

FILED [REDACTED] RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

ORDINANCE 00-30

MAR 29 11 15 AM '00

AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING MANATEE COUNTY ORDINANCE 99-03 RELATING TO VESSEL CONTROL, WATER SAFETY, ENVIRONMENTAL PROTECTION AND NOISE ABATEMENT; DESIGNATING CERTAIN SEAGRASS BEDS WITHIN SUBMERGED LANDS IN MANATEE COUNTY, FLORIDA AREAS OF REGULATED WATER ACTIVITIES; LIMITING AND RESTRICTING THE OPERATION OF VESSELS WITHIN SAID AREAS OF REGULATED WATER ACTIVITIES; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA TO CONTRACT OUT THE OPERATION AND MAINTENANCE OF SAID AREAS OF REGULATED WATER ACTIVITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Manatee County Port Authority, a political entity of the State of Florida, owns and operates a public seaport facility in the northwestern portion of Manatee County, Florida known as "Port Manatee", and has obtained Conceptual Environmental Resource Permit No. 0129291-001-EC issued December 10, 1999, by the Florida Department of Environmental Protection in connection with dredging to enlarge the channel wideners at the entrance to Port Manatee, to widen and deepen the Port Manatee Harbor including existing Berths 5 and 11, new exterior Berths 4 and 12 and a new turning basin, to fill certain submerged lands behind the existing bulkheads at Berths 4 and 12, to replace the existing bulkheads at Berths 5 and 11 and to excavate certain uplands to create the majority of Berth 12, and

WHEREAS, said Conceptual Environmental Resource Permit requires said Port Authority to create, establish, enhance and maintain certain seagrass beds in the vicinity of Port Manatee, and

FILED
2000 MAR 29 AM 11 07
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, a number of vessels are driven, maneuvered or otherwise operated through or upon the existing seagrass beds in the vicinity of Port Manatee or the areas within which the anticipated new seagrass beds are to be located causing prop scarring and other damage to the existing seagrass and the anticipated seagrass to be established within the vicinity of Port Manatee, and

WHEREAS, said existing seagrass beds are and the anticipated new seagrass beds will be a habitat for the manatee (Manatus) and a number of vessels are or may be driven, maneuvered or otherwise operated through or upon said seagrass beds causing, or which may cause, prop scarring and other injury to manatees, and

WHEREAS, it is expedient and to the best interests of the County of Manatee, a political subdivision of the State of Florida, said Port Authority and the public at large to designate certain existing seagrass beds and the seagrass beds required by said Conceptual Environmental Resource Permit within the vicinity of Port Manatee as Areas of Regulated Water Activities and to impose certain limitations or restrictions upon the operation of vessels with internal combustion engines within said Areas of Regulated Water Activities, and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, having heard all testimony presented relating to the designation of additional Areas of Regulated Water Activities as set forth herein, hereby finds that said designations are necessary to protect the environment, and

WHEREAS, Sections 125.01, 327.22 and 327.60 of the Florida Statutes and other provisions of law authorize the Board of County Commissioners of Manatee County, Florida to adopt ordinances restricting and regulating the operation of vessels in certain waterways of the county.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that:

1. Section 5, Subsection A of Manatee County Ordinance 99-03 is hereby amended by adding thereto as subparagraph (9) the following:

(9) All county waters which are properly posted with regulatory markers stating that "MOTOR POWER VESSEL OPERATION PROHIBITED" within the submerged land described as follows:

Commence at the Northeast Corner of Section 1, Township 33 South, Range 17 East, thence N 89 deg.30'22" W, along the common line between Manatee and Hillsborough Counties, a distance of 1642.84 feet to a Manatee County monument for a Point of Beginning; thence continue N 89deg.30'22" W, along said line a distance of 162.63 feet to a point lying approximately 100.00 feet Westerly of the shore line of Tampa Bay; thence Southwesterly on a compass heading of 248 deg. approximately 7686.00 feet to a point on the Northwesterly shore line of the spoil island; thence continue Southwesterly on the compass heading of 248 deg. approximately 1315.00 feet; thence Southeasterly on a compass hearing of 154 deg. an approximate distance of 2500.00 feet on a line approximately 973.00 feet Southwesterly from said spoil island; thence Southeasterly on a compass heading of 129 deg. approximately 4776.00 feet to the intersection of the shore line, said point lying approximately 100.00 feet Southerly of Redfish Creek; thence on a compass hearing of 71deg.07'42" an approximate distance of 100.00 feet to South shore line of Red Fish Creek; thence on a compass heading of 22deg.46'24" an approximate distance of

9328.00 feet to the Point of Beginning. Excluding the ship channels and basins servicing Port Manatee. Also excluding the designated boat channel into Piney Point Boat Ramp.

A sketch depicting the area within which said submerged lands are located is attached hereto and made a part hereof as Exhibit "A".

2. Section 5 of Manatee County Ordinance 99-03 is hereby amended by adding thereto as Subsection I the following:

I. No owner, operator or person in command of any vessel shall permit said vessel to be operated or operate said vessel in a manner that results in damage to seagrass (i.e., species Thalassia testudinum, Halodule wrightii, Syringodium filiforme, or Ruppia maritima) such that the roots and rhizomes are excavated and seagrass is destroyed (simple loss of seagrass leaves without excavation is not considered a prohibited activity), whenever the vessel is in an Area of Regulated Water Activity as described in Subsection A.(9) of this Section. Vessels may be operated in such areas by push-pole, paddle, electric motor, sail or human power provided the vessel engine is not running and is tilted completely out of the water, and provided the method of operation, including anchoring, is not damaging to seagrasses or other natural marine resources.

3. Section 5 of Manatee County Ordinance 99-03 is hereby amended by adding thereto as Subsection J the following:

J. No owner, operator or person in command of any vessel shall permit said vessel to be operated or operate said vessel within an Area of Regulated Water Activities described in Subsection A.(9) of this section in such a manner that results in injury to the manatee (Manatus). Vessels may be operated in such areas by push-pole, paddle, electric motor, sail or human power provided the vessel engine is not running and is tilted completely out of the water, and provided the method of operation, including anchoring, is not damaging to manatees (Manatus) or other natural marine resources.

4. The Board of County Commissioners shall have the authority and power to contract with other units of local government, special districts, law enforcement agencies and other governmental entities for the operation and maintenance of the Areas of Regulated Water Activities and the enforcement of the provisions of this ordinance and any plans, rules or regulations adopted in connection with the operation and maintenance of the Areas of Regulated Water Activities.

5. If any section, sentence, clause or other provision of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or

unconstitutional the remaining sections, sentences, clauses or provisions of this ordinance.

6. This ordinance shall become effective at the time a certified copy thereof is stamped as having been received and filed by the Florida Department of State.

PASSED AND DULY ADOPTED with a quorum present and voting this the 21 day of March, 2000.

ATTEST: R. B. SHORE
Clerk of Circuit Court

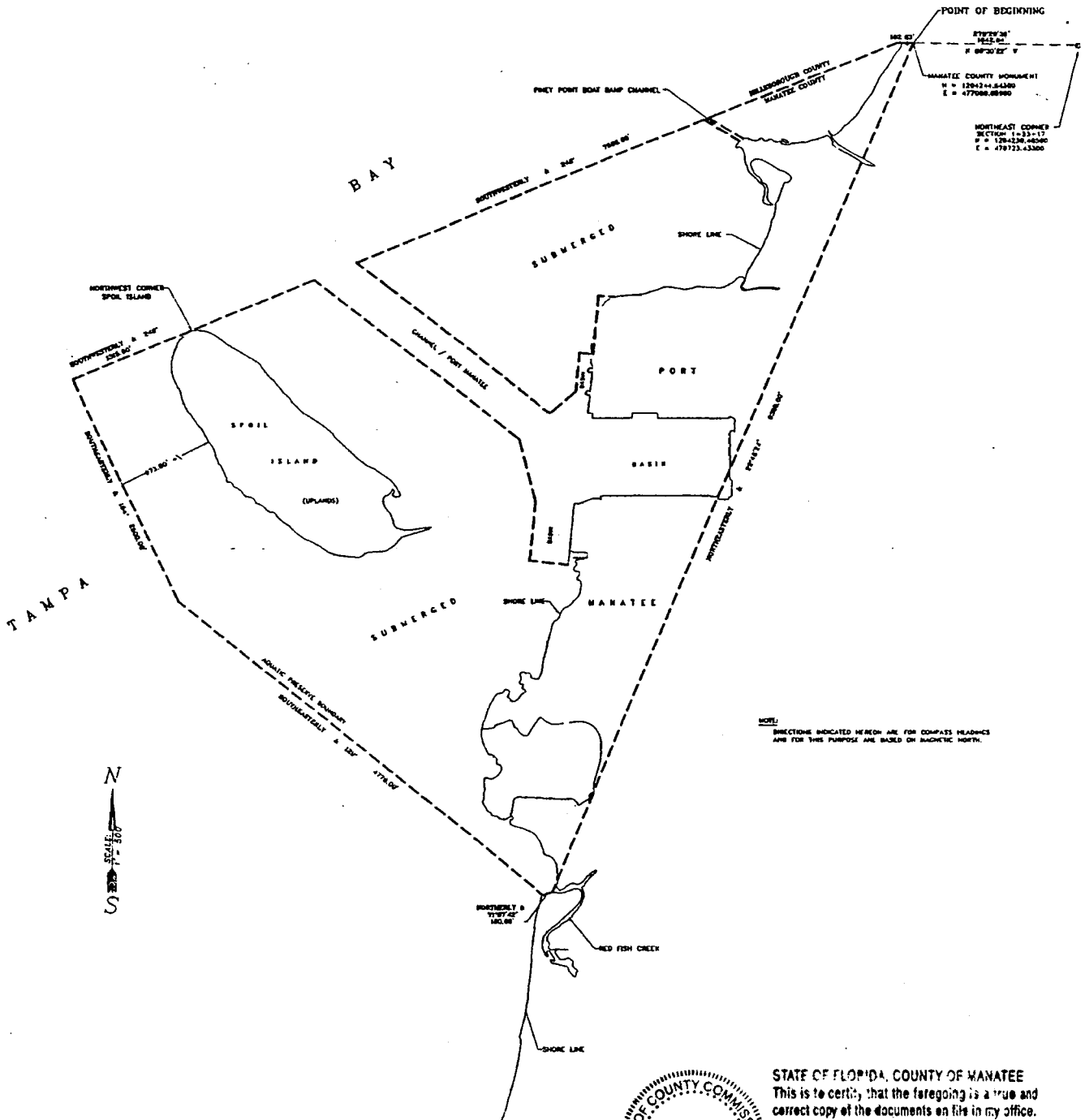
By: Susan G. Romine

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

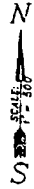
By: Jan Stephen
Chairman



EXHIBIT "A"



NOTE: DIRECTIONS INDICATED HEREON ARE FOR COMPASS HEADINGS AND FOR THIS PURPOSE ARE BASED ON MAGNETIC NORTH.



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 22 day of March, 2003

R.B. SHORE
 Clerk of Circuit Court

By: Susan Blomquist D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE

Katherine Harris
Secretary of State

DIVISION OF ELECTIONS

March 24, 2000

FILED FOR RECORD
MAR 23 11 25 AM '00

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 22, 2000 and certified copy of Manatee County Ordinance No. 00-30, which was filed in this office on March 24, 2000.

As requested, the date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Municipal Code Corporation
info@mail.municode.com
PO Box 2235
Tallahassee, FL 32316-2235

Supplement 45

04/05/2000

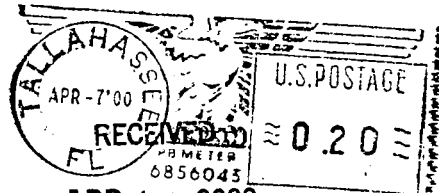
We have received the following material through hard copy. Thank you for your assistance and cooperation.

Ordinance Nos. 00-24 and 00-30.

800-262-2633 fax 850-575-8852

BJJ

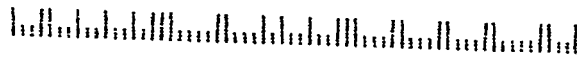
Looking for a customer complaint tracking software
We offer a comprehensive software called CCAR
Tired of mailing out Codes and Supplement?
We can distribute them for you for a minimal fee!



APR 11 2000

BOARD RECORDS

TO:
Mr. R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
PO Box 25400
Bradenton, FL 34205



COPIES TO:

Paul Fay, Port Atty
Barbara Tyler, BCC
Int. Audit
Municipal Code

DATE 3/30/00
BY [Signature]