

Chapter 5

BOATS AND WATERWAYS*

* **Cross References:** Definitions and rules of construction generally, § 1-2; parks and recreation, Ch. 16; local laws relating to boats and waterways, App. A, ch. 5.

State Law References: Florida Vessel Registration and Safety Law, F.S. Ch. 327; local regulations, F.S. § 327.60.

Sec. 5-1. Noxious aquatic plants.

(a) In this section:

(1) *Noxious aquatic plants* includes hydrilla (*hydrilla verticillata*), brazilian elodea (*egeria densa*), eurasian watermilfoil (*myriophyllum spicatum*), hygrophila (*hygrophila polysperma*), floating water-hyacinth (*eichhornia crassipes*).

(2) *Public road* means any road maintained by the state, the county, or a municipality with the county.

(b) Every person operating a boat in the county shall upon removal of that boat from the water examine the boat, trailer, outdrive unit or outboard motor, lower unit and propeller and remove any noxious aquatic plants thereon.

(c) It shall be unlawful for any person to transport over a public road in the county any boat, trailer boat outdrive unit, or outboard motor to which there is attached or on which there is located any noxious aquatic plants.

(Ord. No. 1984-3, §§ 1--3, 2-20-84)

Sec. 5-2. Speed limits.

(a) As used in this section, unless the context clearly required a different meaning:

(1) *Vessel* is synonymous with boat and means a motor or artificially propelled vehicle and every other description of watercraft, whether motor propelled or not, including barges and airboats, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) *Motorboat* means any boat or vessel propelled or powered by machinery.

(3) *Operate* or *operation* means to navigate or otherwise use such a boat or vessel.

(4) *Waters of this county* means all waters lying within the boundaries of the county of such a proportion to allow thereupon the operation of a vessel or a motor boat.

(b) The board of county commissioners is authorized and empowered to regulate and set the maximum speed at which motorboats and vessels of all kinds may be operated on rivers, lakes, streams and other waterways of the county. The board of county commissioners may set such speed limits by resolution. In considering the need for such regulation and the proper speed limit to be imposed, the board shall consider the following:

- (1) For any purpose deemed necessary for the safety of the public that is or may be caused by motorboats and vessels and whether or not such damage or injury may be lessened or prevented by the regulation of the speed of motorboats and vessels along such waterway.
- (2) Navigational hazards of the waterway.
- (3) The density or congestion of the boat traffic flow.
- (4) Number of boating accidents.
- (5) Visibility along such waterway.
- (6) Such other information and factors as the state deems necessary.

(c) After adoption of such speed limit resolution, speed limit or wake signs shall be posted at all public boat-entrance ramps and public launching points along the portion of the waterway specified in the resolution. Additional signs may be posted as deemed necessary by the county and upon the approval of the required state and federal regulatory agencies.

(d) No person shall operate a boat at a rate of speed in excess of the speed limit posted.
(Ord. No. 1979-1, §§ 1--3, 2-6-79; Ord. No. 1992-2, § 1, 2-18-92)

Sec. 5-3. Airboats at Lake Yale.

(a) In this section "airboat" means a water boat powered by an airplane propeller projecting above the stern.

(b) The use of airboats or other substantially similar boats is prohibited in or on the waters and associated tributaries, marshes and wetlands of Lake Yale between the hours of 10:00 p.m. and 7:00 a.m. seven (7) days a week.

(c) The county sheriff's department and any and all other law enforcement agencies shall be authorized to enforce this section.

(d) Violation of this is punishable as provided in section 1-6. Continuing violation after notice constitutes a separate violation for each day so continued.
(Ord. No. 1987-6, §§ 1--4, 4-21-87)

Secs. 5-4--5-6. Reserved.

Editors Note: Ord. No. 2001-138, § 5, adopted Nov. 6, 2001, repealed §§ 5-4--5-6, which pertained to ; Lake Dalhousie public boat ramp; Sylvan Shores Park and Lake Joanna Park. See the Code Comparative Table.

Sec. 5-7. Motorboats powered by gasoline or other motor fuels prohibited on Lake Elsie.

(a) Findings.

(1) The board of county commissioners hereby finds that Lake Elsie, a small lake located in Sections 27 and 28, Township 19 South, Range 26 E, Lake County, Florida because of its small size, is not suitable to have motorboats powered by gasoline or other motor fuels operated within or on such lake without causing a danger and a hazard to persons using such lake.

(2) The board of county commissioners hereby finds that because Lake Elsie is such a small lake, if motor boats are used within or on such lake, it is likely that water quality problems will result either from gasoline or other motor fuel or from destruction of native vegetation.

(b) As used in this section, the terms vessel, operate and motorboat shall have the same meaning as provided in F.S. § 327.02.

(c) It shall be unlawful for any person to operate any motorboat powered by gasoline or other motor fuel in or upon the waters of Lake Elsie, a lake located in Sections 27 and 28, Township 19 South, Range 26 E, Lake County, Florida, except in cases where such motorboat is being used for an emergency.

(d) Signs shall be posted at any public boat ramp or other public launching points on Lake Elsie, and at other locations along such lake as the county manger or designee determines are necessary providing notice of this regulation.

(e) As provided by F.S. § 327.73, a violation of this section shall be a civil infraction and shall be subject to the civil penalties provided for in that section. In addition, any person who violates this section and who fails to accept and sign a summons or who fails to appear or otherwise properly respond to a citation shall be subject to the criminal penalties provided for in that section.

(Ord. No. 2003-1, § 1, 1-21-03)

Sec. 5-8. Motorboats powered by gasoline or other motor fuels prohibited on Blue Lake.

(a) Findings.

(1) The board of county commissioners hereby finds that Blue Lake, a small lake located in Sections 7 and 8, Township 19 South, Range 27 E, Lake County, Florida because of its small size, is not suitable to have motorboats powered by gasoline or other motor fuels operated within or on such lake without causing a danger and a hazard to persons using such lake.

(2) The board of county commissioners hereby finds that because Blue Lake is such a small lake, if motor boats are used within or on such lake, it is likely that water quality problems will result either from gasoline or other motor fuel or from destruction of native vegetation.

(b) As used in this section, the terms vessel, operate and motorboat shall have the same meaning as provided in F.S. § 327.02.

(c) It shall be unlawful for any person to operate any motorboat powered by gasoline or other motor fuel in or upon the waters of Blue Lake, a lake located in Sections 7 and 8, Township 19 South, Range 27 E, Lake County, Florida, except in cases where such motorboat is being used for an emergency.

(d) Signs shall be posted at any public boat ramp or other public launching points on Blue Lake, and at other locations along such lake as the county manager or designee determines are necessary providing notice of this regulation.

(e) As provided by F.S. § 327.73, a violation of this section shall be a civil infraction and shall be subject to the civil penalties provided for in that section. In addition, any person who violates this section and who fails to accept and sign a summons or who fails to appear or otherwise properly respond to a citation shall be subject to the criminal penalties provided for in that section.

(Ord. No. 2003-2, § 1, 1-21-03)