



Interoffice Memorandum

April 24, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director 
Community and Family Services Department

FROM: Matt Suedmeyer, Manager
Parks and Recreation Division
(407) 836-6202

SUBJECT: **Public Hearing – May 5, 2020**
Public Boat Ramp Ordinance
Continued from March 10, 2020 and March 24, 2020 for Decision Only

On March 10, 2020, staff presented an ordinance to the Board proposing to regulate the commercial use of public boat ramps in Orange County. The presentation was a follow-up to previous work sessions regarding businesses operating out of public boat ramps.

Staff presented recommendations for an ordinance regulating the use of public boat ramps and their associated recreational areas and facilities. Also included in the presentation were recommended operational guidelines for the permitted business uses allowed at each of the 11 boat ramps throughout the County. The ordinance and operational guidelines will help the Division regulate the use of County boat ramps by private businesses.

At the Public Hearing, the Board directed staff to revise the Operational Guidelines to (1) provide for a discounted permit fee for boat tour operators with a brick-and-mortar business address in Orange County; (2) limit the number of boat tour permits at the Highway 50 Boat Ramp to a maximum of ten (10); and (3) clarify that unpermitted businesses may not subcontract with permitted businesses to operate out of the County's boat ramps. The Board also requested that staff require that commercial fishermen be subject to the County's permitting requirements in order to operate out of public boat ramps. On March 10, 2020, the Board voted to continue the public hearing until March 24, 2020, for decision only. During the Board meeting on March 24, 2020, the Board voted to continue the public hearing until May 5, 2020.

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Pursuant to the Board's direction during the March 10, 2020 Public Hearing, staff prepared a redlined draft of the Operational Guidelines for the Board's consideration and approval. Staff requests approval of the Public Boat Ramp Ordinance and the Parks and Recreation Division Operational Guidelines.

If you have questions prior to the Board meeting, please contact Matt Suedmeyer.

ACTION REQUESTED: Approve the Public Boat Ramp Ordinance and Parks and Recreation Division Operational Guidelines. All Districts.

MS:jam

Attachment

c: Randy Singh, Deputy County Administrator, County Administrator's Office
Kate Latorre, Assistant County Attorney, County Attorney's Office

ORDINANCE NO. _____

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:

30 (1) *Public boat ramp* shall mean those facilities owned and/or
32 operated by the county containing structures or clearings
34 extending to or waterward of the normal high water
36 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.

38 (2) *Commercial activity* shall mean the sale, service or
solicitation of any item for a set fee or donation, tangible or
40 intangible, including, but not limited to, the charging of
admission; the charging of fees for any service,
entertainment or amusement, food, and/or beverages.

42 (b) *Use provisions and prohibitions.*

44 (1) The hours of operation for all public boat ramps shall be set
46 forth in the Parks and Recreation Division Rules and
Regulations approved by the board of county
commissioners, as may be amended.

48 (2) No person shall enter or remain on the premises of any
public boat ramp outside of the established hours of
50 operation, or for any commercial purpose contrary to the
intended use of the public boat ramp as set forth in the
52 Parks and Recreation Public Boat Ramp Commercial
Operations Guidelines attached hereto as **Exhibit "A,"**
incorporated herein by this reference.

54 (3) No person shall dock, anchor or in any way secure a
56 watercraft to any public boat ramp for more than 15
58 minutes, unless the watercraft is inoperable and cannot be
removed under its own power, or the owner of the
watercraft has an emergency situation.

60 (4) No person shall use the premises of any public boat ramp
for commercial activity of any type unless otherwise
62 authorized by subsection (c) herein. Commercial activity
prohibited by this section includes, but is not limited to, the
following:

64 i. Picking up or dropping off passengers;

- 6 ii. Soliciting or advertising commercial activity for
76 hire at a public boat ramp, including, but not limited
78 to, the display of any sign, placard, notice, or
 commercial announcement of any kind upon a
 vehicle, boat, or vessel;
- 70 iii. Designating the physical address of a public boat
72 ramp as the physical address of a commercial
 business or the meeting location for commercial
 activity;
- 74 iv. Collecting, receiving or attempting to collect or
76 receive compensation for any service, including, but
78 not limited to, renting, hiring, or operating for a
80 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;
- 82 v. Organizing or launching of a tournament or other
84 group function for which a fee or membership is
 charged.

86 (5) No person shall replenish or fill, or attempt to replenish or
88 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.

90 (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.

92 (c) *Exemptions.*

94 (1) Licensed commercial fishing guides may pick up and drop
 off passengers at public boat ramps.

96 (2) Persons or entities with a valid permit issued by the County
98 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.

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(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.

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(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.

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Section 2. Effective date. This ordinance shall take effect pursuant to general law.

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ADOPTED THIS ____ DAY OF _____, 20__.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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

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By: _____
Deputy Clerk

ORANGE COUNTY PARKS AND RECREATION
Division Operational Guidelines

NUMBER: **1.6.1**
5, 2020

EFFECTIVE DATE: ~~FBDApril 24, 2020~~ **June**

UPDATED: N/A

SUBJECT: PUBLIC BOAT RAMP COMMERCIAL OPERATIONS GUIDELINE

PURPOSE: This guideline outlines protocol for the operation of private commercial businesses out of public boat ramps owned and/or operated by the Orange County Parks and Recreation Division.

BACKGROUND: The Orange County Board of County Commissioners adopted ~~an~~ Ordinance No. _____ and this Division Operational Guideline 1.6.1 on ~~March 24~~ May 5, 2020 regarding the use of Orange County public boat ramps and associated recreational areas and facilities and accompanying procedure regulating public boat ramps.

PROCEDURES: Procedures and requirements for each type of commercial operation permitted at public boat ramps can be found below:

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• **Boat Tours**

- R.D. Keene Park & Highway 50 Boat Ramp: All interested and eligible boat tour businesses must obtain a Parks Business Permit from Orange County. Permits are authorized only after proof of eligibility is verified (*see Eligibility Requirements, below*) and an annual permit fee in the amount of \$3,000.00 has been received. The permit fee for a business with a brick-and-mortar business address in Orange County shall be \$2,500.00. No more than ten (10) permits shall be issued for boat tour businesses operating out of the Highway 50 Boat Ramp.

Eligibility Requirements:

- At public boat ramps where boat tours are permitted, all businesses must meet the following requirements in order to be eligible to operate:
 - The business must be a registered business entity with the Florida Division of Corporations.
 - Business must meet and/or exceed all indemnification, liability and insurance requirements set forth by Orange County Risk Management Division.
 - Park-specific limits may be set on the number of tour boats per business permitted to operate and/or the number of vehicles per business parked at sites with reduced public parking availability.
 - Employees must provide proof, annually, that they have passed an FDLE (Florida Department of Law Enforcement) background screening.
 - Unpermitted businesses are prohibited from operating out of the County's public boat ramps and may not subcontract with a permitted boat tour operator to do so.

Vessels

All vessels must comply with Florida State Statutes, Chapters 327 and 328, as applicable. In addition, the following will be required for all businesses:

- Provide photographs with complete manufacturer's specifications for all vessels to be utilized. Include copies of license and registrations for all vessels. List any modifications or changes to the manufacturer's specifications (i.e. seating capacity, floatation, etc.)

- All vessels shall conform with the below listed minimum requirements:
 - All airboats operating from a public boat ramp shall have the approved business name clearly marked on both sides of the rudder, or on the upper one-third (1/3) of the cage area of the vessel, so as to be plainly visible from the port or starboard side of the vessel; with no less than four inch (4") high block lettering of contrasting color;
 - Mufflers and carbon fiber ground adjustable propellers shall be installed on each airboat to reduce noise levels. The maximum noise level of the commercial airboat operations is ninety (90) decibels, measured fifty (50) feet from the vessel; and,
 - If it is determined by the County that the commercial airboat operation is exceeding the maximum noise level decibels, then all operations on the boat ramp will cease until the noise level is reduced to an acceptable level of below ninety (90) decibels.

Licenses, Registrations, Permits

- Proof of a current valid United States Coast Guard Auxiliary Charter boat Captain's License, where applicable (Operator of Uninspected Passenger Vessels or Master License), dependent upon number of passengers and vessel tonnage.
- Proof of additional licenses, permits, or required registrations to provide services from the boat ramp facility, including but not limited to: State Commercial Vessel License and Commercial Vessel Registration.

• **Fishing Tournaments**

- Tournaments are only permitted at the sites listed in the chart, page four.
- Tournament organizers must follow all Parks Division guidelines for Facility Use Agreements and should make contact with venues at least one month in advance of tournament.
- Tournament participants are asked to manage their weigh-ins to allow for the least impact to park patrons or programs.
- Limit tournaments to one (1) per month per ramp.

• **Fishing Guides and Commercial Fishermen**

- Each Fishing Guide and Commercial Fisherman must:
 - Purchase an annual pass, good for one year at all Orange County Boat Ramps
 - Sign the *Business Annual Pass Agreement Application*

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- Any fishing guides or commercial fishermen using their own vessel will meet all insurance requirements as specified on page three and provide proof of insurance at the time of annual pass purchase.

• **Rentals**

- Powerboat and Jet Ski rentals are prohibited at all public boat ramps and waterfronts.

• **Paddle Sports**

- A Parks Business Permit for one paddle sports business will be permitted at approved sites. In the event more than one business is interested per park, Orange County Parks and Recreation will initiate the Term Contract process for these sites, only.
- For information on Term Contracts, visit <http://apps.ocfl.net/OrangeBids/Termcontracts/listtermcontract.asp>

Required Insurance Coverage for Public Boat Ramp Operations

Businesses selected or permitted to operate their businesses from Orange County public boat ramps must, prior to execution of any agreement and commencement of any operations/services, provide Orange County with current certificates of insurance evidencing all required coverage. In addition to the certificate(s) of insurance, the operator shall also provide endorsements for each policy as specified below. All specific policy endorsements shall be in the name of the Orange County Board of County Commissioners.

REQUIRED CERTIFICATE(S) OF INSURANCE

Type of Operation	Commercial General Liability	Vessel Protection and Liability Coverage	Auto Liability	Workers' Compensation
Boat Tours	\$1,000,000	\$1,000,000	\$500,000	Statutory
Fishing Tournaments	\$1,000,000	\$1,000,000	\$500,000	None
Fishing Guides & Commercial Fishermen	\$500,000	\$500,000	\$500,000	None
Paddle Sports	\$500,000	None	None	None

- Required Endorsements for Commercial General Liability:
 - Additional Insured- CG 20 26 or CG 20 10/CG 20 37 or their equivalents
 - Waiver of Transfer of Rights of Recovery- CG 24 04 or its equivalent
- Required Endorsements:
 - Waiver of Subrogation- WC 00 03 13 or its equivalent

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Note: If blanket endorsements are being submitted, please include the entire endorsement and the applicable policy number.

ORANGE COUNTY BOAT RAMP COMMERCIAL OPERATIONS CHART

Ramp/Park Name	Boat Tours	Fishing Tournaments	Fishing Guides	Rentals	Paddle Sports
Barnett Park	Not Permitted	Permitted	Permitted	Not Permitted	Permitted
Bywater Boat Ramp	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Camp Joy	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Ferncreek Boat Ramp	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Highway 50 Boat Ramp	Permitted (Maximum 10 businesses)	Not Permitted	Permitted	Not Permitted	Not Permitted
Lake Down Boat Ramp	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Magnolia Park	Permitted	Permitted	Permitted	Not Permitted	Permitted
Moss Park	Permitted	Permitted	Permitted	Not Permitted	Permitted
R.D. Keene Park	Permitted	Permitted	Permitted	Not Permitted	Not Permitted
Randolph Street Boat Ramp	Not Permitted	Permitted	Permitted	Not Permitted	Not Permitted
Trimble Park	Permitted	Permitted	Permitted	Not Permitted	Permitted

DRAFT 2-30-2020 EXHIBIT "A"

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Warren Park	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Woodsmere Boat Ramp	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted

Boat Tours and Paddle Sports require a Parks Business Permit.

S:\New Share Drive Plan\SOP\DOGS\Boat Ramp Operations