

**COUNTY OF GULF
STATE OF FLORIDA**

ORDINANCE NO. 2020-07

AN ORDINANCE OF GULF COUNTY, FLORIDA, REGULATING THE SPEED OF VESSELS AND PROVIDING FOR THE SAFE USE OF THE WATERS WITHIN GULF COUNTY, FLORIDA; PRESCRIBING CERTAIN DUTIES AND RESPONSIBILITIES OF OPERATORS OF VESSELS; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR THE ENFORCEMENT HEREOF; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SAID POLICIES AND PROCEDURE TO BE FURTHER AMENDED, BE CODIFIED AND BECOME PART OF GULF COUNTY MUNICODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Residents of Gulf County, Florida have valued for generations the peace and quiet associated with living and recreation along the many historical and treasured waterways within the County; and

WHEREAS, the Residents of Gulf County, Florida value the natural environment along the many diverse waterways and desire to protect it as it contributes to tourism, to the overall economic well-being, and to the quality of life enjoyed and appreciated by both residents and visitors; and

WHEREAS, the Gulf County Board of County Commissioners, recognizes that speed zones are necessary for safety of the boating public and marine life and to protect Gulf County's fisheries; and

WHEREAS, The Gulf County Board of County Commissioners has determined that, in addition to State laws and regulations, the following Ordinance, is necessary to promote and protect the health, safety and general welfare of Gulf County residents, visitors to the area, the general public, marine life, and Gulf County fisheries; and

WHEREAS, improper operation of motorboats and vessels can impose a danger to citizens who use the waters or are adjacent to the waters, and can diminish the quality of natural environment including the general peace and quiet of said water, the stability of its shorelines and its suitability as diverse wildlife habitat in ways that will be mitigated by the terms of this ordinance; and

WHEREAS, the Florida Legislature requires all new speed zones to be adopted by ordinance as per Florida Statutes 327.46(1)(b); and

Gulf County Ordinance No. 2020-07
Gulf County No Wake Ordinance- Ver 8/25/2020

WHEREAS, Florida Statutes, Section 327.60, provides the authority to local governments to regulate restricted areas, such as speed or wake zones, by local ordinances or laws; and

WHEREAS, Florida Statutes, Section 125.01, authorizes the Board of County Commissioners of Gulf County, Florida to provide standards to regulate the operation of motorboats and vessels upon the waterways located in Gulf County, Florida; and

WHEREAS, Gulf County acknowledges that the establishment of restricted speed areas and the placement of uniform waterway regulatory markers shall be in compliance with Chapter 327.41, Florida Statutes;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA:

SECTION 1: Findings of Fact

The above recitals are incorporated by reference into this Ordinance and are adopted as Findings of Fact.

SECTION 2: Title

This Ordinance shall be known and may be cited and commonly referred to as the “Idle-No Wake Speed Ordinance”.

SECTION 3: Areas of Enforcement

Highland View Boat Ramp areas, White City Boat Ramp areas, Overstreet Boat Ramp areas, and all affected areas adjacent to commercial fishing industries of Gulf County.

SECTION 4: Purpose

The general purpose of the Ordinance is to promote and protect the health, safety and general welfare and the quality of life of the public, to protect public and private property and the quality of the natural environment, and to protect marine life and the fisheries in and near to the Highland View Boat Ramp areas, White City Boat Ramp areas, Overstreet Boat Ramp areas, and all affected areas adjacent to commercial fishing industries of Gulf County, by establishing regulations for the operation of motorboats and vessels and for other uses on the public waters in and around designated Gulf County recreation boat ramp areas and or commercial fisheries operations. This Ordinance establishes standards for motorboat and vessel use and operation in order to accomplish the following:

1. To provide for safe waterways for all users including abutting land owners;
2. To protect the public and private property that abuts the waterways from erosion;
3. To conserve and enhance the habitat afforded by the waterways for avian, terrestrial and aquatic wildlife;

4. To assure continuance of the community's high quality of life that is closely associated with Gulf County recreation boat ramps and its waterways;
5. To preserve the high quality of life values that are associated with the general peace and quiet of water activities and boating experience in and around Gulf County;
6. To work with all agencies and regulatory bodies functioning in or affecting Gulf County in order to meet the purposes of this Ordinance.

Section 5: Definitions

Idle Speed-No Wake means a speed no greater than that which is necessary to maintain steerage and headway; the vessel should not produce a wake at this speed; provided, however, that 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 it has under tow.

Motorboat means any boat or vessel propelled or powered by machinery.

Operate or operation means to navigate or otherwise use such a boat or vessel.

Vessel means a motor or artificially propelled vehicle and every other description of a watercraft, whether motor propelled or not, including but not limited to boats, barges, airboats, jet skis used or capable of being used as a means of transportation on water.

Wake means the visible track of turbulence created by watercraft moving through the water.

SECTION 6: Operation Rules

6.1 Basic Standard: It shall be unlawful and considered as negligent behavior for any person to operate any type of vessel on the public waters as described in Section 3 in such a manner as to not pay proper attention to the actual and potential hazards then existing; to operate at a rate of speed greater than stated herein as permissible; or to operate in a manner that, given the exercise of reasonable care, will prevent being able to stop said watercraft within the assured clear distance ahead. Specifically prohibited and deemed negligent behavior is engaging any vessel in wake jumping or having it become fully airborne; weaving at a speed greater than no wake through restricted and high traffic areas; or using a vessel to willfully harass another vessel, a swimmer, a diver or any wildlife.

6.2 Speed Limits: Specific speed limits for all the public waterways described in Section 3 are established, and are to be shown on the Gulf County Speed Map, a copy of which shall be posted and publicly noticed by this Commission and made a part hereof following consultation with both local and state officials for those appropriate speeds within the designated waterway areas defined under Section 3. This map, or series of maps, may be supplemented and amended, after notice, by the Gulf County Board of County Commissioners.

6.3 Emergencies: This section shall not apply in case of emergency nor to any law enforcement or emergency services patrol or rescue boat.

SECTION 7: Enforcement, Violations, & Penalties

7.1 Enforcement: This Ordinance may be enforced by any law enforcement officer possessing the power to arrest. Those proper and appropriate local, county and state enforcement agencies including but not limited to (the Gulf County Sheriff's Office and the Florida Fish and Wildlife Service) shall enforce this section pursuant to Section 30.15, Florida Statutes and as otherwise provided by law. The law enforcement agencies, or such other entities designated by the County, shall have the authority to issue a civil citation for a violation of these provisions.

7.2 Violation & Penalties:

- (a) The violation of any provision of this Ordinance shall constitute a civil infraction and shall be punishable by a civil fine of up to five hundred dollars (\$500.00).
- (b) A second violation of any provision of this section within a twelve (12) consecutive month period shall be punishable as a misdemeanor of the second degree pursuant to Florida Statute Chapter 775.

SECTION 8: Severability

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 9: Repealer

All ordinances or parts of ordinances governing, controlling, or relating to the subjects addressed herein are repealed upon the effective date of this Ordinance.

SECTION 10: Codification

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Code of Ordinance; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk of Circuit Court.

SECTION 11: Effective Date

This Ordinance, if adopted by the Board, shall take effect immediately and thereafter filed with the Office of the Secretary of the Florida Department of State; and enforcement of said Ordinance following public notice and education shall commence on September 1, 2020

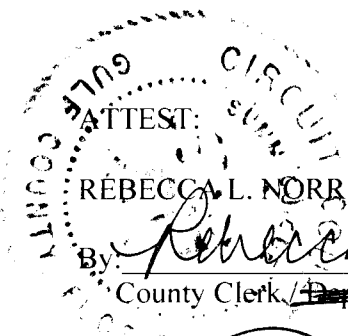
Enacted this 25TH day of AUGUST, 2020.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS THIS 25th DAY OF AUGUST 2020.

The foregoing Ordinance was offered by Commissioner MCDANIEL, Who moved its adoption. The motion was seconded by commissioner MCCROAN and , being put to vote, the vote follows:

Commissioner Chairman Quinn	<u>YES</u>
Commissioner McDaniel	<u>YES</u>
Commissioner McCroan	<u>YES</u>
Commissioner Rogers	<u>YES</u>
Commissioner Rich	<u>YES</u>

PASSED and ADOPTED in regular session by the Board of County Commissioners of Gulf County, Florida, on this 25TH day of AUGUST, 2020.



REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris
County Clerk / ~~Deputy Clerk~~

APPROVED AS TO FORM:

By: [Signature]
Jeremy T.M. Novak, Gulf County Attorney

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

By: [Signature]
Sandy Quinn, Chairman