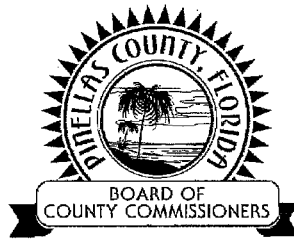


No. 40
BCC 10/21/08
3:00 P.M. Burgess/KENNARE

#40 Ordinance No. 08-66 adopted providing that sections 130-106 and 130-107 of the Pinellas County Code be amended to add areas along the shore of Fort DeSoto Park and Sand Key Park as Vessel Exclusion Zones; providing for severability; providing for inclusion in the Pinellas County Code; providing for an effective date; and providing for any modifications that may arise from review of the Ordinance at public hearing. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	6 - 0



BOARD OF COUNTY COMMISSIONERS

DATE: October 21, 2008

AGENDA ITEM NO. 40.

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature
ew 

Subject:

Combustion Motor Exclusion and Vessel Exclusion Zones for Ft. DeSoto and Sand Key Parks

Department:

Culture Education & Leisure
Environmental Management

Staff Member Responsible:

Paul Cozzie, Director
William M. Davis, Director

Recommended Action:

I RECOMMEND THE BOARD RECEIVE PUBLIC COMMENT AND ADOPT AN ORDINANCE TO ESTABLISH COMBUSTION MOTOR EXCLUSION AND VESSEL EXCLUSION ZONES FOR FT DESOTO AND SAND KEY PARK.

Summary Explanation/Background:

Definitions: Vessel exclusion zones prohibit all vessels from entering. A swim zone is a type of vessel exclusion zone. Combustion motor exclusion zones permit vessels to enter as long as the fuel-powered motor is not running. For example, a boat can enter under electric power (trolling motor), sail, or by poling into the zone.

An existing swim area along North Beach at Ft. DeSoto Park will be extended to include the entire public use area and a combustion motor exclusion zone will be established to the south. A vessel exclusion zone will also be established at Dog Beach, along the southwest shoreline of the park (Attachment A). In addition, the ordinance codifies an existing swim zone at Sand Key Park (Attachment B) that was originally created and managed by the City of Clearwater. The County now maintains this zone.

These zones are proposed to address safety concerns among swimmers and boaters. The zones do not prohibit surfing. Pinellas County Marine Unit deputies who patrol the existing, adjacent zones at Ft. DeSoto Park and Clearwater Pass will provide enforcement.

Fiscal Impact/Cost/Revenue Summary:

Funds have been budgeted in the Coastal Management Operating Budget. Installation and/or maintenance of 45 buoys: \$15,500.

Exhibits/Attachments Attached:

1. Ordinance Review Form
2. Strike-through version of Proposed Ordinance
3. Proposed Ordinance
4. Maps of Proposed Boating Zones

CATS # 27266



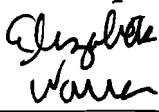

ORDINANCE REVIEW FORM

Type of Resolution or Ordinance: Ordinance Adopting Combustion Motor Exclusion Zone and Vessel Exclusion Zones for Ft. DeSoto and Sand Key Parks

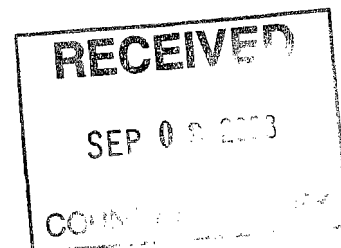
Estimated Revenue or Expenditure: Installation and/or maintenance of sixty buoys: \$18,600.

Available Budget: Yes

The attached documentation is submitted for your review and comment. Upon finalization of your review, please complete this Review Form below and forward to the next Review Authority on the list.

<u>REVIEW AUTHORITY</u>	<u>REVIEW DATE</u>	<u>SIGNATURE</u>	<u>COMMENTS</u>	<u>COMMENTS ADDRESSED ORIGINATOR'S INITIALS & DATE</u>
<u>Originating Department</u> Environmental Mgmt William M. Davis	<u>8/28/08</u>			<u>WMD 9/9/08</u>
<u>Lead Department</u> CEL Paul Cozzie	<u>9/2/08</u>		EXCLUSION ZONE AT FORT DESOTO EXTENDS BEYOND DOC BEACH - NEED TO REDUCE SIZE	<u>WMD 9/9/08</u>
<u>Asst. County Administrator</u> Elizabeth Warren	<u>9/3/08</u>			<u>WMD 9/9/08</u>
<u>County Attorney</u> Jewel W. Cole	<u>9-8-08</u>		See revised ord. enclosed	<u>WMD 9/9/08</u>

Please return to Nicole Elko via interoffice mail. All inquiries should be made to Nicole Elko, at ext. 43774. Thank you.



PINELLAS COUNTY ORDINANCE NO. 08- 66

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING THAT SECTIONS 130-106 and 130-107 BE AMENDED TO ADD AREAS ALONG THE SHORE OF FORT DESOTO PARK AND SAND KEY PARK AS VESSEL EXCLUSION ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2008 OCT 30 PM 1:05

FILED

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;

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;

WHEREAS, the establishment of vessel exclusion zones along segments of Fort DeSoto Park and Sand Key Park, which are public beaches, and thus deemed as an appropriate limitation;

WHEREAS, activities that present a risk to public safety will be prohibited in the vessel exclusion zones; and

NOW, THEREFORE, BE IT ORDAINED BY THE Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 130-106 of the Pinellas County Code is hereby amended by adding paragraph (4) as follows:

- 4) A zone within Ft. DeSoto Park as shown on the attached map entitled "Proposed Aquatic Regulatory Zones – Ft. De Soto Park" that extends 150 feet out into the adjacent waterway beginning directly west of the North Beach Swim Center, extending 5,000 feet south.

SECTION 2. Section 130-107 of the Pinellas County Code is hereby amended by revising paragraph (3) and adding paragraph (4) as follows:

- 3) A zone within Ft. DeSoto Park as shown on the attached map entitled "Proposed Aquatic Regulatory Zones Ft. De Soto - Ft. De Soto Park Vessel Exclusion Zones". Four 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 #6, extending 400 feet south along the shoreline to a point directly west of Shelter #48, (2) North Beach West, beginning directly west of Restroom #1, extending 2,000 feet south along the shoreline to a point directly west of the North Beach Swim Center, (3) East Beach, beginning directly south of Shelter #13, extending 700 feet east along the shoreline, and (4) Dog Beach – beginning 600 feet southwest of the Bay Pier, extending 1,000 feet southwest along the shoreline along the extent of Dog Beach.
- 4) A zone within Sand Key Park as shown on the attached map entitled "Boating Regulatory Zones – Sand Key Park" that extends 150 feet out into the adjacent waterway beginning at the south jetty of Clearwater Pass, extending 2,000 feet south to the south property line of Sand Key Park.

SECTION 3. Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or degree shall be rendered.

SECTION 4. 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 numbered to conform to the uniform numbering system of the Pinellas Code.

SECTION 5. Filing of Ordinance: 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 within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, THIS 12TH DAY OF MAY, 2014.

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on October 21, 2008 relative to:


PINELLAS COUNTY ORDINANCE NO. 08- 66

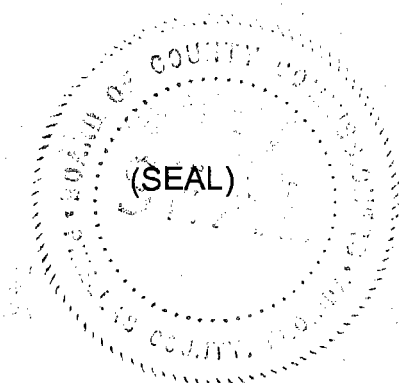
AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING THAT SECTIONS 130-106 and 130-107 BE AMENDED TO ADD AREAS ALONG THE SHORE OF FORT DESOTO PARK AND SAND KEY PARK AS VESSEL EXCLUSION ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this October 28, 2008.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Cynthia N. Haumann, Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

October 30, 2008

Ms. Cynthia N. Haumann
Deputy Clerk
Board Records Department
Pinellas County Courthouse
315 Court Streets
Clearwater, Florida 33756

Dear Ms. Haumann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 28, 2008 and certified copies of Pinellas County Ordinance Nos. 08-59 through 08-70, which were filed in this office on October 30, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS)
CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

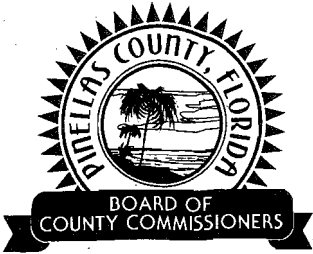
We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850) 245-6270 or Suncom 205-6270.

COUNTY: (Pinellas)	COUNTY ORDINANCE # (08-66)
SECONDARY KEYFIELD DESCRIPTION: (_____)	
OTHER KEYFIELD DESCRIPTION: (_____)	
ORDINANCE DESCRIPTION: (Beaches & Shores)	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (_____)	AMENDMENT # 2: (_____)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____)	REPEAL # 3: (_____)
REPEAL # 2: (_____)	REPEAL # 4: (_____)
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	REV. 4/10/01



BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

315 COURT STREET
CLEARWATER, FL 33756

KEN BURKE

CLERK OF BOARD OF COUNTY COMMISSIONERS
CLERK OF WATER AND NAVIGATION CONTROL AUTHORITY
COUNTY AUDITOR AND TREASURER

October 28, 2008

Liz Cloud, Chief
Bureau of Administrative Code
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

Enclosed herewith are certified copies of Ordinances Nos. 08-59 through 08-70 adopted by the Pinellas County Board of County Commissioners at its meeting held on October 21, 2008.

Please return one receipted copy of each Ordinance to Cynthia N. Haumann, Deputy Clerk, Board Records Department, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Very truly yours,

KEN BURKE, CLERK

By: 
Cynthia N. Haumann, Deputy Clerk

CNH/alb

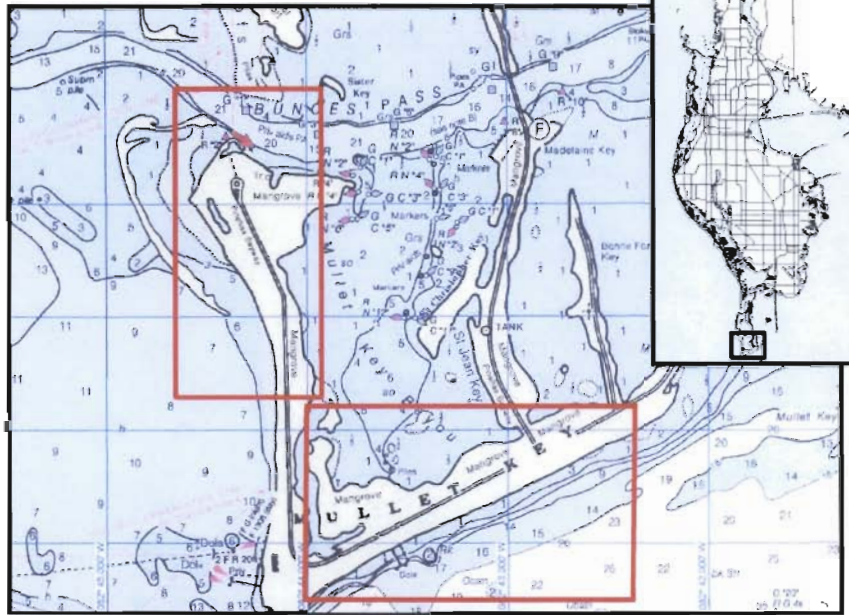
Enclosures



5 new buoys



25 new buoys



5 new buoys

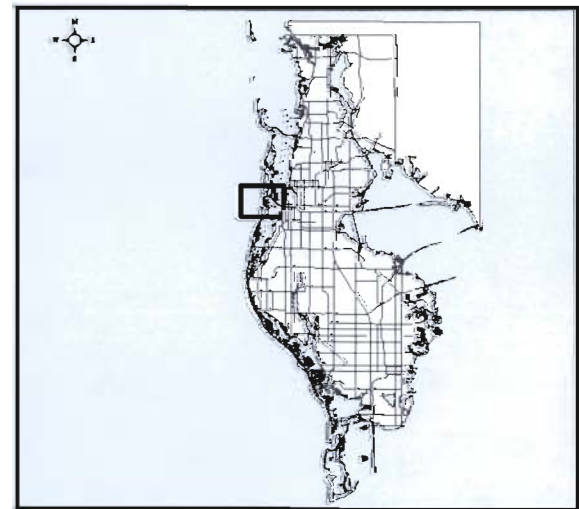
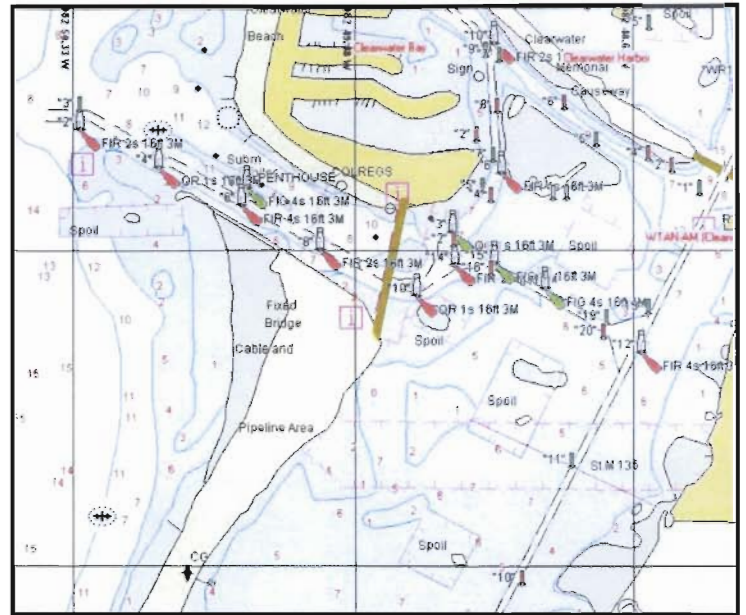
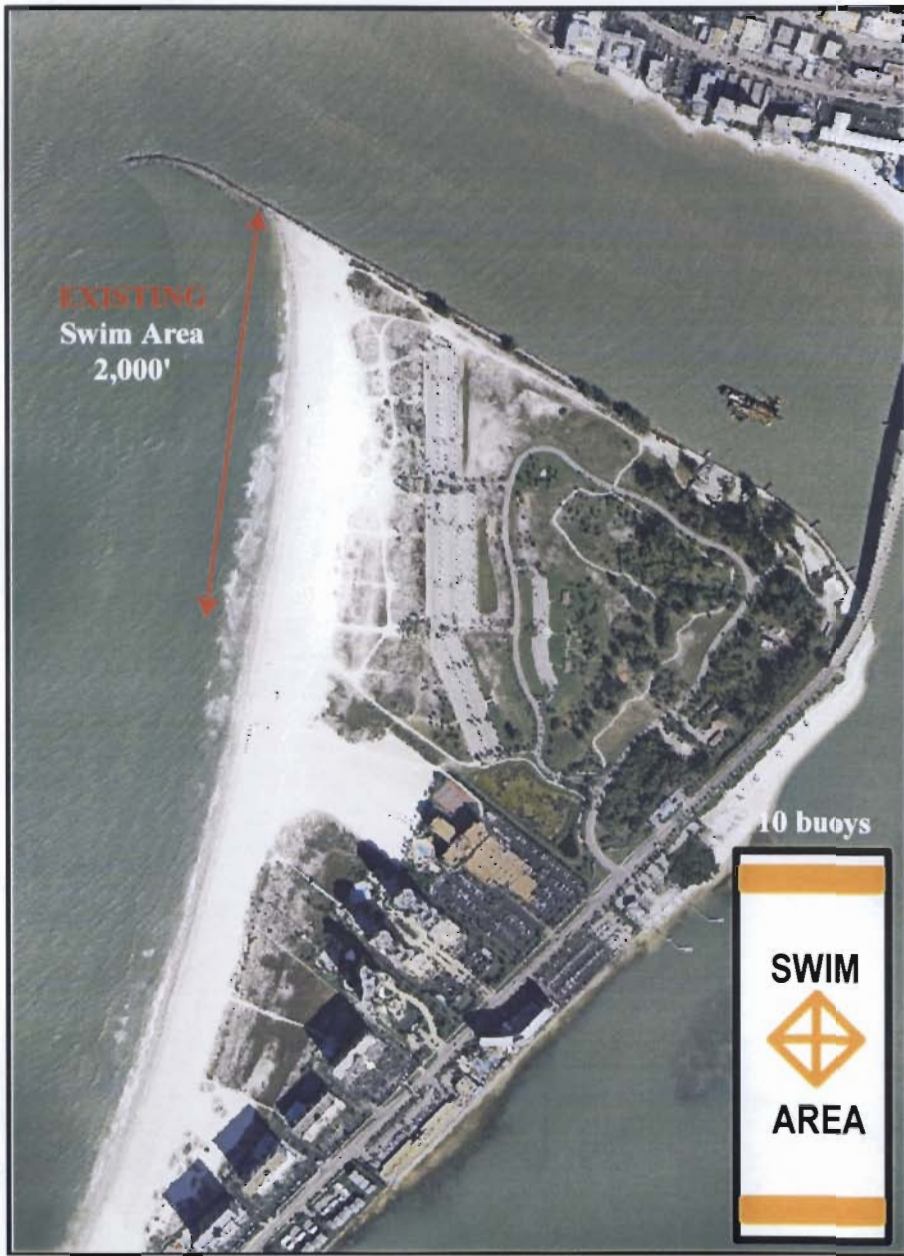


Pinellas County
DEM
Coastal Mgmt.

**Proposed Aquatic Regulatory Zones -
Ft. De Soto Park**

ATTACHMENT A

Date: August 8, 2008



Pinellas County
DEM
Coastal Mgmt.

Proposed Boating Regulatory Zone - Sand Key Park

ATTACHMENT B

Date: August 15, 2008

STATE OF FLORIDA
COUNTY OF PINELLAS

§.S.
}

ST. PETERSBURG TIMES
Published Daily
St.Petersburg, Pinellas County, Florida

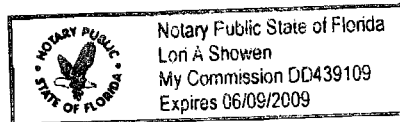
Before the undersigned authority personally appeared Kymberly Lee
who on oath says that she is Legal Clerk _____
of the St. Petersburg Times Full Run
a daily newspaper published at St. Petersburg, in Pinellas County, Florida: that
the attached copy of advertisement, being a Legal Notice
in the matter RE: Board of County Commissioners - Notice of Change to the Pinellas County Code
ad#1002857029 in the _____ Court
was published in said newspaper in the issues of October 11, 2008

Affiant further states the said St. Petersburg Times
is a newspaper published at St. Petersburg, in said Pinellas County, Florida, and
that the said newspaper has heretofore been continuously published in said Pinellas
County, Florida, each day and has been entered as second class mail matter at the
post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year
next preceding the first publication of the attached copy of advertisement, and affiant
further says that he has neither paid nor promised any person, firm, or corporation
any discount, rebate, commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

Sworn to and subscribed before
me this 13th day of
October A.D. 2008

Notary Public

Personally known _____ (Seal)
or produced identification _____
Type of identification produced _____



NOTICE OF CHANGE TO PINELLAS COUNTY CODE

The Pinellas County Board of County Commissioners proposes to amend the Pinellas County Code.

A public hearing on the Ordinance will be held on Tuesday, October 21, 2008, at 6:30 p.m. in the County Commission Assembly Room, 5th Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Ordinance.

1. PROPOSED ORDINANCE TO AMEND THE PINELLAS COUNTY CODE:

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, PROVIDING THAT SECTIONS 130-106 and 130-107 BE AMENDED TO ADD AREAS ALONG THE SHORE OF FORT DESOTO PARK AND SAND KEY PARK AS VESSEL EXCLUSION ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ANY MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING.

The proposed amendments to the Pinellas County Code can be inspected by the public at the Pinellas County Board Records Department, 315 Court Street, 5th Floor, Clearwater, Florida 33756. Comments may be sent to this same address or call (727) 464-3458.

Persons are advised that if they decide to appeal any decision made at the meeting/hearing, they will need a record of the proceedings; and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756, (727) 464-4062 (VOICE/TDD).

**KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Cynthia N. Haumann, Deputy Clerk**

1002857029 October 11, 2008

ADVERTISEMENT APPROVAL FORM

TO: Taffar Cifalia

FROM: Board Records

Please review your advertisement, make any additions, corrections or deletions as needed. If ad is correct as is, please initial your approval, date and return it to us as quickly as possible for transmission to the newspaper. If corrections are required, please mark them on the document and return it to us. .

Thank you for your cooperation.

INITIALS: JCC

DATE: 10-9-08

Vasquez, Nikki R

From: Showen, LoriAnn [lshowen@sptimes.com]
Sent: Thursday, October 09, 2008 10:14 AM
To: Vasquez, Nikki R
Subject: Proof for Sat 1002857029

Attachments: OrderConf.pdf



OrderConf.pdf (460
KB)

Here's your proof. I need any corrections by 10am Fri.

Thanks - Lori

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**KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Cynthia N. Haumann, Deputy Clerk**

1002857029 October 11, 2008

Vasquez, Nikki R

From: LShowen@sptimes.com
Sent: Wednesday, October 08, 2008 8:55 AM
To: Vasquez, Nikki R
Subject: 1002849685-01 10-10- proof

Attachments: 1002849685-01[1].pdf



1002849685-01[1].pdf (140 KB)

Good morning.

Attached you will find the proof for a legal notice scheduled to run on Fri, 10-10. The size is 2 x 10 and the cost is 2217.20. Please contact me no later than 3pm today with any corrections.

Thanks -

Lori Showen

Clearwater Front Counter & Legal Advertising Representative St. Petersburg Times/TBT www.tampabay.com*

Phone: 727.445.4104

Fax: 727.445.4250

(See attached file: 1002849685-01[1].pdf)

Vasquez, Nikki R

From: Vasquez, Nikki R
Sent: Wednesday, October 08, 2008 9:47 AM
To: Jacki Petrin (jpetrin@sptimes.com); Kymberly Lee (klee@sptimes.com); Lori Showen (LShowen@sptimes.com)
Cc: Haumann, Cynthia N; Totten, Chad M; Cifalia, Taffar S
Subject: Notice of Public Hearing
Attachments: Motor and Vessel Exclusion Zones Ordinance102108 _ad.doc

October 8, 2008

St. Petersburg Times

Ladies;

Attached please find a NOTICE OF PUBLIC HEARING to be published in your Saturday, October 11, 2008. This is to be published in the Legal Notices Section.

Please send the Affidavit of Publication and invoice to Cynthia N. Haumann, Deputy Clerk, Board Records Department, 5th Floor, 315 Court Street, Clearwater, Florida 33756.

Thank you,

Nikki Vasquez

Deputy Clerk

Board Records

(727) 464-3464

Fax # (727) 464-4716

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KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Cynthia N. Haumann, Deputy Clerk

Vasquez, Nikki R

From: Haumann, Cynthia N
Sent: Wednesday, October 08, 2008 9:33 AM
To: Vasquez, Nikki R
Cc: Totten, Chad M
Subject: FW: PUBLIC HEARING NOTICE ORDINANCE.doc

I have saved this ad as Motor and Vessel Exclusion Zones Ordinance102108_ad under Miscellaneous Ads.

Thanks.

From: Haumann, Cynthia N
Sent: Wednesday, October 08, 2008 9:31 AM
To: Cifalia, Taffar S
Cc: Cole, Jewel; Elko, Nicole A
Subject: RE: PUBLIC HEARING NOTICE ORDINANCE.doc

We will send you the proof to review and approve when we receive it from the newspaper. Thanks.

From: Cifalia, Taffar S
Sent: Wednesday, October 08, 2008 9:20 AM
To: Haumann, Cynthia N
Cc: Cole, Jewel; Elko, Nicole A
Subject: PUBLIC HEARING NOTICE ORDINANCE.doc
Importance: High


Please check it over and let me know if you need me to do anything else.

Thanks.

Taffar

4-4841

Taffar Cifalia, Legal Secretary
Land Use, Environmental & Public Safety
Pinellas County Attorney's Office
PH 4-3354; FAX 4-4147
tcifalia@pinellascounty.org

 ***Print only if necessary. Nature will thank you!***

All mail sent to and from Pinellas County Government is subject to the Public Records Law of Florida.

PH 4-3354; FAX 4-4147

tcifalia@pinellascounty.org

All mail sent to and from Pinellas County government is subject to the Public Records Law of