

ORDINANCE NO. 20-028

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING **CHAPTER 38**, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES ENTITLED "**NO WAKE AND MINIMUM WAKE ZONES**"; AMENDING SECTION 38-99 – AREAS DEFINED, TO MODIFY LANGUAGE TO ALLOW FOR IDLE SPEED NO WAKE ZONE WITHIN 300' OF THE JAYCEE PARK BOAT RAMPS AS PROVIDED BY THIS CHAPTER OR ADMINISTRATIVE RULE. PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has an objective to have parks that are relaxing, welcoming, recreational, and safe for all citizens to enjoy; and

WHEREAS, Jaycee Park has many competing water-based activities including motorized watercraft such as boats and jet skis, non-motorized watercraft such as kayaks and sailboats, bathing beach, swim area, and Treasure Coast Youth Sailing Foundation (TCYSF); and

WHEREAS, Jaycee Park waterfront and the surrounding waters need protected areas for boat ramps, bathing, swimming, non-motorized watercraft, and TCYSF for the safety and pleasure of all citizens; and

WHEREAS, at the conference agenda on April 8, 2019, the City Commission accepted the Parks Committee recommendation to create an Idle Speed No Wake zone at Jaycee Park.

WHEREAS, Florida Statutes § 327.46(1)(b) authorizes the City of Fort Pierce to establish Idle Speed No Wake boating safety zones within 500 feet of any boat ramp or other launching or landing facility available for use by the general boating public; and

WHEREAS, the City of Fort Pierce officials have identified severe safety issues involving motorized watercraft in and close to the boat ramps, public bathing beach and swim area; and

WHEREAS, Florida Statutes § 327.46(1)(b) and FWC permit # 91-014 authorizes the City of Fort Pierce to establish a vessel-exclusion zone for a public bathing beach or swim area.

NOW, THEREFORE, BE IT ORDAINED by City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 38, Article III, Division 2, Section 38-99, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 38-99. - Areas defined.

- (a) The following described areas of the city, as charted on National Ocean Survey Chart 11475, are hereby designated a "no wake zone":
 - (1) All of the waters within the limits and confines of the city marina and Moore's Creek, in addition to that section of the city marina entrance channel easterly of said waters extending northward through the entrance channel to Channel Marker 11.
 - (2) That section of the southwest corner of the city harbor, commonly known as the Turning Basin, north of the Peter C. Cobb Bridge which lies south of a line beginning at the shoreline nearest the eastern terminus of Fisherman's Wharf Drive extending easterly into the water approximately

- 30 yards, all lying north of the Peter C. Cobb Bridge, and westerly to the shoreline of the South Bridge boat ramps located at the northwest terminus of said bridge.
- (3) That section of Taylor Creek beginning the east side of the F.E.C. Railroad Bridge Crossing and all waters easterly to Channel Marker 4.
 - (4) That section of the city cut which lies east of a line beginning at the shoreline nearest the northeast terminus of the Banty Saunders Bridge commencing at Channel Marker 21 and continuing easterly through the city cut to Channel Marker 19.
 - (5) That section of the city cut which lies east of a line beginning at the shoreline of the city cut northerly to Channel Marker 14 continuing northeasterly in the city cut to a point approximately 30 yards northeast of the Little Jim Bridge, then continuing southeasterly under Little Jim Bridge, through the Little Jim Cut to Channel Marker 11.
 - (6) All of the waters of the city inlet range which lie east of a line beginning at the shoreline of Causeway Island at a point approximately 250 yards west of the United States Coast Guard Station, bounded on the north by the south edge of the city inlet channel, and then extending easterly along the south edge of the city inlet channel toward the Atlantic Ocean to a point approximately 100 yards east of Channel Marker 7 and extending southerly to the shoreline of Hutchinson Island, including all areas of the Pelican Yacht Club and Faber Point.
 - (7) That section of Faber Cove from a point in Faber Cove Channel commencing at Channel Marker 12A and continuing easterly into Faber Cove, and all of its shorelines, ending at a point approximately 75 yards easterly of the Colonnades Dock.
 - (8) The waters of the two canal areas adjacent to Surfside Park Subdivision in the southeast corner of Thumb Point Cove, terminating at the entrance to said canals.
- (b) The following described areas of the city, as charted on the National Ocean Survey Chart 11475, are hereby designated a "minimum wake zone":
- (1) That section of the city marina entrance channel between Channel Marker 11 and Channel Marker 5.
 - (2) That section of the city cut between Channel Marker 19 and Channel Marker 14.
 - (3) All of the waters of the city inlet range which lie east of a line beginning at the shoreline of Causeway Island at a point approximately 250 yards west of the U.S. Coast Guard station, all northward of the south edge of the city inlet channel the entire width of said channel, and then extending easterly through the city inlet channel toward the Atlantic Ocean to a point approximately 100 yards east of Channel Marker 7.
 - (4) That section of Faber Cove commencing at a point approximately 75 yards easterly of the Colonnades Dock and continuing to the northeast terminus of Faber Cove and all of its shorelines.
- (c) The following described areas of the city, as charted on National Ocean Survey Chart 11474, are hereby designated a "no wake zone":

The section within ~~500~~ 300 feet of the Jaycee Park public boat ramps located from the western shoreline at coordinates 27°27'8.04"N, 80°17'22.64"W. The area designated as the restricted area is described as follows: an area lying on the western shore of Hutchinson Island in the city. It is an area located at a point with latitude ~~27°27'12.96"N~~ 27°27'10.82"N and longitude ~~80°17'23.79"W~~ 80°17'23.32"W to the north, latitude ~~27°27'8.25"N~~ 27°27'7.87"N and longitude ~~80°17'28.13"W~~ 80°17'25.97"W to the west, and latitude ~~27°27'3.18"N~~ 27°27'4.88"N and longitude ~~80°17'22.60"W~~ 80°17'22.53"W to the south.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further course or effect whatsoever.

SECTION 4. This ordinance is and the same shall become effective immediately upon final passage.

APPROVED AS TO
FORM AND CORRECTNESS:

Peter J. Sweeney, Esq.
City Attorney

**STATE OF FLORIDA
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 20-028 was duly advertised by title only in the St. Lucie News Tribune on September 25, 2020, copy of said Ordinance was made available at the Office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 5, 2020, and was duly introduced, read by title only, and passed on second and final reading on October 19, 2020, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of October, 2020.

Linda Hudson
MAYOR COMMISSIONER

ATTEST:

Linda W. Cox
CITY CLERK

(CITY SEAL)