

ORDINANCE NO. 2016-1228

AN ORDINANCE TO AMEND CHAPTER 50 OF THE  
ORANGE BEACH CODE OF ORDINANCES TO ADD  
A NEW ARTICLE X, ENTITLED "PARASAILS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, as follows:

SECTION 1. That Chapter 50 of the Code of Ordinances for the City of Orange Beach, Alabama is amended to add a new Article X entitled "Parasails" as follows:

ARTICLE X. PARASAILS

Sec. \_\_\_\_\_. Findings.

1. The City of Orange Beach is an Alabama Class 8 municipality that has been vested with a portion of the state's sovereign power to protect the public health, safety and welfare. Alabama Code section 11-45-1 (1975). The City is further empowered to adopt and enforce reasonable regulations relating to the licensing of businesses within its corporate limits and police jurisdiction. Alabama Code section 11-51-90 and -91 (1975).
2. Citizens and visitors to Orange Beach enjoy abundant natural water resources, including beaches, bays, and inlets. The City is a tourist destination and there are many local businesses offering various recreational opportunities on the water including the rental of jet skis, paddleboards, and other watercraft, and other recreational water sports such as parasail rides.
3. Parasail businesses within the corporate limits and police jurisdiction offer beneficial amenities to residents and visitors, but may also pose a risk of bodily injury or death.
4. In order to protect the public health, safety and general welfare and to promote the common public enjoyment of the beaches within the City and its police jurisdiction, it is necessary to adopt reasonable regulations for businesses engaged in parasailing.

Sec. \_\_\_\_\_. Enforcement.

This Article shall be administered by the Finance Department and enforced by the Orange Beach Police Department.

Sec. \_\_\_\_\_. Definitions.

In addition to the general definitions contained in Chapter 1 of the City Code, the following words, terms and phrases, when used in this article, shall have the same meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Licensee* means any person authorized by the City to engage in the business of recreational water sports.

*Operate or Operator* means to navigate or otherwise control the movement of a vessel, the person navigating or otherwise controlling the movement of a vessel.

*Parasailing* means the activity in which an individual is transported or carried aloft by a parachute, sail, or other material attached to a towline that is towed by a vessel where the rider ascends into the air by the towline being extended from the vessel and remains suspended in the air as the vessel runs its course.

*Parent* means a father or mother or legal guardian, or anyone who has legal custody or is otherwise standing *in loco parentis* to any child under the age of 16 years.

*Vessel* means every description of watercraft other than a seaplane on the water, used or capable of being used a means of transportation on the water.

Sec. \_\_\_\_\_. Required.

It shall be unlawful for any person to engage in, carry on or conduct the business of offering parasailing rides without first obtaining a license to do so.

Sec. \_\_\_\_\_. Fee.

The annual license fee for engaging in, carrying on or conducting the business of offering parasail rides shall be in accordance with the Schedule of Licenses.

Sec. \_\_\_\_\_. State statutes and rules adopted.

Operators shall, at all times, abide by any and all state and federal laws regulations concerning parasails.

Sec. \_\_\_\_\_. Minimum operating distance.

The minimum operating distance between parasails shall be five hundred (500) feet. The minimum operating distance from shore shall be five hundred (500) feet without passengers, and one thousand (1,000) feet with passengers.

Sec. \_\_\_\_\_. Reciprocity.

In the event a parasail operator conducts parasail operations within the separate jurisdiction of a governmental regulatory authority other than the City of Orange Beach which requires a greater minimum operating distance than that provided above, as a condition of the license granted it by the City of Orange Beach, the parasail operator shall strictly comply with the minimum operating distance requirements of such other governmental regulatory entity.

Sec. \_\_\_\_\_. Insurance / Indemnification.

Each licensee shall at all times maintain marine liability insurance covering all aspects of the activities hereby licensed, with limits no less than \$1,000,000.00 per accident, naming the City of Orange Beach as an additional insured. The licensee shall provide a current and complete copy of said policy, including all endorsements, to the Finance Department and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days' prior written notice to the Finance Department of the City, at 4151 Orange Beach Boulevard, Orange Beach, Alabama, 36561. Licensee shall indemnify and hold harmless the City of Orange Beach, its elected officials, and employees from and against all claims resulting directly or indirectly from activities related in any way to the business engaged under the authority of this ordinance.

Sec. \_\_\_\_\_. Immediate Order to Close.

In addition to authority conferred by otherwise applicable law, the Police Department is hereby authorized to order the closing of any licensee not in compliance with any of the requirements of this ordinance until the next meeting day of the City Council if he or she finds that the condition of violation materially compromises the public good or safety and that the licensee or the agent or employee of the licensee in charge of the licensee's rental site is aware of the condition of violation and cannot or will not remedy the violation in the manner and time period necessary to avoid materially compromising the public good or safety.

Sec. \_\_\_\_\_. Violations / Penalties.

Violations of this ordinance shall be prosecuted in accordance with Chapter 2 of the City's Code of Ordinances.

Sec. \_\_\_\_\_. Effective Date.

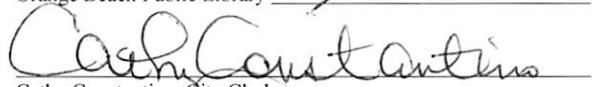
This ordinance shall become effective upon adoption by City Council.

**ADOPTED** THIS 17<sup>th</sup> day of May, 2016.

  
Cathy Constantino, MMC  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2016-1228 was posted on 6/1/16 in the following three

- (3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

  
Cathy Constantino, City Clerk