

ORDINANCE NO. 274

AN ORDINANCE REQUIRING ACCESS CHANNELS FOR RENTED JET SKI'S, WAVE RUNNERS AND OTHER MOTOR PROPELLED VESSELS; PROHIBITING THE OPERATION OF SUCH RENTED OR PRIVATELY OWNED VESSELS WITHIN THREE HUNDRED (300) FEET OF THE EDGE OF THE WATERS OF THE GULF OF MEXICO AND ACCESS CHANNELS; PROVIDING THAT STANDARDS ARE INTENDED FOR THE PROTECTION OF THE GENERAL PUBLIC; GIVING DEFINITION TO THE TERM MOTOR DRIVEN FLOATING DEVICE; PROHIBITING THE OPERATION OF PARA SAIL ACTIVITIES WITHIN THREE HUNDRED (300) FEET OF THE EDGE OF THE WATERS OF THE GULF OF MEXICO.

WHEREAS, the City Council of Mexico Beach is of the opinion that the business of renting or hiring and increased private ownership of jet ski's and wave runners, and similar devices for use on or over the Gulf of Mexico has increased to a point of becoming a hazard to the persons engaged in such activity including the general public utilizing the public beaches; and

WHEREAS, the safety problems created by such water sport activity are unique in nature and location; and

WHEREAS, the city recognizes the legitimate desire of visitors and residents to enjoy such activity; and

WHEREAS, it has become evident that regulating such activity to insure public safety has become necessary, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 1. Disclaimer of liability.

(a) Neither the city nor any of its agents, officers or employees, shall be liable for any negligence, fault or wrongdoing of any person or business operating under the provisions of this ordinance. The right of the city to enforce the provisions of this ordinance shall not be construed as a duty, and the city shall not be responsible for failing to enforce any of the provisions of this ordinance or for acting or failing to act upon any information obtained under this ordinance.

(b) The standards herein contained are minimum standards intended for the protection of the public generally under commonly prevailing circumstances.

Section 2. Definitions.

(a) Beach Amusement shall mean the rental, lease or hire within the city of a motor driven floating device (as defined herein) for use on or in the waters of the Gulf of Mexico in exchange for a fee or value.

(b) Motor Driven Floating Device shall mean and include without limitation, a jet ski, wave runner, personal watercraft as defined in Florida Statutes S327.02(33)(1991), or other vessel propelled or powered by machinery and capable of transporting one or more persons.

Section 3. Prohibited Acts.

(a) It shall be unlawful for any person to rent, lease or hire within the city, a motor driven floating device for use on or in the waters of the Gulf of Mexico, or solicit the same within the city, unless:

- (1) There is provided for each rental location a water channel perpendicular to the shoreline, not less than ten (10) feet in width, and marked by at least (i) one orange or red buoy not less than sixty (60) inches in circumference and anchored three hundred (300) feet from the shoreline, and (ii) two orange or red cones or signs not less than twenty-eight (28) inches high erected at the waterline, and
- (2) Privately owned motor driven floating devices operating from the water's edge are required to depart the sandy beaches perpendicular to the shoreline at idle speed for a distance of not less than 300 feet before increasing speed; returning to the beaches they are required to approach at idle speed from a point three hundred (300) feet offshore and perpendicular to the shoreline. Privately owned motor driven floating devices when departing the municipal canal system will depart at idle speed. Upon return idle speed will be assumed at the channel entrance.
- (3) There shall be posted, within fifty (50) feet landward of such channel a sign posting the established speed limit of idle speed for all watercraft operating within the channel and canal system.

(b) It shall be unlawful for any person to conduct or assist in conducting, in whole or in part within the city, a para sail, kite or similar airborne ride on or above the waters of the Gulf of Mexico within three hundred (300) feet of the edge of the sandy beaches or the water's edge of the Gulf of Mexico within the city limits of Mexico Beach. Narrow beaches and the close proximity of power lines present a clear and present danger of personal injury.

(c) It shall be unlawful for any person to manage or control any beach business in violation of this section.

(d) No person shall operate any rented, leased or hired motor driven floating device within three hundred (300) feet of the edge of the waters of the Gulf of Mexico, unless operating within a channel properly marked pursuant to subsection (a)(2).

(e) No person shall knowingly swim within any channel properly marked pursuant to subsection (a).

Section 4. Location of Beach Amusements.

It shall be unlawful for any person to provide or offer any beach amusement on property that is not properly zoned for such activity.

Section 5. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. Violation. Any person or persons violating this ordinance is guilty of a misdemeanor of the second degree, punishable as provided by State Statutes.

Section 7. This ordinance shall take effect upon adoption.

INTRODUCED at a Special Meeting of the City Council on April 21, 1993, and ADOPTED at a Regular Meeting on May 11, 1993.

CITY OF MEXICO BEACH, FLORIDA

Tom Hudson

Tom Hudson
Mayor/Councilman

ATTEST:

Patricia L. Hutchinson
City Clerk