

ORDINANCE NO. 2000-55

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING A IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN CUNNINGHAM CREEK; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO 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 Sections 327.60 and 327.73(1)(k)(2) of the Florida Statutes (1999).
- (4) An Idle Speed, No Wake zone is necessary for Cunningham Creek 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:

“Persons” means an individual, partnership, firm, corporation, association, or other entity.

“Idle Speed, No Wake Zone” means an area of a waterway in which a vessel cannot proceed at a speed greater than that specified by the Idle Speed, No Wake definition in State Rule Chapter 68D-24.002(2).

“Idle Speed, No Wake indicates a boating restricted area which has been established to protect the safety of the public. Idle Speed, No Wake means that a vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.” (State Rule Chapter 68D-24.002(2))

“Vessel” means any boat, vessel, or watercraft being propelled or powered by machinery including but not limited to personal watercraft.

“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. Cunningham Creek Idle Speed, No Wake Zone. The portion of Cunningham Creek as shown on the map and description attached hereto is hereby made an Idle Speed, No Wake Zone.

Section 4. Prohibition. It shall be unlawful for any Person in physical control of a Vessel in the Idle Speed, No Wake Zone to operate the Vessel in violation of the Idle Speed, No Wake Rule.

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 Idle Speed, No 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 provisions of this Ordinance shall be charged with a non-criminal infraction by a boating citation, and shall be subject to the 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. 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 by the Board of County Commissioners of St. Johns County, Florida,  
this 10<sup>th</sup> day of October, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *James D. Bryant*  
Its Chair

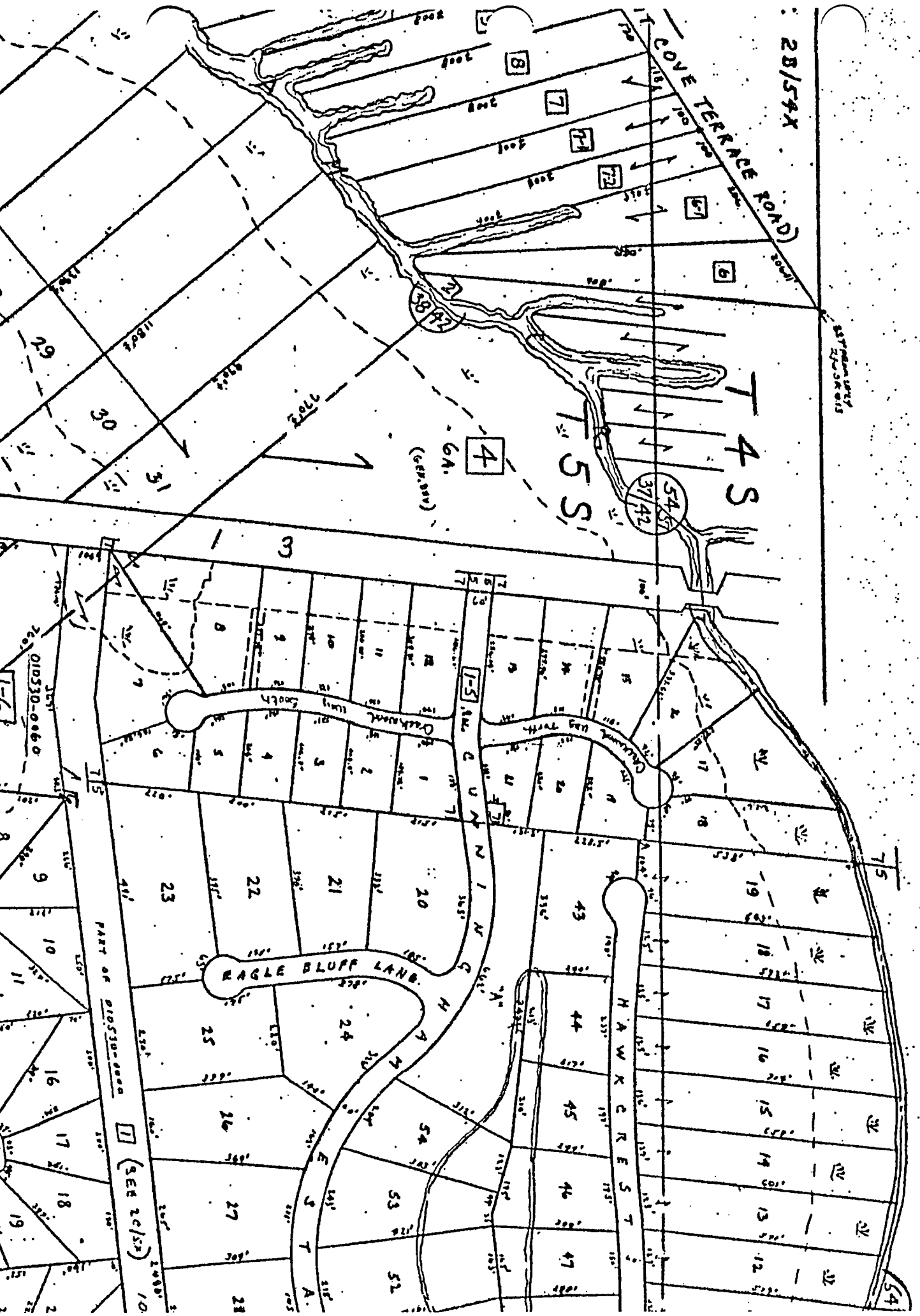
ATTEST: CHERYL STRICKLAND

*Cheryl Strickland*  
Clerk

Effective Date: October 16, 2000



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28/54X

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 Linda Y. Murray who on oath says that she is an 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 PUBLIC HEARING

in the matter of

WATERCRAFT REGULATIONS

in the Court, was published in said newspaper in the issues of SEPTEMBER 19, 2000

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, for a period of one year 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 19TH day of SEPTEMBER 2000,

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.



Zoe Ann Moss, Notary Public, Commission # 00641814, Expires 09/26/2001, State of Florida Insurance, Inc.

[Signature] (Signature of Notary Public)

(Seal)

Zoe Ann Moss

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COPY OF A

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, October 10, 2000 at 1:30 p.m. in the County Auditorium of the County Administration Building, 4020 Lewis Speedway (County Road 16-A) 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: ESTABLISHING A IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN CUNNINGHAM CREEK; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO 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, St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16-A and U.S. 1 North), St. Augustine, Florida, and may be examined by parties interested prior to said public hearing. Interested parties may appear at the meeting and will be afforded an opportunity to be heard at the public hearing with respect to the proposed ordinance. If a person decides to appeal any decision made with respect to any matter considered at this hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings 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 the ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32085. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the date of this hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. CHERYL STRICKLAND, ITS CLERK. By: Yvonne King, Deputy Clerk L2634 Sept 19, 2000

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
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  
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
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

FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State  
DIVISION OF ELECTIONS

October 16, 2000

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

Attention: Patricia DeGrande  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 13, 2000 and certified copies of Ordinance Nos. 2000-54 through 2000-58, which were filed in this office on October 16, 2000.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

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