

ORDINANCE 94 - 37

AN ORDINANCE AMENDING ORDINANCE 93-20, WHICH ESTABLISHED A NO WAKE ZONE IN THE COUNTY-CONTROLLED AREAS OF EGANS CREEK; SPECIFICALLY AMENDING ARTICLE 3, PURPOSE, ARTICLE 5, DEFINITION, ARTICLE 6, REGULATIONS, ARTICLE 7, REGULATORY MARKERS, ARTICLE 8, PENALTIES, ADDING AN ARTICLE 9, VALIDITY OF ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has been made aware that Ordinance 93-20 requires amending.

IT IS, THEREFORE, BE IT ORDAINED this 25th day of July, 1994, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 93-20 be amended as follows:

1. ARTICLE 3. PURPOSE

~~It is the~~ The purpose of this ordinance, among other things, is to provide for the health, safety, and welfare of the citizens of Nassau County and to prevent injury to life by making it unlawful to operate a vessel in excess of idle speed no wake upon the waters of Egans Creek ~~protect the public safety.~~

2. ARTICLE 5. DEFINITION

1. ~~No Wake Zone indicates a restricted or controlled zone to which a vessel cannot proceed at a speed greater than the speed which is necessary to maintain steerage.~~ Waters of Egans Creek means the navigable waters of the creek which is located in Nassau County, Florida.

2. ~~A motor boat in the designated no wake zone that is:~~

a. ~~Operating on a plane is proceeding at a speed that is greater than is necessary to maintain steerage.~~

b. ~~In the process of coming off a plane and settling into~~

~~the water, which creates more than no wake, is proceeding at a speed grater than that necessary to maintain steerage.~~

~~e. — Completely off plan and which has settled into the water and is proceeding without wake is proceeding at a speed necessary to maintain steerage.~~ Other terms - unless the context clearly requires a different meaning, or one is specifically set out herein, then the words and terms used herein are to be defined and applied as set forth in Florida Statutes, Chapter 327, and the Amendments thereto as may be passed from time to time.

3. Idle Speed No Wake - Idle Speed No Wake indicates a restricted or controlled zone which has been established to protect the interest of the public. Idle Speed No Wake means that a vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.

3. ARTICLE 6. BOAT OPERATION REGULATIONS

~~It shall be unlawful for a person to operate a boat in the designated No Wake Zone area in a manner that creates a wake or at a speed greater than that necessary to maintain steerage.~~ to operate any vessel or motorboat in excess of idle speed no wake on the waters of Egans Creek, Nassau County, Florida, or where the proper idle speed no wake signs are located and extending the full length of such designated areas, with the following described areas:

(a) All waters known as Egans Creek located in Nassau County, Florida.

4. ARTICLE 7. SIGNS REGULATORY MARKERS

1. The County Engineer shall insure that proper signs are placed within the boundaries of the "No Wake Zone". The absence of signs shall not render the No Wake Zone invalid.

2. The areas designated an idle speed no wake shall be plainly marked with Florida Uniform Waterway Idle Speed No Wake Markers, according to the rules of the Department of Environmental Protection of the State of Florida, and in compliance with Florida Statutes, Chapter 327, and 16N-23, Florida Administrative Code.

5. ARTICLE 8. PENALTIES

~~Any person or persons who shall violate any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the Nassau County Detention Facility not to exceed sixty (60) days or both.~~ Any person violating any provision of this Ordinance shall be guilty of a noncriminal infraction as provided in Florida Chapter 327.

6. ARTICLE 9. VALIDITY OF ORDINANCE


If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

7. ARTICLE 10. 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



JOHN A. CRAWFORD
Its: Chairman

ATTEST:



T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County attorney



MICHAEL S. MULLIN

6/b:egans.amd