

**CITY OF BELLE ISLE, FLORIDA
ORDINANCE NO. 17-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, ESTABLISHING AN IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY ON THE CONWAY CHAIN OF LAKES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR AN OPERATION STANDARD FOR THE BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, Hurricane Irma has caused extensive damage to the docks and boats, vessels, and watercraft on the Conway Chain of Lakes; and

WHEREAS, there is a large amount of submerged or sunken debris such as docks and boats in the Conway Chain of Lakes are considered hazards; and

WHEREAS, high boats, vessels, watercraft, and persons being towed by boats may not be able to see the hazards throughout the Conway Chain of Lakes; and

WHEREAS, given the uniquely hazardous present conditions, the Belle Isle City Council finds and determines that, subject to limited exceptions, an idle speed, no wake zone, is created on the Conway Chain of Lakes as set forth herein by emergency ordinance is necessary to protect the public health, safety, and welfare of the citizens of Belle Isle.

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

Section 1. Findings. The City Council of the City of Belle Isle, Florida makes the following findings:

- a. The prudent and safe operation of boats, vessels, and watercraft is essential to protect the public health, safety, and welfare of the citizens of Belle Isle.
- b. The City Council is empowered to establish boating-restricted areas under Section 327.46(1) (b) of the Florida Statutes.
- c. The City Council is empowered to regulate the speed and wake of boats, vessels, and watercraft under Section 327.46(1) (c) of the Florida Statutes.
- d. An Idle Speed, No Wake Zone in the Conway Chain of Lakes is necessary to avoid hazards to persons and damage to property resulting from boats, vessels, and watercraft traveling at excessive speeds.

Section 2. Definitions

- a. "Person" means an individual, partnership, firm, corporation, or other entity.
- b. "Idle Speed, No Wake Zone" means an area of a waterway, in this instance the Conway Chain of Lakes, in which a boat, vessel, or watercraft cannot proceed at a speed greater than that specified by the Idle Speed, No Wake Zone definition in State Rule Chapter 68D-24.002
- c. "Idle Speed, No Wake Zone" indicates a boating restricted area, in this instance the Conway Chain of Lakes that has been established to protect the safety of the public. "Idle Speed, No

Wake Zone” means that a boat, vessel, or watercraft cannot proceed at a speed greater than that speed which is necessary to maintain Steerageway (Florida Administrative Code, Chapter 68D-24.002)

- d. “Boat, Vessel, or Watercraft” means any vessel being propelled or powered by machinery, including but not limited to personal watercraft
- e. “Wake” means all changes in the vertical height of the water surface caused by the passage of a boat, vessel, or watercraft, including but not limited to a vessel’s bow wake, stern wake, and propeller wash.
- f. “Steerageway” means the minimum rate of motion required for the helm of the vessel to have effect.

Section 3. Prohibition. It shall be unlawful for any Person in physical control of a boat, vessel, or watercraft in the Idle Speed, No Wake Zone to operate the vessel in violation of the Idle Speed, No wake Zone Rules

Section 4. Exemptions. The restrictions created by this Ordinance shall not apply to a vessel of a federal, state, county, or City of Belle Isle agency while operated by an officer, employee, or agent thereof who is engaged in law enforcement or other necessary city or governmental activity. Further, the restrictions created by this Ordinance, shall not apply to vessels operated under emergency conditions during a legitimate emergency.

Section 5. Enforcement. This ordinance shall be enforced by the City of Belle Isle Police Department officers and any other authorized law enforcement officer as provided by Section 327.70 of the Florida Statutes.


Section 6. Penalties. Any person violating any provision of this Ordinance shall be fined not more than \$500.00 or other such amounts that may be authorized by Section 327.73 of the Florida Statutes, as amended. Further nothing herein contained, shall prohibit the Belle Isle Police Department from enforcing this ordinance by any other lawful means.

Section 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.


Section 8. Effective Date. This Ordinance shall be in effect immediately on passage by the City Council by at least by a two-thirds vote of the governing body, and as otherwise provided by law. Further, this Ordinance will be filed with the Florida Fish and Wildlife Commission upon passage.

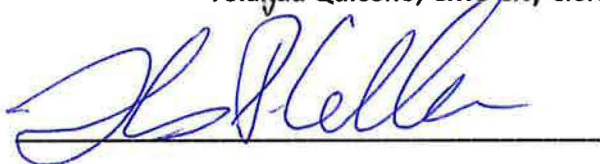
INTRODUCED AS AN EMERGENCY ORDINANCE, ADOPTED by at least by a two-thirds vote of the governing body, and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Belle Isle by the City Council at a special meeting held on the 13th day of September, 2017.

	YES	NO	ABSENT
Ed Gold	<u>✓</u>	<u> </u>	<u> </u>
Anthony Carugno	<u>✓</u>	<u> </u>	<u> </u>
Jeremy Weinsier	<u>✓</u>	<u> </u>	<u> </u>
Bobby Lance	<u>✓</u>	<u> </u>	<u> </u>
Harvey Readey	<u>✓</u>	<u> </u>	<u> </u>
Lenny Mosse	<u>✓</u>	<u> </u>	<u> </u>
Sue Nielsen	<u>✓</u>	<u> </u>	<u> </u>


LYDIA PISANO, MAYOR

ATTEST:


Yolanda Quiceno, CMC-City Clerk

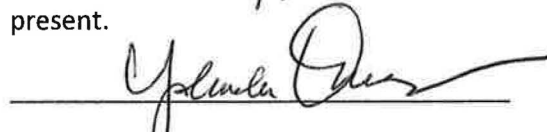


Approved as to form and legality - City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, **Yolanda Quiceno, CITY CLERK** of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 17-13 was duly and legally passed by the Belle Isle City Council, in session assembled on the 19th day of September 2017, at which session a quorum of its members were present.


Yolanda Quiceno, Notary