ORDINANCE NO. 2025-1506

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE III OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA TO ADD A NEW SECTION PROHIBITING COMMERCIAL ACTIVITY ON BEACHES, SHORELINES, AND WATERWAYS

FINDINGS:

1. The City of Orange Beach is a popular tourist destination known for its white-sand beaches, clean waterways, abundance of family-friendly activities, and local cuisine.
2. As the number of citizens and visitors within the City grows, so does the number of requests to operate businesses, including businesses operating from our beaches, shorelines, and waterways.
3. The City desires to protect our natural resources and maintain the high aesthetic values which current citizens, visitors, and business owners expect and enjoy. Allowing the operation of businesses from our beaches, shorelines, and waterways would negatively impact the quiet enjoyment of the natural environment, and would create health and safety concerns as these businesses attempt to operate in waters and shorelines already crowded with tourists and residents enjoying the beauty of the area.
4. It is the recommendation of the Coastal Resources, Fire, and Police Departments that commercial activities from beaches and waterways are limited to those commercial activities specifically allowed by the Council. The aesthetic, environmental, health and safety concerns of allowing these businesses to operate far outweigh any additional benefit to the City, its residents, visitors, or business owners.
5. It is the intent of the Council to allow only those business activities which enhance the individual family beach experience in the City of Orange Beach.
6. The City Council has determined that amending the Business License Code to prohibit commercial activity to the extent that it is a threat to public safety, the natural resources of our area or a detriment to the overall enjoyment of the beaches and waterways for residents and visitors and as not otherwise specifically allowed, is in the best interest of the City of Orange Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Chapter 50, Article III, "Business License Code" of the City Code be amended to add a new Section 50-80 entitled "Commercial Activity on Beaches, Shorelines, and Waterways," which shall read as follows in its entirety:

Sec. 50-80. - Commercial Activity on Beaches, Shorelines, and Waterways.

(a) Unless otherwise specifically provided for herein, the following commercial activity shall be prohibited on, in, or around the beaches, waterways, shorelines, or water access points located within the City's corporate limits or police jurisdiction:

(1) Transactions involving consumable products including but not limited to food, drinks, sunscreen, or any limited use products, which contains or creates waste such as plastic wrappers or bottles;

(2) Sales of trinkets or other souvenir items;

(3) Solicitation of business or conducting a transaction of business including but not limited to booking reservations, taking payment, or offering items for sale or rent, from a location on the beaches, waterways, shorelines, or water access points;

(4) Guided activities including fishing, gigging, crabbing or other activities in which the primary purpose or intent involves interaction or observation of wildlife, including fish, mammals, birds, reptiles and amphibians;

(5) Use, sale or rental of products or equipment including but not limited to bikes, scooters, jet-skis, kayaks, bounce or bungee equipment;

(6) Camping or other overnight events;

(7) Fires of any type; and

(8) Any commercial activity on or around Bird Island, Robinson Island, Walker Island, or Gilchrist Island.

(b) EXCLUSIONS: The following commercial activities shall be excluded from prohibition herein:

(1) Weddings or other events holding a validly issued beach activity permit. For purposes of this section, this exception shall include all equipment rental, photography service, wedding planning services, and other component services as specifically identified in the permit. No transactions for the solicitation, reservation, provision, or payment for all services or equipment shall be made on beaches, waterways, shorelines, or water access points.

(2) Commercial activity allowed by Chapter 78, Article III, "Commercial Vessels," or by Chapter 30, "Environment," of the Code of Ordinances of the City of Orange Beach.

(3) Commercial vessels providing live or fresh-cut bait for fishing.

(4) Beach chair rental services. This exclusion shall apply only to the rental by on-beach attendants of beach chairs and umbrellas provided for day use.

(c) "Access points" shall include, but are not limited to, public and private boat launches, kayak launches, and any other location where the primary purpose is to allow access into a waterway.

(d) Notwithstanding anything to the contrary herein no business shall engage in direct solicitation on the beaches, waterways, shorelines or water access points of the City.

(e) Violations of this section shall be punishable to the extent allowed by law for violation of a City Ordinance in the Municipal Court.

2. That a determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, subsection or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

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

ADOPTED THIS 15th DAY OF APRIL, 2025.

Renee Eberly
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing **ORDINANCE 2025-1506** was posted on **04/17/2025** in the following three (3) public places:
Orange Beach City Hall
Orange Beach Post Office
Orange Beach Public Library

Renee Eberly, City Clerk

CITY OF ORANGE BEACH CORPORATE SEAL ALABAMA