

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

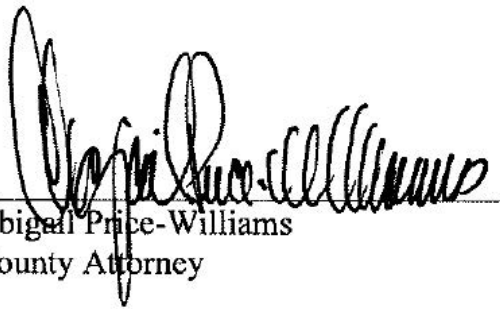
SUBJECT: Ordinance relating to boats and
waterways; amending sections 7-
25 and 7-26 of the Code; revising
certain boundaries of the C-100
Canal East Waterways; revising
slow speed, minimum wake, and
vessel exclusion zones for certain
parts of the C-100 Canal East
Waterways

Ordinance No. 20-101

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 9-9-20 Infrastructure and Capital Improvements Committee.

This substitute differs from the original item in that it adds whereas clauses to: (1) clarify the statutory authority pursuant to which the ordinance would establish boating-restricted areas; and (2) clarify that the ordinance would comply with certain applicable statutory requirements.

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/uw

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Relating to Boats and Waterways; Certain
Boundaries of the C-100 Canal East Waterways

The implementation of this ordinance would result in a fiscal impact to the County of approximately \$17,000. This onetime cost includes fabrication, installation, and spare sign panels. A reoccurring cost is difficult to determine at this time as this is not a standard maintenance activity performed by the Department of Transportation and Public Works.

A handwritten signature in blue ink, appearing to read "Jennifer Moon".

Jennifer Moon
Deputy Mayor

Date: October 6, 2020

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

From: Carlos A. Gimenez 
Mayor

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

The proposed ordinance amends Sections 7-25 and 7-26 of the Code of Miami-Dade County (Code), revising boundaries, slow speed, minimum wake, and vessel exclusion zones for certain portions of the C-100 East Canal Waterways.

Section 7-26(j) of the Code currently provides for both the slow speed, minimum wake zones, as well as vessel exclusion zones on the C-100 Canal East Waterways. However, law enforcement cannot enforce these boating regulations until the zones are marked with uniform regulatory markers obtained from the Florida Fish and Wildlife Conservation Commission. The Florida Fish and Wildlife Conservation Commission will not issue permits to Miami-Dade County for the installation of regulatory markers until the Code is revised to better clarify where the slow speed, minimum wake, and vessel exclusion zones begin and end. The proposed ordinance will allow the Miami-Dade Police Department to enforce these safety regulations in the best interest of Miami-Dade County residents and visitors who use the C-100 Canal East Waterways.



Maurice L. Kemp
Deputy Mayor

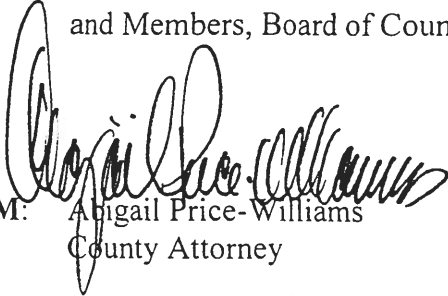


MEMORANDUM

(Revised)

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

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

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(A)
10-6-20

ORDINANCE NO. _____ 20-101

ORDINANCE RELATING TO BOATS AND WATERWAYS;
AMENDING SECTIONS 7-25 AND 7-26 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA; REVISING CERTAIN
BOUNDARIES OF THE C-100 CANAL EAST WATERWAYS;
REVISING SLOW SPEED, MINIMUM WAKE, AND VESSEL
EXCLUSION ZONES FOR CERTAIN PARTS OF THE C-100
CANAL EAST WATERWAYS; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

>>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.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, under section 327.46(1)(b)3.b., the County may establish a vessel-exclusion zone on a waterway if the area is within 300 feet of a flood control structure; and<<¹

WHEREAS, section 7-26(j) of the Code of Miami-Dade County, Florida, provides for both (i) slow speed, minimum wake zones and (ii) vessel exclusion zones on the C-100 Canal East Waterways, which are certain parts of the C-100, C-100A, C-100B, and C-100C Canals east of State Road 5/U.S. 1; and

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

WHEREAS, law enforcement, including the Marine Patrol Unit of the Miami-Dade County Police Department, cannot enforce the boating regulations set forth in section 7-26(j) until the zones 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 (“FWC”) to install uniform regulatory markers; and

WHEREAS, FWC will not issue permits to the County until the County revises its boating regulations on the C-100 Canal East Waterways to better clarify where the slow speed, minimum wake, and vessel exclusion zones begin and end; and

WHEREAS, >>pursuant to sections 327.46(1)(b)2.c. and 327.46(1)(b)3.b., Florida Statutes, and<< to further protect the safety of residents and visitors who use the C-100 Canal East Waterways, this Board therefore wishes to (1) revise certain boundaries of the C-100 Canal East Waterways, and (2) revise the slow speed, minimum wake, and vessel exclusion zones on the C-100 Canal East Waterways to better clarify where those zones begin and end; and

>>WHEREAS, the slow speed, minimum wakes zones on the C-100 Canal East Waterways shall be on waterways less than 75 feet in width from shoreline to shoreline, in accordance with section 327.46(1)(b)2.c.; and

WHEREAS, the vessel exclusion zones on the C-100 Canal East Waterways shall be on waterways within 300 feet of a flood control structure, in accordance with section 327.46(1)(b)3.b.; and<<

WHEREAS, state law provides 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,

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

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

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

* * *

- (f) *C-100 Canal East Waterways* as used ~~[[herein]]~~>>in this article<< 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]]~~>>south of SW 120th Street and west of SW 69th Avenue; all waters of the Bigman Canal connected to the C-100A Canal just east of SW 77th Court; all waters of the waterway connecting the Bigman Canal to the S-700 pump station<<; 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 >>and east of State Road 5/U.S. 1; and all waters of the Bel-Aire Canal connected to the C-100C Canal just north of SW 184th Street and just west SW 87th Avenue<<.

² 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 2. 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 >>all waters except those identified in exhibit 1 as Vessel Exclusion Zones or Normal Speed Zones. 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.<< ~~[[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]]~~>>identified as such in exhibit 1. The legal description and full-scale map of the Vessel Exclusion Zones are on file with the Department of Transportation and Public Works or successor department.<<

- (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 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: October 6, 2020

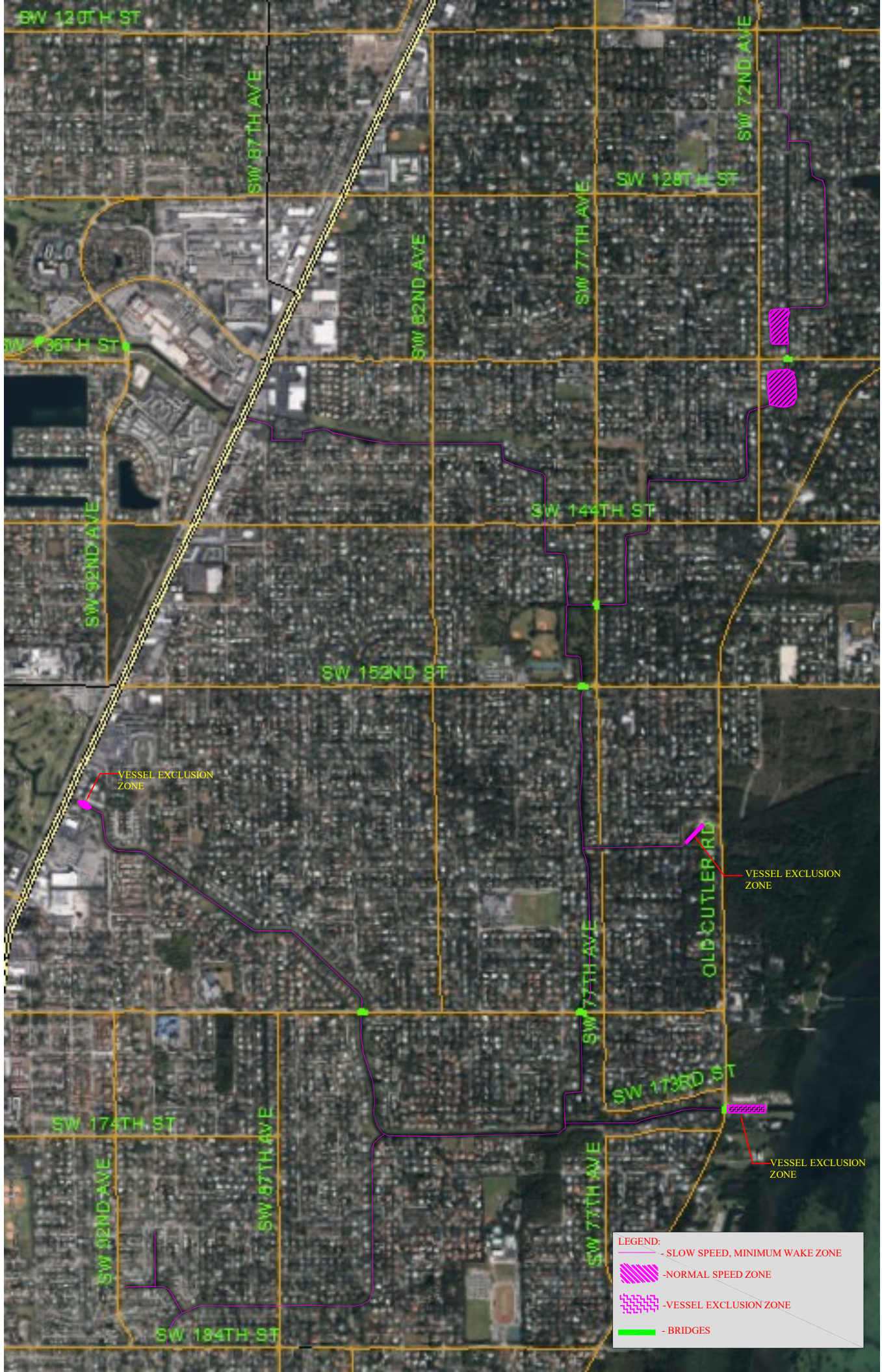
Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Christopher J. Wahl

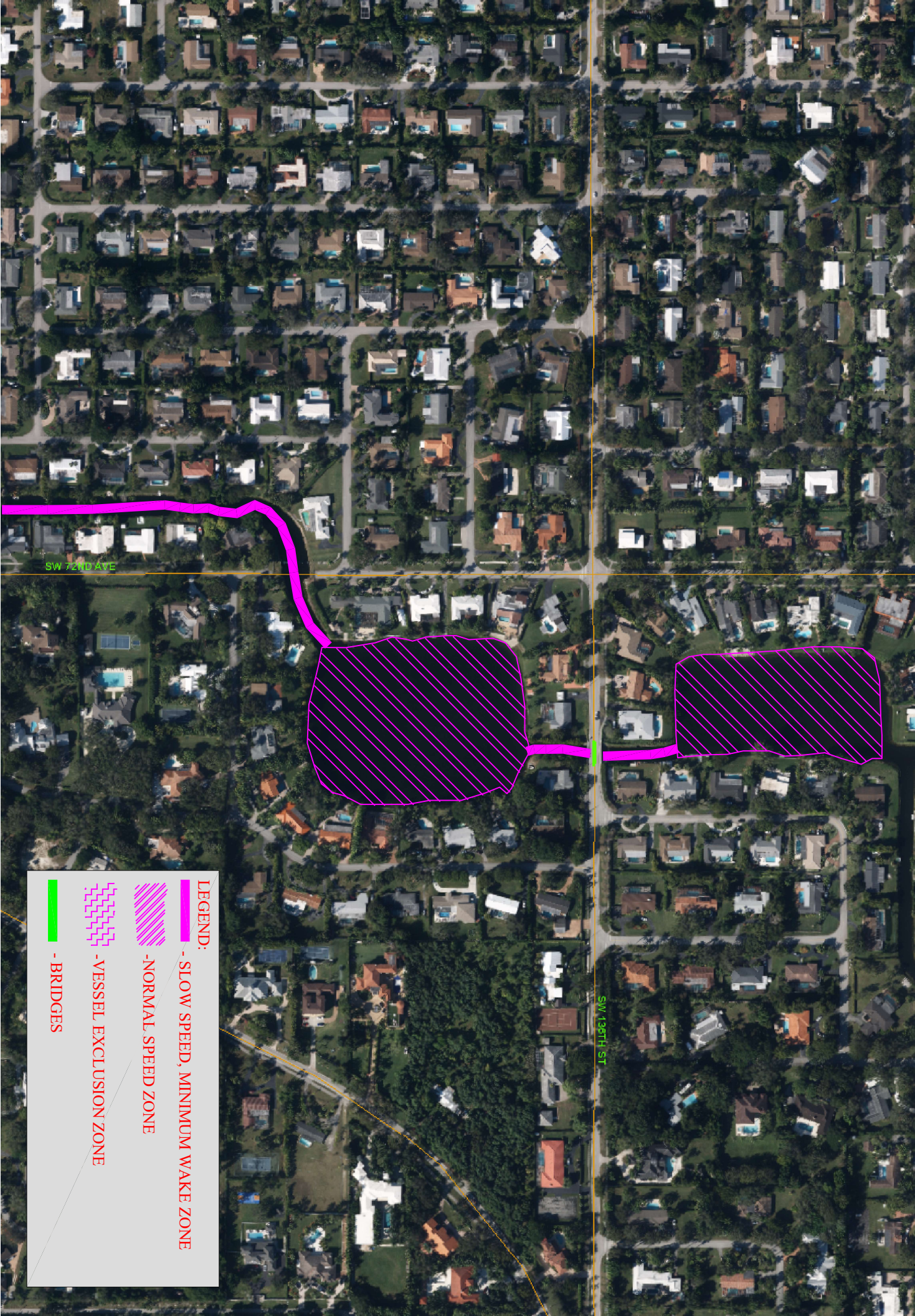
Prime Sponsor: Commissioner Daniella Levine Cava

APW
CJW

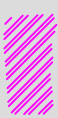


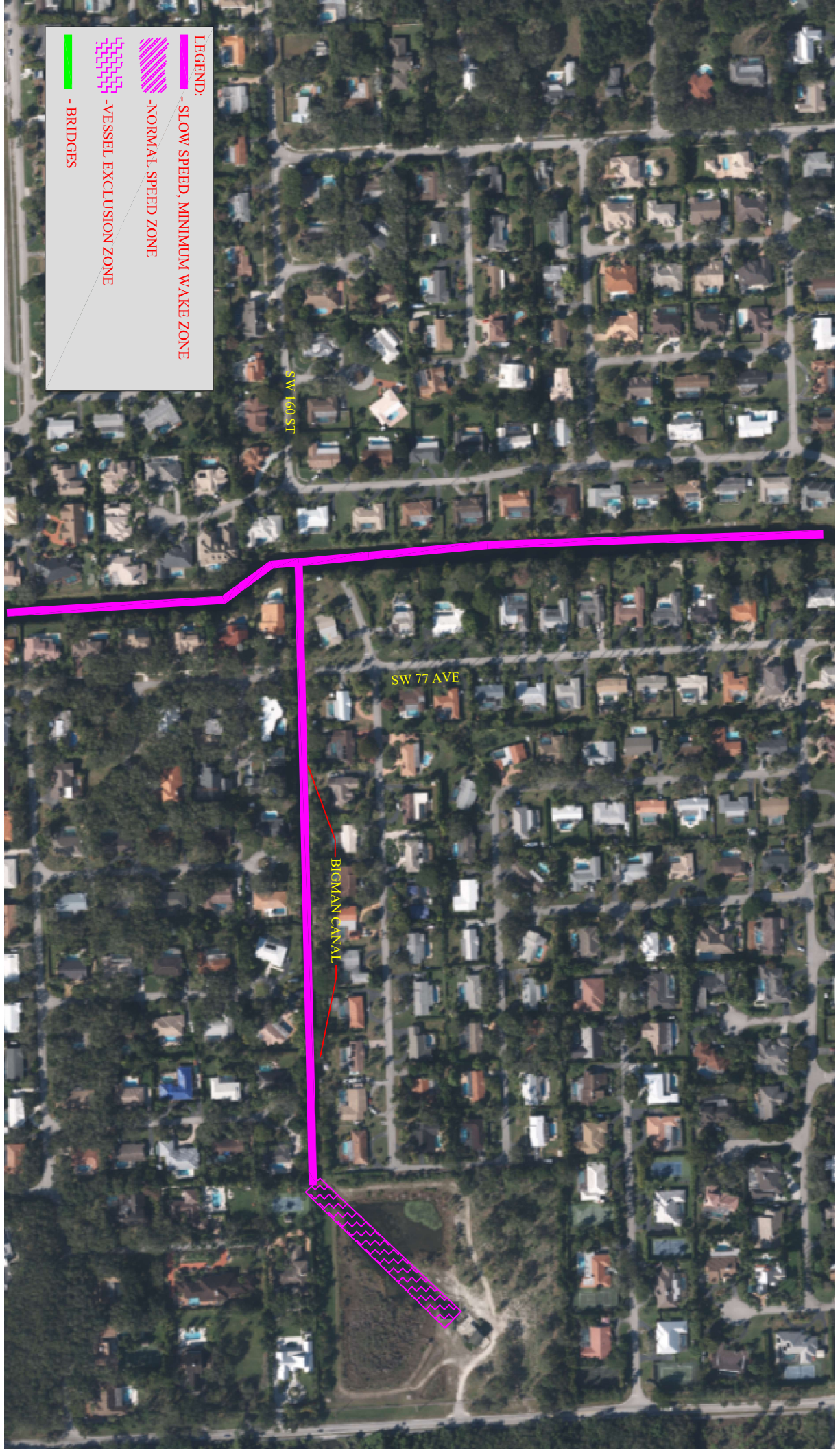
LEGEND:

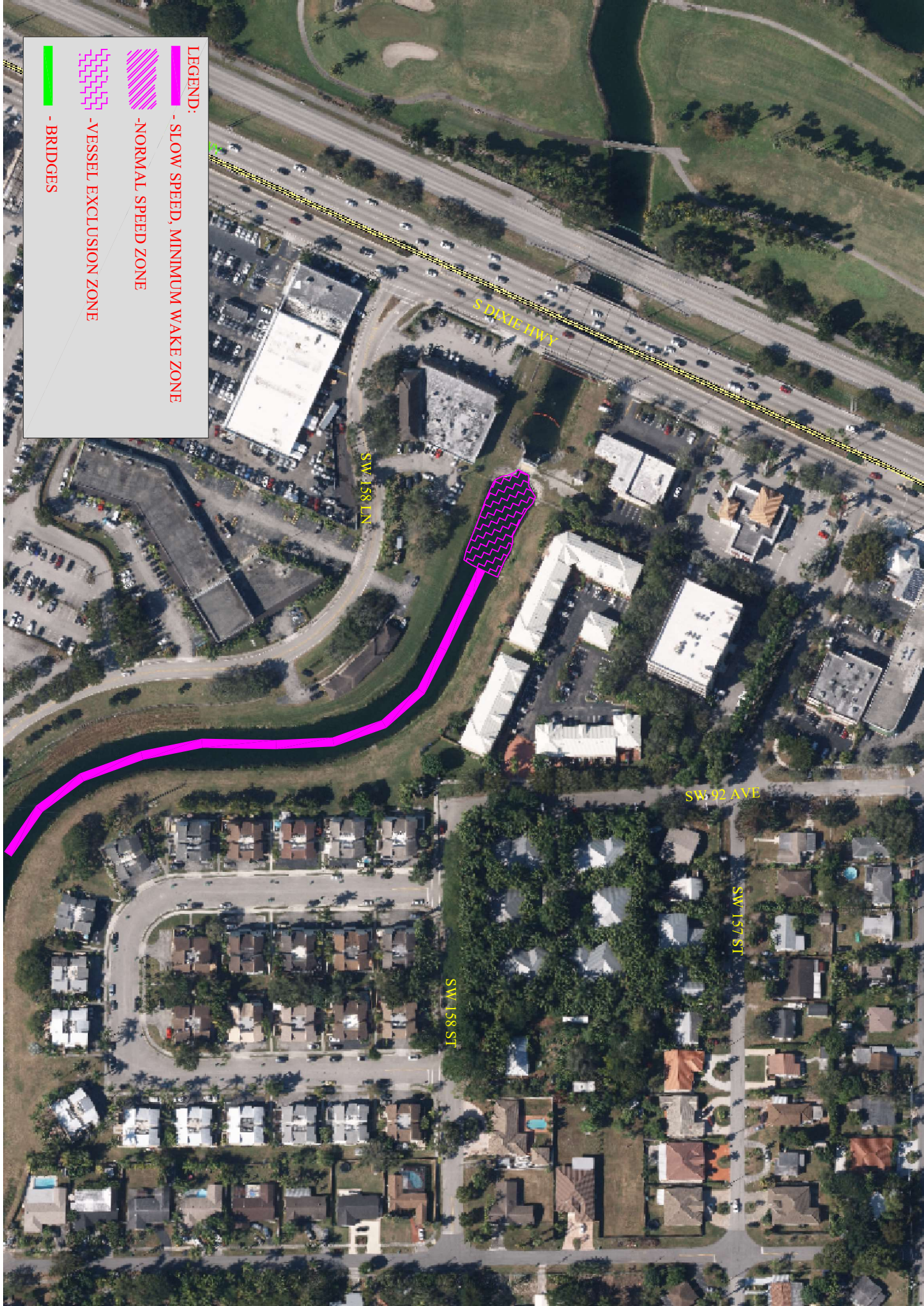
- SLOW SPEED, MINIMUM WAKE ZONE
- NORMAL SPEED ZONE
- VESSEL EXCLUSION ZONE
- BRIDGES



LEGEND:

-  - SLOW SPEED, MINIMUM WAKE ZONE
-  - NORMAL SPEED ZONE
-  - VESSEL EXCLUSION ZONE
-  - BRIDGES





LEGEND:

- SLOW SPEED, MINIMUM WAKE ZONE

- NORMAL SPEED ZONE

- VESSEL EXCLUSION ZONE

- BRIDGES

