

## ORDINANCE NO. 1597

**AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS; PROHIBITING SMOKING AND VAPING IN CITY PARKS AND ON CITY BEACHES; PROVIDING FOR EXCEPTIONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Article III, Chapter 4 of the Code of Ordinances of the City of Panama City Beach, related to Rules and Regulations for Park Use is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

### **ARTICLE III. - RULES AND REGULATIONS FOR TRAIL AND PARK USE**

#### **Sec. 4-51. - Definitions.**

As used in this section:

*City Beaches* shall mean and include the City's public beach access easements, and the sandy Gulf beach lying 400 feet east and west of the City's Russell-Fields Pier.

*City Parks* shall mean and include Frank Brown Park, Aaron Bessant Park, Maggi Still Park, Scott Field, Popeye Park, Conservation Park, Gayle's Trails, City Beaches and the Lyndell Conference Center.

*Gayle's Trails or trails* shall mean and include the recreational trails throughout the City and within Frank Brown Park and Panama City Beach Conservation Park, as well as those recreational trails proximate to those parks and leading to the Florida Greenways and Trails System, which are maintained for pedestrians by the City.

*Fishing Areas* shall mean and include the City's Russell-Fields Pier, and Frank Brown Park Youth Fishing Pond.

*Pet Friendly Areas* shall mean those parks or portions of parks designated by Ordinance or Resolution of the City Council for use by specified animals.

**Smoking shall mean inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.**

**“Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.**

**“Vapor” and “Vapor-generating electronic device” shall have the mean proscribed to it by section 386.203, Florida Statutes, as amended.**

**Sec. 4-52. – Rules of conduct for members of the public in City parks, generally.**

- (a) No glass. Possession or use of any glass container is prohibited.
- (b) No alcohol. Consumption of alcohol is prohibited unless permitted by the City Manager as part of a Special Event.
- (c) No hand controlled flying objects, including but not limited to drones and radio- or remote- controlled flying toys, except in designated areas.
- (d) Pets.
  - i. Except in enclosed areas designated for the unrestrained running of dogs or official training classes, pets must be kept on a leash at all times. This section shall not apply to service animals, while such animal is providing service to its owner.
  - ii. No more than two pets per person.
  - iii. All pets must wear tags indicating current shots and ID.
  - iv. Female dogs in heat, or dogs younger than 4 months old, are not permitted in City Parks.
  - v. Pets must be supervised and attended to at all times.
  - vi. Owners must immediately clean up after their pets by placing waste in the proper disposal stations.
- (e) Use of facilities:
  - i. No person shall enter or remain in any area of the park which is designated by the City as being closed to the public, nor shall any person use or abet the use of any area in violation of posted notices.
  - ii. No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit from the City.
- (f) Reservation of facilities. Except as provided below or as may be specifically permitted by Resolution of the City Council from time to time, park facilities are non-exclusive and available on a first-come, first served basis.
  - i. The following facilities must be reserved in advance: Frank Brown Park Festival Site for Special Events, Aaron Bessant Park

Amphitheater for Special Events, Athletic Fields for Tournament Play, Aquatic Center for Swim Meets or Special Events, Lyndell Meeting Room and/or Ballroom, Philip Griffiths Community Center Classroom and/or Gymnasium, and Beach Volleyball courts for Tournament play.

- ii. The following facilities may be reserved in advance: Frank Brown Park Pavilions, Conservation Park Pavilion, Conservation Park Outdoor Classroom.

(g) Parking.

- i. Overnight parking is prohibited.
- ii. Roadside parking is prohibited. Vehicles shall be parked in designated parking areas only.

(h) No tents without prior approval of Park staff. Any tent larger than 10x10 will need a permit issued by the City's Building Department, and an inspection by the City's Fire Department.

(i) No sale of goods or services, unless pursuant to permit issued by the City. Permitted vendors must set up only in the location approved by their permit, and timely comply with the City's business licensing requirements.

(j) It shall be unlawful to litter in City Parks.

(k) Playing golf, practicing golf strokes or striking a golf ball with a golf club is prohibited except in areas designated for these purposes.

(l) It shall be unlawful to mark, deface, disfigure, injure or tamper with or in any way damage or cause damage to park turf, facilities or improvements.

**(m) It shall be unlawful to Smoke or Vape in any City Parks or on any City Beaches except as follows:**

**i. Smoking unfiltered cigars.**

**ii. Smoking or Vaping in any smoking area clearly marked and designated by the City Manager.**

**iii. Smoking or Vaping by a person in a parked personal vehicle on City Parks or City Beaches property.**

**iv. When permitted by the City Manager as part of a Special Event. For any Special Event in any City Parks or City Beaches which allows Smoking or Vaping, the City Manager shall increase the deposit required by section 4-20(u) of this Code of Ordinances.**

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. 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 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 8<sup>th</sup> day of December, 2022.

  
MAYOR, MARK SHELDON

ATTEST:

  
CITY CLERK, LYNNE FASONE

EXAMINED AND APPROVED by me this 8<sup>th</sup> day of December, 2022.

  
MAYOR, MARK SHELDON

Published in the News Herald on the 17th day of November, 2022. Posted on pcbfl.gov on the 17th day of October, 2022.