

ORDINANCE 2003 - 41

AN ORDINANCE PROVIDING FOR REGULATIONS FOR PERSONAL WATERCRAFT IN THE ATLANTIC OCEAN; PROVIDING FOR DEFINITIONS, GENERAL REGULATIONS, RULES OF OPERATION FOR PERSONAL WATERCRAFT, AND PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has been made aware of the need for regulations regarding personal watercraft operating in the Atlantic Ocean; and

WHEREAS, the Board finds that this Ordinance is necessary for the public's health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED this 11th day of August, 2003, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. DEFINITIONS

Jet Ski - See "Personal Watercraft".

Personal Watercraft - A small, Class A-1 or A-2, vessel, which uses an outboard motor, or an inboard motor, powering a water jet pump, as its primary source of motor power, and which is designated to be operated by a person sitting, standing, or kneeling on, or being towed behind, the vessel, rather than in the conventional manner of sitting or standing inside the vessel. (See Florida Statutes, Section 327.02(27)).

Personal Watercraft Business - Any concessionaire or owner or any person having charge over or control of any leased, hired, or rented personal watercraft utilized in the Atlantic Ocean.

Reckless Operation/Manner - Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to another vessel, or when visibility around the other vessel is obstructed and swerving at the last possible moment to avoid collision. (See Florida Statutes, Section 327.39(4)).

SECTION 2. GENERAL REGULATIONS

Any person, except a Nassau County Lifeguard or Law Enforcement officer when necessary to the performance of his/her duties, shall operate in the Atlantic Ocean or launch from the beach, a personal watercraft in the following manner:

(a) No closer than fifteen hundred (1,500) feet in either direction of the lifeguard tower.

(b) Not in a reckless, unsafe, or careless manner endangering life, limb, or property of any person (provided

that the exceptions set forth above shall not, in any event, authorize unnecessary or unreasonable conduct).

(c) Not in violation of the provisions of Florida Statutes, Section 327.65(2)(a) 1 and 2, which is adopted as part of this Ordinance and incorporated in this Section by reference.

(d) The personal watercraft must meet the safety regulations and safety equipment requirements mandated by Florida Statutes, Section 327.50, which is adopted and incorporated herein by reference.

(e) Each person riding on or being towed behind such vessel must be wearing a Type I, Type II, Type III, or Type V personal flotation device, other than an inflatable device, as approved by the United States Coast Guard.

(f) The person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cut-off switch attachment must have such lanyard attached to his/her person, clothing, or personal flotation device as is appropriate for the speed of the craft.

(g) The person operating any personal watercraft on the waters of this State shall not be under fourteen (14) years of age.

(h) A person born after September 30, 1980 may not operate a personal watercraft, unless such person has in

his/her possession aboard the personal watercraft, a photographic identification and a boater safety identification card issued by the Florida Fish and Wildlife conservation Commission.

SECTION 3. RULES OF OPERATION FOR A PERSONAL WATERCRAFT

(a) In no event may a person operate a personal watercraft in the Atlantic Ocean at any time between the hours from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.

(b) Each person operating a personal watercraft shall operate the personal watercraft at idle speed until they are at least five hundred (500) feet, in a straight line, from the shore area.

SECTION 4. SPECIFIC REQUIREMENTS FOR CONCESSIONAIRES OR THE OWNERS OR ANY PERSON HAVING CHARGE OVER OR CONTROL OF ANY LEASED, HIRED, OR RENTED PERSONAL WATERCRAFT

Those concessionaires or owners or any person having charge over or control of any leased, hired, or rented personal watercraft (hereinafter referred to as "personal watercraft business") shall be subject to and required to adhere to the following specific requirements:

(a) It is unlawful to authorize or knowingly permit the personal watercraft to be operated by any person who

has not received instruction in the safe handling of personal watercraft.

(b) Any person receiving instruction in the safe handling of personal watercraft must provide a written statement attesting to the same to the personal watercraft business.

(c) The owner of any personal watercraft or any person having charge over or control of a personal watercraft shall not authorize or knowingly permit the personal watercraft to be operated by a person under fourteen (14) years of age.

(d) A personal watercraft cannot be rented to any person under eighteen (18) years of age. Persons fourteen (14) years of age or older may operate a rented personal watercraft as long as accompanied by someone eighteen (18) years of age or older who rented the personal watercraft or who possesses a Boating Safety Education Identification Card. A person must be eighteen (18) years of age or older to enter into a rental contract for a personal watercraft.

(e) There shall be no interference with the operation of any other personal watercraft business nor shall any personal watercraft business engage in any act or conduct that unduly restricts or hinders the public's use of the beach.

(f) All local, State, and Federal statutory and regulatory requirements shall be adhered to regarding the personal watercrafts and the rental of personal watercrafts. These requirements include, but are not limited to, the age of individuals renting personal watercrafts, proper decals, and safety equipment.

(g) Each personal watercraft business shall be responsible for the operation of each personal watercraft and shall not allow the renter or operator to operate the personal watercraft in any reckless manner that endangers the personal watercraft renter, or the operator of any other personal watercraft user, or any swimmers or anyone in the Atlantic Ocean waters.

(h) The personal watercraft business shall insure that all individuals operating the rental personal watercraft operate the personal watercraft at idle speed until they are at least five hundred (500) feet, in a straight line, from the shore area. Further, each personal watercraft business shall insure that the operators do not operate the personal watercraft at greater than idle speed within five hundred (500) feet from the shore.

(i) Every personal watercraft business shall provide, upon request, proof of an insurance policy or certificate of insurance that provides for comprehensive general

liability coverage in the amount of one million dollars (\$1,000,000.00) and shall be executed by an insurance company or companies authorized to do business in the State of Florida and acceptable to the County. Personal watercraft businesses that do not currently carry an amount of one million dollars (\$1,000,000.00) of general liability coverage shall have fourteen (14) days from the adoption of this Ordinance within which to obtain said coverage.

SECTION 5. PENALTIES

1. Any person who is found guilty of reckless operation of a personal watercraft shall be deemed to have committed a misdemeanor of the first degree punishable as provided in Florida Statutes, Sections 775.08 or 775.083.

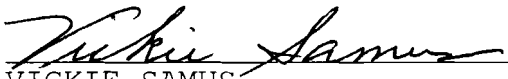
2. Any person who is the owner of a personal watercraft or any person having charge over or control of a personal watercraft, who authorizes or knowingly permits the personal watercraft to be operated by a person under fourteen (14) years of age or to be operated by any person who has not received instruction in the safe handling of personal watercraft in compliance with the rules established by the Florida Fish and Wildlife Conservation Commission, commits a misdemeanor of the second degree punishable as provided in Florida Statutes, Sections 775.082 or 775.083.

3. Any person cited by a law enforcement officer of violation of the provisions of Paragraph 2(e), (f), or (g) or Paragraph 3(b) shall be deemed to be charged with a non-criminal infraction and shall be cited to appear before the County Court. The civil penalty is fifty dollars (\$50.00) pursuant to Florida Statutes, Section 327.73.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

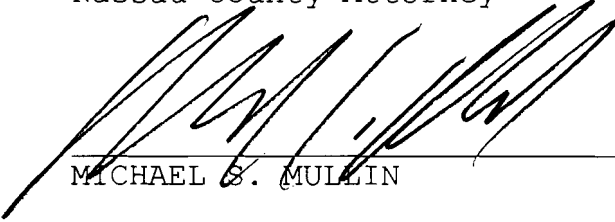
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


VICKIE SAMUS
Its: Chairman

ATTEST:


J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

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