

ORDINANCE NO. 2020-11

AN ORDINANCE AFFECTING PUBLIC BOAT RAMPS IN ORANGE COUNTY; ENACTING A NEW SECTION 29-58 OF THE ORANGE COUNTY CODE OF ORDINANCES ENTITLED “USE OF PUBLIC BOAT RAMPS AND ASSOCIATED RECREATIONAL AREAS AND FACILITIES;” PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1(g) of the Florida Constitution provides that the County may enact ordinances not inconsistent with general law; and

WHEREAS, Orange County currently owns and operates numerous public boats ramps and associated recreational areas and facilities throughout the County; and

WHEREAS, the Board of County Commissioners desires to adopt the general use provisions set forth herein in order to provide clear and consistent standards regarding the County’s public boat ramps and related recreational areas and facilities.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA.

Section 1. Enactment of New Section 29-58, Use of Public Boat Ramps and Associated Recreational Areas and Facilities. Section 29-58, Orange County Code, is hereby enacted to read as follows:

CHAPTER 29. PARKS AND RECREATION

* * *

ARTICLE III. CONDUCT IN COUNTY RECREATION AREAS

* * *

Sec. 29-58. – Use of public boat ramps and associated recreational areas and facilities.

(a) *Definitions.* When used in this section, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

- (1) *Public boat ramp* shall mean those facilities owned and/or operated by the county containing structures or clearings extending to or waterward of the normal high water elevation, or structures or clearings upon which trailerable watercraft can be launched or retrieved, as well as the associated recreational areas and facilities appurtenant to the boat ramp.
- (2) *Commercial activity* shall mean the sale, service or solicitation of any item for a set fee or donation, tangible or intangible, including, but not limited to, the charging of admission; the charging of fees for any service, entertainment or amusement, food, and/or beverages.

(b) *Use provisions and prohibitions.*

- (1) The hours of operation for all public boat ramps shall be set forth in the Parks and Recreation Division Rules and Regulations approved by the board of county commissioners, as may be amended.
- (2) No person shall enter or remain on the premises of any public boat ramp outside of the established hours of operation, or for any commercial purpose contrary to the intended use of the public boat ramp as set forth in the Parks and Recreation Public Boat Ramp Commercial Operations Guidelines attached hereto as **Exhibit “A,”** incorporated herein by this reference.
- (3) No person shall dock, anchor or in any way secure a watercraft to any public boat ramp for more than 15 minutes, unless the watercraft is inoperable and cannot be removed under its own power, or the owner of the watercraft has an emergency situation.
- (4) No person shall use the premises of any public boat ramp for commercial activity of any type unless otherwise authorized by subsection (c) herein. Commercial activity prohibited by this section includes, but is not limited to, the following:
 - i. Picking up or dropping off passengers;

- ii. Soliciting or advertising commercial activity for hire at a public boat ramp, including, but not limited to, the display of any sign, placard, notice, or commercial announcement of any kind upon a vehicle, boat, or vessel;
 - iii. Designating the physical address of a public boat ramp as the physical address of a commercial business or the meeting location for commercial activity;
 - iv. Collecting, receiving or attempting to collect or receive compensation for any service, including, but not limited to, renting, hiring, or operating for a charge or donation, any kind of boat or watercraft, whether powered or not. Nor shall any boat or watercraft operating for hire or carrying passengers for compensation, land or receive such passengers at any public boat ramp;
 - v. Organizing or launching of a tournament or other group function for which a fee or membership is charged.
- (5) No person shall replenish or fill, or attempt to replenish or fill, any type of watercraft, with a petroleum product of any type while said watercraft is located on the premises of any public boat ramp.
- (6) No person shall engage in draining, cleaning, or washing activities, nor shall any person discharge bilge pumps or drain plugs, at any public boat ramp.

(c) *Exemptions.*

- (1) Licensed commercial fishing guides may pick up and drop off passengers at public boat ramps.
- (2) Persons or entities with a valid permit issued by the County pursuant to the Parks and Recreation Public Boat Ramp Commercial Operations Guidelines set forth in **Exhibit “A”** may conduct commercial activities at public boat

ramps pursuant to the terms and conditions of the permit and any agreement related thereto.

(d) *Enforcement.* Provisions of this section may be enforced by any person having the authority to enforce county ordinances. Nothing in this section shall prohibit the county sheriff from exercising the authority set forth in section 30.07, Florida Statutes, to appoint individuals as deputies for the purpose of enforcing this section.

(e) *Penalties.* Violations of this section shall be as provided in section 1-9 of this Code. This section may be enforced by alternate means, including, but not limited to, criminal action; civil action, including petitions to enjoin persons from violating this section; or by any other means available by law.

Section 2. Effective date. This ordinance shall take effect on June 5, 2020.

ADOPTED THIS 5th DAY OF MAY, 2020.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk