

**ORDINANCE NO. 97-5**

**AN ORDINANCE ESTABLISHING SPEED ZONES FOR BOATING TRAFFIC IN CERTAIN AREAS OF CALHOUN COUNTY, PROVIDING PENALTIES, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

SECRETARY OF STATE

Dec 22 10 22 AM '97

FILED

WHEREAS, questions have arisen regarding the adoption of certain ordinances in Calhoun County, including questions regarding the adoption of the predecessor of this ordinance and in an abundance of caution and pursuant to the emergency procedures contained in Florida Statute §125.66(3), the Board of County Commissioners have chosen to readopt certain ordinances; and,

WHEREAS it is in the interest of Calhoun County to protect the boating and general public from the dangers inherent in the operation of boats or motor vessels in certain areas of Calhoun County; and

WHEREAS pursuant to the general powers of the County government and Florida Statute §327.22 and §327.33 to regulate the speed and wake of water borne traffic.

BE IT ENACTED BY CALHOUN COUNTY:

This ordinance of Calhoun County, Florida be the same as hereby enacted to read as follows:

1. **Section 1. COMMON TITLE.**

This ordinance shall be known and may be cited as the Safe Boating Ordinance of Calhoun County, Florida.

**SECTION 2. DECLARATION OF POLICY.**

It is the policy of Calhoun County in keeping with the laws of the State of Florida in the spirit of the Constitution of the United States to provide a safe environment for its citizens.

**SECTION 3. DEFINITIONS.**

(A) As used herein, the term "boat" shall mean any type of water craft defined in Florida Statute §327.02 as a commercial vessel, home made vessel, canoe, life-aboard vessel, manufactured vessel, motor boat, non-commercial vessel, sail boat, or vessel.

(B) Operate means to be in actual physical control of a vessel upon the waters of Calhoun County or to exercise control over or to steer a vessel being towed by another vessel upon the waters of Calhoun County, Florida.

(C) Unlawful speed as used in this ordinance shall be a speed greater than five (5) miles per hour.

**SECTION 4. APPLICABLE AREAS.**

It shall be unlawful for any person to operate a boat at speeds in excess of five (5) miles per hour on Cypress Creek in Calhoun County from Stone Landing to the Chipola Inn. The County shall obtain the necessary permits to post speed zones pursuant to Florida Administrative Code.

**SECTION 5. VIOLATIONS**

Anyone who violates the speed limit provisions contained in Section 4 above shall be in non-criminal violation as defined in Florida Statute §775.08.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be effective upon its passage by the County Commission of Calhoun County and the posting of speed signs pursuant to the Florida Administrative Code.

**SECTION 7. SEVERABILITY.**

If any section, sub-section, paragraph, sentence, clause or phrase of this Ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the reigning portions of this Ordinance shall not be affected thereby.

**SECTION 8. ENFORCEMENT**

This Ordinance may be enforced by any law enforcement of the State of Florida or of Calhoun County, Florida.

PRESENTED AND READ in full or by title to the Board of County Commissioners for Calhoun County, Florida, on the 16th day of DECEMBER, 1997. *N/A.*

PASSED by the Board of County Commissioners for Calhoun County, Florida, the 16 day of Dec, 1997.

CALHOUN COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: *Donnell Whitfield*  
DONNELL WHITFIELD  
Chairman

ATTEST:

*Willie D. Wise*  
WILLIE D. WISE  
CLERK

CERTIFIED A TRUE COPY  
*Janice Helley, Jr.*  
WILLIE D. WISE  
CLERK CIRCUIT COURT  
CALHOUN COUNTY, FLORIDA