

AN ORDINANCE PROHIBITING THE USE OF AIR BOATS WITHIN CERTAIN AREAS OF FRANKLIN COUNTY INCLUDING THE ALLIGATOR HARBOR AQUATIC PRESERVE; MAKING FINDINGS OF FACTS; ESTABLISHING THE PURPOSE OF THE ORDINANCE; ESTABLISHING DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 90-1

FRANKLIN COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners finds that:

(1) The use of airboats within certain areas of Franklin County, including the Alligator Point Aquatic Preserve is a non-traditional use and should be discouraged due to the background noise they create.

(2) The Cabinet of the State of Florida sitting as the Board of Trustees of the Internal Improvement Fund adopted on September 23, 1986, a Management Plan for the Alligator Point Aquatic Preserve which provides that the use of airboats in the preserve should be discouraged.

(3) Airboat use in other areas of Franklin County generates noise and other problems.

(4) Apalachicola Bay is designated an Estuarine Sanctuary.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, that:

(5) The following definitions shall apply to this

Ordinance:

(a) Alligator Point Aquatic Preserve . That area of Franklin County designated as such by the State of Florida Board of Trustees of the Internal Improvement Fund by resolution adopted on October 21, 1969.

(b) Airboat A vessel propelled by an airplane type engine mounted about or above the water-line of the vessel.

(6) It shall be unlawful and shall be a violation of this Ordinance for anyone to operate an airboat within the confines of the Alligator Point Aquatic Preserve, or on any of the water of Franklin County, Florida South of U.S. 98, except as otherwise provided herein.

(7) The penalty for violation of this Ordinance shall be the same as for a misdemeanor of the second degree.

(8) This Ordinance may be enforced by the Franklin County Sheriff's Department or the Division of Marine Patrol of the State of Florida Department of Natural Resources.

(9) Exceptions: The following are excepted from this Ordinance:

(a) United States, State of Florida, Franklin County law officers and U.S. Military personnel in the performance of their official duties.

(b) Franklin County waters North of U.S. 98.

(c) Franklin County waters West of the Inter-coastal Waterway as it runs South of Apalachicola, and West of a line from the Inter-coastal water way at its point closest to Bob Sikes Cut, to Bob Sikes Cut.

This Ordinance adopted in open regular meeting this 20th day of March, 1990, after notice of intent to consider the same has been made and kept in the Ordinance Book of the Clerk of the Board for at least fifteen (15) days, exclusive of Sundays and legal holidays, and the title and substance hereof published according to the law in the Apalachicola Times, a newspaper of general circulation within the County.

This Ordinance shall take effect when notice of receipt of a certified copy of same is returned from the Secretary of State.

THE BOARD OF COUNTY
COMMISSIONERS OF FRANKLIN
COUNTY, FLORIDA