

1 Introduced by Council Members Howland and Morgan and Co-Sponsored by  
2 Council Member Salem and amended by the Neighborhoods, Community  
3 Services, Public Health and Safety Committee:  
4  
5

6 **ORDINANCE 2023-216-E**

7 AN ORDINANCE APPROPRIATING \$65,000.00 FROM A  
8 SPECIAL COUNCIL CONTINGENCY ACCOUNT TO PROVIDE  
9 FUNDING FOR REGULATORY SIGNAGE; AMENDING SECTION  
10 614.132 (REGULATIONS ON OPERATION OF BOATS),  
11 CHAPTER 614 (PUBLIC ORDER AND SAFETY), *ORDINANCE*  
12 *CODE*, TO ESTABLISH THE BOATING-RESTRICTED AREA  
13 IN THE ARLINGTON RIVER AROUND THE CESERY BRIDGE;  
14 PROVIDING FOR DESIGN AND IMPLEMENTATION;  
15 PROVIDING FOR OVERSIGHT; PROVIDING FOR  
16 CODIFICATION INSTRUCTIONS; PROVIDING AN  
17 EFFECTIVE DATE.  
18

19 **WHEREAS**, a dangerous blind spot exists for waterway users  
20 approaching Cesery Bridge from either direction; and

21 **WHEREAS**, vessels sometimes approach and travel under the  
22 Cesery Bridge at higher than ordinary speeds, presenting a danger  
23 within the narrow flow channel; and

24 **WHEREAS**, the State of Florida has a process pursuant to Section  
25 327.46, *Florida Statutes*, by which a local government can establish  
26 a "boating-restricted area" to restrict vessel speeds to protect the  
27 safety of the public; and

28 **WHEREAS**, Section 327.46(1)(b)(2), *Florida Statutes*, provides  
29 that such a boating-restricted area may be established within 300  
30 feet of any bridge span presenting a vertical clearance of less than  
31 25 feet or a horizontal clearance of less than 100 feet; and

1       **WHEREAS,** the Cesery Bridge meets this criteria; and

2       **WHEREAS,** Board approval by the Florida Fish and Wildlife  
3 Conservation Commission ("FWC") is not required for ordinances  
4 adopted pursuant to Section 327.46(1)(b), *Florida Statutes*, however  
5 the regulatory markers indicating the extent of the boating-  
6 restricted area must be permitted by FWC pursuant to Section 327.41,  
7 *Florida Statutes*, and Rule 68D-23, Florida Administrative Code; and

8       **WHEREAS,** FWC does not provide the markers or dictate the type  
9 of marker, whether a fixed piling with attached signs or a buoy  
10 anchored to the river bottom, so the decision as to the entity  
11 responsible for the cost of the placement and maintenance of the  
12 markers is left to the City; now therefore

13       **BE IT ORDAINED** by the Council of the City of Jacksonville:

14       **Section 1. Appropriation.** For the 2022-2023 fiscal year,  
15 within the City's budget, there are hereby appropriated the indicated  
16 sum(s) from the account(s) listed in subsection (a) to the account(s)  
17 listed in subsection (b):

18 (The account information is attached hereto as **Exhibit 1** and  
19 incorporated herein by this reference)

20       (a) Appropriated from:

21                               See attached **Exhibit 1**               \$65,000.00

22       (b) Appropriated to:

23                               See attached **Exhibit 1**               \$65,000.00

24       (c) **Explanation of the appropriation:** The funding above is to  
25 provide \$65,000.00 from the Special Council Contingency  
26 account for the placement of "Slow Speed/Minimum Wake"  
27 signs in the Arlington River to notify boaters that a  
28 boating-restricted area has been created.

29       **Section 2. Purpose.** The purpose of the appropriation in  
30 Section 1 is to permit, construct or purchase, and install signs  
31 notifying the boating public of the creation of the Cesery Bridge

1 boating-restricted area pursuant to Section 327.46(1)(b)(2), *Florida*  
2 *Statutes*. This boating-restricted area, a depiction of which is  
3 attached hereto as **Exhibit 2** and incorporated herein by this  
4 reference, will require boaters to operate their vessels at "Slow  
5 Speed Minimum Wake" within the area. Any funds not utilized for  
6 this purpose shall be returned to the source of funding.

7 **Section 3. Amending Section 614.132 (Regulations on**  
8 **operation of boats), Chapter 614 (Public Order and Safety), Ordinance**  
9 **Code.** Section 614.132 (Regulations on operation of boats), Chapter  
10 614 (Public Order and Safety), *Ordinance Code*, is hereby amended to  
11 read as follows:

12 **CHAPTER 614 - PUBLIC ORDER AND SAFETY**

13 \* \* \*

14 **Sec. 614.132 - Regulations on operation of boats.**

15 \* \* \*

16 (c) The following areas are hereby designated as slow speed  
17 minimum wake zone within the waters of Duval County:

18 \* \* \*

19 (10) Within 100 yards (300 feet) on both sides of the  
20 Cesery Bridge on Cesery Blvd., located at Lat.  
21 30°19'22" N./Long. 81°35'51" W., from shore to shore.

22 \* \* \*

23 **Section 4. Design and Implementation.** To ensure slow  
24 speeds within the boating-restricted area established in the waters  
25 from shore to shore, the Parks, Recreation and Community Services  
26 Department, in consultation with FWC, and other interested city,  
27 state or federal agencies or departments, shall design and obtain  
28 necessary permits to install the required number of "Slow  
29 Speed/Minimum Wake" signs, at appropriate places to alert the boating  
30 public about the area. The Parks, Recreation and Community Services  
31 Department shall also implement the design for the placement of the

1 signs.

2           **Section 5. Oversight.** Oversight of the professional  
3 services portion of this effort and the implementation of the design  
4 will be conducted by the Parks, Recreation and Community Services  
5 Department.

6           **Section 6. Codification Instructions.** The Codifier and the  
7 Office of General Counsel are authorized to make all chapter and  
8 division "table of contents" consistent with the changes set forth  
9 herein. Such editorial changes and any other necessary to make the  
10 *Ordinance Code* consistent with the intent of this legislation are  
11 approved and directed herein, and the changes to the *Ordinance Code*  
12 shall be made forthwith and when inconsistencies are discovered.

13           **Section 7. Effective Date.** This ordinance shall become  
14 effective upon signature by the Mayor or upon becoming effective  
15 without the Mayor's signature.

16  
17 Form Approved:

18  
19           /s/ Mary E. Staffopoulos          

20 Office of General Counsel

21 Legislation Prepared by: Rita M. Mairs

22 GC-#1562794-v1-2023-216-E.docx