

1 Introduced by Council Members Howland and Morgan:
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4 **ORDINANCE 2023-216**

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

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

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

22 **WHEREAS**, the State of Florida has a process pursuant to Section
23 327.46, *Florida Statutes*, by which a local government can establish
24 a "boating-restricted area" to restrict vessel speeds to protect the
25 safety of the public; and

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

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

31 **WHEREAS**, Board approval by the Florida Fish and Wildlife

1 Conservation Commission ("FWC") is not required for ordinances
2 adopted pursuant to Section 327.46(1)(b), *Florida Statutes*, however
3 the regulatory markers indicating the extent of the boating-
4 restricted area must be permitted by FWC pursuant to Section 327.41,
5 *Florida Statutes*, and Rule 68D-23, F.A.C.; and

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

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

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

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

18 (a) Appropriated from:

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

20 (b) Appropriated to:

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

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

27 **Section 2. Purpose.** The purpose of the appropriation in
28 Section 1 is to permit, construct or purchase, and install signs
29 notifying the boating public of the creation of the Cesery Bridge
30 boating-restricted area pursuant to Section 327.46(1)(b)(2), *Florida*
31 *Statutes*. This boating-restricted area will require boaters to

1 operate their vessels at "Slow Speed Minimum Wake" within the area.
2 Any funds not utilized for this purpose shall be returned to the
3 source of funding.

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

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

10 * * *

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

12 * * *

13 (c) The following areas is hereby designated as slow speed
14 minimum wake zone within the waters of Duval County:

15 * * *

16 (10) Within 100 yards (300 feet) on both sides of the
17 Cesery Bridge on Cesery Blvd., located at Lat.
18 30°19'22" N./Long. 81°35'51" W., from shore to shore.

19 * * *

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

30 **Section 5. Oversight.** Oversight of the professional
31 services portion of this effort and the implementation of the design

1 will be conducted by the Parks, Recreation and Community Services
2 Department.

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

10 **Section 7. Effective Date.** This ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

13
14 Form Approved:

15
16 /s/ Rita M. Mairs

17 Office of General Counsel

18 Legislation Prepared by: Rita M. Mairs

19 *GC-#1553476-v1-Cesery_Bridge_Speed_Zone.doc*