



MEMORANDUM

Date: Feb 22, 2023
To: Board of Commissioners
From: Robin I. Gomez, City Manager
Subject: Update on Rework of Ordinance 2020-05 Slow Speed-Minimum Wake Zone

Background

On June 10, 2020, the City of Madeira Beach Commission adopted Ordinance 2020-05, that established slow speed-minimum wake zones to include all waters of the City of Madeira Beach except for those waters in the John's Pass channel and the Intracoastal Waterway channel along with informational markers to be installed. The ordinance was adopted to endorse and better ensure boating safety, education, and measures to provide a safer environment for all boating activities and docking within City limits.

Discussion:

Upon further review/research by City staff in 2021 in consultation with the Boating and Waterways Section of the Florida Fish and Wildlife Conservation Commission (FWC) it appears that the City ordinance did not comply with the requirements/criteria for a boating-restricted area established in Florida Statutes 327.60 and 327.46, specifically due to the absence of competent evidence such as citation data, warning data, vessel accident data, vessel traffic study data, etc.

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

The City received the following vessel warning and citation data from the Pinellas County Sheriff's Office:

Madeira Beach Boating Speed Violations November 1, 2020-November 30-2022

| DISPOSITION | TOTAL |
|-------------|-------|
| Citation | 37 |
| Warning | 146 |

We have asked for additional details from the PCSO and are in the process of obtaining additional information including a vessel traffic study, City Marine activity, and other data to comply with the referenced Florida statutes.

Once complete we will forward to the FWC Boating and Waterways Section for their review to incorporate into a revised ordinance that will be brought back to the Commission.

Fiscal Impact

Cost of obtaining a vessel traffic study and/or City staff time.