ORDINANCE NO. 1266

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING ARTICLE II MARINE ACTIVITIES OF CHAPTER 14 "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BY AMENDING SECTION 14-16 "BOAT SPEEDS" TO DESIGNATE ALL CITY CANALS AS IDLE SPEED/NO WAKE ZONES AND PORTIONS OF BISCAYNE BAY AS SLOW SPEED/MINIMUM WAKE ZONES; CREATING SECTION 14-20 PENALTIES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Section 327.60 of the Florida Statutes authorizes municipalities to enact ordinances governing the operations of vessels on waterways located within the municipality with the exception of the Florida Intracoastal Waterway; and

WHEREAS, the City of North Miami has numerous canals located in the City which are adjacent to residential areas; and

WHEREAS, the City is concerned about damage to docks, wharves, seawalls and other boats being caused by the operation of vessels above an idle speed; and

WHEREAS, the City is concerned with the protection of the manatees inhabiting the waters surrounding the City; and

WHEREAS, the Code of the City of North Miami currently provides that the speed of boats on the city's waterways shall not exceed five (5) miles per hour and the City is desirous of reducing the speed to provide for an idle speed and no wake; and

WHEREAS, the current speed in the Biscayne Bay area within the city limits by ordinance is a maximum of twenty-five (25) miles however, the bay is posted slow speed/minimum wake west of the Intracoastal Waterway which is more than 90% of the bay within the city limits; and

WHEREAS, the enactment of this ordinance is necessary prior to requesting the posting of signage by the Florida Wildlife Commission designating the areas as a Idle Speed/ No Wake Zone and Slow Speed/Minimum Wake Zone, respectively; and

WHEREAS, the Mayor and City Council have determined that the reduction in the speed of vessels on the city's waterways is necessary to preserve the health, safety and welfare of the residents and the manatees.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. That Chapter 14 of the Code of Ordinances of the City of North Miami, Florida entitled "Parks and Recreation" is amended to read as follows:

* * * * *

ARTICLE II. MARINE ACTIVITIES

* * * * *

Section 14-16. Boats speed.

(a) It shall be unlawful for any person to operate any boat or other watercraft upon any waterway or body of water within the city at a rate of speed which causes waves to damage docks, wharves, seawalls or boats moored or tied to docks or wharves.

It shall be unlawful for any person to operate any boat or other watercraft in any of the waters in the city in such a manner as to endanger life or property.

(b) ~~The speed of boats shall not exceed five (5) miles per hour in the city; except as provided in subsection (c) of this section~~All canals located within the city shall be designated as Idle Speed/No Wake Zones and posted as same.

(c) ~~On t~~That portion of Biscayne Bay located within the city limits, ~~there shall be a maximum speed limit of twenty-five (25) miles per hour for boats~~shall be designated as Slow Speed/Minimum Wake Zone and posted as same.

* * * * *

Section 14-20. Penalties.

Any violations of this Article shall be subject to civil penalties pursuant to Chapter 2, Division 5.3 of the Code of Ordinances of the City of North Miami.

* * * * *

Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are repealed.

Section 4. **Severability.** If any word, clause, phrase, sentence, paragraph or section of this ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this ordinance.

Section 5. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article", or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 26 day of August, 2008.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 9 day of September, 2008.

KEVIN A. BURNS
MAYOR

ATTEST:

Deputy for FRANK WOLLAND
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

V. LYNN WHITFIELD
CITY ATTORNEY

SPONSORED BY: COUNCILPERSON SCOTT GALVIN

Moved by: Vice Mayor Galvin

Seconded by: Councilman Despinosse

Vote:

Mayor Kevin A. Burns	X (Yes)	____ (No)
Vice Mayor Scott Galvin	X (Yes)	____ (No)
Councilperson Michael R. Blynn	X (Yes)	____ (No)
Councilperson Jacques A. Despinosse	X (Yes)	____ (No)
Councilperson Marie Erlande Steril	X (Yes)	____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.