

ORDINANCE 1497

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATING TO BEACH SAFETY; REQUIRING THAT EACH BEACH COMMERCE BOOTH OR STALL BE OUTFITTED WITH THROWABLE PERSONAL FLOTATION DEVICES AND ESTABLISHING PENALTIES FOR VIOLATION; ALLOWING FOR THE SALE OR RENTAL OF PERSONAL FLOTATION DEVICES ON THE SANDY GULF BEACH; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, since its founding, the City has been blessed with the Gulf of Mexico's natural blessings, making it home to the "World's Most Beautiful Beaches;" and

WHEREAS, the Gulf of Mexico can experience turbulent conditions which may pose a danger to the millions of visitors and residents who visit her shores within the City each year; and

WHEREAS, swimmers who suffer distress during rapidly changing conditions are often without a flotation device that could extend the ability to tread water while rescuers come to their aide; and

WHEREAS, the City Council deems the availability of flotation devices both for swimmers and those who may attempt to rescue them is of paramount importance to the chances of successful open water rescues; and

WHEREAS, the City Council desires to make personal throwable flotation devices available to swimmers in distress while strongly cautioning any civilians against attempting rescues of distressed swimmers in red or double red flags.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this Ordinance, Section 7-22 of the City's Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 7-22. - "No lifeguard" and beach safety signage and equipment required.

(a) Any person managing or controlling a Beach Business which permits its business invitees to swim in the waters of the Gulf of Mexico behind such business shall at all times either:

1. Cause such business to furnish one or more Exclusive Lifeguards covering substantially all of its beachfront, where each Exclusive Lifeguard is responsible for no more than two hundred fifty (250) linear yards of beachfront and has a Tower in materially the center of his or her zone of responsibility, or
2. Conspicuously post at every public or common place of egress from such business to the sandy Gulf beach a sign in letters no less than four inches in height stating "No Lifeguard on Duty" and "Swim at Own Risk."

(b) In addition, any person managing or controlling a Beach Business which permits its business invitees to swim in the waters of the Gulf of Mexico behind such business shall at all times conspicuously post, at every public or common place of egress from such business to the sandy Gulf beach, signs in form and substance approved by the City Manager:

1. Explaining the flag warning system; and
2. Explaining and warning swimmers of rip currents.

(c) During all times when double red flags are flying, an owner or operator of a Beach Business shall conspicuously post a two-sided sign at any public or common place of egress from such business which states that the water is closed in substantially the following form:

**"WATER CLOSED TO PUBLIC.
ENTRY INTO GULF OF MEXICO
PUNISHABLE BY ARREST.**

SECTION 7-12, PCB CODE OF ORD.”

(d) Each booth or stall from which solicitation, sales, or rentals of Beach Amusements or Beach Services are conducted shall be equipped with two (2) United States Coast Guard approved Type IV throwable personal flotation devices conspicuously displayed on a booth/stall and available for emergency response.

(e) Violation of this section shall be punishable as a Class 1 Infraction pursuant to Section 7-501.

SECTION 2. From and after the effective date of this Ordinance, Section 7-81 of the City’s Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 7-81. - Same—Exemption of certain goods and services; purpose.

(a) The prohibition contained in Section 7-80 shall not apply to the immediate sale or rental within a booth or stall, or soliciting or canvassing from within a booth or stall, for the immediate sale or rental of the following goods or services in and from such sand beach areas:

- (1) Umbrellas;
- (2) Chairs;
- (3) Cabanas;
- (4) Personal Watercrafts;
- (5) Hobie Cats, Sunfish, Prindles and similar sailboats;
- (6) Sailboards (but not Kite-Boards);
- (7) Kayaks, Canoes and similar hand paddled boats;
- (8) Watercycles;
- (9) Floats and surfboards;

- (10) Parasail Rides, Kite Rides and Watersled Rides;
- (11) Sun protective oils and creams.
- (12) Beach Photography, including photographs subsequently purchased and delivered off the beach;

(13) U.S. Coast Guard approved personal flotation devices.

- (b) As used in this section, the term "booth or stall" shall mean an immobile structure or partial enclosure on the sand beach not exceeding fifty (50) square feet of gross horizontal space.
- (c) The purpose of these exemptions is to reasonably permit the solicitation and immediate sale or rental of certain goods and services which serve a public need in the sand beach areas and are not themselves a nuisance or detriment, without unreasonably interfering with the flow, recreation, enjoyment and privacy of persons otherwise upon the sand beach areas.
- (d) The goods permitted by this section to be placed upon the beach for rental or sale shall not be displayed, or stored or placed within thirty (30) feet landward of the primary wrack line or, if there be no primary wrack line, the scarf line or landward edge of the "wet sand" so as to avoid being an obstacle to emergency and other permitted vehicles.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this

Ordinance shall become the final and official record of the matters herein ordained.

Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect on March 1, 2020.

PASSED, APPROVED AND ADOPTED at the regular meeting of the

City Council of the City of Panama City Beach, Florida, this 12th day of September, 2019.



MAYOR

ATTEST:



CITY CLERK

EXAMINED AND APPROVED by me this 12th day of September, 2019.



MAYOR

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