

Ordinance Summary

The purpose of this Ordinance is to establish an Idle Speed No Wake zone for boaters traveling on the portion of Lake Eustis known as Gator Hole.

ORDINANCE NO. 2014 - ____

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING SECTION 5-6, LAKE COUNTY CODE, ENTITLED SPEED LIMITS FOR GATOR HOLE; PROVIDING FOR A SPEED LIMIT OF IDLE SPEED NO WAKE FOR GATOR HOLE; PROVIDING FOR SEVERABILITY; 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 Lake County Marine Patrol and the Florida Fish and Wildlife Conservation Commission has determined that the existing condition is a hazard to the boating public on a portion of Lake Eustis known as Gator Hole, pursuant to Section 327.46(1)(c)2.c; 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 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. Creation. Section 5-6, Lake County Code, entitled Speed Limits for Gator Hole, is hereby created to read as follows:

Sec. 5-6. Speed Limits for Gator Hole.

(a) Gator Hole shall be identified as follows:

The portion of Lake Eustis and the waterway lying northwest of a line between points 28°52'26.27"N latitude/-81°44'45.56"W longitude and 28°52'25.85"N latitude/-81°44'46.27"W longitude. All located within Section 31, Township 18 South, Range 26 East, in Lake County Florida.

(b) The speed limit within Gator Hole 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.

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. 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 5. 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 6. 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 7. Effective. This Ordinance shall become effective upon approval of the Fish and Wildlife Conservation Commission. Such written approval, once received, shall be filed with the Clerk.

Enacted this _____ day of _____, 2014.

Filed with the Secretary of State _____, 2014.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA**

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

Jimmy Conner, Chairman

This _____ day of _____, 2014.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney