

ORDINANCE NO. 98- 6

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING AND REPLACING ST. JOHNS COUNTY ORDINANCE 96-20; ESTABLISHING A SLOW SPEED/MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN A PORTION OF THE WATERWAY KNOWN AS SALT RUN; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE SLOW SPEED/MINIMUM WAKE ZONE; PROVIDING DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. Findings. The Board of County Commissioners of St. Johns County makes the following findings:

- (1) Boats, vessels, and watercraft used as a means of transportation on water have been declared to be dangerous instrumentalities in the State of Florida;
- (2) The prudent and safe operation of vessels, boats, and watercraft is essential to the public health, safety, and welfare of the citizens of St. Johns County;
- (3) The Board of County Commissioners is empowered to regulate the speed and wake of vessels under Chapter 67-1986 of the Laws of Florida, and Sections 327.60 and 327.73(1)(k)2. of the Florida Statutes (1997);
- (4) A slow speed/minimum wake zone is necessary for a portion of the waterway known as "Salt Run" in order to avoid safety hazards to persons and damage to property resulting from vessels traveling at excessive speed.

Section 2. Definitions. For purposes of this Ordinance, the following definitions shall apply:

(1) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(2) "Slow Speed/Minimum Wake Zone" means an area of a waterway in which a vessel cannot proceed at a speed greater than that specified by the Slow Speed/Minimum Wake Operation Standard.

(3) "Slow Speed/Minimum Wake Operation Standard" means a vessel must operate at a speed that is no greater than the speed which allows a vessel to be fully off-plane and completely settled into the water. A vessel shall not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances. By way of example and not limitation, a vessel that is:

- (a) Operating on a plane is not proceeding in accordance with the Slow Speed/Minimum Wake Operation Standard;
- (b) In the process of coming off a plane and settling into the water or coming up onto plane is not proceeding in accordance with the Slow Speed/Minimum Wake Operation Standard;
- (c) Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels is not proceeding in accordance with the Slow Speed/Minimum Wake Operation Standard;
- (d) Completely off-plane and which has fully settled into the water and is proceeding without wake or with minimum wake is proceeding in accordance with the Slow Speed/Minimum Wake Operation Standard.

(4) "Vessel" means any boat, vessel, or watercraft being propelled or powered by machinery, including but not limited to personal watercraft.

(5) "Wake" means all changes in the vertical height of the water surface caused by the passage of a vessel, including but not limited to, a vessel's bow wave, stern wake, and propeller wash.

Section 3. Salt Run Slow Speed/Minimum Wake Zone. The portion of the waterway known as "Salt Run" as shown on the map and/or description attached hereto is hereby made a Slow Speed/Minimum Wake Zone.

Section 4. Prohibition. It shall be unlawful for any Person in physical control of a Vessel in the Slow Speed/Minimum Wake Zone to operate the Vessel in violation of the Slow Speed/Minimum Wake Operation Standard.

Section 5. Exemptions. The restrictions created by this Ordinance shall not apply to Vessels of any federal, state, county, or municipal agency while operated by an officer, employee, or agent thereof who is engaged in law enforcement or other necessary municipal or governmental activity.

Section 6. Signs. Signs shall be installed and maintained to alert boaters to the existence and boundaries of the Slow Speed/Minimum Wake Zone. All signs shall comply with the standards and regulations provided by state law. No Person shall be charged with a violation of this Ordinance prior to the posting of signs as required by this Section.

Section 7. Enforcement. This Ordinance shall be enforced by the Sheriff of St. Johns County and his deputies, the Division of Law Enforcement of the Florida Department of Environmental Protection and its officers, and any other authorized law enforcement officer as

provided by Section 327.70 of the Florida Statutes.

Section 8. Penalties. Any Person violating any provision of this Ordinance shall be charged with a noncriminal infraction by a boating citation, and shall be subject to the same procedures and penalties set forth in Section 327.73 and other applicable provisions of Chapter 327 of the Florida Statutes, as it may be amended from time to time.

Section 9. St. Johns County Ordinance 96-20 is hereby repealed and replaced in its entirety by this Ordinance. Any citation issued under St. Johns County Ordinance 96-20 before the effective date of this Ordinance, shall remain valid and enforceable.

Section 10. Effective Date. This Ordinance shall take effect immediately upon the filing of this Ordinance with the office of the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 27th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd

Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland

Clerk

Effective Date: February 3, 1998

JANUARY 22, 1998

SALT RUN - NO WAKE ZONE

A PART OF A BODY OF WATER KNOWN AS SALT RUN, SAID PART LYING IN SECTIONS 16, 17 AND 21, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING BOUNDED ON THE EAST BY CONCH ISLAND AND ON THE WEST BY ANASTASIA ISLAND; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT CHANNEL MARKER 2, AS NOW ESTABLISHED; THENCE NORTH  $64^{\circ} 09' 04''$  EAST A DISTANCE OF 159.2 FEET TO CHANNEL MARKER 1, AS NOW ESTABLISHED; THENCE CONTINUE NORTH  $64^{\circ} 09' 04''$  EAST, ALONG THE EASTERLY PROJECTION OF THE LINE BETWEEN CHANNEL MARKERS 2 AND 1, A DISTANCE OF 93 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF SALT RUN; THENCE SOUTHEASTERLY AND SOUTHWESTERLY, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 3767 FEET, MORE OR LESS TO THE POINT OF BEGINNING (SAID POINT LYING AT LATITUDE OF  $29^{\circ} 53' 46.405''$ N AND LONGITUDE OF  $81^{\circ} 17' 28.664$ W); THENCE CONTINUE SOUTHWESTERLY, EASTERLY, WESTERLY, SOUTHEASTERLY, AND SOUTHERLY, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 6188 FEET, MORE OR LESS; THENCE SOUTH  $60^{\circ} 17' 23''$  WEST, DEPARTING FROM SAID MEAN HIGH WATER LINE OF SALT RUN, ON A LINE PERPENDICULAR TO THE CENTERLINE OF THE CHANNEL AS PRESENTLY ESTABLISHED BY CHANNEL MARKERS 16, 17, 18, AND 19 AND THROUGH CHANNEL MARKER 19 (SAID MARKER LYING AT LATITUDE  $29^{\circ} 53' 09.913''$ N AND LONGITUDE  $81^{\circ} 17' 03.438''$ W), A DISTANCE OF 851 FEET, MORE OR LESS TO THE MEAN HIGH WATER LINE OF SALT RUN; THENCE NORTHWESTERLY, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 4952 FEET, MORE OR LESS; THENCE NORTH  $58^{\circ} 02' 11''$  EAST, DEPARTING FROM SAID MEAN HIGH WATER LINE AND PASSING THROUGH A POINT (A) LYING IN SALT RUN (SAID POINT LYING AT LATITUDE  $29^{\circ} 53' 43.557''$ N AND LONGITUDE  $81^{\circ} 17' 41.404$ W), A DISTANCE OF 1408 FEET, MORE OR LESS TO ANOTHER POINT (B) LYING IN SALT RUN (SAID POINT LYING AT LATITUDE  $29^{\circ} 53' 48.458''$ N AND LONGITUDE  $81^{\circ} 17' 32.441''$ W); THENCE SOUTH  $57^{\circ} 53' 48''$  EAST A DISTANCE OF 381 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LATITUDE AND LONGITUDE WAS OBTAINED USING A RESOURCE GRADE GPS RECEIVER OPERATING IN REAL TIME CORRECTION MODE. THE POSITIONAL ACCURACY OF THESE POSITIONS ARE APPROXIMATELY SUB-METER.



# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

## STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_  
Sandra D. Oliver \_\_\_\_\_ who on oath says that she is  
Accounting Clerk \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida;  
that the attached copy of advertisement, being a \_\_\_\_\_  
Notice of Hearing \_\_\_\_\_  
in the matter of \_\_\_\_\_ SJC BCC \_\_\_\_\_  
in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of \_\_\_\_\_ Jan 15, 1998 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 15 day of Jan, 19 98,  
by Sandra D. Oliver who is personally  
known to me or who has produced \_\_\_\_\_ as  
identification. (Type of Identification)



Zoe Ann Moss  
MY COMMISSION # CG641814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss  
(Signature of Notary Public)

(Seal)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)

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### COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS  
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, January 27, 1998 at 1:30 p.m. in the County Auditorium of the County Administrative Building, 4020 Lewis Speedway, (CR 16A) and U.S. #1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance:  
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING AND REPLACING ORDINANCE NO. 96-20 ESTABLISHING A SLOW SPEED/MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPULSED OR POWERED BY MACHINERY WITHIN A PORTION OF THE WATERWAY KNOWN AS SALT RUM; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE SLOW SPEED/MINIMUM WAKE ZONE; PROVIDING DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.  
The proposed ordinance is on file in the Office of the Clerk of the Board of County Commissioners of the St. Johns County Administrative Complex, 4020 Lewis Speedway (County Road 16A) and U.S. 1 North, St. Augustine, Florida, and may be examined by parties interested prior to the said public hearing. Please take notice that the ordinance is subject to revision prior to the hearing or adoption of the ordinance. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.  
If a person decides to appeal any decision made with respect to any matter considered at the meeting, he/she will need a record of the proceeding, and for such purposes he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.  
NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these proceedings should contact ADA coordinator, at (904) 823-2801 or at the County Administrative Building, 4020 Lewis Speedway, St. Augustine, Florida 32095. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2801 or Florida Relay Service: 1-800-353-8770, no later than 5 days prior to the date of the meeting.  
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
Cheryl Strickland,  
Its Clerk  
By Yvonne Carter,  
Deputy Clerk  
1879 Jan. 18, 1998

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Office of International Relations  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing



FLORIDA DEPARTMENT OF STATE  
**Sandra B. Mortham**  
Secretary of State  
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
Ringling Museum of Art

February 4, 1998

Honorable Cheryl Strickland  
Clerk to Board of County Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated February 2, 1998 and certified copy of St. Johns County Ordinance No. 98-6, which was filed in this office on February 3, 1998.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

CHERYL STRICKLAND  
CLERK OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FL

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FILED

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