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5 **ORDINANCE NO.: 2009-07**
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7 **AN ORDINANCE AMENDING CHAPTER 7 (BOATS AND WATERWAYS),**
8 **ARTICLE IV (PROTECTION OF AQUATIC MARSHES AND GRASSES),**
9 **SECTION 7-72 (DEFINITIONS) OF THE HERNANDO COUNTY CODE OF**
10 **ORDINANCES; DESIGNATING CERTAIN SUBMERGED LANDS LYING**
11 **WESTWARD OF WEEKI WACHEE/BAYPORT/PINE ISLAND DRIVE AS**
12 **ADDITIONAL "SEAGRASS REGENERATION SPECIAL PROTECTION**
13 **ZONES"; PROVIDING FOR DELINEATION OF THESE ZONES BY**
14 **APPROPRIATE SIGNAGE; PROVIDING FOR SEVERABILITY;**
15 **PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN**
16 **EFFECTIVE DATE.**
17

18 **WHEREAS,** the County desires to designate additional submerged lands (as delineated on
19 Appendix Map B attached hereto) as "seagrass regeneration special protection zones" for seagrass
20 mitigation and protection as provided for herein.
21

22 **NOW THEREFORE:**
23

24 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
25 **COUNTY, FLORIDA:**
26

27 **SECTION I. AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE IV (PROTECTION OF**
28 **AQUATIC MARSHES AND GRASSES), SECTION 7-72 (DEFINITIONS).** Chapter 7 (Boats and
29 Waterways), Article IV (Protection of Aquatic Marshes and Grasses), Section 7-72 (Definitions) is
30 amended to read as follows, with underlined matter added and struck-through matter deleted:
31

32 **ARTICLE IV. PROTECTION OF AQUATIC MARSHES AND GRASSES***
33

34 **Sec. 7-72. Definitions.**
35

36 The following definitions shall apply to this article.
37

38 *Airboat* means a watercraft which has a principle propulsion system which utilizes a
39 pusher-type or tractor-type propeller, fan or blade which is not normally submerged below the
40 water surface upon which the watercraft operates; the fact an airboat can be propelled by a small
41 auxiliary motor or by some other force does not change its characterization as an airboat.
42

43 Bayport Seagrass Protection Zones shall refer to those submerged lands lying westward
44 of Weeki Wachee/Bayport/Pine Island Drive, as generally delineated on Appendix Map B-1
45 [attached to Ordinance No. 2009-07], (incorporated herein by reference and made a part hereof).

1 designated to protect seagrasses from propeller scarring and to encourage seagrass regeneration.
2 The actual delineation of these zones shall be by signage at appropriate points around the
3 perimeter of each zone. The signage shall conform to Attachment B incorporated herein by
4 reference and made a part hereof. Additional signage (in conformance with Attachment C
5 incorporated herein by reference and made a part hereof) shall be installed in conspicuous
6 locations at the boat ramps, public docks and public launching areas which serve the Bayport and
7 Jenkins Creek area. Watercraft shall use caution in the Bayport Seagrass Protection Zones and
8 shall operate in a manner not to destroy or damage seagrasses.
9

10 *Existing natural waterway* shall mean an area of navigable water that is naturally created
11 and unaltered. This definition specifically excludes any and all man made trails, without regard to
12 the length of their existence or reason for their creation.
13

14 *Idle speed* means that a watercraft operating within any such area must be throttled down
15 to the point where the engine is just above a stall. At idle speed, a watercraft or vessel should cast
16 little or no wake.
17

18 *Jumping of roadways* shall mean the propulsion of a watercraft onto or over any roadway.
19

20 No entry zone means an area where no vessel of any kind shall be permitted within the
21 designated area.
22

23 *Operation* means to have actual control and/or the ability to have control of the vessel,
24 whether moving or not, whether the engines are powered or running, or not.
25

26 *Person* means any person, firm, corporation, public agency or legal entity.
27

28 *Seagrasses* shall refer to all underwater and aquatic grasses, grass beds and grass bed
29 communities and shall have the same meaning as the terms "seagrasses" and "seagrass beds" are
30 used within Chapter 62 of the Florida Administrative Code.
31

32 *Seagrass regeneration special protection zones* shall refer to those marsh and coastal
33 areas lying westward of Hernando Beach but excluding the Bayport Seagrass Protection Zones
34 (as separately defined), as generally delineated on Appendix Map A [attached to Ordinance No.
35 2008-22] (incorporated herein by reference and made a part hereof), designated to protect
36 seagrasses and environmentally sensitive zones. The actual delineation of these zones shall be by
37 signage at appropriate points around the perimeter of each zone.
38

39 *Slow speed/minimum wake zone* means that a vessel operating within any such area must
40 be fully off plane and completely settled into the water. It may not proceed at a speed greater than
41 that speed which is reasonable and prudent to avoid the creation of an excessive wake or other
42 hazardous condition under the existing circumstances.
43

44 *Trail* means any defined area where continuous previous usage is evident.
45

1 *Vessel* means any type of boat or floating craft and includes all watercraft.
2

3 *Watercraft* means any type of boat or floating craft which is propelled or powered by an
4 engine or motor. Examples of watercraft include, without limitation, ships, yachts, motorboats,
5 tugboats, jet boats, jet skis, airboats, hovercrafts, hydrofoils, seaplanes, and sailboats containing
6 any motorized drive or propeller.
7

8 (Ord. No 2008-22, § I, 10-21-08)
9

10 **SECTION II. SEVERABILITY.** It is declared to be the intent of the Board of County
11 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
12 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
13 the validity of the remaining portions of this ordinance.
14

15 **SECTION III. INCLUSION IN THE CODE.** It is the intention of the Board of County
16 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
17 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
18 Florida. To this end, any section or subsection of this Ordinance may be renumbered or
19 relettered to accomplish such intention, and the word "ordinance" may be changed to "section,
20 "article," or other appropriate designation.
21

22 **SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with
23 the Department of State.
24

25 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
26 **HERNANDO COUNTY** in Regular Session this 11th day of August, 2009.
27

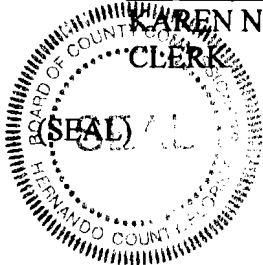
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29
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31 Attest:

Karen Nicolai
KAREN NICOLAI
CLERK

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By:

David D. Russell, Jr.
DAVID D. RUSSELL, JR.
CHAIRMAN



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39 **Approved as to Form and**
40 **Legal Sufficiency**

41
42 By:

Geoffrey T. Kirk 8/10/09
Geoffrey T. Kirk
Assistant County Attorney
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APPENDIX MAP B-1



Hernando Beach Channel Dredge Proposed Additional Seagrass Protection Zones (SPZ's)



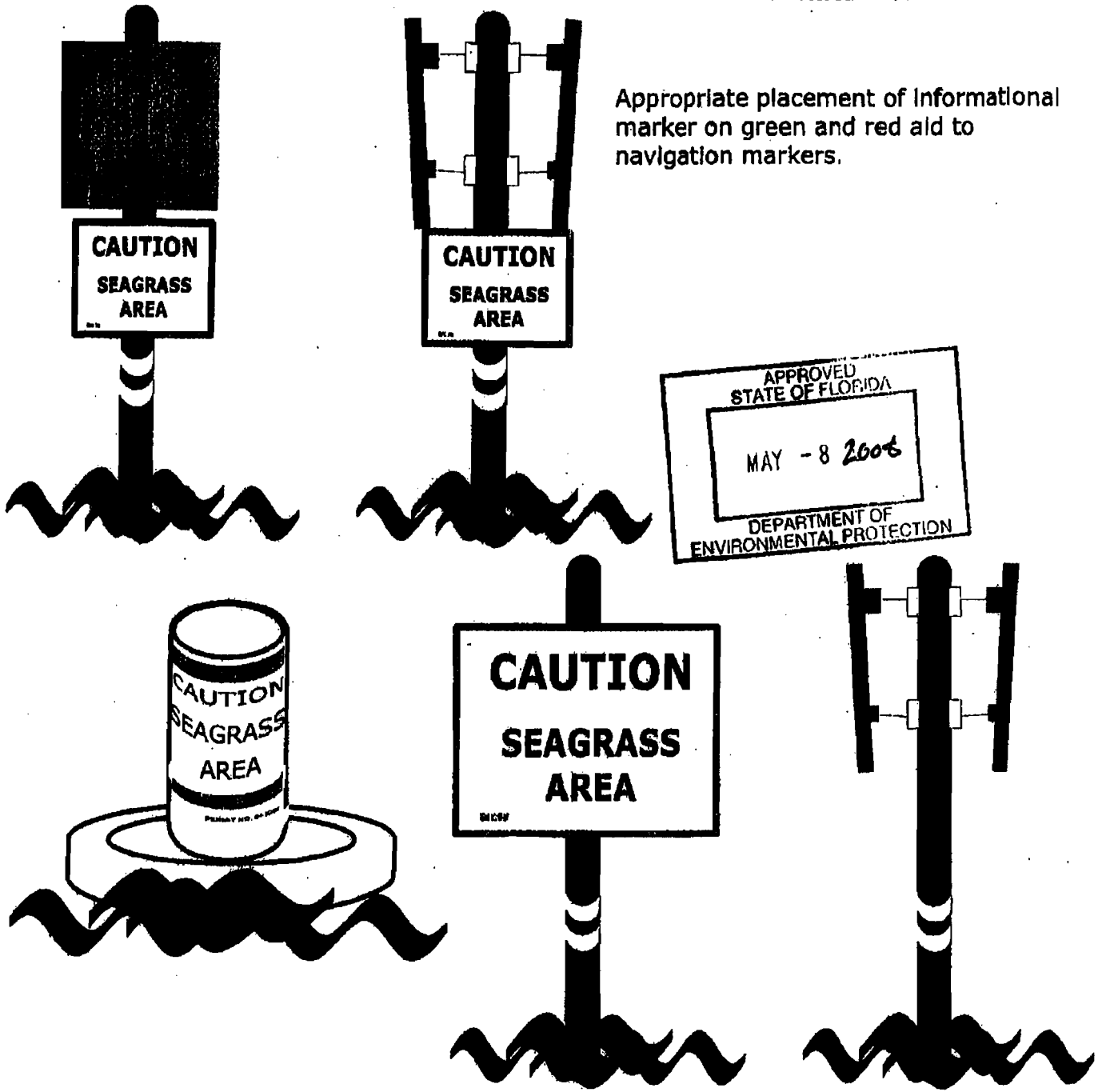
Legend

Proposed additional seagrass protection zones (SPZ's)

-  Spz Zone 1 (5.08 acres)
-  Spz Zone 2 (6.82 acres)
-  Spz zone 3 (1.45 acres)
-  Spz Zone 4 (3.88 acres)
-  Spz Zone 5 (0.52 acres)



Attachment "B"



Appropriate placement of Informational marker on green and red aid to navigation markers.

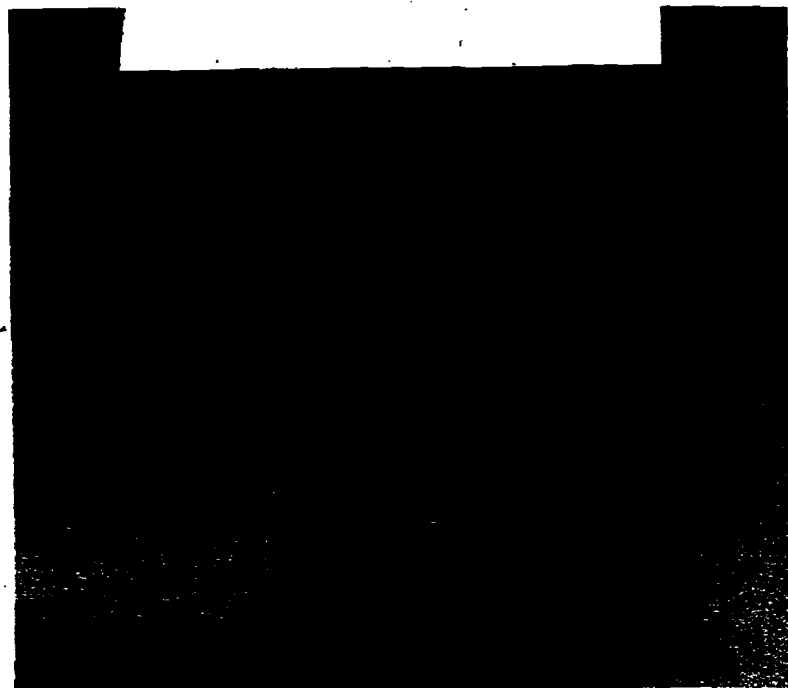
This is an example of placement of a seagrass informational marker on an aid to navigation. BEFORE Installation, you must obtain authorization from the owner; This can be confirmed by the USCG, Sector 7 for everything From Jacksonville to Ecofina River (Perry area) 305-415-6730 or USCG, Sector 8 - New Orleans 504-589-2238 for everything North and west of the Ecofina to the Alabama line.

Then authorization must be obtained from this office, prior to the installation..

If the markers are to be stand alone, they should have the Same language, and posted in the manner shown. This Language would apply to buoys as well.

ATTENTION BOATERS!

PLEASE ASSIST US IN PROTECTING OUR MARINE HABITAT



SEAGRASS BEDS

PROVIDE PROTECTED HABITAT AND NURSERY AREAS FOR VARIOUS FISH, SHELLFISH & CRUSTACEANS

HELP KEEP WATER CLEAR BY TRAPPING SEDIMENTS AND STABILIZING THE BOTTOM WITH THEIR ROOTS

- ARE A FOOD SOURCE FOR THE ENDANGERED WEST INDIAN MANATEE

WHEN BOATS RUN AGROUND OR PLOW THROUGH SHALLOW WATERS, THE SEAGRASS BEDS ARE SCARRED FOR MANY YEARS.

HOW YOU CAN HELP PROTECT SEAGRASS BEDS

IF YOU RUN AGROUND

- STOP YOUR ENGINE
- TILT YOUR MOTOR
- POLE OR WALK YOUR BOAT TO DEEPER WATER

Attachment "C"

TO AVOID RUNNING INTO SEAGRASS BEDS

- KEEP TRACK OF TIDES
- WEAR POLARIZED SUNGLASSES
- LOOK FOR DARK BROWN PATCHES IN WATER THAT COULD BE GRASSBEDS
- READ NAVIGATION CHARTS
- STAY IN CHANNEL