

## ORDINANCE 1813

**AN ORDINANCE TO AMEND THE *CODE OF ORDINANCES*,  
ADOPTED JULY 24, 1989, AT CHAPTER 4, ALCOHOLIC BEVERAGES, BY THE  
ADDITION OF SECTION 4-8, POSSESSION OR CONSUMPTION ON BEACH  
PROJECT SAND AREAS DURING DESIGNATED TIME PERIODS, TO PROHIBIT  
THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON  
CERTAIN BEACH PROJECT SAND AREAS DURING THE PERIOD MARCH 1  
THROUGH APRIL 17 AND DURING SUCH EXTENDED PERIOD  
THEREAFTER AS MAY BE PROVIDED FROM TIME TO TIME BY  
RESOLUTION OF THE CITY COUNCIL AND TO PRESCRIBE PENALTIES FOR  
VIOLATIONS**

WHEREAS, beaches in this state represent one of the most valuable natural resources of Alabama and it is in the public interest to preserve and protect them; and

WHEREAS, there are approximately 8 miles of Gulf front beach within the City of Gulf Shores that have been renourished and restored by the City at public expense by means of beach restoration projects under the authority of Article 11 of Chapter 47 of Title 11 of the Code of Alabama, which the City finds to be a tremendous resource and asset to the community; and

WHEREAS, the City maintains the restored beach areas within its corporate limits, and regularly patrols, cleans and removes debris and trash from the beach projects, and exercises the authority to regulate activities upon the areas within the boundaries of the beach projects pursuant to Ala. Code § 11-47-251; and

WHEREAS, during a determinable period each spring the City experiences a high volume of college aged visitors who come to the City seeking relaxation and entertainment during a break from the rigors of academia; and

WHEREAS, during Spring Break college-aged visitors especially are drawn *en masse* to the sandy Gulf beach; and

WHEREAS, the City finds that daylong consumption of alcohol on the sandy Gulf beach is a marked pastime of many of these young visitors while they are here; and

WHEREAS, the City finds that this prolonged consumption to be directly associated with undesirable behaviors such as public urination, damage to sand berms, fences, and vegetation, and significant littering on the beaches; and

WHEREAS, the City finds that students under the influence of alcohol are also made vulnerable by that condition and their unfamiliarity with their surroundings, often creating opportunities for these students to be preyed upon by other revelers under the influence or persons engaged in criminal activities; and

WHEREAS, local residents have expressed concerns about binge drinking, public drunkenness, use of beer bongs and funnels, lewd behavior and large crowds who pose a risk for riots and serious crime, that have been observed with increasing frequency on Gulf beaches during college Spring Break; and

WHEREAS, alcohol-related or alcohol-induced issues, including fights and disorderly conduct, have in recent years increasingly taken away from other beach and crowd management priorities; and

WHEREAS, particularly in warmer weather, intoxicated individuals tend to ignore the flag warning system attempting to warn them out of rip-current areas and are less able to overcome challenging physical stressors; and

WHEREAS, the City finds that a policy regarding the consumption of alcohol during the period March 1 through April 17 bears a substantial relation to health, safety and welfare of visitors and residents, and that a limited prohibition of the possession and consumption of alcoholic beverages on the Gulf beaches during Spring Break is a valid exercise of police power that will substantially promote the health, safety and welfare of the community and particularly that of the residents and young visitors; and

WHEREAS, the use of the beach by the public generally, and the use of the private property by upland owners specifically, is not interfered with should the City prohibit the possession and consumption of alcohol on portions of the beach project, as all users of the beach may still enjoy access, bathing, boating and fishing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN SPECIAL SESSION ON MARCH 18, 2016, as follows:

Section 1. That Chapter 4, Alcoholic Beverages, of the *Code of Ordinances*, adopted July 24, 1989, be and it is hereby amended by the addition of Section 4-8 POSSESSION OR CONSUMPTION ON BEACH PROJECT SAND AREAS DURING DESIGNATED TIME PERIODS, reading in its entirety as follows :

Section 4-8 Possession or consumption on beach project sand areas during designated time periods.

During the period commencing March 1 at 12:01 AM and ending April 17 at 11:59 PM each year, and continuing during such additional extended period thereafter

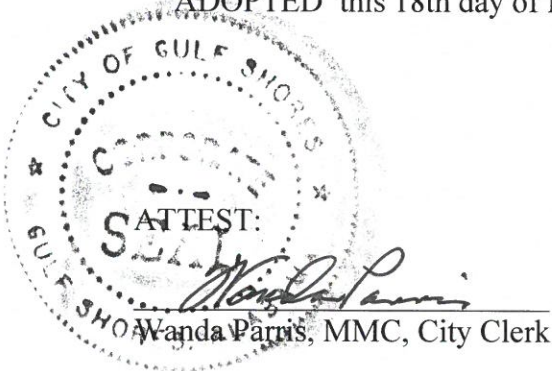
as may be provided from time to time by resolution of the City Council, it shall be unlawful for any person to possess or consume any alcoholic beverage on the sand of any portion of the beach project area lying east of the eastern boundary of the Bon Secour Wildlife Refuge, west of the western boundary of Gulf State Park, and seaward of the line of sand stabilization fencing installed by the City as part of the beach projects established on the Gulf front beaches within the corporate limits of the City of Gulf Shores. Any person violating this Section 4-8 shall be guilty of an offense, punishable as provided in Section 1-8(a) of the Code of Ordinances.

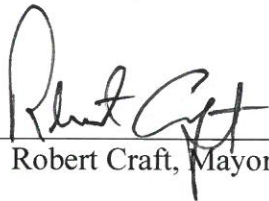
Section 2. That this Ordinance shall not be interpreted to repeal any other ordinance of the City of Gulf Shores or any provision of the law of Alabama adopted by operation of Section 1-8 of the City's Code of Ordinances.

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.

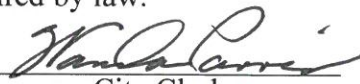
ADOPTED this 18th day of MARCH, 2016.



  
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.1813 (prepared by City Clerk), which Ordinance was duly and legally adopted at a special meeting of the City Council on March 18, 2016, and the same was duly published as required by law.

  
City Clerk