



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources

Environmental Resources Management

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Miami, Florida 33136-3912

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PERMIT NO: MOP-000285-2014/2015 (B)-GEN
 CBY BOATYARD
 600 NW 7 AVE
 MIAMI, FL 33136-

PERMITTEE:

Mr. Mario Hernandez Sr.
 CBY BOATYARD CORP
 600 NW 7 AVE
 MIAMI, FL 33136-

**MARINE FACILITIES
 ANNUAL OPERATING PERMIT**

DESCRIPTION OF FACILITY/EQUIPMENT

This document, issued under the provisions of Chapter 24, Miami-Dade County Code (Ordinance Number 89-104), shall be valid from 01-OCT-2014 through 30-SEP-2015. The above named permittee, is hereby authorized to operate the marine facility at the above location which consists of the following:

Recreational Boat Docking Facility with Maintenance/Repairs.

Total wet slips: 4
 Total dry slips: 6
 Total dry storage spaces: 0
 Total commercial vessels: 0
 Total recreational vessels: 10
 Number of liveaboards: 0
 Days of week in operation: 6

This facility is subject to conditions listed below and in the following pages (if any) of this permit.

SPECIFIC CONDITIONS

1. The Restrictive Covenant (2008R0522048) running with the land in favor of Miami-Dade County executed on April 23, 2008, is hereby incorporated into this Operating Permit by reference. Violations of this Covenant are prohibited.
2. Pursuant to the above referenced Restrictive Covenant, the "wet work area" is defined as the boat notch and the uplands area immediately adjacent to the boat notch that have been separated from the remainder of the property by a physical barrier, containing a ten (10) foot opening for personnel and forklifts, as shown on the plans attached to said Restrictive Covenant.
3. The maximum combined number of powerboats and/or personal watercrafts that shall be moored, secured, or stored within the "wet work area" and in tidal waters along the shoreline of this facility at any one time is ten (10). This provision shall not apply to sailboats with ancillary motors, auxiliary vessels, or any rowboat, skiff, or inflatable boat with a motor having a capacity of five (5) horsepower or less. Additionally this provision shall not apply to the remainder of the property, also know as the "dry work area."
4. There shall be no transfer of vessels from the "wet work area" to the remainder of the property and no transfer of vessels from the remainder of the property to the "wet work area." Additionally, the only vessels authorized to enter the "wet work area" are those that arrive by water and the only vessels authorized to leave by water are those that arrive by water.
5. No more than four (4) vessels shall be moored along the wooden marginal dock at any one time. The


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in-water mooring of vessels along the seawall adjacent to the Seybold Canal is prohibited. Additionally, the installation of fenders, davits, mooring whips, cleats, or any hardware to facilitate mooring anywhere along the bulkhead is prohibited.

6. A minimum of one (1) foot clearance shall be maintained at all times between the deepest part of any vessel moored at the subject facility and any benthic resources and/or the canal bottom.
7. This facility must be operated in accordance with the "Marine Facilities Best Management Practices" attached hereto and incorporated herein by reference as part of this permit.
8. All applicable conditions from previously executed local, state, and federal permits issued for the above-referenced marine facility shall be enforced.
9. All fixed or floating non-water dependent structures in, on, over, or upon tidal waters, unless previously approved by a Class I permit, are prohibited.
10. All permanent sewage pumpout systems and portable pumpout systems required at this facility pursuant to DERM, state, or federal permits shall be maintained on site and in fully operable condition at all times in order to convey sewage to the sanitary sewer system. Designated slips for pumpout stations shall be kept open at all times except while a vessel is discharging sewage to the pumpout system. There shall be no overboard discharge of sewage to tidal waters from vessels at this facility. This prohibition also includes discharges from approved Coast Guard Type 1 or 2 flow-through marine sanitation devices. All vessel occupants shall use shoreside facilities unless the vessel is equipped with a Coast Guard approved holding tank system or is directly connected to the facility's sewage pumpout system.
11. The facility owner/operator is required to maintain a submerged land lease from the State of Florida if any vessels or structures are located over state-owned submerged lands. Use of state-owned submerged lands without a lease or other form of consent from the State of Florida is prohibited.
12. Unless otherwise approved by DERM, fueling of vessels at this facility shall be prohibited. Facilities approved for fueling operations shall maintain on-site spill prevention, containment, and recovery equipment and materials including, but not limited to, absorbent pads, booms, and sweeps and shall maintain staff trained in the deployment and operation of said equipment at all times. Fueling at approved facilities shall be conducted only at the designated fueling location in order to contain any spills that may occur. A floating containment boom large enough to enclose the area of the vessel being fueled, but with a minimum length of fifty (50) feet, shall be available at all times during fueling operations. Said equipment shall be deployed and operated in the most effective manner possible when spills occur.
13. The maximum number of vessels that may be stored, docked, or moored at this facility may not exceed the number of slips and/or dry storage spaces as referenced above in this Operating Permit. This condition shall not apply to appurtenant vessels such as dinghies and tenders that are associated by ownership, design, and common usage with a primary vessel docked, moored, or stored at the facility, and therefore, are affixed to/carried by and stored on the primary vessel.
14. Any vessel meeting the definition of a derelict vessel as defined in Section 823.11(b) Florida Statutes shall not be left, stored, or abandoned in, on, over, or upon tidal waters and submerged bottom within the facility. This includes any vessel in a wrecked, junked, or substantially dismantled condition, including any sunken vessel. For any derelict vessel that is docked, grounded, or beached upon private property within the facility, the property owner shall remove the vessel after complying with the notice requirements specified in Section 328.17(5) Florida Statutes. As the custodian of any such derelict vessel, the facility shall be responsible for the removal and proper disposition of the vessel if the owner of the vessel fails to do so.
15. Harassment of manatees is prohibited. Harassment includes, but is not limited to, feeding, watering, physical contact, and/or any interference in their normal behavior or movements.

GENERAL CONDITIONS

16. The applicant, by acceptance of this document, agrees to operate and maintain the subject operation so as to comply with the requirements of Chapter 24 of the Code of Miami-Dade County.
17. If for any reason, the applicant does not comply with or will be unable to comply with any condition or limitation specified on this document the applicant shall immediately notify and provide the department with the following information: (a) a description of and cause of non-compliance; and (b) the period of non-compliance including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps taken to reduce, eliminate, and prevent recurrence of the non-compliance. The applicant shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this document.



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18. As provided in Section 24-15 of the Code of Miami-Dade County, the prior written approval of the Department shall be obtained for any alteration to this facility.
19. The issuance of this document does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. Nor does it relieve the applicant from liability for harm or injury to human health or welfare or property.
20. This document is required to be posted in a conspicuous location at the facility site during the entire period of operation.
21. This document is not transferable. Upon sale or legal transfer of the property or facility covered by this document, the applicant shall notify the department within thirty(30) days. The new owner must apply for a permit within thirty (30) days. The applicant shall be liable for any non-compliance of the source until the transferee applies for and receives a transfer of this document.
22. The applicant, by acceptance of this document, specifically agrees to allow access to the named source at reasonable times by department personnel presenting credentials for the purposes of inspection and testing to determine compliance with this document and department rules.
23. This document does not indicate a waiver of or approval of any other department permit that may be required for other aspects of this facility.
24. This document does not constitute an approval by the Department or certification that the applicant is in compliance with applicable laws, ordinances, rules or regulations. The applicant acknowledges that separate enforcement actions may be initiated by the Department and that this document does not constitute compliance with orders issued in conjunction with enforcement actions for correction of violations.
25. Failure to comply with any condition of this document, or the requirements of Chapter 24, Code of Miami-Dade County may subject the applicant to the penalty provisions of said Chapter including civil penalties up to \$25,000 per day per offense and/or criminal penalties of \$500 per day or not less than \$1000 per day for violations of Section 24-42.4, Sanitary Sewer Discharge Limitations and Pretreatment Standards and/or sixty (60) days in jail.

