

**ORDINANCE NO. 2012-1151**

**AN ORDINANCE TO AMEND  
CHAPTER 54, ARTICLE I OF THE CODE OF ORDINANCES  
OF THE CITY OF ORANGE BEACH  
TO ADD A NEW SECTION 54-8 ADOPTING AND IMPLEMENTING  
THE BEACH FLAG WARNING SYSTEM AND PROHIBITING  
PERSONS FROM VOLUNTARILY  
ENTERING GULF WATERS UNDER DOUBLE RED FLAGS  
OR WHEN CLOSURE PROCLAMATION IS IN EFFECT**

**BE IT ORDAINED** by the City Council of the City of Orange Beach, that Chapter 54, Article I of the Code of Ordinances of the City of Orange Beach, be amended to add a new Section 54-8 entitled "Beach Flag Warning System" as follows:

**Section 54-8. Beach Flag Warning System**

**(a) Findings**

1. The Code of Ordinances of the City of Orange Beach prohibits certain activities relating to the protection of its citizens and visitors.
2. The safety and enjoyment of our public beaches are affected by changes in tide and surf conditions.
3. The City Council has previously adopted Resolution No. 2569 implementing a Beach Flag Warning System that utilizes colored flags, as recommended by the International Lifesaving Federation, to warn the public that Gulf beaches pose significant risks to public safety.
4. The City Council has determined that the presence of persons in the Gulf waters during times of extreme surf conditions poses an imminent threat to the safety of such persons as well as to the safety of persons who might attempt to render assistance to such persons.
5. The City Council has determined that prohibiting persons from voluntarily entering the Gulf waters or allowing minors in their care to enter such waters during times of extreme surf conditions by proclamation of the Mayor or his designated representative as signified by the flying of Double Red flags will materially enhance public safety and reduce the demand for municipal emergency services.

(b) **Definitions.**

*Beach Flag Warning System* – the program by which the City’s staff displays warning and safety flags at all designated public access points to Gulf waters. The warnings and colors are:

Green:	Low hazard, clam conditions, exercise caution.
Yellow:	Medium hazard, moderate surf and/or currents
Red:	High hazard, high surf and/or strong currents
Red over Red:	Water closed to the public
Purple	Dangerous Marine Life

*Closure Proclamation* – a proclamation by the Mayor or his designated representative that Gulf waters within the City of Orange Beach and its police jurisdiction are closed to voluntary entry by any person due to extreme conditions. The closure shall be evidenced by the flying of red double red flags in accordance with the Beach Flag Warning System.

*Enforcement Officer* - any employee designated by the Mayor as responsible for the enforcement of this Ordinance.

*Gulf Waters* – the waters of the Gulf of Mexico lying southerly of the corporate limits of the City.

*Voluntarily Enter* –entering Gulf Waters for any purpose other than immediate action to prevent bodily injury or loss of life to others, or necessary action by law enforcement officers in the enforcement of this section or other provisions of law.

(c) **Prohibited Activities/Penalty.**

(1) It shall be unlawful for any person to voluntarily enter Gulf Waters with knowledge that a closure proclamation is in effect.

(2) It shall be unlawful for the parent or legal guardian of any person under the age of sixteen (16) years to permit such person to voluntarily enter the Gulf Waters with knowledge by the parent or guardian that a closure proclamation is in effect.

(3) It shall be unlawful for any person to enter or remain in Gulf Waters after demand or warning by an enforcement officer that Gulf Waters are closed.


(4) **Penalty.** Any person who violates this section shall upon conviction, be punished in accordance with Chapter 1 of the City Code.

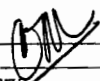
(d) **Procedure for Enforcement.** Before taking any enforcement action, the enforcement officer shall confirm that the appropriate closure proclamation flags are displayed, or that the offender has been otherwise informed are made aware of the closure of Gulf Waters.

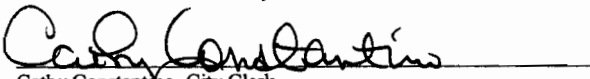
(f) **Effective Date**

This ordinance shall become effective upon its adoption and publication as required by law.

**APPROVED and ADOPTED** this 5<sup>th</sup> day of July, 2012.

  
Cathy Constantino, MMC  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance 2012-15 was posted on 7/6/12 in the following three (3) public places:  
Orange Beach City Hall   
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

  
Cathy Constantino, City Clerk