

ORDINANCE NO. 795

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 5 (VESSELS, DOCKS AND WATERWAYS) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH BY AMENDING SECTION 5-115 ENTITLED "TWO RESTRICTED SWIMMING AREAS ESTABLISHED"; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the City of Madeira Beach are concerned with the welfare and safety of both swimmers and boaters; and

WHEREAS, the public beaches within the City of Madeira Beach are extensively used by waders and swimmers; and

WHEREAS, the boating public is sometimes inconsiderate of the swimming public and threatens the safety of swimmers by high speed operations close to the shoreline; and

WHEREAS, the affected property owners have petitioned the City of Madeira Beach to enact a restricted swimming area in the Gulf of Mexico abutting their property; and

WHEREAS, the Board of Commissioners of the City of Madeira Beach have directed the City Administration to petition the Florida Department of Natural Resources for approval of this restricted swimming area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That Chapter 5 (Boats, Docks and Waterways) of the Code of Ordinances of the City of Madeira Beach be modified, by amending Section 5-115 entitled "Two Restricted Swimming Areas Established" as displayed below.

Section 5-115. TWO RESTRICTED SWIMMING AREAS ESTABLISHED.

Within the ~~two~~ designated "restricted areas", no power boat of any size, jet ski or sailboat of more than 14 feet in length, shall be allowed to operate. Surfboards, sailboards, paddle boats, and sailboats of any acceptable size shall not operate in the swim area but shall be allowed to traverse the swim area to reach water outside the restricted area.

- ~~1. The rectangular area of water, approximately 510 feet parallel to Archibald Memorial Beach and extending approximately 300 feet westward into the Gulf of Mexico, is hereby declared to be a Madeira Beach restricted area for the exclusive use of swimmers and surfers.~~

A rectangular area of water in the Gulf of Mexico, parallel to the shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water Line and having a northwest boundary as the north side property line of the Madeira Towers Condominium, as extended into the Gulf of Mexico, and a southeast boundary as the south side property line of the Ocean Sands One Condominium, as extended into the Gulf of Mexico, is hereby declared to be a Madeira Beach restricted area for exclusive use of swimmers and surfers. The rectangle area of water, encompassing approximately 1860 feet of shoreline, includes water front parallel to the Madeira Towers Condominium, Holiday Inn, Archibald Memorial Beach, and Ocean Sands One and Two Condominiums.

2. The rectangular area of water, approximately 450 feet parallel to the County/City Access Park and extending approximately 300 feet westward into the Gulf of Mexico, is hereby declared to be a Madeira Beach restricted area for the exclusive use of swimmers and surfers.
3. ~~These "restricted areas", will be so designated and marked with buoys as prescribed in Florida Statutes, 327.40. (Ord. No. 678).~~

A rectangular area of water in the Gulf of Mexico parallel to the Shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water Line and having a northwest boundary line as the north side property line of the Surfside Towers Condominium, as extended in the Gulf of Mexico, and a southeast boundary line as the south side property line of the Shores of Madeira Condominium as extended into the Gulf of Mexico is hereby declared to be a Madeira Beach restricted area for exclusive use of

swimmers and surfers. The rectangle area of water, encompassing approximately 527 feet of shoreline, includes water front parallel to the Surfside Towers Condominium and the Shores of Madeira Condominium.

These "restricted areas", will be so designated and marked with buoys as prescribed in Florida Statutes, 327.40. (Ord. No. 678).

SECTION 2: The City Manager is hereby directed to petition the Department of Natural Resources to designate the above described areas as "restricted areas" within the meaning of Florida Statutes 327, Section 327.46

Section 3: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

SECTION 3: That this Ordinance shall be in full force and effect upon adoption in the manner provided by law.

PASSED ON FIRST READING at a meeting of the Board of Commissioners of the City of Madeira Beach, held on the 16th day of February, 1993.

PUBLISHED THE 1st day of March, 1993. (CITY CHARTER 7.3.b.)

PASSED ON SECOND READING AND PUBLIC HEARING this 16th day of March, 1993.

AYES: (5) Commissioners De Cesare, Leigh, Merrill, O'Connor  
Mayor Frederich  
NAYS: (0)  
ABSENT: (0)  
ABSTAIN: (0)

  
Marvin Frederich  
MAYOR-COMMISSIONER

ATTEST:

  
Denise M. Schlegel  
CITY CLERK



November 22, 1993

Major J.K. Thompson  
Department of Natural Resources  
3900 Commonwealth Blvd.  
Marjory Stoneman Building  
Tallahassee, Florida 32399

Dear Major Thompson:

On March 16, 1993, the Board of Commissioners of the City of Madeira Beach adopted Ordinance No. 795. Enclosed please find a certified copy of Ordinance No. 795, data on the location of markers, a Justification Statement/Purpose and Chapter 5, Section 5-115 of our Code of Ordinances.

The City of Madeira Beach is requesting that the Department of Natural Resources approve our application for the placement of these signs.

Thank you for your consideration and cooperation.

Sincerely,

**CITY OF MADEIRA BEACH**

John M. Mulvihill  
City Manager

by

A.B. Hatcher  
Police Chief

ABH/sds

## **ATTACHMENTS**

<b>Attachment #1</b>	<b>Certified Copy - City Ordinance No. 795</b>
<b>Attachment #2</b>	<b>Data on Location of Markers</b>
<b>Attachment #3</b>	<b>Justification Statement/Purpose</b>
<b>Attachment #4</b>	<b>Chapter 5, Section 5-115, Code of Ordinances</b>

**ATTACHMENT #2**

<b>MARKERS</b>	<b>LATITUDE</b>	<b>LONGITUDE</b>
A	27° 48.19 N	82° 48.55 W
B	27° 48.17 N	82° 48.51 W
C	27° 48.14 N	82° 48.47 W
D	27° 48.13 N	82° 48.46 W
E	27° 48.11 N	82° 48.44 W
F	27° 48.09 N	82° 48.42 W
G	27° 48.07 N	82° 48.40 W
H	27° 48.06 N	82° 48.38 W
I	27° 48.05 N	82° 48.36 W
J	27° 48.02 N	82° 48.35 W
K	27° 48.00 N	82° 48.31 W
L	27° 47.99 N	82° 48.29 W
M	27° 47.97 N	82° 48.27 W
N	27° 47.96 N	82° 48.26 W
O	27° 47.94 N	82° 48.25 W
P	27° 47.89 N	82° 48.21 W

## ATTACHMENT #3

### **JUSTIFICATION STATEMENT/PURPOSE**

**SUBJECT:** Posting of Regulatory Signage in "Restricted Swimming Area" in the City of Madeira Beach, Florida.

#### **A. General-Intent/Purpose of Signage**

1. Article 1, Chapter 5, Section 5-115, Madeira Beach Code of Ordinances (Attachment #4) regulates "Restricted Swimming Areas" within the City of Madeira Beach, Florida.
2. Ordinance No. 795 (Attachment #1) amending above cited code section, specifies subject restricted swimming areas as required by DNR regulations.
3. Effective and legal enforcement of restricted swimming areas requires posting and regulatory signage so that law enforcement agencies can properly patrol and enforce the subject ordinance.

#### **B. Enforcement**

1. The primary enforcement on the waters within the City limits of Madeira Beach will be the responsibility of the Madeira Beach Marine Patrol Unit.
2. The Pinellas County Sheriff and the Florida Marine Patrol regularly patrol in and around the City of Madeira Beach and are requested to patrol the City waters when they are in the area.
3. The City of Madeira Beach is assuring effective enforcement by these agencies based on required signage.

#### **C. Restricted Area - Description**

1. A rectangular area of the Gulf of Mexico, parallel to the shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water Line and having a northwest boundary as the north side property line of the Madeira Towers Condominium, as extended into the Gulf of Mexico, and a southeast boundary as the south side property line of the Ocean Sands One Condominium, as extended into the Gulf of Mexico.

2. A rectangular area of water in the Gulf of Mexico parallel to the shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water Line and having a northwest boundary line as the northside property line of the Surfside Towers Condominium, as extended in the Gulf of Mexico, and a southeast boundary line as the south side property line of the Shores of Madeira Condominium as extended into the Gulf of Mexico.

**D. Hazards, Traffic Profile**

1. The physical makeup of the restricted area as described in the paragraphs above, become highly hazardous and a danger to personal life safety when the factor of congestion and power boats are introduced.
2. The areas detailed in the above paragraphs are extremely attractive to local residents and tourists for swimming because the Archibald Memorial Beach Park provides public access and a large parking lot for the public. The large numbers attending this area expands beyond the area of the park and onto the described areas.
3. There are a total of twelve (12) businesses located within the City of Madeira Beach for the purpose of rental boats, wave runners/jet skis, and parachute rides. These businesses have a total of nineteen (19) boats and fifty-four (54) wave runners/jet skis for rent by novice operators. A vast majority of these boats go into the Gulf of Mexico and into the areas described above, creating an extremely dangerous hazard to the swimmers.

**E. Placement/Maintenance Responsibility**

1. It will be the responsibility of the City of Madeira Beach for the proper placement and maintenance of the proposed markers.
2. All markers installed will be buoys as prescribed in Florida Statutes 327.40 (Ordinance No. 678).
3. It shall be the responsibility of the Chief of Police and the Director of Public Works for the City of Madeira Beach to ensure all markers are properly maintained.