

ORDINANCE 2018-14

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING CHAPTER 5: - BOATS, DOCKS AND WATERWAYS, ARTICLE 1 IN GENERAL, BY ADDING A NEW SECTION ENTITLED SECTION 5-7.1 - ESTABLISHMENT OF SPECIAL SLOW SPEED MINIMUM WAKE ZONES AND SPECIAL IDLE SPEED NO WAKE ZONES ON THE ANCLOTE RIVER; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Board of Commissioners of the City of Tarpon Springs desires to provide for the health, safety, and welfare of its citizens, residents and visitors; and

WHEREAS, boating safety concerns around the Alt. 19 Bridge, the Pinellas Trail Bridge, and the US 19 Bridge within the Anclote River, around the Canoe/Kayak Launch Ramp, and around a Narrow Bend within the Anclote River have been brought to the attention of the Board of Commissioners of the City of Tarpon Springs; and

WHEREAS, Florida Statutes § 327.46 (1) (b) authorizes the Board of Commissioners of City of Tarpon Springs to establish Slow Speed Minimum Wake boating safety zones by ordinance without additional agency approval, within 300 feet of any bridge fender system and within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, the City wishes to establish Slow Speed Minimum Wake boating safety zones 300 feet around the Pinellas Trail Bridge, and the US 19 Bridge within the Anclote River; and

WHEREAS, Florida Statutes § 327.46 (1) (c) grants the Board of Commissioners of the City of Tarpon Springs the authority to implement Idle Speed No Wake boating safety zones within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, areas feeding into and coming out of existing “Idle Speed Zones,” or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway on the Anclote River after the Florida Fish and Wildlife Conservation Commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety; and

WHEREAS, the City wishes establish Idle Speed No Wake boating safety zones around specified blind corner within the Anclote River; and

WHEREAS, the City wishes to establish Idle Speed No Wake boating safety zones around the Alt. US 19 Bridge within the Anclote River; and

WHEREAS, Florida Statutes § 327.46 (1) (b) authorizes the Board of Commissioners of the City of Tarpon Springs to establish Idle Speed No Wake boating safety zones, within 300 feet of any boat ramp or other launching or landing facility available for use by the general boating public; and

WHEREAS, the City wishes to establish Idle Speed No Wake boating safety zones within 300 feet around the Canoe/Kayak Launch Ramp located with the City Dog/Water Park area; and

WHEREAS, the Board of Commissioners of the City of Tarpon Springs have identified areas within the Anclote River that require regulation in order to protect the boating public. Allowing boaters to operate at speeds greater than Idle Speed No Wake within these “gaps” would create dangerous navigational hazards; and

WHEREAS, Florida Statutes § 327.46(1)(c) grants the Board of Commissioners of the City of Tarpon Springs the authority to implement an Idle Speed No Wake boating safety zone within these “gaps” after the Florida Fish and Wildlife Conservation Commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety; and

WHEREAS, the City wishes to establish Idle Speed No Wake boating safety zones within the Anclote River, pursuant to Florida Statutes § 327.46 (1) (b) and within the “gaps” with the Anclote River boating safety zones that are less than 1000 feet apart, pursuant to Florida Statutes § 327.46 (1) (c).; and

WHEREAS, gaps of unregulated areas would exist, from shoreline to shoreline, between the proposed Idle Speed No Wake boating safety zone between the Alt. 19 Bridge buffer zone and the proposed 300-foot Idle Speed No Wake buffer for the blind corner; the Alt 19 Bridge buffer zone and the proposed 500 feet Idle Speed No Wake buffer zone; and the Canoe/Kayak launch ramp, as depicted in attached Exhibit A; and

WHEREAS, unregulated gaps allow boaters to resume normal speed for a very short period of time before they enter another boating safety zone which increases the chance that a boater could visually miss a sign and collide with another boat that is landing, launching, or a boat that has slowed down in the next boating safety zone; and

WHEREAS, an intent of this ordinance is to regulate, from shoreline to shoreline, the entire contiguous zone that is the Blind Curve area as an Idle Speed No Wake zone for the safety and welfare of the City’s citizens, residents, and visitors; and

WHEREAS, in order to close these unregulated gaps, the City proposes to connect the three zones, the Alt. 19 Bridge buffer zone, the proposed 300-foot Idle Speed No Wake buffer for the blind corner and the Canoe/Kayak launch ramp to close the gap as Idle Speed No Wake Zones in accordance with 68 D21.004(3)(d) Florida Administrative code and Florida Statutes § 327.46 (1) (c); and

WHEREAS, nothing in the ordinance shall limit or nullify any existing no wake zones, slow speed minimum wakes zones, and/or idle speed no wake zones already existing with the waterways and boundaries of the City of Tarpon Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TARPON SPRINGS THAT:

SECTION 1.

Chapter 5: - Boats, Docks and Waterways, shall hereinafter be amended to read as follows:

ARTICLE I – IN GENERAL

§ 5-7.1. - ESTABLISHMENT OF SPECIAL SLOW SPEED MINIMUM WAKE ZONES AND SPECIAL IDLE SPEED NO WAKE ZONES ON THE ANCLOTE RIVER.

(a) *Slow Speed and Slow Speed Minimum Wake Zones.*

(1) Pursuant to Florida Administrative Code Chapter 68D-23.103, “Slow Speed” and “Slow Speed Minimum Wake” may be used interchangeably, and means that a vessel must be fully off plane and completely settled into the water and the vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow. A vessel that is:

- a. Operating on plane is not proceeding at this speed;
- b. In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed;
- c. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed;
- d. Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

(2) The following described waterways or portions of waterways are hereby established as Slow Speed Minimum Wake zones within 300 feet of any bridge

fender system and within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet (excluding all associated tributaries, boat basins and other waterways unless otherwise designated or specifically described for inclusion):

a. A boating safety zone from shoreline to shoreline, on the Anclote River, that extends 300 feet southwest of the Pinellas Trail Bridge, (which West side piling is 28 09 32.74 N, 82 44 54.09 W and East side piling is 28 09 34.52 N, 82 44 47.44 W) to a line drawn perpendicular to the waterway and 300 feet northeast of said bridge to a line drawn perpendicular to the waterway, as depicted in the attached Exhibit B.

b. A boating safety zone from shoreline to shoreline, on the Anclote River, that extends 300 feet southwest of the US 19 Bridge, (which West side piling is 28 09 49.52 N, 82 44 29.62 W and East side piling is 28 09 51.25 N, 82 44 21.91 W) to a line drawn perpendicular to the waterway and 300 feet northeast of said bridge to a line drawn perpendicular to the waterway, as depicted in the attached Exhibit C.

(b) *Idle Speed No Wake and Idle Speed Zones.*

(1) Pursuant to Florida Administrative Code Chapter 68D-23.103, “Idle Speed No Wake” and “Idle Speed” may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

(2) The following described waterways or portions of waterways are hereby established as Idle Speed No Wake zones within 300 feet of a Narrow bend/blind corner, as depicted below:

a. A boating safety zone from shoreline to shoreline, within the Anclote River, which encompasses the area northeast of a line drawn perpendicular to the waterway, that passes through a point (82 45.272 W, 28 09.513 N) to a line that passes through a point (82 45.097 W, 28 09.48 N).


(3) The following described waterways or portions of waterways are hereby established as Idle Speed No Wake zones, as depicted below. It is determined that there is competent, substantial evidence based on safety concerns that an Idle Speed No Wake zone within 300 feet of the Alt. 19 Bridge continuing into a continuous zone going from the blind corners located on the Anclote River as described in this section entering into the Canoe/Kayak Launch as described in this section.

a. A boating safety zone, from shoreline to shoreline on the Anclote River, incorporating one, continuous zone with no gaps, that begins at the Narrow bend/blind corner as described in this section extending to the Alt. 19 bridge, (28 9 26.99 N, 82 45 23.98 W), extending 300 feet southwest of the Alt. 19 Bridge, as described in this section, to a line drawn perpendicular to the waterway and 300 feet northeast of said bridge to a line drawn perpendicular to the waterway, continuing, with no gaps, into and incorporating the Canoe/Kayak Launch Ramp area, located within the City Dog/Water Park area (28 9 20.21N/82 45 14.86W), western end boundary located at 28 9 22.46N/82 45 19.83W, and the eastern end boundary located at 28 9 21.25N/82 45 12.41W, as depicted in the attached Exhibit A.

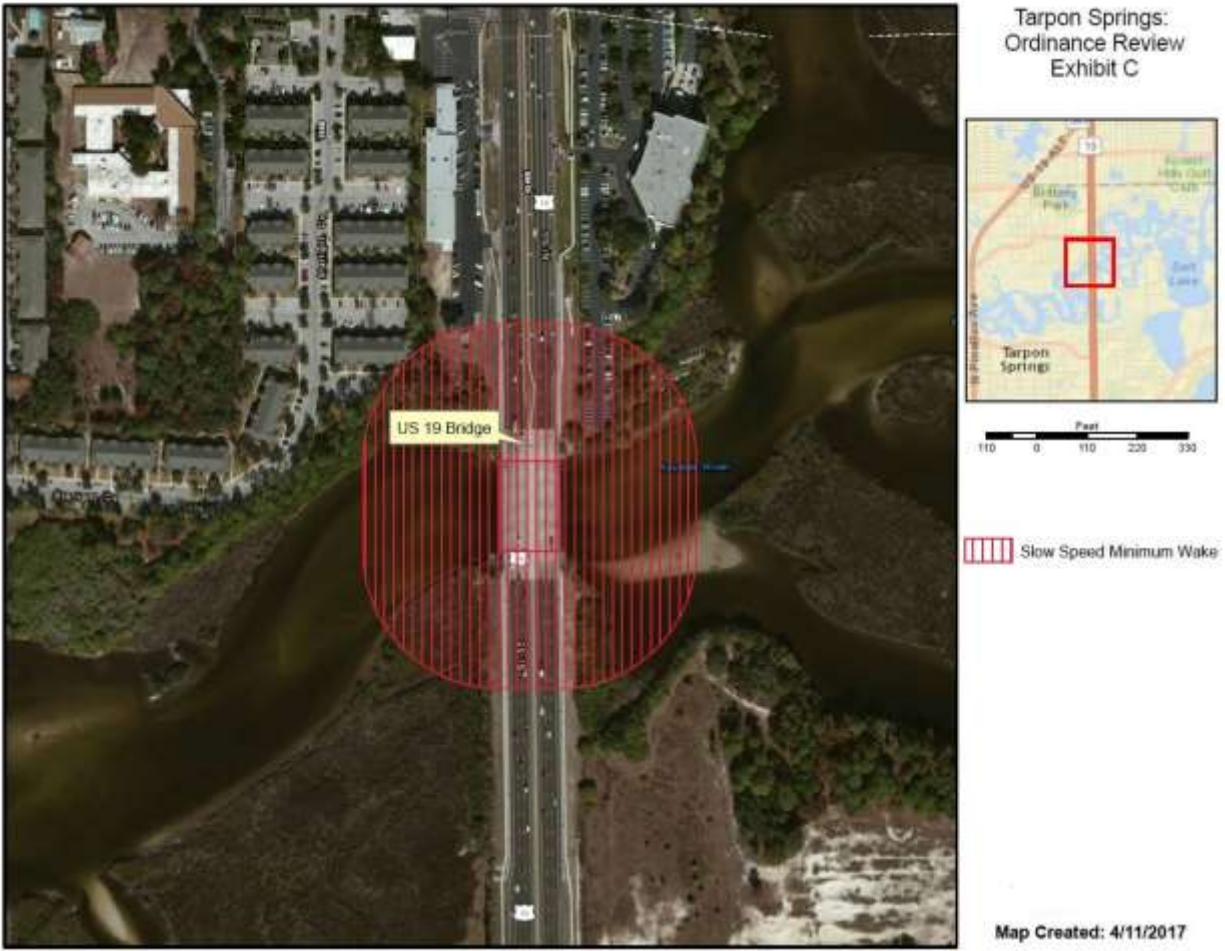


Tarpon Springs:
Ordinance Review
Exhibit B



 Slow Speed Minimum Wake

Map Created: 4/11/2017



SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. In the event a court of competent jurisdiction finds any part or provision of this Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

SECTION 4. The keeper of Code of Ordinances for the City of Tarpon Springs is directed to include this Ordinance in the Code of Ordinances and may renumber and reclassify the same as may be required for inclusion in the Code of Ordinances of the City of Tarpon Springs.

SECTION 5. **EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and adoption in the manner provided by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF
TARPON SPRINGS, FLORIDA THIS _____ DAY OF _____, 2018.

MAYOR

ATTEST:

CITY CLERK

PASSED ON FIRST READING:

PASSED ON SECOND READING:

Approved as to form:

City Attorney

DRAFT