

1 Introduced by Council Member DeFoor:  
2  
3

4 **ORDINANCE 2021-**

5 AN ORDINANCE AMENDING CHAPTER 388 (BOATS AND  
6 WATERWAYS), *ORDINANCE CODE*, TO CREATE A NEW  
7 PART 4 (ANCHORING LIMITATION AREAS); PROVIDING  
8 THAT COUNCIL IS EXERCISING COUNTY POWERS;  
9 PROVIDING FOR COMPLIANCE WITH NOTICE  
10 PROVISIONS OF SECTION 327.4108, *FLORIDA*  
11 *STATUTES*; PROVIDING FOR CODIFICATION  
12 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.  
13

14 **WHEREAS**, the Florida Legislature has recently amended Section  
15 327.4108, *Florida Statutes*, to provide for counties meeting certain  
16 criteria to establish anchoring limitation areas adjacent to urban  
17 areas that have residential docking facilities and significant  
18 recreational boating traffic; and

19 **WHEREAS**, the City of Jacksonville, as a consolidated  
20 city/county government, is authorized to enact an ordinance  
21 establishing anchoring limitation areas within the county and  
22 desires to do so subject to the requirements of Section 327.4108,  
23 *Florida Statutes*, now therefore

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

25 **Section 1. Amending TITLE X (Environmental Affairs),**  
26 ***Ordinance Code*, to create a new Part 4 (Anchoring Limitation Areas)**  
27 **in Chapter 388 (Boats and Waterways).** Title X (Environmental  
28 Affairs), *Ordinance Code*, is hereby amended to create a new Part 4  
29 (Anchoring Limitation Areas), in Chapter 388 (Boats and Waterways),  
30 to read as follows:

31 **TITLE X ENVIRONMENTAL AFFAIRS**

1 \* \* \*

2 Chapter 388 - BOATS and WATERWAYS

3 \* \* \*

4 PART 4. - ANCHORING LIMITATION AREAS

5 Sec. 388.401. - Findings and legislative intent.

6 (a) Pursuant to Sec. 327.4108, *F.S.* (2021), the Florida  
7 Legislature has expressly authorized counties meeting certain  
8 criteria to enact regulations that establish anchoring  
9 limitation areas adjacent to urban areas that have residential  
10 docking facilities and significant recreational boating  
11 traffic.

12 (b) The Council finds that City of Jacksonville, acting under its  
13 authority as a chartered county government pursuant to Section  
14 1.101 of the City Charter and Section 4.102, *Ordinance Code*,  
15 meets the criteria established in Sec. 347.4108, *F.S.* (2021),  
16 to create anchoring limitation areas within its jurisdiction.

17 (c) The purpose of this Part 4 is to implement the provisions of  
18 Sec. 327.4108, *F.S.* (2021), by creating an anchoring  
19 limitation area, as more fully described below, which will  
20 promote the public access to the waters of the state; enhance  
21 navigational safety; protect maritime infrastructure; protect  
22 the marine environment and deter improperly stored, abandoned,  
23 or derelict vessels.

24 Sec. 388.402. - Definitions.

25 For the purpose of this Chapter, where applicable, the terms,  
26 phrases, words, abbreviations and their derivations shall have the  
27 meaning given in Section 327.02, *F.S.*, unless specifically defined  
28 herein. When not inconsistent with the context, words used in the  
29 present tense include the future tense, words in the plural number  
30 include the singular number and words in the singular number  
31 include the plural number. The word "shall" is always mandatory

1 and not merely directory. Words not defined shall be given their  
2 meaning as provided Section 1.102 (definitions and rules of  
3 constructions), Ordinance Code.

4 **Sec. 388.403. -Criteria for Anchoring Limitation Areas.**

5 The aggregate total of anchoring limitation areas within Duval  
6 County may not exceed 10 percent of the county's delineated  
7 navigable-in-fact waterways. As used in this Part, "navigable-in-  
8 fact waterways" means waterways that are navigable in their natural  
9 or unimproved condition over which useful commerce or public  
10 recreation of a substantial and permanent character is or may be  
11 conducted in the customary mode of trade and travel on water. The  
12 term does not include lakes or streams that are theoretically  
13 navigable; have a potential for navigability; or are temporary,  
14 precarious, and unprofitable, but the term does include lakes or  
15 streams that have practical usefulness to the public as highways  
16 for transportation. Each anchoring limitation area established  
17 herein must meet all the following requirements:

18 (a) Be less than 100 acres in size. For purposes of this  
19 subsection, the calculated size of the anchoring limitation  
20 area does not include any portion of the marked channel of  
21 the Florida Intracoastal Waterway contiguous to the  
22 anchoring limitation area;

23 (b) Not include any mooring field or marina; and

24 (c) Be clearly marked with all of the following:

25 (1) Signs that provide reasonable notice to boaters  
26 identifying the duration of time beyond which  
27 anchoring is limited and identifying the county  
28 ordinance which the anchoring limitation was created.

29 (2) Buoys marking the boundary of the anchoring limitation  
30 area shall be installed and maintained by the City

31 Signs and buoys must be permitted and installed in accordance with

1 Secs. 327.40 and 327.41, *F.S.*, and Florida Wildlife Commission  
2 rules.

3 **Sec. 388.404. - Anchoring Limitation Areas Defined.**

4 The following areas are designated as Anchoring Limitation Areas:

- 5 (a) Ortega River Zone 1;  
6 (b) Ortega River Zone 2;  
7 (c) Ortega River Zone 3; and  
8 (d) Ortega River Zone 4.

9 Renderings of the boundaries of these zones can be found at  
10 [www.coj.net](http://www.coj.net).

11 **Sec. 388.405. - Anchoring Restricted in Anchoring Limitation**  
12 **Areas.**

13 A person may not anchor a vessel for more than 45 consecutive days  
14 in any 6-month period in an anchoring limitation area established  
15 in this Part, except as provided in Sec. 388.406 or Sec. 388.407  
16 below.

17 **Sec. 388.406. - Exception for mechanical failure, weather**  
18 **conditions and special events.**

19 A person may anchor a vessel in an anchoring limitation area:

- 20 (1) If a vessel suffers a mechanical failure that poses an  
21 unreasonable risk of harm to the vessel or persons onboard  
22 unless the vessel anchors. The vessel may anchor for 3  
23 business days or until the vessel is repaired, whichever  
24 occurs first; or  
25 (2) If imminent or existing weather conditions in the vicinity  
26 of the vessel pose an unreasonable risk of harm to the  
27 vessel or the persons onboard unless the vessel anchors.  
28 The vessel may anchor until weather conditions no longer  
29 pose such risk. During a hurricane or tropical storm,  
30 weather conditions are deemed to no longer pose an  
31 unreasonable risk of harm when the hurricane or tropical

- 1 storm warning affecting the area has expired; or
- 2 (3) During events described in Sec. 327.48, *F.S.*, or other
- 3 special events, including, but not limited to, public music
- 4 performances, local government waterfront activities, or
- 5 fireworks displays. A vessel may anchor the lesser of the
- 6 duration of the special event or 3 days.

7 **Sec. 388.407. - Vessels not restricted in Anchoring Limitation**

8 **Areas.**

9 The anchoring restrictions of this Part do not apply to:

- 10 (a) Vessels owned or operated by a governmental entity for
- 11 law enforcement, firefighting, military or rescue
- 12 purposes.
- 13 (b) Construction or dredging vessels on an active job site.
- 14 (c) Vessels actively engaged in commercial fishing.
- 15 (d) Vessels engaged in recreational fishing if the persons
- 16 onboard are actively tending hook and line fishing gear
- 17 or nets.

18 **Sec. 388.408. - Enforcement.**

- 19 (a) For purposes of this section, the term "law enforcement
- 20 officer or agency" means the Division of Law Enforcement of
- 21 the Fish and Wildlife Commission and its officers, the
- 22 Sheriff of Duval County and officers of the Jacksonville
- 23 Sheriff's Office, and any other law enforcement officer as
- 24 defined in Sec. 943.10, *F.S.*
- 25 (b) For a vessel in an anchoring limitation area established
- 26 pursuant to this Part 4, upon an inquiry by a law
- 27 enforcement officer or agency, a vessel owner or operator
- 28 must be given an opportunity to provide proof that the
- 29 vessel has not exceeded the limitations described in Sec.
- 30 388.405 herein. Such proof may include any of the
- 31 following:

1 (1) Documentation showing that the vessel was in another  
2 location at least 1 mile away within a period of less  
3 than 45 days before the inquiry.

4 (2) Electronic evidence, including, but not limited to,  
5 navigational devices or tracking devices that show the  
6 vessel was in another location at least 1 mile away  
7 within a period of less than 45 days before the  
8 inquiry.

9 (c) If a vessel owner or operator fails or refuses to provide  
10 proof that the vessel has not exceeded the limitations  
11 described in Sec. 388.405, herein, the law enforcement  
12 officer or agency may issue a citation for a violation of  
13 this section.

14 (d) A law enforcement officer or agency may remove a vessel  
15 from an anchoring limitation area and impound the vessel  
16 for up to 48 hours, or cause such removal and impoundment,  
17 if the vessel operator, after being issued a citation for a  
18 violation of this section:

19 (1) Anchors the vessel in violation of this section within  
20 12 hours after being issued the citation; or

21 (2) Refuses to leave the anchoring limitation area after  
22 being directed to do so by a law enforcement officer  
23 or agency.

24 (e) For purposes of this Chapter, "impound" means to seize and  
25 retain in the custody of law enforcement. After 48 hours  
26 have elapsed since impoundment, if the vessel operator has  
27 not appeared to claim the vessel at the designated  
28 impoundment location, then the law enforcement officer or  
29 agency acting under this Section is authorized to place the  
30 vessel into a designated storage location, at the vessel  
31 operator's expense, until the vessel operator has claimed

1 the vessel and paid all impoundment, penalty and storage  
2 fees which have accrued since impoundment and as a result  
3 of any penalties.

4 (f) A vessel that is the subject of more than three violations  
5 within 12 months which result in dispositions other than  
6 acquittal or dismissal shall be declared to be a public  
7 nuisance and subject to Sec. 705.103, *F.S.* or for a  
8 derelict vessel, subject to Sec. 823.11, *F.S.*

9 (g) A law enforcement officer or agency acting under this  
10 Section to remove or impound a vessel, or to cause such  
11 removal or impoundment, shall be held harmless for any  
12 damage to the vessel resulting from such removal or  
13 impoundment unless the damage results from gross negligence  
14 or will misconduct.

15 (h) A contractor performing removal, impoundment and/or storage  
16 services at the direction of a law enforcement officer or  
17 agency pursuant to this Section must:

18 (1) Be licensed in accordance with United States Coast  
19 Guard regulations, as applicable.

20 (2) Obtain and carry a current policy issued by a licensed  
21 insurance carrier in this state to insure against any  
22 accident, loss, injury, property damage, or other  
23 casualty caused by or resulting from the contractor's  
24 actions.

25 (3) Be properly equipped to perform such services.

26 **Sec. 388.409. - Violations.**

27 (a) A violation of this Part 4 is punishable as a noncriminal  
28 infraction for which the penalty is:

29 (1) For a first offense, up to a maximum of \$50.

30 (2) For a second offense, up to a maximum of \$100.

31 (3) For a third or subsequent offense, up to a maximum

1 of \$250.

2 (b) In addition to the civil penalty imposed above, the  
3 operator of a vessel that is removed and impounded  
4 pursuant to Section 388.408(d) must pay all removal and  
5 storage fees before the vessel is released. A vessel  
6 removed pursuant to Section 388.408(d) may not be  
7 impounded for longer than 48 hours. Following  
8 impoundment, the vessel will be stored as described in  
9 Section 388.408(e).

10 **Section 2. Renderings/Directive to Legislative Services**  
11 **Division for posting maps.** Renderings of the boundaries of the  
12 Anchoring Limitation Areas described in Section 1 above are  
13 attached hereto as **Exhibit 1**. Upon adoption of this Ordinance, the  
14 Legislative Services Division is directed to forward the maps  
15 attached as **Exhibit 1** to the ITD to be placed on the City website.  
16 The Legislative Services Division is also directed to forward the  
17 maps to the Waterways Coordinator/Dock Master and Jacksonville  
18 Sheriff's Office for posting at various locations and for  
19 distribution to the public.

20 **Section 3. Council exercising county powers.** Pursuant to  
21 Section 4.102, *Ordinance Code*, the enactment of this Ordinance  
22 shall be deemed to be the exercise of county powers.

23 **Section 4. Compliance with Sec. 327.4108, F.S.** As  
24 required in Sec. 327.408(2)(c), *F.S.*, a notice was provided to the  
25 Fish and Wildlife Commission at least 30 days before the  
26 introduction of this ordinance, to notify it of the City's  
27 intention to establish anchoring limitation areas.

28 **Section. 5. Codification Instructions.** The Codifier and  
29 the Office of General Counsel are authorized to make all chapter  
30 and division "tables of contents" consistent with the changes set  
31 forth herein, including renumbering of sections. Such editorial



1 changes and any others necessary to make the Ordinance Code shall  
2 be made forthwith and when inconsistencies are discovered.

3       **Section 6.       Effective Date.** This ordinance shall become  
4 effective upon signature by the Mayor or upon becoming effective  
5 without the Mayor's signature.

6  
7 Form Approved:

8  
9 \_\_\_\_\_




10 Office of General Counsel

11 Legislation Prepared by: Paige H. Johnston

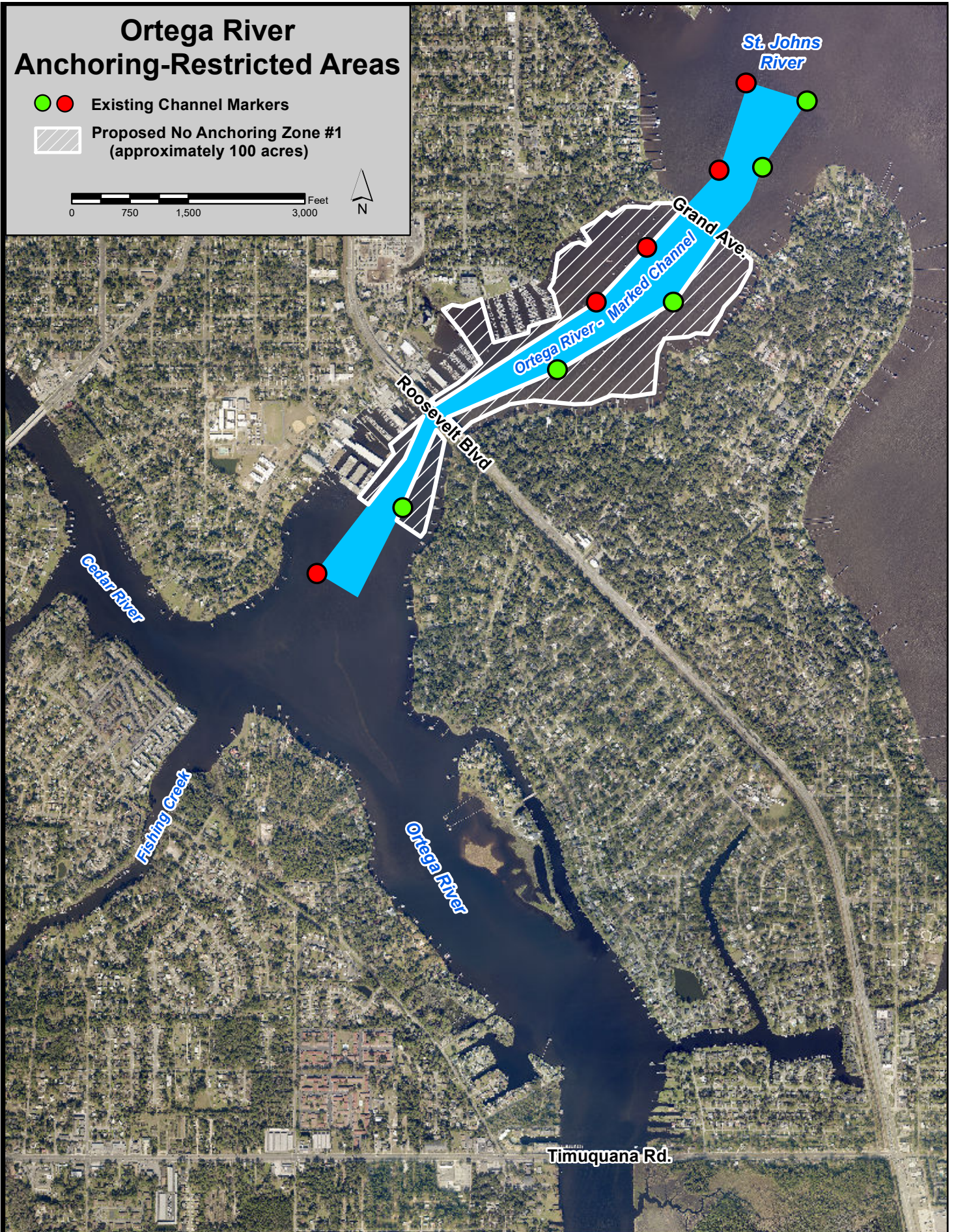
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# Ortega River Anchoring-Restricted Areas




-   Existing Channel Markers
-  Proposed No Anchoring Zone #1  
(approximately 100 acres)

0 750 1,500 3,000 Feet

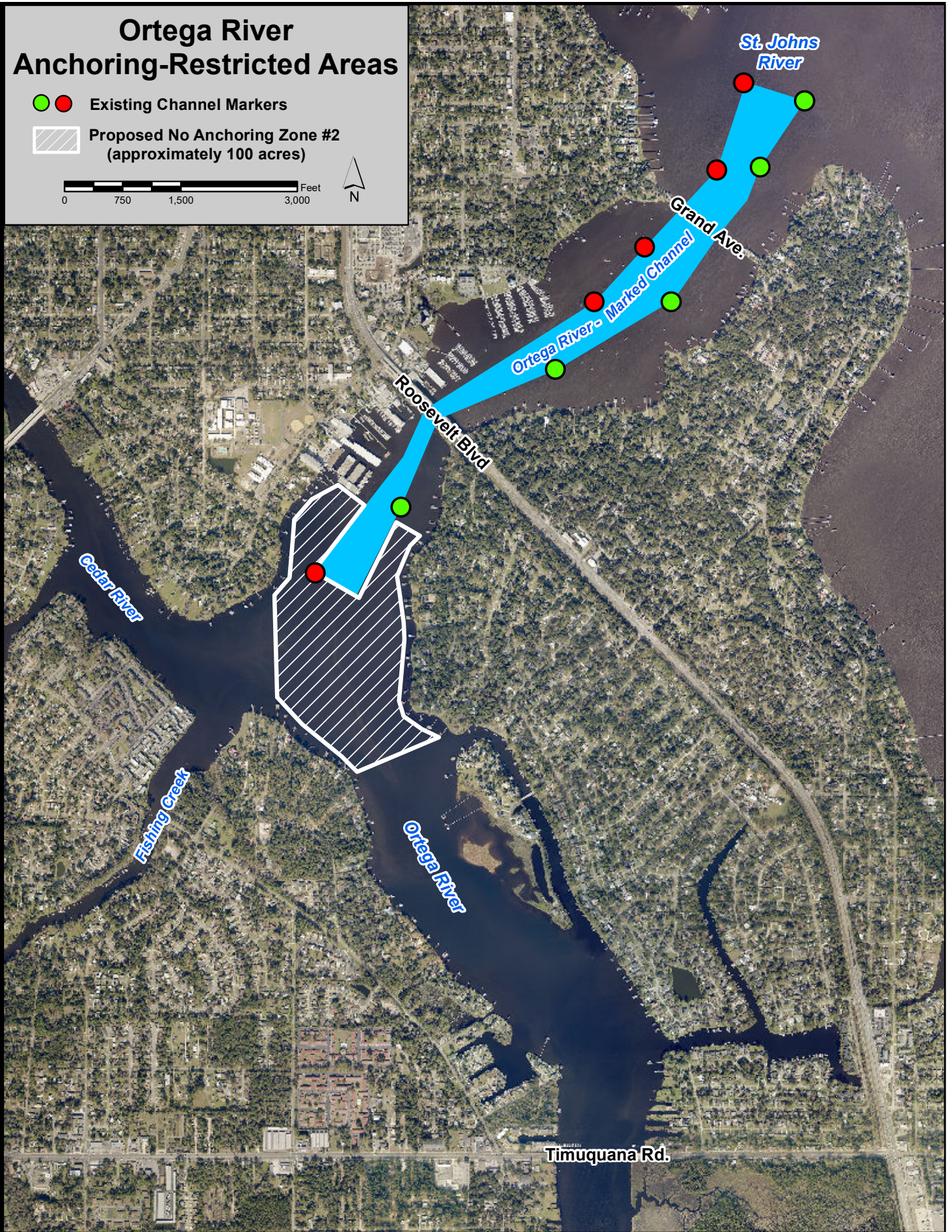




# Ortega River Anchoring-Restricted Areas




-   Existing Channel Markers
-  Proposed No Anchoring Zone #2 (approximately 100 acres)

0 750 1,500 3,000 Feet

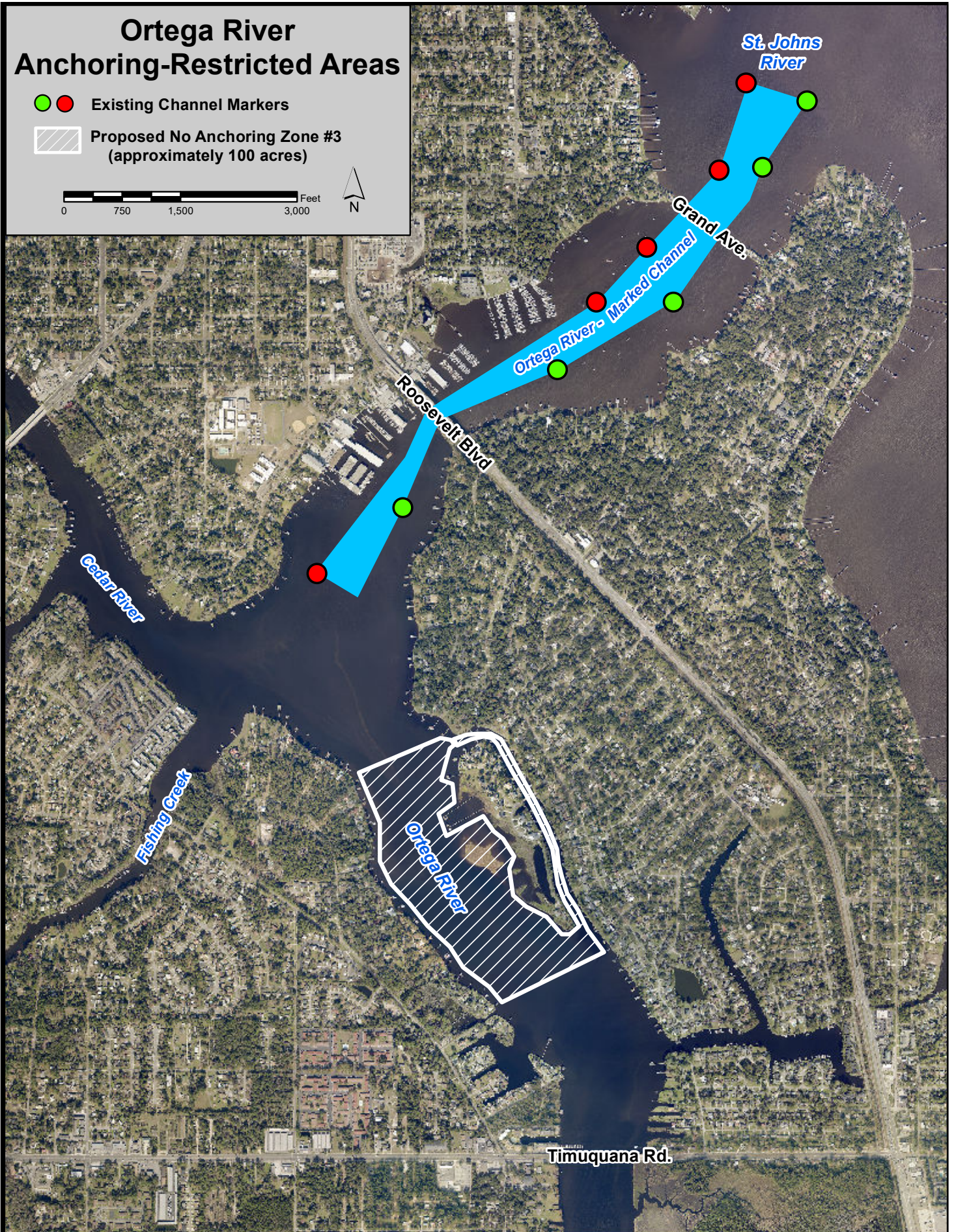




# Ortega River Anchoring-Restricted Areas




-   Existing Channel Markers
-  Proposed No Anchoring Zone #3  
(approximately 100 acres)

0 750 1,500 3,000 Feet





# Ortega River Anchoring-Restricted Areas

-   Existing Channel Markers
-  Proposed No Anchoring Zone #4 (approximately 65 acres)

0 750 1,500 3,000 Feet

