

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2011-14

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 94 OF THE CODE OF ORDINANCES, PERTAINING TO WATERWAYS; PROVIDING FOR AMENDMENT OF SECTION 94-36 TO UPDATE DESIGNATED ZONES OF RESTRICTED WATERCRAFT OPERATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach map of buoys and designated areas of watercraft that is currently in the Code of Ordinances is from 1986 (Ord. No. 86-21); and

WHEREAS, the City Commission wishes to update the Code of Ordinances to reflect the current zone locations that are approved and in use; and

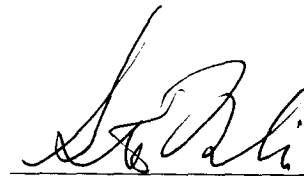
WHEREAS, the City Commission has found this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City of St. Pete Beach;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 94-36 – Waterways of Article II of Chapter 94 of the Code of Ordinances, pertaining to zones of restricted operations is hereby amended as follows:

- (a) There are designated zones of restricted watercraft operation as shown on the map which is attached to Ordinance Number ~~86-21~~ 2011-14 designated as exhibit A, which map is adopted by reference as if set out at length in this section and is on file in the city clerk's office.
- (b) **Zone 1, as designated on such map, is a protected area and reserved for swimmers only.** No watercraft shall enter or operate within zone 1, provided this restriction shall not apply to any watercraft entering zone 1 because of an emergency. The city commission may grant ~~a special occasion permit~~ granting an exception to this subsection upon written request. ~~The city commission shall determine whether the requested exception constitutes a special occasion.~~ In granting ~~an exception this special occasion permit~~, the city commission shall be authorized to impose on the ~~permit requester~~ whatever conditions it deems are appropriate and reasonable and may adopt those rules and regulations it deems appropriate to protect the safety, health and welfare of the public.
- (c) **Zone 2 is intended primarily for swimming. Motorized and nonmotorized watercraft are prohibited from operating parallel to the beach within this zone.** The city shall maintain buoys to mark the outer limits of this zone.
 - 1. Motorized and nonmotorized commercial or recreational watercraft may enter this zone without violating this subsection only as follows:
 - a. Motorized commercial or recreational watercraft may not operate in excess of idle speed.
 - b. Nonmotorized commercial or recreational watercraft may not operate at a speed in excess of three miles per hour.
 - c. All motorized watercraft operating within this zone must be proceeding in a direct route to the beach **for the sole purpose of discharging or picking up passengers. After discharging or picking up such passengers, the motorized vehicle must immediately, in a direct route, leave zone 2, proceeding at no more than idle speed.**

- d. Nonmotorized commercial or recreational watercraft operating within zone 2 must be proceeding in a direct route to the beach for the purpose of discharging or picking up passengers or for the purpose of beaching the watercraft. If the nonmotorized watercraft has discharged or picked up passengers, it must leave the zone in a direct route. at like miles per hour.
 - e. Neither motorized or nonmotorized watercraft shall be anchored within this zone nor shall any motorized or nonmotorized watercraft have its anchor within any of the waters of zone 2.
 - f. Nothing in this subsection shall prohibit motorized boats operating under a city commission exception such special occasion permit issued by the city from beaching and setting an anchor for stability within this zone in accord with the rights granted by the city commission special occasion permit.
 - g. ~~The provisions of this subsection relating only to anchoring of boats shall not apply to the area bounded on the upland by 22nd Avenue to the south end of block "M."~~
2. All other watercraft licensed by the city licensing official and operating as a commercial or recreational activity shall operate within this zone only within areas approved by the city police department. Every person licensed by the city licensing official and engaged in the commercial or recreational renting or leasing of watercraft regulated by this section shall warn those using his/her watercraft of the regulation provided for in this section.
- (d) The operation of any watercraft within the safety zones shown on such map which threatens the safety of the swimmers shall be unlawful.
 - (e) The mooring of watercraft to markers or buoys placed by the city department of community services shall be prohibited, except in an emergency.
 - (f) The police department shall be authorized to adopt reasonable regulations restricting the operation of watercraft within the designated safety zones and to promote the safety of those bathing in the Gulf waters, consistent with this section.
 - (g) The city commission may, from time to time, by majority vote, designate areas and times within zone 1 in which surfboarding shall be permitted. If the city commission makes such a designation, the city shall then post sufficient notice to all surfers and swimmers as to the location where surfboarding is permitted.
 - (h) The city commission may, from time to time, by majority vote, designate areas or corridors within zone 2 where public streets terminate at public access areas to the beaches for beach access and beaching by watercraft. If the city commission makes such a designation, the corridor or area shall be the same width as the adjacent public street end, shall be marked by buoys throughout zone 2, and sufficient notice posted to swimmers and the public as to the location. Within the designated corridor or area, watercraft may traverse zone 2, may enter and leave the water, and may be beached. If beached, the watercraft must be placed on the sandy area of the beach at least 40 feet from the water's edge. The city commission may, from time to time, by majority vote, also remove any designation of an area or corridor.



Mayor Steve McFarlin

FIRST READING:	<u>5-10-11</u>
PUBLISHED:	<u>5-14-11</u>
SECOND READING:	<u>05/24/2011</u>
PUBLIC HEARING:	<u>05/24/2011</u>

Attest:

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 24th day of May, 2011.

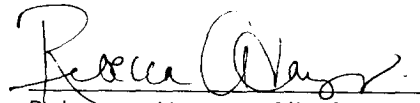

Rebecca Haynes, City Clerk

EXHIBIT A

