

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Thursday, August 24, 2017 3:14 PM
To: Marguerite Linke
Cc: County Ordinances
Subject: Hernando20170824_Ordinance2017_33_Ack.pdf
Attachments: Hernando20170824_Ordinance2017_33_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 24, 2017

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2017-33, which was filed in this office on August 24, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2017 - 33

AN ORDINANCE AMENDING Section 20-2, Hernando County Code, redefining all terrain vehicle (ATV); allowing ATV's to traverse certain unpaved county roads; providing for severability; providing for inclusion in the code; providing for the repeal of conflicting provisions; and providing for an effective date.

WHEREAS, on June 18, 2002, the Board of County Commissioners enacted Ordinance 2002-09, which among other things restricted ATV's from certain County owned properties; and

WHEREAS, on August 22, 2017, the Board of County Commissioners enacted this Ordinance amending its Code, pursuant to Section 316.2123, Florida Statutes, which allows the County to exempt itself from prohibiting the operation of an ATV upon designated unpaved roadways during the daytime as long as the designated roadway has a posted speed limit of less than 35 miles per hour and is appropriately marked to indicate permissible ATV use; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

Section 1. Amend Ordinance 2002-09, codified as Ch 20, Art I, Section 20-2, (b), and (c), Hernando County Code.

Section 2. 20-2, (b) Definitions. The following words and phrases when used in this ordinance shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

All terrain vehicle (ATV) means any motorized off-highway or all terrain vehicle fifty (50) inches or less in width, having a dry weight of ~~six hundred (600)~~ 1,200 pounds or less, designed to travel traveling on three (3) or more low-pressure nonhighway tires, designed manufactured for recreational use by one or more persons. ~~operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and having handlebars for steering control.~~

NOTE: Additions underlined and ~~Deletions~~

28 Section 3. 20-2, (c): *Presence of vehicles in, on, or upon drainage retention*
29 *areas, utility property or easements.* It shall be a violation of this section for any motor
30 vehicle, including motorcycles and ATV's to be in, on, or upon any lakes, ponds, or
31 county drainage retention areas regardless whether the drainage retention area is denoted
32 as such by a sign or other notice. It shall further be a violation of this ordinance for any
33 motor vehicle including recreational or camper type vehicle, motorcycles and ATV's to
34 be in, on, or upon any right-of-way, easement, or utility property with electrical apparatus
35 or equipment including, but not limited to electric towers, electric transmission lines,
36 poles, or other support structures, fans, cooling apparatus, or transformers where the
37 utility is regulated either by the state public service commission or the natural rural
38 utilities service. This provision also applies to areas where any utility has an easement
39 within a right-of-way, including, but not necessarily limited to electric substations or
40 other apparatus used for the transmission or delivering of electricity even where such
41 equipment is isolated and stands apart. Further, it shall also be a violation of this
42 ordinance for anyone to damage such equipment including but not limited to hurling or
43 shooting any projectiles or missiles at any electric substation, other electrical generating
44 equipment, or towers or by hurling other objects including, but not limited to rocks,
45 stones, dirt, debris, or trash.

46 ATV's may be operated upon any unpaved roadways in Hernando County where the
47 posted speed limit is less than 35 miles per hour.

48 Section 4. Severability. It is declared to be the intent of the Board of County
49 Commissioners that any section, subsection, clause, sentence, phrase, or provision of this

NOTE: Additions underlined and ~~Deletions~~

50 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
51 the validity of the remaining portions of this ordinance.

52 Section 5. Inclusion in the Code. It is the intention of the Board of County
53 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
54 ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
55 Florida. To this end, the section of this ordinance may be renumbered or relettered to accomplish
56 such intention, and that the word "ordinance" may be changed to "section," "article," or to another
57 appropriate designation.

58 Section 6. Conflicting Provisions Repealed. All ordinances or parts of ordinances
59 in conflict with the provisions of this ordinance are hereby repealed.

60 Section 7. Effective Date. This ordinance shall take effect immediately upon receipt
61 of official acknowledgment from the office of the Secretary of State of Florida that this ordinance
62 has been filed with said office.

63 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
64 HERNANDO COUNTY in Regular Session this 22nd day of August 2017.



65
66 BOARD OF COUNTY COMMISSIONERS
67 HERNANDO COUNTY, FLORIDA
68

69
70
71 Attest: Marguerite Duke as D.C.
72 Donald C. Barbee, Jr., Clerk

71 By: Wayne Dukes
72 Wayne Dukes, Chairman

73
74
75
76 Approved for form and legal sufficiency

77
78 [Signature]
79 County Attorney