



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

February 2, 2018

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 002-2018, amending Chapter 26 of the Monroe County Code of Ordinances; deleting the Boating Restricted Area (Idle Speed/No Wake Zone) for all manmade waterbodies; establishing a Boating Restricted Area (Slow Speed/Minimum Wake Zone) for all man-made canals less than seventy-five feet in width; providing for severability; providing for repeal of inconsistent provisions; providing for filing and an effective date; providing for codification.

The Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on January 17, 2018. Should you have any questions, please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

cc: County Administrator
Marine Resources
County Attorney
MuniCode
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145



ORDINANCE NO. 002 - 2018

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, AMENDING CHAPTER 26 OF THE MONROE COUNTY CODE OF ORDINANCES; DELETING THE BOATING RESTRICTED AREA (IDLE SPEED/NO WAKE ZONE) FOR ALL MANMADE WATERBODIES; ESTABLISHING A BOATING RESTRICTED AREA (SLOW SPEED/MINIMUM WAKE ZONE) FOR ALL MAN-MADE CANALS LESS THAN SEVENTY-FIVE FEET IN WIDTH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR FILING AND AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION.

WHEREAS, the Monroe County Board of County Commissioners adopted Ordinance No.035-1997 providing for an Idle Speed-No Wake zone in any residential man-made canals in unincorporated Monroe County; and

WHEREAS, Ordinance No.035-1997 was subsequently approved by the Florida Fish and Wildlife Conservation Commission (FWC), in accordance with statutory requirements in place at that time, and was assigned FWC Permit No.99-042; and

WHEREAS, the Monroe County Board of County Commissioners adopted Ordinance No.031-2002, revising the initial ordinance, and providing for the boating restricted area to apply to all 'man-made waterbodies' and to include all of the Keys canals with buildings along their shorelines.

WHEREAS, in 2009 F.S. 327.46 was revised, providing local authority to municipalities and counties to adopt local ordinances establishing slow speed-minimum wake boating restricted areas if the area is within a canal that is less than seventy-five feet in width from shoreline to shoreline; and

WHEREAS, the statutory revision makes the current Idle Speed-No Wake in all residential man-made canals zone non-compliant with State Statute; and

47
48 **WHEREAS**, FWC staff has suggested that Monroe County may amend its Idle Speed-
49 No Wake zone in man-made waterbodies code to reflect Slow Speed/Minimum Wake in
50 canals less than seventy-five feet in width from shoreline to shoreline; and
51

52 **WHEREAS**, amending Chapter 26 of the General Code of Ordinances to establish a new
53 regulation requiring Slow Speed/Minimum Wake in canals, compliant with current State
54 Statutes, is in the best interest of the health and safety of the public; and
55

56 **WHEREAS**, several inaccuracies within Chapter 26 need correction;
57
58

59 **NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD**
60 **OF COUNTY COMMISSIONERS:**
61

62 **Section 1.** Chapter 26 of the Monroe County Code is amended as follows:
63

64 **Chapter 26 – WATERWAYS**
65

66 **ARTICLE I. IN GENERAL**
67

68 **Sec. 26-1. – Definitions.**
69

70 *Houseboat* means as provided in F.S. § 327.02.
71

72 **ARTICLE III. – VESSEL RESTRICTED AREAS**
73

74 **Sec. 26-71 – Boating restricted zones established.**

75 (a) *Idle speed/no wake zones.* No person shall operate a vessel in the following
76 areas spatially defined as "idle speed/no wake zones" at a speed in excess of idle
77 speed/no wake as defined in this chapter:

78 (1) Summerland Key Channel: To include an area within 300 feet of shore
79 along the southwest shore of Summerland Key, running contiguous with the
80 shorelines of Summerland Key Cove and Summerland Cove Isles
81 subdivisions.

82 (2) Ocean Reef Club:

83 a. Bayside: To include an area between 300 feet of shore along the
84 northwest shore of North Key Largo running contiguous with the
85 shoreline of Snapper Point subdivision, Ocean Reef Club, within the
86 navigation channel that parallels the shoreline. Includes all internal
87 canals of Snapper Point subdivision.

88 b. Oceanside: To include all residential canals in Angelfish Cay, all
89 residential canals in Channel Cay, and the portion of Little Angelfish
90 Creek adjacent to Angelfish Cay.

- 91 (3) Riviera Canal: To include the area of Riviera Canal, Key West, running
92 from Cow Key Channel to the west, until it turns approximately 90 degrees
93 to the north.
- 94 (4) Jolly Roger Estates, Little Torch Key: To include an area running parallel to
95 the eastern shore of Jolly Roger subdivision approximately 300 feet
96 offshore and within the deep navigation canal parallel to the subdivision
97 shoreline. To include the northernmost canal (running east-west) leading
98 into the internal subdivision canals.
- 99 (5) Sombrero Beach: To include the area at the west side of Sombrero Beach
100 extending to the west side of the navigation canal, bounded at its southern
101 extreme by Day Beacon No. 6.
- 102 (6) Safety Harbor: To include an area contiguous to and extending
103 approximately 300 feet from the residential shorelines of Safety Harbor and
104 Toll Gate Shores, within the existing deeper parallel navigation channel.
- 105 (7) Community Harbor: To include the area within the bounds of Community
106 Harbor, Tavernier, Key Largo and extending in an arc from either side of
107 the mouth, just outside the bounds of the Harbor.
- 108 (8) Dove Creek: From the open water of the Atlantic/Hawk's Channel, the
109 eastern section of Dove Creek to the western end of Dove Creek subdivision
110 and including the Dove Creek subdivision residential canal.
- 111 (9) Key West: Smathers Beach: To include an area parallel to the shore along
112 Smathers Beach running 600 feet offshore.
- 113 (b) *Slow speed/minimum wake zones.* No person shall operate a vessel in the
114 following areas spatially defined as "slow speed/minimum wake zones" at a
115 speed in excess of slow speed/minimum wake as defined in this chapter:
- 116 (1) Snake Creek: To include the entire width of Snake Creek, from 100 feet
117 south of the Snake Creek Bridge at U.S. Highway 1, to 100 feet north of the
118 residential shoreline of the Venetian Shores subdivision, Plantation Key.
- 119 (2) Vaca Cut: Extending the length of Vaca Cut, Marathon from the regulatory
120 marker located approximately 1,250 feet south of the Vaca Cut Bridge to
121 the regulatory markers located approximately 800 feet north of the Vaca
122 Cut Bridge.
- 123 (3) Whale Harbor: To include the area just north of the Whale Harbor Bridge
124 and extending south the length of the Whale Harbor navigation channel to
125 ATON number 1.
- 126 (4) Boot Key Harbor and Sister's Creek: To include all waters within Boot Key
127 Harbor including contiguous creeks and manmade canals, and including
128 approaches to the Harbor from the West beginning at Day Beacon No. 7 and
129 from the South, Sister's Creek beginning at Day Beacon No. 4.
- 130 (5) Cow Key Channel: To include Cow Key Channel north of the Cow Key
131 Channel Bridge at U.S. Highway 1 and ending at Day Beacon No. 11, south
132 of the Cow Key Channel Bridge.

(6) Adams Waterway: To include the entire area known as Adams Waterway, Key Largo, leading from Blackwater Sound on Florida Bay to Largo Sound on the ocean side of the Island of Key Largo.

(7) All man-made canals: To include all canals of Monroe County within the Florida Keys, of less than seventy-five feet in width from shoreline to shoreline (as per F.S. § 327.46).

Sec. 26-72. - Vessel use restriction zone delineation markers.

(a) The vessel use restriction zones established in section 26-71 shall be marked on the waters using the U.S. Coast Guard and state uniform regulatory markers in accordance with applicable state and federal laws and regulations.

(b) Special requirements and allowances apply to manmade canal boating restricted areas for posting of signage.

Regulatory signs and/or markers posted on the water must be in accord with applicable state and federal laws and regulations. Such signage and/or markers are only allowed to be posted on the water (or facing the water) by the County and only after permitting by FWC. Any signage posted on land must be compliant with applicable local codes.

(1) Requirements: signage shall be posted at all County public boat launching facilities (without additional FWC permitting), which may only be posted on land, and facing towards land;

(2) Allowances: signage may also be provided to municipalities and the Department of Transportation for posting at city and state public boat ramps, which may only be posted on land, and facing towards land.

The posted signs must be in accord with applicable state and federal laws and regulations.

Section 2. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

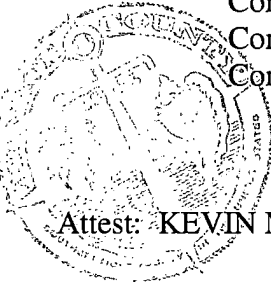
Section 3. Repeal of Inconsistent Provisions. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 4. Filing and Effective Date. This ordinance shall be filed in the Office of the Secretary of the State of Florida and shall become effective as provided by law.

Section 5. Codification. The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of Monroe County, Florida and shall be numbered to conform with the uniform numbering system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 17th day of January, 2018.

Mayor David Rice	<u>Yes</u>
Mayor <i>pro tem</i> Sylvia Murphy	<u>Yes</u>
Commissioner Danny L. Kolhage	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>



Attest: KEVIN MADOK, CLERK

**MONROE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By *Kevin Madok*
Deputy Clerk

By *David Rice*
Mayor David Rice

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Steven T. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 1/22/18

FILED FOR RECORD
2018 FEB -2 AM 11:07
CLERK CIR. CT.
MONROE COUNTY, FL