

ORDINANCE NO. 79-5

AN ORDINANCE PROHIBITING THE POSSESSION OF ALCOHOLIC BEVERAGES ON THE WEEKI WACHEE RIVER IN HERNANDO COUNTY, FLORIDA; ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the springs commonly known as Weeki Wachee Springs in Hernando County, Florida, is an attraction of national, as well as state-wide interest with facilities that attract many thousands of visitors annually; and

WHEREAS, the interferences with such spring and its use for attracting visitors will destroy and impede the economic growth of the tourist industry in Florida; and

WHEREAS, water traffic in these areas has increased to such proportion that legislation has been deemed necessary to reduce congestion and to preserve water safety and welfare; and

WHEREAS, skin diving, scuba diving, or diving into the waters of said spring and its stream constitutes a hazard to not only the divers so diving, but also to those persons who operate water craft in said spring and its stream; and

WHEREAS, it is to the best interest of all citizens that proper safety and welfare be maintained, and all persons visiting said spring should be protected, and

WHEREAS, the County of Hernando has a responsibility to its residents and visitors to maintain a high standard of public safety and welfare and to further protect the wildlife within its borders; and

WHEREAS, the possession and consumption of alcoholic beverages by persons while said person is upon or within the Weeki Wachee River has resulted in the infringement of the right of citizens to peacefully enjoy the use of the Weeki Wachee River; and

WHEREAS, the possession and consumption of alcoholic beverages aforesaid has resulted in a public nuisance being created upon the Weeki Wachee River.

PART I

SECTION 1. The facts set forth and stated in the preamble hereof are found and declared to be true; and it is the intent of the Board of County Commissioners to protect and preserve, for all citizens, the right to enjoy the use of the Weeki Wachee River.

SECTION 2. The possession of alcoholic beverages by any person while said person is upon or within the Weeki Wachee River within Hernando County, Florida is hereby prohibited.

SECTION 3. Violation of any provision of this ordinance shall constitute a misdemeanor and any person so violating this ordinance shall be punished as provided by law.

SECTION 4. If any section, subsection, sentence, clause, or provision of this ordinance is held to be invalid or unconstitutional, the remainder of the ordinance shall not be affected.

SECTION 5. All laws, ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. This ordinance shall become effective as provided by law.

SECTION 7. Hernando County Ordinance No. 74-5 is hereby repealed..

PART II

SECTION 1. The facts set forth and stated in the preamble hereof are found and declared to be true; and it is the intent of the Board of County Commission to protect and preserve, for all citizens, the right to enjoy the attractions in the spring commonly known as Weeki Wachee Springs in Hernando County, Florida.

SECTION 2. It shall be unlawful for any person or persons to carry on any water activity, dive, skin dive, scuba dive or otherwise dive into the spring, or the waters of any creeks, rivers of runs, within 1,500 yards of the head waters of any such creek, river or run, commonly known as Weeki Wachee Springs in Hernando County, Florida, in such a manner as to disturb the marine life in such waters, or to interfere, molest, disturb, create a nuisance, or to create a hazard for the operation of any water craft in said river, water, creek or run.

SECTION 3. Nothing herein shall be construed to prohibit or make unlawful the activity of performers engaged in a professional exhibition or performance or purporting to participate in an exhibition or the production, photographing or recording of motion picture and television materials and the maintenance of boats, aquarium and sets.

SECTION 4. Nothing herein shall be construed to prohibit or make unlawful water activity, swimming or diving in any area set aside or designated for such purpose.

SECTION 5. Any person found guilty of violating the provisions of this ordinance shall be subject to punishment as prescribed by law for a misdemeanor; provided, however, that signs shall be posted upon said river, water, creek, or run, at the distance from the headwaters as specified in Section 2 hereof.

SECTION 6. If any section, subsection, sentence, clause, or provision of this ordinance is held to be invalid or unconstitutional, the remainder of the ordinance shall not be affected.

SECTION 7. All laws, ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. This ordinance shall become effective as provided by law.

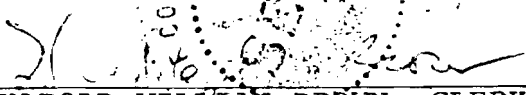
ADOPTED IN REGULAR SESSION this 15th day of May, 1979,
A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By


MARVIN E. HUNT, CHAIRMAN

Attest


HAROLD WILLIAM BROWN, CLERK