

ORDINANCE NO. 2020 - 11

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING AN SLOW SPEED, MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY FOR ALL OF THE WATERS, FROM SHORELINE TO SHORELINE, FROM A LINE DRAWN PERPENDICULAR TO THE SHORELINE 100 YARDS SOUTH OF THE NATIONAL PARK SERVICE EAST DOCK, SOUTHERLY TO A LINE DRAWN FROM POINT (29° 42.377 N/81° 13.786 W) TO POINT (29° 42.140 N/81° 13.929 W); 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:

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 has the authority to establish by ordinance boating-restricted areas under Section 327.46(1)(c), Florida Statutes, subject to a finding by the Commission that the ordinance is necessary to protect public safety, if the area in question is:
 - a. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway;
 - b. Subject to unsafe levels of vehicle congestion;
 - c. Subject to hazardous water levels or currents, or contains other navigational hazards; or
 - d. Presents a significant risk of collision or a significant threat to boating safety as documented by accident reports, uniform boating citations, vessel traffic studies, or other creditable data.
- (3) Changing conditions surrounding the Matanzas Inlet have caused additional hazards to navigation to be exposed. The exposure of sand bars at low tide has created a popular destination for both boaters and swimmers, leading to unsafe

levels of vehicle congestion in the area and creating a significant risk to persons boating and/or swimming in the area.

- (4) Since January 1, 2019, the St. Johns County Sheriff's Office has responded to 54 calls to assist boaters, issued citations for 73 wake zone violations, conducted 86 wake zone patrols, responded to 12 boaters or swimmers in distress, and responded to 2 boating accidents in the Fort Matanzas area.

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

Commission means the Florida Fish and Wildlife Conservation Commission.

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

Slow speed minimum wake means the speed at which a vessel is fully off plane and completely settled into the water and is proceeding at speed no greater than that which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances. A vessel that is:

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

Slow Speed Minimum Wake Zone means an area of a waterway in which the operation of a vessel at a speed in excess of slow speed minimum wake is prohibited.

Vessel is synonymous with boat as referenced in section 1(b), Article VII of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

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. Slow Speed Minimum Wake Zone. A slow speed minimum wake zone is hereby designated for all of the waters, from shoreline to shoreline, from a line drawn perpendicular to the shoreline 100 yards south of the National Park Service east dock, southerly to a line drawn from point (29° 42.377 N/81° 13.786 W) to point (29° 42.140 N/81° 13.929 W), as depicted on the map attached hereto as Exhibit A.

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 at a speed in excess of slow speed minimum wake.

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 slow speed minimum wake zone. All signs shall comply with the standards and regulations provided under Florida 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.

- (1) 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, Florida Statutes.
- (2) 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, Florida Statutes, be amended.
- (3) Nothing contained in this ordinance 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 slow speed minimum wake zone 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 upon a determination by the Commission that the ordinance is necessary to protect public safety pursuant to Section 327.46(1)(c), Florida Statutes.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 21st day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

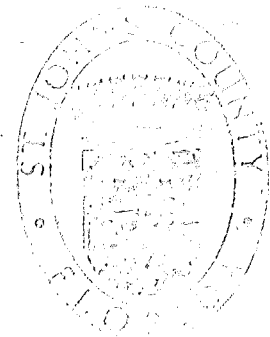
BY: Jeb S. Smith
Jeb S. Smith, Chair

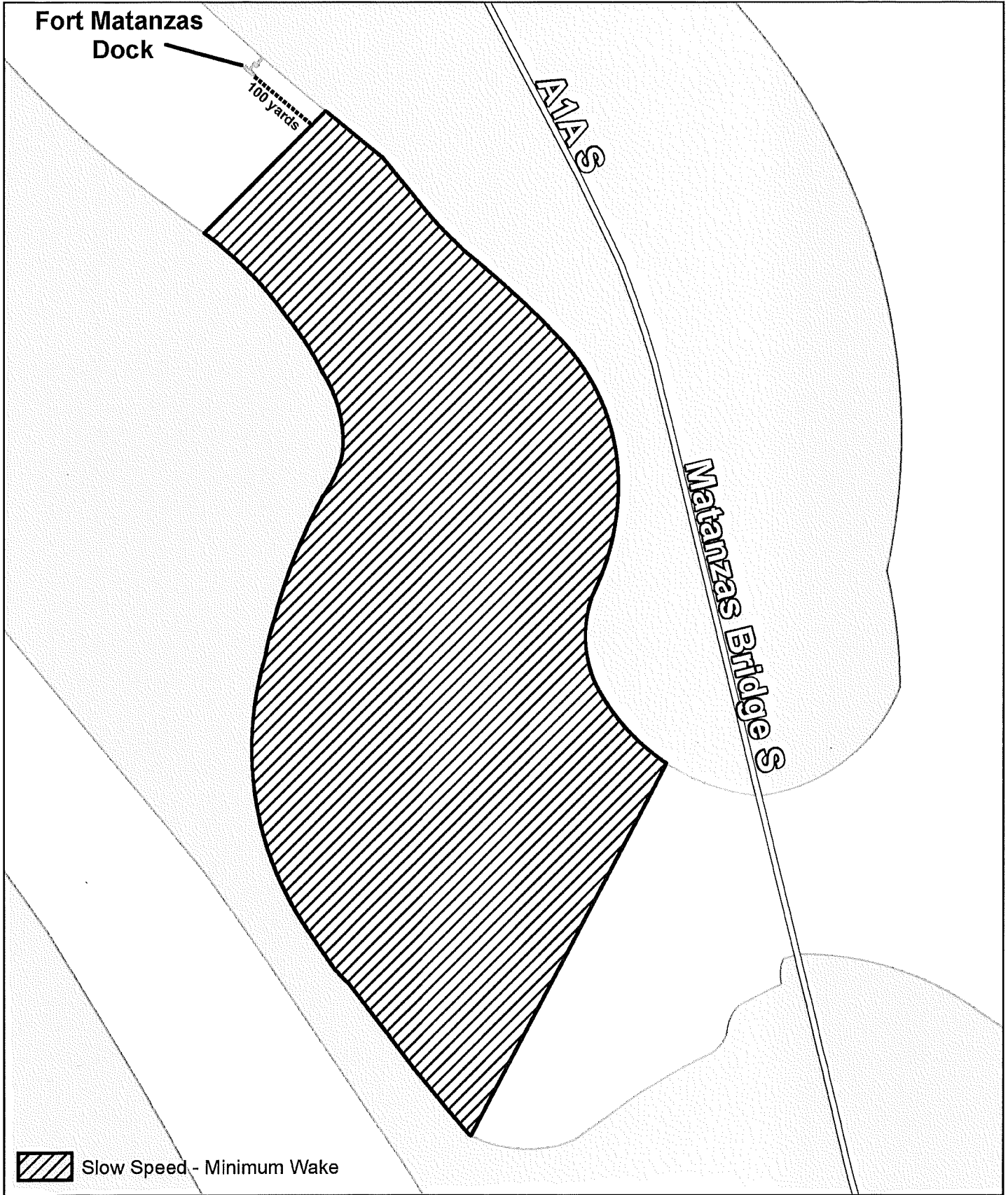
Rendition Date: JUN 11 2020

ATTEST: BRANDON PATTY

By: Brandon Patty
Deputy Clerk

EFFECTIVE DATE: APR 23 2020





Project: j18313

DISCLAIMER:

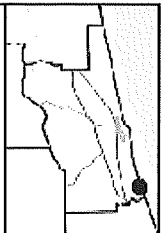
This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. St. Johns County GIS Division disclaims all responsibility for the accuracy or completeness of the data shown hereon.



Date Prepared: 4/13/2020

Exhibit A

Matanzas Inlet
Slow Speed -
Minimum Wake Zone



THE ST. AUGUSTINE RECORD
Affidavit of Publication

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003273957-01
PO# 0003273957

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says 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 NOTICE OF PUBLIC HEARING was published in said newspaper on 04/10/2020, 04/17/2020.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

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, will hold a public hearing to consider adoption of the following ordinance at a regular meeting on Tuesday, April 21, 2020, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING AN SLOW SPEED, MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY FOR ALL OF THE WATERS SHORELINE TO SHORELINE, FROM A LINE DRAWN PERPENDICULAR TO THE SHORELINE 100 YARDS SOUTH OF THE NATIONAL PARK SERVICE EAST DOCK, TO THE WEST SIDE OF THE MATANZAS INLET BRIDGE; 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 at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

In accordance with, and subject to, with State Executive Orders 20-69, 20-91, and 20-92, and St. Johns County Emergency Proclamation 2020-03, this meeting shall be conducted remotely, including public attendance, under communication media technology (CMT) without a physical quorum of the members present. CMT means the electronic transmission of printed matter, audio, full motion video, free-frame video, compressed video, and digital video by any method available. CMT being used to conduct the meeting includes Government TV (GTV), phone, and wireless microphone.

A person may attend this CMT meeting by calling the telephone number at 904.209.1263 and viewing the meeting on GTV or <http://www.sjfl.us/GTV/watchgtv.aspx>. Written or physical documentation may be submitted to the Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084, or e-mail address: sjpublichearing@sjfl.us. It is requested that written or physical documentation be provided at least 24 hours prior to the meeting. A designated access point to attend this CMT meeting is located at 500 San Sebastian View, St. Augustine, FL.

Additional information may be obtained at:

Mailing address:
Board of County Commissioners
500 San Sebastian View
St. Augustine, FL 32084
Email address: sjpublichearing@sjfl.us
Phone number: 904.209.0300

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person 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 the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
BRANDON PATTY, ITS CLERK
By: Robin L. Platt, Deputy Clerk

0003273957 April 10, 17, 2020

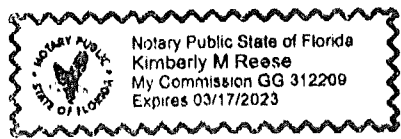
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of APR 17 2020

by Melissa Rhinehart who is personally known to
me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 23, 2020

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2020-11, which was filed in this office on April 23, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

APR 23 2020
FILED
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 11, 2020

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your revised electronic copy of St. Johns Ordinance No. 2020-11, which was filed in this office on June 11, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED JUN 11 2020
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK