

BY THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 23-29

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS READOPTING ORDINANCE NO. 22-61, WHICH AMENDED CHAPTER 114, SECTION 114-41 OF THE PASCO COUNTY CODE OF ORDINANCES CREATING A MINIMUM WAKE ZONE WITHIN THE UNINCORPORATED AREA OF PASCO COUNTY IN AND AROUND THE GULF ISLAND LAGOON; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners of Pasco County has the power to adopt ordinances necessary for the exercise of its powers; and

WHEREAS, pursuant to Chapter 327, Florida Statutes, the Board of County Commissioners has the power to adopt ordinances necessary to protect health, safety, and welfare on waterways within its boundaries; and

WHEREAS, the Board of County Commissioners finds that speeding vessels and wakes in and around the Gulf Island Lagoon create a hazard to human life and the abatement of speeding vessels and wakes is declared to be necessary for the health, safety and welfare of the citizens of Pasco County; and

WHEREAS, the Board of County Commissioners desires to protect the public health, safety and welfare and to maintain a high quality of life for the citizens of Pasco County; and

WHEREAS, on December 6, 2022, the Board of County Commissioners adopted Ordinance No. 22-61 amending Section 114-41 of the Code of Ordinances of Pasco County to creating slow speed/minimum wake areas in the Gulf Island Lagoon and the adjacent channels, and Ordinance No. 22-61 became effective on December 9, 2022, upon filing with the Secretary of State; and

WHEREAS, due to failure to follow the Florida Wildlife Commission notice requirements for waterway markers, the County must again adopt this ordinance at a public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida:

SECTION 1. Findings.

The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment to Section 114-41 of the Code of Ordinances of Pasco County, Florida.

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The current section 114-41 is hereby modified as follows (new language is underlined and deleted language is stricken through):

Sec. 114-41. - Designation of idle speed/no wake and slow speed/minimum wake areas.

- (a) The county may, as provided by state law, restrict the wake of vessels within waters in its jurisdiction.
- (b) The following areas are designated idle speed/no wake areas:
 - (1) The area that is a 300-foot circumference extending from the County Park dock located on the Anclote River, more specifically from Lat 28° 10' 34.767" N/Long, 82° 47' 20.395" W (the Park docks) to a marker generally to the west at Lat 28° 10' 32.682" N/Long 82° 47' 22.134" W and to a marker generally to the south at Lat 28° 10' 35.944" N/Long 82° 47' 23.703" W.
- (c) The following areas are designated slow speed/minimum wake areas:
 - (1) The Anclote River, from shore to shore, starting approximately 20 yards south east of Marker 19 (generally at the County line), more specifically from a marker at Lat, 28° 10' 23.878" N/Long 82° 47' 19.118" W following the Anclote River northwest past marker 17 to a marker at Lat 28° 10' 36.720" N/Long 82° 47' 30.815" W.
- (d) The following areas are designated slow speed/minimum wake areas:
 - (1) The Gulf Island Lagoon and the adjacent channels as follows:
 - a. The channel (generally east to west) outside the lagoon within 300 feet of the bridge from Lat 28.3597, Long -82.7155° to Lat 28.3606, Long -82.7165°; and
 - b. The channel (generally north to south) outside the lagoon within 300 feet of the western canal from Lat 28.358, Long -82.7183°, to Lat 28.3594, Long -82.7183°; and
 - c. Within the lagoon within 300 feet of the western canal and the bridge marked at a location at Lat 28.3592°, Long -82.7171°.
- ~~(d)~~ Enforcement of infractions of this section shall be as provided in ch. 327, Florida Statutes, as may be amended.

SECTION 3. SEVERABILITY.

If any section, phrase, sentence, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon confirmation by the Department of State of its receipt.

DONE and ADOPTED this 22nd day of August 2023.



Nikki Alvarez-Sowles, D.C.

NIKKI ALVAREZ-SOWLES, ESQ.
CLERK & COMPTROLLER

APPROVED
IN SESSION
AUG 22 2023
PASCO COUNTY
BCC

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY FLORIDA

Jack Mariano

JACK MARIANO, CHAIRMAN



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 24, 2023

Nikki Alvarez-Sowles, Esq.
Pasco County Clerk and Comptroller
The East Pasco Governmental Center
14236 6th Street, Suite 201
Dade City, Florida 33523

Dear Nikki Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of revised Pasco County Ordinance No. 23-29, which was filed in this office on August 24, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh