

ORDINANCE 1532-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, FINDING THAT A PUBLIC EMERGENCY EXISTS; TEMPORARILY CLOSING A PORTION OF THE SANDY GULF BEACH FROM THE HOURS OF 10:00 P.M. TO 5:00 A.M.; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AS AN EMERGENCY MEASURE.

WHEREAS, the City of Panama City Beach (“City”) is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and may exercise its governmental, corporate, and proprietary powers for municipal purposes, including to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City is empowered, pursuant to section 166.041(3)(b), Florida Statutes, to adopt emergency ordinances by a two-thirds majority vote; and

WHEREAS, the World Health Organization, U.S. Health and Human Services Secretary, President of the United States, Governor of the State of Florida, and Bay County have all acknowledged and declared the outbreak of the novel coronavirus, COVID-19, to be an international, national, state, and local emergency; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52 authorizing, among other things, local governments to execute their authority under the State Emergency Management Act; and

WHEREAS, since March 17, 2020, the City Council has taken careful and measured action by Resolutions and Emergency Ordinances to balance the public health and safety while also monitoring the need to allow for recreational and commercial activity to safely continue; and

WHEREAS, on June 3, 2020, the Governor of the State of Florida issued Executive Order 20-139 enacting the “Phase 2: Safe. Smart. Step-By-Step. Plan for Florida’s Recovery” which expanded guidelines on safe congregations and recreational activities; and

WHEREAS, the City is home to the world's most beautiful beaches and serves as one of the nation's premier tourist destinations to over 4 million visitors per year while also serving as the permanent home for approximately 13,000 residents; and

WHEREAS, since the reopening of the City's beaches and the enactment of the Phase 2 Reopening, the City has seen an unusually large influx of visitors, and that many of these visitors are exhibiting an attitude of carefreeness and indifference for CDC guidelines regarding social distancing;

WHEREAS, the City has observed that the increase in the number of visitors has led to a corresponding increase in criminal activity, which in turn is inordinately straining the City's resources; and

WHEREAS, the circumstances set forth above have also led to a large increase in "pop-up events" on the sandy gulf beach in a densely populated area near the City's eastern border wherein large groups of young people gather at night on the beach engaging in criminal activity, increasing risks of COVID transmission, and creating unrest; and

WHEREAS, the Council finds that these large congregations present a danger to public health, safety and welfare; and

WHEREAS, the City Council finds that a temporary closure of the sandy gulf beach in a specific geographic area, specifically while the City hosts a high volume of visitors, will substantially advance the national, state, and local interest of mitigating the current threats to public safety in the City and allow the City to better protect its visitors from crime and from increased transmission of COVID-19.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. FINDING OF EMERGENCY. The foregoing recitals are true and correct, and incorporated herein as if set out in full. For the reasons set out in the above recitals, the Council finds and determines that the public health emergency facing the City combined with the large influx of visitors have overwhelmed the efforts of law enforcement to protect the community and the visitors themselves, and that the enhanced restrictions adopted by this ordinance are needed immediately to help address the dangers present in our nation, state, and community.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, the following terms shall have the meanings proscribed below:

- a. "Sandy Gulf Beach" means all loose or uncompacted sandy areas, including sand dunes and vegetated areas, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward boundary of the seaward most public vehicular right of way.
- b. "Beach access" means any public beach access points identified by the City Parks and Recreation Department, including associated boardwalks, walkways, and dedicated parking areas, and the area on the beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.

SECTION 3. CLOSING SANDY BEACH AND PUBLIC BEACH ACCESSES IN GEOGRAPHIC AREA. The Sandy Gulf Beach and all beach accesses located in the geographic area depicted on the map attached hereto as Exhibit "A" are closed each day from the hours of 10:00 p.m. through 5:00 a.m. and access shall be unlawful so long as this Ordinance remains in effect in accordance with Section 7.

SECTION 4. PENALTIES. Each violation of this ordinance shall constitute a separate offense punishable by imposition of a fine, not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed (30) days, or both.

Violations may be enforced by the issuance of a civil citation by a sworn police officer. A citation issued under this section may be contested in accordance with the Code Enforcement Hearing Officer System pursuant to chapter 25 of the City's Code of Ordinances.

SECTION 5. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

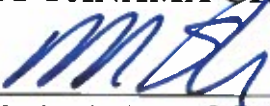
SECTION 6. SEVERABILITY. If any clause or portion of this ordinance is held invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage by two-thirds vote of the members of the City Council, without further reading or publication, to address the real and present public health emergency presented by the spread of the COVID-19 virus and shall remain in effect until 12:00 a.m., August 13, 2020, unless such date is otherwise extended by resolution of the City Council.


**THIS ORDINANCE** shall be effective immediately upon passage.

**PASSED** in regular session this 9<sup>th</sup> day of July, 2020.

**CITY OF PANAMA CITY BEACH**

By:   
Mark Sheldon, Mayor

**ATTEST.**

  
Jo Smith, City Clerk

Posted on [pcb.gov](http://pcb.gov) on the 10th of July, 2020.

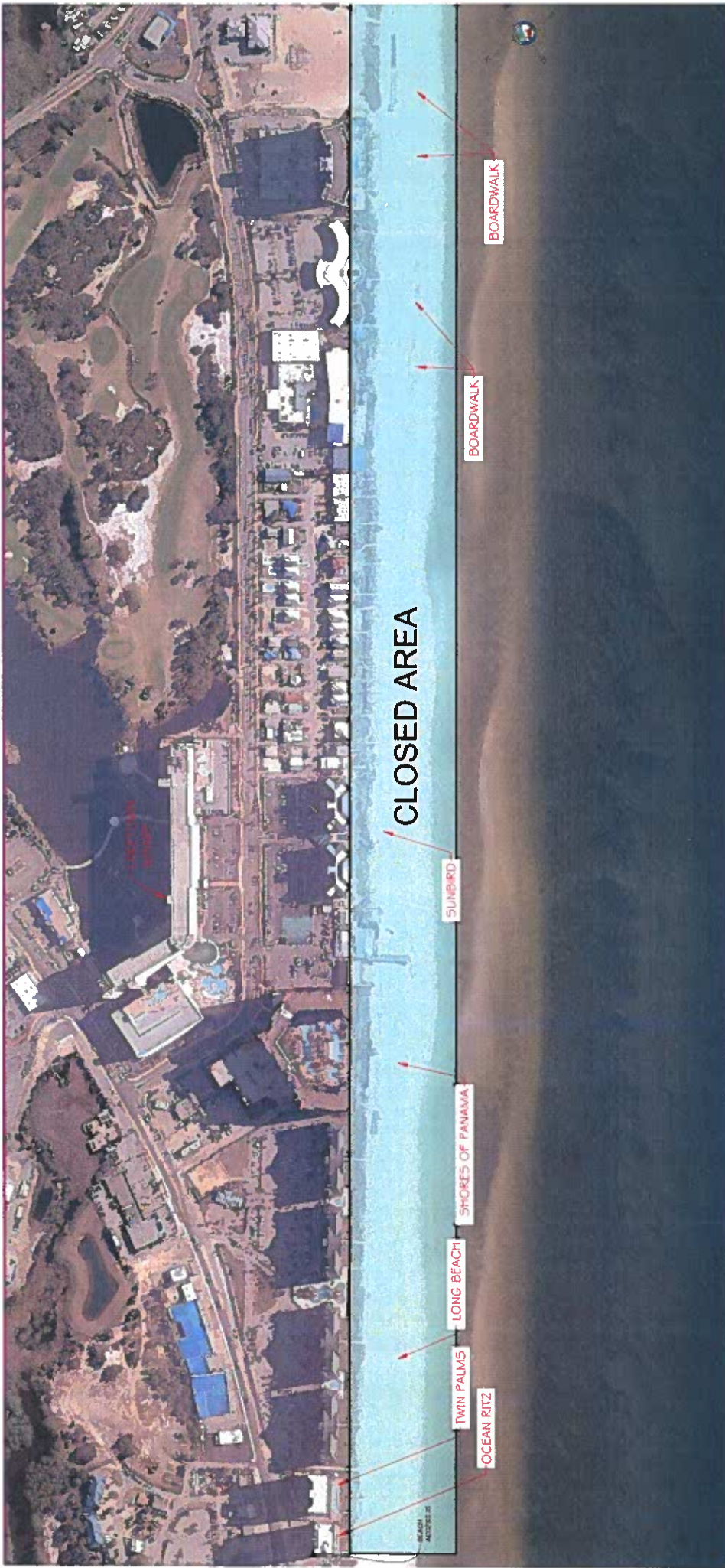


EXHIBIT A