

ORDINANCE NO.: 2008- 22

AN ORDINANCE AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE IV (PROTECTION OF AQUATIC MARSHES AND GRASSES) OF THE HERNANDO COUNTY CODE OF ORDINANCES; DESIGNATING CERTAIN MARSH AND COASTAL AREAS LYING WESTWARD OF HERNANDO BEACH AS "SEAGRASS REGENERATION SPECIAL PROTECTION ZONES"; PROHIBITING VESSELS AS DEFINED FROM ENTERING INTO OR CROSSING SAID DELINEATED ZONES; PROVIDING FOR ENHANCED ENFORCEMENT AND PENALTIES; AMENDING ARTICLE II (BOATING REGULATIONS) BY AMENDING CODE SECTION 7-18 RELATING TO OPERATION OF BOATS IN A SAFE MANNER; AMENDING CODE SECTION 7-20 RELATING TO ENFORCEMENT OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County desires to update and amend certain provisions of Chapter 7 of the Hernando County Code of Ordinances ("Code") relating to boating regulations and relating to the protection of coastal aquatic marshes and seagrasses including designating specific zones westward of the Hernando Beach coastline (as generally delineated in Exhibit "A" attached hereto and referred to as the seagrass regeneration special protection zones) for seagrass mitigation and protection, and to provide enhanced enforcement and penalties as provided for herein.

NOW THEREFORE:

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

SECTION I. AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE IV (PROTECTION OF AQUATIC MARSHES AND GRASSES). Chapter 7 (Boats and Waterways), Article IV (Protection of Aquatic Marshes and Grasses) is amended to read as follows, with underlined matter added and struck-through matter deleted:

ARTICLE IV. PROTECTION OF AQUATIC MARSHES AND GRASSES

Sec. 7-71. Intent and purpose.

It shall be the purpose of this article:

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CLERK OF STATE
HERNANDO COUNTY, FLORIDA

- 1 (a) To protect the terrestrial and aquatic resources of Hernando County's salt water
2 marshes and freshwater rivers, including the Florida manatee, nesting birds
3 and coastal aquatic marshes and seagrasses, from unnecessary harassment and
4 impacts attributed to noise and travel; and
5
6 (b) To preserve the tranquility of the county's waterways for the enjoyment by the
7 citizens of Hernando County; and
8
9 (c) To protect smaller watercraft from the thrust generated by airboat propulsion;
10 and
11
12 (d) To establish and protect seagrass regeneration special protection zones from
13 damage caused by boat propellers, motorized propulsion, and careless use of
14 watercraft.
15

16 **Sec. 7-72. Definitions.**

17
18 The following definitions shall apply to this article.

19
20 *Airboat* means a ~~vessel~~ watercraft which has a principle propulsion system which
21 utilizes a pusher-type or tractor-type propeller, fan or blade which is not normally submerged
22 below the water surface upon which the ~~vessel~~ watercraft operates; the fact an airboat can
23 be propelled by a small auxiliary motor or by some other force does not change its
24 characterization as an airboat.
25

26 ~~*Aquatic grasses* shall include, but not be limited to: Avicennia germinans (black~~
27 ~~mangrove), Juncus roemerianus (blackrush), Spartina bakeri (sand cordgrass).~~

28
29 *Existing natural waterway* shall mean an area of navigable water that is naturally
30 created and unaltered. This definition specifically excludes any and all man made trails,
31 without regard to the length of their existence or reason for their creation.
32

33 *Idle speed* means that a ~~vessel~~ watercraft operating within any such area must be
34 throttled down to the point where the engine is just above a stall. At idle speed, a ~~boat~~
35 watercraft or vessel should cast little or no wake.
36

37 *Jumping of roadways* shall mean the propulsion of a ~~vessel~~ watercraft onto or over
38 a ~~designated~~ any roadway.
39

40 *No entry zone* means an area where no vessel of any kind, ~~whether power-driven or~~
41 ~~non-motorized~~ shall be permitted within the designated area. ~~No other vessel or flotation~~

1 ~~device, including but not limited to a seaplane, sailboard, surfboard or other like object~~
2 ~~intended for or capable of use as a means of transportation on the water, shall be permitted~~
3 ~~within the designated area.~~

4
5 *Operation* means to have actual control and/or the ability to have control of the vessel,
6 whether moving or not, whether the engines are powered or running, or not.

7
8 *Person* means any person, firm, corporation, ~~municipality, township or any other~~
9 ~~public agency or legal entity.~~

10
11 *Seagrasses* shall refer to all underwater and aquatic grasses, grass beds and grass bed
12 communities and shall have the same meaning as the terms ‘seagrasses’ and ‘seagrass beds’
13 are used within Chapter 62 of the Florida Administrative Code.

14
15 *Seagrass regeneration special protection zones* shall refer to those marsh and coastal
16 areas lying westward of Hernando Beach, as generally delineated on Appendix Map A
17 (incorporated herein by reference and made a part hereof), designated to protect seagrasses
18 and environmentally sensitive zones. The actual delineation of these zones shall be by
19 signage at appropriate points around the perimeter of each zone.

20
21 *Slow speed/minimum wake zone* means that a vessel operating within any such area
22 must be fully off plane and completely settled into the water. It may not proceed at a speed
23 greater than that speed which is reasonable and prudent to avoid the creation of an excessive
24 wake or other hazardous condition under the existing circumstances.

25
26 *Trail* means any defined area where continuous previous usage is evident.

27
28 ~~*Vessel* is synonymous with boat, as referenced in Section 1(b), Article VII of the~~
29 ~~Florida Constitution and includes every description of watercraft, barge, and airboat means~~
30 ~~any type of boat or floating craft and includes all watercraft.~~

31
32 *Watercraft* means any type of boat or floating craft which is propelled or powered by
33 an engine or motor. Examples of watercraft include, without limitation, ships, yachts,
34 motorboats, tug boats, jet boats, jet skis, airboats, hovercrafts, hydrofoils, sea planes, and
35 sailboats containing any motorized drive or propeller.

36
37 **Sec. 7-73. Operation of Vessels, Watercraft and Airboats; Prohibited Conduct.**

38
39 (a) The noise level attained by any ~~vessel~~ watercraft shall not be of sufficient
40 volume as to unreasonably disturb or inconvenience the general public or residents of
41 adjacent areas and which would otherwise exceed the sound level limits (in decibels) set

1 forth in the Hernando County Noise Control Ordinance as contained in chapter 21, article
2 VIII of this Code.

3
4 (b) Vessels Airboats are to remain at least one thousand (1,000) feet from any
5 dwelling ~~or roadway~~ while in operation. This shall not include ~~vessels~~ airboats leaving or
6 returning to a port, ramp or residence, or ~~vessels~~ airboats operating within a marked channel
7 or seaward of a marked channel.

8
9 (c) Operation of vessels shall be limited to existing natural waterways and marked
10 or designated channels. Vessels shall not operate in a no entry zone, ~~or in a manner that shall~~
11 ~~damage or destroy any aquatic grasses~~. This subsection shall not apply to residents or owners
12 of property requiring whose sole access to said property is via airboat or other vessel any
13 watercraft; however, Other other provisions, such as slow speed shall still apply to the
14 maximum extent necessary.

15
16 (d) Idle speed shall be maintained within any area posted as slow speed/minimum
17 wake zone pursuant to this article or article II of this chapter.

18
19 (e) The jumping of any roadway by any ~~vessel~~ watercraft shall be prohibited on
20 any property owned and/or maintained by Hernando County. No ~~vessel~~ watercraft shall,
21 under its own power, travel on or across any roadway, parking lot, ~~or~~ other public area, or
22 over land.

23
24 (f) Vessels shall not operate in any manner that shall damage or destroy existing
25 marshes or seagrasses.

26
27 (g) Watercraft and barges shall be prohibited from entering into, crossing over, or
28 operating within any designated seagrass regeneration special protection zone.

29
30 (h) Each act of violating any of the foregoing provisions shall constitute a separate
31 offense which may be cited or enforced by any means authorized by this Code or applicable
32 law.

33
34 **Sec. 7-74. Enforcement.**

35
36 (a) Hernando County, by and through its board of county commissioners, may
37 establish and post areas to prohibit entry, limit speed, or otherwise regulate traffic vessels
38 operating in any waters within the boundaries of the county as needed through exercise of
39 its police powers. The board of county commissioners may delegate this function, as it
40 deems appropriate, as authorized by law.

1 (b) The ~~above~~ prohibitions and restrictions ~~do not contained in this article shall not~~
2 apply to vessels owned or under contract to federal, state or local government entities and
3 operated for official business by duly authorized personnel.
4

5 (c) The provisions of this article shall be enforced by members of all duly
6 authorized federal, state, county and municipal law enforcement agencies within the county
7 including, but not limited to, the sheriff of the county and his duly authorized deputies,
8 officers of the Florida Fish and Wildlife Conservation Commission, and officers of the
9 Florida Marine Patrol. Violations of this article are punishable as described in Chapter 2,
10 Article III, of this Code, as amended from time to time.
11

12 (d) Any person found committing a violation of any provision of this article shall
13 be cited for a minimum fine of one hundred dollars (\$100.00) for the first violation. A
14 second violation of this article shall be cited for a minimum fine of two hundred and fifty
15 dollars (\$250.00) and a third violation of this article shall be cited with a minimum fine of
16 five hundred dollars (\$500.00). A citation issued pursuant to this article shall not preclude
17 any other fine or remedy available under any other provision of this Code or applicable state
18 or federal law.
19

20 **SECTION II. AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE II (BOATING**
21 **REGULATIONS), SECTION 7-18 (OPERATION IN A SAFE MANNER).** Chapter 7 (Boats and
22 Waterways), Article II (Boating Regulations), Section 7-18 (Operation in a safe manner) is
23 amended to read as follows, with underlined matter added and struck-through matter deleted:
24

25 **Sec. 7-18. Operation in safe manner required.**
26

27 (a) All watercraft being operated in the navigable waters of the county shall be
28 operated in a safe manner. No persons shall operate a watercraft in a dangerous or reckless
29 manner so as to endanger the safety of any person or any person's property.
30

31 (b) No person shall operate a watercraft or vessel in violation of this article or
32 article IV of this chapter.
33

34 **SECTION III. AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE II (BOATING**
35 **REGULATIONS), SECTION 7-20 (OPERATION IN A SAFE MANNER).** Chapter 7 (Boats and
36 Waterways), Article II (Boating Regulations), Section 7-20 (Enforcement officers) is
37 amended to read as follows, with underlined matter added and struck-through matter deleted:
38

1 **Sec. 7-20. Enforcement officers.**

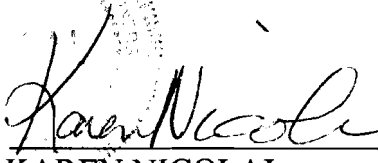
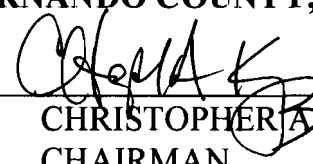
2
3 All law enforcement officers as defined under existing or future Florida Statutes,
4 including but not limited to the sheriff of the county; and his duly authorized deputies, ~~and~~
5 officers of the Florida Game and Fresh Water Fish and Wildlife Conservation Commission,
6 and officers of the Florida Marine Patrol, are hereby authorized to enforce the provisions of
7 this article and article IV of this chapter.

8
9 **SECTION IV. SEVERABILITY.** It is declared to be the intent of the Board of County
10 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
11 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not
12 affect the validity of the remaining portions of this ordinance.

13
14 **SECTION V. INCLUSION IN THE CODE.** It is the intention of the Board of County
15 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions
16 of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando
17 County, Florida. To this end, any section or subsection of this Ordinance may be renumbered
18 or relettered to accomplish such intention, and the word "ordinance" may be changed to
19 "section, "article," or other appropriate designation.

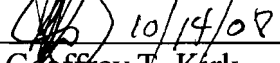
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21 **SECTION VI. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing
22 with the Department of State.

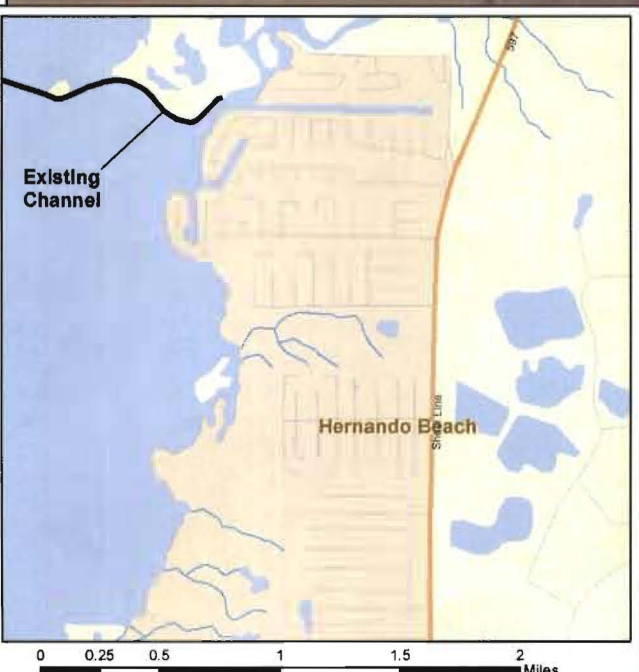
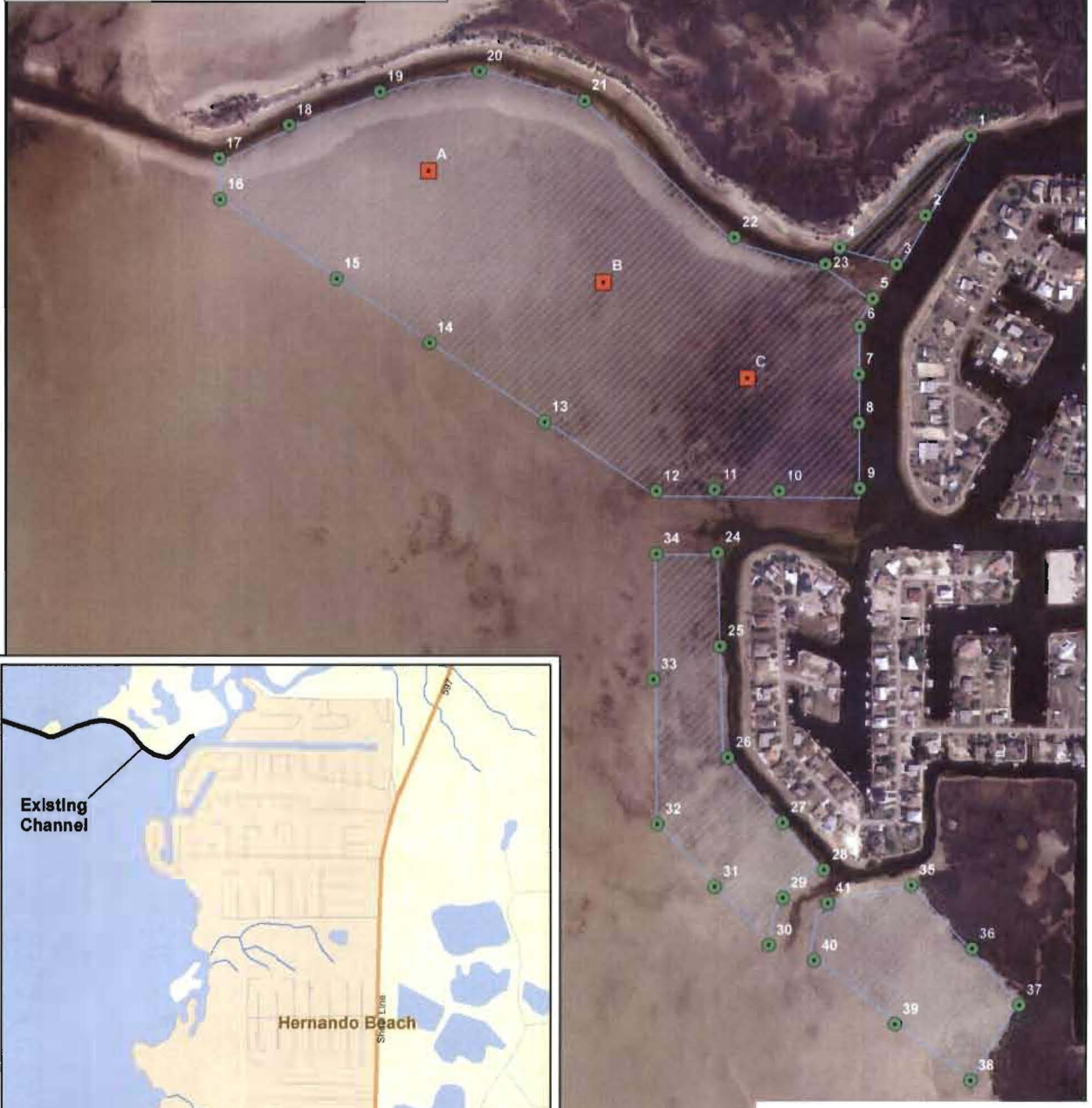
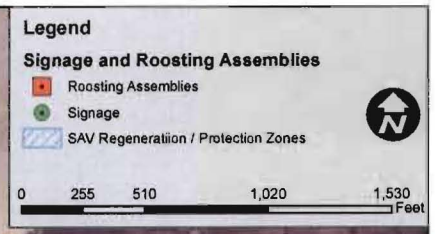
23
24 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
25 **HERNANDO COUNTY** in Regular Session this 21st day of October, 2008.

26
27 **BOARD OF COUNTY COMMISSIONERS**
28 **HERNANDO COUNTY, FLORIDA**
29
30 Attest:  By: 
31 KAREN NICOLAI CHRISTOPHER A. KINGSLEY
32 CLERK CHAIRMAN

33
34 (SEAL)

35
36 **Approved as to Form and**
37 **Legal Sufficiency**

38
39 By:  10/14/08
40 Geoffrey T. Kirk
41 Assistant County Attorney



Seagrass Regeneration Zones	
Hernando Beach Navigation Channel	
Mitigation Sites	
Scale: 1 inch = 500 feet	Drawn By: MR
Date: March 2008	Approved By: JE
DIAL CORDY AND ASSOCIATES INC.	
J07-1016	
Figure 1	