

1 Introduced by Council Member Ferraro and substituted by the  
2 Neighborhoods, Community Services, Public Health & Safety  
3 Committee:

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6 **ORDINANCE 2019-463-E**

7 AN ORDINANCE APPROPRIATING \$30,000 FROM THE  
8 FLORIDA BOATER IMPROVEMENT PROGRAM (Section  
9 110.413, *ORDINANCE CODE*) FOR SIGNAGE; AMENDING  
10 CHAPTER 614 (PUBLIC ORDER AND SAFETY), SECTION  
11 614.132 (REGULATIONS ON OPERATION OF BOATS),  
12 *ORDINANCE CODE*, TO ESTABLISH A BOATING-  
13 RESTRICTED AREA AROUND THE SHAD CREEK BRIDGE;  
14 PROVIDING FOR DESIGN AND IMPLEMENTATION;  
15 PROVIDING FOR OVERSIGHT; PROVIDING AN  
16 EFFECTIVE DATE.

17  
18 **WHEREAS**, the Shad Creek Bridge on Heckscher Drive, which spans  
19 Shad Creek on the north side of the St. Johns River, was recently  
20 reconstructed with a higher vertical clearance; and

21 **WHEREAS**, vessels now approach and travel under the Shad Creek  
22 Bridge at higher than ordinary speeds within the narrow flow  
23 channel and present a danger to the boating public; and

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

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

1           **WHEREAS**, the Shad Creek Bridge has both a vertical clearance  
2 of less than 25 feet and a horizontal clearance of less than 100  
3 feet; and

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

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

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

16           **Section 1.       Appropriation.** For the 2018-2019 fiscal year,  
17 within the City's budget, there are hereby appropriated the  
18 indicated sum(s) from the account(s) listed in subsection (a) to  
19 the account(s) listed in subsection (b):

20 (The account information is attached hereto as **Revised Exhibit 1**,  
21 and incorporated herein by this reference)

22           (a) Appropriated from:

23 See **Revised Exhibit 1**       \$30,000

24           (b) Appropriated to:

25 See **Revised Exhibit 1**       \$30,000

26           (c) **Explanation of the appropriation** - The funding above is  
27 to provide \$30,000 from investment pool earnings to other  
28 construction costs within the Florida Boater Improvement Program  
29 for the placement of "Slow Speed/Minimum Wake" signs in the St.  
30 Johns River and Shad Creek, to notify the boating public that a  
31 boating-restricted area has been created.

1           **Section 2.           Purpose.** The purpose of this appropriation is  
2 to permit, construct or purchase, and install signs notifying the  
3 boating public of the creation of the Shad Creek Bridge boating-  
4 restricted area pursuant to Section 327.46(1)(b)(2), Florida  
5 Statutes. This boating-restricted area will require boaters to  
6 operate their vessels at "Slow Speed, Minimum Wake" within the  
7 area. To the extent the cost(s) is defrayed by other entities, the  
8 amount appropriated herein shall remain in the Florida Boaters  
9 Improvement Fund and be available for future appropriation.  
10 Pursuant to the provisions of Section 110.413, *Ordinance Code*,  
11 funds may be distributed by the Director of Finance and  
12 Administration for purposes set forth in this ordinance upon the  
13 written request from the Director of Parks, Recreation and  
14 Community Services, or his designee. Any funds not utilized for  
15 this purpose shall be returned to the source of funding.

16           **Section 3.           Amending Section 614.132 (Regulations on**  
17 **operation of boats), Chapter 614 (Public Order and Safety).**  
18 Chapter 614 (Public Order and Safety), Section 614.132 (Regulations  
19 on operation of boats), *Ordinance Code*, is amended, in part, to  
20 read as follows:

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

22   \* \* \*

23           Sec. 614.132 - Regulations on operation of boats.

24   \* \* \*

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

27   \* \* \*

28                           (9) Within 100 yards (300 feet) on both sides of the Shad  
29 Creek Bridge on Heckscher Drive, located at Lat. 30°16'49" N./Long.  
30 81°42'21" W., from shore to shore.

31   \* \* \*

1           **Section 4.       Design and Implementation.**     To ensure slow  
2 speeds within the boating-restricted area established in the waters  
3 from shore to shore, 300 feet (100 yards) on either side of the  
4 Shad Creek Bridge on Heckscher Drive (SR 105), the Department of  
5 Public Works, in consultation with the Florida Fish and Wildlife  
6 Conservation Commission, and other interested city, state or  
7 federal agencies or departments, shall design and obtain necessary  
8 permits to install up to four signs, suitably worded, at  
9 appropriate places to alert the boating public about the area. The  
10 Department of Parks, Recreation and Community Services shall  
11 implement the design for the placement of the signs and may solicit  
12 funds or in-kind assistance from such agencies and departments to  
13 help defray some or all of the cost of permitting, acquiring and  
14 installing the signs. See attached **Exhibit 2** for an aerial photo  
15 and parcel map depicting the proposed layout of the boating-  
16 restricted area.

17           **Section 5.       Oversight.**           Oversight of the professional  
18 services portion of this effort will be conducted by the Department  
19 of Public Works. Oversight of the implementation of the design  
20 will be conducted by the Department of Parks, Recreation and  
21 Community Services.

22           **Section 6.       Effective Date.**     This ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

25  
26 Form Approved:

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28           /s/ Shannon K. Eller          

29 Office of General Counsel

30 Legislation Prepared by: Susan C. Grandin

31 GC-#1300275-v1-2019-463-E