

1 Introduced by Council Member Ferraro:
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4 **ORDINANCE 2022 -463**

5 AN ORDINANCE ESTABLISHING A BOATING-RESTRICTED
6 AREA IN THE ARLINGTON RIVER AROUND THE CESERY
7 AND UNIVERSITY BLVD. BRIDGES; AMENDING CHAPTER
8 614 (PUBLIC ORDER AND SAFETY), SECTION 614.132
9 (REGULATIONS ON OPERATION OF BOATS), *ORDINANCE*
10 *CODE*, TO ESTABLISH THE BOATING-RESTRICTED AREA;
11 PROVIDING FOR DESIGN AND IMPLEMENTATION;
12 PROVIDING FOR OVERSIGHT; PROVIDING AN EFFECTIVE
13 DATE.
14

15 **WHEREAS**, rowing clubs navigate the Arlington River through the
16 Cesery and University Boulevard bridges (the "Bridges"), which span
17 the Arlington River between the Arlington Expressway and Atlantic
18 Boulevard; and

19 **WHEREAS**, vessels sometimes approach and travel under the Bridges
20 at higher than ordinary speeds within the narrow flow channel and
21 present a danger to the general boating public and the rowers in
22 particular; and

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

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

31 **WHEREAS**, the Bridges have both a vertical clearance of less than

1 25 feet and a horizontal clearance of less than 100 feet; 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), F.S., however the
5 regulatory markers indicating the extent of the boating-restricted
6 area must be permitted by FWC pursuant to Section 327.41, F.S. and
7 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 as the entity responsible for the
11 cost of the placement and maintenance of the markers that decision
12 is left to the City, now therefore

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

14 **Section 1. Boating-restricted area establishment.** Due to
15 the proximity of the Bridges to each other and their divergent
16 direction, rather than running parallel to each other, the boating-
17 restricted areas created by the bridges leave a small "pie-shaped"
18 area of the Arlington River unregulated between the two boating
19 restricted areas. While in strict accordance with the statute, the
20 City believes that to the boating public it would be unsafe and
21 confusing to individually mark these two areas, so the City is
22 requesting of FWC the ability to combine those areas and include the
23 small area that would have been unregulated into one discernable
24 area, stretching from southwest of the University Boulevard Bridge
25 to east of the Cesery Boulevard Bridge. This area is shown in **Exhibit**
26 **1.** If FWC does not approve this configuration, the Parks Department
27 has the authority to revise the areas pursuant to FWC requirements.

28 **Section 2. Amending Section 614.132 (Regulations on**
29 **operation of boats), Chapter 614 (Public Order and Safety).** Section
30 614.132 (Regulations on operation of boats), *Ordinance Code*, is hereby
31 amended to read as follows:

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

2 * * *

3 Sec. 614.132 - Regulations on operation of boats.

4 * * *

5 (c) The following areas are hereby designated as slow speed
6 minimum wake zones within the waters of Duval County:

7 * * *

8 (9) On the Arlington River, beginning 100 yards (300 feet)
9 from the southwest side of the University Blvd. Bridge, from shore
10 to shore, through to 100 yards (300 feet) east of the Cesery Blvd.
11 Bridge, from shore to shore.

12 * * *

13 **Section 3. Design and Implementation.** To ensure slow speeds
14 within the boating-restricted area established in the waters from
15 shore to shore, the Parks Department, in consultation with FWC, and
16 other interested city, state or federal agencies or departments,
17 shall design and obtain necessary permits to install the required
18 number of signs, suitably worded, at appropriate places to alert the
19 boating public about the area. The Parks Department shall also
20 implement the design for the placement of the signs and may solicit
21 funds or in-kind assistance from such agencies and departments to
22 help defray some or all of the cost of permitting, acquiring and
23 installing the signs.

24 **Section 4. Oversight.** Oversight of the professional
25 services portion of this effort and the implementation of the design
26 will be conducted by the Parks Department.

27 **Section 5. Effective Date.** This ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.

1 Form Approved:

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3 /s/ Susan C. Grandin

4 Office of General Counsel

5 Legislation Prepared by: Susan C. Grandin

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