

ORDINANCE NO. 2023- 18

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A SLOW SPEED MINIMUM WAKE BOATING RESTRICTED AREA WITHIN A PORTION OF PABLO CREEK; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR PROHIBITIONS AND EXEMPTIONS; PROVIDING FOR THE PERMITTING, INSTALLATION AND MAINTENANCE OF SIGNS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 327.46(1)(b), Florida Statutes authorizes counties to establish certain boating-restricted areas, by ordinance, on waterways of the state, including portions of the Florida Intracoastal Waterway (ICW) within their jurisdiction, including slow speed, minimum wake boating restricted areas if such areas are within 300 feet of a bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, within St. Johns County the San Pablo Road Bridge spans Pablo Creek, a tributary of the ICW; and

WHEREAS, the San Pablo Road Bridge at Pablo Creek has a vertical clearance of less than 25 feet and a horizontal clearance of less than 100 feet; and

WHEREAS, the prudent and safe operation of vessels is essential to the public health, safety, and welfare of the citizens of the St. Johns County; and

WHEREAS, a slow speed minimum wake boating-restricted area on Pablo Creek at the San Pablo Road Bridge is necessary to avoid navigational and safety hazards to persons and damage to property resulting from vessels traveling under and in the vicinity of the bridge.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. Findings. The above recitals are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

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

(1) *Person* means an individual, partnership, firm corporation, association, or other entity.

(2) *Slow Speed, Minimum Wake* indicates a boating restricted area which has been established to protect the safety of the public. Slow Speed Minimum Wake means that a vessel must be fully off plane and completely settled into the water. It may 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. 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.

(3) *Vessel* means any boat, vessel, or watercraft being propelled or powered by machinery including but not limited to personal watercraft.

(4) *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. San Pablo Road Bridge Slow Speed Minimum Wake Boating Restricted Area. All waters lying within and adjacent to Pablo Creek, from shoreline to shoreline, from a line drawn perpendicular to the centerline of Pablo Creek 300 feet northeast of the San Pablo Road Bridge to a line drawn perpendicular to the centerline of Pablo Creek 300 feet southwest of said bridge as depicted on attached Exhibit A.

Section 4. Prohibitions. It shall be unlawful for any Person in physical control of a Vessel in the Slow Speed Minimum Wake Boating Restricted Area to operate the Vessel in a manner in violation of this Ordinance.

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. To ensure slow speeds, minimum wakes in the boating restricted area, signs necessary for implementing this Ordinance must be permitted, installed, and maintained as required by sections 327.40 and 327.41, F.S. The Department of Parks and Recreation shall design and obtain necessary permits to install up to four signs, at appropriate locations to alert the boating public about the existence and boundaries of the Slow Speed, Minimum Wake area. All signs shall comply with the standards and regulations required 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 St. Johns County Sheriff's Office and deputies thereof, the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission and its officers, and any other authorized law enforcement officer as provided for in section 327.70, F. S.

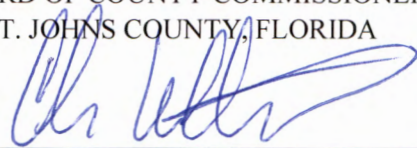
Section 8. Penalties. Any Person violating any provision of this Ordinance shall be charged with a noncriminal infraction by a boating citation, and shall be subject to other procedures and penalties set forth in section 327.73, F. S. and other applicable provisions of chapter 327 of the Florida

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 16th day of May 2023.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA



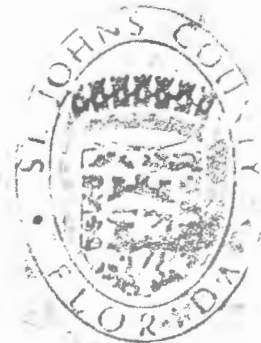
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court
and Comptroller

Crystal Smith
By: Deputy Clerk

Rendition Date MAY 16 2023

Effective Date: MAY 17 2023

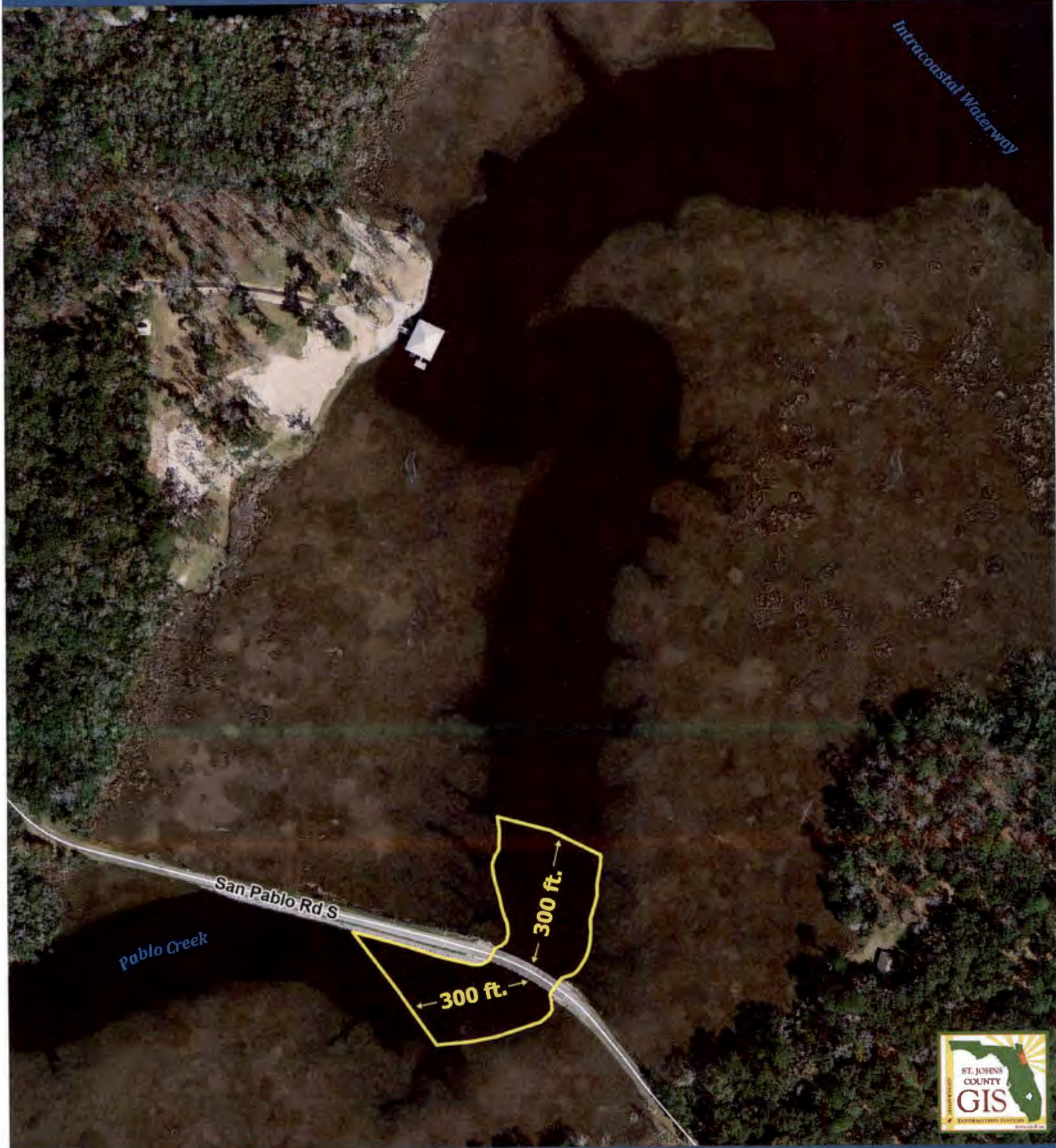




Pablo Creek

Exhibit A

Intracoastal Waterway

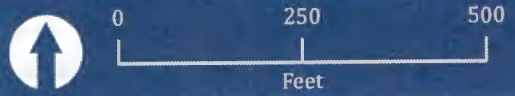


Pablo Creek

San Pablo Rd S

300 ft.

300 ft.



Imagery Date: 2/2021
Date Prepared: 2/17/2023

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. j19741

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Brandon Patty, Clerk of Circuit Attn: Natasha McGee, Deputy Cler
CLERK OF THE COURTS
Minutes And Records
500 San Sebastian View

Saint Augustine FL 32084

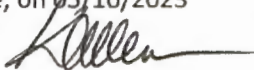
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

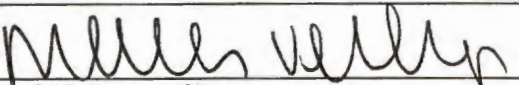
05/10/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/10/2023



Legal Clerk



Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost: \$104.72

Order No: 8800420

of Copies:

Customer No: 764114

1

PO #: 051623 Pablo Creek

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

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,
MAY 16, 2023, AT 9:00 A.M. IN THE
COUNTY AUDITORIUM AT THE COUNTY
ADMINISTRATION BUILDING, 500 SAN
SEBASTIAN VIEW, ST. AUGUSTINE,
FLORIDA:

AN ORDINANCE BY THE BOARD
OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA,
ESTABLISHING A SLOW SPEED
MINIMUM WAKE BOATING
RESTRICTED AREA WITHIN A
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PROVIDING FINDINGS; PROVID-
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FOR PROHIBITIONS AND
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THE PERMITTING, INSTALLA-
TION AND MAINTENANCE OF
SIGNS; PROVIDING FOR
ENFORCEMENT AND PENAL-
TIES; PROVIDING AN EFFEC-
TIVE 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 adop-
tion. All parties having any interest
in said ordinance will be afforded an
opportunity to be heard at the public
hearing.

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 accor-
dance with the Americans with
Disabilities Act, persons needing a
special accommodation to partici-
pate in this proceeding should
contact ADA Coordinator, at (904-
209-0400 or at the Facilities Manage-
ment Department, 2416 Dobbs Road,
St. Augustine, FL 32086. For hearing
impaired individuals: Florida Relay
Service: 1-800-955-8770, no later than
5 days prior to the date of this hear-
ing.

BOARD OF COUNTY COMMISS-
IONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 18, 2023

FILED MAY 17 2023
St. Johns County
Clerk of Court

By: Crystal Smith
Deputy Clerk

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

Attention: Crystal Smith

Dear Honorable Brandon Patty,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns County Ordinance No. 2023-18, which was filed in this office on May 17, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh