1	Alachua County
2 3	Board of County Commissioners
4	ODDINANCE 2020
5 6	ORDINANCE 2020
7 8	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 114 OF THE
9	ALACHUA COUNTY, FLORIDA, AMENDING CHAITER 114 OF THE ALACHUA COUNTY CODE OF ORDINANCES; REPEALING SECTION
10	114.09, NIGHTTIME AIRBOAT CURFEW AND REPLACING WITH
11 12	SECTION 114.09, OPERATION OF AIRBOATS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR MODIFICATION AT PUBLIC
13	HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR
14	INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.
15	WHEREAS, Alachua County is a charter county of the State of Florida under Article
16	VIII, section 1(g) of the Florida Constitution; and
17	WHEREAS, Chapter 125, Florida Statutes, authorizes counties to exercise powers of
18	local self-government; and
19	WHEREAS, section 327.60(2)(e), Florida Statutes, authorizes local governments to
20	regulate the operation of airboats;
21	WHEREAS, airboats can navigate shallow waters, otherwise not accessible by other
22	aquatic vessels with on-board engines;
23	WHEREAS, airboats may travel at a high rate of speed through open waters, as well as
24	near shorelines and in vegetated areas; and
25	WHEREAS, the ability of airboats to access shallow water at a high rate of speed creates
26	a safety hazard for individuals otherwise using the shallow waters, including those individuals
27	wading or paddling near the shoreline; and
28	WHEREAS, the natural vegetation in the waterbodies of Alachua County are worthy of
29	additional protection for habitat and water quality; and
30	

1	WHEREAS, airboats present a unique threat to natural aquatic vegetation along snallow
2	waters due to their ability to navigate in those shallow waters and over aquatic vegetation, which
3	may kill or harm the vegetation in the airboat's path; and
4	WHEREAS, harm to natural aquatic vegetation harms the aquatic ecosystem of the
5	waterbody and has negative environmental impacts; and
6	WHEREAS, airboat use in close proximity to bird rookeries and night-time roosting
7	areas can cause harm to local and migratory populations of wading birds that live on the lakes
8	and near the shoreline; and
9	WHEREAS, because airboats are capable of operating in shallow waters where birds
10	often nest, the presence of airboats may cause the birds to abandon their nests; and
11	WHEREAS, during hours of limited visibility, the threat to other users of waterbodies
12	within Alachua County and the aquatic vegetation contained in those waterbodies is increased
13	due to an airboat operator's limited ability to see and avoid other users or vegetation; and
14	WHEREAS, the Board of County Commissioners of Alachua County, desires to amend
15	its Alachua County Code of Ordinances to regulate the operation of airboats for the safety of
16	other users and the protection of the environment; and
17	WHEREAS, limiting the hours of operation for airboat operation protects other users and
18	aquatic vegetation during hours of low visibility and protects bird populations during nesting
19	hours; and
20	WHEREAS, a duly noticed public hearing was conducted on such proposed amendment
21	on November 10, 2020 by the Board of County Commissioners.
22	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
23	ALACHUA COUNTY, FLORIDA:

1 SECTION 1. The Board of County Commissioners finds and declares that all statements 2 in the preamble of the ordinance are true and correct. 3 SECTION 2. Section 114.09 of Alachua County Code is repealed in its entirety and 4 replaced for codification as follows: 5 Sec. 114.09. - Operation of airboats 6 No person may operate an airboat in such a manner as to endanger the public health, 7 safety, or welfare of an individual or the natural habitat or ecosystem of waterbodies within 8 Alachua County. No person may operate an airboat in such a manner as to direct the propeller blast 9 in the direction of any person, building, dock, swimming area, rookery, or other aquatic vessel. 10 No person may operate an airboat in Alachua County between one-half hour after sunset and one-half hour before sunrise, with exceptions for government airboats operated in the 11 line of duty by authorized personnel, and private airboats authorized by law enforcement personnel 12 during specific emergency incidents. 13 (c) Airboat means a vessel that is primarily designed for use in shallow waters and 14 powered by an internal combustion engine with an airplane-type propeller mounted above the stern 15 16 and used to push air across a set of rudders. Operate means to be in command of, or in physical control of, an airboat while the 17 18 engine is running. 19 This section may be enforced by any codes enforcement officer of Alachua County 20 or any duly authorized law enforcement officer having authority through any enforcement 21 mechanism authorized in the Alachua County Code, including but not limited to injunction, code violation, civil action or misdemeanor violation. 22 23 (f) As established in section 24.16, a first violation shall carry a Class IV penalty and 24 subsequent violations shall carry Class V penalties for each violation. 25 SECTION 3. Repealing Clause. All ordinances or portions thereof in conflict herewith 26 are, to the extent of such conflict, hereby repealed. 27 SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of 28 this ordinance or the application hereof to any person or circumstance is held invalid or 29 unconstitutional, such finding shall not affect the other provisions or applications of the 30 ordinance which can be given effect without the invalid or unconstitutional provisions or

application, and to this end the provisions of this ordinance are declared severable.

31

1	SECTION 5. <u>Inclusion in the Code, Scrivener's Error.</u> It is the intention of the Board of
2	County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
3	of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
4	Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
5	intent and that the word "ordinance" may be changed to "section", "article", or other appropriate
6	designation. The correction of typographical errors that do not affect the intent of the ordinance
7	may be authorized by the County Manager or designee, without public hearing, by filing a
8	corrected or re-codified copy of the same with the Clerk of the Circuit Court.", "article", or other
9	appropriate designation.
10	SECTION 6. Modification. It is the intent of the Board of County Commissioners that
11	the provisions of this ordinance may be modified as a result of considerations that may arise
12	during public hearings. Such modifications shall be incorporated into the final version of the
13	ordinance adopted by the Board and filed by the Clerk to the Board.
14	SECTION 7. Effective Date. This ordinance shall take effect immediately upon final
15	adoption.
16	DULY ADOPTED in regular session, this day of, 2020.
17 18 19	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA ATTEST:
20 21 22	BY:, Chair Board of County Commissioners
23 24 25	J.K. "Jess" Irby, Esq. Clerk APPROVED AS TO FORM
26 27 28	County Attorney's Office (SEAL)