

ORDINANCE NO: 2011- 10

AN ORDINANCE OF TAYLOR COUNTY, FLORIDA AMENDING CHAPTER 78 - WATERWAYS, ESTABLISHING SECTION 78-4 - ESTABLISHING THE HODGES PARK - KEATON BEACH DESIGNATED SWIMMING AREA, PROVIDING DEFINITIONS, STATING A PURPOSE, ESTABLISHING A VESSEL-EXCLUSION ZONE, ESTABLISHING THE HODGES PARK - KEATON BEACH SWIM AREA. ESTABLISH A PENALTY AND PROCEDURE FOR VIOLATION, PROVIDING FOR INCLUSION IN THE CODE, PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Chapter 125.01, the Florida Legislature grants the Board of County Commissioners the power to carry on county government and Chapter 125.01(1)(t) authorizes the Board to adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, it is in the intent of the Board of County Commissioner to promote, protect, and improve the health, safety, and welfare of the citizens of Taylor County; and

WHEREAS, it is in best interest of the residents of and visitors to Taylor County that the County implement a designated swimming area at Hodges Park - Keaton Beach and exclude boat traffic from the area.

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

SECTION 1. Chapter 78, Waterways. Article I, General, of the Code of Ordinances of Taylor County is hereby amended as follows:

Sec. 78-4. Hodges Park - Keaton Beach Designated Swimming Area. (Secs 78-5-78-30 remain reserved.)

(a) *Definitions.* Unless the context clearly requires a different meaning, or one is specifically set out herein, then the words and terms used herein are to be defined and applied as set forth in F.S. ch. 327.

Vessel includes all vessels of any type, other than a seaplane on the water, used or capable of being used as a means of transportation on water, to include personal watercraft such as jet skis and non-displacement craft.

Vessel-exclusion zone indicates a restricted or controlled area where all vessels of any type are prohibited from entering the marked area, which has been established to protect the interests and safety of the public.

Waters of Hodges Park at Keaton Beach means the navigable waters of the Gulf of Mexico just offshore of the southernmost Keaton Beach county park located in Taylor County.

(b) *Purpose.* It is the purpose of this section, among other things, to provide for the protection of life and to prevent damage or injury to life by setting of certain boating restrictions in navigable waters of Hodges Park – Keaton Beach.

(c) *Restricted area / Designated Hodges Park Swimming Area.* It shall be unlawful to operate any vessel or motorboat in the marked boating restricted zone defined by:

(1) The un-vegetated beach shoreline of Hodges Park from the eastern point at the base of the fishing pier, offshore approximately south-southeast to a marker located at 29° 49' 2.27"N, 83° 35' 35.78"W, proceeding approximately west to the next marker located at 29° 49' 2.54"N, 83° 35' 39.91"W, then proceeding approximately west northwest to a third marker located at 29° 49' 4.22"N, 83° 35' 44.81"W, then proceeding approximately north northeast back to a point at the western portion of the un-vegetated beach shoreline.

(2) The areas designated as no entry shall be plainly marked with state uniform waterway markers, according to the rules of the state department of environmental protection, and in compliance with F.S. ch. 327. A copy of the Hodges Park swim area marker types and locations is on file in the county offices.

(d) *Violations procedure.*

(1) Any person violating any provision of this section shall be guilty of a noncriminal infraction as provided in F.S. ch. 327 and subject to a civil infraction of \$75.00. A code enforcement officer or law enforcement officer is authorized to issue a citation to a person in violation of this section.

SECTION 2. Inclusion in the Code of Ordinances

It is the intention of the Board of County Commissioners, that the provisions of this ordinance shall become and be made a part of the Taylor County Code; and that the section of this Ordinance may be renumbered or re-lettered and word "ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 3. Severability.

The intent of the Board of County Commissioners is that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so

construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall take effect upon being enacted and duly filed in the office of the Secretary of State of the State of Florida.

PASSED AND ADOPTED in regular session by the Board of County Commissioners of Taylor County, Florida, on this 6th day of June 2011.



BOARD OF COUNTY COMMISSIONERS
TAYLOR COUNTY, FLORIDA

BY: Lonnie A. Houck Jr.
LONNIE A. HOUCK JR, CHAIR

ATTEST:

Annie Mae Murphy
ANNIE MAE MURPHY, Clerk

Jrb.