ORDINANCE NO. 3336-25

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 114-1 DEFINING TERMS RELATED TO THE REGULATION OF CITY WATERWAYS; AMENDING SECTION 114-2 ESTABLISHING PENALTIES FOR NONCRIMINAL BOATING INFRACTIONS; AMENDING CHAPTER 114, ARTICLE IV GOVERNING BOATING AND WATER SAFETY; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, certain provisions of the City Code relating to boating and water safety require revision to better align with current Florida Statutes; and

WHEREAS, Section 327.46, Florida Statutes, authorizes the City to establish by ordinance certain boating-restricted areas for certain designated purposes; and

WHEREAS, the City finds that it is necessary to establish boating-restricted areas in waterways within the jurisdictional limits of the City of Winter Park; and

WHEREAS, the City finds that the establishment and enforcement of "No Wake" Zones in public access lakes is necessary to protect adjacent persons and property following a major storm or flooding event; and

WHEREAS, the City of Winter Park is responsible for managing and protecting public resources, including public boat ramps, for the benefit of its residents and visitors; and

WHEREAS, the City has determined that allowing commercial rental operations of motorized boats and personal watercraft at public boat ramps can cause safety issues, environmental harm, and congestion in public areas and that regulations to preserve public boat ramps for local use is in the public interest; and

WHEREAS, the City Commission of the City of Winter Park finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Park, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Section 114-1 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 114-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means all rafts, skiffs, dredges, canoes, dinghies, dugouts, rowboats, sailboats, motorboats, personal watercraft and every other device used or capable of being used as a means of transportation on water. This term is synonymous with vessel as used in this chapter.

Boating-restricted area means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded. Such areas may consist of idle speed, no wake areas; slow speed, minimum wake areas; or vessel-exclusion zones, as appropriate, as authorized by F.S. § 327.46.

City boats means boats owned by residents of the city.

Clearance means the alteration of or removal of vegetation by the deposit of sand, dirt or other material or by uprooting and removal by mechanical or nonmechanical means or by chemical treatment.

Fill means the addition of materials, including but not limited to dirt, sand, gravel, stone, crushed stone, cement, cement rubble, mulch, wood or railroad ties, which results in changes to the topography or vegetation that exists on the shoreline and waterfront areas of waterfront properties.

Idle Speed, No Wake Zone means a boating-restricted area within which a vessel must proceed at a speed no greater than that necessary to maintain steerageway and headway. 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.

Motorboat means any boat, including personal watercraft, powered by an internal combustion engine, whether inboard, outboard, or otherwise.

No city boats means boats owned by nonresidents of the city.

No Wake Zone is synonymous with an Idle Speed, No Wake Zone as defined in this section.

Operate (*or operating*) means to be in charge of, in command of, or in actual physical control of a vessel upon the waters of the state.

Operator means any person who is operating a vessel ~~in charge of or having immediate control over a boat,~~ regardless of whether such person is the owner, a lessee, a licensee, a permittee or an unauthorized user.

Ordinary High Water Mark means the highest reach of a navigable, nontidal water body as it usually exists when in its ordinary condition and is not the highest reach of such water body during the high water season or in times of freshets.

Owner means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person which is reserved or created by lease or other agreement.

Personal watercraft means a class A inboard vessel, as defined by the United States Coast Guard, which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion and which is designed to be operated by a person sitting, standing or kneeling on the product, rather than in the conventional manner of boat operation.

Retaining wall means the same as seawall.

Revegetation means the planting and establishment of terrestrial and aquatic grasses and plants, both emergent and nonemergent, associated with waterfront and shoreline environments.

Revetment means any sloped structure with a horizontal to vertical slope of 2:1 or greater that is constructed of rock, other aggregate material or geotextile fabric that is intended to protect the shoreline against erosion or water action.

Seawall means any structure involving stone, brick, concrete, metal or wood intended to stabilize the shoreline as protection against erosion or water action.

Slow Speed, Minimum Wake Zone means a boating-restricted area within which a vessel must be fully off-plane and completely settled into the water. Vessels within such areas must proceed at a speed which is reasonable and prudent under the prevailing circumstances to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or persons using the waterway.

Shoreline means the land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured ten feet landward of such normal high-water elevation. (Reference normal high-water elevations for the major lakes in the zoning ordinance.)

Vessel is synonymous with boat as used in this chapter and as referenced in section 1(b), Article VII of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

Vessel-Exclusion Zone means an area from which all vessels or certain classes of vessels are excluded.

Wake means any waves created by a vessel's movement through the water.

Waterfront means the water area or occasional land area which exists between the normal high-water elevation during typical hydrological conditions and the point measured 30 feet out seaward of the normal high-water elevation.

Waters of the state means any navigable waters of the United States within the territorial limits of the State of Florida, including all inland lakes, rivers, and canals under the jurisdiction of the State of Florida.

Waterway means any waters, lakes, canals, streams, lagoons, or connecting waters, whether natural or manmade, partially or wholly within the boundaries of the City of Winter Park.

Winter Park Chain of Lakes means Lake Maitland, Lake Mizell, Lake Osceola, and Lake Virginia.

SECTION 3. City Code Amendment. Section 114-1 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 114-2. Penalty.

(a) Violations of the following provisions of this chapter are noncriminal infractions:

(1) Section 114-58(e), relating to display of an appropriate valid user fee receipt;

(2) Section 114-60, relating to protective guards;

(3) Section 114-61, relating to audible warning devices;

~~(4) Section 114-62, relating to age of operator of motorboat or personal watercraft~~;

~~(5) Section 114-65, relating to prohibition of motor boats on certain lakes~~;

(4)~~(6)~~ Section 114-69, relating to navigation hazards;

(5)~~(7)~~ Section 114-70, relating to lighting of temporary obstructions;

(6)~~(8)~~ Section 114-72, relating to boats adrift;

(7)~~(9)~~ Section 114-74(a)(1), (2), (3), (4), (5), (6), and (7)~~ and (9)~~, section 114-74(b), section 114-74(c), and section 114-74(d), relating to water sports;

(8)~~(10)~~ Section 114-77, relating to display of house numbers.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. However, no court appearance is required if payment of the civil penalty set forth in the citation is received in full where and when specified by the citation. The civil penalty for any such infraction is a Class II violation of $100.00~~50.00~~, plus applicable administrative fees and applicable court costs. In accordance with section 1-23 each successive repeat violation shall be subject to a civil penalty for the next higher violation classification.

(b) Nonreckless violations of the following provisions of Chapter 114 of this Code are noncriminal infractions, provided they do not cause a boating accident:

(1) Section 114-66, relating to passing of boats;

(2) Section 114-67, relating to speed of boats;

(3) Section 114-68, relating to operation of boats.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. However, no court appearance is required if payment of the civil penalty set forth in the citation is received in full where and when specified by the citation. The civil penalty for any such infraction is a Class III violation of $200.00 ~~$50.00~~, plus applicable administrative fees and applicable court costs. In accordance with section 1-23 each successive repeat violation shall be subject to a civil penalty for the next higher violation classification.

(c) Any person violating any provision of this chapter not listed in section 114-2(a) or (b) above shall be punished as provided in section 1-7 and may have his boat user fee receipt revoked for a period not exceeding one year, either or both.

(d) Law enforcement officers have the authority to issue uniform boating citations for violations of this article.

SECTION 4. City Code Amendment. Chapter 114, Article IV of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 114-56. Reciprocity with City of Maitland.

At such time as the City of Maitland shall adopt and have in effect an ordinance with sufficient similarity to this chapter relating to boats and containing a like reciprocity section, all motorboats and personal watercraft for which the user fee has been duly and properly paid to the City of Maitland for the use of the chain of lakes (including Lake Nina, Lake Minnehaha, Lake Maitland, Lake Mizell, Lake Osceola, and Lake Virginia) shall be permitted to be operated upon any waterway within the corporate limits of the City of Winter Park without the payment of any further user fee to the City of Winter Park or requirement for securing any user fee from the City of Winter Park.

Sec. 114-57. Applicability of federal and state laws.

All vessels~~boats~~ operating on or about the waterways of the city shall be subject to federal and state laws and regulations relating thereto, the provisions of this chapter being supplementary to such laws and regulations.

Sec. 114-58. User fees.

(a) *Required.* Every owner of a motorboat having an inboard or outboard motor, including personal watercraft, operating upon the Winter Park Chain of Lakes~~any waterway~~, either partially or wholly within the corporate limits of the city, shall be required to pay the city a user fee to offset the cost of patrolling and maintaining such waterways. ~~However, owners of boats on Lake Killarney shall not be required to pay such fee for use of their boat on Lake Killarney.~~

(b) *Prerequisites.* In order to use a motorboat~~boat~~, including personal watercraft, on the Winter Park Chain of Lakes~~city waterways~~, the owner shall give the make, model, horsepower, length of vessel~~boat~~ and state registration number and certify

that such boat has all equipment required by the state and the city by obtaining a boat permit from the city. ~~Owners of boats carrying more than four persons for hire shall also present satisfactory evidence that the boat has been safety inspected and found to be safe either by the Coast Guard or the police department.~~

(c) *Collection agents.* The city commission may, from time to time, designate an agent to collect user fees and dispense receipts and may provide for a service fee to be paid by the city to the collection agent for user fees collected.

(d) *Transfer of receipt.* Sale or transfer of ownership of a motorboat to which is attached a receipt showing payment of the user fee shall not invalidate the receipt, provided the police department or lakes division~~finance department~~ is notified within ten days of such change in ownership. The intent of the city commission is that a user fee be paid and receipts issued for each motorboat utilizing the Winter Park Chain of Lakes~~city waterways~~, regardless of ownership or transfer of ownership. Receipts, however, are not transferable from one vessel~~boat~~ to another.

(e) *Display of receipt.* The owner shall at all times display an appropriate valid user fee receipt in the form of the city-issued motorboat registration decals, or the operator shall have in his or her possession a valid electronic daily user fee receipt. Motorboat decals must be affixed on both sides of the bow (front) of the vessel, above the waterline, and within six inches of the state registration number~~on the boat, or the operator shall have in his possession a valid daily user fee receipt~~.

Sec. 114-59. User fee schedule; receipts; application of revenues.

(a) *Receipts.* Upon payment of the annual user fee required by this article, two motorboat decal receipts shall be issued to the payer of the user fee. Those decal receipts shall be affixed, one on each side of the bow, within six inches fore or aft of the state registration numbers. User fee decals issued shall be triangular in shape, with a square used for the following year and a circle for the next following year. These shapes shall be repeated in the same sequence during each succeeding three-year period. Upon payment of the daily user fee required by this article, a receipt in the form established by the city manager or his designee shall be issued to the payer of the user fee.

(b) *User fee schedule.* A daily user fee of $6.00 shall be paid prior to the operation of any motorboat, including personal watercraft. In lieu of the daily user fee, an annual user fee may be paid based upon the dollar amount and unit as set forth in this subsection. The unit shall be calculated by adding the length of the vessel~~boat~~ in feet, rounded to the next higher whole foot, together with the manufacturer's advertised maximum horsepower of the engine, at maximum RPM, rounded to the next higher whole horsepower. The total of these two numbers is the number of units assigned to each motorboat and will be the basis for calculating vessel~~boat~~ user fees. Length shall mean the measurement from end to end over the deck parallel to the centerline, excluding sheer. The user fee shall be imposed by applying the unit for each vessel~~boat~~ times the user's fee factor set forth as follows:

	Noncommercial Annual	Commercial Annual
Motorboat owned by city resident	$0.50	$1.00
Motorboat owned by non-city resident	0.75	1.50

Annual user fees paid between January 1 and June 30 shall be one-half of this amount.

(c) *Dealers.* Recognized watercraft dealers ~~in boats~~ may obtain annual user fees receipt~~s~~ decals to be attached to vessels~~boats~~ for the sole purpose of boat demonstrations without supplying identification data for individual vessels~~boats~~ as required by section 114-58.

(d) *Application of revenues.* All revenues received by the city from payments of daily and annual user fees shall be expended for the patrol, maintenance and improvement of lakes, rivers or waters and for other boating-related activities in the city.

Sec. 114-60. Protective guards.

Where conditions or the size of any vessel~~boat~~ is such that undue contact may be made with the canal retaining walls, such vessel~~boat~~ shall not enter the canals unless it is equipped with adequate protective guards or bumpers to prevent damage to the walls.

Sec. 114-61. Audible warning devices.

All motorboats~~power boats~~ operating on the city chain of lakes shall carry a whistle or horn audible up to 300 feet.

Sec. 114-62. Reserved. ~~Licensing of certain minors.~~

~~(a) No person under 18 years of age shall operate a motorboat without first obtaining an operator's license. In order to obtain such a license, a person under 18 years of age shall submit to the police department a license application joined in by a parent or guardian of the minor wherein the parent or guardian accepts all responsibility for any damage or injury to persons or property caused by the minor while operating a motorboat and certifies that the minor can swim at least 100 feet. A motorboat operator's license shall be issued only after the applicant has:~~

~~(1) Successfully completed the auxiliary power squadron instruction course or the police department administered junior boatman's safety course;~~

~~(2) Passed an examination on the provisions of this chapter and the contents of the city prepared manual on the operation of boats; and~~

~~(3) Passed a practical test in the operation of a motorboat.~~

~~(b) No person under 14 years of age shall operate a motorboat powered by over ten horsepower unless licensed as provided in subsection (a) of this section and~~

~~accompanied when operating such boat by an adult fully qualified to operate such boat.~~

~~(c) No person under 14 years of age shall operate a personal watercraft. A person between 14 and 18 years of age may operate a personal watercraft only after obtaining the motorboat operator's license and successfully completing and passing a further test demonstrating proficiency in the operation and use of a personal watercraft. Upon successful completion of this test, the motorboat operator's license shall be amended to authorize the operation of a personal watercraft.~~

Sec. 114-63. Reserved. ~~Permitting unauthorized minor to operate motorboat.~~

~~No person shall cause or knowingly permit a child or ward under the age of 18 years to operate a motorboat when such minor is not authorized by the provisions of this chapter.~~

Sec. 114-64. Reserved. ~~Suspension or revocation of license.~~

~~(a) If any person is found to have committed four or more violations of this chapter, or the rules and regulations promulgated thereunder, the police department may suspend such person's motorboat operator's license for a period of not more than one year. Upon such suspension the licensee must surrender to the police department the license so suspended.~~

~~(b) The police department shall revoke the motorboat operator's license of any person who:~~

~~(1) Operates any motorboat when such license or privilege is cancelled or suspended; or~~

~~(2) Is found to have violated the provisions of F.S. § 327.351;~~

~~and such person shall not be eligible to be relicensed for a period of three years from the date of revocation. Upon such revocation the licensee must surrender to the police department the license so revoked.~~

~~(c) When any person's license has been suspended or revoked pursuant to the provisions of this section, the police department shall not grant a new license nor shall the person's motor boating privileges be restored, except upon the reexamination of the licensee after the expiration of the period of suspension or revocation so prescribed.~~

Sec. 114-65. Boating-Restricted Areas Established. ~~Motorboats prohibited on certain lakes.~~

(a) *Idle Speed, No Wake* Zones. It shall be unlawful to operate any vessel at a speed that creates a wake within the zones referenced below which are under the jurisdiction of the City of Winter Park. The following describe locations of designated Idle Speed, No Wake Zones as depicted within Figure 1:

(1) Scenic Boat Tour Dock (Zone 5) shall establish an Idle Speed, No Wake Zone in accordance with F.S. § 327.46(1)(b)1.b., extending between points: (-081°

20' 47.43814797", +28° 35' 55.40448182"), (-081° 20' 45.37020814", +28° 35' 53.98863739"), and (-081° 20' 45.13312369", +28° 35' 51.54068808").

(2) An area of the Dinky Dock Launch (Zone 6) shall establish an Idle Speed, No Wake Zone in accordance with F.S. § 327.46(1)(b)1.a., extending between points: (-081° 20' 48.30477240", +28° 35' 52.53431209") [Center- this is the same], (-081° 20' 47.72370565", +28° 35' 51.99728387"), (-081° 20' 47.56500330", +28° 35' 52.88807294"), and (-081° 20' 48.48526741", +28° 35' 53.25960189")

(b) *Slow Speed, Minimum Wake Zones*. It shall be unlawful to operate a vessel at a speed that creates more than minimum wake within the zones referenced below which are under the jurisdiction of the City of Winter Park. The following describe locations of designated Slow Speed, Minimum Wake Zones as depicted within Figures 1 and 2.

(1) An area of Howell Creek (Zone 1) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 43.37371271", +28° 37' 15.92694540") and (-081° 19' 50.77642212", +28° 37' 55.84371001") (2) An area of Venetian Canal (Zone 2) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 33.09259038", +28° 36' 25.41282467"), and (-081° 20' 46.77247495", +28° 36' 35.54831552").

(3) An area of Fern Canal (Zone 3) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 32.55902308", +28° 35' 40.70096068"), (-081° 20' 32.18567183", +28° 35' 48.26813223").

(4) An area of Genius Canal (Zone 4) shall establish a Slow Speed, Minimum Wake Zone in accordance with F.S. § 327.46(1)(b)2.c., extending between points: (-081° 20' 27.39129855", +28° 35' 35.68314178"), (-081° 20' 24.84072506", +28° 35' 35.83437626").

(5) Lake Killarney (Zone 8) shall establish two Slow Speed, Minimum Wake Zones in accordance with F.S. § 327.46(1)(b)2.c., as follows:

a. Killarney Canal – extending between points: (-081° 22' 18.58133679", +28° 36' 10.74109026"), (-081° 22' 18.95277168", +28° 36' 09.80859797"); and

b. North Lobe Entrance – extending between points: (-081° 22' 27.55144171", +28° 36' 16.98306661"), (-081° 22' 34.25256464", +28° 36' 18.63421618").

(c) *Vessel-Exclusion Zones*. It shall be unlawful to operate any motorboat within areas designated as Vessel-Exclusion Zones referenced below which are under the jurisdiction of the City of Winter Park. The following describe locations of designated Vessel-Exclusion Zones as depicted within Figure 1:

(1) An area of Howell Creek connected to Lake Sue (Zone 7) shall establish a Vessel-Exclusion Zone in accordance with F.S. § 327.46(1)(c)3., extending between

points: (-081° 21' 22.14416977", +28° 34' 51.46684615") and (-081° 21' 02.98130440", +28° 35' 11.78420842").

(d) *Temporary Emergency No Wake Zone*. The City Manager shall have the authority to issue a temporary, emergency no wake order to any lake within the jurisdiction of the City of Winter Park during any declared state of emergency issued by the Governor or any declared state of local emergency issued by the Mayor under Chapter 38 of the City Code.

(e) *Information signs*. Informational signs or buoys may be implemented 150 feet from the Ordinary High Water Mark reduce the potential for vessel operation that poses a risk to the public in the following lakes: Baldwin, Bell, Berry, Killarney, Maitland, Mizell, Osceola, Spier, Sue, Sylvan, Virginia.

(f) *Operational restrictions*.

(1) Vessels within a designated No Wake Zone must operate at idle speed, defined as the minimum speed necessary to maintain steerage.

(2) Motorboats in canals shall be operated at idle speed so as not to create a wash or wave.

(3) No owner, operator, or person in command of any vessel shall operate or permit the operation of a vessel at a speed that causes a wake within a No Wake Zone.

(4) Vessels operating in a zone posted as Slow Speed, Minimum Wake must operate fully off-plane and completely settled in the water.

(5) Additional boating-restricted zones including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of the state within the jurisdictional limits of the City of Winter Park if such restrictions are necessary to protect the safety of the public due to boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(g) *Exemptions*. The following vessels are exempt from the prohibitions contained in this section:

(1) Vessels used solely for law enforcement, firefighting, or rescue.

(2) Vessels used by any employee, officer, or authorized agent of local, state, or federal government for ensuring compliance with local, state, or federal law or for performing other official duties.

(3) Vessels operating under emergency conditions during an emergency.

(h) *Penalties*. The provisions of this ordinance shall be enforced by the issuance of a uniform boating citation by any law enforcement officer as defined in F.S. § 943.10, in accordance with the procedures set forth in F.S. §§ 327.73 and 327.74.

~~No motorboats shall be allowed in Lakes Chelton, Midget, Mendsen, Grace, Francis, Sylvan, Knowles, Wilbar and Baldwin except that fishing boats or sailboats with internal~~

~~combustion engines may be launched at the Fleet Peoples Park boat ramp on Lake Baldwin, as long as the internal combustion engines are not used.~~

Sec. 114-66. Passing of boats.

(a) *Boats under power.* For boats under power, an overtaking boat shall pass leaving the privileged boat on the starboard hand. Boats approaching each other from opposite directions on parallel or nearly parallel courses shall pass port to port. When boats are approaching on a collision course, the one which has the other on port hand shall maintain course at a safe speed. Boats proceeding in the same direction shall not pass in the canals.

(b) *Nonpowered boats and motorboats.* Canoes, rowboats, kayaks, paddle boards, and sailboats shall have the right-of-way when approached, passed or overtaken by motorboats or boats under power.

(c) *Boats in or entering canals.* Whenever boats must pass within a canal in a constricted area, the boat nearest a passing area shall return to that area to effect the passing. All boats intending entrance to a canal shall yield the right-of-way to boats making an exit. If there is a passing area closer than the exit, the boat in the canal shall return or remain in that area to effect the passing.

Sec. 114-67. Speed of boats.

It shall be unlawful to operate any boat within the area between the shoreline and the safety zone buoys, except in an emergency or for docking and departure, except at idle speed. It shall be unlawful to operate any boat between the shoreline and the safety zone buoys at such speed as will cause a wake. In the canals, motorboats shall be operated at idle speed which will not create a wash or wave. Motorboats in the near proximity of boats not under power shall operate at a safe reduced speed which will not create a wash or wave which would endanger the occupants of boats not under power. Boats not under power shall include both nonpowered boats and motorboats not under power, including those which are anchored or being used for fishing. ~~The speed of boats shall not exceed 40 miles per hour during daylight hours, and 20 miles per hour between sunset and sunrise.~~

During any declared state of emergency issued by the Governor or any declared state of local emergency issued by the Mayor under Chapter 38 of the City Code, the City Manager shall have the authority to issue a~~A~~ temporary, emergency no wake order ~~shall be in effect without further action by the city~~ on any lake ~~in which the water level is 1.1 feet or more above the ordinary high water elevation (OHW) as defined in the Winter Park Land Development Code~~. City law enforcement officers are authorized to enforce such emergency no wake orders pursuant to F.S. § 254.47. Such emergency no wake order must describe each lake to which it applies and may not extend in duration beyond the termination of the declared state of emergency or state of local emergency.

Sec. 114-68. Operation of boats generally.

(a) Motorboats or boats under power shall keep at least 300 feet behind any boat towing a skier and shall stay clear of, by at least 100 feet, any boat moored, not under power,~~anchored~~ or used for fishing.

(b) When a ski jump is in use, all other boats shall stay clear of the area 100 feet on either side and 500 feet ahead of and 500 feet behind the ski jump.

(c) No person shall operate any boat recklessly or overload any boat, indulge in any motorboat race or make sudden turns at excessive speed, follow too closely to other boats or operate any boat in any way so that it may endanger other boats, life or property.

(d) All boat operators shall sit within the confines of the boat and shall ensure~~insure~~ that their passengers do likewise. Bow riding and gunwale riding are prohibited.

~~(e) Care shall be taken by the operators of all motorboats to prevent damage from their wash or bow wave or from objects towed by such boats to beached or moored boats, docks, piers, shorelines and boathouses.~~

Sec. 114-69. Hazards to navigation.

Any person having knowledge of any hazardous object adrift or any underwater obstruction which would endanger the safe navigation of any vessel~~boat~~ shall report the location and nature of such hazard or obstruction to the police department as soon as possible.

Sec. 114-70. Temporary obstructions; time restrictions; emergency markers; authorization of "no wake zone" buoys.

(a) *Temporary obstructions.* It shall be unlawful for any person to leave or permit any vessel~~boat~~, barge dredge, temporary dock or pier or any other temporary obstruction to be left extending further than 20 feet from the shoreline or to anchor any float, buoy or other hazard more than 40 feet from the shoreline between the hours of sunset and sunrise, unless such boat, barge, dredge, buoy or other temporary obstruction is properly lighted to show its overall length, or prior approval is given by the city commission after a public hearing.

(b) *Time restrictions.* It shall be unlawful for any person to leave or permit any lighted or approved temporary obstruction to be left in any city lake for more than 48 hours during any 30 day period unless prior approval is given by the city commission after a public hearing.

(c) *Emergency markers.* Temporary floats or buoys denoting the location of potential hazards to navigation or lost valuables may be placed in a lake provided that the following conditions are met:

(1) The marker must be clearly visible to boaters;

(2) The city police department or the lakes division must be notified immediately as to the location and purpose of the emergency marker and the length of time it will be in the water;

(3) The marker must be removed immediately upon retrieval of the hazard or lost object or upon notification by the city.

(d) *Authorization of "no wake zone" buoys.* Buoys maintained by the city for the purpose of denoting state approved no wake zones or other boating-restricted areas, including canals, publicly accessible fueling stations, public boat ramps, and designated swimming areas~~the 100 foot no wake zone around shorelines or other navigational features~~ are authorized by this section. The sizes and measurements of such buoys shall meet state approved standards.

Sec. 114-71. Disturbing boat or contents.

It shall be unlawful for any person to molest, tamper with or cast loose or set adrift any boat belonging to another or to disturb, destroy, steal, take or carry away any of the contents, fixtures or appurtenances of any boat belonging to another.

Sec. 114-72. Boats adrift.

Any person finding a boat adrift shall secure it at a safe moorage and report such finding to the police department or lakes division as soon as possible. Any recovered boat will be retained in storage for 30 days, after which time it becomes the property of the city if unclaimed.

Sec. 114-73. Damage to ~~channel markers,~~ buoys, signs or signals.

It shall be unlawful for any person to remove, damage or destroy any ~~channel markers,~~ buoys or~~, speed limit~~ signs ~~or directional signals~~ maintained by the city in or about any of the waterways within the corporate city limits. Any person injuring or damaging any ~~channel markers,~~ buoys, signs, bulkheads, docks or boathouses or involved in any collision or upset with any other craft shall report such incident to city police department as soon as possible.

Sec. 114-74. Water sports.

(a) *Water skiing, aquaplaning, etc.* All water sports such as water skiing, surfboarding, aquaplaning, sledding, tubing and operation of a personal watercraft shall be subject to the following:

(1) The sports are expressly prohibited from one-half hour after sunset to one-half hour before sunrise. However, an agent or employee of a fire or emergency rescue service may operate a personal watercraft at any hour during the performance of his or her official duties.

(2) No person shall ski, surfboard, aquaplane, sled, or tube ~~or operate a personal watercraft~~ in the canals or under the bridges.

~~(3) Skiers, personal watercraft, surfboarders, aquaplaners, sledders or tubers, where practicable, shall take turns in a counterclockwise direction.~~

~~(4) No person shall ski, surfboard, aquaplane, sled, tube or operate a personal watercraft nor shall any boat towing such skier, surfboarder, aquaplaner, sledder or tuber come between safety buoys and the shoreline except when making a direct taking off or landing.~~

(3) No person shall operate a vessel on any waters within the city towing a person on water skis, an aquaplane, sled, tube, or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person being towed, or the vessel is equipped with a wide-angle rear view mirror mounted in such manner as to permit the operator of the vessel to observe the progress of the person being towed. This subsection does not apply to class A motorboats operated by the person being towed and designed to be incapable of carrying the operator in the motorboat.

(4) No person shall operate or manipulate any vessel, tow rope, or other device by which the direction or location of water skis, aquaplane, innertube, sled, or similar device may be affected or controlled, in such a way as to cause the water skis, aquaplane, innertube, sled, or similar device or any person thereon to collide or strike against or be likely to collide or strike against any vessel, bridge, wharf, pier, dock, buoy, platform, piling, channel marker, or other object.

(5) Water skiers, surfboarders, aquaplaners, sledders, tubers or operators of personal watercraft are prohibited from using buoys as slalom markers.

(6) All water skiers, surfboarders, aquaplaners, sledders, tubers and operators and riders of personal watercraft must be equipped with and wear a United States Coast Guard approved personal flotation device in conformance with current United States Coast Guard safety requirements, except when engaged in police-sanctioned races, contests or regattas. A special permit may be issued by the police department allowing persons preparing to participate in an official regatta, race, tournament or exhibition to practice trick water skiing without personal flotation devices. Any such person desiring to practice trick water skiing without a personal flotation device shall submit a letter of application to the police department, detailing the particular type of trick water skiing, the official event for which practice is intended and approved by the coach or trainer of the applicant. Every skier shall have his special permit in his immediate possession or in the towing boat at all times when skiing without a personal flotation device and shall display the permit upon demand. The special permit shall be valid only for trick water skiing in Lake Virginia and Lake Mizell.

~~(7) All boats and personal watercraft towing water skiers, surfboarders, aquaplaners, sledders or tubers shall have two persons in the boat or personal watercraft, one facing aft and the other facing forward.~~

(~~8~~7) No person shall manipulate any water ski, surfboard, aquaplane, sled, tube or similar device from a boat while under the influence of alcohol or any controlled or chemical substance to the extent that his normal faculties are impaired.

(~~9~~8) No personal watercraft shall be utilized to tow any person on water skis, an aquaplane, innertube, a sled or similar device unless the personal watercraft is designed by the manufacturer to carry three or more persons.

(~~10~~9) No person may place permanent slalom course buoys or other similar markers in any lake or waterway within the corporate city limits unless authorization is granted by the City Commission and is permitted by the respective regulatory agency. Temporary placement of buoys is regulated under section 114-70 of the Code of Ordinances.

(b) *Swimming and diving.* It shall be unlawful for any person to swim further from the shore than 100 feet unless accompanied by a boat. No person shall scuba dive or skin dive unless accompanied by a boat identified by a scuba diving or skin-diving flag. Scuba diving or skin diving shall not be permitted in any of the canals.

(c) *Regattas, crew races, swimming meets.* Authority is given to the police department to regulate and direct the conduct and operation of any regatta, swimming meet, crew race or other aquatic activity. Persons sponsoring regattas, races or other contests shall provide adequate traffic control at their expense as may be required by the police department and shall notify the police department and lakes division at least seven days prior to any event in order that appropriate arrangements for safety and navigation may be assured.

(d) *Personal watercraft.* In addition to the regulations set forth in subsection (a) of this section, the following regulations shall apply to the operation and use of personal watercraft:

(1) No person shall operate a personal watercraft without the state registration number and decal being affixed and the applicable city toll having been paid.

(2) Personal watercraft under power shall keep at least 300 feet behind any boat towing a skier and shall stay clear of, by at least 100 feet, any boat anchored or used for fishing. When a ski jump is in use, all personal watercraft shall stay clear of the area 300 feet on either side and 500 feet ahead of and 500 feet behind the ski jump.

(3) No person shall operate a personal watercraft within 300 feet of any persons in the water, with the exception of entering and exiting the shoreline adjacent to the designated swimming area at Dinky Dock.

(4) No person shall operate a personal watercraft while exceeding the manufacturer's recommended maximum weight or number of occupants.

(5) Personal watercraft shall not be operated in a manner or at a speed that causes the exhaust jet to come out of the water in order to avoid an increase

in the noise level or pitch above that experienced in normal operation on smooth water.

(6) As with all other vessels, vessel registration is required at all times during use.

Sec. 114-75. Use of lakes as landing places for seaplanes.

It shall be unlawful for any person to use any lake within the City of Winter Park excluding Lake Killarney covered by this chapter as a regular landing place or base of operation for float planes or seaplanes, but nothing in this section shall be construed to prohibit the use of the lakes by such planes in case of emergency.

Sec. 114-76. Hang gliding, parachuting, parasailing, airboating.

Hang gliding, parachuting, parasailing and airboating are prohibited on the lakes, except forthat airboats may be used in the city's official aquatic plant managementweed control program. A special permit may be issued by the city manager for such activities in conjunction with special events. Persons desiring to sponsor such activities shall submit a letter of application to the police department.

Sec. 114-77. Display of house numbers.

House numbers shall be prominently displayed on all boathouses and docks.

Sec. 114-78. Size of boats.

The maximum length of any boat to be launched or operated on the Winter Park Chain of Lakescity chain of lakes only shall not exceed 24 feet in length as listed on boat registration, with the exception of city vessels that is used for official business. No boat exceeding a width of eight and one-half feet shall enter any canal. All motorboatpower boat operators must comply with the maximum horsepower and maximum occupant capacity as stated on the manufacturer's capacity plate of that boat. City boats that are used for official business are exempt from this section.

Sec. 114-79. Storage and mooring of boats on or adjacent to public lands.

(a) It shall be unlawful for any person to store any boat in any city park or other public lands owned or maintained by the city. For purposes of this section, a boat will be considered "stored" if it is left unattended on public lands at any time between the hours of 11:00 p.m. and 6:00 a.m. This subsection shall not apply to the temporary storage of a boat on a trailer on a public street.

(b) It shall be unlawful for any person to moor, anchor, park or otherwise situate a boat unattended on or within the shoreline or waterfront of any city park or public lands owned or maintained by the city between the hours of 11:00 p.m. and 6:00 a.m.

(c) The owner of a boat is responsible and liable for any violation of this section unless the owner can furnish evidence that the boat was, at the time of the violation, in the care, custody or control of another person. In such instances, the owner of the boat is required, within a reasonable time after notification of the violation, to

furnish to the appropriate law enforcement authorities an affidavit setting forth the name and address of the person who leased, rented or otherwise had the care, custody or control of the boat. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging a violation of this section and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for the violation of this section. The owner of a boat is not responsible for a violation of this section if the boat involved was, at the time, stolen or in the care, custody or control of some person who did not have permission of the owner to use the boat.

Sec. 114-80. Reserved. ~~Wakeboarding in Lake Mizell prohibited.~~

~~Wakeboarding and activities using similar devices shall not be allowed in Lake Mizell. It shall be unlawful for any person to wakeboard or engage in activities using devices similar to wakeboards within Lake Mizell. No person shall operate a motor boat towing a wakeboarder or person using a similar device within Lake Mizell.~~

Sec. 114-81. Boat ramps prohibited.

The City of Winter Park shall be prohibited from permitting the construction or use of any public boat ramp on Lake Killarney. The prohibition on public boat ramps shall also include any commercial boat ramps used for the sale of boats, jet skis, etc. Private boat ramps used exclusively by a private neighborhood association, apartment or condominium complex shall not be construed to be public boat ramps if use of those boat ramps is restricted exclusively to property owners or members of that association.

Sec. 114-82. Prohibited Use of Public Boat Ramps for Commercial Rentals

(a) *Prohibition of Commercial Rentals at Public Boat Ramps*. It is prohibited for any person to use public boat ramps and their related public grounds and facilities within the city limits of Winter Park for the purpose of renting out motorboats, including personal watercraft.

(b) *Penalties*. A violation of this section is a Class IV violation and will result in a fine of $300.00 plus applicable administrative fees and applicable court costs. Each day of violation shall be considered a separate offense. In accordance with section 1-23 each successive repeat violation shall be subject to a civil penalty for the next higher violation classification. In addition to issuing fines, the city is authorized to remove any motorboats, including personal watercraft, in violation of this section from public property.

SECTION 5. Adoption of Referenced Figure Maps. The map attached to this Ordinance as Exhibit "A" is hereby adopted as Figure 1 as referenced in Section 114-65, Winter Park Code of Ordinances. The map attached to this Ordinance as Exhibit "B" is hereby adopted as Figure 2 as referenced in Section 114-65, Winter Park Code of Ordinances.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or

unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 8. Codification. Sections 2 through 4 of this Ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 9. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED this 28th day of May, 2025 by the City Commission of the City of Winter Park, Florida.

_____
Mayor Sheila DeCiccio

ATTEST:

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Rene Cranis, City Clerk