

ORDINANCE NO. 2013 - 14

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 ON THE TOLOMATO RIVER, EXTENDING FIVE HUNDRED FEET TO THE NORTH AND SOUTH FROM A STARTING POINT LOCATED AT THE SOUTHERNMOST PORTION OF A FLOATING DOCK LOCATED APPROXIMATELY THREE HUNDRED AND FIFTY FEET SOUTH OF THE VILANO BEACH BRIDGE, AND ALSO EXTENDING WEST TO THE INTRACOASTAL WATERWAY RIGHT OF WAY LINE AND EAST TO THE SHORELINE FROM THE SAME STARTING POINT; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR AUTHORIZATION OF COUNTY OFFICIALS; PROVIDING SEVERABILITY; AND PROVIDING FOR 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) The prudent and safe operation of boats, Vessels and watercraft is essential to the public health, safety and welfare of the citizens of St. Johns County.
- (2) The Board of County Commissioners is empowered to establish boating-restricted areas under Section 327.46(1)(b) of the Florida Statutes.
- (3) The Board of County Commissioners is empowered to regulate the speed and Wake of Vessels under Section 327.46(1)(b)1.a. within five hundred feet (500 ft.) of any boat ramp, hoist, marine railway, or other launching or

landing facility available for use by the general public on waterways more than three hundred feet (300 ft.) in width.

- (4) The Tolomato River is a waterway that exceeds three hundred feet (300 ft.) in width in the area approximately three hundred and fifty feet (350 ft.) south of the Vilano Beach Bridge.
- (5) Approximately three hundred and fifty feet south (350 ft.) of the Vilano Beach Bridge is the Vilano Fishing Pier. A floating dock extends southerly off of the Vilano Fishing Pier (hereinafter referred to as the “floating dock”). The street address for the Vilano Fishing Pier is 260 Vilano Road, St. Augustine, FL 32084.
- (6) The Vilano Beach Bridge traverses the Tolomato River and has an existing Idle Speed, No Wake Zone from shoreline to shoreline for the span of the bridge and extended into the Tolomato River five hundred feet (500 ft.) north and south from the centerline of the Vilano Beach Bridge. This Idle Speed, No Wake Zone regulation can be found under the Florida Administrative Code, Title 68, Chapter 68D-24 at 24.155 (b).
- (7) The floating dock situated off the Vilano Fishing Pier is a launching or landing facility available for general boating public use as defined under Section 327.46(1)(b)1.a. of the Florida Statutes.
- (8) An Idle Speed, No Wake Zone around the southernmost portion of the floating dock is necessary on the Tolomato River in the area approximately three hundred and fifty feet (350 ft.) south of the Vilano Beach Bridge 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 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 that 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.

“*Steerageway*” means the minimum rate of motion required for the helm of the Vessel to have effect.

Section 3. Floating Dock Idle Speed, No Wake Zone. The portion of the Tolomato River where the southernmost portion of the floating dock off of the Vilano Fishing Pier is located (approximately three hundred and fifty feet (350 ft.) south of the Vilano Beach Bridge) will be the starting point of this Ordinance’s Idle Speed, No Wake Zone. An Idle Speed, No Wake zone is hereby designated as extending five hundred feet (500 ft.) north and south from the starting point located at the southernmost portion of the floating dock off of the Vilano Fishing Pier and also extending west to the Intracoastal Waterway right of way line and east to the shoreline from the same starting point, as depicted on the map attached hereto (*See Exhibit A*).

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. Further, the restrictions created by this Ordinance shall not apply to Vessels operated under emergency conditions during a legitimate emergency.

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 the 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.

- (a) A violation of Section 4 of this Ordinance by any Person may be enforced by issuance of a boating citation by a duly authorized law enforcement officer pursuant to the procedures set forth in Section 327.73 of the Florida Statutes.
- (b) The civil penalty for a violation of Section 4 of this Ordinance shall be \$50.00 per occurrence or such other amounts as may be authorized by

the Florida Legislature should Section 327.73 of the Florida Statutes, be amended.

- (c) Nothing contained herein, however, shall prohibit St. Johns County from enforcing this Ordinance by any other lawful means.

Section 9. Authorization of County Officials. County officials are authorized to prepare, execute and file the necessary documents with the appropriate federal and state agencies to obtain permits, to advertise and hold any necessary hearings and, in accordance with Sections 327.40 and 327.41 of the Florida Statutes, properly mark the Idle Speed, No Wake Zones as contemplated in this Ordinance.

Section 10. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. Effective Date. This Ordinance shall be effective 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 16th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: _____

John W. Morris, Chair

ATTEST: CHERYL STRICKLAND

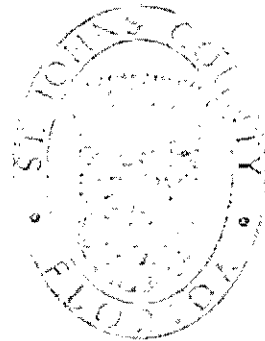
By: _____

Deputy Clerk

REVISION DATE

04/18/13

EFFECTIVE DATE: 04-19-13





**Vilano Beach Pier and Dock
500 ft. No Wake Zone**

Aerial Imagery - 2/2013



DISCLAIMER
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.

Map Prepared: 3/27/2013



THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L1126-13
P.O.#: HG 04-16

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **STEVEN SMITH**

who on oath says that he/she is an Employee 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 **NO WAKE ZONE ORDINAN - HEARING APRIL 16, 2013**

was published in said newspaper on **04/06/2013**

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 has 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/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 _____ day of APR 08 2013

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

[Signature]
(Signature of Notary Public)



TIFFANY M. LOWE
MY COMMISSION # EE154511
EXPIRES December 19, 2015
FloridaNotaryService.com

(Seal)

**NOTICE OF A PUBLIC HEARING
BY THE
ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS**

COPY

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, April 16, 2013, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, 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 PROPELLED OR POWERED BY MACHINERY ON THE TOLOMATO RIVER, EXTENDING FIVE HUNDRED FEET TO THE NORTH AND SOUTH FROM A STARTING POINT LOCATED AT THE SOUTHERNMOST PORTION OF A FLOATING DOCK LOCATED APPROXIMATELY THREE HUNDRED AND FIFTY FEET SOUTH OF THE VILANO BEACH BRIDGE, AND ALSO EXTENDING WEST TO THE INTRACOASTAL WATERWAY RIGHT OF WAY LINE AND EAST TO THE SHORELINE FROM THE SAME STARTING POINT; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR AUTHORIZATION OF COUNTY OFFICIALS; PROVIDING SEVERABILITY; AND PROVIDING FOR 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 Administration Building, 500 San Sebastian View, 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 Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: 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
L1126-13 Apr 8, 2013



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 22, 2013

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, 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 April 18, 2013 and certified copies of Ordinance Nos. 2013-13 through 2013-18, which were filed in this office on April 19, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

2013 APR 26 PM 4:41
OFFICE OF THE SECRETARY OF STATE