

1
2 ALACHUA COUNTY
3 BOARD OF COUNTY COMMISSIONERS

4 **ORDINANCE NO. 2021-__**

5
6 AN ORDINANCE OF ALACHUA COUNTY AMENDING
7 SECTION 114.04 OF THE ALACHUA COUNTY CODE TO
8 ESTABLISH AN EXCLUSION ZONE WITHIN 100 FEET OF
9 THE DESIGNATED SWIMMING AREA AT MELROSE PARK
10 IN MELROSE BAY, ESTABLISHING AN EFFECTIVE DATE
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12
13 WHEREAS, Lake Santa Fe is within the unincorporated boundaries of Alachua County
14 and Melrose Bay is contiguous with Lake Santa Fe; and

15 WHEREAS, through Ordinance 89-13 and 95-5 the Board of County Commissioners as
16 the Governing Body for Alachua County recognized that the operation of motorboats and
17 watercraft on Melrose Bay constituted a safety zone justifying the placement (b) of idle-
18 speed/no-wake signs at the points of entry into Melrose Bay; and

19 WHEREAS, Section 327.46, Florida Statutes provides that under certain circumstances
20 local governments may establish watercraft exclusion zones and limited speed/wake zones; and

21 WHEREAS, Section 327.46(1)(b)3., Florida Statutes allow the Board of County
22 Commissioners to establish a vessel-exclusion zone in an area that is designated as a public
23 bathing beach or swim area; and

24 WHEREAS, Section 327.46(1)(c)3.b. provides that a vessel-exclusion zone may be
25 imposed when a particular activity and user group separation must be imposed to protect the
26 safety of those participating in such activity; and,

27 WHEREAS, Melrose Bay Park is a public access park which contains a designated,
28 roped off swimming area; and
29

1 WHEREAS, the Board of County Commissioner finds that it is in the public interest and
2 promotes the public health and safety to establish a vehicle exclusion zone around the designated
3 swimming area in Melrose Bay Park and that a reasonable separation is 100 feet. Further, the
4 Board of County Commissioner finds that in order to provide for the safety and separation of
5 watercraft and swimmers the area within 200 feet of the designated swimming area is a no wake
6 zone.

7 IT IS THEREFORE ORDAINED AND ENACTED BY THE ALACHUA COUNTY
8 BOARD OF COUNTY COMMISSIONERS:

9 SECTION 1. Section 114.04 of the Alachua County Code, is hereby amended as follows:

10 **Sec. 114.04. - ~~No-wake zones on Melrose Bay.~~**

11 (a) No-Wake Zones on Melrose Bay. The board of county commissioners finds that a
12 safety hazard exists with the operation of motorboats and watercraft on Melrose Bay, requiring
13 the establishment of speed zones and placement of "idle-speed/no-wake" signs at all points of
14 entry into Melrose Bay. The Alachua County Department of Public Works is authorized and
15 directed to post and maintain the appropriate regulatory signs to implement this provision.

16 (b) Watercraft exclusion zone at Melrose Bay Park. There is established a water craft
17 exclusion zone within 100 feet of the designated, roped off, swimming area at Melrose Bay Park.

18 (c) There is established a no-wake zone within 200 feet of the designated/roped off
19 swimming area at Melrose Bay Park.

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21 SECTION 2. Repealing Clause. All ordinances or portions thereof in conflict herewith
22 are, to the extent of such conflict, hereby repealed.

23 SECTION 3. Modification. It is the intent of the Board of County Commissioners that
24 the provisions of this ordinance may be modified as a result of considerations that may arise
25 during public hearings. Such modifications shall be incorporated into the final version of the
26 ordinance adopted by the Board and filed by the Clerk to the Board.

SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the 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.

SECTION 5. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation.

SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this _____ day of _____, 2021.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST:

BY: _____
Ken Cornell, Chair
Board of County Commissioners

J.K. "Jess" Irby, Esq.
Clerk

APPROVED AS TO FORM

County Attorney

(SEAL)