

ORDINANCE NO.: 2001- 8

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, 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 SAN SEBASTIAN RIVER; PROVIDING AN OPERATION STANDRAD 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 Sections 327.60 and 327.73 (1) (k) 2. of the Florida Statutes.
- (4) A slow speed/ minimum wake zone is necessary for a portion of the waterway known as San Sebastian River 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:

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

“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.

“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) Operation 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 the Slow Speed/Minimum Wake Operation Standard.

“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, stern wake, and propeller wash.

Section 3. San Sebastian River Slow Speed/Minimum Wake Zone. The portion of the waterway known as San Sebastian River as shown on the map and description attached hereto and incorporated by reference 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 regulation 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

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 23rd day of January, 2001.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

BY: Mary F. Kohnke
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk

Patricia A. Grande
Deputy Clerk

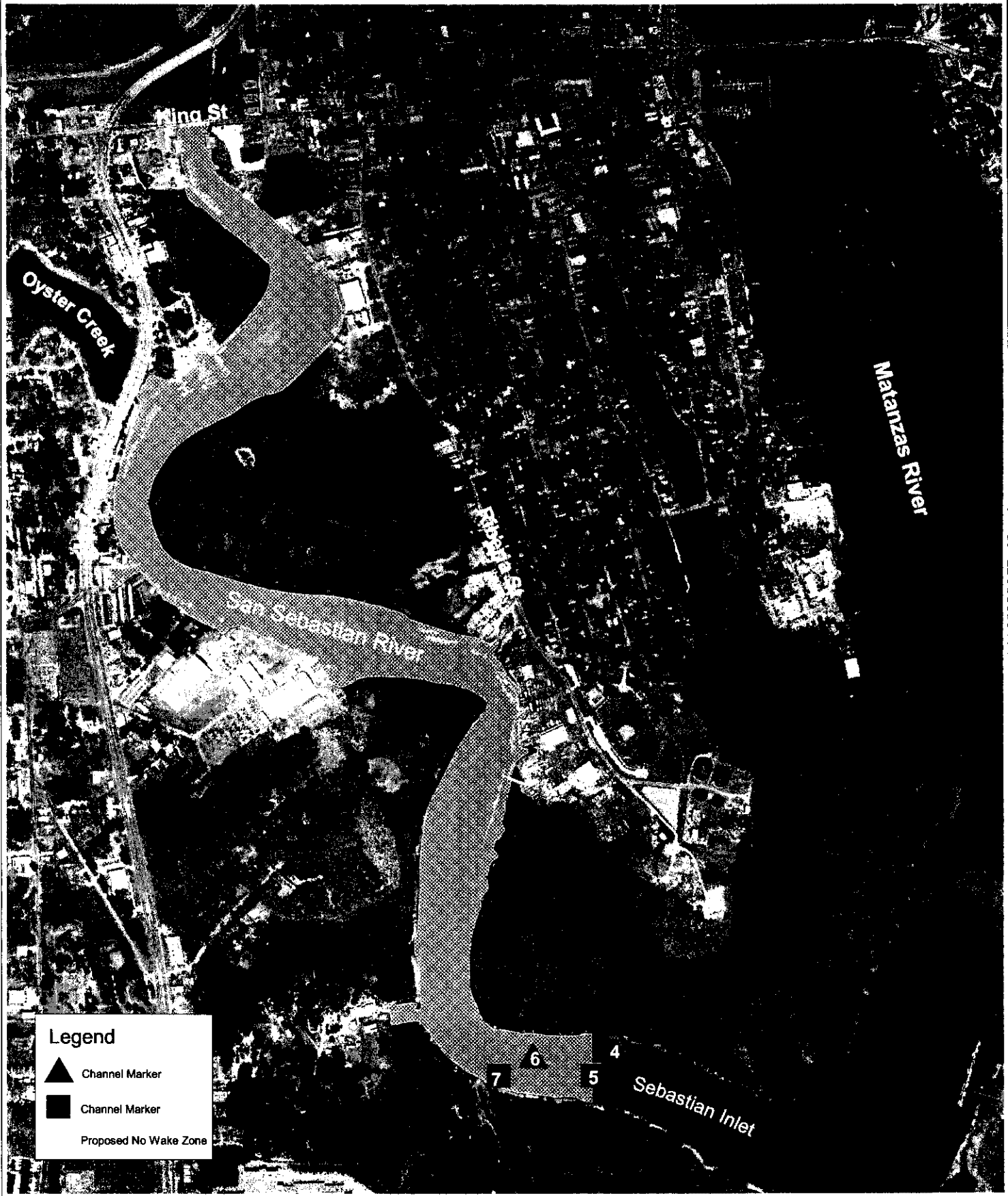
Effective Date: 01-30-, 2001



DECEMBER 11, 2000

DESCRIPTION OF PROPOSED "SLOW SPEED/MINIMUM WAKE" ZONE FOR THE SAN SEBASTIAN RIVER

A PORTION OF THE SAN SEBASTIAN RIVER LYING IN THE CITY OF ST. AUGUSTINE, FLORIDA AND BEING A PART OF TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING BOUNDED ON THE NORTH BY THE KING STREET BRIDGE; ON THE EAST AND WEST BY THE MEAN HIGH WATER LINE OF SAID SAN SEBASTIAN RIVER; AND ON THE SOUTH BY A LINE EXTENDING NORTHERLY AND SOUTHERLY FROM CHANNEL MARKER NUMBER 5, BEING LOCATED AT LATITUDE 29°52'15.128" N AND LONGITUDE 81°18'45.964" W, SAID CHANNEL MARKER ALSO BEING APPROXIMATELY 1850 FEET, MORE OR LESS WESTERLY OF THE MOUTH OF THE SAN SEBASTIAN RIVER AT THE INTRACOASTAL WATERWAY.



Legend

▲ Channel Marker

■ Channel Marker

Proposed No Wake Zone



Map Date: December 11, 2000

**Proposed Slow Speed/Minimum Wake Zone
(San Sebastian River)**

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THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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

SLOW SPEED/ MINIMUM WAKE ZONE

in the Court, was published in said newspaper in the issues of

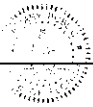
JANUARY 13, 2001

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 15TH day of JANUARY 2001,

by Linda Y Murray who is personally known to me or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss (Signature of Notary Public)



Zoe Ann Moss MY COMMISSION # CC641814 EXPIRES August 22, 2001 BONDED THRU TROY FAIRBANKS, INC.

Zoe Ann Moss

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NOTICE OF A 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, will hold a public hearing on Tuesday, January 23, 2001 at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, 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 SAN SEBASTIAN RIVER; 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 at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public 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 the proceedings should contact ADA Coordinator, at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA: CHERYL STRICKLAND, ITS CLERK. By: Patricia DeGrande, Deputy Clerk, 191-1 Jan 13, 2001

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



FLORIDA DEPARTMENT OF STATE

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

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

January 30, 2001

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 January 26, 2001 and certified copies of Ordinance Nos. 2001-08 through 2001-12, which were filed in this office on January 30, 2001.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

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BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us