

ORDINANCE NO. 2024-20

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, pursuant to Section 327.46(1)(c), Florida Statutes, the Board of County Commissioners is authorized to establish certain boating restricted areas, by ordinance, on waterways of the state within its jurisdiction subject to a finding by the Florida Fish and Wildlife Conservation Commission (“FWC”) that the boating restricted area is necessary to protect public safety; and

WHEREAS, Section 327.46(1)(c)2.a., F.S. provides for a slow speed, minimum wake boating restricted area, if the area is 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; and

WHEREAS, Pablo Creek is a tributary of the Intracoastal Waterway (“ICW”) in northern St. Johns County; and

WHEREAS, in May 2023, the County established a slow speed, minimum wake boating restricted area 300 feet north and south of the San Pablo Road bridge pursuant to Section 327.46(1)(b), F.S. (Ordinance 2023-18); and

WHEREAS, on Pablo Creek, approximately 1,100 feet northeast of San Pablo Road Bridge and 1,000 feet from the main channel of the ICW, is a double-blind curve which obscures the visibility of vessels and other users of the waterway traversing the area for which the County wants to establish a slow speed, minimum wake boating restricted area; and

WHEREAS, County is concerned that the gap between the existing and proposed boating

restricted areas, without being regulated, would pose a safety risk to the public from rapid acceleration and deceleration for a short distance, and that the gap between the two boating restricted areas on Pablo Creek should be regulated to protect public safety; and

WHEREAS, a slow speed, minimum wake boating restricted area on Pablo Creek at the double-blind curve and at the gap between the existing boating restricted area and the double-blind curve is necessary to protect public safety; and

WHEREAS, pursuant to Section 327.27(1)(c), F.S. and Rule 68D-21, Florida Administrative Code, County submitted its application and draft ordinance for review and approval by FWC; and

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

WHEREAS, on February 20, 2024, FWC approved County's application and this ordinance.

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 of fact by the 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 that 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 and 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 Creek Double Curve Slow Speed Minimum Wake Boating Restricted Area. The portion of Pablo Creek, from shoreline to shoreline, from a line drawn perpendicular to the centerline of Pablo Creek commencing at the northern terminus of the existing slow speed minimum wake boating restricted area at the San Pablo Road Bridge, established by Ordinance 2023-18, to a line drawn perpendicular to the centerline of Pablo Creek approximately 300 feet northeast of the double-blind curve, as shown on the map attached hereto.

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 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 issuance of 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 they may be amended from time to time.

Section 9. Effective Date. This ordinance shall take effect upon the filing of this ordinance with the office of the Department of State of Florida and a certified copy of this ordinance, as enacted, is received by the Florida Fish and Wildlife Conservation Commission, Boating and Waterways Section.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 16th day of April, 2024.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

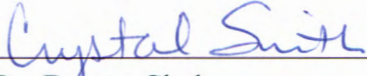
Effective Date: APR 19 2024

Rendition Date APR 17 2024



Sarah Arnold, Chair




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

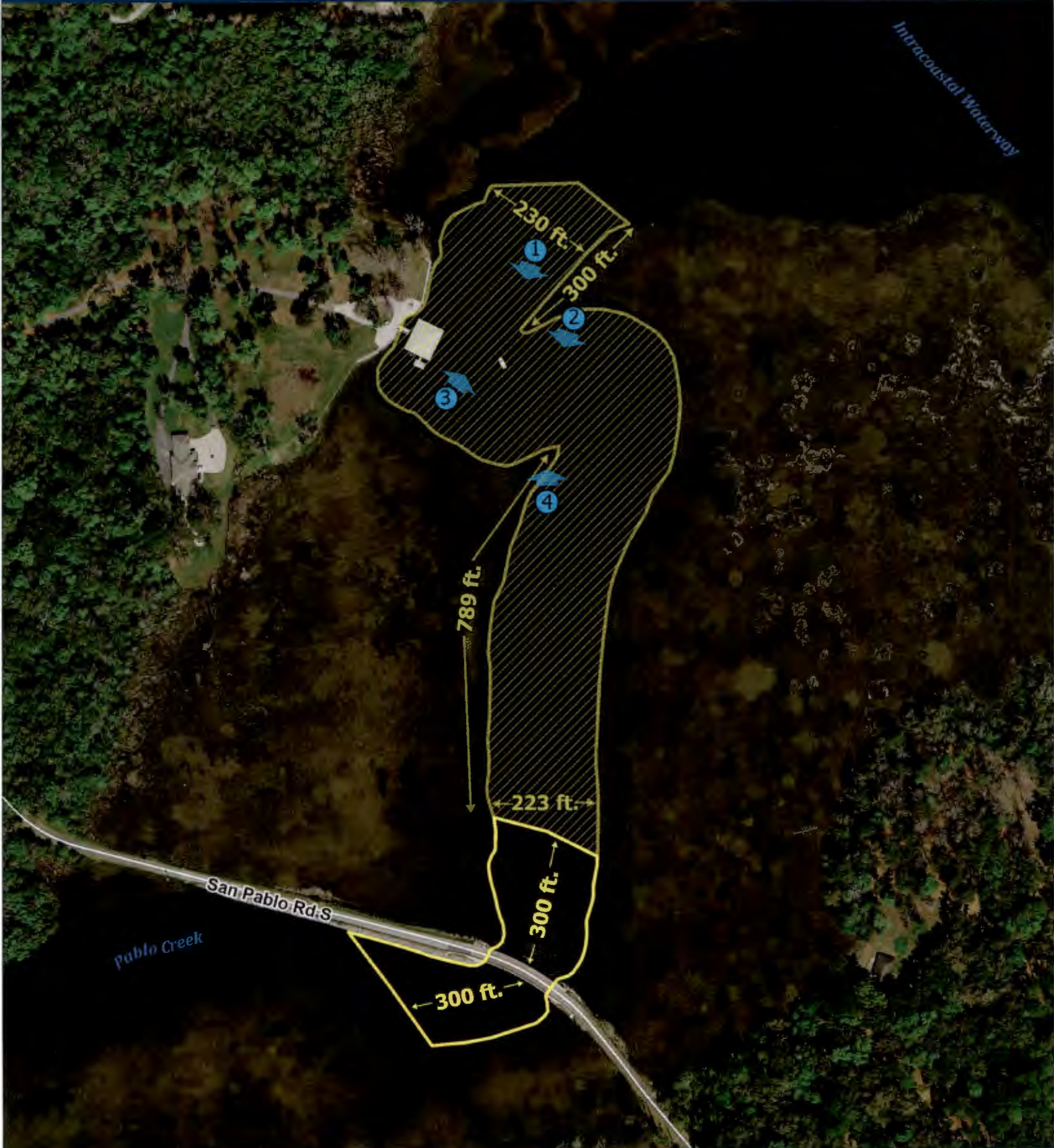


By: Deputy Clerk



Pablo Creek

-  Image Location
-  Proposed Boating Restriction Area
-  Existing Boating Restriction Area



Imagery Date: 3/2023
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. j20082



Business Impact Estimate

Proposed Ordinance's Title/Reference:

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.

In accordance with Section 125.66 (3), Florida Statutes, the County hereby publishes the following information:

1. A summary of the proposed ordinance, including a statement of the public purpose, such as serving the public health, safety, morals and welfare of the County:

An ordinance establishing a slow speed, minimum wake boating restricted area for a portion of Pablo Creek. Pursuant to Section 327.46(1)(c)2.a., F.S., the County submitted an application to Florida Fish and Wildlife Conservation Commission ("FWC") to establish a boating restricted area at the double blind curve on Pablo Creek to regulate boating in the area as a public safety measure. FWC approved the County's application and this ordinance, finding boating restricted area is necessary to protect public safety.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including the following, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted: None.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: None.

(c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs: None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: None.

4. Additional information the County deems useful (if any):

The proposed ordinance applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not only affect businesses.

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

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

Saint Augustine FL 32084

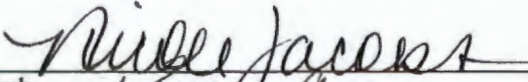
STATE OF WISCONSIN, COUNTY OF BROWN

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:

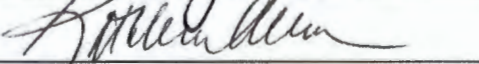
04/02/2024, 04/09/2024

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 04/09/2024



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$223.04
Order No: 9950802 # of Copies:
Customer No: 764114 1
PO #:

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
NOTICE IS HEREBY GIVEN that a public hearing will be held to consider enactment of the following proposed ordinance at regular meeting, as follows:

Board of County Commissioners
Tuesday, April 16, 2024, at 9:00 a.m.
The public hearing will be held in the St. Johns County Auditorium, located at 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 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.

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 said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or enactment. 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 accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact ADA Coordinator, at (904)-209-0400 or at the Facilities Management 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 hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: ARTRICIA K. ALLEN, Deputy Clerk
#9950802; 4/2, 4/9/2024



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 19, 2024

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

FILED APR 19 2024
St. Johns County
Clerk of Court
By: Crystal Smith
Deputy Clerk

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. 2024-20, which was filed in this office on April 19, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh