

ORDINANCE 2019-

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 34: WATERWAYS, ARTICLE II BOAT EQUIPMENT AND OPERATION, BY REPLACING SECTION 34-37 WAKE REGULATIONS WITH NEW SECTION ENTITLED ESTABLISHMENT OF SPECIAL SLOW SPEED MINIMUM WAKE ZONES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF BELLE ISLE, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Belle Isle desires to provide for the health, safety, and welfare of its citizens, residents and visitors; and

WHEREAS, boating safety concerns around the "Narrows" on the North Lake of the Conway Chain of Lakes (Little Lake Conway) and the Canoe/Kayak Trail at the Canoe/Kayak Launch Locations within the Conway Chain of Lakes have been brought to the attention of the City Council of the City of Belle Isle; and

WHEREAS, there exists extreme safety hazards on portions of the Conway Chain of Lakes which are used for public bathing, pleasure boating and fishing by children and adults; and

WHEREAS, the Conway Chain of Lakes is the location of two Sea Plane Bases; one on the South Lake and One on the North Lake; and

WHEREAS, the Little Lake Conway Sea Plane Base lands within this narrow "gap" on the Little Lake Conway measuring less than 400 feet wide; and

WHEREAS, the hazards that result from the operation of boats and personal watercraft (PWC), whether driven by outboard or inboard motors, at high rates of speed, or in such a fashion as to create a substantial wake, or in a careless fashion; and

WHEREAS, the health, safety and welfare of the citizens of the City of Belle Isle and Orange County and of all persons using or living along the Conway Chain of Lakes is jeopardized unless the use of said boats and PWCs is regulated; and

WHEREAS, no boats shall be operated in the navigable waters of the Conway Chain of Lakes at such a speed so as to cause a wake of such magnitude which will endanger the safety of any swimmer or diver or which will endanger any other boat, whether anchored, secured to a dock or underway; and

WHEREAS, no boats shall be operated in the navigable waters of the Conway Chain of Lakes at such a speed so as to cause a wake of such magnitude which will endanger the safety of sea planes landing or taking off, and

WHEREAS, no boats shall be operated at such a speed so as to cause a wake of such magnitude which will cause danger to any dock, or any other public or private property, or cause appreciable erosion to

the banks or shallow areas of any navigable waterway in a way that will cause irreparable damage to the lake's vegetation; and

WHEREAS, Florida Statutes § 327.46 (1) (b) authorizes the City Council of City of Belle Isle to establish Slow Speed Minimum Wake boating safety zones by ordinance without additional agency approval, 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 on the Conway Chain of Lakes after the Florida Fish and Wildlife Conservation Commission (FWC) 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 Slow Speed Minimum Wake boating safety zones around specified blind corners within the Conway Chain of Lakes, especially on Little Lake Conway as it approaches the "Narrows" on the Little Lake Conway measuring an average of less than 400 feet at its widest point; and

WHEREAS, the City Council of the City of Belle Isle has identified areas within the Conway Chain of Lakes that require regulation in order to protect the boating public and by allowing boaters to operate at speeds greater than Slow Speed Minimum Wake within this "gap" would create dangerous navigational hazards;

WHEREAS, Florida Statutes § 327.46(1)(c) grants the Board of Commissioners of the City of Belle Isle the authority to implement an Slow Speed Minimum Wake boating safety zone within the "Narrows" 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 Slow Speed Minimum Wake boating safety zones within the Conway Chain of Lakes, pursuant to Florida Statutes § 327.46 (1) (b) and within the "Narrows" with the Conway Chain of Lakes boating safety zones that is less than 400 feet in width, pursuant to Florida Statutes § 327.46 (1) (c); and

WHEREAS, an intent of this ordinance is to regulate, from shoreline to shoreline, the entire contiguous zone that is the blind zone area as an Slow Speed Minimum Wake zone for the safety and welfare of the City's citizens, residents, and visitors; and

WHEREAS, nothing in the ordinance shall limit or nullify any areas on the Conway Chain of Lakes where higher speeds and wakes for the recreational enjoyment of City's citizens, residents, and visitors already existing with the waterways and boundaries of the City of Belle Isle.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE THAT:

SECTION 1.

Chapter 34: - WATERWAYS, shall hereinafter be amended to read as follows:

ARTICLE III – BOAT EQUIPMENT AND OPERATION

Section 34-37 - ESTABLISHMENT OF SPECIAL SLOW SPEED MINIMUM WAKE ZONES AND SPECIAL IDLE SPEED NO WAKE ZONES ON THE CONWAY CHAIN OF LAKES.

(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 a confluence of water bodies presenting a blind corner and a bend in a narrow channel which causes an intervening obstruction to visibility and can obscure other vessels or other users of the "Narrows". The "Narrows" is subject to unsafe levels of vessel traffic congestion and this area has demonstrated through boating citations and other creditable data presents a significant risk of collision or a significant threat to boating safety:

- a. A boating safety zone from shoreline to shoreline, at the "Narrows" on Little Lake Conway, that extends 370 feet from a point at the dock located at 2042 Gatlin Avenue, Orland, FL (which is at 28.49159837,-81.35309159,26.83308085); 353 feet from a point of land located at 2054 Gatlin Ave., Orlando, FL (which is at 28.49177057,-81.35270102,23.6994152); 355 feet from a dock located at 2062 Gatlin Ave., Orlando, FL (which is at 28.49207672,-81.35238923); and 360 feet from a dock located at 4875 Murray Lee Lane, Orlando, FL (which is at 28.49221826,-81.35217949) to a line drawn perpendicular to the waterway and to points of land located at 4908 Oak Island Road, Belle Isle, FL (which is at 28.49123343,-81.35176158), as depicted in the attached Exhibit A.

b. A boating safety zone, along the shoreline on the Conway Chain of Lakes, incorporating one, continuous zone with no gaps, that begins at Venetian Boat Ramp (28.48156013,-81.3521391), continuing, with no gaps, incorporating the Canoe/Kayak Trail to the Warren Park Ramp (28.46175653,-81.34170848) to Perkins Ramp (28.45856914,-81.35330564) to Swann Beach (28.46017067,-81.35494271) to Delia Beach (28.46854215,-81.36023079) to La Belle Beach (28.47387299,-81.35906624) to Peninsular Beach (28.47078844,-81.35555146) back to Venetian Ramp, located within the City of Belle and the Sea Plane Bases (Lake Conway North 80-30; 28.47831446,-81.3659345 and Lake Conway South 80-20: 28.45473677,-81.34056525) as depicted in the attached Exhibit B and Exhibit C, respectively.

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 Belle Isle 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 Belle Isle.

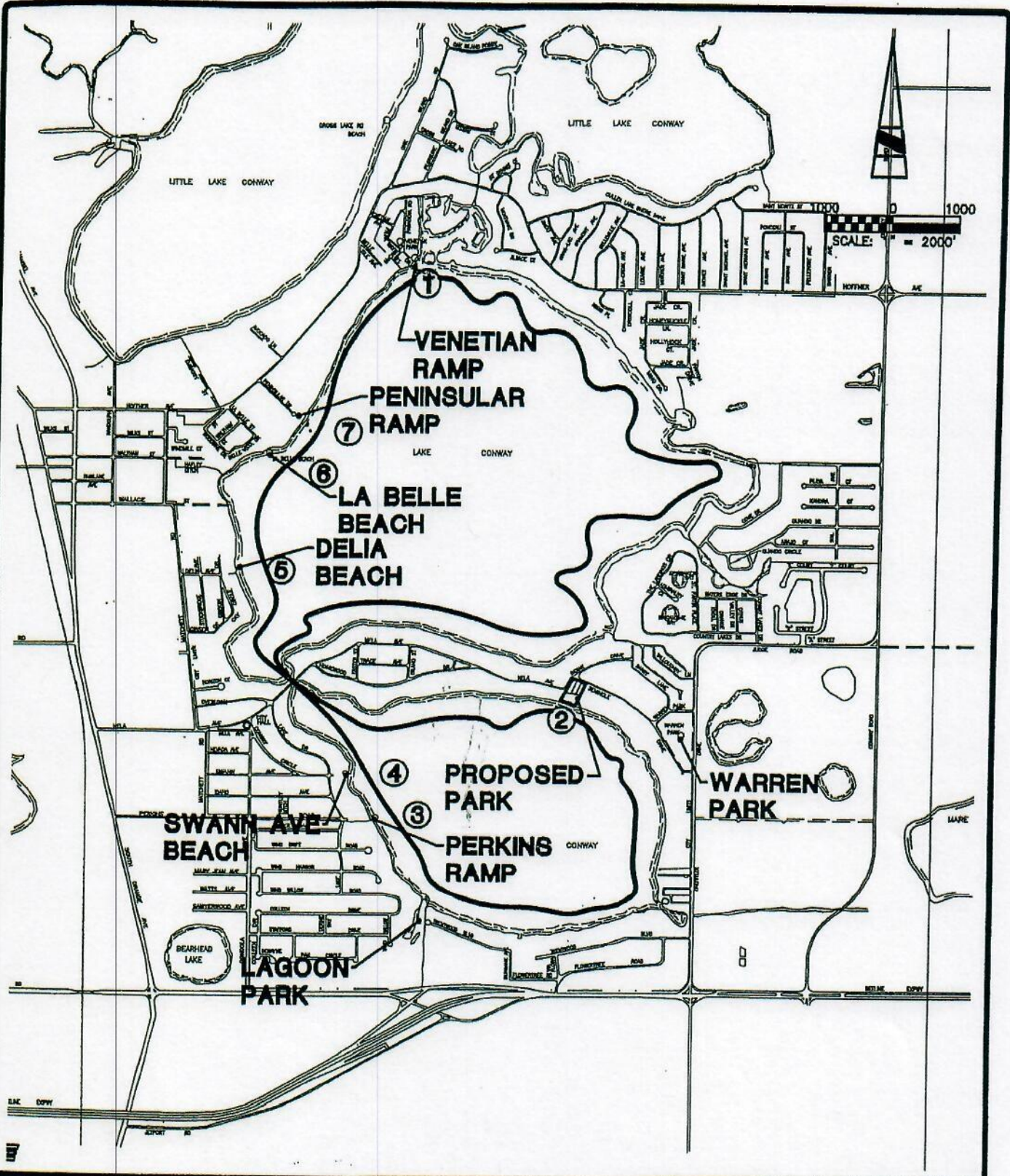
SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and adoption in the manner provided by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE

	Florida turnpike
	Interstate 4
	Toll Road
	Major Roads
	Public Roads
	Gated Roads
	Road Under Construction
	Proposed Road
	US Road
	State Road
	County Road
	Toll Ramp
	Interstate Ramp
	One Way
	Brick Road
	Rail Road
	Proposed SunRail
	Block Line
	Lot Line
	Residential
	Agriculture
	Commercial
	Institutional
	Governmental
	Commercial/Institutional
	Industrial/Vacant Land
	Hydro
	Waste Land
	Agricultural/Cornlage
	County Boundary
	Parks
	Golf Course
	Lakes and Rivers
	Building
	Power Plant



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**CITY OF BELLE ISLE
CANOE TRAIL**



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