

## MEMORANDUM

**TO:** Tom Harmer, Town Manager

**From:** Allen Parsons, AICP  
Director, Planning, Zoning & Building Department

**Report Date:** June 8, 2022

**Meeting Date:** June 20, 2022

**Subject:** Ordinance 2022-08, Establishing Chapter 89, Public Bathing Protection

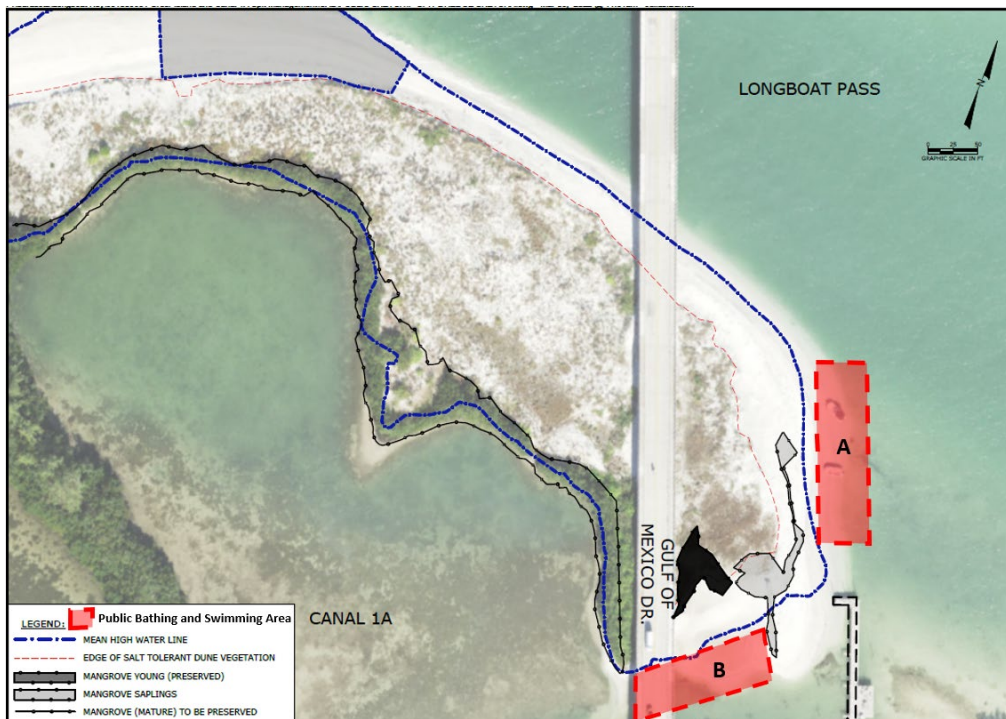
### Recommended Action

Adopt Ordinance 2022-08.

### Background

At their June 6, 2022 Town Commission Regular Meeting, the Commission held first reading and forwarded Ordinance 2022-08 for second reading, public hearing and adoption. Ordinance 2022-08 creates Chapter 89, Public Bathing Protection within the Town Code and will establish two motorized vessel exclusion areas on the southeastern portion of the Greer Island Manatee County-owned park, East of the Longboat Pass bridge

The Commission provided feedback and consensus direction to revise the width of the area denoted with the letter 'A' from 100 to 50 feet and to have the area denoted with the letter 'B' (see image below) extend along the shoreline from the western side of the Longboat Pass bridge (previously Area 'B' was described as beginning on the eastern side of the Longboat Pass bridge) eastward.



Minor fine-tuning language changes were made to the final sentence of the Ordinance's Purpose (Sec. 89.01) to indicate that the Chapter will be referred to as the Town's Public Bathing Protection *Chapter* and a minor change was made to the Designation of Areas of Restricted Water Activities (Sec. 89.03(A)) to remove an unnecessary word (reasonably) to describe that the area will be posted in a manner that will be seen and read by a person in operation of a vessel in the area.

There is one other Ordinance change that includes the addition of a penalty schedule to the Enforcement subsection (Sec. 89.06) to address the fine amounts associated with the issuance of any Uniform Boating Citations (UBC) for violations of provisions of this Chapter. Authority for enforcement via a UBC derives from Florida Statutes 327.70, which provides for various noncriminal civil penalties for violations of Sections of Chapter 327, F.S. (Vessel Safety). Some of the Statutory violations contain fine amounts set by the Legislature, while others do not. The violation of a boating restricted area established by local government authorities does not have a penalty schedule and therefore staff is recommending that one be included in the Ordinance. The recommended penalty provisions are a tiered schedule with citation amounts of \$250 for a first offense and \$500 for a second or any subsequent offense.

Staff has continued to work with the Florida Fish and Wildlife Conservation (FWC) Commission on the permitting of the Uniform Waterway Markers (buoys) in an effort to have the areas marked prior to the July 4th weekend. At this point it appears that the buoys will arrive in time for such placement. Staff has also received indication that signs to be placed on land on Greer Island, include warning signs regarding potentially hazardous swimming conditions, will also be placed in time for the July 4<sup>th</sup> weekend. FWC staff have reviewed Ordinance 2022-08, following first reading, and have indicated they have no objections.

In addition, as suggested by the Commission, an extensive public awareness effort will be conducted with outreach to: the media (including Sarasota Herald-Tribune, Longboat Observer, Longboat Key News, Anna Maria Islander and Bradenton Herald); Social Media channels; Chamber of Commerce; Condo Federation members; homeowner association groups; and an email blast through the Town's Business Tax Receipt system that would provide information to all businesses, including homeowners and any rental agents which could pass on information to tenants.

**Staff Recommendation**

Adopt Ordinance 2022-08.

**Attachment**

- A. Ordinance 2022-08 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

**End of Agenda Item**