Ordinance Summary

The purpose of this Ordinance is to establish an Idle Speed No Wake zone for boaters when traveling through any creek, stream, channel, or canal less than 75 feet wide from shoreline to shoreline. The Ordinance also repeals any previous Resolutions enacted by the Board pertaining to the same subject matter.

ORDINANCE N0. 2014 - 34

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 5-2, LAKE COUNTY CODE, ENTITLED SPEED LIMITS; ESTABLISHING ALL CREEKS, STREAMS, CHANNELS, AND CANALS LESS THAN 75 FEET WIDE FROM SHORELINE TO SHORELINE AND LOCATED WITHIN ALL INCORPORATED AND UNINCORPORATED WATERS WITH NON RESTRICTED PUBLIC ACCESS IN LAKE COUNTY AS IDLE SPEED NO WAKE ZONES UNLESS POSTED OTHERWISE; PROVIDING AN EXEMPTION IN THE CASE OF AN EMERGENCY, OR FOR PATROL OR RESCUE CRAFT; REPEALING RESOLUTION NO. 1986-41; REPEALING ANY RESOLUTION SETTING A SPEED FOR CREEKS, STREAMS, CHANNELS, AND CANALS LESS THAN 75 FEET IN WIDTH FROM SHORELINE TO SHORELINE; PROVIDING FOR ENFORCEMENT OF VIOLATIONS AS PROVIDED BY FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Water Authority requests that the Board of County Commissioners of Lake County establish Idle Speed/No Wake zones to protect the health, safety and general welfare of the residents of Lake County, Florida; and

WHEREAS, in 2008, the Florida Legislature transferred the authority for permitting speed zones to the Florida Fish and Wildlife Conservation Commission making the permitting of waterway speed zones more stringent and requiring all new speed zones to be adopted by ordinance as per Florida Statutes 327.46(1)(b); and

WHEREAS, the Board of County Commissioners of Lake County, recognizes that speed zones are necessary for safety of the boating public; and

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 Lake County, Florida to provide standards to regulate the operation of motorboats and vessels upon inland waterways located in Lake County, Florida; and

WHEREAS, Lake County Code, Section 5-2, Speed Limits, authorizes the Board of County Commissioners to regulate the speed of motorboats and vessels upon the waters of Lake County, Florida; and

WHEREAS, Lake 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 RESOLVED by the Board of County Commissioners of Lake County, that:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Section 5-2, Lake County Code, entitled Speed Limits, is hereby amended to read as follows:

Sec. 5-2. Speed limits.

(a) As used in this section, unless the context clearly required a different meaning:

(1) *Vessel* is synonymous with boat and means a motor or artificially propelled vehicle and every other description of watercraft, whether motor propelled or not, including barges and airboats, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) *Motorboat* means any boat or vessel propelled or powered by machinery.

(3) *Operate* or *operation* means to navigate or otherwise use such a boat or vessel.

(4) *Waters of this county* means all waters lying within the boundaries of the county of such a proportion to allow thereupon the operation of a vessel or a motor boat.

(5) *Idle Speed - No Wake* means that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway; 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.

(b) The board of county commissioners is authorized and empowered to regulate and set the maximum speed at which motorboats and vessels of all kinds may be operated on rivers, lakes, streams and other waterways of the county. ~~The board of county commissioners may set such speed limits by resolution. In considering the need for such regulation and the proper speed limit to be imposed, the board shall consider the following:~~

~~(1) For any purpose deemed necessary for the safety of the public that is or may be caused by motorboats and vessels and whether or not such damage or injury may be lessened or prevented by the regulation of the speed of motorboats and vessels along such waterway.~~

~~(2) Navigational hazards of the waterway.~~

~~(3) The density or congestion of the boat traffic flow.~~

~~(4) Number of boating accidents.~~

~~(5) Visibility along such waterway.~~

~~(6) Such other information and factors as the state deems necessary.~~

(c) All creeks, streams, channels, and canals less than seventy-five (75) feet wide from shoreline to shoreline and located within all incorporated and unincorporated waters with non-restricted public access in Lake County shall be declared Idle Speed No Wake Zones unless posted otherwise. This subsection shall not apply in case of emergency nor to any law enforcement or emergency services patrol or rescue boat.

(~~c~~d) After adoption of such speed limit resolution, speed limit or wake signs shall be posted at all public boat-entrance ramps and public launching points along the portion of the waterway specified in the resolution. Additional signs may be posted as deemed necessary by the county and upon the approval of the required state and federal regulatory agencies.

(~~d~~e) No person shall operate a boat at a rate of speed in excess of the speed limit posted.

Section 3. Signs. The Lake County Water Authority is hereby authorized and requested to obtain the necessary permit(s) and to place such signage as it deems necessary in order to notify the public of any Idle Speed/No Wake zones, and is authorized to coordinate the production of such signage with the Lake County Public Works Department.

Section 4. Repealer. Resolution 1986-41 shall be repealed in its entirety. Further, any previous Resolutions adopted by the Board that set speed limits for any creek, stream, channel, and/or canal less than seventy-five (75) feet in width from shoreline to shoreline shall also be repealed in their entireties.

Section 5. Severability. If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 6. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 8. Effective. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this 8th day of July, 2014.

Filed with the Secretary of State July 11th, 2014.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA

Jimmy Conner, Chairman

This 8th day of July, 2014.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 11, 2014

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Susan Boyajan

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge of your electronic copy of Lake County Ordinance No. 2014-34, which was filed in this office on July 11, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

Enclosure

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