

ORDINANCE NO. 1614

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CITY'S CODE OF ORDINANCES RELATED TO AVIATION; PROVIDING FOR DEFINITIONS; REPEALING AND REPLACING REGULATIONS RELATED TO ENFORCEMENT; RESTRICTING THE USE OF AIRCRAFT ON PRIVATE AND PUBLIC PROPERTY; 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, Section 6-1 of the Code of Ordinances of the City of Panama City Beach, related to Definitions is amended to read as follows (new text **bold and underlined**, deleted text struckthrough):

Sec. 6-1. - Definitions.

The following words or phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

"Aircraft" shall mean any self-propelled motor vehicle or contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air. Aircraft shall not mean a glider, wing, balloon, parachute or other non-motorized aerial apparatus.

"Commercial Use" means the use of an Aircraft within the city limits for a commercial purpose, including aerial photography, aerial mapping, or geospatial imaging.

"Commercial User" means any company, entity or person who is in the business of flying an Aircraft for a commercial use.

"Drone" means an Aircraft that may be flown without a pilot or operator in or touching the Aircraft.

"Image" means a record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

“Imaging Device” means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

“Powered Paraglider” shall mean a type of Aircraft defined as a lightweight, free-flying, foot-launched glider wing with no rigid primary structure and powered by a motor (a “paramotor”) worn by the pilot on his or her back.

“Powered Paraglider Event” or *“event”* means a circumstance in which three or more Powered Paragliders take-off from the same general location or address on the sandy Gulf beach within a period of one hour and which is organized by an Event Organizer.

“Powered Paraglider Event Organizer” or *“Event Organizer”* means a firm or person which directly or indirectly performs any two or more of the following functions: solicits pilots to participate in the event; registers pilots to participate in the event, collects a fee from participants in the event, advertises the event, arranges a location for the event and procures goods and services for the event at that location, requires adherence to rules for participation in the event or accepts responsibility to oversee and conduct the event.

“Private Property” means any real property within the city which is privately owned and which is not public property.

“Public Property” means streets, rights-of-way, easements, parks, beaches, and other publicly owned parcels of land.

“Surveillance” means:

(1) With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or

(2) With respect to privately owned real property, the observation of such property's physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.

“Rotorcraft” shall mean a heavier-than-air aircraft that derives its support in flight principally from lift generated by one or more rotors.

“Rotorcraft” sightseeing business shall mean a business operated for profit by offering to the public primarily amusement or sightseeing rides in a rotorcraft routinely returning to the point of origin and not traveling to any point more than twenty (20) miles distance from the point of origin.

(Ord. No. 26-2, § 3, 2-24-83; Ord. No. 1237, § 1, 8-23-2012; Ord. No. 1275, § 1, 4-25-2013)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

SECTION 2. From and after the effective date of this ordinance, Section 6-6 of the Code of Ordinances of the City of Panama City Beach, related to Penalty is repealed entirely and replaced as follows (new text **bold and**

underlined, deleted text struckthrough):

Sec. 6-6. – Enforcement

- a. The City finds that a violation of any section of this Chapter presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature
- b. A violation of this Chapter shall be subject to the following fines:
 - i. If the violation is the first offense, a person or business shall receive a civil fine of two hundred fifty dollars (\$250.00);
 - ii. If the violation is the second violation within the preceding six (6) months, a person or business shall receive a civil fine of five hundred dollars (\$500.00);
 - iii. If the violation is the third or subsequent violation within the preceding twelve months (12) months, a person or business shall receive a civil fine of one thousand dollars (\$1,000.00); and
- c. A violation of section 6-8(d) shall be subject to the fines in double the amount set forth in section 6-6(b).
- d. Enforcement. In addition to any other penalty provided by law, compliance with this Article may be enforced by the remedies and procedures set forth in Chapter 25 of this Code (the Code Enforcement Hearing Officer System). This shall not preclude other law enforcement agencies from any action to assure compliance with this section and all applicable laws.

SECTION 3. From and after the effective date of this ordinance,

Section 6-8 of the Code of Ordinances of the City of Panama City Beach, related to Operation of Aircraft is created to read as follows:

Sec. 6-8. – Regulations of Aircraft on Private and Public Property

- a. Private Property. It is unlawful for a person to operate an *Aircraft over Private Property* at an elevation between zero (0) feet and five hundred (500) feet above the ground level of the *Private Property* without the express written permission of the owner of the *Private Property* over which the *Aircraft* is flying.
- b. Public Property. The use of any *Aircraft over Public Property* within the city limits is permitted only under the following restrictions:
 - i. A person shall not operate an *Aircraft over Public Property* equipped with an *Imaging Device* to record an *Image of Private Property* or of the owner, tenant, occupant, invitee, or licensee of such *Private Property* with the intent to conduct *Surveillance* on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her *Private Property* if he or she is not observable by persons located at ground level in a place where they have a legal right to be,

- regardless of whether he or she is observable from the air with the use of a *Aircraft*.
- ii. A person shall not operate any *Aircraft* over a *City Park* without the City's express written permission.
- c. Exemptions. This section shall not prohibit the use of a *Drone*:
- i. By an employee or a contractor of any local, county, state or federal governmental agency who uses a *Drone* solely for lawful governmental purposes.
 - ii. By an employee or a contractor of an electric, water, or natural gas utility who uses a *Drone* solely for utility purposes.
 - iii. For aerial mapping, if the person or entity using a *Drone* for this purpose is operating in compliance with Federal Aviation Administration regulations.
 - iv. To deliver cargo, if the person or entity using a *Drone* for this purpose is operating in compliance with Federal Aviation Administration regulations.
 - v. By a holder of a Special Event Permit who uses a *Drone* over the venue of that Special Event for purposes of capturing *Images* of the Special Event.
- d. Additional Violations. In addition to those violations enumerated above, the following are violations of this section, even under an otherwise authorized use or exception. No person or entity shall operate an *Aircraft* within the city limits:
- i. In a careless or reckless manner that poses an apparent or actual threat of harm, or actual harm to persons or property; or
 - ii. In such a manner as to intentionally harass, annoy, or assault a person or persons or to cause a public nuisance; or
 - iii. With the intent to conduct *Surveillance* on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent.
- e. Regulations Supplemental. The rules and regulations set forth in this section shall be cumulative and supplemental to those more specific regulations set forth in other sections of this Chapter.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 5. 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 6. 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 ____ day of _____, 2023.

MARK SHELDON, MAYOR

ATTEST:

LYNNE FASONE, CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2023.

MARK SHELDON, MAYOR

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

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