

ORDINANCE NO.

**AN ORDINANCE TO AMEND THE *CODE OF ORDINANCES*,
ADOPTED JULY 24, 1989, AT CHAPTER 6, BEACHES, BOATS, AND
WATERWAYS, ARTICLE I. IN GENERAL BY ADDITION OF SECTION 6-19
TO PROHIBIT THE LANDING OF ANY SEAPLANE ON THE WATERS OF
LITTLE LAGOON OR THE INTRACOASTAL WATERWAY AND TO
PRESCRIBE PENALTIES FOR VIOLATIONS**

WHEREAS, The City of Gulf Shores is a Class 8 Alabama Municipality which has been vested with a portion of the state's sovereign power to protect the public health, safety and general welfare. *Code of Alabama, 1975, §11-45-1*; and

WHEREAS, Gulf Shores is a unique, coastal-resort location that attracts millions of visitors each year. The City Council finds that the landing of seaplanes on the waters of Little Lagoon or the Intracoastal Waterway within the corporate limits and police jurisdiction of the City of Gulf Shores will compromise the public health, safety, and general welfare of its citizens and visitors by creating noise, danger, apprehension of danger, pollution, apprehension of pollution, contamination and infestation from other bodies of water, destruction of property values, and interference with other lawful uses of Little Lagoon and the Intracoastal Waterway enjoyed by the public, including boating, sailing, fishing, swimming and other recreational uses; and

WHEREAS, the City Council of Gulf Shores Council finds that in order to protect the public health, safety and general welfare it is necessary to prohibit the landing of seaplanes on the waters of Little Lagoon and Intracoastal Waterway within the corporate limits and police jurisdiction of the City of Gulf Shores,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON _____, 2019, as follows:

Section 1. That Article I of Chapter 6, Beaches, Boats, and Waterways of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended by the addition of Section 6-19 to read in its entirety as follows:

“Sec. 6-19 -- LANDING OF SEAPLANES ON THE WATERS OF LITTLE LAGOON PROHIBITED.

(a) Definitions. As used in this section, the following terms have the indicated meanings:

Seaplane includes flying boat, hull seaplane, floatplane, and float equipped helicopter.

Little Lagoon means any portion of Little Lagoon lying within the corporate limits or police jurisdiction of the City of Gulf Shores.

Intracoastal Waterway means any portion of the Intracoastal Waterway lying within the corporate limits or police jurisdiction of the City of Gulf Shores between Bon Secour Bay on the west and the corporate limits of the City of Orange Beach on the east.

(b) It shall be unlawful and a public nuisance for any person to land a seaplane on the waters of Little Lagoon or the Intracoastal Waterway. This section shall not apply (1) to officers and agents of the United States, the state, the county, or the city when acting in the line and scope of their duty in the implementation or enforcement of federal, state, or local laws or in the provision of emergency services during the period of any state of emergency declared by the Governor of the State of Alabama or (2) to any person who lands after declaring an inflight emergency requiring immediate action in accordance with FAR §91.3.

(c) Any person violating this section shall be guilty of an offense and upon conviction, shall be punished for each offense by a fine of not more than five hundred dollars (\$500.00), imprisonment for a period not exceeding six (6) months, or both.

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 __th day of _____, 2019.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC, City Clerk