

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading 9-1-22)
May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to boats and
waterways; amending section
7-26 of the Code; establishing
slow speed, minimum wake
zones for certain parts of the
C-8 Canal

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: September 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Establishing a Slow Speed, Minimum Wake Zone to Protect the Safety of Residents and Visitors who use the C-8 Canal in Miami Lakes


The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "Alfredo Ramirez, III".

Alfredo Ramirez, III
Interim Public Safety Officer

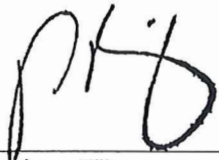
Date: September 1, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

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

The proposed ordinance amends Section 7-26 of the Code of Miami-Dade County (Code), and establishes slow speed, minimum wake zones for certain portions of the C-8 Canal. This ordinance is not anticipated to create any social equity benefit or burden.




Alfredo Ramirez III
Interim Chief Public Safety Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
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
Veto _____
Override _____

Agenda Item No. 7(B)
9-1-22

ORDINANCE NO. _____

ORDINANCE RELATING TO BOATS AND WATERWAYS;
AMENDING SECTION 7-26 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; ESTABLISHING SLOW SPEED,
MINIMUM WAKE ZONES FOR CERTAIN PARTS OF THE C-8
CANAL; PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County residents have raised safety concerns regarding the irresponsible operation of vessels on the C-8 Canal in the Town of Miami Lakes; and

WHEREAS, section 327.46(1)(b), Florida Statutes, provides that counties may establish boating-restricted areas under specified circumstances and regulate vessel speed in those areas; and

WHEREAS, under section 327.46(1)(b)2.b., the County may establish a slow speed, minimum wake boating-restricted area on a waterway if the waterway is within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet; and

WHEREAS, under section 327.46(1)(b)2.c., the County may establish a slow speed, minimum wake boating-restricted area on a waterway if the waterway is less than 75 feet in width from shoreline to shoreline; and

WHEREAS, law enforcement, including the Marine Patrol Unit of the Miami-Dade County Police Department, cannot enforce boating regulations established under section 327.46(1)(b) until the boating-restricted areas are marked on the water with uniform regulatory markers in accordance with federal and state law; and

WHEREAS, state law requires the County to obtain permits from the Florida Fish and Wildlife Conservation Commission to install uniform regulatory markers; and

WHEREAS, pursuant to sections 327.46(1)(b)2.b. and 327.46(1)(b)2.c., Florida Statutes, and to protect the safety of residents and visitors who use the C-8 Canal in Miami Lakes, this Board wishes to establish the slow speed, minimum wake zones identified in exhibit 1 to this ordinance; and

WHEREAS, the slow speed, minimum wake zones established by this ordinance either are within 300 feet of a bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet, or are on a waterway less than 75 feet in width from shoreline to shoreline, in accordance with sections 327.46(1)(b)2.b. and 327.46(1)(b)2.c., Florida Statutes; and

WHEREAS, state law provides that certain county-established boating-restricted areas must be developed in consultation and coordination 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 Town of Miami Lakes is the municipality through which the waterways subject to this ordinance pass; and

WHEREAS, the County has consulted and coordinated with the governing body of Miami Lakes, which does not object to the regulations in this ordinance,

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

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

Section 2. Section 7-26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

* * *

>>(k) 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-8 Canal at any speed greater than slow speed, minimum wake.

(1) The Slow Speed, Minimum Wake Zones of the C-8 Canal are hereby established to be: all waters on the Biscayne Canal C-8 from the west right of way line of NW 57th Avenue (Red Road) west approximately one-half mile and then north approximately 1,300 feet to the south shore of the lake; all waters on that portion of the Canal 8 Extension going from the centerline of NW 67th Avenue (Ludlam Road) west 1,482 feet and that portion of said Canal 8 Extension from the centerline of NW 67th Avenue (Ludlam Road) east 978 feet; and all waters on that portion of the Canal 8 Extension lying 150 feet east and west of the intersection of the extended centerline of Loch Doon Road with the north right of way line of said Canal 8 Extension. The Slow Speed, Minimum Wake Zones of the C-8 Canal are identified in exhibit 1, and the legal description and full-scale map of the Slow Speed, Minimum Wake Zones are on file with the Department of Transportation and Public Works or successor department.

(2) The County Mayor or County Mayor's designee shall mark the Slow Speed, Minimum Wake Zones of the C-8 Canal with uniform regulatory markers in accordance with federal and state law and shall maintain those markers.

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.

- (3) A map reflecting the boundaries of the Slow Speed, Minimum Wake Zones of the C-8 Canal shall be available on the Miami-Dade County website.
- (4) 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 of the C-8 Canal.
- (5) Violations of this section are punishable pursuant to section 327.73, Florida Statutes, as may be amended from time to time.<<

Section 3. 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 4. 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 5. 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:

Approved by County Attorney as
to form and legal sufficiency:

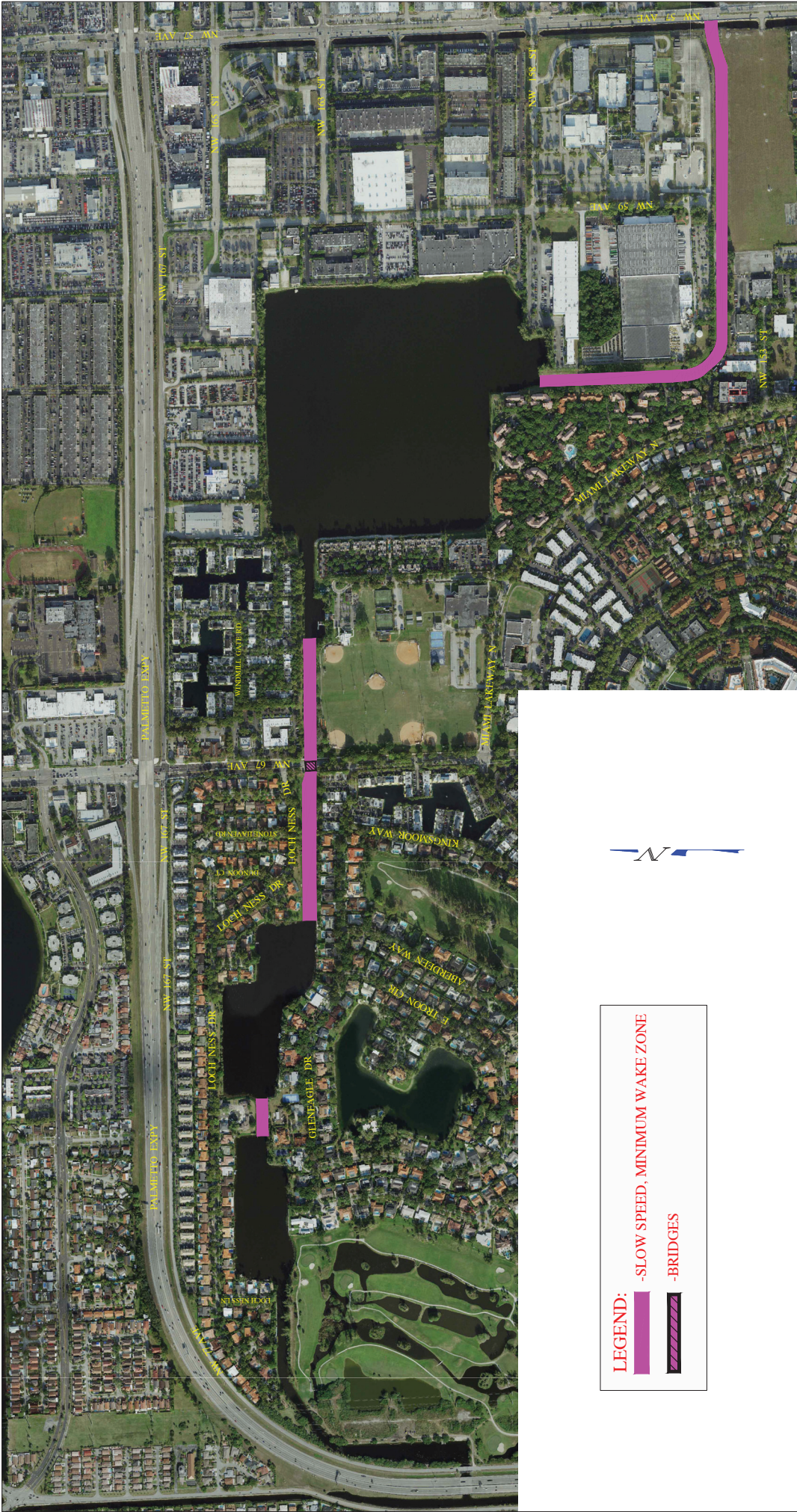
Prepared by:

Christopher J. Wahl

Prime Sponsor: Senator René García
Co-Sponsor: Senator Javier D. Souto



EXHIBIT 1



LEGEND:

- SLOW SPEED, MINIMUM WAKE ZONE
- BRIDGES



- LEGEND:**
- SLOW SPEED, MINIMUM WAKE ZONE
 - BRIDGES

