

ORDINANCE _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; MAKING VARIOUS FINDINGS OF FACT; CREATING CERTAIN SECTIONS UNDER CHAPTER 19, ARTICLE II OF THE CODE OF OKALOOSA COUNTY; ESTABLISHING A BOATING RESTRICTED AREA AS PROVIDED IN SECTION 327.46(1)(B)1.B., FLORIDA STATUTES; PROVIDING RESTRICTIONS WITHIN THE BOATING RESTRICTED AREA; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Okaloosa County (the "Board") is empowered by Section 125.01, Florida Statutes, to establish, coordinate, and enforce such regulations as are necessary for protection of the health, safety and welfare of the public; and

WHEREAS, Section 7.46, Florida Statutes, sets forth the boundaries of Okaloosa County, Florida, which includes the surface waters within the jurisdiction of the State of Florida; and

WHEREAS, the Board previously enacted Ordinance No. 96-11, which established a "Restricted Area" for the water bodies known as Destin Harbor, East Pass, and Sandpiper Cove citing the necessity to protect the public safety due to vessel traffic congestion, obstructed visibility, and the potential of boating accidents; and

WHEREAS, Section 327.46(1)(b)1.b., Florida Statutes, grants counties and municipalities the authority to establish idle speed-no wake boating-restricted areas within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public; and

WHEREAS, in order to enhance boater safety, the safety of the general public, and protect the estuarine environment by reducing the potential for accidents that could allow the accidental discharge of pollutants into Santa Rosa Sound, the County has determined that it is in the public interest to establish an "Idle Speed No-Wake" boating-restricted area around the fuel pumps operated by the Fort Walton Beach Yacht Basin; and

WHEREAS, the establishment of a boating-restricted area at this location has been the subject of public discussion, and is being coordinated with the Florida Department of Environmental Protection, United States Army Corps of engineers, and the United States Coast Guard.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Okaloosa County:

SECTION 1. FINDINGS OF FACT. The above recitals are incorporated by reference into this Ordinance and are adopted as Findings of Fact.

SECTION 2. Article III of Chapter 19 of the Code of Okaloosa County is amended to include the following:

Sec. 19-90. Boating restricted areas.

Sec. 19-91 Definitions.

Idle Speed-No Wake means a speed no greater than that which is necessary to maintain steerage and headway. The vessel should not produce a wake at this speed.

Sec. 19-92. Boating-restricted areas established.

The following boating-restricted areas are hereby established:

(1) Fort Walton Beach Yacht Basin "Idle Speed-No Wake" boating-restricted area as provided by Section 327.46(1)(b)1.b., Florida Statutes and as shown by Exhibit A attached hereto. Within the area shown by Exhibit A, it shall be unlawful to operate a vessel at any speed greater than that which is necessary to maintain steerage and headway and at which the vessel should not produce a wake.

Sec. 19-93. Enforcement and penalties.

(1) This Ordinance may be enforced by any law enforcement officer possessing the power to arrest. The Okaloosa County Sheriff's Office shall enforce this section pursuant to Section 30.15, Florida Statutes and as otherwise provided by law. The Okaloosa County Sheriff's Office, or such other entities designated by the County, shall have the authority to issue a civil citation for a violation of these provisions.

(2) Penalties.

(a) The violation of any provision of this section shall constitute a civil infraction and shall be punishable by a civil fine of up to five hundred dollars (\$500.00).

(b) A second violation of any provision of this section within a twelve (12) consecutive month period shall be punishable as a misdemeanor of the second degree.

Sec. 19-94 Emergency, law enforcement, fire-fighting, or rescue vessels.

Restrictions in a boating-restricted area established pursuant to this section shall not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.

SECTION 2. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Okaloosa County Code of Ordinances and that the sections of this Ordinance may be renumbered to accomplish that intent.

SECTION 3. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance will become effective upon receipt of the notice of its filing with the Office of the Secretary of State.

PASSED AND ADOPTED in Regular Session this ____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY

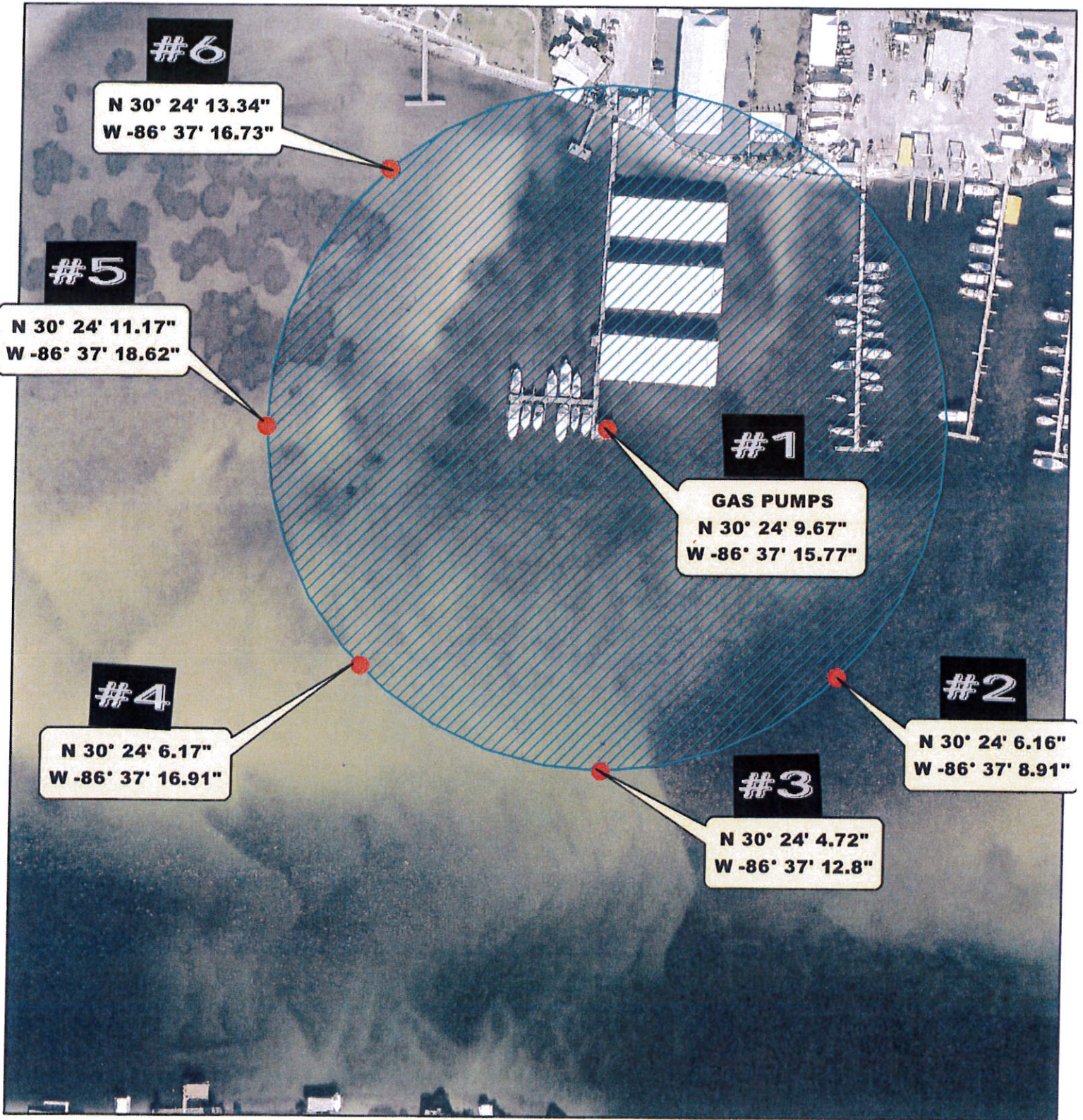
Charles K. Windes, Jr.
Chairman

ATTEST:

J.D. Peacock II, Clerk

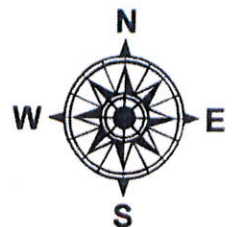
APPROVED AS TO FORM:

Gregory T. Stewart, Esq.
County Attorney



Legend

 500' BUFFER



Aerial Photo