

ORDINANCE NO. 85-21

AN ORDINANCE DECLARING THE EXISTENCE OF AN EMERGENCY SITUATION IN HERNANDO COUNTY, FLORIDA; PROHIBITING THE OPERATION OF BOATCRAFT ON THE WITHLACOOCHEE RIVER IN HERNANDO COUNTY; PROVIDING EXCEPTIONS; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE; REPEAL OF ORDINANCE NO. 85-20; PROVIDING FOR REPEAL.

SECRETARY OF STATE

SEP 10 3 27 AM '85

FILED

WHEREAS, a severe flooding condition has developed along the Withlacoochee River as a result of heavy rains over a long period of time; and

WHEREAS, the Withlacoochee River is overflowing its banks and flooding adjacent property, causing property damage and otherwise threatening the health, safety and welfare of the residents of Hernando County; and

WHEREAS, this catastrophic condition has resulted in the development of a health and safety hazard to residents of Hernando County along the Withlacoochee River; and

WHEREAS, the use of watercraft, boatcraft, canoes, rafts, motorized boatcraft or any type flotation device on the Withlacoochee River and on the waters overflowing the Withlacoochee River other than for law enforcement, evacuation and emergency purposes constitutes a hindrance to the implementation of Emergency Preparedness Plans of Hernando County and threatens the protection of the health, safety and welfare of the citizens of Hernando County, Florida; and

WHEREAS, the matters herein cited constitute a clear and imminent threat to the health, safety and welfare of the citizens of Hernando County so as to create an emergency in Hernando County.

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

SECTION I. The recitation of findings contained in the preamble to this Ordinance is hereby incorporated as findings by the Hernando County Board of County Commissioners.

SECTION II. The Hernando County Board of County Commissioners finds that an emergency exists within Hernando County.

SECTION III. The operation or use of watercraft, boatcraft, canoes, rafts, motorized boatcraft or any type of flotation device of any nature or kind upon the waters of the Withlacoochee River and its overflow, within Hernando County is hereby prohibited except as set forth in Section IV hereof.

SECTION IV. Section III of this Ordinance shall not apply to watercraft, boatcraft, canoes, rafts, motorized boatcraft or any type of flotation device of any nature or kind being utilized by law enforcement or other governmental officials or being utilized in actual evacuation or emergency use.

SECTION V. Any violation of this Ordinance shall constitute a misdemeanor and shall be punished as provided by law for violation of a County Ordinance.

SECTION VI. This Ordinance shall become effective as provided by law for effective dates of County Ordinances adopted as emergency measures.

SECTION VII. This Ordinance hereby repeals Ordinance No. 85-20 adopted by the Board of County Commissioners on the 27th day of August, 1985.

SECTION VIII. This Ordinance shall remain in effect until repealed by the Hernando County Board of County Commissioners.

ADOPTED in Regular Session on the Hernando County Board of County Commissioners on this 3rd day of September, 1985, A.D., as an emergency Ordinance with four (4) affirmative votes of members of the Hernando County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

(SEAL)

Attest: Paul Donato, Deputy Clerk
Harold William Brown
Clerk

By: Leonard P. Triago
Chairman