

ORDINANCE NO. 9931-26

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO BOATING REGULATORY ZONES FOR THE PROTECTION OF MANATEES; AMENDING CHAPTER 33 (WATERWAYS AND VESSELS), ARTICLE III (VESSELS), BY ADDING SEC. 33.122; ESTABLISHING A SLOW SPEED MINIMUM WAKE MANATEE PROTECTION ZONE WITHIN STEVENSON CREEK; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR ZONE DESIGNATION; PROVIDING FOR REGULATORY MARKERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Florida Legislature has declared the State of Florida a refuge and sanctuary for the Florida manatee (*Trichechus manatus latirostris*); and

WHEREAS, pursuant to Section 379.2431(2)(p), Florida Statutes, a local government may regulate motorboat speed and operation within its jurisdiction where the best available scientific information supports the conclusion that manatees inhabit the area on a regular basis; and

WHEREAS, the City of Clearwater has reviewed available data, including manatee observation records, citizen-science documentation, habitat assessments, navigation characteristics, and other relevant and reliable information regarding Stevenson Creek; and

WHEREAS, based on the best available scientific and observational data, manatees are frequently sighted in and inhabit Stevenson Creek on a regular and recurring basis, including use by adults and calves; and

WHEREAS, Stevenson Creek is a shallow, constrained estuarine system with limited navigational width and depth, where vessel activity presents an increased risk of manatee injury or mortality due to vessel strikes; and

WHEREAS, the establishment of a Slow Speed Minimum Wake Manatee Protection Zone will reduce the likelihood of harmful vessel collisions, promote safe boating practices, and support the continued protection of manatees within this waterbody; and

WHEREAS, the City of Clearwater intends that this ordinance be submitted to the Florida Fish and Wildlife Conservation Commission (FWC) for review and approval prior to implementation, as required by Florida law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER,
FLORIDA:

Section 1. That Chapter 33 — Waterways and Vessels, Article V — Vessels, Sec. 33.122 — Stevenson Creek Manatee Protection Zone, be added to read as follows:

Sec. 33.122. — Stevenson Creek Manatee Protection Zone.

(1) As used in this section, the following words and terms shall have the following meanings:

Motorboat means any vessel equipped with machinery for propulsion.

Regulatory Marker means any device used to notify mariners of speed zones or other restrictions.

Slow Speed or Minimum Wake means a vessel speed at which the vessel is fully off plane and completely settled in the water, and is proceeding at reasonable and prudent speed while producing minimal or no wake.

(2) The City finds that manatees inhabit Stevenson Creek on a regular and recurring basis; that Stevenson Creek is a shallow, constrained estuarine system where vessel activity presents an increased risk of manatee injury or mortality due to vessel strikes; and that a slow speed minimum wake zone will increase the protection of manatees within this waterbody.

(3) No person shall operate a vessel above slow speed minimum wake within the Stevenson Creek Manatee Protection Zone as described in subsection (4) of this section.

(4) A Year-Round Slow Speed Minimum Wake Manatee Protection Zone is hereby established within the waters of Stevenson Creek. The zone includes all waters of Stevenson Creek within the area bounded by the following coordinates, including the northern tributary up to Overbrook Avenue, as depicted by the staded area of Exhibit A.

Beginning Point: Latitude 27° 59' 23.2" N, Longitude 82° 47' 47.9" W

Mid-Point: Latitude 27° 59' 13.34" N, Longitude 82° 47' 31" W

End Point: Latitude 27° 59' 2" N, Longitude 82° 47' 19.5" W

(5) Implementation of the zone established under this section is contingent upon receipt of all required approvals from the Florida Fish and Wildlife Conservation Commission (FWC), procurement of all applicable permits, and installation of uniform waterway markers as required by Florida law.

(6) This section shall be enforced by all law enforcement officers authorized to enforce violations of Florida's vessel laws pursuant to applicable Florida Statutes.

(7) The provisions of this section shall not apply to:

(a) Federal, state, or local government vessels operating in the performance of official duties; or

(b) Vessels responding to an emergency.

(8) Any person who pleads guilty or nolo contendere or is convicted of violating this section shall be guilty of a class IV civil infraction pursuant to section 1.12 of this Code of Ordinances.

Section 2. Amendments to the Code of Ordinances of the City of Clearwater are hereby adopted to read as set forth in this Ordinance.

Section 3. The City of Clearwater does hereby certify that the amendment contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 4. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 5. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 6. This ordinance shall take effect upon adoption by the City Council, receipt of all required approvals from the Florida Fish and Wildlife Conservation Commission, and installation of required regulatory markers.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Melissa Isabel, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk