

ORDINANCE 1615

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, TEMPORARILY CLOSING A PORTION OF THE SANDY GULF BEACH FROM THE HOURS OF 10:00 P.M. TO 4:00 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.

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 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, the City’s beautiful beaches continue to attract even larger crowds than in previous years; and

WHEREAS, since 2020, the City has seen 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, and creating unrest; and

WHEREAS, the Council finds that the circumstances creating a danger in 2020 continue today and present a danger to public health, safety and welfare; and

WHEREAS, the City Council finds that a temporary late night closure of the sandy gulf beach in a specific geographic area, specifically while the City hosts a high volume of visitors, will substantially advance public interest of mitigating the current threats to public safety in the City and allow the City to better protect its visitors and residents from crime.

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

SECTION 1. 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 2. CLOSING SANDY BEACH AND PUBLIC BEACH ACCESSES IN GEOGRAPHIC AREA. Beginning on March 10, 2023, and ending on April 30, 2023, 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 4:00 a.m. and access shall be unlawful so long as this Ordinance remains in effect in accordance with Section 7.

SECTION 3. 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 or by arrest. A civil 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 4. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 5. 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 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage by a majority vote of the members of the City Council, and shall remain in effect until 12:00 a.m., May 1, 2023, 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 9th day of March, 2023.

CITY OF PANAMA CITY BEACH

By: _____


Mark Sheldon, Mayor

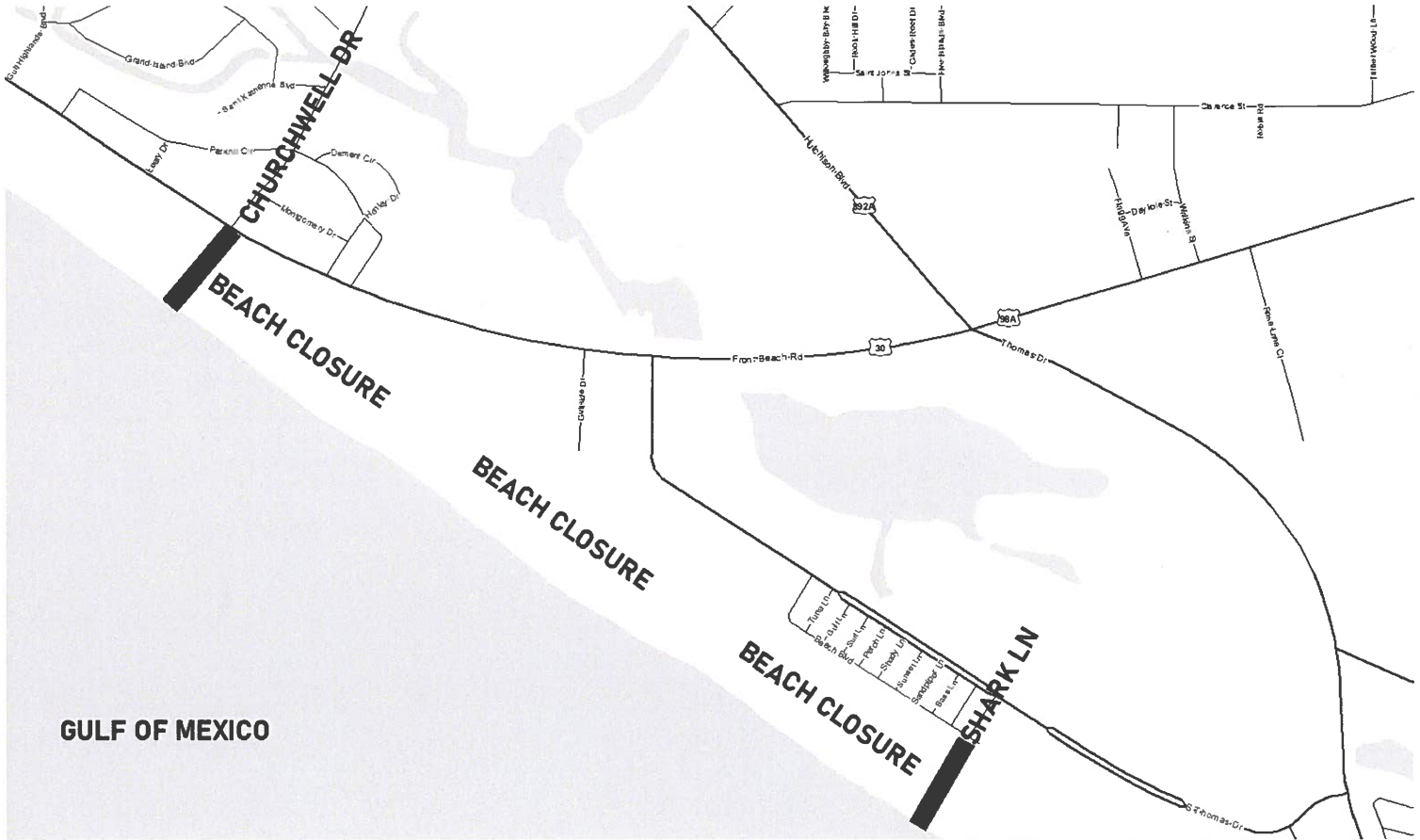
ATTEST:


Lynne Fasone, City Clerk

Posted on pcbfl.gov on the 23rd day of February, 2023.

Posted on publicnoticesbaycountyfl.gov on the 23rd day of February, 2023.

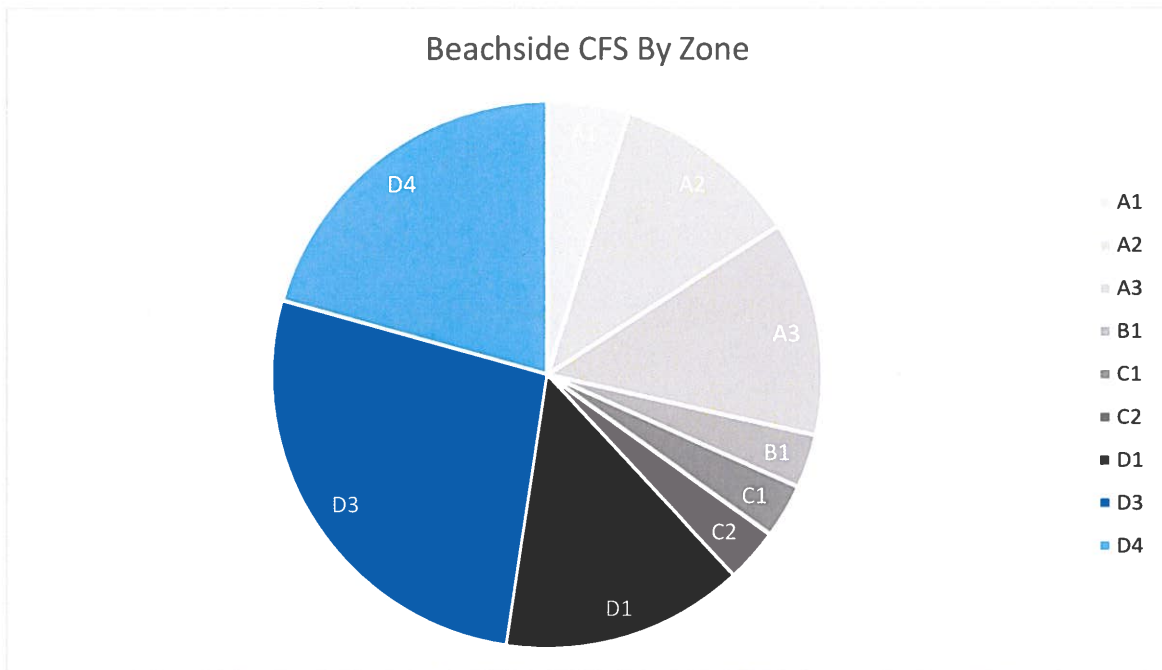




2021-2022 Spring Break Beachside Calls For Service (CFS) Data

Beachside near Pineapple Willy's and Shores of Panama	Beachside near Edgewater and Ocean Towers
<ul style="list-style-type: none"> • Total <ul style="list-style-type: none"> ○ 178 incidents requiring 393 officers for a total of 235 hours ○ Average: 79 minutes (1.3 hours) per incident • 10pm-7am <ul style="list-style-type: none"> ○ 54 incidents requiring 135 officers for a total of 121 hours ○ Average: 134 minutes (2.2 hours) per incident 	<ul style="list-style-type: none"> • Total <ul style="list-style-type: none"> ○ 39 incidents requiring 54 officers for a total of 10.5 hours ○ Average: 29 minutes per incident • 10pm-7am <ul style="list-style-type: none"> ○ 4 incidents requiring 5 officers for a total of 55 minutes ○ Average: 13.75 minutes per incident

Beachside CFS by Zone



- Zones D3&4 (Long Beach Resort to East of Boardwalk Beach Resort) make up almost 50% of beachside CFS.

AFFIDAVIT OF POSTING

BEFORE ME, the undersigned affiant, personally appeared, who after being duly sworn, deposes and says:

I, Cindy Kittler, hereby posted the Public Notice for Ordinance 1615 for the City of Panama City Beach, as set out below, which was published on February 23, 2023, on the Bay County Public Notices, online site <https://publicnoticesbaycountyfl.gov/>.



ORDINANCES

Public Notice

NOTICE IS HEREBY GIVEN that the following ordinance shall be presented to the City Council of the City of Panama City Beach, Florida, for a public hearing and final adoption at its regular meeting to be conducted at 6 P.M. on THURSDAY, March 9, 2023, or as soon thereafter as the matter may be heard, at City Hall located at 17007 Panama City Beach Parkway, Panama City Beach, Florida, to-wit,

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This meeting will be held at City Hall. The live meeting will be live-streamed on www.pcbfl.gov. All persons wishing to be heard on the adoption of this Ordinance are invited to appear.

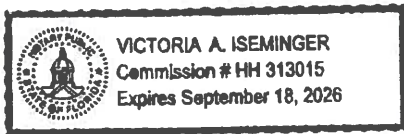
Any person requiring a special accommodation to participate in this meeting because of a disability or physical impairment should contact Lynne Fasone, the Panama City Beach City Clerk, Lynne.Fasone@pcbfl.gov or by phone at 850-233-5100 at least (5) calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8770 or (800) 955-8771 (TDD).

POSTED ON FEBRUARY 23, 2023
PANAMA CITY BEACH


Cindy Kittler, Affiant

STATE OF FLORIDA
COUNTY OF BAY

The foregoing Affidavit of Publication was sworn to and subscribed before me this 3RD day of MARCH, 2023, by Cindy Kittler who is personally known to me and did take an oath.




Signature of Notary Public



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Eusebio Talamantez, Police

2. MEETING DATE:

March 9, 2023

3. REQUESTED MOTION/ACTION:

Enact an ordinance to temporarily close the sandy beach between the hours of 10:00 p.m. and 4:00 a.m., from Beach Access 25 to Beach Access 36, March 10 to April 30, 2023.

4. AGENDA:

REGULAR AGENDA

**5. IS THIS ITEM BUDGETED
(IF APPLICABLE)?:** N/A

Detailed Budget Amendment Attached: N/A

6. IDENTIFY STRATEGIC PRIORITY:

Public Safety

N/A

N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Background Information: Request for Temporary Closure of Sandy Beach near Pineapple Willy's and Shores of Panama.

The City Council is requested to consider a temporary closure of the sandy beach between the hours of 10 PM to 4 AM, from Beach Access 25 to Beach Access 36, from March 10th to April 30th, 2023. The requested closure is based on data collected from the years 2021 and 2022, which indicate that the area near Pineapple Willy's and Shores of Panama has consistently proven to be a safety concern for beachgoers, residents, and police officers.

The data shows that, during the hours of 10 PM to 7 AM, the area near Pineapple Willy's and Shores of Panama has seen a high number of incidents requiring police presence compared to the area near Edgewater and Ocean Towers. In 2021 and 2022, there were 178 incidents in total near Pineapple Willy's and Shores of Panama, requiring 393 officers for a total of 235 hours, with an average of 79 minutes per incident. During the time period from 10 PM to 7 AM in the same years, there were 54 incidents requiring 135 officers for a total of 121 hours, with an average of 134 minutes (2.2 hours) per incident.

In comparison, the area near Edgewater and Ocean Towers had 39 incidents requiring 54 officers for a total of 10.5 hours, with an average of 29 minutes per incident. During the hours of 10 PM to

7 AM, there were only 4 incidents requiring 5 officers for a total of 55 minutes, with an average of 13.75 minutes per incident. This means that the number of incidents near Pineapple Willy's and Shores of Panama is over four times higher than the number of incidents near Edgewater and Ocean Towers, with a percentage difference of approximately 300%.

The data suggests that during the hours of 10 PM to 7 AM, our officers are continually faced with dangerous situations that involve large groups of unruly young adults and teenagers near Pineapple Willy's and Shores of Panama. Our officers are often out-numbered and having to respond to these incidents on a continuous basis increases the risk of a critical incident occurring. This activity has increased during high school spring break and it is for this reason that we are requesting the beach closure from March 10th to April 30th, 2023.

After careful consideration, it has been determined that the best solution would be to request the temporary closure of the sandy beach from 10 PM to 4 AM, instead of 7 AM. This is because the data shows that the majority of incidents requiring police presence near Pineapple Willy's and Shores of Panama occur between the hours of 10 PM and 4 AM, with a significantly lower number of incidents occurring after 4 AM.

This revised time frame will still allow for beachgoers to enjoy the beach during the day, while also ensuring the safety of all residents and police officers during the high-risk hours of the night. By limiting the closure to the hours when the majority of incidents occur, the impact on beachgoers will be minimized, while still providing a significant reduction in the potential for incidents and safety hazards.

The Council considered first reading of this Ordinance on February 23, 2023. Notice of a March 9, 2023 second reading and public hearing was posted on the Bay County public notice website on February 23, 2023.

[Ord 1615.Temporary Closure of Sandy Gulf Beach.SpringBreak2023.final.pdf](#)

[Beach Closure Map B&W.pdf](#)

[Beach Closure Map B&W \(2\).pdf](#)

[2021-2022_Spring_Break_Beachside_Data_1.pdf](#)

[Notice Ord 1615.pdf](#)