

ORDINANCE NO. 2006-85

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA PURSUANT TO FLORIDA STATUTES, SECTION 316.2123, WHICH WILL RESTRICT THE USE OF ALL-TERRAIN VEHICLES (ATVs) ON COUNTY UNPAVED ROADWAYS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Nassau County, a political subdivision of the State of Florida; and

WHEREAS, the Legislature recently enacted Florida Statutes, Section 316.2123, effective October 1, 2006, which would allow ATVs to be operated during the daytime by a licensed driver or a minor under the supervisor of a licensed driver on unpaved roadways where the posted speed limit is less than 35 miles per hour. All-terrain vehicles (ATVs) are currently defined in Florida Statutes, Section 316.2074(2) as any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator with no passenger. The definition of ATV also includes any "two-rider ATV"; and

WHEREAS, the Nassau County Board of County Commissioners has determined that to permit the use of ATVs on unpaved roadways would be unsafe, would lead to accidents, rollovers, serious injury and death. Also, there are serious risks associated in allowing children to operate an adult-sized ATV on a public roadway as every year there are many people, especially children,

who are severely injured due to ATV accidents. Such injuries have included brain damage and paralysis; and

**WHEREAS**, the newly created Florida Statutes, Section 316.2123, contains a provision which allows the County to exempt itself from the provision allowing operation of ATVs on the unpaved roads if "the governing body of the County, by a majority vote, following a noticed public hearing, votes to exempt the County from such section"; and

**WHEREAS**, the safety, welfare and interest of the citizens of Nassau County will be served by exemption from the state law which would otherwise allow operation of ATVs on certain unpaved roadways.

NOW, THEREFORE, BE IT ORDAINED this 11th day of December, 2006 by the Board of County Commissioners of Nassau County, Florida, as follows:

**SECTION 1. RECITALS**

That the following are true and correct and incorporated herein by reference.

**SECTION 2. COUNTY EXEMPTION FROM FLORIDA STATUTES, SECTION 316.2123**

1. The Nassau County Board of County Commissioners hereby exempts Nassau County from the provisions set forth in Florida Statutes, Section 316.2123.
2. The operation of an ATV is prohibited on any and all unpaved public roadways or streets.

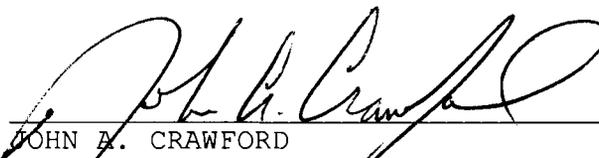
**SECTION 3. EFFECTIVE DATE**

This ordinance shall become effective upon its being filed in the office of the Secretary of State.

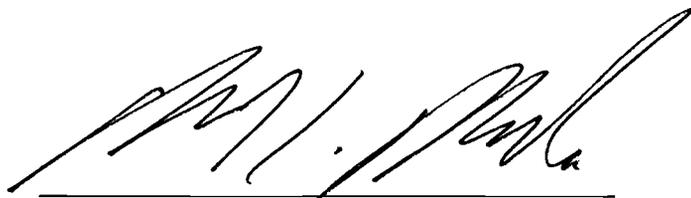
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
THOMAS D. BRANAN, JR.  
Its: Chairman

ATTEST as to Chairman's signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form and legality by the Nassau County Attorney:

  
\_\_\_\_\_  
MICHAEL S. MULLIN