

ORDINANCE NO. 82-17

AN ORDINANCE REGULATING BOATING WITHIN NAVIGABLE WATERS OF HERNANDO COUNTY, FLORIDA; MAKING CERTAIN FINDINGS OF FACT; REPEALING HERNANDO COUNTY ORDINANCE NO. 75-6; AUTHORIZING THE DESIGNATION OF RESTRICTED ZONES OF MINIMUM WAKE AND OF NO WAKE; PROHIBITING THE OPERATION OF BOATS IN A DANGEROUS OR RECKLESS MANNER; PROHIBITING THE OPERATION OF BOATS SO AS TO CREATE A DANGEROUS WAKE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING FOR A EFFECTIVE DATE.

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

SECTION 1. FINDINGS. The Hernando County Board of County Commissioners hereby make the following Findings of Fact:

(a) There exists extreme safety hazards on portions of the Weeki Wachee River, Withlacoochee River and other waterways of Hernando County which are used for public bathing, pleasure boating and fishing by children and adults.

(b) The hazards result from the operation of boats and airboats, whether driven by outboard or inboard motors, at high rates of speed, or in such a fashion as to create a substantial wake, or in a careless fashion.

(c) The health, safety and welfare of the citizens of Hernando County and of all persons using or living along the Weeki Wachee River, Withlacoochee River and all other waterways of Hernando County is jeopardized unless the use of said boats is regulated.

SECTION 2. REPEALER. Hernando County Ordinance No. 75-6, and all other ordinances or portions of ordinances in conflict with the provisions herein contained, are hereby repealed.

SECTION 3. The Board of County Commissioners of Hernando County, Florida, is hereby authorized to designate areas within navigable waters of Hernando County as restricted zones, either as a "Slow Down - Minimum Wake" zone or as an "Idle Speed - No Wake" zone. Said designation shall not take effect until there has been one publication in a local newspaper of general circulation in Hernando County, Florida, in which the area designated as the restricted zone is defined and the type of zone indicated. No area shall be designated as either type of restricted zone unless there

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shall be first held a public hearing by the Hernando County Board of County Commissioners, after due notice is published at which all interested persons shall be heard. Violations of this provision and of the restrictions in the restricted zone shall constitute a violation of this ordinance. Any area designated as a "Slow Down - Minimum Wake" zone or as an "Idle Speed - No Wake" zone shall be posted with signs clearly marking the areas designated. The Hernando County Port Authority shall be responsible for posting and maintaining all such signs.

SECTION 4. All boats being operated in the navigable waters of Hernando County, Florida, shall be operated in a safe manner. No persons shall operate a boat in a dangerous or reckless manner so as to endanger the safety of any person or any person's property.

SECTION 5. No boats shall be operated in the navigable waters of Hernando County, Florida, at such a speed so as to cause a wake of such magnitude which will endanger the safety of any swimmer or diver or which will endanger any other boat, whether anchored, secured to a dock or underway. No boats shall be operated at such a speed so as to cause a wake of such magnitude which will cause danger to any dock, or any other public or private property, or cause appreciable erosion to the banks of any navigable waterway.

SECTION 6. A violation of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine up to Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail not to exceed sixty (60) days, or both.

SECTION 7. If any Section or provision of this Ordinance shall be held by a Court of competent jurisdiction to be invalid or unconstitutional, the remaining Sections or provisions of this Ordinance not so declared to be invalid or unconstitutional shall remain in full force and effect.

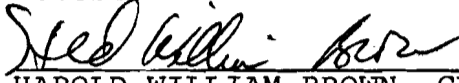
SECTION 8. All law enforcement officers as defined under existing or future Florida Statutes, including but not limited to the Sheriff of Hernando County, Florida, and his duly authorized deputies, and officers of the Florida Game and Fresh Water Fish Commission, are hereby authorized to enforce the provisions of this Ordinance.

SECTION 9. This Ordinance shall take effect as provided  
by law.

ADOPTED in Regular Session, this 21st day of December,  
1982.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

Attest:

  
HAROLD WILLIAM BROWN, CLERK

By

  
FRANK FISH, CHAIRMAN

