

ORDINANCE NO. 2023- 04

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY, FLORIDA REPEALING ORDINANCE NO. 2023-01 IN ITS ENTIRETY; AMENDING ARTICLE I, SECTION 40, OF THE JACKSON COUNTY CODE OF ORDINANCES TO EXPAND THE DEFINITION OF SPRING CREEK; AMENDING ARTICLE I, SECTION 40, OF THE JACKSON COUNTY CODE OF ORDINANCES TO EXPAND THE DEFINITION OF DISPOSABLE CONTAINERS; PROVIDING FOR EXEMPTIONS FOR DISPOSABLE CONTAINERS MAINTAINED IN MOTORBOATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 125 of Florida Statutes generally authorizes Jackson County to adopt regulations regarding environmental protection; and

**WHEREAS**, Spring Creek and the immediately surrounding areas in Jackson County represent a particularly valuable natural resource that should be protected from pollution and misuse by the public; and

**WHEREAS**, the Board of County Commissioners has thoughtfully considered the balance between open public access and enjoyment of this natural resource and the restrictions necessary to protect Spring Creek from harm; and

**WHEREAS**, on January 10, 2023, following multiple public hearings and the input of the appointed advisory board for Spring Creek, the Board of County Commissioners adopted Ordinance No. 2023-01 to provide for clarification of the existing restrictions on disposable containers in Spring Creek as well as providing for exemptions for motorboat access to Spring Creek and for compliance with these regulations by businesses and individuals engaged in providing floatation devices to the public for use in Spring Creek and the immediately surrounding areas; and

**WHEREAS**, the Board of County Commissioners of Jackson County, Florida, has now determined to repeal Ordinance 2023-01 in its entirety and adopt the foregoing provisions in its place.

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

**Section 1.** Chapter 40 of the Jackson County Code is hereby amended, to provide for the changes of Section 40-2, as follows (additions are shown by underline and deletions are shown by strikethrough) to clarify provisions regarding disposable containers in Spring Creek:

Sec. 40-2. Spring Creek ~~Park~~—Disposable containers.

- (a) Possession of disposable containers, as defined herein, at or within the area defined as Spring Creek Park (which includes the area known as Turner's Landing) herein, shall be unlawful. recycled as provided herein. In addition to the foregoing, no person shall use or possess any glass container of any kind or Styrofoam cooler or container of any size within that defined area. All persons making use of Spring Creek Park, as defined herein, and having in their possession any disposable container of any kind shall also be required to have in their possession or immediately available a recyclable bag for the depositing of any disposable container, and shall place each disposable container in their possession into the recyclable bag when done using the disposable container. The recyclable bag shall then be placed in the recycling receptacles and containers maintained for public use and located at Magnolia Landing, Spring Creek Park and other designated locations. Any and all food products or trash shall be placed in the trash receptacles (and not in the recycling receptacles) located at Spring Creek Park, Magnolia Landing, and other designated locations.
- (b) For the purposes of this section, the term "disposable container" means any receptacle, container or item designed or manufactured to hold any solid or liquid material and designed or manufactured be used once and then thrown away, and includes, but is not limited to, metal and aluminum cans, cardboard containers, glass containers, and breakable plastic containers, (regardless of whether the receptacle is capable of or can be recycled or redeemed for a deposit). Spring Creek Park includes the parking area, grassed and improved areas, wooded areas, floodplain areas, waters, boardwalks, launching and swimming and picnic areas, and adjoining unimproved public lands and waters, located starting at U.S. Highway 90 and the Merritts Mill Pond Dam, or within one quarter mile of the intersection of the South right of way of U.S. Highway 90 and the center point of the Merritts Mill Pond Dam, and including any graded, picnic, landing, cleared, unimproved or other areas within such one quarter mile distance, and moving south southwest following the natural flow of the Creek and ending at the Chipola River including, but not limited to, the area commonly known as Turner's Landing.
- (c) It shall not be deemed a violation of this section if any such disposable container is maintained within a locked interior compartment or trunk on or in a licensed motor vehicle. Further, persons accessing Spring Creek by motorboat shall be exempt from this section so long as any and all disposable containers are maintained within the motorboat. For the purposes of this section, motorboat means any vessel which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water.
- (d) A violation of this section shall constitute a civil infraction which shall be punished by a penalty of not less than \$250.00 nor more than \$500.00 per violation.
- (e) The County Administrator is directed to procure the placement of one or more signs at or near a spot located ten to 75 feet from the normal water's edge at Spring Creek Park and at Turner's Landing, advising persons of the general nature of the restrictions contained herein, advising persons that the use of the Park and the Landing shall constitute consent

to search coolers, flotation devices, and other personal belongings to determine compliance with this section, and further advising persons that the provisions hereof will be strictly enforced, provided that the adequacy or number of the signs shall not affect the validity of this section or of any prosecution for any violation hereof.


**Section 2.** If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

**Section 3.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed and revoked. The provisions of the Jackson County Code of Ordinances shall be amended to include the foregoing, with the Chapter and Section numbers as indicated above.


**Section 4.** This ordinance shall become effective May 29, 2023.

APPROVED AND ADOPTED in open public session this March 14, 2023, after due motion, second, and discussion, upon a vote of 3 to 2, by the Board of County Commissioners of Jackson County, Florida.


ATTEST:

  
CLERK/DEPUTY CLERK  
CLAYTON O. ROOKS

BOARD OF COUNTY COMMISSIONERS  
JACKSON COUNTY, FLORIDA

  
CHAIRMAN  
PAUL DONOFRO, JR.

APPROVED AS TO LEGAL FORM:

  
MICHELLE BLANKENSHIP JORDAN  
COUNTY ATTORNEY

