

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA ESTABLISHING HOURS AND DAYS OF OPERATION FOR AIRBOATS IN WALTON COUNTY; PROVIDING FOR PURPOSE, LEGISLATIVE FINDINGS, AUTHORITY, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature, by the adoptions of Section 327.60, Florida Statutes, authorized, or recognized the authority of, local governments to adopt ordinances not in conflict with Chapter 327 or regulations adopted thereunder, restricting the operation of airboats on inland lakes and water bodies by a two-thirds vote of the local government governing body; and

WHEREAS, the Board of County Commissioners hereby finds and determines that the prohibition of the operation of airboats during certain days of the week and hours of the day is consistent and not in conflict with Chapter 327, Florida Statutes, and regulations adopted thereunder; and

WHEREAS, the Board of County Commissioners finds that the operation of airboats in all water bodies in unincorporated Walton County on Sundays and from 6:00 PM to 8:00 AM daily, tends to disturb the restfulness, peace, and welfare of nearby residents; and

WHEREAS, the Board of County Commissioners finds and determines that exempting airboats operated by government personnel serves a valid public purpose; and

WHEREAS, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the health, safety, welfare and quality of life of the people of this county; and

WHEREAS, following extensive public involvement at a duly advertised public hearing January 9, 2018, the Board of County Commissioners, by a vote of 5 to 0 adopted this Ordinance.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, THAT CHAPTER 24, ARTICLE 1, OF THE WALTON COUNTY CODE OF ORDINANCES, IS HEREBY CREATED TO READ AS FOLLOWS:

SECTION 1. Definitions

- (a) Airboat means a vessel that is primarily designed for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.
- (b) Operate means to be in charge of or in command of or in actual physical control of a vessel upon the waters of this state, or to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway upon waters of the county, or to control or steer a vessel being towed by another vessel upon the waters of the county.
- (c) Person means an individual, partnership, firm, corporation, association, or other entity.

SECTION 2. Airboat Curfew

- (a) Geographical boundaries. The provisions of this chapter shall apply to the operation of airboats on all water bodies located within the unincorporated boundaries of Walton County.
- (b) Hours of operation. No person shall operate an airboat on any water body within unincorporated Walton County on Sundays or between the hours of 6:00 PM and 8:00 AM, Monday through Saturday, except as provided in subsection (c) of this Section.
- (c) Exemptions. Nothing in this Section shall prohibit the use of a federal, state, or county airboat properly operated in the line of duty, by duly authorized personnel. Nothing in this Section shall prohibit the use of a public or privately owned or operated airboat, in coordination with federal, state, or county emergency services personnel, in the course of rescuing an individual in immediate peril.

SECTION 3. Penalty Provision

A violation of this Chapter shall constitute a civil infraction punishable by a fine not to exceed \$500.00. Each occurrence of a violation, or, in the case of continuing violations, each day a violation occurs or continues, constitutes a separate offense.

SECTION 4. SEVERABILITY

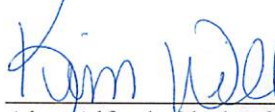
If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Walton County Board of County Commissioners, as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 9th day of January, 2018.

Attest:



Alex Alford, Clerk of Circuit Court
and County Comptroller



BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA



William "Bill" Chapman, Chair



