

ORDINANCE NO. 25-13

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 66 "WATERWAYS", ARTICLE I "IN GENERAL", SECTION 66-2 "OPERATION OF VESSELS IN RESTRICTED AREAS" OF THE VILLAGE CODE TO CREATE A SLOW SPEED MINIMUM WAKE ZONE GENERALLY LOCATED NORTH-WEST OF LIGNUMVITAE CHANNEL BRIDGE OFF LOWER MATECUMBE KEY, IN THE AREA GENERALLY KNOWN AS STARCKS WHEEL DITCH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Section 327.46, Florida Statues, Islamorada, Village of Islands (the "Village") has the authority to adopt slow speed / minimum wake boating restricted areas within the Village; and

WHEREAS, Florida Statutes § 327.46 (1)(b) grants the Village Council of Islamorada, Village of Islands (the "Village Council") the authority to implement slow speed / minimum wake boating safety zones on a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline; and

WHEREAS, the Village Council has identified that the area known as the "Starcks Wheel Ditch" located just northwest of the Lignumvitae Channel Bridge off Lower Matecumbe Key as further described in Exhibit "B"¹ hereto requires such regulation in order to protect the boating public; and

¹ / There is no Exhibit A to this Resolution. The attached Exhibit is designated as Exhibit B to avoid any confusion with the terms already existing in section 66-2(c)(2)a. of the Village Code.

WHEREAS, allowing boaters to operate at speeds greater than slow speed/minimum wake within the "Starcks Wheel Ditch" has and would continue to create dangerous navigational hazards; and

WHEREAS, the Village has experienced complaints about dangerous and unsafe boating within "Starcks Wheel Ditch" as a result of the current speeds allowed therein; and

WHEREAS, the Village Council desires to establish slow speed/minimum wake boating safety zone for the "Starcks Wheel Ditch" area pursuant to section 327.46 (1)(b), Florida Statutes; and

WHEREAS, nothing in this ordinance shall limit or nullify any no wake zones, slow speed minimum wake zones, and/or idle speed no wake zones already existing within the waterways and boundaries of the Village; and

WHEREAS, the Village Council hereby finds and declares that the adoption of this Ordinance is necessary, appropriate and in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendments to Chapter 66 the Village Code. Chapter 66

entitled "Waterways", Article I "In General", Section 66-2 is hereby amended as set forth herein:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Article I. In General

Sec. 66-2 Operation of vessels in restricted areas

* * *

(c) *Slow Speed Minimum Wake Zones.*

(1) Pursuant to Florida Administrative Code Chapter 68D-23.103, "Slow Speed Minimum Wake" and "Slow Speed" may be used interchangeably and mean that all vessels must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow. A vessel that is:

- a. Operating on plane is not proceeding at this speed,
- b. In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed,
- c. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed,
- d. Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

(2) The following described waterways or portions of waterways is hereby established as Slow Speed Minimum Wake zones on a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline:

a. A boating safety zone from approximately mangrove fringe to mangrove fringe, within the Whale Harbor Wheel Ditch, which encompasses the area of a line drawn perpendicular to the waterway, that passes through a westerly point (24°56'43.76" N 80°37'24.82" W) to a line that passes through an eastern point (24°56'44.14" N 80°37'08.16" W) as depicted in the attached Exhibit "A".

[Map]

b. A boating safety zone from approximately mangrove fringe to mangrove fringe, within the Starcks Wheel Ditch, which encompasses the area of a line drawn perpendicular to the waterway, that passes through a western point (24°52'46.34" N 80°42'18.67" W) to a line that passes through an eastern point (24°53'07.22" N 80°41'43.80" W) as depicted in the attached Exhibit "B".

[Add Map]

* * *

Section 3. Repeal of Conflicting Provisions. The provisions of the Village of Islamorada Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any sentence, section, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance but they shall

remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Village of Islamorada Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Steve Friedman, who moved its adoption on first reading. This motion was seconded by Anna Richards, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	<u>Yes</u>
Vice Mayor Don Horton	<u>Yes</u>
Councilwoman Deb Gillis	<u>Yes</u>
Councilman Steve Friedman	<u>Yes</u>
Councilwoman Anna Richards	<u>Yes</u>

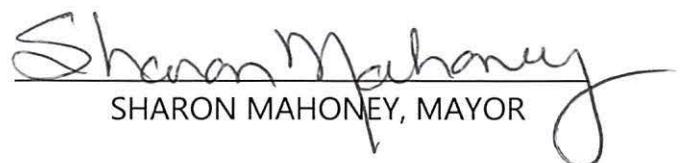
PASSED on first reading this 9th day of September, 2025.

[Remainder of the page intentionally left blank.]

The foregoing Ordinance was offered by Steve Friedman, who moved its adoption on second reading. This motion was seconded by Deb Gillis, and upon being put to a vote, the vote was as follows:

Mayor Sharon Mahoney	<u>Yes</u>
Vice Mayor Don Horton	<u>Yes</u>
Councilwoman Deb Gillis	<u>Yes</u>
Councilman Steve Friedman	<u>Yes</u>
Councilwoman Anna Richards	<u>Yes</u>

PASSED AND ADOPTED on the second reading this 7th day of October, 2025.


SHARON MAHONEY, MAYOR

ATTEST:


MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY


JOHN J. QUICK, VILLAGE ATTORNEY



Exhibit "B"



0 500 1,000 US Feet

Starck's Wheel Ditch Slow Speed/Minimum Wake Zone		
Created 7/7/2025		
WSP US0041689.9896		