ORDINANCE NO. 96 - 14

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE NO. 91-13, AS AMENDED, THE POLK COUNTY WATERWAY PROTECTION CODE, BY EXPANDING THE PERMISSIBLE HOURS OF OPERATION OF AIRBOATS DURING WATERFOWL HUNTING SEASON; BY EXEMPTING THE KISSIMMEE OXBOB BETWEEN LAKES KISSIMMEE AND HATCHINEHA FROM THE PROVISIONS RELATED TO THE PERMISSIBLE HOURS FOR THE OPERATION OF AIRBOATS; BY GRANDFATHERING AND PERMITTING THE EXISTING COMMERCIAL OPERATION OF AIRBOAT TOURS OR RIDES FROM THE DISTANCE FROM RESIDENCES REQUIREMENT DURING CERTAIN TIME PERIODS; — BY AMENDING AND CLARIFYING MUFFLER REQUIREMENTS FOR VESSELS; BY PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida, that:

SECTION 1: Section 3-1.12 of Polk County Ordinance No. 91-13, as amended by Polk County Ordinance No. 93-37 and 96-2, is hereby amended as follows:

3-1.12: No person shall operate an airboat between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 12:00 midnight and 6:00 a.m. Friday and Saturday, Memorial Day, Independence Day, and Labor Day. Nothing herein shall prohibit the operation of a properly operated airboat by an individual possessing an Alligator Trapping License as required by Section 372.6673, Florida Statutes, and possessing a Harvest Permit issued by the Florida Game and Freshwater Fish Commission pursuant to Rule 39-25.042, Florida Administrative Code. This exemption shall only apply during the harvest season as established by the Florida Game and Freshwater Fish Commission.
Airboats may be operated during the hours of 4:00 a.m. and 7:00 a.m. during authorized waterfowl hunting season.

Exempt from the provisions of this section are Lakes Arbuckle and Hatchineha and immediately adjacent waterways and the Kissimmee River Oxbow located in Polk County between Lakes Kissimmee and Hatchineha and described in Section 3-1.11 of this Ordinance.

SECTION 2: Section 3-1.13 of Polk County Ordinance No. 91-13 as amended by Polk County Ordinance No. 93-37 and 96-2, is hereby amended as follows:

No person shall operate an airboat above an idle speed within 500 feet of a residence. This section shall not apply to the use of airboats by duly licensed and authorized persons engaged in the commercial eradication or control of aquatic weeds.

The distance setback from residences in this subsection shall not apply during the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday to the use of airboats by commercial operators of airboat tours or rides holding a valid occupational license for such purposes as of March 5, 1996 for purposes of gaining ingress and egress to their base of operations or to residences constructed on Lake Hamilton after the effective date of this ordinance.

SECTION 3: Section 3-1.14 (A) of Polk County Ordinance No. 91-13, as amended by Polk County Ordinance No. 93-37 and 96-2, is hereby amended to read:

(A) Exhaust Regulations. The exhaust of every internal combustion engine on any vessel operated on the waters of unincorporated Polk County shall be effectively muffled so as to muffle the noise of the exhaust in a reasonable manner. Furthermore,
the exhaust of every airboat shall be effectively muffled by automotive or aircraft style equipment. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs.

SECTION 4: SEVERABILITY

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

SECTION 5: EFFECTIVE DATE

This ordinance shall become effective upon receipt of acknowledgment from the Department of State that a certified copy of this ordinance has been filed with said office.
STATE OF FLORIDA,  
COUNTY OF POLK.  

I, E. D. "Bud" Dixon, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 96-14, Ordinance amending Polk County Ordinance No. 91-13, as amended, the Polk County Waterway Protection Code, by expanding the Permissible Hours of Operation of Airboats during Waterfowl Hunting Season, which was adopted by the said Board in regular session on Tuesday, May 21, 1996.

WITNESS my hand and official seal on this 28th day of May 1996.

E. D. "Bud" Dixon  
Clerk

(SEAL)

By: [Signature]  
Deputy Clerk