



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: May 5, 2020

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Ordinance to Adopt Orange County Boating Codes

Background: This is a proposed ordinance for review of Orange County boating codes so the City and Orange County Marine Patrols are on the same page when enforcing safety on Lake Conway. It is important to have the same codes when the County and City apply to the FWC for approval.

Part of the FWC approval process is to provide substantial evidence that the ordinance is necessary to promote public safety. Although there have not been many, if any, reportable boating accidents on the lake, there have, and will continue to be many near misses. It is possible that having a log of near misses along with the number of citations that are written by marine patrols could be the substantial evidence needed by the FWC. The City staff would like to put out an E-Alert asking boaters who experience a near miss to call the City so it can be logged. This will be especially important when the boat ramps reopen and we again see crowds on the lake. .

Staff Recommendation: Send the proposed ordinance to the City Attorney for review and schedule 1st reading for the next available Council Meeting and put out an E-Alert for residents to report near misses to the City.

Suggested Motion: I move that accept the we accept the staff recommendations.

Alternatives: Do not approve

Fiscal Impact: TBD

Attachments: Proposed Ordinance
Draft E-Alert

ORDINANCE No.

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT EQUIPMENT AND OPERATIONS BY AMENDING CHAPTER 34, CODE OF ORDINANCES; PROVIDING FOR BOAT EQUIPMENT AND OPERATION, MINIMUM SAFETY EQUIPMENT, GENERAL OPERATION OF VESSELS, SPEED LIMITS, DELETING SECTION 34-37; PROVIDING FOR PERSONAL WATERCRAFT, SWIMMERS AND DIVERS, TAMPERING AND TRESPASS TO BOATS, BOATHOUSES, AND DOCKS, DAMAGE TO CHANNEL MARKERS, BUOYS, SIGNS OR SIGNALS, AND MUFFLING EQUIPMENT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle, Florida, finds that it is in the interests of the health, safety, and welfare of the residents of Belle Isle and the general public that Chapter 34 of the City Code be amended to strengthen and modify the City's regulations pertaining to the boat equipment and operations.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Sections 34-34, 34-35, and 34-36 of the City Code are hereby amended, section 34-37 is hereby deleted, and new sections 34-37, 34-38, 34-39, 34-40, and 34-41 are hereby created all as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified).

Sec. 34-34. Minimum Safety Equipment.

(a) Generally.

(1) All vessels shall carry the safety equipment required by F.S. § 327.50. Each person being towed by a vessel shall wear a Coast Guard-approved lifesaving device suitable for such use. Each child under the age of six (6) years who is a passenger in a boat shall wear a Coast Guard approved lifesaving device at all times.

(2) Each person being towed by a boat shall wear a Coast Guard approved Type I, II or III lifesaving device suitable for such use. The provisions of this subsection (2) do not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an official regatta, boat race, marine parade, tournament, or exhibition.

(b) Class A motorboats. All Class A motorboats (those motorboats less than sixteen (16) feet in length) shall have the following safety and lighting equipment:

(1) Safety equipment:

a. One (1) wearable lifesaving device in good and serviceable condition approved by the Coast Guard per each person aboard. Each person being towed by a motorboat shall wear a Coast Guard approved Type I, II or III lifesaving device suitable for such use. The provisions of this subsection 2. do not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an official regatta, boat race, marine parade, tournament, or exhibition.

b. One (1) oar or paddle. Personal watercraft are exempt from this provision.

c. One (1) anchor and line in appropriate size and length. Personal watercraft are exempt from this provision.

d. One (1) Coast Guard approved or Underwriters' Laboratory "Marine Type," Class B, Size I fire extinguisher. This is not required on boats propelled by outboard motor and not carrying passengers for hire, if the motorboat is of open construction.

(2) Lighting requirements. Between sunset and sunrise the following lights shall be required:

a. One (1) white light aft, such light not to be obstructed by any part of the vessel so as to be visible in all directions.

b. One (1) combination red and green light on fore part of boat showing green to starboard (right) and red to port (left), so fixed as to show the light from dead ahead to ten (10) points off the beam on their respective sides.

c. Any boat may carry and exhibit the lights required by the International Regulations for Preventing Collisions at Sea in lieu of the lights prescribed in this section.

(c) Class I Motorboats. All Class I motorboats (motorboats sixteen (16) feet or greater in length) shall have the following safety and lighting equipment:

(1) Safety equipment:

a. One (1) wearable lifesaving device in good serviceable condition, approved by the Coast Guard for each person on board and one (1) Coast Guard approved throwable flotation device in each boat. Each person being towed by a motorboat shall wear a Coast Guard approved Type I, II or III lifesaving device suitable for such use. The provisions of this subsection 2. do not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an official regatta, boat race, marine parade, tournament, or exhibition.

b. One (1) Coast Guard approved or Underwriters' Laboratory "Marine Type," Class B, Size I fire extinguisher. This is not required on boats propelled by an outboard motor and not carrying passengers for hire, if the motorboat is of open construction.

c. One (1) anchor and line of appropriate size and length.

d. One (1) hand- or power-operated whistle or horn capable of producing a blast of two-second duration and audible for a distance of one-half mile.

(2) Lighting requirements. Between sunset and sunrise the following lights shall be required:

a. One (1) white light aft, such light not to be obstructed by any part of the vessel so as to be visible in all directions.

b. One (1) combination red and green light on fore part of boat showing green to starboard (right) and red to port (left), so fixed as to show the light from dead ahead to ten (10) points off the beam on their respective sides.

c. Any motorboat may carry and exhibit lights required by the International Regulations for Preventing Collisions at Sea in lieu of the lights prescribed in this section.

(d) All boats—Night light. Between sunset and sunrise every boat or motorboat shall carry a lighting device capable of shining a white light around the horizon (three hundred sixty (360) degrees) and shall display such light in sufficient time as to avoid a collision with another vessel.

(e) Same—Lifesaving devices. Every boat or motorboat shall be equipped with at least one (1) adequate wearable lifesaving device for every occupant.

Sec. 34-35. General Operation of Vessels.

(b) No person shall operate any boat recklessly, overload any boat, indulge in any motorboat race, make sudden turns at excessive speed, follow too closely to other boats, or operate any boat in such a way that it may endanger other boats, life or property.

(b)(c) Occupants to remain seated. All motorboat operators shall sit within the confines of the vessel and shall require that their passengers do likewise. Bowriding and gunwale riding are strictly prohibited.

(e)(d) Damaging wake prohibited; canal and shoreline speed limits. Care shall be taken by the operators of all motorboats to prevent damage from their wash, bow wave or stern wave, or from objects towed by such vessels, to other vessels, docks, piers, shorelines and boathouses. Vessels and motorboats shall not operate at more than five miles per hour create a wake while operating in a canal or within 100 feet of the shoreline, docks, piers or boathouses, or any other object arising from the water (excluding ski jumps or slalom courses) except when picking up or dropping off a water skier. The one hundred-foot distance shall be measured from the boat, motorboat or personal watercraft itself or from any extension thereof, including but not limited to, a skier, aquaplane or other device being towed. Vessels being operated in canals shall not operate at more than five miles per hour unless a higher speed is posted.

(e)(e) Direction of towing vessels. All vessels and motorboats towing water skiers, aquaplanes or other devices shall operate in a counterclockwise direction on the waterway, whenever possible.

Sec. 34-36. - Speed Limits.

The City Council may, by resolution, impose a speed limit on any waterway when it is determined that a speed limit is necessary to protect the health, safety and general welfare of the citizens of the City. Such speed limit shall be lawfully posted in or near the waterway in a location to be visible to the public. The speed limit for watercraft on the waterway shall be 35 miles per hour. Such speed limit shall be lawfully posted in or near the waterway in a location visible to the public. The term "watercraft," for purposes of this section, shall include motorboats, seaplanes, and any and all other craft which are propelled or powered by any internal or external combustion engine or motor.

~~Sec. 34-37. — Wake regulations.~~

~~(a) Findings. The City Council of the City of Belle Isle, Florida makes the following findings:~~

~~(1) The prudent and safe operation of boats, vessels, and watercraft is essential to protect the public health, safety, and welfare of the citizens of Belle Isle.~~

~~(2) An Idle Speed, No Wake Zone in the Conway Chain of Lakes is necessary to avoid hazards to persons and damage to property resulting from boats, vessels, and watercraft traveling at excessive speeds.~~

~~(3) The City Council is empowered to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community under Section 252.38(5)(a) of the Florida Statutes.~~

~~(4) The City Council is empowered to regulate the speed and wake of boats, vessels, and watercraft under 252.38(5)(a) of the Florida Statutes.~~

~~(5) The Belle Isle Police Department is empowered to impose penalties under 252.50 for violations of the regulated the speed and wake of boats, vessels, and watercraft under 252.38(5)(a) of the Florida Statutes.~~

~~(b) Definitions~~

~~Boat, Vessel, or Watercraft means any vessel being propelled or powered by machinery, including but not limited to personal watercraft~~

~~"Idle Speed, No Wake Zone means an area of a waterway, in this instance the Conway Chain of Lakes, in which a boat, vessel, or watercraft cannot proceed at a speed greater than that specified by the Idle Speed, No Wake Zone definition in State Rule Chapter 68D-24.002. Idle Speed, No Wake Zone indicates a boating restricted area, in this instance the Conway Chain of Lakes that has been established to protect the safety of the public. Idle Speed, No Wake Zone" means that a boat, vessel, or watercraft cannot proceed at a speed greater than that speed which is necessary to maintain Steerageway (Florida Administrative Code, Chapter 68D-24.002)~~

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

~~Steerageway means the minimum rate of motion required for the helm of the vessel to have effect.~~

Wake means all changes in the vertical height of the water surface caused by the passage of a boat, vessel, or watercraft, including but not limited to a vessel's bow wake, stern wake, and propeller wash.

(e) Prohibition. It shall be unlawful for any Person in physical control of a boat, vessel, or watercraft in the Idle Speed, No Wake Zone to operate the vessel in violation of the Idle Speed, No Wake Zone within 500 feet of any boat ramp, hoist, marine railway, shoreline, or other launching or landing facility available for use by the general boating public; 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 hazardous water levels or currents, or containing other navigational hazards.

(d) Exemptions. The restrictions created by this Ordinance shall not apply to a vessel of a federal, state, county, or City of Belle Isle agency while operated by an officer, employee, or agent thereof who is engaged in law enforcement or other necessary city or governmental activity. Further, the restrictions created by this Ordinance, shall not apply to vessels operated under emergency conditions during a legitimate emergency.

Sec. 34-37. Personal watercraft.

(a) Personal watercraft under power shall keep at least three hundred (300) feet behind any boat towing a skier and shall stay clear of, by at least one hundred (100) feet, any vessel anchored or used for fishing or otherwise not under power. When a ski jump is in use, all personal watercraft shall stay clear of the area three hundred (300) feet on either side and five hundred (500) feet ahead of, and five hundred (500) feet behind, the ski jump.

(b) Personal watercraft are prohibited on ski jumps not explicitly designated for their use.

(c) No person shall create a wake while operating a personal watercraft within one hundred (100) feet of any persons in the water.

(d) No person shall operate a personal watercraft while exceeding the manufacturer's recommended maximum weight or number of occupants.

Sec. 34-38. Swimmers and divers.

(a) No person shall swim from the shore more than one hundred (100) feet unless accompanied by a boat or identified by a standard buoy and flag.

(b) No person shall scuba or skin dive unless identified by a standard scuba or skin diving flag.

Sec. 34-39. Tampering, trespass to boats, boathouses, docks.

It shall be unlawful for any person to molest, tamper with, damage, destroy, trespass upon or cast loose or set adrift any boat belonging to another, or to disturb, destroy, steal, take or carry away any of the contents, fixtures, motors or accessories of any boat belonging to another. It shall be unlawful to trespass upon or within boathouses or docks belonging to others.

Sec. 34-40. Damage to channel markers, buoys, signs, or signals.

It shall be unlawful for any person to remove, damage or destroy any channel markers, buoys, speed limits signs or directional signals maintained by the City or county. Any person injuring or damaging any channel markers, buoys, bulkheads, docks or boathouses or involved in any collision or upset with any other craft shall report such incident as soon as possible.

Sec. 34-41. Muffling equipment.

In order to minimize noise, boats, motorboats and personal watercraft shall utilize only factory-issued muffling equipment.

SECTION 3. Codification. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.



CITY OF BELLE ISLE, FLORIDA

E-Alert for Near Misses:

Although we may be in a "timeout" due to the Coronavirus, we want to be prepared for when the pandemic is over and traffic again increases on the Lake. Maybe not many of you know, but the City has been working with Orange County on trying to get control over the lake for vessel operations. Both Orange County and Belle Isle have similar ordinances governing safe operations on the lake. In fact, the City will soon be adopting the Orange County's ordinances so we are in synch. The City believes that if the County will partner with the City, then we could file an application with the FWC and have them approve these ordinances and that will allow for better enforcement.

One of the guidelines for filing an application is that the applicant has to prove "by substantial competent evidence that the ordinance is necessary to protect public safety". Although no one can define or determine what "substantial competent evidence" the FWC Commission will look at, the more they are given, the better. It's been suggested that if you feel that there is someone that gets too close or if you feel like it's a "near miss" then please try to get the vessel number, take a video or photo, and call City Hall to report the near miss. Please give your name, time and date of the occurrence and a brief explanation of the occurrence. We will compile a log that we might be able to use as evidence as well as the number of citations that the marine patrols issued as "substantial competent evidence".

Some may think this is a waste of time, but do we have to wait for someone to get seriously injured or killed to have "substantial competent evidence" or can we be proactive and have our elected officials move this forward using a complaint log and citations to get the FWC to listen and comply with our request. Basically we can sit back and complain or we can do something about it. The choice is up to you.