ORDINANCE NO.

AN ORDINANCE
TO AMEND THE *CODE OF ORDINANCES*, ADOPTED JULY 24, 1989, AT CHAPTER 8, BUSINESS LICENSES, TAXES, AND REGULATIONS, ARTICLE I, IN GENERAL, TO AMEND SECTION 8-8 TO FURTHER REGULATE SUCH BUSINESSES RELATING TO GASOLINE-POWERED WATERSPORTS EQUIPMENT RENTAL BUSINESSES AND IN ADDITION, BUSINESSES PROVIDING RECREATIONAL PARASAIL RIDES, RECREATIONAL TOWED WATER RIDES AND BEACH EQUIPMENT RENTAL SERVICES

WHEREAS, the City Council of the City of Gulf Shores has heretofore determined that the provision of beachfront and waterfront recreational rides and rentals by businesses within the corporate limits and police jurisdiction of the City is a desirable amenity for the benefit of the residents and visitors to the City and has heretofore adopted ordinances regulating such businesses; and

WHEREAS, the City Council has determined that the business of the provision of beachfront and waterfront recreational rides and rentals must be further reasonably regulated and limited in the interests of public safety and common public enjoyment of the beachfront and waterfront within the City and its police jurisdiction,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON ~~January 25~~March 14, 2016, as follows:

Section 1. That Section 8-8 of Article I of Chapter 8, BUSINESS LICENSES, TAXES, AND REGULATIONS, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended to read in its entirety as follows:

Section. 8-8. - Beachfront and waterfront recreational businesses; businesses engaging in the business of rental of gasoline-powered watersports equipment, engaging in the business of provision of recreational parasail rides, engaging in the business of provision of towed water ride services utilizing water craft or gasoline-powered watersports equipment, or engaging in the business of the on-site rental of beach chairs and umbrellas authorized and regulated.

(a) Businesses engaging in the business of rental of gasoline-powered watersports equipment. Any license issued to any person engaged in the business of the rental of gasoline-powered watersports equipment, including, without limitation, jet skis, wave runners, wave riders, and other personal watercraft (hereafter referred to as "rental craft") is expressly conditioned on compliance with all the following requirements:

(1) The licensee's business shall be operated only at a site with direct open water access properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued. The minimum separation distance allowed between any water access sites licensed or proposed to be licensed under subsections (a), (b), or (c) of this Section 8-8 shall be seven hundred fifty (750) feet. Such businesses may not be operated with a vessel or barge as a designated site. The licensee's customers must take possession of the rental craft at the designated site, and licensee shall not deliver any rental craft to a customer at any off-site location within the city or its police jurisdiction.

(2) The rental site must be marked with a water ingress and egress corridor a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, delineated by two (2) orange buoys at a distance of three hundred (300) feet from the beach, two (2) orange buoys at a distance of two hundred (200) feet from the beach, two (2) orange buoys at a distance of one hundred (100) feet from the beach, and two (2) orange cones a minimum of twenty-eight (28) inches tall at water's edge. Said buoys must be a minimum of twelve (12) inches in diameter and must be maintained by the licensee. The location of the water ingress and egress corridor relative to the boundaries of the rental site must be approved by the city prior to the issuance of the license. Appropriate signage visible to persons approaching the site shall be posted at the water's edge corners of the site reading "Caution: Surf Vessels in Operation, No Swimming." The rental site shall be kept clear of sunbathers and all persons not associated with the licensed operation.

(3) Renters must exit and return to the rental site only through the required corridor and must enter and exit the corridor from the water side only at the marked seaward end of the corridor. The maximum allowable speed in the corridor is idle speed or the slowest speed at which the operator can effectively control the rental craft and maintain steerage at all times. The operator must yield the right-of-way to any swimmers present.

(4) All renters and passengers regardless of age shall at all times wear a properly fitted and securely fastened USCG approved Personal Flotation Device (PFD), which must be donned prior to boarding the rental craft.

(5) All rental craft shall be subject to the limitation of number of passengers and weight capacity requirements as designated by the manufacturer.

(6) The licensee shall comply with the municipal surf condition flag warning system and shall suspend all operations when double red flags are displayed. In addition, licensee shall not allow any renter or other person to operate a rental craft in conditions licensee should reasonably find to be unsafe including but not limited to heavy surf, excessive wind, strong currents, rain, heavy fog, during a lightning storm within five (5) miles of the rental site, during an active small craft warning alert, or if it becomes evident that a storm frontal system is approaching within seven (7) miles of the rental site.

(7) The licensee shall not rent any rental craft to any person under the age of nineteen (19) years, or to any person who appears to be under the influence of alcohol or drugs. The licensee shall not permit the operation of any rental craft by any person under the age of sixteen (16) years, or to any person who appears to be under the influence of alcohol or drugs.

(8) The rental site must at all times be equipped with the following, maintained in good and proper operating condition:

a. A chase/rescue vessel equipped with a towline and appropriate and visible markings identifying the vessel or vessel operator as the licensee's chase/rescue vessel:

b. An electronic voice hailer, electronic megaphone, or whistle for the purpose of communication with vessels, swimmers, and customers;

c. Appropriate and visible signage posted at the water's edge corners of the rental site, and displayed to persons approaching the site reading "Caution: Surf Vessels in Operation";

d. Rental agreements and/or appropriate visible signage readily observable by customers listing the rules of equipment operation, including, without limitation, the following:

1. "Rental of gasoline-powered watersports equipment to persons under nineteen (19) years of age or to persons under the influence of alcohol or drugs is prohibited by city ordinance."

2. "Operation of rented gasoline-powered watersports equipment by persons under sixteen (16) years of age or to persons under the influence of alcohol or drugs is prohibited by city ordinance."

3. "Operation of gasoline-powered watersports equipment in a reckless or negligent manner is a violation of state law punishable by up to a five hundred dollar ($500.00) fine and imprisonment for up to six (6) months."

4. "Operators and passengers must wear coast guard approved life vests at all times."

(9) The licensee shall not knowingly allow any of licensee's rental craft to be operated in a reckless or negligent manner and shall immediately reclaim from licensee's customer any rental craft licensee knows or is reliably informed has been operated in such manner.

(10) The licensee shall provide a mandatory passenger safety briefing to all individual renters and passengers before they are allowed to leave the beach on a rental craft. This briefing shall include, without limitation:

a. A description of the activity;

b. The safety precautions and use restrictions while underway;

c. The location and proper use of safety and lifesaving equipment;

d. Basic boating safety instruction and education on the safe and prudent operation of the rental craft or require proof of prior education before renting;

e. Warnings and procedures for unexpected events such as equipment malfunctions;

f. The proper use of signals;

g. Regulations pertaining to idle speed zones and the punishment for careless or reckless operation.

The licensee shall not rent any rental craft to any person or allow the operation or passenger use of any rental craft by any person who does not demonstrate an understanding of the information and procedures covered in the passenger safety briefing or who demonstrates an unwillingness or inability to comply with such procedures. The licensee shall take all steps necessary to exclude from operation or passenger use any person who appears fearful or intimidated.

(11) The licensee shall maintain a daily rental log containing the following information regarding each rental craft:

a. The name, address, telephone number, vessel operator's license number, and date of birth of the customer.

b. The item of equipment rented by the customer and the fee charged.

c. The time the customer took possession of the rental item and the time the item was returned to the possession of the licensee.

d. The customer's signature verifying the presentation of the passenger safety briefing to the customer and any proposed passenger.

The current month's daily rental log shall be maintained at licensee's rental site during the hours of the licensee's operation and shall be presented for inspection upon request of any federal, state, county, or municipal enforcement officer. The daily rental log entries shall be retained by the licensee for a period of not less than five (5) years.

(12) The licensee shall affix and maintain on each rental craft a suitable marking of distinctive color and size as approved by the appropriate city official as designated by the mayor so as to render the item identifiable as licensee's rental equipment at a distance of up to three hundred (300) feet.

(13) The licensee shall comply with all fuel container and portable tank storage regulations as adopted by the Gulf Shores Fire Department from time to time, which include but are not limited to:

a. Fueling must take place on stable ground clear of the water's edge. No refueling of any vessel shall take place in the water, and no spillage of fuel shall occur.

b. A maximum of fifteen (15), five-gallon spill proof fuel containers totaling no more than seventy-five (75) gallons of fuel may be on the beach at any one (1) time. No container with a capacity greater than five (5) gallons shall be allowed on site. No fuel shall be stored in any parking area, and no fuel shall be stored on site overnight. A fueling and fuel storage plan shall be submitted and approved by the city prior to the issuance of any license.

c. Use of either a fuel collar or fuel bib while fueling is required.

d. A minimum of ten (10) 15″×15″ absorbent hydrocarbon pads and one (1) portable fire extinguisher with no less than a 60 BC rating must be on site while fueling.

e. Any and all oil and chemical spills shall promptly and properly be reported to the National Response Center.

f. Details of a fuel spill contingency plan must be submitted to the city prior to issuance of business license and the commencement of any fuel handling on the beach.

(14) Major repairs of watercraft on the beach are prohibited.

(15) Subject to the overall combined site capacity restrictions set out in subsection (e) below, the maximum number of rental craft allowed to operate from one (1) approved water access rental site location shall be five (5) rental craft, including jet skis, wave runners, wave riders, and other personal watercraft.

(16) The licensee shall not employ individuals under the age of sixteen (16) years to operate any gasoline-powered watersports equipment and the licensee must provide proof that each employee who operates gasoline-powered watersports equipment possesses a valid Alabama Vessel Operator's License or the equivalent certification issued by another state if not an Alabama resident.

(17) Each Licensee under this Section 8.8(a) shall at all times maintain Marine Liability insurance covering all aspects of the activities hereby licensed, with limits no less than one million dollars per accident, and two million dollars aggregate, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a current complete copy of said policy, including all endorsements to the ~~Finance Department~~Revenue Division. ~~and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the Finance Division.~~Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(b) Businesses engaging in the business of provision of parasail rides. Any license issued to any person engaged in the business of providing parasail rides is expressly conditioned on compliance with all the following requirements:

(1) The licensee's business shall be operated only at a site with direct open water access properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued (hereafter referred to as the "Ride Site.") The minimum separation distance allowed between any water access sites licensed or proposed to be licensed under subsections (a), (b), or (c) of this Section 8-8 shall be seven hundred fifty (750) feet. Such businesses may not be operated with a vessel or barge as a ride site. The licensee's customers must be picked up and dropped off only at the designated ride site.

(2) The ride site must be marked with a water ingress and egress corridor a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, delineated by two (2) orange buoys at a distance of three hundred (300) feet from the beach, two (2) orange buoys at a distance of two hundred (200) feet from the beach two (2) orange buoys at a distance of one hundred (100) feet from the beach and two (2) orange cones a minimum of twenty-eight (28) inches tall at water's edge. Said buoys must be a minimum of twelve (12) inches in diameter and must be maintained by the licensee. The location of the water ingress and egress corridor relative to the boundaries of the rental site must be approved by the city prior to the issuance of the license. Appropriate signage visible to persons approaching the site shall be posted at the water's edge corners of the site reading "Caution: Surf Vessels in Operation, No Swimming." The approved ride site must be kept clear of sunbathers and all others not associated with the licensed operation.

(3) The licensee's parasail craft and any vessel or water craft used by the licensee to ferry passengers to and from the parasail craft must exit and return to the ride site only through the required corridor and must enter and exit the corridor from the water side only at the marked seaward end of the corridor. The maximum allowable speed in the corridor is idle speed or the slowest speed at which the operator can effectively control the craft and maintain steerage at all times. The operator must yield the right-of-way to any swimmers present.

(4) All parasail passengers regardless of age shall at all times wear a properly fitted and securely fastened USCG approved Personal Flotation Device (PFD), which must be donned prior to entering the water.

(5) All parasail craft and parasails shall be subject to the limitation of number of passengers and weight capacity requirements as designated by the manufacturer.

(6) Vessels used for parasailing operations shall be equipped with a weather monitoring device and a wind speed and direction meter. The weather monitoring device may be fixed or portable, provided it is accessible by the Captain at the vessel's operation console. The weather monitoring device shall be electronic with a visual display. A VHF radio, alone, is not acceptable for weather monitoring. The Captain shall check and remain cognizant of current and forecasted weather conditions for the area of operation and account for the weather conditions for the duration of the parasail set (the "onboard" group of passengers on a parasail vessel). A written Weather Log shall be maintained by the Captain of the vessel and weather conditions including wind direction, wind speed, wave height, and sky conditions shall be recorded by the Captain at the start of the day and prior to each parasail set. Written Weather Logs and the recorded data shall be retained for a period of not less than 5 years on board the vessel or on the premises of the place of business and shall be made available for inspection upon request of any federal, state, county, or municipal law enforcement officer, or mayoral designee.

(7) The licensee shall comply with the municipal surf condition flag warning system and shall suspend all operations when double red flags are displayed. In addition, licensee shall not operate any parasail ride when current observed weather conditions in the area of operation include any of the following; sustained wind speeds greater than 20 mph; wind gust with a differential greater than 15 mph of the sustained wind; wind gust exceeding 25 mph; ground visibility less than 0.5 miles; a storm frontal system approaching within seven (7) miles of the ride site; wave heights exceeding 4 ft. unless the period and wave height are within the following formula: 3 s period for each 1 ft. of wave height (for example, 15 s period = 5 ft. wave height). In no case shall parasail operations be conducted in weather conditions that exceed the manufacturer's specified limitations for the equipment or in conditions licensee should reasonably find to be unsafe including but not limited to heavy surf, strong currents, rain, heavy fog, during a lightning storm within five (5) miles of the ride site, an active small craft warning alert,

(8) Parasail operations, suspended as a result of weather conditions exceeding the parameters in 8-8,b,7 shall remain suspended for a minimum of 30 minutes. Parasail operations may resume only after a minimum of 30 minutes have elapsed from the last monitored weather condition that exceeded the thresholds in 8-8,b,7.

(9) The licensee shall provide a mandatory passenger safety briefing to all individual passengers. This briefing shall include, without limitation:

a. A description of the activity;

b. The safety precautions and use restrictions while underway;

c. The location and proper use of safety and lifesaving equipment;

d. Warnings and procedures for unexpected events such as equipment malfunctions, water landings, or towline separations;

e. The proper use of signals.

An older companion must accompany children under eight (8) years of age while in flight. The licensee shall not accept as a passenger any person who does not demonstrate an understanding of the information and procedures covered in the passenger safety briefing and any person who demonstrates an unwillingness or inability to comply with such procedures. The licensee shall not accept as a passenger any person who appears fearful or intimidated.

(10) The licensee shall maintain a daily passenger log recording the following information for **each passenger:**

a. The name, address, telephone number, and date of birth of the passenger.

b. The customer's signature verifying the presentation of the passenger safety briefing.

The current month's daily passenger log shall be maintained at licensee's ride site during the hours of the licensee's operation and shall be presented for inspection upon request of any federal, state, county, municipal enforcement officer, or mayoral designee. The

daily passenger log entries shall be retained by the licensee for a period of not less than five (5) years.

(11) The licensee shall affix and maintain on each parasail craft a suitable marking of distinctive color and size as approved by the appropriate city official as designated by the mayor so as to render the craft identifiable as licensee's craft at a distance of up to three hundred (300) feet.

(12) The licensee shall comply with all fuel container and portable tank storage regulations as adopted by the Gulf Shores Fire Department from time to time, which include but are not limited to:

a. Fueling must take place on stable ground clear of the water's edge. No refueling of any vessel shall take place in the water, and no spillage of fuel shall occur.

b. A maximum of fifteen (15), five-gallon spill proof fuel containers totaling no more than seventy-five (75) gallons of fuel may be on the beach at any one (1) time. No container with a capacity greater than five (5) gallons shall be allowed on site. No fuel shall be stored in any parking area, and no fuel shall be stored on site overnight. A fueling and fuel storage plan shall be submitted and approved by the city prior to the issuance of any license.

c. Use of either a fuel collar or fuel bib while fueling is required.

d. A minimum of ten (10) 15″×15″ absorbent hydrocarbon pads and one (1) portable fire extinguisher with no less than a 60BC rating must be on site while fueling.

e. Any and all oil and chemical spills shall be promptly and properly reported to the National Response Center.

f. Details of a fuel spill contingency plan must be submitted to the city prior to issuance of business license and the commencement of any fuel handling on the beach.

(13) Major repairs of watercraft on the beach are prohibited.

(14) Subject to the overall combined site capacity restrictions set out in subsection (e) below, the maximum number of parasail vessels allowed to operate from one (1) approved location shall be two (2) parasail vessels.

(15) All parasail equipment in use, including but not limited to parasail canopies, parasail harness, or passenger bars, shall be properly designed for parasail operation. Vessels used for parasail operation shall be purpose built for parasail operation. Parasail equipment shall be operated, stowed, inspected and maintained in accordance with the manufacturer's recommendations.

Parasail operators shall use only direct launch and recovery hydraulic parasail winch systems with functional hydraulic parasail winch brake and level-wind system for both launch and recovery of flight passengers at all times while engaged in parasail operations. At no time shall:

a. Any parasail vessel's winch drum be equipped with more than the manufacturer's recommended length of towline:

b. Any parasail vessel exceed eight hundred (800) feet of towline (which must be clearly marked to allow said marking to be visible from a distance of not less than three hundred (300) feet), from vessel to canopy yoke while conducting parasail flight operations or:

c. Any parasail vessel exceed a maximum AGL (above ground level) of four hundred fifty (450) feet.

The parasail towline must be braided, low stretch construction with a minimum rated tensile strength not less than six thousand (6,000) pounds. The towline in its entirety shall be inspected daily for damage and /or wear and if necessary shall be immediately replaced as prescribed herein:

A minimum of two (2) feet shall be trimmed from the towlines bitter end within a maximum period of seven (7) days, every one hundred (100) flights or as may become necessary. The trimmed piece shall be labeled with the date trimmed and the vessel name and retained aboard the vessel or on the premises of the place of business until the existing towline is permanently removed from service.

Towline shall be kept clean and well maintained in accordance with the manufacturer's specifications, requirements and/or recommendations.

A written log of such inspection and maintenance shall be kept and available for inspection upon request of any federal, state, county, or municipal law enforcement officer, or mayoral designee.

(16) At no time shall a passenger be allowed to participate in parasailing activities unless the captain has made a reasonable prior judgment that passengers: are properly fitted with a lifejacket prior to flight; are within the manufacturer's minimum and maximum load capacity for the parasail equipment in use; are properly fitted into the parasail harness with waist strap placed around the passenger's waist, not lifejacket and wind and sea conditions are conducive to and are within the limits specified in 8-8,b,7 and in accordance with manufacturer's recommendations.

(17) During parasail operations, the parasail operator shall at all times maintain the parasail and vessel at a minimum operating distance:

a) offshore wind condition, maintain a minimum of 1000 ft. distance from shore;

b) onshore wind conditions, maintain:

Wind 0-5 mph	1000 ft. distance from shore;
Wind 6 to 10 mph	1000 ft. distance + 1 times the towline length;
Wind 11 to 15 mph	1000 ft. distance + 2 times the towline length;
Wind 16 to 20 mph	1000 ft. distance + 3 times the towline length;

c) not less than seven hundred (700) feet from any fixed object.

(18) If part of the flight involves dipping passengers in the water, the following shall apply:

a) The vessel owner shall establish written procedures for dipping passengers. These procedures shall address vessel speed, controlling rate of descent, controlling level of passenger immersion in the water, and maximum duration of immersion;

b) Passengers shall not be more than 150 ft. away from the vessel when being dipped;

c) The vessel owner shall establish training requirements for dipping passengers and ensure this training has been conducted and recorded for the crewmembers conducting this activity.

(19) A parasail vessel shall be manned with a minimum of two crew members (Captain + 1 Deckhand) while conducting parasail operations. A minimum of one crew member onboard shall be certified and current in an accepted course of standard First Aid including Adult-Child-Infant cardiopulmonary resuscitation (CPR). Accepted courses shall include nationally recognized and accredited training courses that issue course completion documents. The licensee shall not employ individuals under the age of sixteen (16) years to operate any gasoline powered water sports equipment utilized in connection with the parasail business and the licensee must provide proof that each employee who operates gasoline-powered watersports equipment in connection with the parasail vessel business possesses a valid Alabama Vessel Operator's License or the equivalent certification issued by another state if not an Alabama resident. Any employee operating a parasail vessel or any craft or vessel utilized to transport passengers must possess a current USCG Captain's License, be enrolled and participating in an approved drug testing program in accordance with 46 CFR Part 16 or equivalent program, and such license and documentation must be maintained onboard the parasail vessel at all times.

(20) Each Licensee under this Section 8.8(b) shall at all times maintain Marine Liability insurance covering all aspects of the activities hereby licensed, with limits no less than one million dollars per accident, and two million dollars aggregate, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a current complete copy of said policy, including all endorsements to the ~~Finance Department~~Revenue Division. ~~and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the Finance Division.~~ Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(c) Businesses engaging in the business of provision of towed recreational water rides utilizing water craft or gasoline-powered watersports equipment. Any license issued to any person engaged in the business of providing towed recreational water rides utilizing non-powered floatables (hereafter referred to as "Towables") towed behind water craft or

gasoline-powered watersports equipment (hereafter referred to as "Tow Craft"), including, without limitation, the provision of banana boat or surf sled rides, (hereafter referred to as "Towed Rides") is expressly conditioned on compliance with all the following requirements:

(1) The licensee's business shall be operated only at a site with direct open water access properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued (hereafter referred to as the "Ride Site." The minimum separation distance allowed between water access sites licensed or to be licensed under subsections (a), (b), or (c) of this Section 8-8 shall be seven hundred fifty (750) feet. Such businesses may not be operated with a vessel or barge as a ride site. The licensee's customers must be picked up and dropped off only at the designated ride site.

(2) The ride site must be marked with a water ingress and egress corridor a minimum of twenty-five (25) feet and a maximum of fifty (50) feet in width, delineated by two (2) orange buoys at a distance of three hundred (300) feet from the beach, two (2) orange buoys at a distance of two hundred (200) feet from the and two (2) orange cones a minimum of twenty-eight (28) inches tall at water's edge. Said buoys must be a minimum of twelve (12) inches in diameter and must be maintained by the licensee. The location of the water ingress and egress corridor relative to the boundaries of the rental site must be approved by the city prior to the issuance of the license. Appropriate signage visible to persons approaching the site shall be posted at the water's edge corners of the site reading "Caution: Surf Vessels in Operation, No Swimming." The approved ride site must be kept clear of sunbathers and all others not associated with the licensed operation.

(3) The licensee's tow craft must exit and return to the ride site only through the required corridor and must enter and exit the corridor from the water side only at the marked seaward end of the corridor. The maximum allowable speed in the corridor is idle speed or the slowest speed at which the operator can effectively control the craft and maintain steerage at all times. The operator must yield the right-of-way to any swimmers present.

(4) All towed ride passengers regardless of age shall at all times wear a properly fitted and securely fastened USCG approved personal flotation device (PFD), which must be donned prior to entering the water.

(5) All towables shall be subject to the limitation of number of passengers and weight capacity requirements as designated by the manufacturer.

(6) The licensee shall comply with the municipal surf condition flag warning system and shall suspend all operations when double red flags are displayed. In addition, licensee shall not operate any towed ride in conditions licensee should reasonably find to be unsafe including but not limited to heavy surf, excessive wind, strong currents, rain, heavy fog, during a lightning storm within five (5) miles of the ride site, an active small craft warning alert, or if it becomes evident that a storm frontal system is approaching within seven (7) miles of the ride site.

(7) The licensee shall provide a mandatory passenger safety briefing to all individual passengers before they are allowed to leave the beach. This briefing shall include, without limitation:

a. A description of the activity;

b. The safety precautions and use restrictions while underway;

c. The location and proper use of safety and lifesaving equipment;

d. Warnings and procedures for unexpected events such as equipment malfunctions;

e. The proper use of signals.

The licensee shall require a responsible person sixteen (16) years of age or older be aboard the towable when carrying passengers under the age of eight (8) and not accept as a passenger any person who does not demonstrate an understanding of the information and procedures covered in the passenger safety briefing and any person who demonstrates an unwillingness or inability to comply with such procedures. The licensee shall not accept as a passenger any person who appears fearful or intimidated.

(8) The licensee shall maintain a daily passenger log containing the following information regarding each passenger:

a. The name, address, telephone number, and date of birth of the passenger.

b. The customer's signature verifying the presentation of the passenger safety briefing.

The current month's daily passenger log shall be maintained at licensee's ride site during the hours of the licensee's operation and shall be presented for inspection upon request of any federal, state, county, municipal enforcement officer, or mayoral designee. The daily passenger log entries shall be retained by the licensee for a period of not less than five (5) years.

(9) The licensee shall affix and maintain on each towable or associated tow craft a suitable marking of distinctive color and size as approved by the appropriate city official as designated by the mayor so as to render the craft identifiable as licensee's equipment at a distance of up to three hundred (300) feet.

(10) The licensee shall comply with all fuel container and portable tank storage regulations as adopted by the Gulf Shores Fire Department from time to time, which include but are not limited to:

a. Fueling must take place on stable ground clear of the water's edge. No refueling of any vessel shall take place in the water, and no spillage of fuel shall occur.

b. A maximum of fifteen (15), five-gallon spill proof fuel containers totaling no more than seventy-five (75) gallons of fuel may be on the beach at any one time. No container with a capacity greater than five (5) gallons shall be allowed on site. No fuel shall be stored in any parking area, and no fuel shall be stored on site

overnight. A fueling and fuel storage plan shall be submitted and approved by the city prior to the issuance of any license.

c. Use of either a fuel collar or fuel bib while fueling is required.

d. A minimum of ten (10) 15″×15″ absorbent hydrocarbon pads and one (1) portable fire extinguisher with no less than a 60BC rating must be on site while fueling.

e. Any and all oil and chemical spills shall be promptly and properly reported to the National Response Center.

f. Details of a fuel spill contingency plan must be submitted to the city prior to issuance of business license and the commencement of any fuel handling on the beach.

(11) Major repairs of watercraft on the beach are prohibited.

(12) Subject to the overall combined site capacity restrictions set out in subsection (e) below, the maximum number of towables allowed to operate from one (1) approved location shall be two (2).

(13) The licensee shall not employ individuals under the age of sixteen (16) years to operate any gasoline powered water sports equipment utilized in connection with the towed ride business and the licensee must provide proof that each employee who operates gasoline-powered watersports equipment in connection with the towed ride business possesses a valid Alabama Vessel Operator's License or the equivalent certification issued by another state if not an Alabama resident. Any employee operating a tow craft must possess a current USCG Captain's License, be enrolled and participating in an approved drug testing program in accordance with 46 CFR Part 16 or equivalent program, and such license and documentation must be maintained onboard the parasail vessel at all times.

(14) Each Licensee under this Section 8.8(c) shall at all times maintain Marine Liability insurance covering all aspects of the activities hereby licensed, with limits no less than one million dollars per accident, and two million dollars aggregate, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a current complete copy of said policy, including all endorsements to the ~~Finance Department~~Revenue Division ~~and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the Finance Division.~~ Proof of insurance must be available for inspection on site, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

(d) Businesses engaging in the business of the on-site rental of beach chairs and umbrellas. Any license issued to any person engaged in the business of the on-site rental of beach chairs and umbrellas (hereafter referred to as "Beach Rental Accessories") is expressly conditioned on compliance with all the following requirements:

(1) The licensee's business shall be operated only at a site properly zoned for such business, owned by, leased in writing to, or licensed in writing to the licensee and specifically designated on the license as issued. An inspection by the ~~finance department~~Revenue Division or its designee of any proposed site is required before any license may be issued.

(2) Each approved site must maintain a minimum landward setback of thirty-five (35) feet from the water's edge and a sufficient minimum north setback to avoid contact with any existing berm or dune. Wooden lounger setups must be spaced so as to leave one (1) aisle not less than ten (10) feet wide for north/south travel at the end of each dune walkover or pathway leading to the water. All lounger setups must remain north of beach attendant stands when present.

(3) Each Licensee under this Section 8-8(d) shall at all times maintain Commercial General Liability Insurance covering all aspects of the activities hereby licensed, with limits no less than five hundred thousand dollars combined single limit, naming the City of Gulf Shores as an Additional Insured. The licensee shall provide a Certificate of Insurance evidencing the coverage above to the ~~Finance Department~~Revenue Division before licensed activities begin. Written notice of any significant changes in coverage conditions shall be given immediately to the ~~Finance Department~~Revenue Division.

(e) Provisions applicable to all beachfront and waterfront recreational businesses. The following provisions are applicable to all businesses licensed under this Section 8-8:

(1) Maximum site capacity restrictions. In addition to the maximum site capacities specified in subsections (a), (b), and (c) above, two (2) support craft consisting of one (1) additional transport craft and any required chase/rescue craft shall be allowed at any one site. The licensee shall maintain licensee's site in a clean, safe condition at all times.

(2) Temporary onsite storage facilities. Temporary onsite storage facilities for the purpose of the daily operation of one (1) or more beach and waterfront recreational businesses under this Section 8-8 are prohibited south of the Lucido and Oliver line as defined on the maps maintained by the city's public works department. The licensee must include consent from the owner of the licensed site to the placement of temporary storage facilities, specifying the number of such facilities to be allowed as part of the license application. Each storage facility must be portable, may be no larger than six and a half feet (6½) high, five (5) feet wide and twelve (12) feet long (6½′× 5′ × 12′), must be white in color, and must be identified with a suitable marking of distinctive color and size, as approved by the appropriate city official as designated by the mayor, so as to render the item identifiable as licensee's storage facility, may be utilized between the months of March and October only, and must be removed no later than November first of each year. In the event of a storm or other necessity for clearing the beach, all equipment and storage facilities shall be removed to a secure site off the beach within twenty-four (24) hours after notification by the city or within twelve (12) hours after the posting of any tropical storm or hurricane warning by NOAA that includes the location

of the licensed site, whichever may be the shorter interval of time. A licensee, in his/her/its license application and at all reasonable times thereafter, must demonstrate, to the reasonable satisfaction of the city that the licensee has adequate storage facilities and is capable of removing and storing all equipment and facilities to a secure site off the beach within the time frames established by this subsection. A failure at any time to comply with the requirements of this subsection shall be grounds for the immediate closing of licensee's business under subsection (e)(4) below and for subsequent revocation of licensee's business license.

(3) Indemnification. The licensee shall maintain a copy of its current policy on file with the ~~finance department~~Revenue Division at all times, and the terms of coverage shall prohibit termination or cancellation without at least thirty (30) days prior written notice to the finance division. Licensee shall indemnify and hold harmless the City of Gulf Shores for any and all claims resulting directly or indirectly from activities related in any way to business engaged in under the authority of this Ordinance.

(4) Immediate order to close. In addition to authority conferred by otherwise applicable law, the mayor and, in his or her absence, the mayor pro tempore, is hereby authorized to order the closing of any licensee not in compliance with any of the requirements of this Section until the next meeting of the city council if he/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.

(5) Minimum site separation. The minimum separation between any sites licensed or to be licensed for the operation of any beach and waterfront recreation business under subsections (a), (b), or (c), or any or all of such subsections, shall be seven hundred fifty (750) feet measured at the water's edge corners of the sites.

(6) License not in active use subject to revocation. Any license issued for a site shall be subject to revocation upon a determination by the city council that the licensee is not actively engaging in business activity at the site under the license.

(7) Required water access. As utilized in this Section 8-8, the term "direct open water access" shall mean direct access to a major water body other than Little Lagoon or the Intracoastal Waterway. Water access to a major water body through a canal, bayou, slough, creek, tributary, or other ancillary water body shall not constitute direct open water access.

(8) Use of motorized vehicles on beach. The use of motorized vehicles by a licensee on a licensed site is only allowed as otherwise permitted under Section 7-122 of the Code of Ordinances.

(f) Other beachfront or waterfront recreational rental, amusement or ride service business activities. Any activity or accessory rentals not specified in (a) through (d) above will require the following submitted with the business license application:

(1) Site specific business model;

(2) Property owner agreement to vendor's business model for property;

(3) Authorization from the Director of Recreation and Cultural Affairs.

(g) Penalties for violation of Section. In addition to penalties otherwise specified in this Section 8-8, any violation of this Section 8-8 shall be subject to the criminal penalties provided in Section 8-27, the civil penalties provided in Section 8-28, and the procedures for suspension or revocation of license provided in Section 8-31.

Section 2. That this Ordinance shall not be interpreted to repeal any other ordinance of the City of Gulf Shores or any provision of the law of Alabama adopted by operation of Section 1-8 of the City's Code of Ordinances.

Section 3. That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

Section 4. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this ~~25th~~ 14th day of ~~January~~March, 2016.

_____
Robert Craft, Mayor

ATTEST:

_____
Wanda Parris, MMC
City Clerk

CERTIFICATE

I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. ~~1800~~ (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on ~~January 25~~, 2016 and the same was duly published as required by law in the City of Gulf Shores, Alabama.

_____
City Clerk