

(12)

ORDINANCE NO: 2011-_____

AN ORDINANCE OF TAYLOR COUNTY, FLORIDA AMENDING CHAPTER 78 - WATERWAYS, ARTICLE III. BOAT RAMPS, REPEALING ORDINANCE 2007-03, ESTABLISHING GENERAL GUIDELINES, ESTABLISHING GUIDELINES FOR OPERATIONS OF PUBLIC BOAT RAMPS, ENACTING A FEE AND AN ANNUAL LAUNCH PERMIT AND DESIGNATING THAT THE AMOUNT OF THE FEE CAN BE SET BY RESOLUTION OF THE BOARD AND PROVIDING FOR FEES, ESTABLISHING PROHIBITIONS, PROVIDING FOR EXEMPTIONS, PROVIDING FOR PENALTIES AND ENFORCEMENT, PROVIDING FOR THE USE OF REVENUE GENERATED FROM BOAT RAMP FEES, PROVIDING FOR INCLUSION INTO THE TAYLOR COUNTY CODE OF ORDINANCES, 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, the Board of County Commissioners of Taylor County, Florida ("the Board" or "the County"), finds it is in the best interest of the public health, safety, and welfare to prohibit any person to be in or on the premises of any public boat ramp, dock, parking areas or other facility during the hours such areas are closed to the public; and

WHEREAS, the Board further finds it necessary for the public health, safety, and welfare to regulate the commercial use of public boat ramps under the ownership, care, custody or jurisdiction of the County.

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

SECTION 1. Chapter 78, Waterways. Article III, Boat Ramps – The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Repeal of Ordinance 2007-03

Ordinance No. 2007-03 is hereby repealed.

SECTION 3. Section 78 Waterways, Article III Public Boat Ramps shall read as follows.

8-71. General.

It is unlawful for any person to be in or on the premises of, or use, any County boat ramp, dock, parking area or related facility that is under the ownership, care, custody or jurisdiction of the County contrary to the intended use of such facility or during the hours such areas are closed to the public as may be determined by the Board.

78-72. Operations of Public Boat Ramps.

a. The Board of County shall determine the most appropriate manner to effectively and efficiently manage any public boat ramp under the ownership, care, custody, or jurisdiction of the County. This may include but not be limited to the use of county staff, county volunteers, not for profits, or by lease to a vendor, or any other legal means.

b. Any use of Public Boat Ramps in conjunction with fishing tournaments must be scheduled through and approved by the County Administrator or his or her designee.

78-73. Fee

a. There shall be a fee established by resolution for the launching of each boat at the boat ramps under the jurisdiction of the Board of County Commissioners and the proceeds of such permit fees shall be used for the operation and maintenance of the boat ramp for which the fee was collected.

b. There shall be an annual permit fee established by resolution for the launching of boats on an annual basis. Any person may purchase an annual permit to use boat ramps in the county under the jurisdiction of the County Commissioners and the proceeds of such permit fees shall be used for the operation and maintenance of the boat ramps in the County. Annual permit fees will be prorated to the various boat ramps based upon the percentage of collections.

c. The launch fee for each boat or the annual permit fee may be changed by resolution of the Board of County Commissioners at any time.

78-74. Prohibitions.

It shall be unlawful and prohibited to:

a. Exceed thirty (30) minutes of docking time for the loading or unloading of passengers or materials within the area of, or for the mooring of watercraft for more than thirty (30) minutes at any public boat ramp under the ownership, care, custody, or jurisdiction of the county.

b. Not pay the established launch fee or to have a valid annual launch permit displayed.

c. Solicit or advertise for commercial activities at public boat ramps, docks, or adjacent parking areas and/or facilities.

d. Designate the address of a public boat ramp, dock, adjacent parking areas and/or facilities as the physical address of a commercial business or the meeting place of a commercial activity.

e. Collect or attempt to collect any compensation at a public boat ramp, dock, or adjacent parking areas, and/or facilities for any commercial activity or purpose unless authorized by the Board of County Commissioners.

78-75. Enforcement and Penalties for Violations of this Section.

a. Any person who violates this article shall be guilty of a civil infraction and subject to a civil infraction fine of \$75 for the first offense, \$150 and for the second offense and \$300 for the third offense. The fine is established the Board of County Commissioners.

b. No person shall oppose, obstruct or resist any enforcement officer designated by the County Administrator whether code enforcement officer, county staff, county volunteer, or law enforcement officer in the discharge of his or her duties in regard to any public boat ramps, adjacent docks, parking areas and/or facilities.

c. The remedies and penalties provided in this Section are not exclusive, and the County may seek whatever other remedies are authorized by statute, at law, or in equity against any person who violates the provisions of this Section.

SECTION 4. Inclusion into the Taylor County 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 5. 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 6. Effective Date.

The Clerk shall file a certified copy of this Ordinance with the Department of State within 10 days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

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

BOARD OF COUNTY COMMISSIONERS
TAYLOR COUNTY, FLORIDA

BY: _____
LONNIE A. HOUCK JR, CHAIR

ATTEST:

ANNIE MAE MURPHY, Clerk