

## Chapter 130

### WATERWAYS\*

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\* **Charter References:** General powers of county, § 2.01.

**Cross References:** Fresh water conservation board, § 2-251 et seq.; water and navigation control authorities, § 2-271 et seq.; game and fish, § 14-86 et seq.; environment, ch. 58; stormwater pollution, § 58-236 et seq.; parks and recreation, ch. 90.

**State Law References:** General powers of chartered counties, Fla. Const. art. VIII, § 1(g).

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**ARTICLE I.**

**IN GENERAL**

**Sec. 130-1. Grant of submerged lands by state.**

(a) The State of Florida hereby grants for itself and the trustees of the internal improvement fund to Pinellas County, a political subdivision of the State of Florida, for public recreational purposes, right-of-way for state and county roads and for navigational purposes only, all its right, title and interest insofar as same can be granted to all submerged and partly submerged lands and islands described as follows:

Beginning at the NW corner of the SW 1/4 of SW 1/4 of Section 11, Township 32, Range 16 East, run S. 0° 05' W. 626.72 feet to a point designated as point "section" in deed no. 19885 (Trustees of the Internal Improvement Fund of State of Florida to state road department of State of Florida) thence N. 89° 48' 55" W. 2000 feet to the west line of aforesaid deed no. 19885, for a point of beginning; thence S. 0° 11' 05" W. along said west line 2137.29 feet; thence continuing along said west line by a curve to the left radius 7,729.65 feet, arc 341.28 feet, chord S. 1° 04' 49" E. 341.21 feet; thence S. 2° 20' 42" E. 16,123.09 feet; thence by a curve to the left, radius 7720.65 feet, arc 3189.97 feet, chord S. 14° 10' 04" E. 3167.38 feet; thence S. 25° 59' 15" E. 4325.66 feet; thence S. 64° 00' 45" W. 21,592.38 feet; thence west 2,500.00 feet; thence N. 5° 54' 42" W. 14,655.67 feet to the centerline of Bunces Pass; thence S. 75° E. along said centerline 6,000 feet; thence continue along said centerline N. 71° 21' 38" E. 6,541.85 feet; thence N. 2° 20' 42" W. 19,544.77 feet on a line parallel to and 10,800.00 feet west from the centerline of the lower Tampa Bay bridge and causeway; thence N. 87° 39' 18" E. 8,901.93 feet to the point of beginning.

Less the following: A parcel of submerged land in Section 34, Township 32 South, Range 16 East and Section 3, Township 33 South, Range 16 East, described as follows: Starting at the NW corner of the SW 1/4 of SW 1/4 of Section 11, Township 32 South, Range 16 East, run thence S. 0° 11' 05.5" E. 2764.01 feet along the westerly line of said Section 11, Township 32 South, Range 16 East and the westerly line of said Section 11, Township 32 South, Range 16 East extended; thence by a curve concave to the easterly arc 252.98 feet, chord S. 1° 5' 48" E. 252.95 feet; radius 5729.65 feet; thence S. 2° 20' 41.6" E. 14895.09 feet; thence S. 65° 39' 18.5" W. 2157.07 feet to a point of beginning; thence S. 65° 39' 18.4" W. 1615.77 feet; thence by a curve concave to the easterly arc 2971.09 feet, chord S. 12° 43' 26" E. 2958.28 feet, radius 9229.65 feet; thence N. 65° 39' 18.4" E. 1501.56 feet; thence by a curve concave to the easterly arc 2580.05 feet, chord N. 11° 54' 25.6" W. 2568.08 feet, radius 7729.65 feet; thence N. 2° 20' 41.6" W. 419.95 feet to the point of beginning. All lying in and being a part of Section 34, Township 32 South, Range 16 East and Section 3, Township 33 South, Range 16 East, Pinellas and Hillsborough counties, Florida. Containing in all 105.08, acres more or less.

Also less Whale Island, together with an area of 200 feet surrounding the circumference thereof, except in the direction of Bush Key and in that respect an area not more than one-half the distance to Bush Key

or 200 feet, whichever is less. Any person or persons having right, title or interest in said Whale Island shall have the right of ingress and egress to the Bunces Pass by the shortest route.

(b) A chart or plat showing the above-described land shall be filed for record in the office of the secretary and engineer of the trustees of the internal improvement fund of the State of Florida, and in the office of the clerk of the Circuit Court in and for Pinellas County, Florida.

(c) This grant [section] shall not affect any other grant heretofore made by the trustees of the internal improvement fund of the State of Florida to any individual, corporation, or public body, nor shall it affect the right of the trustees of the internal improvement fund to lease to the United States, within two years from the date of this section, the island known as Bush Key, sometimes known as Tarpon Key, and the submerged bottoms around the same for a distance outward from said Key to 250 yards, as a wildlife sanctuary.

(d) Owners of submerged lands abutting on the boundaries of the area described in this grant may obtain such fill soil from within said area, in such amounts and from such places as the board of county commissioners of Pinellas County may permit, as will create, widen or deepen channels for navigation within said area, provided, however, that such fill soil is purchased from the trustees of the internal improvement fund at the time the abutting submerged land is acquired.

(e) This legislative conveyance is granted upon the express condition subsequent that Pinellas County shall never sell or convey or lease the above described lands or any part thereof to any private persons, firm or corporation for private use or purpose, it being the intention of this restriction that said lands shall be used solely for public recreational purposes, rights-of-way for state or county roads and navigational purposes.

(f) Pinellas County, prior to undertaking to develop the lands described herein for public recreational purposes, shall obtain written approval by the trustees of the internal improvement fund that such proposed development is a public recreational purpose authorized by this section.

(g) In the event the above described lands cease to be used for public recreational purposes, rights-of-way for state or county roads and navigational purposes, or said lands are developed for purported public recreational purposes without approval of the internal improvement fund, title shall at once revert to the State of Florida.

(Laws of Fla. ch. 30400(1955), §§ 1--7)

**Editors Note:** The act contained in the above section retains its status as a special act due to its subject matter. The source of the section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

## **Sec. 130-2. Honeymoon Island, setback line for coastal construction on certain landfill portions; variances; penalties.**

(a) In order to preserve the health, safety and welfare of the residents of Honeymoon Island in the

county, the legislature has determined that the construction setback requirements provided in this section are necessary.

(b) No person, firm, corporation, municipality, or public agency shall construct any building, seawall, revetment or other structure incidental to or related to such structure, including but not limited to such attendant structures or facilities as a patio, swimming pool or garage, within 600 feet of the line of mean high water at any riparian location on Honeymoon Island in the county, which is created by landfill operations, upon lands which on the effective date of this section were seaward of the line of mean high water.

(c) A waiver or variance of the setback requirements set out in subsection (b) of this section may be authorized by the county for the construction, when otherwise authorized as provided by law, of pipelines, utilities or piers unless it is determined by the county that the construction of such projects would cause erosion of the beaches.

(d) Any coastal structure erected in violation of the provisions of this section is hereby declared to be a public nuisance, and such structure shall be forthwith removed upon written notice by the board of county commissioners. In the event that, within a reasonable time, the structure is not removed as directed, the board of county commissioners may remove such structure at its own expense and the costs thereof shall become a lien upon the property of the upland owner upon which such unauthorized structure is located.

(Laws of Fla. ch. 70-903, § 1)

**Editors Note:** The act contained in the above section assumed ordinance status pursuant to charter § 5.02.

**Cross References:** Buildings and building regulations, ch. 22; environment, ch. 58; natural resources, ch. 82; environmental and natural resource protection, ch. 166.

**Secs. 130-3--130-30. Reserved.**

## **ARTICLE II.**

### **PUBLIC LAKE IMPROVEMENTS\***

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\* **Cross References:** Natural resources, ch. 82; special assessments, ch. 110.

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**Sec. 130-31. Areas embraced.**

The provisions of this article shall embrace only the unincorporated areas of the county.  
(Ord. No. 76-9, § 14, 5-18-76)

**Sec. 130-32. Authority to undertake maintenance programs.**

The board of county commissioners is hereby authorized to undertake programs for the clearing of aquatic growth, decayed matter and otherwise cleaning and providing for the maintenance or improvement of public lakes within the unincorporated areas of the county.  
(Ord. No. 76-9, § 2, 5-18-76)

**Sec. 130-33. Authority to contract for control of aquatic growth; performance by county.**

(a) The board of county commissioners is authorized to enter into contracts with firms providing chemical or mechanical control of aquatic growth found in lakes or who dredge or otherwise remove decayed matter from such bodies of water. When found to be within the capability of county forces, the board may direct that such improvements be accomplished by county personnel.

(b) When improvements authorized under this section are ordered, the board of county commissioners shall designate the county engineer or other officer or agent to file with the clerk of the circuit court a copy of plans or specifications or other documentation and an estimate of the cost of making the improvements, together with an estimate of incidental expenses, including preliminary and other surveys, inspections and control of work, preparation of engineering and legal documents, fees and other expenses necessary or proper in connection therewith.

(Ord. No. 76-9, § 3, 5-18-76)

#### **Sec. 130-34. Assessment of costs of maintenance.**

The entire cost of maintenance or improvements provided under this article shall be assessed against the properties specially benefited by such improvements. Such assessments shall be directly proportionate to the benefits of the property.

(Ord. No. 76-99, § 4, 5-18-76)

#### **Sec. 130-35. Petition for improvements.**

(a) Upon submission of a written petition signed by the owners of 50 percent of the lots or assessment units which comprise real estate as described in such petition and which abut upon the proposed public lake improvement project area or are otherwise specially benefited by such improvements, such owners may request the board of county commissioners to make such improvements to such public lake and at such estimated costs as are stated in the petition. A description of the proposed improvements and the estimated cost shall be stated upon the petition form by the county engineer or other officer or agent prior to circulation of the petition among owners. The petition shall also state that the board is requested to assess the entire cost of such improvements against the properties specially benefited thereby.

(b) The board of county commissioners, upon finding that the petition under this section is sufficient in form, substance and execution, may by resolution order the improvement to be made and may assess against the property to be specially benefited by such improvement that portion of the cost which the board has designated, paying as a county charge any remaining cost.

(Ord. No. 76-9, § 5, 5-18-76)

#### **Sec. 130-36. Funding of improvements.**

Improvements under this article shall be funded through the levy of a special assessment against all property specially benefited thereby in accordance with an assessment roll confirmed and approved by the board of county commissioners.

(Ord. No. 76-9, § 6, 5-18-76)

#### **Sec. 130-37. Special benefits proration criteria.**

In the preparation of assessment rolls and in the determination of assessment costs of improvements against property under this article, it is hereby established that such special benefits shall be prorated in accordance with the following criteria:

- (1) Where individual platted subdivision lots abut or are located alongside the public lake, all such lots shall be assessed equal in benefits except for individual parcels which have twice or more square footage than the smallest lot. In such cases, each multiple of double square footage or portion thereof shall be assessed as an individual lot.
- (2) Where individual platted subdivision lots do not directly abut or lie alongside the public lake but are separated from such lake only by unimproved, dedicated public rights-of-way or easement, then such lots shall be assessed as being equally benefited as those lots which do abut or lie alongside the same public lake.
- (3) Where large parcels or unplatted tracts abut or lie alongside a public lake which also has small lots one-half acre or less in size and either platted or unplatted, then each 150 feet of such parcels or portions thereof, as measured along the largest perimeter dimension, shall be assessed as an individual lot.
- (4) Where a dedicated improved street abuts or lies alongside a public lake, then each 150 feet of such street or portion thereof, as measured along the centerline of the street, shall be assessed as an individual lot. Such portion of the total project assessment shall be paid by the county.

(Ord. No. 76-9, § 7, 5-18-76)

**Sec. 130-38. Preparation of report of cost and preliminary assessment roll for improvements; approval of roll.**

Upon completion of the project and confirmation of final cost, the county engineer and the clerk of the circuit court shall prepare and present to the board of county commissioners a report of the cost of such improvement together with the preliminary assessment roll. The report of cost shall show the total cost of the improvement, including incidental expenses and that portion of the total cost chargeable to each lot and parcel of land within the improvement project area which specially benefits by the improvements for which the assessments are made.

The board shall thereupon review the report of cost and the preliminary assessment roll, if they are in proper form, and they shall be placed on file in the office of the clerk of the circuit court. The preliminary assessment roll shall be advertised once each week for two successive weeks in a newspaper of general circulation in the county, together with a notice to be signed by the clerk stating that the preliminary assessment roll has been examined and approved by the board and that the board will sit at a certain hour on a certain day not earlier than three days after the final publication of such notice, for the purpose of hearing objections to such preliminary assessment roll. At least ten days prior to the date of such hearing, the clerk shall also send by first class mail to each person whose name and address is known or may reasonably be ascertained, who is the owner of any lot or parcel of land assessed, a notice advising him of the nature of the improvement, the cost thereof, the specific amount of assessment made against each lot or parcel of land so owned by him or listed in his name, and of the place, date and time of the hearing upon the assessments as provided in this section.

(Ord. No. 76-9, § 8, 5-18-76)

**Sec. 130-39. Hearing upon, confirmation and approval of assessment roll.**

(a) At the time specified in the notice provided for in section 130-38, the board of county commissioners shall meet and receive objections of all interested persons to the assessments and the accuracy and the amount thereof against any lot or parcel of land owned by such interested persons. At such hearing or thereafter at a definite time announced at such hearing, the board shall either annul, sustain or modify, in whole or in part, the special assessment roll according to the special benefits which the board determines each lot or parcel of land has received as a result of such improvement.

(b) If any property which may be chargeable under this article with special benefits by reason of such improvement shall have been omitted from the assessment roll, the board of county commissioners may place such property on the roll, and assess a proper apportionment of the cost of the improvement against such property. The board may thereupon by resolution confirm and adopt the roll but shall not confirm any assessment in excess of the special benefits to the property, and the assessment so confirmed shall be in proportion to such special benefits. The board, in such resolution, shall levy the special assessments against all such lots or parcels of land in accordance with the assessment roll so confirmed and adopted. If the assessment against any particular lot or parcel of land shall be reduced by the board, then the board shall authorize and require a reassessment for the improvement in order to absorb such reduction or reductions. Any such reassessment shall be made in accordance with the provisions of this article, upon notice and hearing, and in all respects in the manner prescribed for the original special assessment. Upon confirmation and approval of the assessment roll by the board, the roll and each individual assessment shall be final and conclusive, unless a suit be filed in a court of proper jurisdiction attacking such assessment, in whole or in part, within ten days after such confirmation and approval, in which event such assessment or assessments as shall be so attacked shall await the disposition of such suit or suits, and shall abide the ultimate decree or judgment of such court or courts concerning the same.

(Ord. No. 76-9, § 9, 5-18-76)

**Sec. 130-40. Filing of assessment roll; effect of filing.**

Upon becoming final by the confirmation and approval of the board of county commissioners, the improvement project area assessment roll shall be filed in the office of the clerk of the circuit court. From the date of such filing, the assessments shall constitute liens upon the properties assessed coequal with the lien of general county taxes including ad valorem taxes and shall be superior in rank to all other liens, titles and claims. The assessments shall be collectible and shall be entitled to sale and forfeiture in the same manner and with the same attorney's fee, interest and penalties for default in payment as general county taxes. Collection may also be effected by foreclosure in a court of equity, according to the laws then existing for the foreclosure of mortgages, and it shall be lawful to join in any such complaint for foreclosure any real property by whomsoever owned, if assessed for the same improvement made under the provisions of the article. Failure to pay any installment of principal or interest of any assessment when due shall, without notice or proceedings, cause all installments of principal remaining unpaid to be forthwith due and payable with interest due thereon at the date of default.

(Ord. No. 76-99, § 10, 5-18-76)

**Sec. 130-41. When assessment liens due; payment in installments.**

All assessment liens under this article shall be due and payable at the office of the tax collector of the

county 30 days after the date of the recording of the assessment roll. All assessment liens not paid within such period shall become payable in not more than ten equal annual installments, the number to be determined by the board of county commissioners at the time of the confirmation and approval of the assessment roll, with interest at not more than eight percent per annum from the date due; but any assessment lien becoming so payable in installments may be paid in full at any time, together with interest accrued thereon to the last day of the calendar quarter in which such payment is made.

(Ord. No. 76-9, § 11, 5-18-76)

**Sec. 130-42. New assessment in case of defective assessment.**

If any special assessment made under the provisions of this article to defray the whole or any part of the expense of any improvement shall be either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the board of county commissioners shall be satisfied that any such assessment is so irregular or defective that the assessment cannot be enforced or collected, or if the board shall have omitted to make such assessment when it might have done so, the board shall take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or against any property benefited by any improvement, following as nearly as may be possible the provisions of this article. In the event such second assessment shall be annulled, the board may obtain and make additional assessments until a valid assessment shall be levied.

(Ord. No. 76-9, § 12, 5-18-76)

**Sec. 130-43. Effect of irregular, illegal proceedings.**

The purpose of this article being to provide an economical method by which local improvements in unincorporated areas of the county may be made, it is hereby declared that no irregularity or illegality in connection with any of the proceedings authorized in this article shall affect the validity of such proceedings nor the special assessments levied thereunder nor any contracts issued or executed pursuant thereto unless such irregularity or illegality shall substantially affect the rights of the county, its inhabitants or the owners of the properties assessed for such improvements.

(Ord. No. 76-9, § 13, 5-18-76)

**Secs. 130-44--130-73. Reserved.**

**ARTICLE III.**

**BOATS AND WATER SAFETY**

**DIVISION 1.**

**GENERALLY**

**Sec. 130-74. Authority.**

This article is adopted pursuant to F.S. chs. 125 and 327, and Laws of Fla. Ch. 31182 (1955), as amended, and Chapter 134, Article III of the Pinellas County Land Development Code, as amended.

(Ord. No. 00-93, § 14, 11-14-00)

**Sec. 130-75. Purpose and intent.**

The purpose of this article is to establish regulatory zones in the waters of Pinellas County that limit vessels within such waters by regulating speed and/or access within certain areas. The intent of such regulation is to protect the citizenry of the county by limiting the operation of vessels where such operation is deemed to create a hazard to persons or property. It is furthermore the intent of this article to limit vessel operation where to do so would minimize damage to and promote the preservation, recovery and expansion of aquatic habitats and the wildlife therein.

(Ord. No. 00-93, § 15, 11-14-00)

**Sec. 130-76. Penalty for violation of article.**

(a) Except as otherwise provided, violations of this article are punishable as provided in section 1-8.

(b) All provisions of this article may be enforced by all authorized law enforcement officers as well as the board or its designated representatives.

(c) Any governmental employee or officer or authorized agent thereof, while performing duties pursuant to this article or other law within their official capacity, are hereby exempted from the prohibitions contained within this article. However, reasonable efforts must be made by these individuals to avoid damage to aquatic habitat.

(d) Any vessel operator experiencing a health, safety or welfare emergency, including but not limited to mechanical difficulties with the vessel, which may result in severe personal or property damage, is hereby exempted from the prohibitions contained within this article.

(Ord. No. 00-93, § 16, 11-14-00)

**Sec. 130-77. County registration fee.**

(a) *Imposed.* The county hereby imposes an annual registration fee of 50 percent of the applicable state registration fees on vessels operated or stored within the county.

(b) *Remittance and disposition of fees.* The first \$1.00 of every registration fee imposed under this section shall be remitted to the state for deposit in the "save the manatee trust fund" for expenditure solely on activities related to the preservation of manatees. All other monies received from such fees shall be expended for marine patrols operating out of the sheriff's department within the county.

(Ord. No. 89-40, §§ 1, 2, 9-12-89)

**Cross References:** Taxation, ch. 118.

**State Law References:** Authority to impose above fee, F.S. § 327.22(2).

**Sec. 130-78. Reserved.**

**Editors Note:** Ord. No. 00-93, § 17, adopted Nov. 14, 2000, repealed § 130-78 which pertained to the restricted area around Fred Howard Park Causeway and derived from Ord. No. 89-23, §§ 1--4, adopted May 16, 1989.

**Sec. 130-79. Reserved.**

**Editors Note:** Ord. No. 00-93, § 18, adopted Nov. 14, 2000, repealed § 130-79 which pertained to speed of watercraft on Lake Chautauqua and derived from Ord. No. 85-11, §§ 1--3, adopted June 4, 1985.

**Sec. 130-80. Reserved.**

**Editors Note:** Ord. No. 00-93, § 19, adopted Nov. 14, 2000, repealed § 130-80 which pertained to use of internal combustion engines prohibited on waters of Lake Seminole Bypass Canal and derived from Ord. No. 88-37, §§ 1--3, adopted Sept. 27, 1988.

**Sec. 130-81. Speed of watercraft on Allen's Creek Estuary.**

(a) The speed limit on Allen's Creek Estuary, which includes Allen's Creek and its tributaries, located south of Belleair Road and east of Keene Road to the mouth of Allen's Creek at Largo Inlet, in Pinellas County, is five miles per hour with no wake.

(b) Any person who operates a boat, vessel or other watercraft in excess of the posted speed limit of five miles per hour commits a noncriminal infraction and is subject to imposition of a civil penalty of \$35.00.

(c) The Florida Marine Patrol shall designate where speed limit signs shall be located. Pinellas County shall bear the cost of providing and erecting such signs.  
(Laws of Fla. ch. 87-425, §§ 1--3)

**Editors Note:** The act contained in the above section retains its status as a special act because it was adopted after the county charter. See charter § 5.02. The source of the section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

**Secs. 130-82--130-96. Reserved.**

**DIVISION 2.**

**IDLE SPEED (NO WAKE) ZONES\***

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\* **Editors Note:** Ord. No. 00-93, §§ 20--25, adopted Nov. 14, 2000, enacted new provisions intended for use as §§ 130-82--130-87. In order to place the new sections in Div. 2, and to maintain Code format, the provisions of Ord. No. 00-93 have been set out herein as §§ 130-97--130-102 at the discretion of the editor.

**State Law References:** Penalty for violations, F.S. § 370.73.

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**Sec. 130-97. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aquatic habitat* means submerged and partially submerged habitats, including but not limited to subtidal flats, oyster bars, live bottom reefs, seagrass beds, lakes, rivers and streams.

*Board* means the Board of County Commissioners of Pinellas County, Florida.

*Combustion motor exclusion zone* means an area where the entry of vessels being propelled or powered by an internal combustion engine is prohibited. These zones do not apply to vessels using other means of propulsion (e.g., sails, oars, poles, etc.) or to vessels equipped with an internal combustion engine when such engine is not in use.

*Idle speed/no wake zone* means that a vessel operating within any such area must be throttled down to the point where the engine is just above a stall. At idle speed, a boat or vessel should cast little or no wake.

*Internal combustion engine* means any engine in which the combustion of fuel generates the heat necessary for power. The reaction takes place inside the engine proper.

*No entry zone* means an area where no vessel of any kind, whether power-driven or non-motorized shall be permitted within the designated area. No other vessel or flotation device, including but not limited to a seaplane, sailboard, surfboard or other like object intended for or capable of use as a means of transportation on the water, shall be permitted within the designated area.

*Person* means any person, firm, corporation, municipality, township or any other public agency.

*Shallow water caution zone* means an area where aquatic flora and fauna, such as, but not limited to, seagrasses, manatees, and oyster bars, exist or would be expected to exist in abundance and vessel operators are advised to use caution so as not to cause any propeller damage or otherwise disturb the aquatic flora and fauna.

*Slow speed/minimum wake zone* means that a vessel operating within any such area must be fully off plane and completely settled into the water. It may not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

*Vessel* is synonymous with boat, as referenced in Section 1(b), Article VII of the Florida Constitution and includes every description of watercraft, barge, and airboat.  
(Ord. No. 00-93, § 20, 11-14-00)

### **Sec. 130-98. Criteria for establishing zones.**

The board may establish idle speed/no wake zones, slow speed/minimum wake zones, combustion motor exclusion zones, no entry zones, or shallow water caution zones, as determined appropriate by the board, based upon the following criteria:

- (1) Whether the unrestricted use of boats or vessels may create hazards to persons or property by virtue of the shape, size, or normal traffic levels of the subject waterway.
- (2) Whether the unrestricted use of vessels may create hazards to persons by virtue of the frequent use of the subject waterway for swimming or bathing.
- (3) Whether the unrestricted use of vessels unreasonably restricts the normal or historic use for navigation or the safe operation of vessels in the subject waterway.

- (4) Whether the unrestricted use of vessels or the adverse impacts of such use may result in harm to marine resources or aquatic habitat in the subject waterway.
- (5) Whether the unrestricted use of vessels or the adverse impacts of such use is consistent with the comprehensive plan of the county.
- (6) Whether the unrestricted use of vessels will significantly affect endangered, threatened species, or species of special concern when reasonable scientific judgment indicates that the subject water body or its associated upland provides a function, including but not limited to nesting, reproduction, food source, habitat, or cover, for such species or whether the vegetation itself is endangered, threatened, or a species of special concern.
- (7) Whether the unrestricted use of vessels will significantly impair the available habitat for wildlife existence and reproduction, or result in the emigration of wildlife from adjacent or associated ecosystems and macrohabitats.
- (8) Whether the unrestricted use of vessels will have an adverse impact upon existing biological and ecological systems; or
- (9) Whether the unrestricted use of vessels is the primary causative factor preventing recovery of an impaired system or aquatic habitat in the subject waterway or whether restricting use would allow conditions to exist which are favorable to the managed recovery or restoration of the waterway.

(Ord. No. 00-93, § 21, 11-14-00)

#### **Sec. 130-99. Posting.**

The restrictions contained in this article shall be as posted at each affected waterbody at intervals as deemed appropriate. These restrictions may include navigable channel areas and those areas outside the channel from bank to bank. This restriction may also apply to state approved restricted areas outside the Intracoastal Waterway right-of-way to the banks.

(Ord. No. 00-93, § 22, 11-14-00)

#### **Sec. 130-100. Public education.**

The board shall promote an education program to provide for the distribution of information to citizens and in particular to the boating public. The program shall emphasize the value of the natural resources and the restrictions of use within the regulatory zones, the operation of vessels in a lawful manner to provide for protection of aquatic habitats and the value of such habitats as natural resources to the county.

(Ord. No. 00-93, § 23, 11-14-00)

#### **Sec. 130-101. Monitoring.**

The board or its designee shall continue a monitoring program in order to determine the success or failure of the adopted restrictions and posting upon natural resources. The county administrator shall

periodically present to the board the status of the monitoring program and shall recommend its continuation, modification or revocation.

(Ord. No. 00-93, § 24, 11-14-00)

**Editors Note:** Ord. No. 00-93, § 26, adopted Nov. 14, 2000, repealed the former § 130-101. The former § 130-101 pertained to definitions and derived from Ord. No. 88-53, § 1, adopted Dec. 6, 1988.

### **Sec. 130-102. Exemptions.**

Any governmental employee or officer or authorized agent thereof, while performing duties pursuant to this article or other law or within their official capacity, is hereby exempted from all sections of this article. However, reasonable efforts must be made by these individuals to avoid damage to the aquatic habitat.

(Ord. No. 00-93, § 25, 11-14-00)

**Editors Note:** Ord. No. 00-93, § 27, adopted Nov. 14, 2000, repealed the former § 130-102. The former § 130-102 pertained to criteria for establishing zones; actions regulated and derived from Ord. No. 88-53, § 2, adopted Dec. 6, 1988.

### **Sec. 130-103. Location of idle speed/no wake zones; actions regulated.**

The following described waterways or portions of waterways are hereby established as idle speed no wake zones. It shall be a violation of this article to operate a vessel at a speed in excess of idle within any idle speed/no wake zone.

- (1) That portion of the Weedon Island Channel located between Papy's Bayou and Riviera Bay, and located in Section 28, Township 30 South, Range 17 East, as shown on the attached sketch labeled, "Idle Speed Zone, Weedon Island Channel" (appendix A).
- (2) Those channels, canals, and land cuts in Tierra Verde, and as shown on the attached sketch labeled, "Idle Speed Zone, Tierra Verde" (appendix B).
- (3) That body of water known as the Lake Tarpon Outfall Canal and extending from the southern boundary of Lake Tarpon to the upper limits of Safety Harbor Bay and as shown on the attached sketch labeled, "Idle Speed Zone, Lake Tarpon Outfall Canal" (appendix C).
- (4) Those waters surrounding the Oakhurst Shores Subdivision and Boca Ciega Bay, west of the Intracoastal Waterway in Section 33, Township 30, Range 15 East and Section 4, Township 31, Range 15 East, and as shown on the attached sketch labeled, "Idle Speed Zone, Oakhurst Shores" (appendix D).
- (5) That portion of Allen's Creek, from 1,200 feet east of the U.S. 19 Bridge to the intersection of Belleair Road and Allen's Creek, including all bays, tributaries and impoundments (shown graphically on attachment E). (Sections 29 and 30, Township 29, Range 16.) (Section 25, Township 30, Range 15.)
- (6) The waters of Lake St. George being situated within several residential communities south of Tampa Road (SR 584), east of Lake Street, George Drive, north of Countryside, and west of the Lake Tarpon Outfall Canal. The lake is located in Section 8, Township 28 South, Range 16 East, and is further described graphically upon the attached sketch labeled, "Idle Speed Zone, Lake St. George" (appendix F).

- (7) An area along the north side of the Belleair Causeway, from the Intracoastal right-of-way line to the mean high water line of the main island, and from the shoreline to a point 300 feet offshore. The area is located in Section 31, Township 29 South, Range 15 East, and is graphically shown on the attached sketch labeled "Idle Speed Zone, Belleair Causeway" (appendix G).
- (8) That area of Lake Seminole known as the "Narrows" and bordered on the south by the north section line of Sections 22 and 23, Township 30 South, Range 15 East, and on the north by the 1/2 section line of Sections 14 and 15, Township 30 South, Range 15 East. The east and west boundaries of the zone shall be shoreline (elevation 5) of Lake Seminole, and is graphically shown on the attached sketch labeled "Idle Speed Zone, Lake Seminole Narrows" (appendix H).
- (9) The channel having northeast to southwest alignment and is crossed by the first bridge of the Dunedin Causeway, located in Section 15, Township 28 South, Range 15 East. Said channel is approximately 300 feet wide with boundaries on the north by the north subdivision line of Dunedin Causeway Center, Second Replat, Subdivision. The south boundary of the zone is the south property line of the South Paula Pointe Condominiums, and is graphically shown on the attached sketch labeled "Idle Speed Zone, Dunedin Causeway" (appendix I).
- (10) The area of McKay and Church Creeks and near Largo, beginning at Indian Rocks Road and encompassing an area to a line that connects lot 111, block J, Harbor Hills Estates Subdivision and lot 12 of Carlton Estates Subdivision. Said line has a southeast-northwest orientation and is approximately 720 feet long and is graphically shown on the attached sketch labeled "Idle Speed Zone, McKay Creek at Church Creek" (appendix J).
- (11) Portions of Lake Tarpon, a meandered freshwater lake, located in the northeast section of the county, as follows: All inland canals, creeks and tributaries, natural or manmade, adjacent to and connected to the waters of Lake Tarpon, and a 200-foot buffer zone adjacent to and parallel to the shoreline or the rooted emergent vegetation line of Lake Tarpon, as graphically shown on the attached sketch labeled "Idle Speed Zone, Lake Tarpon" (appendix K).
- (12) That portion of Lake Seminole, being a meandered freshwater lake, located in the central section of Pinellas County, and as further enumerated: all inland canals, creeks and tributaries, natural or manmade, adjacent to and connected to the waters of Lake Seminole, and a 100-foot buffer zone adjacent to and parallel to the shoreline or the rooted emergent vegetation line of Lake Seminole, as graphically shown on the attached sketch labeled "Idle Speed Zone, Lake Seminole" (appendix L).
- (13) Those waters which make up the Cross Bayou Canal, North Segment, being more particularly described as follows: The waters of Cross Bayou, North Section, bounded on the east and the west by the mean high-water line, on the south by SR 686 and on the north by the shoreline of Tampa Bay (entrance to Cross Bayou). This area includes all bays, coves and other water bodies connected to this segment of Cross Bayou.
- (14) Those waters which make up the Cross Bayou Canal, South Segment, being more particularly described as follows: The waters of Cross Bayou, bounded on the south by a point 4,000 feet

south of the Starkey Road (SR 695) Bridge; the east and west boundaries to be the mean high water line, including Joe's Creek; and by 66th Street as the north boundary. The area includes all bays, coves and other water bodies connected to this segment of Cross Bayou (as depicted on attachment A to Ord. No. 93-18).

- (15) Those waters which make up the Brooker Creek Basin (Lagoon) within Ozona Shores Third Addition (Section 10, Township 28 South, Range 15 East) to a point 400 feet south of the bridge at Shore Drive (CR 137) (as depicted in attachment B to Ord. No. 93-18).
- (16) Those waters which make up the Anclote River, east to the Pinellas County/Pasco County line, being more particularly described as follows: The waters of the Anclote River, east of U.S. Highway 19 North to the Pinellas County/Pasco County line (Sections 5 and 6, Township 27 South, Range 16 East). The area includes all bays, coves and other water bodies connected to this segment of the Anclote River except that area shown as cross hatched and lying between markers 3 and 4 and shown as attachment A to Ord. No. 94-46.
- (17) The waters of Boca Ciega Bay adjacent to and to the east and south of Bayview Drive, in an unincorporated area of Pinellas County known as Tierra Verde, for a distance of 50 feet from the mean high water line (shown graphically on attachment B to Ord. No. 93-102).
- (18) A zone completely surrounding Pasadena Island Subdivision (Section 31, Township 31, Range 16) for a distance of 75 feet from the existing seawall (shown graphically on attachment R).
- (19) The water surrounding Harbor Bluffs Subdivision (Sections 31 and 32, Township 29, Range 15) bounded on the west by the east right-of-way line of the Pinellas segment of the Intracoastal Waterway, bounded on the east by the mean high water line of the natural shoreline, bounded on the north by the mean high water and bridge of the Belleair Causeway and bounded on the south by the extension of the southerly property line of lot 9, Harbor Hills Estates, as extended to the easterly right-of-way line of the Intracoastal Waterway (shown on attachment T).
- (20) An idle speed zone is established beginning at the existing boat ramp immediately west of Live Oak Park in Crystal Beach and extending 150 feet into St. Joseph Sound. The idle speed zone is 30 feet wide.
- (21) The channel immediately south and east of Collany Island, which is located south of Pass-A-Grille channel in the north one-half portion of Section 30, Township 32, Range 16 and as shown graphically on the attached map entitled "Proposed Aquatic Regulatory Zones Shell Key/Fort Desoto."
- (22) Those waters in the cove south of Indian Bluffs Island Subdivision and Causeway bounded on the west by a line projecting from the south west property corner of lot 9 of Indian Bluff Island to the northwest corner of lot 2, Seaside Point 2nd addition. The zone is bounded on the south and east by the mean high water line. All of which is in section 35, Township 27, Range 15 and as shown specifically on attachment 23 [of Ordinance No. 96-94].
- (23) Those waters in the cove at the south end of Lake Tarpon bounded on the north by a line which

is a projection of the north subdivision line of Highland Lakes, Unit 93 to the mouth of Brooker Creek. Bounded on the south by the entrance to the Lake Tarpon Outfall Canal and located 100 feet from the ordinary high water line of Lake Tarpon (the 100 feet buffer is an existing idle speed no wake zone), all of which is in section 04, Township 28, Range 16 and is shown specifically on attachment 24 [of Ordinance No. 97-36].

- (24) That [portion] of Tampa Bay adjacent to a portion of the Courtney Campbell Causeway, beginning at a location 1,600 feet east of the intersection of McMullen Booth Road, following along the shoreline in an easterly direction, encompassing an area 300 feet south of the, south edge of pavement of SR 60, to a point 2,120 feet east of the point of beginning, located in Section 16, township 29 South, Range 16 East and as shown on the attached sketch, titled "Courtney Campbell Causeway, Idle Speed Zone".
- (25) That body of water known as Sutherland Bayou, within Palm Harbor, bordered to the north by Schooner Drive, to the west by Broadus Street, to the east by Eighth Street and to the south approximately 200' south of Laurel Lane, in Section 35, Township 27 South, Range 15 East, and Section 2, Township 28 South, Range 15 East as shown on the attached sketch, titled "Sutherland Bayou, Idle Speed No Wake Zone."
- (26) The waters of Lake Chautauqua, located solely in section 32, township 28, range 16 east, being approximately 2,700 feet long (N-S) and 1,200 feet wide (E-W).

(Ord. No. 88-53, § 3, 12-6-88; Ord. No. 89-18, § 1, 5-2-89; Ord. No. 89-29, § 1, 6-27-89; Ord. No. 93-18, § 1, 2-23-93; Ord. No. 93-102, § 1, 11-2-93; Ord. No. 94-18, § 1, 3-1-94; Ord. No. 94-46, § 1, 5-10-94; Ord. No. 94-79, § 2(B), 9-27-94; Ord. No. 96-57, § 1, 7-16-96; Ord. No. 96-94, § 1, 12-17-96; Ord. No. 97-36, § 1, 6-3-97; Ord. No. 98-104, § 1, 12-15-98; Ord. No. 00-24, § 1, 3-21-00; Ord. No. 00-93, § 28, 11-14-00)

**Editors Note:** The sketches showing the specific location of the idle speed/no wake zones referred to in section 130-103 have not been set out in this Code but are on file and available for inspection in the offices of the county.

#### **Sec. 130-104. Reserved.**

**Editors Note:** Ord. No. 00-93, § 29, adopted Nov. 14, 2000, repealed § 130-104 which pertained to restrictions to be posted and derived from Ord. No. 88-53, § 4, adopted Dec. 6, 1988.

#### **Sec. 130-105. Location of slow speed/minimum wake zones; actions regulated.**

The following described waterways or portions of waterways are hereby established as slow speed/minimum wake zones. It shall be a violation of this article to operate a vessel at a speed in excess of slow speed within any slow speed/minimum wake zone.

- (1) The southern 1/2 of that body of water known as Leisure (Salt) Lake which lays in the northern 1/2 of Section 8, Township 27, Range 16 of Tarpon Springs as shown on the attached map, titled "Leisure (Salt) Lake, Slow Speed/Minimum Wake" zone.
- (2) A zone comprising all of the waters of the Weedon Island Preserve, excepting those waters designated in this article as an idle speed/no wake zone or combustion motor exclusion zone, as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Weedon Island/Gandy Causeway." The Weedon Island Preserve is located in Township 30, Range 17 and includes Sections 15 and 16, the north 1/2 of Section 20, Section 21, the west 1/2 of Section 22, the west

1/2 of Section 27, Section 28, the northeast 1/4 of Section 29, Section 34 and the east 1/2 of Section 333017.

- (3) A zone comprising all of the waters of the Shell Key Management Area, excepting those waters designated in this article as an idle speed/no wake zone, combustion motor exclusion zone or shallow water caution zone, as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Shell Key/Ft. Desoto." The Shell Key Management Area is located in the following described area: Township 32, Range 16, including the southeast 1/4 of Section 9, the south 1/2 of Section 10, the north 1/2 of Section 15, the north 1/2 of Section 16, the east 1/2 of Section 20, sections 21, 22, and 27 through 34 inclusive; Township 33, Range 16, including sections 3 through 9 inclusive, the northwest 1/4 of Section 10, the northwest 1/4 of Section 173316 and Section 18.
- (4) A channel, located in Section 19 Township 30 Range 15, and extending east from the easterly right-of-way line of the Pinellas County segment of the Gulf Coast Intra Coastal Waterway approximately 1,420 feet into the mainland of Pinellas County. Said Channel is 75 feet wide and is the entrance from said Intra Coastal Waterway to the Tara Cay Condominium complex. This waterway also is the shoreline of the Tara Cay South and North Condominiums.
- (5) A seasonal (April 1 to November 15) slow speed/minimum wake zone encompassing the shoreline of Safety Harbor is established, which begins at the northwest abutment of the Courtney Campbell Causeway and extends north and east along the shoreline of Safety Harbor to the northwest corner of the Florida Power Corporation property, and which includes all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins, but excludes all marked channels and the Safety Harbor boat basin, and which the distance from shore varies as shown on the attached map entitled "Proposed Aquatic Regulatory Zone, Safety Harbor". The zone is located in Township 28, Range 16, including the south 1/2 of Section 23, the east 1/2 of Section 27, the northeast and southeast corners of Section 34, and Sections 22, 26, and 35; Township 29, Range 16, including the southeast 1/4 of Section 9, the north 1/2 of Section 15, the northeast 1/4 of 16, and Sections 3 and 10.

(Ord. No. 00-93, § 30, 11-14-00; Ord. No. 03-26, § 1, 5-6-03; Ord. No. 04-80, § 1, 11-16-04)

**Editors Note:** The sketches showing the specific location of the slow speed/minimum wake zones referred to in § 130-105 have not been set out in this Code but are on file and available for inspection in the offices of the county.

### **Sec. 130-106. Location of combustion motor exclusion zones; actions regulated.**

The following described waterways or portions of waterways are hereby established as combustion motor exclusion zones. It shall be a violation of this article to operate a vessel propelled or powered by an internal combustion engine within any combustion engine exclusion area.

- (1) The drainage conveyance known as the Lake Seminole Bypass Canal and located to the east of Lake Seminole and lying in Sections 11, 14, 23 and 26, Township 30, Range 15.
- (2) A zone comprising all of the waters of the Weedon Island Preserve, excepting those waters designated in this article as an idle speed/no wake zone or slow speed minimum wake zone, as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Weedon Island/Gandy Causeway." The Weedon Island Preserve is located in Township 30, Range 17 and includes

Sections 15 and 16, the north 1/2 of Section 20, Section 21, the west 1/2 of Section 22, the west 1/2 of Section 27, Section 28, the northeast 1/4 of Section 29, Section 34 and the east 1/2 of Section 333017.

- (3) A zone comprising all of the waters of the Shell Key Management Area, excepting those waters designated in this article as an idle speed/no wake zone, slow speed/minimum wake zone or shallow water caution zone, as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Shell Key/Ft. Desoto." The Shell Key Management Area is located in the following described area: Township 32, Range 16, including the southeast 1/4 of Section 9, the south 1/2 of Section 10, the north 1/2 of Section 15, the north 1/2 of Section 16, the east 1/2 of Section 20, Sections 21, 22, and 27 through 34 inclusive; Township 33, Range 16, including sections 3 through 9 inclusive, the northwest 1/4 of Section 10, the northwest 1/4 of Section 173316 and Section 18.

(Ord. No. 00-93, § 31, 11-14-00)

**Editors Note:** The sketches showing the specific location of the combustion motor exclusion zones referred to in § 130-106 have not been set out in this Code but are on file and available for inspection in the offices of the county.

### **Sec. 130-107. Vessel exclusion zones; actions regulated.**

The following described waterways or portions of waterways are hereby established as vessel exclusion zones. It shall be a violation of this article to operate a vessel of any kind, whether power-driven or non-motorized within any vessel exclusion zone.

- (1) An area from the west abutment of the first bridge heading west on the Fred Howard Park Causeway to the western terminus of said causeway. The vessel exclusion zone shall extend 300 feet both north and south of the shoreline of the causeway. The vessel exclusion zone is depicted graphically (as a restricted boating area) on Appendix A attached to Ordinance No. 89-23.
- (2) An area beginning at the south right-of-way line of Crystal Beach Boulevard, following along the shoreline and encompassing an area 150 feet in breath out into St. Joseph's Sound for a distance of approximately 880 feet to the south right-of-way line of Ohio Avenue, excluding a zone 50 feet wide, beginning at the existing boat ramp and extending into St. Joseph's Sound a distance of 150 feet.
- (3) A zone within the Shell Key Management Area as shown on the map attached to Ordinance No. 03-67 entitled "Proposed Aquatic Regulatory Zones Shell Key/Ft. De Soto - Ft. De Soto Park Vessel Exclusion Zones". Three areas along the shoreline of Fort De Soto Park that extend 150 feet out into the adjacent waterway: (1) North Beach East, beginning directly west of Shelter #2, extending 800 feet south along the shoreline to a point directly west of Shelter #4, (2) North Beach West, beginning directly west of Shelter #5, extending 1,400 feet south along the shoreline to a point directly west of Shelter #9, (3) East Beach, beginning directly south of Shelter #13, extending 700 feet east along the shoreline.

(Ord. No. 00-93, § 32, 11-14-00; Ord. No. 03-67, § 1, 9-9-03)

**Editors Note:** The sketches showing the specific location of the no entry zones referred to in section 130-107 have not been set out in this Code but are on file and available for inspection in the offices of the county.

### **Sec. 130-108. Shallow water caution zones; actions regulated.**

The following described waterways or portions of waterways are hereby established as shallow water caution zones. Vessel operators are advised to use caution within shallow water caution zones so as not to cause any propeller damage or otherwise disturb the aquatic flora and fauna.

- (1) A zone comprising all of the waters of the Shell Key Management Area, excepting those waters designated in this article as an idle speed/no wake zone, slow speed/minimum wake zone or combustion motor exclusion zone, as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Shell Key/Ft. Desoto." The Shell Key Management Area is located in the following described area: Township 32, Range 16, including the southeast 1/4 of Section 9, the south 1/2 of Section 10, the north 1/2 of Section 15, the north 1/2 of Section 16, the east 1/2 of Section 20, Sections 21, 22, and 27 through 34 inclusive; Township 33, Range 16, including Sections 3 through 9 inclusive, the northwest 1/4 of Section 10, the northwest 1/4 of Section 173316 and Section 18.

(Ord. No. 00-93, § 35, 11-14-00)

**Editors Note:** The sketches showing the specific location of the shallow water caution zones referred to in section 130-108 have not been set out in this Code but are on file and available for inspection in the offices of the county.

**Secs. 130-109--130-120. Reserved.**

### **DIVISION 3.**

### **RESERVED\***

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\* **Editors Note:** Ord. No. 00-93, §§ 33, 34, adopted Nov. 14, 2000, repealed Div. 3, §§ 130-121, 130-122, which pertained to boat exclusion zones and derived from Ord No. 94-79, §§ 1(B), (C), 2(A), adopted Sept. 27, 1994.

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**Secs. 130-121, 130-122. Reserved.**