

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** March 24, 2015

**AGENDA ITEM NO.** 19

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Public Hearing and Adoption of the Proposed Ordinance Adding a Slow Speed/Minimum Wake Zone and Combustion Motor Exclusion Zone to Sections 130-105 and 130-106 of the Pinellas County Code for Boater Safety in Bear Creek.

**Department:**

Public Works

**Staff Member Responsible:**

Richard Coates, P.E., Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD), AFTER HEARING PUBLIC COMMENT, ADOPT THE ATTACHED PROPOSED ORDINANCE ADDING A SLOW SPEED/MINIMUM WAKE ZONE AND A COMBUSTION MOTOR EXCLUSION ZONE TO SECTIONS 130-105 AND 130-106 OF THE PINELLAS COUNTY CODE FOR THE PURPOSE OF BOATER SAFETY IN BEAR CREEK.

**Summary Explanation/Background:**

On February 24, 2015, the Board authorized the advertisement of a public hearing for a proposed ordinance to amend sections of the Pinellas County Code, adding areas of Bear Creek for the purpose of boater safety. The notice of public hearing was published in the Tampa Bay Times on March 13, 2015. Additionally, a packet including a summary letter, the proposed ordinance, public notice, and maps was sent to all property owners with creek access from Gulfport Boulevard North to Brookwood Drive South.

The Bear Creek drainage project is near completion, which has made portions of the creek more navigable than they were historically. This has raised boating safety concerns due to the narrowness of the creek, and the large volume of stone riprap placed along the creek banks and bottom to prevent scouring during heavy rain events. Additionally, there is a sewer pipe crossing and weir structure that are now accessible to boaters.

The proposed slow speed/minimum wake zone would reduce vessel speeds to a safe level in the upper stretch of the creek, and the combustion motor exclusion zone would eliminate the threat of boats striking the sewer pipe and weir. Impacts to boaters from the proposed zones are negligible, as it was unsafe to operate a vessel at any significant speed in this section of the creek before the drainage project, and the uppermost reaches were previously non-navigable.

**Fiscal Impact/Cost/Revenue Summary:**

The only cost associated with this project is for the installation of waterway signs marking the new zones, but the total cost will not be known until permits are obtained from the State dictating sign requirements. Funds are currently allotted in the budget for this type of project, and the State will reimburse the County from boater registration funds.

**Exhibits/Attachments Attached:**

Proposed Ordinance  
Graphics of Proposed Zones  
Vicinity Map

ORDINANCE NO. 15 - \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT SECTION 130-105 RELATING TO SLOW SPEED/MINIMUM WAKE ZONES AND SECTION 130-106 RELATING TO COMBUSTION MOTOR EXCLUSION ZONES BE AMENDED TO ADD AREAS OF BEAR CREEK; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE.

**WHEREAS**, the Board of County Commissioners of Pinellas County, Florida, pursuant to Sections 125.01 and 327.60, Florida Statutes, is empowered to regulate operations and conduct of all watercraft using the waterways within the County; and

**WHEREAS**, it has been determined that under certain circumstances, hazards may be created to persons or property, unless certain limitations are placed upon the operation of boats and vessels; and

**WHEREAS**, part of Bear Creek is under 75 feet in width and contains navigational hazards; therefore speed limitations are necessary in this area; and

**WHEREAS**, a weir is located in Bear Creek; therefore a combustion motor exclusion zone is appropriate within a 300-foot radius of this weir; and

**WHEREAS**, the establishment of a slow speed/minimum wake zone and a combustion motor exclusion zone in Bear Creek will provide for public safety.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pinellas County, Florida, that:

**SECTION 1.** Section 130-105 of the Pinellas County Code is hereby amended by adding Section (6) as follows:

- (6) That portion of Bear Creek, shore to shore, beginning at the southern boundary of 10th Avenue Terrace S (approximately 500 feet south of the La Plaza Bridge) and extending upstream to 300 feet south of the weir located approximately 280 feet south of the Brookwood Drive S Bridge.

**SECTION 2.** Section 130-106 of the Pinellas County Code is hereby amended by adding Section (5) as follows:

- (5) That portion of Bear Creek, shore to shore, within 300 feet (north and south) of the weir located approximately 280 feet south of the Brookwood Drive S Bridge.

**SECTION 3. SEVERABILITY.**

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.


**SECTION 4. EFFECTIVE DATE.**

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

**SECTION 5. INCLUSION IN THE PINELLAS COUNTY CODE.**

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

**APPROVED AS TO FORM:**

By:   
Office of County Attorney

GRAPHIC 1



GRAPHIC 2

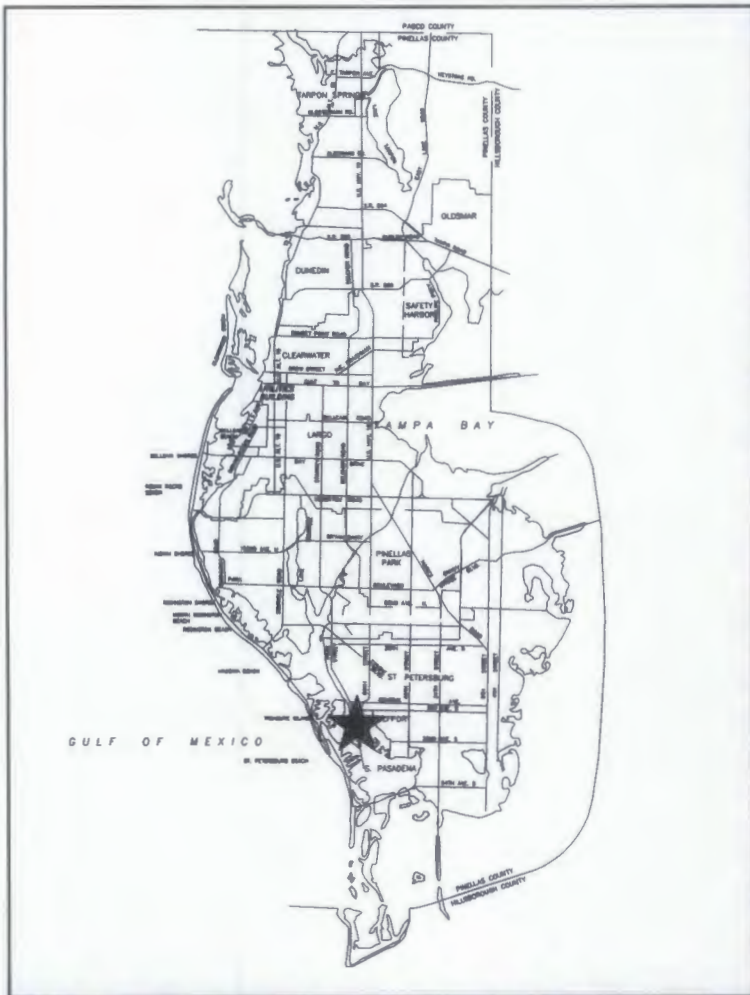


Google earth

feet  
meters







# **BEAR CREEK PROPOSED BOATING ZONES LOCATION MAP**

