

AN ORDINANCE REGULATING THE OPERATION OF PERSONAL WATERCRAFT,
PROVIDING A PENALTY FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 95-8

FRANKLIN COUNTY, FLORIDA

WHEREAS, the recreational use of Franklin County beaches is a treasured asset of this County used **by** visitors and residents alike; and

WHEREAS, the manner, mode, type, and degree of uses to which the beach and adjoining waters are used by the public affects the health, safety, and welfare of other users of the beach and adjoining waters; and

WHEREAS, the operation of personal watercraft poses a threat to the health, safety, and welfare of swimmers, bathers, and other members of the public who use and *enjoy* the beach and adjoining waters; and

WHEREAS, it is necessary that the speed, operation, and entry and exit of personal watercraft be controlled in order to protect the health, safety, and welfare, of the residents and visitors of Franklin County.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA that the following standards will apply to and govern the operation of personal watercraft.

SECTION ONE: TITLE

This Ordinance shall be known as the Franklin County Personal Watercraft Ordinance.

SECTION TWO: PURPOSE AND AUTHORITY

A. The purpose of this Ordinance shall be to regulate the operation of personal watercraft to preserve and protect our beaches and natural resources.

B. The County does hereby declare that the public health, safety, and welfare of the residents and visitors of the County requires regulation of personal watercraft activities.

C. The County is hereby authorized to regulate personal watercraft in the interest of public health, safety, and welfare.

SECTION THREE: DEFINITIONS

For the purposes of this Ordinance, the following definitions shall have the meaning given herein. The word “shall” is always mandatory and not merely directory,

A. “Beach” shall mean the soft sand portion of land lying seaward of a line of permanent vegetation.

B. “Bay-side shoreline shall mean the seaward edge of wetland or marsh vegetation of the Apalachicola Bay.

C. “Idle speed” shall mean the lowest speed at which a personal watercraft can operate and maintain steering control. Generally, it shall mean the minimum speed required for personal watercraft to effectively traverse breaking water.

D. “Operate” shall mean to navigate or otherwise use any personal watercraft in or on the water,

E. “Personal watercraft” shall mean a small Class A-1 or A-2 vessel as defined by State law, Chapter 327, Florida Statute, which uses an inboard motor powering a water jet pump as its primary source of power. Generally, the watercraft is designed for one or two persons only, not weighing over 350 pounds or having a length greater than ten feet. The term personal watercraft for the purposes of this ordinance shall include “sea sleds”, “jet skis”, “wave runners” or other such product name meeting the description herein provided.

SECTION FOUR: CONDITIONS OF USE

A. The operation of any personal watercraft in excess of idle speed in or on all waters of the Gulf of Mexico, Apalachicola Bay, St. George Sound, and Alligator Harbor within 500 feet of the beach or bay-side shoreline is hereby prohibited, except there shall be exceptions for Bob Sikes Cut and the Creekmore “2 Mile” channel.

B. The launching of personal watercraft shall be restricted to privately owned property. County owned property shall not be authorized as a launching site, except for boat ramps.

C. The operation of any personal watercraft in the man-made canals shall be at idle speed until, such time as the watercraft has reached 500 feet offshore.

D. The operation of any personal watercraft through marsh or wetland vegetation is prohibited. Any personal watercraft within the Nick’s Hole estuary shall operate at idle speed.

E. All personal watercraft shall stay at least 50 feet away from any vessel operating in the waters of Franklin County.

F. Any person, company, or entity engaged in the leasing or renting of personal watercraft shall do so in an commercially zoned area. The access channel between the beach and 500 feet offshore for the leasing or rental company shall be visibly marked by the company and such markers shall be removed 1/2 hour after sunset. Personal watercraft shall not be rented so that they are operated after sunset.

SECTION FIVE: PENALTY

Any owner, operator, or person in command of any personal watercraft who violates the provisions of this Ordinance shall be guilty of a misdemeanor of the first degree.

SECTION SIX: ENFORCEMENT

The provisions of this Ordinance shall be enforced by members of Franklin County Law Enforcement Agency and the Florida Marine Patrol.

SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall take effect when notice of receipt of a certified copy of the same is returned from the Secretary of State. This Ordinance adopted by the Franklin County Board of County Commissioners at its regular meeting on 18TH day of July, 1995.

THE FRANKLIN COUNTY BOARD OF COUNTY
COMMISSIONERS