

ORDINANCE NO. 2012-1140

**AN ORDINANCE AMENDING CHAPTER 78
OF THE CODE OF ORDINANCES
FOR THE CITY OF ORANGE BEACH
TO ADD A NEW ARTICLE III ENTITLED
“COMMERCIAL VESSELS”**

BE IT ORDAINED by the Mayor and City Council of the City of Orange Beach, that Chapter 78 of the City’s Code of Ordinances be amended to add a new Article III, entitled “Commercial Vessels”.

DIVISION 1. GENERALLY

Section 78-____. Findings.

1. The City of Orange Beach is a resort island community. Safe use of the waterways, beaches and park areas of the City promote tourism and enhance the quality of life for visitors and residents of the City. Reasonable regulation of activities in and on the waterways, beaches and park areas is necessary to protect the safety, health and welfare.

2. The purpose of this Ordinance is to ensure the health, safety and welfare of the public by regulating the operation of Commercial Vessels within the City and its police jurisdiction.

Section 78-____. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Approved Water Taxi Stop means a commercial docking or mooring location that has been inspected and approved by the City as a location where Water Taxis may board and discharge passengers.

Charter Vessel means a vessel chartered for hire for the purpose of recreational fishing, boating or other activity within the City and its police jurisdiction.

Commercial Vessel means any vessel used for any commercial purpose, including but not limited to, charter fishing, charter boating, sightseeing, parasailing, dolphin or other cruises, water taxi, or other commercial activity on the waters within the City and its police jurisdiction.

Operator means any person who owns, controls, navigates, directs or supervises a Commercial Vessel within the City and its police jurisdiction.

Sightseeing Vessel means a vessel for hire that is designed to leave one dock or mooring location, transporting passengers to tour the waterways and returning to the same dock or mooring location it departed from within the City and its police jurisdiction.

Vessel means any watercraft, boat or conveyance for hire, designed to be used or actually used to transport persons or cargo upon the water within the City and its police jurisdiction.

Water Taxi means any Vessel for hire that is used to pick up and drop off passengers at Approved Water Taxi Stops. Such term does not include Charter Vessels or Sightseeing Vessels.

Section 78-____. Business License Required.

No Commercial Vessel shall land or pick up or discharge passengers or cargo within the City or its police jurisdiction without first having obtained a business license for such operation from the City.

Section 78-____. Inspection of Commercial Vessels.

Each Commercial Vessel operating within the City and the waters adjacent thereto shall be inspected according to the rules of the United States Coast Guard and shall have in effect at all times such license or licenses as the Coast Guard may require and shall also meet all other requirements of the State of Alabama, and any other requirements of law.

Section 78-____. Boarding of Commercial Vessels by Authorized Representatives.

The Operator of a Commercial Vessel, by applying for a business license, grants permission to any duly authorized representative of the City to board any Commercial Vessel to determine whether such Commercial Vessel is in compliance with this Code or with any other applicable laws, ordinances, rules or regulations promulgated by any jurisdiction, body or agency pursuant thereto.

Section 78-____. Application Required.

Applications to operate a Commercial Vessel shall be made on such forms and shall be accompanied by such fees as shall be determined from time to time by the City. Applicants must also submit all Coast Guard licenses, inspection certificates, State licenses, and any other documentation which may be required to prove proper documentation, licensing and registration of the Commercial Vessel and its Operators.

Section 78-____. Revocation or Suspension of Licenses / Permits.

- (1) A license may be revoked or suspended for any of the following causes:
 - (a) Failure to comply with all State, Federal and local laws and regulations concerning the operation of Commercial Vessels;
 - (b) Multiple instances of careless operation of the permitted Commercial Vessels in violation of State, Federal or local laws.
 - (c) Conviction by the licensee, if a person, or by any director, officer or partner of the licensee, if a corporation or a partnership, of a felony violation in this State or violation of the laws of any other State which would constitute a felony violation in this State.
 - (d) Submission of false or incomplete documentation or information required by this Code.
 - (e) Any other act by the licensee, if a person, or by any director, officer or partner of the licensee, if a corporation or a partnership, that would constitute a threat to the health, safety and welfare of the public.
- (2) Any business license issued by the City may be subject to suspension, revocation, or denial for any of the aforementioned reasons and in accordance with Chapter 50, Article III of the Business License Code.

Section 78-____. Water Taxis - Docking; Mooring; Discharge of Passengers.

- (1) A Water Taxi may board and discharge passengers only at Approved Water Taxi Stops. Water Taxis may not board and discharge passengers at dock space which has been leased to a Charter or Sightseeing Vessel Operator.

(2) No Water Taxi may board or discharge passengers from any public beaches, shorelines, park areas, or any other place not approved as a Water Taxi Stop.

(3) No Water Taxi shall remain moored adjacent to a residential structure except for those locations approved as Water Taxi Stops.

(4) Water Taxis shall fuel only at marine service stations.

Section 78-____. Advertising; Signage; Noise.

All Commercial Vessels shall comply with Chapter 30, Article VIII of the Code, entitled "Scenic Vestige Protection".

Section 78-____. Alcoholic Beverages.

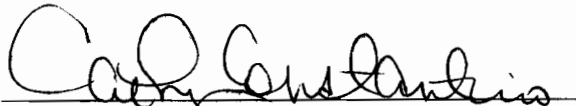
All Commercial Vessels will comply with all local, State and federal laws concerning the sale, service, possession or consumption of alcoholic beverages. Specifically, any Commercial Vessel intending to allow the sale, service, possession or consumption of alcoholic beverages must comply with Chapter 50, Article VII of the City Code.

Section 78-____. Enforcement.

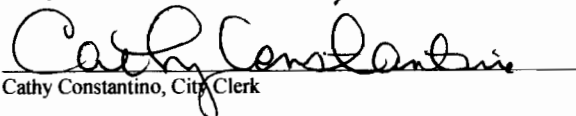
This Article shall be enforced by the Chief of Police or his designees.

This Ordinance shall become effective after passage and publishing as required by law.

ADOPTED this 6th day of March, 2012.


Cathy Constantino, MMC
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2012-1140 was posted on 03/07/12 in the following three (3) public places:
Orange Beach City Hall _____
Orange Beach Post Office _____
Orange Beach Public Library _____


Cathy Constantino, City Clerk