compensation for any service,  
70 including, but not limited to, renting, hiring, or operating for a charge or donation, any  
71 kind of boat or watercraft, whether powered or not. Nor shall any boat or watercraft  
72 operating for hire or carrying passengers for compensation, land, dock, or receive such  
73 passengers at any Town owned or controlled dock or boat ramp; or  
74 (e) Organizing or launching of a tournament or other group function for which a fee or  
75 membership is charged.  
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77 **Section 4. Codification.** Sections 2 and 3 of this Ordinance shall be codified and made part of  
78 the Town of Windermere Code of Ordinances.

79 **Section 5. Conflicts.** In the event of a conflict or conflicts between this ordinance and other  
80 ordinances, this ordinance controls to the extent of the conflict.

81 **Section 6. Severability.** The provisions of this Ordinance are declared to be separable and if  
82 any section, paragraph, sentence or word of this Ordinance or the application thereto any person  
83 or circumstance is held invalid, that invalidity shall not affect other sections or words or  
84 applications of this Ordinance. If any part of this Ordinance is found to be preempted or  
85 otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent  
86 permitted by the severance of such preempted or superseded part.

87 **Section 7. Effective Date.** This Ordinance shall become effective upon adoption at its second  
88 reading.

89 **ENACTED** this 9th day of November, 2021, at a regular meeting of the Town  
90 Council of the Town of Windermere, Florida.

Town of Windermere, Florida

by: Town Council

by: \_\_\_\_\_

Jim O'Brien, Mayor

99 Attest:

100 \_\_\_\_\_  
101 *Dorothy Burkhalter*  
102  
103 Dorothy Burkhalter, MMC, FCRM  
104 Town Clerk

105  
106 First reading: October 12, 2021

107 Second reading: November 9, 2021

108 Advertised: October 28, 2021

