

SECRETARY OF STATE

AUG 8 3 27 PM '86

FILED

AN ORDINANCE AMENDING SECTION 7-1 OF THE HERNANDO COUNTY CODE; PROHIBITING CERTAIN WATER ACTIVITIES AND BOATING IN THE HEAD WATERS AND SPRING OF WEEKI WACHEE SPRINGS AND CERTAIN WATER ACTIVITIES WITHIN ONE (1) STATUTE MILE DOWN RIVER FROM SAME IN THE WEEKI WACHEE RIVER; EXPRESSING LEGISLATIVE INTENT; EXPRESSING LEGISLATIVE FINDINGS; DEFINING SCUBA DIVING; PROVIDING FOR EXCEPTIONS; PROVIDING FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR EMERGENCY ADOPTION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of the Board of County Commissioners of Hernando County, Florida, to protect and preserve, for all citizens, the right to enjoy the attractions in the spring and river commonly known as Weeki Wachee Springs and Weeki Wachee River in the County, and to preserve and protect same as a tourist attraction of significant economic benefit to all of the citizens of Hernando County and of the State of Florida.

SECTION 2. LEGISLATIVE FINDINGS

The Board of County Commissioners of Hernando County, Florida, makes the specific findings that:

(1) The health and safety of persons enjoying said attractions, as well as of persons engaged in the activities hereby proscribed, will be threatened by such violations;

(2) Such violations will interfere, molest, disturb, create a nuisance, and create a hazard for the operation of water craft in such spring, river, water, creek or run; and

(3) Except as otherwise hereinafter provided in Section 4, below, such violations will disturb, hinder, disrupt and detract from the enjoyment by the general public of the Weeki Wachee Springs and the Buccaneer Bay attractions in the headwaters and upper reaches of said springs and river, and will, thereby, have the potential to cause great economic harm to the County by diminishing or eliminating the value of said attractions to the tourist industry.

SECTION 3. PROHIBITION OF IDENTIFIED WATER ACTIVITY

It shall be unlawful for any person to carry on any water activity, swim, dive, skin dive, SCUBA dive or otherwise dive in the headwaters and spring, or in the waters of any creeks, rivers or runs, within one (1) statute mile down river of the head waters of any creek, river or run, commonly known as Weeki Wachee Springs or Weeki Wachee River in the County. It shall further be unlawful for any person to operate a boat or other water craft in said head waters and spring.

SECTION 4. DEFINITION OF SCUBA DIVING

For all purposes hereof, SCUBA diving shall be defined as swimming under water with any apparatus, whether self contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any other gas or gases for breathing without returning to the surface of the water.

SECTION 5. EXCEPTIONS

(1) Nothing in this section shall be construed to prohibit or make unlawful the activity of performers engaged in: a professional exhibition

or performance in said waters, or rehearsing to participate in same; the production, photographing or recording of motion picture and television materials so long as such activity is reasonably calculated and projected to result in a product for public exhibition in motion picture theaters, broadcast television or other public media; or the maintenance of boats, aquatoria and sets.

(2) Nothing in this section shall be construed to prohibit or make unlawful water activity, swimming or non-diving in the area which has been set aside or designated in said waters for such purposes by the Operators of the Weeki Wachee Springs and the Buccaneer Bay Attractions.

SECTION 6. VIOLATIONS

Any person found guilty of violating the provisions of this ordinance shall be subject to punishment as prescribed by Section 1-8 of the Hernando County code; provided, however, that signs shall be posted upon such river, water, creek or run, at the distance from the head waters as specified in Section 3 of this Ordinance.

SECTION 7. SEVERABILITY

The Sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

SECTION 8. AMENDMENT

This Ordinance amends and restates in its entirety Section 7-1 of the Hernando County Code.

SECTION 9. EMERGENCY ADOPTION AND EFFECTIVE DATE

The Board of County Commissioners of Hernando County, Florida, hereby finds and certifies that an emergency exists and that immediate enactment of this Ordinance is necessary, and the Board by a four/fifths (4/5) vote of its membership hereby waives the notice requirements of Section 125.66, Florida Statutes, and hereby adopts this Ordinance as an emergency ordinance pursuant to Section 125.66(3), Florida Statutes, and ordains that it shall take effect upon the mailing of a certified copy of this ordinance to the Secretary of State of the State of Florida at the hour when said certified copy has been accepted by the postal authorities of the Government of the United States of America for special delivery by registered mail to the Department of State of the State of Florida, all pursuant to the provisions of Section 125.66, Florida Statutes.

DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, THIS 29th DAY OF July, 1986, A.D.

ATTEST: Harold William Brown
HAROLD WILLIAM BROWN,
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY: Henry D. Ledbetter
HENRY D. LEDBETTER,
Vice-Chairman