

ORDINANCE NO. 88-34

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROHIBITING THE OPERATION OF WATERCRAFT ON PORTIONS OF THE WITHLACOOCHEE RIVER AT CERTAIN TIMES; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

2011 JUN 17 11:00 AM  
CLERK OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

WHEREAS, severe flooding condition develop along the Withlacoochee River as a result of heavy rains from time to time; and

WHEREAS, the Withlacoochee River then overflows its banks and floods adjacent property, causing property damage and otherwise threatening the health, safety and welfare of the residents of Hernando County; and

WHEREAS, such catastrophic conditions result in the development of health and safety hazards to residents of Hernando County along the Withlacoochee River; and

WHEREAS, the use of watercraft, boat craft, canoes, rafts, motorized boat craft 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.

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 of fact by the Hernando County Board of County Commissioners.

SECTION II. DEFINITIONS. As used in this ordinance:

a) Flood stage - that period of time commencing when the waters of the Withlacoochee River reach flood stage as set from time to time by either the federal government or the State of

Florida at the Trilby gauge and ending when the Withlacoochee River crests, as determined by either the federal government or the State of Florida at the Holder gauge.

b) Watercraft - any type of flotation device of any nature or kind including but not limited to boats, rafts, tubes, canoes, motorized boat craft, sailboats, submarines, air boats, hovercraft, hydrofoils, jet skis, wet bikes, surfboards, and wind-surfboards.

c) Withlacoochee River - all portions of the Withlacoochee River, its tributaries and their overflow within Hernando County except those portions of the Withlacoochee River between the point where the Withlacoochee River first enters the Withlacoochee State Forest and Alligator Point.

SECTION III. OPERATION OF WATERCRAFT PROHIBITED. The operation or utilization of watercraft on the Withlacoochee River is prohibited during flood stage.

SECTION IV. EXCEPTIONS. Section III. shall not apply to the operation or utilization of watercraft on the Withlacoochee River during flood stage by law enforcement officers or other government officials or employees the operation or utilization of watercraft by others as authorized or directed by such officers, officials or employees for evacuation or emergency purposes.

SECTION V. PENALTIES. Any violation of this ordinance shall constitute a misdemeanor and shall be punished as provided by law for violations of county ordinances.

SECTION VI. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION VII. 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 VIII. EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 13th day of December, 1988, A.D.


(SEAL)

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA.

Attest:

  
KAREN NICOLAI  
Clerk

By:

  
RICHARD C. KILLINGSWORTH  
Chairman

