

ORDINANCE NO. 1897

**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 6-18 TO FURTHER REGULATE ACTIVITIES AT, ON,
AND OVER GULF PLACE CITY BEACHFRONT AND
TO PRESCRIBE PENALTIES FOR VIOLATIONS**

WHEREAS, the City of Gulf Shores has undertaken to improve City owned property at Gulf Place to provide for new areas for the Beachfront use and enjoyment of its citizens and visitors; and

WHEREAS, the City Council of the City of Gulf Shores, without amending or repealing existing ordinances and regulations prohibiting or regulating activities within the City of Gulf Shores and its police jurisdiction generally, finds it appropriate to confirm, amend, and add restrictions relating specifically to activities that are regulated or prohibited at Gulf Place City Beachfront in order to better inform the public and facilitate regulation of that unique recreational facility,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 11, 2018, 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 6-18 to read in its entirety as follows:

CHAPTER 6. BEACHES, BOATS AND WATERWAYS

ARTICLE I. IN GENERAL

* * *

SECTION 6-18 Activities Prohibited and Regulated At Gulf Place City Beachfront; Sanctions For Violation of Regulations Prescribed.

- (a) **Definitions:** As used in this section 6-18, the following terms shall have the following meanings:

Gulf Place City Beachfront shall mean the following areas at Gulf Place:

(I) All areas lying (a) south of the south right of way line of Beach Boulevard, (b) west of the west right of way line of Gulf Shores Parkway as extended south of Beach Boulevard to the Gulf of Mexico, (c) east of Lots 4 and 17, Block 5, Unit One, Gulf Shores, and (d) north of the Gulf of Mexico;

(II) All marginal areas of Beachfront improved seating and paved boardwalk in Gulf Place lying east of the west right of way line of Gulf Shores Parkway as extended south of Beach Boulevard to the sand and west of the east right of way line of East First Street.

(b) Regulated and Prohibited Activities

Without repeal or amendment of any existing provision of the Code of Ordinances, all of which remain applicable and in effect according to their terms, the following provisions regulating or prohibiting activities specifically apply to the Gulf Place City Beachfront:

(1) Animals. Except as otherwise allowed under Code of Ordinances Section 6-8 and except for a trained dog or miniature horse constituting a service animal within the definition of Ala. Code § 21-7-4 or 28 C.F.R. § 35.104, it shall be unlawful for any person to take or allow a dog, cat, horse, or other pet or domestic or domesticated animal or livestock into or in the Gulf Place City Beachfront, except while contained within a vehicle or animal trailer on the designated vehicle travelways and parking areas.

(2) Tents or Shelters. Except as authorized in an assembly permit issued by the City Council upon written application, no tent or shelter shall at any time be erected in the Gulf Place City Beachfront. *Tent* or *shelter* means any tent, shelter, canopy, cabana, windscreen, or other supported ground cover or enclosure and shall also mean the frame, support poles, guy lines, and other support features for a tent or shelter when the covering is not attached; provided, however, that the term shall not include any folding beach umbrella supported by a single pole; any umbrella or shade attached solely to a beach chair, to a child's stroller, or to a wheel chair designed for beach use by handicapped persons; or any pop-up type freestanding tent or shelter designed for beach use having no length or width dimension greater than seven (7) feet and no height dimension greater than four (4) feet.

(3) Beach equipment. No item of beach equipment as defined in Code of Ordinances Section 6-13 not otherwise prohibited under subsection (3) above or under Section 6-13(b) shall be placed or remain on the Gulf Place City Beachfront before sunrise. Each item of such beach equipment shall be removed by its owner or permitted user from the Gulf Shores City Beachfront by one (1) hour after sunset. Any item of such beach equipment found on the Gulf Shores City Beachfront between one (1) hour after sunset and sunrise may be treated by the city as abandoned property and removed and disposed of by the city as abandoned property.

(4) Motorized vehicles or conveyances. No person shall operate any motor vehicle, motorized vehicle, motor-driven cycle, motorized scooter or other self-propelled conveyance on any portion of the Gulf Shores City Beachfront outside the designated vehicle travelways and parking areas except as authorized by permit issued by the City Council upon written application; provided, however, that this provision shall not apply to any electric personal assistive mobility device which is a self-balancing two non-tandem wheeled device as defined in Ala. Code §31-1-1.1 or to any motorized vehicle or conveyance when being utilized by law enforcement or other municipal personnel in the active provision of public safety or public maintenance services.

(5) Digging and Removal of Sand. No person shall dig any hole to a depth greater than twelve (12) inches on any portion of the Gulf Place City Beachfront. Any hole dug on any portion of the Gulf Place City Beachfront must at all times be attended by a responsible person over the age of sixteen (16) years or well and appropriately marked so as to prevent injury from the presence of the hole. Any hole dug on any portion of the Gulf Place City Beachfront shall be properly filled to a condition level with the adjacent sand upon abandonment of the use of the hole and in all events by not later than thirty (30) minutes prior to sunset. No person shall intentionally remove any sand or beach vegetation from any portion of the Gulf Place City Beachfront.

(6) Breakable Containers. It shall be unlawful for any person to possess or use on any portion of the Gulf Place City Beachfront any container which is subject to break, shatter, fracture, disintegrate, or become fragmented, including, but not limited to, glass, breakable plastics, etc.; provided, however, that this subsection shall not apply to the possession or use of breakable containers within the passenger compartment of a vehicle on the vehicle travelways and parking areas of the Gulf Shores City Beachfront.

(7) Overnight Sleeping. Except as specifically authorized in an assembly permit issued by the City Council upon written application, it shall be unlawful for any person to sleep in a tent, sleeping bag, automobile, van, truck, camper, trailer, or other vehicle of any kind or nature, or in the open anywhere within the Gulf Place City Beachfront between the hours of 10:00 p.m. and 6:00 a.m.

(8) Fireworks. Except as authorized by the City Council by ordinance or resolution relating to special permitted Fireworks displays, the possession or use of fireworks within any portion of the Gulf Place City Beachfront is prohibited. The term fireworks includes any squib, rocket, firecracker, Roman candle, sparkler, fire balloon, sky lantern, signal light, railroad track torpedo, photographer's flashlight composition, and any other devices or compositions used to obtain visible or audible pyrotechnic display.

(9) Sound Reproduction Devices. In addition to the general regulation of unreasonable noise or vibration under Section 15-1 of the Code of Ordinances, except as may be otherwise specifically authorized by the City in a public assembly permit, it shall be unlawful for any person or persons to play, use, operate, or permit to be played, used or operated any radio, tape recorder, cassette player, CD player or other machine or device for reproducing sound within any portion of the Gulf Place City Beachfront if the sound generated by such machine or device is audible at a distance of thirty (30) feet from the machine or device producing the sound. This subsection shall not be construed to regulate the initial production or amplification of sound, and the direct amplification of the human voice or music through the use of bullhorns or amplifiers is not regulated under this subsection.

(10) Fishing. It shall be unlawful for any person to engage in fishing or surfcasting from any portion of the Gulf Shores City Beachfront or in any portion of the Gulf of Mexico lying within 100 feet of the water's edge along the Gulf side boundary of the Gulf Shores City Beachfront.

(11) Solicitation. Except as may be otherwise specifically authorized by the City in a public assembly permit for a franchised festival activity and subject to the current separate regulation set out in Sections 6-13 and 6-17, it shall be unlawful for any person to solicit, peddle, canvass, beg, panhandle, proselytize, picket or demonstrate for any purpose, commercial or noncommercial, on any portion of the Gulf Shores City Beachfront.

(12) Fires, Grills, Cooking Devices. Except as may be otherwise specifically authorized by the City in a public assembly permit, no fires in any form, including open fires and cooking grill fires, and no stoves or other fueled or electric cooking devices shall be permitted on any portion of the Gulf Shores City Beachfront.

(13) Alcoholic Beverages. It shall be unlawful for any person to possess or to consume any malt or brewed beverage, any wine or liquor, or any alcoholic or intoxicating beverages on any portion of the Gulf Place City Beachfront, provided that the provisions of this subsection shall not apply to the possession of malt or brewed beverages, wine or liquor, or other alcoholic or intoxicating beverages within vehicles on the vehicle travelways and parking areas of the Gulf Shores City Beachfront if and only if: (a) such beverages are contained intact within their original unopened container; (b) such original

unopened container is completely enclosed within an opaque outer container so that such original unopened container is not visible; and (c) such beverages were purchased from a licensee of the Alabama Alcoholic Beverage Control Board duly licensed to sell such beverages at retail for off-premises consumption; and, further, provided that the provisions of this subsection shall not apply to possession or consumption otherwise specifically authorized by the City in a public assembly permit for a franchised festival activity.

(14) Tobacco and E-cigarettes. Smoking of any tobacco product, the use of smokeless tobacco in any form, and the use of e-cigarettes, e-cigars, e-pipes or similar vapor devices are prohibited within the entirety of the Gulf Shores City Beachfront.

(15) Drones. It shall be unlawful for any person to take off, land, operate, or to assist in the operation of any drone over, at, or from the Gulf Place City Beachfront unless such operation has been permitted by the FAA and approved in advance by the City of Gulf Shores.

(16) Laser Pointers. It shall be unlawful for any person other than sworn police officers, fire marshals and firemen in the performance of their duties to possess or to use a portable handheld laser pointer within the Gulf Place City Beachfront.

(c) Penalty for violation of subsection (c). Any person violating any provision of subsection (b) above 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.

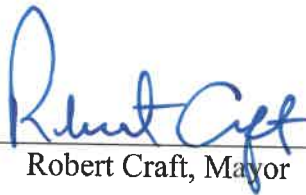
Section 2. That this Ordinance shall not be interpreted to repeal any other ordinance of the City of Gulf Shores or any provision of the law of Alabama adopted by operation of Section 1-8 of the City's Code of Ordinances. To the extent that specific conduct at the Gulf Place City Beachfront regulated by this Ordinance is subject to specific regulation under other provisions of the Code of Ordinances, the provisions of this Ordinance shall be interpreted as governing to the extent of any inconsistency with such other provisions.

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 11th day of June, 2018.




Robert Craft, Mayor

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.1897 (prepared by City Clerk), which Ordinance was duly and legally adopted at a regular meeting of the City Council on June 11, 2018 and the same was duly published as required by law.


City Clerk