

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 7, 2019

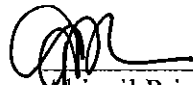
(Second Reading 9-4-19)

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to boats
and waterways; amending
sections 7-25 and 7-26 of the
Code; establishing slow speed,
minimum wake zones and vessel
exclusion zones for certain parts
of the C-100, C-100A, C-100B,
and C-100C Canals east of State
Road 5/U.S. 1

Ordinance No. 19-75

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney



APW/smm

Memorandum



Date: September 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Fiscal Impact Statement for Ordinance relating to Boats and Waterways; Amending Sections 7-25 and 7-26 of the Code, Establishing Slow Speed, Minimum Wake Zones, and Vessel Exclusion Zones for certain parts of C-100, C-100A, C-100B, and C-100C Canals east of State Road 5/U.S. 1

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. It will not result in additional staffing needs or future operational costs.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

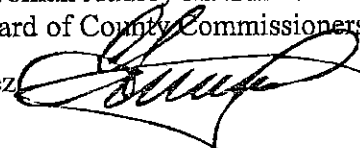
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Memorandum



Date: September 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Boats and Waterways

The proposed ordinance amends Sections 7-25 and 7-26 of the Code of Miami-Dade County (Code) to establish slow speed, minimum wake zones and vessel exclusion zones for certain parts of the C-100, C-100A, C-100B, and C-100C Canals.

Motorboats which operate on Miami-Dade County waters at excessive speeds or in a reckless or unsafe manner present a danger to the lives and property of persons on the water, and reduces other available recreational uses for said water. In addition, excessive motorboat speed erodes shoreline property and destroys bulkheads, seawalls, docks and piers. The proposed ordinance will provide for the safety and welfare of Miami-Dade County residents and visitors.



Maurice L. Kemp
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: September 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(B)

Veto _____

9-4-19

Override _____

ORDINANCE NO. 19-75

ORDINANCE RELATING TO BOATS AND WATERWAYS; AMENDING SECTIONS 7-25 AND 7-26 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING SLOW SPEED, MINIMUM WAKE ZONES AND VESSEL EXCLUSION ZONES FOR CERTAIN PARTS OF THE C-100, C-100A, C-100B, AND C-100C CANALS EAST OF STATE ROAD 5/U.S. 1; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, residents of Miami-Dade County have raised concerns about motorboats operating at high speeds on the C-100, C-100A, C-100B, and C-100C Canals at various locations east of State Road 5/U.S. 1; and

WHEREAS, as codified in section 7-24 of the Code of Miami-Dade County, this Board has previously found that “motorboats which operate on all waters lying within the boundaries of Dade County at excessive speeds or in a reckless and unsafe manner create a situation dangerous to the lives and property of persons using said waters, that excessive motorboat speed erodes shoreline property and destroys bulkheads, seawalls, docks and piers, and that said excessive speed or the operation of motorboats in a reckless and unsafe manner reduces other available recreational uses for said waters”; and

WHEREAS, sections 327.46 and 327.60, Florida Statutes, provide that counties may establish boating-restricted areas and regulate vessel speed and other aspects of vessel operation in those areas; and

WHEREAS, this Board has previously established boating-restricted areas and related boating regulations, which are codified in section 7-26 of the Code; and

WHEREAS, the Marine Patrol Unit of the Miami-Dade County Police Department (“MDPD”) is currently enforcing regulations in boating-restricted areas; and

WHEREAS, on July 10, 2018, this Board adopted Resolution No. R-731-18, directing the County Mayor or the County Mayor’s designee to prepare a report regarding the creation of new regulations for motorboats on the C-100 Canal, and the waterways connected to it, at locations east of State Road 5/U.S. 1, and to submit the report to this Board; and

WHEREAS, on December 18, 2018, a report prepared by Mayor Carlos A. Gimenez in response to Resolution No. R-731-18 (the “Report”) was presented to and accepted by this Board; and

WHEREAS, the Report provides information that the MDPD Marine Patrol Unit, with assistance from the South Florida Water Management District, gathered from their study of the C-100 Canal, and the waterways connected to it, at locations east of State Road 5/U.S. 1; and

WHEREAS, based on that information, the Report recommends the posting of slow speed signs within 300 feet of low-clearance bridges, flood gates, and overhead water pipes, as well as slow speed signs for sharp bends, as these features pose navigational hazards for boaters on the C-100 Canal and connected waterways; and

WHEREAS, section 327.46 and chapter 68D-21, Florida Administrative Code, provide that certain county-enacted motorboat ordinances may be adopted without obtaining approval by the Florida Fish and Wildlife Conservation Commission; and

WHEREAS, section 327.46 and chapter 68D-21 provide that certain county-enacted motorboat ordinances require consultation with other governmental authorities; and

WHEREAS, the County has consulted and coordinated with the United States Army Corps of Engineers and the United States Coast Guard, and neither agency objects to the regulations in this ordinance; and

WHEREAS, the Villages of Pinecrest and Palmetto Bay are the municipalities through which the waterways subject to this ordinance pass; and

WHEREAS, the County has consulted and coordinated with the governing bodies of the Villages of Pinecrest and Palmetto Bay, and neither municipality objects to the regulations in this ordinance; and

WHEREAS, for the safety and welfare of Miami-Dade County residents and visitors, this Board wishes to establish the following slow speed, minimum wake zones and vessel exclusion zones for certain parts of the C-100, C-100A, C-100B, and C-100C Canals based on the recommendations in the Report,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 7-25 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 7-25. **Definitions.**

* * *

>>(f) C-100 Canal East Waterways as used herein means all waters of the C-100 Canal east of Water Control Structure S-118 and west of Water Control Structure S-123; all waters of the C-100A Canal east of Water Control Structure S-120; all waters of the C-100B Canal north of SW 184th Street; and all waters of the C-100C Canal east of Water Control Structure S-119.<<

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 3. Section 7-26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 7-26. **Prohibitions; motorboat restricted zones.**

* * *

>>(j) No person shall operate a motorboat, or permit, allow, or suffer a motorboat to be operated, in the Slow Speed, Minimum Wake Zones of the C-100 Canal East Waterways at any speed greater than slow speed, minimum wake. No person shall operate a motorboat or personal watercraft in, or permit, allow, or suffer a motorboat or personal watercraft to be operated in or allowed to moor or tie-up to any marker used within, the Vessel Exclusion Zones of the C-100 Canal East Waterways.

- (1) The Slow Speed, Minimum Wake Zones of the C-100 Canal East Waterways are hereby established to be the following:
 - (A) All waters within 300 feet of any bridge presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet;
 - (B) All waters within 300 feet of any overhead water pipe, provided that the waterway within 300 feet of the overhead water pipe is less than 75 feet in width from shoreline to shoreline; and
 - (C) All waters within a sharp bend that poses a navigational hazard, as determined by the County Mayor or County Mayor's designee, provided that the waterway comprising the sharp bend is less than 75 feet in width from shoreline to shoreline.
- (2) The Vessel Exclusion Zones of the C-100 Canal East Waterways are hereby established to be all waters within 300 feet of any flood control structure.

- (3) The Slow Speed, Minimum Wake Zones and the Vessel Exclusion Zones of the C-100 Canal East Waterways shall be marked on the water with uniform regulatory markers in accordance with federal and state law.
- (4) A map reflecting the boundaries of the Slow Speed, Minimum Wake Zones and the Vessel Exclusion Zones of the C-100 Canal East Waterways shall be available on the Miami-Dade County website.
- (5) This section shall be enforced by the Miami-Dade Police Department and may also be enforced by the federal, state, and local authorities having jurisdiction over the waters of the Slow Speed, Minimum Wake Zones and the Vessel Exclusion Zones of the C-100 Canal East Waterways.
- (6) Violations of this section are punishable pursuant to section 327.73, Florida Statutes, as may be amended from time to time.<<

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 4, 2019

Approved by County Attorney as
to form and legal sufficiency:

GRK
CJW

Prepared by:

Christopher J. Wahl

Prime Sponsor: Commissioner Daniella Levine Cava