



Interoffice Memorandum

AGENDA ITEM

August 28, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: **Matt Suedmeyer, Manager, Parks and Recreation Division**
PHONE NUMBER: **(407) 836-6202**

SUBJECT: September 18, 2018 – Work Session
Public Boat Ramps

On September 18, 2018, staff will make a presentation to the Board regarding commercial use of public boat ramps in Orange County. This presentation is a follow-up to the January 9, 2018 Board work session regarding businesses operating at public boat ramps. At that work session, the Board directed staff to develop an ordinance and guidelines for businesses who want to operate at these boat ramps and to conduct a stakeholder meeting. On March 28, 2018, staff conducted a stakeholder meeting with parties that may be affected by the ordinance and received significant feedback.

As a result of that meeting, staff updated its recommendations affecting use of public boat ramps and associating recreational areas and facilities. Included in the presentation will be the recommended operational guidelines for business use at each of the 11 boat ramps throughout the County. Staff will also review with the Board the outcome of the stakeholder meeting that led to the recommended changes.

This work session is for informational purposes, only; no action is required by the Board.

JVW/MS/am
Attachments

ORDINANCE NO. _____

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

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

10 **WHEREAS**, Orange County currently owns and operates several public boats ramps
throughout the County; and

12 **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
14 County’s public boat ramps and related recreational areas and facilities.

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

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

20 **CHAPTER 29. PARKS AND RECREATION**

 * * *

22 **ARTICLE III. CONDUCT IN COUNTY RECREATION**
 AREAS

24 * * *

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

28 (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 watercraft can be launched or retrieved.

(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 and associated recreational areas and facilities shall be set forth in a parks and recreation division regulation approved by the board of county commissioners.

(2) No person shall enter or remain on the premises of any public boat ramp or associated recreational area or facility outside of the established hours of operation, or for any purpose contrary to the intended use of the public boat ramp, recreational area or facility, as determined by parks and recreation division regulation approved by the board of county commissioners.

(3) No person shall dock, anchor or in any way secure a watercraft to any public boat ramp or associated recreational area or facility 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 or associated recreational area or facility ("county site") for commercial activity of any type unless otherwise provided in subsection (c) herein. Commercial activity prohibited by this section includes, but is not limited to, the following:

- i. Picking up or dropping off passengers;

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

82 (5) No person shall replenish or fill, or attempt to replenish or
84 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 or associated recreational area or facility.

86 (6) No person shall engage in draining, cleaning, or washing
88 activities, nor shall any person discharge bilge pumps or
 drain plugs, at any public boat ramp.

(c) *Exemptions.*

90 (1) Licensed commercial fishing guides are permitted to pick
92 up and drop off passengers at public boat ramps. All other
 provisions of this section shall remain in full force and
 effect as to licensed commercial fishing guides.

94 (2) Vendors providing specific services to Orange County
96 pursuant to a written agreement may conduct commercial
98 activity at public boat ramps pursuant to the terms and
 conditions of the agreement. In the event of a conflict
 between the provisions of any such agreement and this

section, the agreement shall prevail. All other provisions of this section not in conflict with such an agreement shall remain in full force and effect as to said vendors.

(3) Persons or entities with a valid license or permit issued pursuant to Orange County Parks and Recreation Division Operational Guideline 1.6.1 shall be permitted to conduct commercial activity at public boat ramps in accordance with said license or permit. All other provisions of this section not in conflict with said license or permit shall remain in full force and effect.

(d) *Enforcement.* The code enforcement board shall have jurisdiction to hear and decide violations of this section. Any person who violates any provisions of this section shall, upon code enforcement action, be punished according to Chapter 11, Code Enforcement, of the Orange County Code of Ordinances, as may be amended. The jurisdiction of the code enforcement board shall not be exclusive. 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 pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 20__.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____

Teresa Jacobs
Orange County Mayor

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

By: _____
Deputy Clerk

ORANGE COUNTY PARKS AND RECREATION
Division Operational Guidelines

NUMBER: 1.6.1

EFFECTIVE DATE: TBD

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 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:

- **Boat Tours**

- ~~R.D. Keene Park: Only one boat tour proposal will be accepted for this park. In the event more than one eligible boat tour business shows interest, Orange County Parks and Recreation will initiate the Term Contract process.~~
 - ~~The Term Contract process will be initiated and managed by Orange County's Procurement Division. For information on how to do business with Orange County, visit: <http://www.ocfl.net/VendorServices.aspx>~~
- R.D. Keene Park & Highway 50 Boat Ramp: All interested and eligible boat tour businesses must obtain an annual use permit from Orange County upon payment in the amount of \$3,000.00 and proof that the below eligibility requirements are met.

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:
 - ~~Must be an established Orange County business with a valid county business tax receipt.~~
 - ~~Provide proof of Florida State Sales Tax remittance.~~
 - The business must be a registered business entity with the Florida Division of Corporations.
 - The business cannot utilize subcontractors for tours at Orange County Parks; each vessel must be registered to the business.
 - 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.

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 4.
- Tournament organizers must follow all Parks Division guidelines for Facility Use Agreements and should make contact with venues at least a month in advance. Tournament participants are asked to manage their weigh-ins to allow for the least impact to park patrons or programs.

• **Fishing Guides**

- Each Fishing Guide must:
 - Purchase an annual pass, good for one year at all Orange County Boat Ramps,
 - Sign the business annual pass agreement
 - Any fishing guides using their own vessel will meet all insurance requirements as specified on page 5 and provide proof of insurance at the time of annual pass purchase.

• **Rentals**

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

- **Paddle Sports**

- A Concession Agreement 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://www.ocfl.net/VendorServices.aspx>

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	\$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

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

ORANGE COUNTY BOAT RAMP 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	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	Proposal Process; Only One Business Awarded 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
Warren Park	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Woodsmere Boat Ramp	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted

REQUIRED ITEMS AND/OR RELATED INFORMATION:
BOAT RAMP ANNUAL PASS AGREEMENT

BOAT RAMP ANNUAL PASS, EXAMPLE
BOAT RAMP LOTTERY PROCEDURES

PROGRAM MANAGER RESPONSIBILITIES	SUPERVISOR RESPONSIBILITIES	EMPLOYEE RESPONSIBILITIES
Ensure all employees under his/her jurisdiction are aware of this operational guideline. Ensure that supervisors in his/her section enforce this operational guideline.	Advise all employees of this operational guideline.	Read the guideline.

CONTRIBUTOR: Alicia Baxter

OWNER: Program Managers

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

NEXT REVIEW DATE: TBD

Approved:

*By Order of the Board of County
Commissioners*

Date: _____