

ORDINANCE NO. 2002-14

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE PROTECTION OF AQUATIC MARSHES AND GRASSES; PROVIDING FOR THE REGULATION OF VESSELS TRAVELING WITHIN THE WATERS OF HERNANDO COUNTY AND PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR INCLUSION IN THE COUNTY CODE;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, THAT:

SECTION 1. INTENT AND PURPOSE. It shall be the purpose of this section:

- (a) to protect the terrestrial and aquatic resources of Hernando County's salt water marshes and freshwater rivers, including the Florida manatee, nesting birds and aquatic grasses, from unnecessary harassment and impacts attributed to noise and travel; and
- (b) to preserve the tranquility of the County's waterways for the enjoyment of the citizens of Hernando County; and
- (c) to protect smaller watercraft from the thrust generated by airboat propulsion.

SECTION 2. DEFINITIONS

Airboat means a vessel which has a principle propulsion system which utilizes a pusher-type or tractor-type propeller, fan or blade which is not normally submerged below the water surface upon which the vessel operates; the fact an airboat can be propelled by a small auxiliary motor or by some other force does not change its characterization as an airboat.

Aquatic Grasses shall include, but not be limited to: *Avicennia germinans* (black mangrove) *Juncus roemerianus* (blackrush) *Spartina bakeri* (sand cordgrass).

Existing Natural Waterway shall mean an area of navigable water that is naturally created and unaltered. This definition specifically excludes any and all man made trails, without regard to the length of their existence or reason for their creation.

Idle Speed means that a vessel operating within any such area must be throttled down to the point where the engine is just above a stall. At idle speed, a boat or vessel should cast little or no wake.

Jumping of Roadways shall mean the propulsion of a vessel onto or over a designated roadway.

No Entry Zone means an area where no vessel of any kind, whether power-driven or non-motorized shall be permitted within the designated area. No other vessel or flotation device, including but not

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limited to a seaplane, sailboard, surfboard or other like object intended for or capable of use as a means of transportation on the water, shall be permitted within the designated area.

Operation means to have actual control and/or the ability to have control of the vessel, whether moving or not, whether the engines are powered or running, or not.

Person means any person, firm, corporation, municipality, township or any other public agency.

Slow Speed/Minimum Wake Zone means that a vessel operating within any such area must be fully off plane and completely settled into the water. It may not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

Trail means any defined area where continuous previous usage is evident.

Vessel is synonymous with boat, as referenced in Section 1(b), Article VII of the Florida Constitution and includes every description of watercraft, barge, and airboat.

SECTION 3. OPERATION

The noise level attained by any vessel shall not be of sufficient volume as to unreasonably disturb or inconvenience the general public or residents of adjacent areas. Vessels are to remain at least 1000 feet from any dwelling or roadway while in operation. This shall not include vessels leaving or returning to a port, ramp or residence, or vessels operating within a marked channel or seaward of a marked channel.

Operation of vessels shall be limited to ***existing natural waterways***. Vessels shall not operate in a no entry zone, or in a manner that shall damage or destroy any aquatic grasses. This section shall not apply to residents or owners of property requiring access to said property via airboat or other vessel. Other provisions, such as slow speed shall still apply.

Idle speed shall be maintained within any area posted as ***slow speed/minimum wake zone***.

The jumping of any roadway by any vessel shall be prohibited on any property owned and/or maintained by Hernando County. No vessel shall, under its own power, travel on or across any roadway, parking lot, or other public area, over land.

SECTION 4. ENFORCEMENT

Hernando County, by and through its Board of County Commissioners, may establish and post areas to prohibit entry, limit speed, or otherwise regulate traffic as needed through exercise of its police powers. The Board of County Commissioners may delegate this function, as it deems appropriate.

The above prohibitions and restrictions do not apply to vessels owned or under contract to federal,

state or local government entities and operated for official business by duly authorized personnel.

The provisions of this article shall be enforced by members of all duly authorized state, county and municipal law enforcement agencies within the county.

Violations of this article are punishable by fines of up to five hundred dollars (\$500.00) and imprisonment for up to sixty (60) days for each offense.

SECTION 5. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 30th day of July, 2002 A.D.

Attest: Karen Nicolai
KAREN NICOLAI
Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.**
By: Hannah M. Robinson
HANNAH M. ROBINSON
Chairwoman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
By: [Signature]
County Attorney's Office