

ORDINANCE NO. 2018- 04

**AN ORDINANCE ESTABLISHING AN "IDLE SPEED – NO WAKE RESTRICTED AREA" IN LAGRANGE BAYOU;  
DESCRIBING THE AREA OF RESTRICTED WATERWAY; DESCRIBING THE LOCATION OF THE MARKERS;  
PROVIDING FOR ENFORCEMENT, PENALTIES AND PROVIDING AN EFFECTIVE DATE:**

WHEREAS, the Freeport City Council, Walton County, Florida is concerned for the safety of persons using LaGrange Bayou for recreational purposes, and

WHEREAS, excessive boat speed in LaGrange Bayou endangers the health, safety and welfare of the general public using the waterway for recreational purposes, and

WHEREAS, Florida Statutes § 327.46(1)(b) authorizes the City of Freeport to establish an idle speed, no wake zones by ordinance within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width, and

WHEREAS, the Freeport City Council of Walton County desires to conform to the requirements of the Florida Fish and Wildlife Conservation Commission with regard to restricting waterways, and

NOW THEREFORE BE IT ORDAINED BY THE FREEPORT CITY COUNCIL THAT:

1. The area of LaGrange Bayou between a line that is perpendicular to the waterway and passes through the point described by the coordinates 30° 28.4686'N, 86° 8.31283'W and a line that is perpendicular to the waterway and passes through the point described by the coordinates 30° 28.28183'N, 86° 8.31983'W is declared to be a restricted waterway. As provided in rule 68D-23.103(3) (a), F.A.C., "Idle Speed – No Wake" means that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that is has under tow.
2. City of Freeport shall apply to Florida Fish and Wildlife Conservation Commission for a permit to erect markers at the locations listed above.
3. This ordinance shall be enforced by Walton County and the City of Freeport. The placement of the markers does not obligate the Florida Fish and Wildlife Conservation Commission or its officers to enforce the regulations or operation restrictions noticed by the markers.
4. In the event that any section, paragraph, sentence, clause or phrase of the Ordinance shall be declared unconstitutional or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining parts of this Ordinance.
5. Violation of this Ordinance shall be punishable as provided by Florida law.
6. Pursuant to 327.73, F.S., (2015) any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and

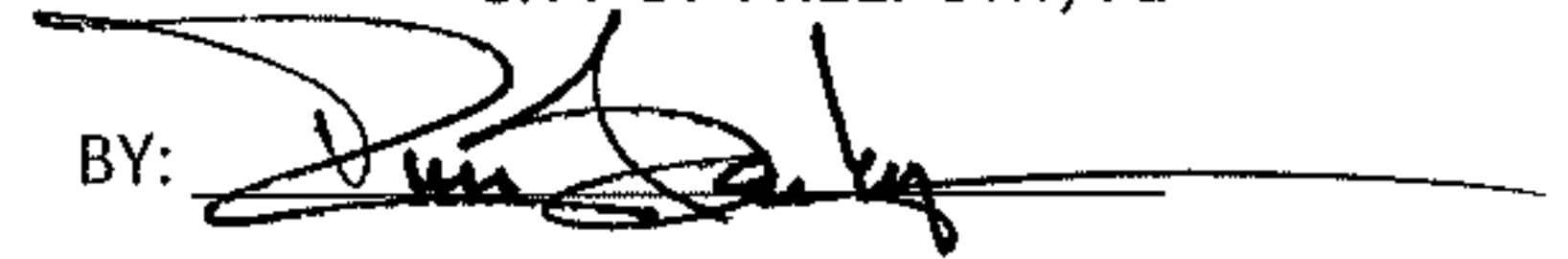
shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided for allowable county court costs for boating infractions.

7. This Ordinance shall become effective upon completion of the following: approved and adopted pursuant to Walton County's procedure, approval by the Florida Fish and Wildlife Conservation Commission pursuant to 327.46, F.S., and upon posting of the regulatory markers.

Adopted this 11 day of September, 2018.

CITY OF FREEPORT, FL

BY:



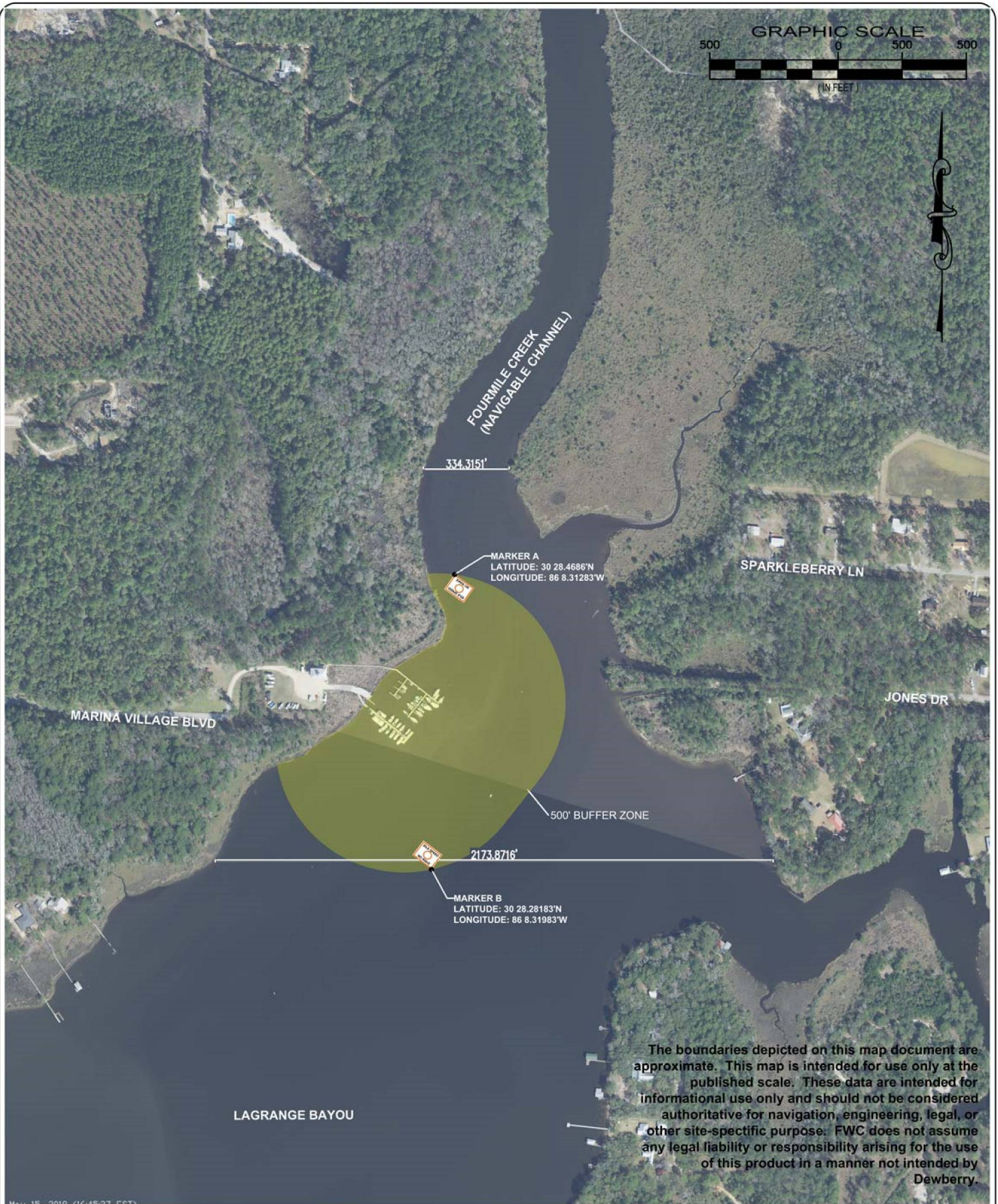
Russ Barley, Mayor

ATTEST:



Rebecca Podraza, City Clerk





May 15, 2018 14:46:07 EST  
 S:\50101947\_JIM MASSEY NO WAKE\_MARINA VILLAGE\CIVIL3DP\OLDER\NO WAKE\_2018.DWG

<b>PREBLE-RISH, INC.</b> CONSULTING ENGINEERS AND SURVEYORS <b>CIVIL • SURVEYING • SITE PLANNING</b> 324 MARINA DRIVE PORT ST. JOE, FL 32456 (850) 227-7200	<b>SITE PLAN - NO WAKE ZONE</b>  FLORIDA UNIFORM WATERWAY MARKER APPLICATION MARINA VILLAGE WALTON COUNTY, FL	DATE: 03/12/2018	PROJECT NO. 50101947
		SCALE: 1" = 500'	SHEET 1
		DRAWN: EAP	
		CHECKED: WAM	

203 ABERDEEN PARKWAY  
 PANAMA CITY, FL 32405  
 (850) 522-0644

5365 SCENIC HWY 30A, SUITE 104  
 SANTA ROSA BEACH, FL 32459  
 (850) 231-3902