

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING AN IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN A PORTION OF THE MATANZAS RIVER; 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;
- (4) An Idle Speed, No Wake Zone is necessary for the Matanzas 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.

“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. (Florida Administrative Code 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 wake, stern wake, and propeller wash.

Section 3. Matanzas River Idle Speed, No Wake Zone. The portion of the Matanzas River as shown on the map and description attached hereto is hereby designated as 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 AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 7th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

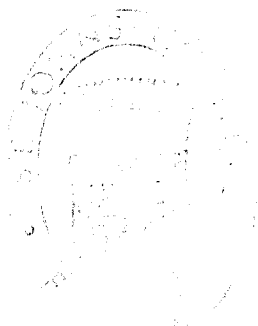
BY: James E. Bryant
James E. Bryant, Chair

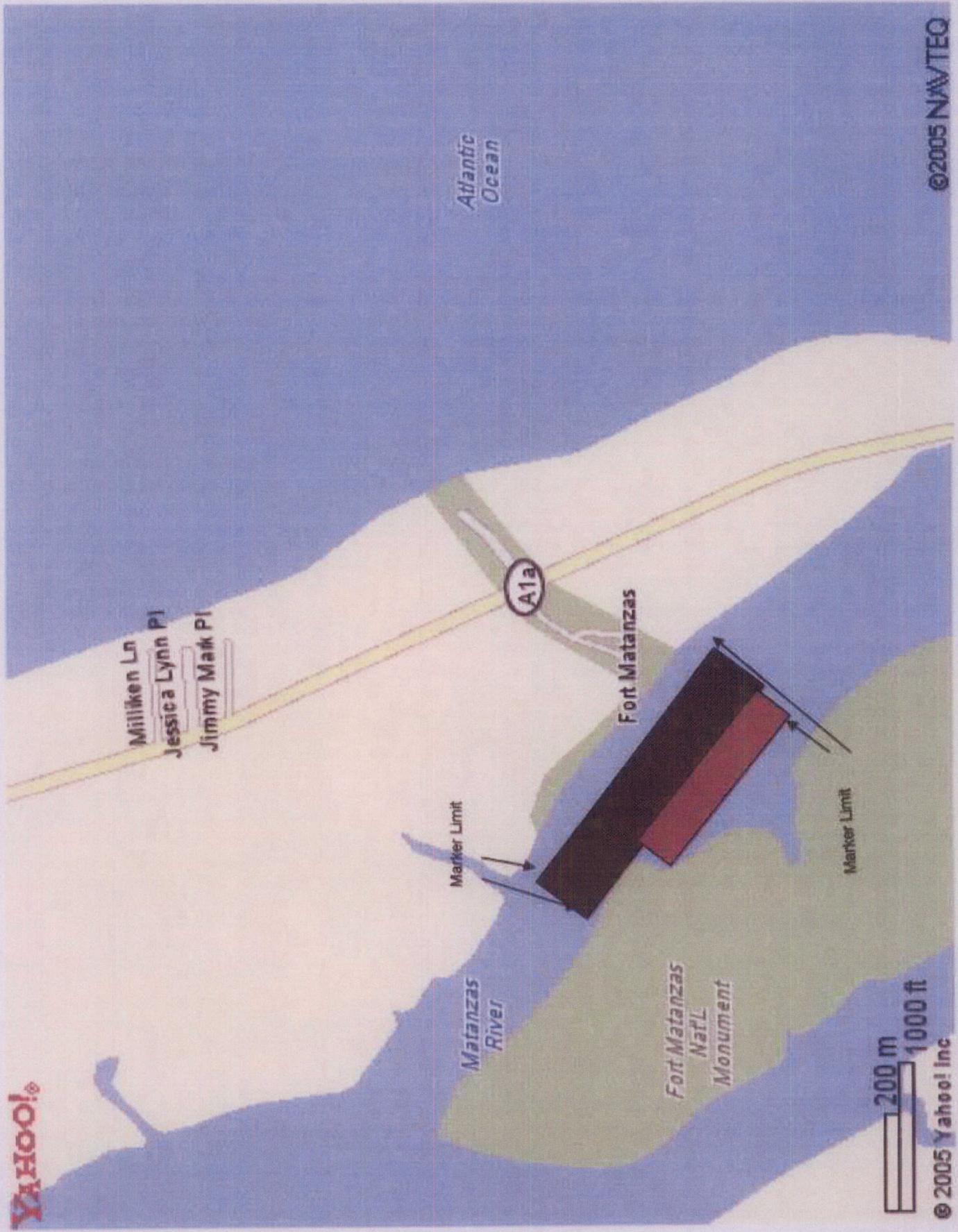
ATTEST: CHERYL STRICKLAND

By: L. Wenne King
Deputy Clerk

RENDITION DATE 03/09/06

Effective Date: March 13, 2006





Atlantic Ocean

Miliken Ln
Jessica Lynn Pl
Jimmy Mark Pl

A1a

Fort Matanzas

Marker Limit

Marker Limit

Matanzas River

Fort Matanzas Nat'L Monument

200 m
1000 ft

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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, will hold a public hearing on Tuesday, March 7, 2006 at 9:00 a.m. in the County Auditorium of 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 AN IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPULSED OR POWERED BY MACHINERY WITHIN A SEGMENT OF THE MATANZAS RIVER IN THE VICINITY OF FORT MATANZAS; 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 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 decides 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) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, St. Augustine, FL 32084. 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: Yvonne King, Deputy Clerk
1532-A Feb 21, 2006

COPY C

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 **CHARLES BARRETT**

who on oath says that he 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 **NOTICE OF HEARING**

in the matter **ORD NO WAKE**

was published in said newspaper in the issues of

FEBRUARY 21, 2006.

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 he 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 **21ST** day of **FEBRUARY, 2006.**

by *Charles Barrett* who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist

(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED

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CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

March 13, 2006

Ms. Yvonne King, Deputy Clerk
Minutes and Records Department
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084

Dear Ms. King:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 10, 2006 and certified copies of St. Johns County Ordinance Nos. 2006-20 through 2006-28, which were filed in this office on March 13, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

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