

ORDINANCE 1616

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATED TO BEACHES, BOATS, AND WATERWAYS; AMENDING DEFINITIONS; AMENDING THE REGULATIONS FOR FIRES ON THE BEACH; AMENDING THE QUALIFICATIONS FOR PERSONS ENGAGED IN BEACH COMMERCE; AMENDING THE REGULATIONS OF STORAGE BOXES AND CHAIRS ON THE BEACH; AMENDING THE REGULATIONS OF BEACH SAFETY CHANNELS FOR PERSONAL WATERCRAFT; REPEALING DIVISION 3 RELATED TO THE WATER SAFETY BOARD; AMENDING THE REGULATIONS OF BOOTHS OR STALLS USED IN BEACH COMMERCE; PROVIDING FOR THE LIMITED PROVISION OF FOOD AND NON-ALCOHOLIC BEVERAGE SERVICE ON THE SANDY GULF BEACH; AMENDING THE PROVISIONS FOR ENFORCEMENT PURSUANT TO THE CITY'S HEARING OFFICER SYSTEM; PROVIDING FOR SUSPENSION OR REVOCATION OF PERMITS OR CERTIFICATES ISSUED BY ORDER OF THE HEARING OFFICER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. From and after the effective date of this ordinance Chapter 7, Article 1 of the Panama City Beach Code of Ordinances is amended to read as follows (new text **blue** and underlined, deleted text **red** and ~~struck through~~):

Sec. 7-1. Diving from docks and piers prohibited.

- (a) The diving, jumping or leaping into the waters of the Gulf of Mexico from any dock or pier is hereby prohibited and made unlawful.
- (b) A violation of this Section shall be punishable as a Class 2 ~~Infraction~~Violation as provided in Section 7-502.

(Code 1973, § 13-38.1; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-2. Possession, use of glass containers on beach prohibited.

- (a) No person shall possess or utilize any glass container in or on any public park, pier or recreation area, or upon the ~~sandy beach~~Sandy Gulf Beach of the Gulf of Mexico, within the City limits.
- (b) A violation of this Section shall be punishable as a Class 3 ~~Infraction~~Violation as provided in Section 7-503.

(Ord. No. 291, § 1, 2-14-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 293, § 10, 4-11-85; Ord. No. 310, § 2, 6-12-86; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-3. Disclaimer of liability.

- (a) Neither the City nor any of its agents, officers or employees, shall be liable for any negligence, fault or wrongdoing of any person or business operating under the provisions of this entire chapter. The right of the City to enforce the provisions of this chapter shall not be construed as a duty, and the City shall not be responsible for failing to enforce any of the provisions of this chapter or for acting or failing to act upon any information obtained under this chapter.
- (b) The standards herein contained are minimum standards intended for the protection of the public generally under commonly prevailing circumstances.

(Ord. No. 293, § 10, 4-11-85; Ord. No. 310, § 2, 6-12-86; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98)

Sec. 7-4. Definitions.

As used in this Chapter:

- (a) *Beach Amusement* shall mean the rental, lease or hire within the city of a Personal Watercraft (as defined herein), Hobie Cat, Sunfish, Prindle or similar sailboat, sailboard, surfboard, boogie-board, Kayak, Canoe or similar hand paddled boat, watercycle or Water Amusement Park, Hydro-Flyer, or similar device, for use on or in the waters of the Gulf of Mexico, or the conduct or assistance in the conduct, in whole or in part within the city, of a Parasail, Kite or Watersled ride on or above the waters of the Gulf of Mexico, or the landing, departure or operation of a Shuttle Craft, or access to a Water Amusement Park or any other Beach Amusement, in exchange for a fee or value, or the solicitation, sale or arrangement of any of the same.
- (b) *Beach Business* shall mean any commercial enterprise operated in or through a permanent structure exceeding two thousand (2,000) square feet located adjacent to the ~~sandy Gulf beach~~Sandy Gulf Beach.
- (c) *Civil Citation* shall mean a citation authorized by Article IX and which may contribute to the revocation or suspension of a permit or certificate of compliance issued pursuant to this chapter.

- (d) *Beach Service* shall mean a person, firm or corporation primarily responsible for providing or offering Beach Commerce to the public at any one business or location, either personally or directly through an agent or employee, or indirectly through an independent contractor, sub-contractor, sub-sub-contractor, et cetera, other than an Owner-Operator.
- (e) *Beach Commerce* shall mean the rental or sale, or the solicitation or offering for the immediate rental or sale, on or about the ~~sandy Gulf beach~~ [Sandy Gulf Beach](#) of any of those goods and services listed in Section 7-81 herein, [a Beach Bonfire](#), or any Beach Amusement.
- (f) *Control or Management of a Beach Service* shall mean, but not be limited to, any one or more of the following activities by a natural person on behalf or for the benefit of a Beach Service:
- (1) Negotiation or entry of a contract with a Beach Business, landowner or lessor for the provision or offering of Beach Commerce.
 - (2) Negotiation or entry of a sub-contract with a person or business to offer or provide Beach Commerce at a particular location under the authority of a separate contract with a third party Beach Business, landowner or lessor.
 - (3) Providing direction or management for the operation of a Beach Service.
 - (4) Selecting or discharging employees, agents or independent contractors to offer or provide Beach Commerce.
- (g) *Control or Management of an Owner-Operator* shall mean, but not be limited to, any one or more of the following activities by a natural person on behalf or for the benefit of an Owner-Operator:
- (1) Negotiation or entry of a contract with a person or business, other than a Beach Service, to offer or provide Limited Beach Commerce at a particular location.
 - (2) Providing direction or management for the conduct of any Limited Beach Commerce, except through a Beach Service.
 - (3) Selecting or discharging employees, agents or independent contractors, other than a Beach Service, to offer or provide Limited Beach Commerce.
- (h) *Exclusive Lifeguard* shall mean a *Lifeguard* who:
- (1) Holds a valid Gulf Service Lifeguard Permit, and
 - (2) Is not engaged in any business or activity except acting as a Lifeguard for Gulf waters [including Lifeguards engaged as a part of a Beach Safety Services Agreement with the City](#), and
 - (3) Is in possession of the following, at a minimum:
 - (i) One rescue flotation device meeting specifications to be determined by the City ~~aquatics~~ [Beach Safety](#) department, and
 - (ii) One whistle or horn meeting specifications to be determined by the City ~~aquatic~~ [Beach Safety](#)s department, and
 - (iii) One basic first aid kit approved by the City ~~aquatic~~ [Beach Safety](#)s department, and

- (iv) Equipment to protect against blood-borne pathogens consistent with OSHA requirements, and
 - (v) Mask and snorkel, and
 - (vi) Swim fins, and
 - (vii) Cell phone to activate local EMS; and
- (4) Is wearing an easily identifiable uniform denoting the wearer as a trained rescuer (e.g. "Lifeguard," "Water Safety" but not "Beach Patrol") and denoting the Lifeguard's employer.
- (i) *Gulf Service* shall mean serving as a lifeguard for Gulf waters or beaches or their environs.
 - (j) *Hydro-Flyer*, sometimes called a hydro-board (foot-board) or hydro jet pack (back-pack), means any device intended or used to lift and support a human being on or above the surface of a body of water by a forced stream or streams of water and includes the Personal Watercraft used to generate the lift.
 - (k) *Hydro-Flyer Ride* means the use of a Hydro-Flyer.
 - (l) *Idle Speed* shall mean steerageway or that minimum speed necessary to steer the vessel.
 - (m) *Kayak* and *Canoe* shall mean a vessel powered by hand-held paddles and whose length at the waterline is at least 4.25 times its beam.
 - (n) *Kite-board* shall mean a surfboard or similar, often smaller, board upon which the rider stands and which is drawn through the water by a kite.
 - (o) *Kite Ride* or *Parasail Ride* means a ride in the air suspended under a kite or parasail or similar device towed by a Tow Boat.
 - (p) *Lifeguard* shall mean a person responsible for safety supervision of others in Gulf, pool, lake, pond or bay waters or beaches or their environs.
 - (q) *Lifeguard Permit* shall mean the permit issued pursuant to Section 7-17.
 - (r) *Limited Beach Commerce* shall mean the rental or sale, or the solicitation or offering for the immediate rental or sale, on or about the ~~sandy Gulf beach~~ [Sandy Gulf Beach](#) of umbrellas, cabanas, chairs, and sun protective oils or creams, but not floats or Beach Amusements.
 - (s) *Owner-Operator* shall mean a person, firm or corporation operating a Beach Business which person, firm or corporation is also primarily responsible for providing or offering Limited Beach Commerce to the public behind or at that same Beach Business either personally or directly through an agent or employee, or indirectly through an independent contractor, subcontractor, sub-subcontractor, et cetera.
 - (t) *Pool Service* shall mean serving as a lifeguard for a pool, lake, pond or bay or their environs.
 - (u) *Personal Watercraft* shall mean and include without limitation, a jet-ski, waverunner, personal watercraft as defined in Florida Statutes § 327.02(373)(20221991), or other motorized vessel designed to transport three (3) or less persons.

- (v) *Sailboard* shall mean a surfboard or similar, often smaller, board upon which the rider stands and which is propelled through the water by a mast and sail mounted on the board.
- (w) *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.
- (x) *Shuttle Craft* shall mean a Personal Watercraft or other motorized, impeller/jet driven watercraft (no exposed propeller) designed to carry passengers and used to transport customers between the beach and another Beach Amusement, or used to tow a watersled or other floating object for that purpose.
- (y*) *Surfboard or Boogie-Board* shall mean a platform used in the sport of surfing or bodyboarding, respectively; a surfboard being longer and more elongated than a Boogie-Board.
- (z*) *Tow Boat* shall mean a motorized vessel used to tow a sled, float, kite, parasail or similar device as a part of a Beach Amusement.
- (aaz) *Tower* shall mean a lifeguard tower placed on the ~~sandy beach~~ Sandy Gulf Beach seaward of the dune, building and vegetation line and at least six (6) feet in height measured vertically from ground level to the bottom of the seat.
- (bbaa) *Water Amusement Park* means one or more typically inflated amusements such as a water slide, sea-saw, trampoline, gym, house or other amusement, anchored in the Gulf in sufficiently close proximity to each other to be operated as a coordinated business.
- (ccbb) *Watersled Ride* means a ride on the surface of the water in or on a sled or float or other device towed by a Tow Boat.
- (Code 1973, 5-41; Ord. No. 293, § 1, 4-11-85; Ord. No. 318, § 1, 8-13-87; Ord. No. 409, § 1, 3-11-93; Ord. No. 425, § 1, 3-24-94; Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 1, 6-27-02; Ord. No. 1132, § 1, 9-25-08; Ord. No. 1183, § 1, 6-10-2010; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-5. Sifting sand at the conclusion of construction or demolition of gulf front structure.

No person shall construct, reconstruct, remodel, modify or demolish the exterior of any structure on any property located between the Gulf of Mexico and the southerly right-of-way of the closest improved public road, or cause any of the same to be done, without at the conclusion of such activity, sifting to a depth of twelve (12) inches with a one-inch (1") screen all sand or soil within twenty (20) feet of such activity and any place that materials, debris or equipment was stored during such activity, and disposing of all rubble and material so removed from the soil. In the event that the twenty-foot area described above extends into lands beyond the possession or control of such person, sifting the area across such boundary shall not be required. Failure to timely sift all areas required shall be an offense punishable as provided by Section 1-12 of this Code. Any lot or site not sifted as required by this law is declared a public nuisance which may be abated by the City pursuant to any of the remedies included or incorporated in Chapter 15 of this Code, including the right to place a first priority lien on the property for the cost thereof, or any other remedy provided by law.

(Ord. No. 519, § 1, 6-10-97; Ord. No. 568, § 1, 7-23-98)

Sec. 7-6. Reserved.

Sec. 7-7. Flag warning and rip current signs in rental rooms.

In each rental unit rented by the day or week there shall be posted or placed in a plainly legible fashion, in a conspicuous place in each rental unit for each occupancy, a sign in form and substance approved by the City Manager:

- (1) Explaining the flag warning system; ~~and~~
- (2) Explaining and warning swimmers of rip currents; and
- (3) Explaining the rules and penalties for entering the water when double red flags are flying in violation of section 7-12 of this Chapter.

(Ord. No. 1147, § 1, 4-23-09, eff. 5-22-09)

Sec. 7-8. Leave no trace and warning signs in rental rooms.

In each rental unit rented by the day or week there shall be posted or placed in a plainly legible fashion, in a conspicuous place in each rental unit for each occupancy, a sign in form and substance approved by the City Manager:

- (1) Explaining the "Leave No Trace" ordinance prohibiting tents and personal property on the beach at night; and
- (2) Warning beachgoers that any unattended tents or property left on the beach at night shall be deemed abandoned and become the property of Bay County or the City of Panama City Beach, and may be removed and disposed of by the appropriate authority.

(Ord. No. 1242, § 1, 1-10-2013, eff. 12-31-2012)

Sec. 7-9. Animals prohibited on beaches.

- (a) It shall be unlawful for any owner of an animal to cause or permit such animal into or upon the ~~sand beach~~ Sandy Gulf Beach areas between the waters of the Gulf of Mexico and the Coastal Construction Line established by the State Department of Environmental Protection.
- (b) Violation of this Section shall be punishable as a Class 3 ~~Infraction~~ Violation as provided in Section 7-503.
- (c) The City Council may, by specific resolution, except one or more beaches or beach parks within the City from the operation of this Section, allowing the presence of specified animals.
- (d) This Section shall not apply to any dog trained to aid disabled or handicapped persons, when any such dog is actually being used to assist any such person.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-10. No holes on beach.

- (a) No person shall possess on or about the ~~sandy-gulf-beach~~Sandy Gulf Beach a metal shovel of the type customarily sold in hardware stores (not a children's toy) unless part of a construction project permitted under the Florida Building Code or similar law.
- (b) No person shall dig a hole in the ~~sandy-Gulf-beach~~Sandy Gulf Beach deeper than two (2) feet below surrounding grade unless part of a construction project permitted under the Florida Building Code or similar law.
- (c) Violation of this Section shall be punishable as a Class 3 ~~Infraction~~Violation as provided in Section 7-503

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-11. Fires.

- (a) It shall be unlawful for any person to ignite or maintain, or participate in the maintenance of, a fire, bonfire, or campfire on the ~~sandy-gulf-beach~~Sandy Gulf Beach, without a permit issued by the City Fire Department as provided herein and in accordance with rules set by the City Fire Department (a "Beach Bonfire");
 - (1) No fire permit shall be issued to any person other than a registered ~~bonfire-vendor~~Beach Service or Owner-Operator with the City as evidenced by possession of a current business tax receipt issued pursuant to Chapter 14 of this Code.
 - i. Notwithstanding the foregoing, a fire permit may be issued to a bonfire vendor unaffiliated with a Beach Service or Owner-Operator where the location is not subject to an agreement with a Beach Service or Owner-Operator and upon written consent of the upland owner.
 - (2) No fires will be allowed within 250 feet of a marked turtle nest, within 50 feet of vegetation line or within 100 feet of any habitable structure. Any fire must cease immediately upon the discovery of an unmarked sea turtle nest or any other sea turtle activity within the distance limitation proscribed by this section.
 - (3) No fire permit using organic wood material shall be issued if wind conditions are greater than ten (10) miles per hour. Fires are strictly prohibited on January 1, July 4, and December 31.
 - (4) No fire permit shall be issued if the National Weather Service, Florida Forest Service, or county has issued a red flag fire warning, a no burn order, or when the City Fire Department determines that the proposed fire will endanger the public health, safety, welfare, or other people or property. All permitted fires must occur between the hours of 5:00 p.m. and 12:00 a.m. The site shall be cleaned of all debris and restored to its natural condition by 12:00 a.m. It shall be unlawful and a violation of this section for a

person to fail to clean up after the fire has been extinguished. No debris from the fire may be deposited in any public garbage receptacle on the ~~sandy beach~~ Sandy Gulf Beach.

- (5) All permitted fires must be fueled solely by propane gas or organic wood material via an elevated fire pit not to exceed three (3) feet in diameter. Burning of any material other than organic wood material or propane shall be a violation of this Code.
 - (6) The permit holder shall be present at all times on the site and shall have the signed permit available for inspection.
 - (7) Only one fire may be permitted for each separate location, as evidenced by a numerical address, or one for every two hundred (200) feet of Sandy Gulf Beach frontage, rounding up to the nearest hundred, whichever is fewer. ~~A maximum of ten (10) permits per day shall be issued on a first come first served basis.~~
 - (8) Notwithstanding the distance limitations provided by section (2) herein, any fire located within 400 feet of a marked turtle nest must be screened so as to reduce the fire's visible light to the nest. Permit holders shall erect protective screening in the manner and location required by the permit.
 - (9) Permit holders shall immediately contact the Police Department when hatchlings are or become present.
 - (10) A qualified applicant under this section may submit electronic fire permit application to the Building and Planning Department, the Fire Department and the Police Department.
 - (11) All permit holders have a duty to take reasonable measures necessary to protect nearby turtle nests whether marked or not from the potential adverse impact of the fire and associated activities.
- (b) All qualified applicants ~~persons~~ desiring to obtain a one-time permit for a fire on public or private land within the area described herein above shall apply for a fire permit from the City Fire Department. All applications for fire permits shall set forth in detail the following
- (1) Full name and address of the applicant;
 - (2) The date and time the fire is to be set;
 - (3) The fire pit or container to be used;
 - (4) The specific location of the fire;
 - (5) ~~Written consent of any upland private property owner(s)~~ Proof of a valid Beach Vendor contract with the upland owner, proof that the applicant qualifies as an Owner-Operator, or written consent of the upland private property owner where no Beach Vendor or Owner-Operator relationship exists at that location;
 - (6) The safeguards to be taken to protect the public and other property from injury including fire control equipment to be used on site; and
 - (7) Such other information as may be prescribed by the City Fire Department.

(8) ~~If burning organic wood material, the permit holder must supply a receptacle suitable for depositing any remains of the fire.~~ In addition to compliance with this section, organic wood fueled fires may only be permitted under the following additional conditions:

(a) The applicant must be a licensed bonfire vendor certified by the Fire Department to possess the requisite knowledge, skill, and resources to carefully conduct wood fires without creating a risk of injury to persons or property.

(b) The Fire Department has certified that the permittee has equipment capable of cooling and disposing of any debris, coals, and ash within the time provided by section (a)(4) of this section.

(c) At all times from the lighting of the fire to its extinguishment, the fire must be actively tended by the named permittee.

(d) The named permittee shall keep a 2.5-gallon water-based fire extinguisher tagged in compliance with NFPA 10 standard for portable fire extinguishers on site at all times.

(c) The fee for the issuance of the fire permit shall be fifty dollars (\$50.00) for a propane-fueled fire and seventy-five dollar (\$75.00) for an organic wood fueled fire or an amount otherwise set by resolution of the City Council.

(d) Issuance of a permit by the City shall not excuse or relieve the applicant from any liability or responsibility for damages which may result from carelessness or neglect in setting, starting, looking after, or guarding a fire.

(e) Any violation of this section shall constitute a Class 2 ~~infraction~~ Violation pursuant to Section 7-502 of this chapter and be otherwise punishable under this Chapter and Section 1-12 of this Code.

(Ord. No. 1411, § 1, 4-27-2018; Ord. No. 1529 , § 1, 8-13-2020)

Sec. 7-12. Failure to obey lawful order.

(a) The legislative intent of this section is to authorize City personnel to order persons to stay out of or come in from the Gulf of Mexico when double red flags are flying.

(b) Failure to obey an order to stay out of or come in from the Gulf of Mexico by a police officer, when reasonably known to be such an official, is hereby prohibited and made unlawful. Such order shall be made for the purpose of ensuring the safety of persons using the beach or waters of the Gulf of Mexico. Any person violating any provision of this section may be punished as follows:

1. First Offense: By issuance of a non-criminal civil penalty of five hundred dollars (\$500.00).
2. Second Offense: Misdemeanor of the second degree punishable by a fine of no more than five hundred dollars (\$500.00), or a sentence of not more than sixty (60) days in jail, or both.
3. Any uncontested civil penalty paid within twenty (20) days of the date of issuance shall be eligible for a fifty (50) percent discount.

- (c) Failure to obey an order to stay out of or come in from the Gulf of Mexico by any member of the City's fire rescue department or Code Enforcement Department, when reasonably known to be such a person, is hereby prohibited and made unlawful. Any person violating any provision of this section may be punished as follows:
1. First Offense: five hundred dollars (\$500.00).
 2. Second Offense: by a civil penalty of one thousand dollars (\$1,000.00).
 3. Any uncontested penalty paid within twenty (20) days of the date of issuance shall be eligible for a fifty (50) percent discount.
- (d) All fire rescue personnel of the City and any other City employees designated by the City Manager shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under section (b or c) may be contested in accordance with the provisions of Chapter 25 of the City's Code of Ordinance.
- (e) This section shall not apply to persons attached by a leash to a surfboard. A surfboard means a fiberglass, epoxy, closed-cell neoprene or closed cell Styrofoam instrument with one (1) or more fins or skegs attached to or inserted through the bottom, including windsurf boards and sailboards, but does not include rubber rafts, floats, belly boards, skim boards, or boogie boards.
- (Ord. No. 1494 , § 1, 8-8-2019; Ord. No. 1540 , § 1, 10-22-2020)

Secs. 7-13—7-15. Reserved.

SECTION 2. From and after the effective date of this ordinance, Chapter 7, Article III, of the Panama City Beach Code of Ordinances related to Lifeguards is amended to read as follows (new text **blue** and underlined, deleted text **red** and ~~struck through~~):

Sec. 7-16. Registration and permit required.

- (a) No person shall seek, secure or hold employment, or be self-employed or donate his services as a Lifeguard, who shall not have first registered with and secured and hold un-revoked a current Pool Service Lifeguard Permit or a Gulf Service Lifeguard Permit therefore, as appropriate, from the City (either a Lifeguard Permit).
- (b) Violation of this section shall be punishable as a Class 2 ~~Infraction~~Violation pursuant to Section 7-502.

(Code 1973, § 5-35; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1132, § 2, 9-25-08; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-17. Issuance of lifeguard permits by Beach Safety Department; fee; appeals.

- (a) Registrations shall be maintained and Lifeguard Permits issued by the ~~Police~~Beach Safety Department which shall, before issuance, determine that the applicant for any such permit is identified and qualified as required by Section 7-18.

- (b) A registration fee of fifteen dollars (\$15.00) shall be charged and paid by each applicant for such determination, registration and permit issuance.
- (c) Appeal from an adverse determination by the ~~Police~~Beach Safety Department may be made to the ~~Water Safety Board~~Hearing Officer by written notice delivered to the City ~~Manager~~Clerk, ~~as secretary to the Board,~~ within three (3) business days after such determination and specifying the grounds for appeal.
- (d) No application for a new permit shall be accepted within one (1) year after a final, adverse determination.

(Code 1973, § 5-36; Ord. No. 238, § 2, 4-22-81; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1132, § 2, 9-25-08)

Sec. 7-18. Application and qualifications.

- (a) Applications for a Lifeguard Permit shall include such information identifying the applicant and the business, if any, employing the applicant as shall be specified by the ~~Police~~Beach Safety Department.
- (b) Applicants for a permit required by this article for Pool Service (a Pool Service Lifeguard Permit) must be sixteen (16) years of age and hold a valid and current lifesaver's or lifeguard certificate issued to the applicant by the American Red Cross, the YMCA or equivalent training program approved or operated by the City ~~aquatics~~Beach Safety department.
- (c) Applicants for a permit required by this article for Gulf Service (a Gulf Service Lifeguard Permit) must hold a valid and current open water lifesavers or lifeguard certificate issued to the applicant by a program approved or operated by the City ~~aquatics~~Beach Safety department meeting the following, minimum open water standards:
 - (1) The program must require each applicant to meet the following, minimum prerequisites:
 - (i) Hold American Red Cross cardiopulmonary resuscitation for professional rescuer/automated external defibrillator training certification or American Heart Association Health Care Provider Certification; and
 - (ii) Hold First Aid and Safety certification from American Red Cross or a materially equivalent program approved by the City ~~aquatic~~Beach Safetys department; and
 - (iii) Pass a swim test of five hundred fifty (550) yards open water in less than ten (10) minutes.
 - (iv) Be eighteen (18) years of age.
 - (2) The program curriculum shall include, at a minimum, training approved by the City ~~aquatics~~Beach Safety department in:
 - (i) Aquatic risk management (water observation and pre-event planning); and
 - (ii) Code enforcement; and
 - (iii) Documentation of public contacts; and

- (iv) Hydrology and weather conditions; and
 - (v) Victim identification; and
 - (vi) Rescue techniques, including skill and endurance building drills, in small, moderate and large surf; and
 - (vii) Missing swimmer operations (search and rescue); and
 - (viii) Aquatic medical emergency management.
- (d) Notwithstanding the foregoing, applicants for a Lifeguard Permit who have previously held a Lifeguard Permit and a certificate described in subparagraph (b) or (c) above, both of which have expired by the passage of time not more than ~~nine~~ twelve (129) months prior to the application, and who are otherwise qualified for a Lifeguard Permit and have registered and are diligently pursuing renewal of such certificate, may be issued a temporary Lifeguard Permit by the ~~Police~~ Beach Safety Department which Permit shall expire upon the earlier of ~~forty-five~~ ninety (9045) days after issuance or the failure of such person to continue to be qualified, registered and diligently pursuing renewal of such certificate.

(Code 1973, § 5-37; Ord. No. 320, § 1, 9-10-87; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 639, § 1, 3-23-00; Ord. No. 1132, § 2, 9-25-08)

Sec. 7-19. Term and revocation of permit and appeals.

- (a) Each Lifeguard Permit shall expire on the December 31 next following issuance, regardless of when issued.
- (b) The permit of a Lifeguard who consumes any alcoholic beverage or drug while on duty or who is on duty while under the influence of any alcoholic beverage or drug shall be immediately revoked by the ~~chief of police~~ Beach Safety Director.
- (c) Appeal from a revocation by ~~the chief of police~~ the Beach Safety Director may be made to the ~~Water Safety Board~~ Hearing Officer by written notice delivered to the City ~~Manager~~ Clerk; ~~as secretary to the Board,~~ within three (3) business days after such determination and specifying the grounds for appeal.
- (d) No application for a new permit shall be accepted within one (1) year after a final revocation.

(Code 1973, § 5-38; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98)

Sec. 7-20. Unpermitted lifeguarding prohibited; insurance.

- (a) It is unlawful to employ or use any person as a Lifeguard who (i) does not hold a valid, current and appropriate (Pool Service or Gulf Service, as required) Lifeguard Permit and, (ii) does not comply with the provisions and limitations contained in this article.
- (b) It is unlawful for any person to provide Lifeguard services unless that person (i) holds a valid, current and appropriate (Pool Service or Gulf Service, as required) Lifeguard Permit and, (ii) complies with the provisions and limitations contained in this article.

- (c) No person shall employ a Lifeguard and offer his or her services as such to the public who is not insured against general public liability including, without limitation, lifeguard and water safety activities, in an amount not less than one million dollars (\$1,000,000.00) single limit.
- (d) Violation of this section shall be punishable as a Class ~~12 Infraction~~Violation as provided in Section 7-502.

(Code 1973, § 5-39; Ord. No. 238, § 1, 4-22-81; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 639, § 2, 3-23-00; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-21. Protective advertising without lifeguard prohibited.

- (a) The exhibition of any sign or other advertisement indicating protection to inhabitants or visitors of this City by a lifeguard, beach patrolman or similar title, unless there is on duty at the premises at which any such advertising occurs or to which it refers, a properly registered Lifeguard holding a valid and current Lifeguard Permit, is hereby made unlawful. If the premises involved are ~~on the sandy Gulf beach~~Sandy Gulf Beach, each such lifeguard shall be responsible for no more than four hundred (400) feet of beachfront. If the premises involved are a pool, each such lifeguard shall be responsible for no more than one (1) pool. A swimming pool with an adjacent kiddie pool or sauna, or both, shall be considered one pool.
- (b) Violation of this section shall be punishable as a Class 2 ~~Infraction~~Violation as provided in Section 7-502.

(Code 1973, § 5-40; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 639, § 3, 3-23-00; Ord. No. 1301, § 1, 7-10-2014)

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~~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~~Sandy Gulf Beach, signs in form and substance approved by the City Manager:

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- (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~~Violation pursuant to Section 7-501.

(Ord. No. 318, § 1, 8-13-87; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1132, § 2, 9-25-08; Ord. No. 1494, § 2, 8-8-2019; Ord. No. 1497, § 1, 9-12-2019)

Secs. 7-23—7-30. Reserved.

SECTION 3. From and after the effective date of this ordinance, Chapter 7, Article III, of the Panama City Beach Code of Ordinances related to Beach Commerce is amended to read as follows (new text blue and underlined, deleted text ~~red~~ and ~~struck through~~):

Sec. 7-31. Beach Service Businesses—Limitation and accountability.

- (a) The City finds that the only practical way to enforce reasonable safety regulations of Beach Commerce, including Beach Amusements, is to impose upon a single Beach Service, and where applicable the upland Owner-Operator to the extent that the Owner-Operator is conducting Beach Commerce alongside the Beach Service, at any given location the non-delegable duty to comply or cause compliance with all of the provisions of this chapter imposing certain obligations upon all of the various persons who may engage in Beach Commerce at that location, and further that a Beach Service is in a position to require and achieve such compliance.
- (b) No person, firm or corporation may offer or provide Beach Commerce except as a Beach Service or as an Owner-Operator duly permitted under this chapter.
- (c) Only one Beach Service may ~~operate~~conduct Beach Commerce at any time behind or at any Beach Business or lesser developed Gulf-front parcel of land under common ownership. Only one Owner-Operator may ~~operate~~conduct Beach Commerce at any time behind or at any Beach Business. Any type of Limited Beach Commerce lawfully offered or provided by an

Owner-Operator shall not be offered or provided by a Beach Service at the same time behind or at the same Beach Business.

- (d) The Beach Service holding the permit required by this chapter to engage in Beach Commerce at a particular location shall comply or cause compliance with all obligations imposed by this chapter on every person offering or providing any type of Beach Commerce at that location, including any employees or sub-contractors (except an Owner-Operator and any person acting under the authority of an Owner-Operator, lawfully offering or providing limited Beach Commerce) upon penalty of a Class 1 ~~Infraction~~Violation as more fully described below and revocation or suspension of such permit.
- (e) The Owner-Operator holding the permit required by this chapter to offer Limited Beach Commerce behind or at the Owner-Operator's Beach Business shall comply or cause compliance with all obligations imposed by this chapter on every person offering or providing Limited Beach Commerce, including employees and sub-contractors, at that location, upon penalty of a Class 1 ~~Infraction~~Violation as more fully described below and revocation or suspension of such permit.
- (f) Violation of this Section shall be punishable as a Class 1 ~~Infraction~~Violation as provided in Section 7-501. It shall not be a defense to such a civil citation that the Beach Service or upland Owner-Operator did not know of the violation, the City finding that the nature of the activities being regulated requires strict and vicarious liability at the top of the chain-of-command in order to practically achieve sufficient compliance with this Chapter 7 to protect the public health, safety and welfare. If the Beach Service or Owner-Operator is not a natural person, then all persons in Control or Management of the Beach Service or Owner Operator shall be jointly and severally liable for the penalty.

(Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 2, 6-27-02; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-31.5. Beach Service Businesses—Limitation on use of flags.

- (a) It shall be unlawful for any person, firm or corporation offering or providing Beach Commerce to fly or display, or permit to be flown or displayed, any flag, pennant or streamer in a color other than black and/or white on, from or above the waters of the Gulf of Mexico or the ~~sandy Gulf beach~~Sandy Gulf Beach seaward of the established line of construction or the coastal construction control line established by the Florida Department of Environmental Protection, whichever is closer to the Gulf water. An established line of construction exists where in the immediate contiguous or adjacent area a number of existing structures have established a reasonably contiguous and uniform construction line. Flag, pennant or streamer means any fluttering, non-stationary device made of flexible material designed, intended or used primarily to attract attention.
- (b) Violation of this Section by any person other than a Beach Service or Owner-Operator shall be punishable as a Class 2 ~~Infraction~~Violation pursuant to Section 7-502. Violation of this section by a Beach Service or Owner-Operator shall be punishable as a Class 1 ~~Infraction~~Violation pursuant to Section 7-501.

(Ord. No. 812, § 1, 8-28-03; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-32. Beach Services and Owner Operators—Permit required for each location.

- (a) It shall be unlawful for any Beach Service to provide or offer Beach Commerce at any location unless that Beach Service shall at that time hold a current and valid permit to operate at that particular location issued by the Police Department AND each person in Control or Management of the Beach Service at that location holds a valid and current certificate of compliance issued pursuant to this article. Each application for a permit shall include:
- (1) The name, mailing address, and principal place of business of the Beach Service, and
 - (2) The names, mailing and residence addresses of all persons who will participate in the Control or Management of the Beach Service and a copy of a current and valid certificate of compliance issued under this chapter for each such person, and
 - (3) The location for which a permit is sought and a survey or drawing certified by the applicant as correct and showing the major improvements and the linear feet of beachfront of such location, and
 - (4) A description of all Beach Commerce to be offered or provided at the location, including a description and number of each Beach Amusement, and
 - (5) Evidence of all insurance required by this chapter, and
 - (6) Evidence of payment of the applicable occupational license tax, and
 - (7) Payment of a permit fee in the amount of one hundred fifty dollars (\$150.00) to defray the cost of issuing such permit and enforcing the regulations contained in this Chapter, and
 - (8) Evidence of permission from the owner or person in possession of the upland property for the Beach Service (including its agents and independent contractors) to operate at that location, and for the customers of the Beach Service (including its agents and independent contractors) to use the upland restroom facilities, which permission shall state that it is un-revocable for the duration of the permit, and
 - (9) Evidence that the applicant has not had a permit issued pursuant to this Section for such location revoked by the City within the calendar year in which the application is made, and that any such permit is not the subject of a pending administrative or judicial action or appeal.
 - (10) Such other information as the Chief of Police shall deem necessary to implement this Chapter.
- (b) It shall be unlawful for any person to operate as an Owner-Operator, or to participate in the Control or Management of an Owner-Operator, unless the Owner-Operator holds a current and valid Owner-Operator permit to conduct Limited Beach Commerce issued by the Panama City Beach Police Department for the particular Beach Business where the Limited Beach Commerce is being offered or provided. No Owner-Operator shall be issued an

Owner-Operator permit unless such Owner-Operator shall demonstrate or provide all of the following:

- (1) The name and location of the Beach Business for which a permit is sought and a survey or drawing certified by the applicant as correct showing the major improvements and the linear feet of beachfront of such location.
 - (2) Evidence that the Owner-Operator owns or has the legal right to operate and control the Beach Business for which the permit is sought. Termination of such ownership or right to control shall immediately and automatically terminate the Owner-Operator permit.
 - (3) A certificate executed by the chief executive officer, partner, or sole proprietor of the Owner-Operator that all relevant management personnel of the Owner-Operator have read and have a personal, reference copy of a current version of this chapter.
 - (4) Evidence that the Owner-Operator has not suffered the revocation of any permit issued pursuant to this Article within the calendar year in which the application is made, nor is any such permit held by the Owner-Operator the subject of a pending administrative or judicial action or appeal.
 - (5) Payment of a registration fee in the amount of one hundred fifty dollars (\$150.00).
 - (6) Such other information as the chief of police shall deem necessary to implement this chapter.
- (c) Each permit shall expire on the December 31 next following issuance, regardless of the date of issuance.
- (d) Violation of this section shall be punishable as a Class 1 ~~Infraction~~Violation pursuant to Section 7-501.
- (Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 2, 6-27-02; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-33. Persons Operating a Beach Service—Certificate of compliance required.

- (a) It shall be unlawful for any natural person to participate in the Control or Management of a Beach Service unless such person holds a current and valid Beach Service certificate of compliance issued by the Police department. No person shall be issued a Beach Service certificate of compliance unless such person shall demonstrate or provide all of the following:
- (1) That such person has a minimum of two (2) summer seasons' (Memorial Day through Labor Day) experience (i) as an employee of a Beach Service personally working full time on or about the ~~sandy beach~~Sandy Gulf Beach within the past three years, or (ii) as an owner and operator of a Beach Service on the Panama City beaches before the passage of this law.

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- (2) That such person holds (i) a boater safety identification card issued by the Florida Department of Environmental Protection pursuant to F.S. § 327.395, regardless of such person's age, or (ii) a captain's license issued by the United States Coast Guard.
 - (3) That such person has read and has a personal, reference copy of a current version of this Chapter.
 - (4) That such person's certificate of compliance has not been revoked within the calendar year in which the application is made and that any such certificate is not the subject of a pending administrative or judicial action or appeal.
 - (5) Payment of a registration fee in the amount of ~~fifty-one~~ one hundred fifty dollars (\$150.00).
 - (6) Such other information as the Chief of Police shall deem necessary to implement this Chapter.
- (b) Each certificate of compliance shall expire on the December 31 next following issuance, regardless of the date of issuance.
 - (c) Violation of this section shall be punishable as a Class 1 ~~Infraction~~ Violation pursuant to Section 7-501.
- (Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 2, 6-27-02; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-34. Persons offering or providing Beach Commerce—~~Lifeguard permit~~ Safety training required and exception.

- (a) Except as provided in subsection (b), no person, business, Beach Service or Owner-Operator shall engage in Beach Commerce to the public at any location on the ~~sandy beach~~ Sandy Gulf Beaches of the Gulf of Mexico unless such person, or another person engaged in Beach Commerce at the same time and place, shall at a minimum hold a valid and current ~~Pool Service Lifeguard Permit~~ certification from the American Red Cross related cardio pulmonary resuscitation for professional rescuer/automated external defibrillator training or American Heart Association Health Care Provider Certification; and First Aid and Safety certification from American Red Cross or a materially equivalent program approved by the City Beach Safety department;
- (b) This Section shall not apply whenever such Beach Commerce is conducted from a location covered at the same time by an Exclusive Lifeguard.
- (c) ~~The legislative intent of this section is to require a minimum of training to improve the ability of persons engaged in beach commerce to protect themselves, the City finding that such commerce is frequently performed by young persons working on the water, in the water or at the water's edge, who are frequently willing to assist others in need. Compliance with this Section shall not be construed to designate the person holding a Lifeguard Permit as a Lifeguard or as an Exclusive Lifeguard, or impose upon such person the duties of a Lifeguard or Exclusive Lifeguard.~~

(d) Violation of this section by any person, business, Beach Service or Owner-Operator shall be punishable as a Class 3 ~~Infraction~~Violation pursuant to Section 7-503.

(Ord. No. 318, § 1, 8-13-87; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 639, § 4, 3-23-00; Ord. No. 745, § 2, 6-27-02; Ord. No. 1132, § 3, 9-25-08; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-35. Location of Beach Commerce—Setback.

(a) It shall be unlawful for any person, business, Beach Service or Owner-Operator to provide or offer Beach Commerce within ten (10) feet of the boundary line of the property on which such person, business, Beach Service or Owner-Operator is authorized to conduct such business.

(b) Violation of this section by any person other than a Beach Service or Owner-Operator shall be punishable as a Class 2 ~~Infraction~~Violation pursuant to Section 7-502. Violation of this section by a Beach Service or Owner-Operator shall be punishable as a Class 1 ~~Infraction~~Violation pursuant to Section 7-501.

(Ord. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 2, 6-27-02; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-36. Storage boxes and chairs.

(a) Beach Services or Owner-Operators may place storage boxes on the Sandy Gulf Beach subject to the following conditions:

1. Any storage box or similar structure located on the ~~sandy Gulf beach~~Sandy Gulf Beach shall be painted solid white and maintained in good repair and in a clean, neat, orderly and freshly painted condition with a maximum size of thirty-two square feet and a maximum height of four feet. From the effective date of this Ordinance, only one storage box may be placed on the Sandy Gulf Beach for each separate location or one for every one hundred (100) feet of linear frontage, rounding down to the nearest hundred, whichever is greater. Beginning on January 1, 2024, the spacing required by this section shall increase fifty (50) feet per calendar year until the spacing reaches a maximum of one storage box for every three hundred feet of linear Sandy Gulf Beach frontage.

2. In addition to the limitations on storage boxes set forth herein, any Beach Service or Owner-Operator offering Personal Watercraft for lease or hire may place one additional storage box at each location. This additional Personal Watercraft storage box will be limited to one per location regardless of the number of independent dwellings or physical addresses at the location.

3. Any storage box on the Sandy Gulf Beach shall be placed seaward of and parallel to the public trash receptacle line approximately twenty feet seaward of the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are

relocated as close as practicable to an existing permanent structure or the line of buildings.

4. All goods sold or used in the conduct of Beach Commerce shall be stored either off-site, in a storage box placed in accordance with this section or in a booth stored in accordance with section 7-81 of this Code. Surfboards and paddle boards may be stored in a neat and clean condition against the back of a booth or stall which shall be secured by a locked tether.
5. Any storage box or booth used for the storage or conduct of Beach Commerce shall be secured to prevent intrusion or theft when unattended.
6. Storage boxes or booths may not be used to store flammable liquids including but not limited to gasoline or liquid propane.
7. No sign or graphics shall be placed thereon except one (1) identifying plaque no more than two (2) square feet in size. Any person allowing or using a storage box or similar structure not in compliance with this Section shall be guilty of a separate violation of this chapter for each day such box or similar structure shall be out of compliance.

(b) Between sunset and sunrise, any Beach Commerce chair on the Sandy Gulf Beach shall be stored seaward of and perpendicular or parallel to the public trash receptacle line approximately twenty feet (20) seaward of the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings.

1. Stored Beach Commerce chairs shall be stacked in a neat and secure manner no higher than ten (10) chairs in a stack. Stored, stacked chairs shall be secured by a locked tether.

(c) Violation of this section by any person other than a Beach Service or Owner-Operator shall be punishable as a Class 2 ~~Infraction~~Violation pursuant to Section 7-502. Violation of this Section by a Beach Service or Owner-Operator shall be punishable as a Class 1 ~~Infraction~~Violation pursuant to Section 7-501.

(Ord. No. 639, § 5, 3-23-00; Ord. No. 1301, § 1, 7-10-2014)

Secs. 7-37—7-40. Reserved.

SECTION 4. From and after the effective date of this ordinance, Article IV of the Panama City Beach Code of Ordinances related to Boat and Water Safety is amended to read as follows (new text blue and underlined, deleted text ~~red~~ and ~~struck through~~):

Sec. 7-41. Adoption of state motorboat safety laws.

In the interest of public safety, there is hereby adopted the provisions of F.S. §§ 327.30 through 327.72, relating to the operation and maintenance of motorboats, and the same shall be applicable in all waters within the jurisdiction of the City.

(Code 1973, § 5-53; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98)

Sec. 7-42. Floating objects near piers prohibited.

- (a) The use or possession within or on the Gulf waters of the City, within ~~four~~one hundred (~~400~~100) feet of any dock or pier, of any surfboard or boat, whether powered or unpowered, or other floating devices of any nature whatsoever, except life jackets, life rafts or other devices intended and used primarily for lifesaving purposes, is hereby prohibited and made unlawful.
- (b) Violation of this Section shall be punishable as a Class 3 ~~Infraction~~Violation as provided in Section 7-503.

(Code 1973, § 5-54; Ord. No. 409, § 1, 3-11-93; Ord. No. 506, § 1, 9-26-96; Ord. No. 568, § 1, 7-23-98; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-43. Speed limit of boats, etc.

- (a) No person shall operate or assist in the operation of any motorboat, sailboat, sled, watercraft, Personal Watercraft or device of any nature propelled by any method, in or upon any water area within the City, at a rate of travel in excess of Idle Speed.
- (b) No person shall lease or hire within the City, as lessor or lessee, any motorboat, sailboat, sled, watercraft, Personal Watercraft or device of any nature propelled by any method, which is operated in the Gulf waters within nine hundred (900) feet of shore at a rate of travel in excess of Idle Speed.
- (c) Violation of this Section shall be punishable as a Class 2 ~~Infraction~~Violation as provided in Section 7-502.

(Code 1973, 5-55; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-44. Exceptions; permit required.

- (a) Exception from the speed limit imposed by section 7-43 may be made by permit for any organized water show or similar entertainment event. To obtain such a permit, the promoter, organizer or sponsor of the event shall make application therefor to the City Clerk, and shall:
 - (1) Present proof of general public liability insurance in an amount not less than one million dollars (\$1,000,000.00), naming the City as an additional insured and providing the City with a minimum of ten (10) days' notice of cancellation;
 - (2) Inform the clerk as to the time, date and location of the event; and
 - (3) Pay a permit fee in the amount of one hundred dollars (\$100.00).

Upon fulfillment of the requirements of subsections (1) through (3) and the applicant's acceptance of the regulations and requirements imposed under subsection (b), the City Clerk shall issue the applicant a permit.

- (b) The issuance of a permit under subsection (a) shall be subject to such reasonable safety regulations and requirements as may be imposed by the chief of police to whom is hereby delegated the responsibility to promulgate such regulations and requirements.
- (c) No permit shall be issued under subsection (a) by the City Clerk absent the concurrence of the chief of police.

(Code 1973, 5-56; Ord. No. 409, § 1, 3-11-93; Ord. 568, § 1, 7-23-98)

Secs. 7-45—7-60. Reserved.

DIVISION 2. BEACH AMUSEMENTS

Sec. 7-60.5. Amusements prohibited.

- (a) The rental, sale, solicitation, offering or conduct of any waterborne amusement, ride or watercraft not expressly permitted and regulated herein as a Beach Amusement is hereby prohibited.
- (b) Violation of this section by any person other than a Beach Service or Owner-Operator shall be punishable as a Class 2 ~~Infraction~~Violation pursuant to Section 7-502. Violation of this section by a Beach Service or Owner-Operator shall be punishable as a Class 1 ~~Infraction~~Violation pursuant to Section 7-501.

(Ord. No. 568, § 1, 7-23-98; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-61. Personal Watercrafts—Registration and fee required.

- (a) Each Personal Watercraft rented, leased or hired within the City shall be registered with the ~~P~~Police ~~D~~Deartment. The application for registration shall include:
 - (1) The name, residence and mailing address of the owner of the watercraft, and
 - (2) The name and mailing address of the person and business and, if different, the Beach Service offering the watercraft for rent, and
 - (3) The location where the watercraft will be rented, and
 - (4) A description of the watercraft, including a copy of its certificate of title, where applicable, and
 - (5) Evidence of Florida registration of the watercraft, where applicable, and

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- (6) A certificate of the insurance required by section 7-64 issued in favor of the City and stating that the City shall receive ten (10) days written notice in advance of cancellation, and
 - (7) An original of either the declaration page, a certificate, or other confirmation of insurance which has been executed or counter-signed by either an insurance agent licensed by the State of Florida, Department of Insurance or a Surplus Lines Agent licensed by the State of Florida, Department of Insurance to handle the placement of insurance coverages with insurers made eligible to issue insurance coverage under the Surplus Lines Law, and
 - (8) Such other information as the chief of police shall deem necessary to implement this chapter.
- (b) Each Personal Watercraft shall be the subject of a single application and each application shall be accompanied by a registration fee in the amount of twenty-five dollars (\$25.00) to defray the cost of conducting such registration and enforcing the regulations contained in this chapter.
 - (c) The Police department shall assign a registration decal, including a number or letter and a colored field, for each Personal Watercraft.
 - (d) Each registration shall expire on the December 31 next following issuance, regardless of the date of issuance.

(Ord. No. 293, § 4, 4-11-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 462, § 1, 1-9-96; Ord. No. 522, § 2, 8-12-97; Ord. No. 568, § 1, 7-23-98)

Sec. 7-62. Reserved.

Sec. 7-63. Beach Amusements—Registration and fee required.

- (a) Each Tow Boat pulling a Parasail, Kite or Watersled rented, leased or hired within the City as part of a Parasail, Kite or Watersled Ride, together with its Shuttle Craft, and each Hydro-Flyer, and if different its Shuttle Craft, shall be registered with the Police Department. The application for registration shall include:
 - (1) The name, residence and mailing address of the owner of the registered device, and
 - (2) The name and mailing address of the person and business and, if different, the Beach Service offering the rental or amusement, and
 - (3) The location where the rental or amusement will be offered, and
 - (4) A description of the Tow Boat, Shuttle Craft, and the device to be pulled, or of the Hydro-Flyer, and if different its Shuttle Craft, including a copy of the certificate of title where applicable, and
 - (5) Evidence of Florida registration of the Tow Boat and Hydro-Flyer, and if different its Shuttle Craft, and

- (6) A certificate of the insurance required by Section 7-64 issued in favor of the City and stating that the City shall receive ten (10) days written notice in advance of cancellation, and
 - (7) An original of either the declaration page, a certificate, or other confirmation of insurance which has been executed or counter-signed by either an insurance agent licensed by the State of Florida, Department of Insurance or a Surplus Lines Agent licensed by the State of Florida, Department of Insurance to handle the placement of insurance coverages with insurers made eligible to issue insurance coverage under the Surplus Lines Law, and
 - (8) If no Shuttle Craft is included in the application, a written statement of how the applicant intends to lawfully operate the amusement and transport customers to ride.
 - (9) Such other information as the Chief of Police shall deem necessary to implement this chapter.
- (b) Each such Tow Boat and Shuttle Craft and each Hydro-Flyer, and if different its Shuttle Craft, shall be the subject of a single application and each application shall be accompanied by a registration fee in the amount of fifty dollars (\$50.00) to defray the cost of conducting such registration and enforcing the regulations contained in this chapter.
 - (c) The Police department shall assign a registration decal, including a number or letter and a colored field, for each Tow Boat and Shuttle Craft or each Hydro-Flyer and if different its Shuttle Craft.
 - (d) Each registration shall expire on the December 31 next following issuance, regardless of the date of issuance.

(Ord. No. 293, § 5, 4-11-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 462, § 2, 1-9-96; Ord. No. 522, § 3, 8-11-97; Ord. No. 568, § 1, 7-23-98; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-64. Insurance required.

- (a) Each Personal Watercraft, each combination Tow Boat and Parasail, Kite, or Watersled Ride, and each Shuttle Craft, Hydro-Flyer and Shuttle Craft rented, leased or hired within the City, and each Beach Amusement Park drawing patrons from the City, shall be insured against bodily injury and property damage in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence, or such insurance as is required by the State of Florida, whichever provides the greater limits and protection of the public.
- (b) Additionally, each person and business renting such devices, or offering or assisting such rides or offering or assisting in access within the City to a Beach Amusement Park, and the applicable Beach Service if different, shall maintain commercial general liability insurance with combined single limits (covering bodily injury, personal injury and property damage) of not less than one million dollars (\$1,000,000.00) per occurrence.
- (c) The insurance required under this section shall be underwritten by an insurer authorized by the State of Florida, Department of Insurance to transact business in the State of Florida or

an unauthorized insurer which has been made eligible by the State of Florida, Department of Insurance to issue insurance coverage under the Surplus Lines Law, Sections 626.913—626.937 F.S.

(Ord. No. 293, § 2, 4-11-85; Ord. No. 304, § 1, 4-24-86; Ord. No. 409, § 1, 3-11-93; Ord. No. 462, § 3, 1-9-96; Ord. No. 568, § 1, 7-23-98; Ord. No. 620, § 1, 3-25-99; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-65. Beach Amusements—Lifeguard permit required.

- (a) Except as provided in subsection (b), no person, business or Beach Service shall provide or offer a Beach Amusement to the public at any location on the ~~sandy beach~~Sandy Gulf Beaches of the Gulf of Mexico unless such person, or another person providing or offering the same or another Beach Amusement at the same time and place, shall at a minimum hold a valid and current Pool Service Lifeguard Permit.
- (b) This section shall not apply whenever such Beach Amusement (i) consists of either four (4) or less Personal Watercrafts or a single parasail, kite or similar ride, and (ii) is provided at the same time and place as a lawfully operating Beach Service.
- (c) The legislative intent of this section is to require a minimum of training to improve the ability of persons engaged in beach commerce to protect themselves, the City finding that such commerce is frequently performed by young persons working on the water, in the water or at the water's edge, who are frequently willing to assist others in need. Compliance with this section shall not be construed to designate the person holding a Lifeguard Permit as a Lifeguard or as an Exclusive Lifeguard, or impose upon such person the duties of a Lifeguard or Exclusive Lifeguard.
- (d) In the event of a conflict between this Section 7-65 and Section 7-34, or any similar law replacing or superseding Section 7-34, this Section shall prevail.
- (e) Violation of this section by any person other than a Beach Service or Owner-Operator shall be punishable as a Class 2 ~~Infraction~~Violation pursuant to Section 7-502. Violation of this section by a Beach Service or Owner-Operator shall be punishable as a Class 1 ~~Infraction~~Violation pursuant to Section 7-501.

(Ord. No. 293, § 3, 4-11-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 639, § 6, 3-23-00; Ord. No. 1132, § 4, 9-25-08; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-66. Beach Amusements—Prohibited acts.

- (a) It shall be unlawful for any person to rent, lease or hire within the City, a Personal Watercraft for use on or in the waters of the Gulf of Mexico, or solicit the same within the City, unless:
 - (1) Such watercraft is insured as required by this chapter and registered with the City in the name of the person of business offering the watercraft to the public and listing the applicable Beach Service, if different.

- (2) Each person and business renting such watercraft, and the applicable Beach Service if different, is insured, all as required in this chapter; and
 - (3) There is provided for each rental location a water channel perpendicular to the shoreline but not landward of the "wet sand" so as to avoid being an obstacle to emergency and other permitted vehicles, not less than ten (10) feet ~~in width~~ and no greater than thirty (30) feet in width, and marked by at least (i) one yellow, orange or red buoy not less than seventy-five (75) inches in circumference and anchored nine hundred (900) feet from the shoreline, (ii) two (2) yellow, orange or red buoys not less than fifty (50) inches in circumference and anchored ten (10) feet apart and approximately three hundred (300) feet from the shoreline, and (iii) two yellow, orange or red buoys not less than thirty-six (36) inches in circumference and anchored ten (10) feet apart and approximately fifty (50) feet from the shoreline, and (iv) two orange or red cones or signs not less than twenty-eight (28) inches high erected at the waterline, and all rented watercraft are required to leave and return to the beach through such channel; and
 - (4) There shall be posted, within fifty (50) feet landward of such channel a sign posting the established speed limit of Idle Speed for all rented watercraft within nine hundred (900) feet of shore.
- (b) It shall be unlawful for any person to conduct or assist in conducting, in whole or in part within the City (the City limits extending into the Gulf of Mexico three hundred (300) feet from the shoreline), a Parasail, Kite, Watersled or Hydro-Flyer Ride.
 - (c) It shall be unlawful for any person within the City to solicit, sell, or arrange, or assist another in the solicitation, sale or arrangement of, a Parasail or Kite Ride on or above the waters of the Gulf of Mexico in exchange for a fee or value, unless:
 - (1) The Tow Boat, Parasail or Kite Ride and the Shuttle Craft are insured and registered, and each person and business offering or assisting such ride is insured, all as required under this chapter; and
 - (2) A current registration decal issued under this chapter is permanently affixed to the Tow Boat and the Shuttle Craft; and
 - (3) The aerial ride originates in, is conducted and ends on the waters of the Gulf of Mexico, the parasail ("chute") or kite or other aerial device is never closer than three hundred (300) feet from the shoreline, and the Tow Boat operates at Idle Speed at all times that it is less than nine hundred (900) feet from the shoreline, except in an emergency; and
 - (4) The aerial ride originates and is conducted at all times no closer than one (1) statute mile from any other operating Parasail or Kite Ride, except in an emergency; and
 - (5) The person and business soliciting, selling or arranging the aerial ride shall take all immediate measures which a reasonable, experienced operator of a parasail ride would believe to be effective to prevent unsafe operation of the Shuttle Craft or parasail ride, including suspension of business at any time when the near shore waters are congested with swimmers, personal watercraft or other boats, or operation is complicated by

adverse weather conditions, or both. Unsafe operation shall mean operation that under the circumstances creates any unusual or unnecessary risk of personal injury or property damage; and

- (6) Patrons are transported to the Tow Boat by Shuttle Craft so that neither the Tow Boat nor other larger or propeller driven watercraft is required to routinely enter the waters of the City, and such Shuttle Craft and Tow Boat are operated by a captain licensed as such by the United States Coast Guard whenever patrons are being transported; and
 - (7) The Tow Boat is equipped with no more than six hundred (600) feet of tow line or cable connecting the parasail ("chute") or kite to the Tow Boat.
- (d) It shall be unlawful for any person within the City to solicit, sell, or arrange, or assist another in the solicitation, sale or arrangement of, a Watersled Ride on the waters of the Gulf of Mexico in exchange for a fee or value, unless:
- (1) The Tow Boat and the sled, float or other device used in such ride, and the Shuttle Craft, are insured and registered, and each person and business offering or assisting such ride is insured, all as required under this chapter; and
 - (2) A current registration decal issued under this chapter is permanently affixed to the Tow Boat and the Shuttle Craft; and
 - (3) The ride originates in, is conducted entirely over, and ends on the waters of the Gulf of Mexico more than nine hundred (900) feet from the shoreline, except in an emergency; and
 - (4) The ride originates and is conducted at all times no closer than one-half ($\frac{1}{2}$) statute mile from any other operating Watersled Ride or Parasail or Kite Ride or Hydro-Flyer Ride, except in an emergency; and
 - (5) The person and business soliciting, selling or arranging such ride shall take all immediate measures which a reasonable, experienced operator of a watersled ride would believe to be effective to prevent unsafe operation of the Shuttle Craft or watersled ride, including suspension of business at any time when the nearshore waters are congested with swimmers, personal watercraft, or other boats, or operation is complicated by adverse weather conditions, or both. Unsafe operation shall mean operation that under the circumstances creates any unusual or unnecessary risk of personal injury or property damage; and
 - (6) Either (i) the occupied watersled is towed at Idle Speed from and to the shore by a Shuttle Craft, or (ii) patrons are transported to the Tow Boat by Shuttle Craft so that neither the Tow Boat nor other larger or propeller driven watercraft is required to routinely enter the waters of the City. In addition, such Shuttle Craft and Tow Boat shall be operated by a captain licensed as such by the United States Coast Guard whenever patrons are being transported or towed.
- (e) It shall be unlawful for any person within the City to solicit, sell, or arrange, or assist another in the solicitation, sale or arrangement of access to a Water Amusement Park on the waters

of the Gulf of Mexico, or to operate a Water Amusement Park within the City limits, in exchange for a fee or value, unless:

- (1) Each patron is required to wear, and does wear, a personal flotation device approved by the Coast Guard for the purpose; and
 - (2) Each amusement device and vessel used in the operation and maintenance of the Water Amusement Park, and each Shuttle Craft, if any, are insured and registered, and each person and business offering or assisting in the operation of the Park is insured, all as required under this chapter; and
 - (3) A current registration decal issued under this chapter is permanently affixed to any Shuttle Craft; and
 - (4) The person and business soliciting, selling or arranging such access, and responsible for operating a Park within the City limits, shall take all immediate measures which a reasonable, experienced operator of a Water Amusement Park would believe to be effective to prevent unsafe operation of any aspect of the Park or the Shuttle Craft, including suspension of business at any time when the Gulf waters are rough or congested with swimmers, personal watercraft, or other boats, or operation is complicated by adverse weather conditions, or both. Unsafe operation shall mean operation that under the circumstances creates any unusual or unnecessary risk of personal injury or property damage; and
 - (5) Either patrons individually swim out to the Water Amusement Park or patrons are transported to the Park by Shuttle Craft so that no larger or propeller driven watercraft is required to routinely enter the waters of the City, and such Shuttle Craft is operated by a captain licensed as such by the United States Coast Guard whenever patrons are being transported; and
 - (6) The Water Amusement Park contains five (5) or less inflated amusements; and
 - (7) Each amusement is anchored not less than three hundred (300) feet from shore and in a depth not less than the minimum recommended by the manufacturer of that particular amusement.
- (f) It shall be unlawful for any person to within the City to solicit, sell, or arrange, or assist another in the solicitation, sale or arrangement of, a Hydro-Flyer Ride on the waters of the Gulf of Mexico in exchange for a fee or value, unless:
- (1) The Hydro-Flyer, the impeller driven craft providing the water flow (which may also be the Shuttle Craft) and the Shuttle Craft, if separate, are insured and registered, and each person and business offering or assisting such ride is insured, all as required under this chapter; and
 - (2) A current registration decal issued under this chapter is permanently affixed to the impeller driven craft providing the water flow and, if separate, the Shuttle Craft; and
 - (3) The ride originates in, is conducted and ends on the waters of the Gulf of Mexico never closer than three hundred (300) feet from the shoreline; and

- (4) The ride originates and is conducted at all times no closer than one hundred (100) yards from any other operating Beach Amusement device; and
 - (5) The person and business soliciting, selling or arranging the ride shall take all immediate measures which a reasonable, experienced operator of a Hydro-Flyer Ride would believe to be effective to prevent unsafe operation of the Shuttle Craft, the pump, the foot-board or the back-pack, including suspension of business at any time when the near shore waters are congested with swimmers, personal watercraft or other boats, or operation is complicated by adverse weather conditions, or both. Unsafe operation shall mean operation that under the circumstances creates any unusual or unnecessary risk of personal injury or property damage; and
 - (6) Patrons are transported to the ride by Shuttle Craft operated within a water channel established and marked the same as required for Personal Watercraft rentals, and such Shuttle Craft is operated by a captain licensed as such by the United States Coast Guard whenever patrons are being transported; and
 - (7) During the ride, the person responsible for the Hydro-Flyer is seated on the Personal Watercraft which provided the lift and has the ability to decrease the flow as needed for safety.
- (g) No person shall operate any Personal Watercraft rented, leased or hired within the City, within nine hundred (900) feet of the edge of the waters of the Gulf of Mexico, unless operating within a channel properly marked pursuant to subsection (a)(3).
 - (h) No person shall knowingly swim within any channel properly marked pursuant to subsection (a)(3).
 - (i) A violation of any one or more of subsections (a) through (f) by any person other than a Beach Service shall be punishable as a Class 2 ~~Infraction~~Violation as provided in Section 7-502. A violation of any one or more of subsections (a) through (f) by a Beach Service shall be punishable as a Class 1 ~~Infraction~~Violation as provided in Section 7-501. A violation of subsections (g) or (h) shall be severally punishable as a Class 3 ~~Infraction~~Violation as provided in Section 7-503.

(Ord. No. 293, §§ 6, 7, 4-11-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 425, § 2, 3-24-94; Ord. No. 439, § 1, 1-26-95; Ord. No. 568, § 1, 7-23-98; Ord. No. 639, § 7, 3-23-00; Ord. No. 1051, § 1, 11-9-06; Ord. No. 1215, § 1, 1-12-2012; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-67. Beach amusements—Setback and density requirements.

- (a) It shall be unlawful for any person, business or Beach Service to provide or offer any Beach Amusement within fifty (50) feet of the boundary line of the property on which such person, business or Beach Service is authorized to conduct business, provided that if the Gulf front of such property is less than one hundred (100) feet such provision or offering may be made in the center of the Gulf front of such property.

- (b) It shall be unlawful for any person, business or Beach Service to provide or offer more than eight (8) Personal Watercraft for rent at any location on the ~~sandy Gulf beach~~Sandy Gulf Beach.
- (c) It shall be unlawful for any person, business or Beach Service to provide or offer Personal Watercraft for rent at any location on the ~~sandy Gulf beach~~Sandy Gulf Beach within two hundred (200) feet of another such location situated on the same property or contiguous properties which have been combined to calculate the points allowed under this Section.
- (d) It shall be unlawful for any person, business or Beach Service to provide or offer any Beach Amusement for rent at any location on the ~~sandy Gulf beach~~Sandy Gulf Beach whenever the aggregate number of points (as specified below) of all Beach Amusements provided or offered, or both, on the ~~sandy beach~~Sandy Gulf Beach of the parcel containing that location shall exceed the number of linear feet of beachfront of such parcel. The points to be aggregated are:
 1. Personal Watercraft: 200 points.
 2. Hobicat, Sunfish, Prindle or similar sailboat: 15 points.
 3. Sailboard:10 points.
 4. Kayak, Canoe or similar paddle boat:10 points.
 5. Watercycle: 5 points.
 6. Surfboard or Boogie-Board: 5 points.
 7. Shuttle Craft:20 points.
 8. Water Amusement Park: 40 points per inflated amusement.
 9. Hydro-Flyer Ride: 200 points

In determining the number of Beach Amusements permitted at any location, the following rules of construction shall apply: Whenever the number of lineal feet of beachfront of any parcel shall exceed one hundred (100) over any multiple of two hundred (200), then for the sole purpose of determining the number of Personal Watercraft permitted, the number of lineal feet shall be rounded up to the next multiple of one hundred.

- (e) It shall be unlawful for any person to manage or control any Beach Business whenever any Beach Amusement shall be offered or provided on the beachfront of such business in violation of this section.
- (f) A violation of this section by any person other than a Beach Service shall be punishable as a Class 2 ~~Infraction~~Violation as provided in Section 7-502. Violation of this section by a Beach Service shall be punishable as a Class 1 ~~Infraction~~Violation as provided in Section 7-501.

(Ord. No. 409, § 1, 3-11-93; Ord. No. 425, § 3, 3-24-94; Ord. No. 439, § 3, 1-26-95; Ord. No. 439, § 2, 1-26-95; Ord. No. 521-E, 2-12-98; Ord. No. 568, § 1, 7-23-98; Ord. No. 1051, § 2, 11-9-06; Ord. No. 1183, § 1, 6-10-2010; Ord. No. 1301, § 1, 7-10-2014)

SECTION 5. From and after the effective date of this ordinance, Chapter 7, Article IV, Division 3, of the Panama City Beach Code of Ordinances related to the Water Safety Board is hereby repealed.

SECTION 6. From and after the effective date of this ordinance, Chapter 7, Article V of the Panama City Beach Code of Ordinances related to Beach Solicitation, Sales, and Rentals is amended to read as follows (new text **blue** and underlined, deleted text **red** and ~~struck through~~):

**Sec. 7-80. Soliciting, canvassing, selling, and renting on beach prohibited; definition—
Generally.**

- (a) No person shall sell or rent, or solicit or canvass for the sale or rental of merchandise, services, goods, or property of any kind or character, in, upon or from the ~~sand beach areas between the waters of the Gulf of Mexico and the Coastal Construction Control Line established by the State Department of Natural Resources~~ Sandy Gulf Beach except as provided in section 7-84.
- (b) The term "solicit or canvass," as used in this section and Sections 7-81 through 7-84~~3~~, shall include any act, delivery or exchange not initiated by the prospective customer, which directs attention to any business, mercantile or commercial establishment, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals or any exchange of value.
- (c) Violation of this section shall be punishable as a Class 2 ~~Infraction~~ Violation as provided in Section 7-502.

(Ord. No. 297, § 1, 5-23-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 415, § 1, 10-14-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 4, 6-27-02; Ord. No. 1301, § 1, 7-10-2014)

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~~ Sandy Gulf Beach:
 - (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, paddleboards, 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.

(14) Beach Bonfires permitted by section 7-11 of this Code.

- (b) As used in this section, the term "~~booth~~Booth or ~~stall~~Stall" shall mean an immobile structure or partial enclosure on the sand beach not exceeding fifty (50) square feet of gross horizontal space including any awnings, shades, or other augmentations. A Beach Service or Owner-Operator is limited to the lesser of one Booth or Stall for each unique location or for every 200 linear feet of Sandy Gulf Beach, whichever is fewer.
- (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~~Sandy Gulf Beach.
- (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. This section shall be construed to include the placement of any rented, leased, or hired chair within the setback.

(Ord. No. 297, § 2, 5-23-85; Ord. No. 299, § 1, 12-12-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 415, § 1, 10-14-93; Ord. No. 432, § 1, 6-23-94; Ord. No. 501, § 1, 8-13-96; Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 4, 6-27-02; Ord. No. 1051, § 3, 11-9-06; Ord. No. 1183, § 1, 6-10-2010; Ord. No. 1301, § 1, 7-10-2014; Ord. No. 1497, § 2, 9-12-2019)

Sec. 7-82. Same—Exception for booths and stalls; definition; purpose.

- (a) The prohibition contained in section 7-80 shall not apply to persons soliciting or canvassing from within a ~~booth~~Booth or ~~stall~~Stall, for the sale or rental of any merchandise, services, goods, or property of any kind or character to be delivered or performed off such sand beach areas.
- (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 requiring a booth or stall is to reasonably permit commercial speech relating to goods and services not directly serving a public need in the sand beach area, without

unreasonably interfering with the flow, recreation, enjoyment and privacy of persons otherwise upon the sand beach areas.

(Ord. No. 297, § 3, 5-23-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 415, § 1, 10-14-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 4, 6-27-02)

Sec. 7-83. Soliciting, canvassing on City property prohibited; exception.

- (a) No person shall solicit or canvass for the sale or rental of merchandise; services, goods or property of any kind or character in and from any lands or pier owned or leased by the City, including park and beach lands.
- (b) The prohibition contained in subsection (a) shall not apply to a tenant, concessionaire or licensee of the City lawfully operating within the terms of any lease, concession agreement or license granted by the City.
- (c) Violation of this section shall be punishable as a Class 2 ~~Infraction~~Violation as provided in Section 7-502.

(Ord. No. 297, § 4, 5-23-85; Ord. No. 409, § 1, 3-11-93; Ord. No. 415, § 1, 10-14-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 745, § 4, 6-27-02; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-84 Limited Food and Beverage Service

- (a) Purpose. The purpose of this section is to allow limited food and non-alcoholic beverage service based upon strict regulations which will ensure that the Sandy Gulf Beach will not be adversely affected while allowing private businesses to extend their existing food service establishments onto the Sandy Gulf Beach. Service of alcoholic beverages on the Sandy Gulf Beach is strictly prohibited.
- (b) Permit. It shall be unlawful to provide food and non-alcoholic beverage service on portions of the Sandy Gulf Beach described above without a valid permit issued by the Police Department and in accordance with the following requirements:
 - 1. All applicants must be properly licensed by the State of Florida Department of Business and Professional Regulation Division of Hotel and Restaurants or such applicable successor agency, for food service and delivery onto the Sandy Gulf Beach and may not rely on off-site food delivery services.
 - 2. All applicants must qualify as a Beach Business as that term is defined in this Code.
 - 3. Applicants must submit a site map of the proposed service area (the "Food Service Area") indicating the proposed manner of service, sample menu, and materials to be used. The Police Department is hereby authorized to deny a permit, without prejudice, if it deems that the manner of service is likely to create windswept debris or otherwise cause Litter to leave the Food Service Area.

4. As part of the application, applicants must provide a copy of a certificate of insurance in such amounts as deemed necessary by the City's risk management department naming the City an additional insured and loss payee.
 5. As part of the application, the applicant shall execute an agreement to indemnify, hold harmless and release the City, its authorized agents and employees from any and against any and all claims and costs arising out of or related to the permit holder's activities, as more specifically set forth in the permit application.
- (c) Food Service regulations. Service of food and non-alcoholic beverages (hereafter "Food Service") by permitted Beach Businesses shall be subject to the following regulations:
1. The permitted Beach Business shall conspicuously display its Food Service permit, including the permit's site map and restrictions, on the property which shall be available for inspection at all times.
 2. Food Service may only be made to persons seated on a towel, chair, or cabana within the permitted Food Service Area. The service provider may not offer Food Service 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 windswept food debris from entering the Gulf of Mexico.
 3. All Food Service employees must wear uniforms and name tags that identify the permit holder they are representing as more specifically set forth in the City's permit application.
 4. Food Service is prohibited from sunset to sunrise.
 5. Food Service must be available to all members of the public on equal terms and conditions as any other guest of the service provider.
 6. All service providers must continuously keep the food service area free and clean of any Litter as that term is defined in section 12-1 of this Code. Prior to the end of each day, the service provider shall rake the entire Food Service Area with a sand rake including under any chairs or cabanas. The Service Provider shall keep and maintain a timestamped daily photographic log of compliance with this section which shall be available for inspection by the City at all times. Failure to produce the maintenance log for any day in which Food Service was provided shall be a Class 1 violation of this section for each missing log.
 7. All Food Service orders must be placed via communication technology including but not limited to internet platform or telephone. Service providers may place signage on any permitted Food Service chair or cabana advertising the Food Service by internet link, phone number, QR code or similar media. All other in-person solicitation of Food Service on the Sandy Gulf Beach is prohibited.
- (d) Temporary suspension. In the event the portion of the Sandy Gulf Beach described herein will be used for an approved special event, maintenance or repairs, the City may temporarily suspend the permit holder's services during such time period upon prior written notice to permit holder. Upon the issuance of a severe storm, tropical storm or hurricane warning by the National Weather Service, the City may suspend permit holder's services without any prior written notice.

(e) Violation of this section shall be punishable as a Class 1 Violation as provided in Section 7-502.

Secs. 7-854—7-100. Reserved.

SECTION 7. From and after the effective date of this ordinance, Chapter 7, Article VI of the Panama City Beach Code of Ordinances related to Driving on the Beach is amended to read as follows (new text blue and underlined, deleted text red and ~~struck through~~):

Sec. 7-101. Driving on beach prohibited.

- (a) It shall be unlawful for any person to operate a motor vehicle, except as provided in Section 7-102 below, in or upon the ~~sand beach areas between the waters of the Gulf of Mexico and the coastal construction control line established by the State Department of Natural Resources~~Sandy Gulf Beach;
- (b) It shall be unlawful for any owner or person entitled to control of a motor vehicle to knowingly permit the operation of that motor vehicle in violation of this article.
- (c) As used herein, the term "vehicle" shall mean that in or on which a person or thing is or may be carried from one place to another, especially along the ground, but also through the air; any carriage moving on land, either on wheels or runners or a cushion of air; that which is used as an instrument of conveyance on land.
- (d) Violation of this ~~section~~Article shall be punishable as a Class 1 ~~Infraction~~Violation as provided in Section 7-501.

(Code 1973, § 25-6; Ord. No. 317, § 1, 7-9-87; Ord. No. 374, § 1, 7-25-91; Ord. No. 408, § 1, 3-11-93; Ord. No. 454, § 1, 10-12-95; Ord. No. 527, § 1, 7-24-97; Ord. No. 639, § 8, 3-23-00; Ord. No. 1051, § 4, 11-9-06; Ord. No. 1068, § 1, 4-12-07; Ord. No. 1107, § 1, 2-14-08; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-102. Exceptions.

The prohibition contained in Section 7-101 shall not apply to:

- (a) ~~(a)~~ A work vehicle as defined in Section 7-104 operated ~~between sunrise and sunset~~, Monday through Friday subject to the following conditions:
 - 1. Between sunrise and sunset for, from ~~the first Monday after Labor Day~~September 1st through the last day in February of each year, provided such work vehicle is operated for the sole purpose of transporting beach boxes, chairs, umbrellas and similar stationary equipment approved by the Chief of Police or his designee, ~~but excluding personal and other motor driven vessels, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico.~~
 - 2. Between sunrise and sunset, on Monday, Tuesday or Wednesday between March 1st through May 1st of each year, provided such work vehicle is operated for the sole purpose

of transporting beach boxes, chairs, umbrellas and similar stationary equipment approved by the Chief of Police or his designee.

3. Between sunrise and 10:00 a.m. or between 4:00 p.m. and sunset during the months of March through September provided such work vehicle is operated for the sole purpose of servicing, repairing, or replacing broken storage boxes, umbrellas, chairs, stationary equipment and water sports vehicles provided such use is entirely within the boundaries of the property on which the business for which the vehicle was at that time providing service, repair or replacement is lawfully entitled to operate.
 4. A work vehicle consisting of a single passenger, all-terrain vehicle as defined in Section 7-104 used to move water sports vehicles to and from storage and maintenance areas, provided such use is entirely within the boundaries of the property on which the respective business is lawfully entitled to operate, provided that there shall be no more than one such vehicle operating within the boundaries of such property at any time.
 5. A work vehicle consisting of a single passenger, all-terrain vehicle as defined in Section 7-104 operated between the hours of sunrise to 7:00 a.m. and between the hours of 5:00 p.m. and sunset to move water sports vehicles to and from the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico.
 6. All permitted work vehicles may only access the Sandy Gulf Beach through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico.
 7. All-terrain vehicles must remain exclusively on their assigned location from 9:00 a.m. to 4:00 p.m. provided however that a permitted all-terrain vehicle may cross contiguous locations which are permitted for Beach Commerce or Beach Amusements by the same Beach Service or Owner-Operator.
 - ~~1-8. No vehicle may travel at a speed greater than 10 miles per hour.~~
- ~~(b) A work vehicle as defined in Section 7-104 operated between sunrise and sunset, on Monday, Tuesday or Wednesday between the first Monday of March through the first Wednesday of May of each year, provided such work vehicle is operated for the sole purpose of transporting beach boxes, chairs, umbrellas and similar stationary equipment approved by the Chief of Police or his designee, but excluding personal and other motor driven vessels, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico;~~
- ~~(c) A work vehicle as defined in Section 7-104 operated between sunrise and 10:00 a.m., or between 4:00 p.m. and sunset during the months of March through September provided such work vehicle is operated for the sole purpose of servicing, repairing or replacing broken stationary equipment and water sports vehicles, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico; In addition,~~

~~such a work vehicle otherwise lawfully upon the beach during the foregoing hours may also during these times move water sports vehicles to and from storage and other areas, provided such use is entirely within the boundaries of the property on which the business for which the vehicle was at that time providing service, repair or replacement is lawfully entitled to operate;~~

~~(d) A work vehicle as defined in Section 7-104 operated between sunrise and 10:00 a.m., or between 4:00 p.m. and sunset, whose operation is limited solely to (i) that portion of an established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico, or (ii) a turnaround area lying at the Gulf end of such route, adjacent to the water's edge, and not exceeding fifty (50) feet in diameter;~~

(e) Permitted beach cleaning vehicles and equipment;

(f) Wildlife monitoring vehicles operated at public expense;

(g) Ambulances or other life rescue and law enforcement vehicles; and

(h) Beach patrol vehicles operated at public expense.

~~(i) A work vehicle consisting of a single passenger, all terrain vehicle as defined in Section 7-104 used to move water sports vehicles to and from storage and maintenance areas, provided such use is entirely within the boundaries of the property on which the respective business is lawfully entitled to operate, provided that there shall be no more than one such vehicle operating within the boundaries of such property at any time.~~

~~(j) A work vehicle consisting of a single passenger, all terrain vehicle as defined in Section 7-104 operated between the hours of sunrise to 7:00 a.m. and between the hours of 5:00 p.m. and sunset to move water sports vehicles to and from the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico; and~~

(k) A handicapped vehicle operated for the sole purpose of transporting upon the ~~sandy beach~~Sandy Gulf Beach a person with an ambulatory disability which materially impairs his or her ability to walk on the ~~sandy beach~~Sandy Gulf Beach, provided such vehicle's weight shall not exceed 350 pounds, its length shall not exceed sixty (60) inches, its width shall not exceed thirty four (34) inches, its seating capacity shall not exceed two (2) persons, and its power source shall not enable the vehicle to achieve speeds in excess of six (6) miles per hour on level ground.

(l) As a condition of enjoying the privilege of one (1) of these exceptions, the driver of any vehicle being lawfully operated on the ~~sand beach~~Sandy Gulf Beach shall at all times use his or her best efforts to restrict their driving to a corridor one vehicle wide just below the toe of the dune or line of continuous vegetation or, where there is no vegetation line, the building line, subject only to conditions and obstructions on the beach and the practical necessity of the work-related reason for the exception. It shall be unlawful and constitute a violation of this chapter for a driver to operate a vehicle outside such corridor without cause.

Nothing herein shall be construed to permit the operation of any vehicle on the beach in violation of any other applicable law.

(Code 1973, § 25-6; Ord. No. 317, § 1, 7-9-87; Ord. No. 374, § 1, 7-25-91; Ord. No. 408, § 1, 3-11-93; Ord. No. 454, § 1, 10-12-95; Ord. No. 527, § 1, 7-24-97; Ord. No. 639, § 8, 3-23-00; Ord. No. 1051, § 4, 11-9-06; Ord. No. 1107, § 2, 2-14-08; Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-103. Special permits.

- (a) Business Emergency. In case of a business emergency, the Chief of Police or his designee may authorize a work vehicle to operate upon the ~~sandy beach~~ Sandy Gulf Beach at any time if, after considering the location, congestion on the beach, surf conditions, and the nature of the emergency, (i) such operation can be limited solely to that portion of an established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico and a turn around area lying at the Gulf end of such route, adjacent to the waters edge, not exceeding fifty (50) feet in diameter, or (ii) it is feasible, after giving consideration to other pending and likely demands upon police department resources, to provide a police escort to and from the emergency. A business emergency is an event which will likely result in an unreasonable financial hardship if access is denied, and could not have been reasonably foreseen or prevented by the business. For example, the unexpected mechanical failure of a personal water-craft is a business emergency, unless such failure is a part of a pattern indicating substandard maintenance or emergency removal would not materially shorten down time.
- (b) Memorial Day and 4th of July. The Chief of Police or his designee may authorize a work vehicle to operate upon the ~~sand beach~~ Sandy Gulf Beach between sunrise and sunset on no more than three (3) extra days prior to and three (3) extra days after Memorial Day and the 4th of July each year, provided that such vehicle is operated for the sole purpose of transporting beach boxes, chairs, umbrellas and similar stationary equipment approved by the Chief of Police or his designee, but excluding for example, without limitation, personal watercraft, and other motor driven vessels, provided beach access is gained through the nearest established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico. In selecting each of those extra days, which need not be consecutive, the Chief of Police shall consider school and holiday schedules, weather and other factors, and select days on which he feels the beach will not be congested. The Chief of Police or his designee may also cancel at any time without prior notice any such extra day due to unexpected or excessive congestion on the beach, and no person shall have any claim or demand against the City on account of such cancellation; provided that no person shall be charged with violating this law on any such canceled day unless said person is given actual notice of the cancellation and a reasonable opportunity to comply but fails or refuses to do so.
- (c) Weather Emergency. In the event of an imminent weather emergency, the Chief of Police may permit any vehicle to operate on the beach to remove and protect persons and property and may permit a vehicle to operate on the Sandy Gulf Beach to return property which was removed in preparation for an imminent weather emergency.

- (d) Construction Activities. To facilitate construction on the ~~sandy beach~~Sandy Gulf Beach, the Chief of Police or his designee may authorize a work vehicle to operate upon the ~~sandy beach~~Sandy Gulf Beach at any time if, after considering the location, congestion on the beach, surf conditions, and the nature of the construction activity, such operation can be limited solely to that portion of an established and properly identified public access route which directly connects the paved highway with the Gulf of Mexico and a clear route along the waters edge to the construction site. Authorization under this section shall be evidenced by a temporary permit issued by the Chief or his designee, identifying the vehicle, the construction site, the access route, and specifying the expiration date and time. Such permit must be displayed upon the dashboard or right front window of the vehicle.
- (e) Temporary Substitute Permits. In the event of a mechanical failure of a vehicle lawfully permitted under this section, the Chief or his designee may issue a temporary permit for an alternate vehicle, which permit shall identify the alternate vehicle, the name in which the original permit was issued, and specify the date and time such permit will expire. Such permit must be displayed upon the dashboard or right front window of the alternate vehicle. It shall be illegal for any person to utilize the original permit until either the alternate permit expires or is surrendered to the police department.

(Code 1973, § 25-6; Ord. No. 317, § 1, 7-9-87; Ord. No. 374, § 1, 7-25-91; Ord. No. 408, § 1, 3-11-93; Ord. No. 454, § 1, 10-12-95; Ord. No. 527, § 1, 7-24-97; Ord. No. 639, § 8, 3-23-00)

Sec. 7-104. Work vehicle permits.

- (a) As used herein, the term "work vehicle" shall mean a motorized vehicle not exceeding eight thousand (8,000) pounds gross vehicle weight displaying a work vehicle permit, which permit shall expire December 31 of each year and shall be issued by the Police Department of the City of Panama City Beach upon an application containing the following information and accompanied by the following fee:
 - (1) A photograph and description of the vehicle and the name and address of the owner of the vehicle.
 - (2) The name, address and a brief description of the nature of the business in pursuit of which the vehicle will be used.
 - (3) The name and address of the owners of said business.
 - (4) A permit fee in the amount of one hundred dollars (\$100.00) for a vehicle designed for road use, or a permit fee in the amount of fifty dollars (\$50.00) for a smaller, off road all-terrain vehicle.
 - (5) Proof that applicant's vehicle is not in violation of § 320.38, F.S.
- (b) The number of vehicle permits issued to ~~a single person or business operating a beach service or beach amusement~~each Beach Service or Owner-Operator shall be limited to the number of locations operated by such ~~person or business~~Beach Service or Owner-Operator, as follows:

Number of Locations	Number of Vehicle Permits Allowed
1—4	1
5—8	2
9 or more	3

In addition, such person or business shall be entitled to permit one single passenger all-terrain vehicle per location with greater than one hundred (100) feet of Sandy Gulf Beach frontage, provided that (i) such vehicle is operated on the beach exclusively at that location, and (ii) that location is omitted from the above calculation.

- (c) The work vehicle permit assigned to any vehicle operated in violation of this section shall be immediately revoked by the Chief of Police. Appeals from a revocation by the Chief of Police may be made to the ~~City Council at its next regular meeting~~ Hearing Officer.
- (d) The work vehicle permit assigned shall be affixed to the right rear panel of the vehicle to which shall also be affixed the name of the business operating the vehicle and a unique, two-digit vehicle number for that vehicle and business. The name and number shall be in clearly legible block lettering no less than four (4) inches high.

(Code 1973, § 25-6; Ord. No. 317, § 1, 7-9-87; Ord. No. 374, § 1, 7-25-91; Ord. No. 408, § 1, 3-11-93; Ord. No. 454, § 1, 10-12-95; Ord. No. 527, § 1, 7-24-97; Ord. No. 639, § 8, 3-23-00; Ord. No. 1051, § 4, 11-9-06; Ord. No. 1107, § 3, 2-14-08; Ord. No. 1301, § 1, 7-10-2014)

Secs. 7-105—7-109. Reserved.

SECTION 8. From and after the effective date of this ordinance, Chapter 7, Article IX of the Panama City Beach Code of Ordinances related to Civil Violations and Penalties is amended to read as follows (new text blue and underlined, deleted text red and ~~struck through~~):

~~ARTICLE IX. CIVIL INFRACTION~~ VIOLATIONS ~~AND PENALTIES~~

Sec. 7-500. Findings and Establishment.

The City finds, from time to time, that certain, specific violations of this Chapter 7 present a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature. In those instances, and pursuant to Florida Statutes Chapter ~~166.4152, Part II~~, the City hereby establishes and imposes the following civil ~~infraction~~ violation penalties to be incorporated by reference to the appropriate section of this Article wherever necessary throughout this Chapter 7. Each incorporation by reference shall be deemed to be the deliberate finding by the City that the type of violation involved is of such a nature as to constitute a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature unless a more limited finding is expressly made in that conjunction with that incorporation.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-501. Class 1 ~~Infraction~~Violations: Findings and Penalties.

- (a) Each Class 1 ~~Infraction~~Violation shall constitute a separate civil ~~infraction~~violation within the meaning of Florida Statutes Chapter ~~162, Part #~~166.0415, presenting a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.
1. First violation: \$1,000.
 2. Second violation: \$2,000.
 3. Third and all subsequent violations: \$4,000, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.
- (b) Unless otherwise specified, a person who does not contest a Class 3 ~~Infraction~~Violation shall be subject to a civil penalty in the following amount:
1. First violation: \$500.
 2. Second violation: \$1,000.
 3. Third and all subsequent violations: \$2,500, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.
- (c) The penalty for uncontested civil citations may be paid directly to the City Clerk.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-502. Class 2 ~~Infraction~~Violations: Findings and Penalties.

- (a) Each Class 2 ~~Infraction~~Violation shall constitute a separate, civil ~~infraction~~violation within the meaning of Florida Statutes Chapter ~~162, Part #~~166.0415, presenting a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.
1. First violation: \$100.
 2. Second violation: \$200.
 3. Third and all subsequent violations: \$500, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.
- (b) Unless otherwise specified, a person who does not contest a Class 2 ~~Infraction~~Violation shall be subject to a civil penalty in the following amount:

-
1. First violation: \$50.
 2. Second violation: \$100.
 3. Third and all subsequent violations: \$250, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

(c) The penalty for uncontested civil citations may be paid directly to the City Clerk.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-503. Class 3 ~~Infraction~~Violations: Findings and Penalties.

(a) Each Class 3 ~~Infraction~~Violation shall constitute a separate, civil ~~infraction~~violation within the meaning of Florida Statutes Chapter ~~162, Part H~~166.0415, presenting a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.

1. First violation: \$50.
2. Second violation: \$100.
3. Third and all subsequent violations: \$200, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

(b) Unless otherwise specified, a person who does not contest a Class 3 ~~Infraction~~Violation shall be subject to a civil penalty in the following amount:

1. First violation: \$25.
2. Second violation: \$50.
3. Third and all subsequent violations: \$150, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

(c) The penalty for uncontested civil citations may be paid directly to the City Clerk.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-504. Enforcement.

Class 1 and Class 2 and Class 3 ~~Infraction~~Violations may be enforced by the issuance of a civil citation issued pursuant to section 25 of this Code by a any employee of the City empowered by the City Manager as a Code Enforcement Officer including any sworn police officer of the City or any employee of the Beach Safety Department and Fire Department (collectively a "Code Enforcement Officer") -who has reasonable cause to believe that a person has violated this section. ~~All sworn police officers of the City shall be considered code enforcement officers for the~~

~~purpose of enforcing this section.~~ A citation issued under this section may be contested ~~in the county court for Bay County, Florida~~ pursuant to the Hearing Officer System set forth in Chapter 25 of this Code. ~~The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police.~~ Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~§ 162.21(6)~~, 775.082 and 775.083, Florida Statutes or subsequent, superseding legislation.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-505. Civil Penalties Cumulative.

The Civil Penalties established in this Article and incorporated into specific provisions of this Chapter 7 are always cumulative and in addition to any other civil or criminal penalties available for a violation of the Panama City Beach Code of Ordinances, including the general penalty and terms set forth in Section 1-12, and also cumulative and in addition to any requirements, proscriptions and civil or criminal penalties under state law.

(Ord. No. 1301, § 1, 7-10-2014)

Sec. 7-506. Revocation or suspension of permits and certificates of compliance.

- (a) In addition to any other civil or criminal penalties authorized by City ordinance or state law, the provisions of this chapter shall be enforced pursuant to this Chapter through an order to show cause issued by the Hearing Officer to revoke or suspend a permit or certificate of compliance issued pursuant to this chapter, as provided in this section.
- (b) An order to show cause shall be issued by the Hearing Officer to any person, Owner-Operator or Beach Service for which that person was employed, Owner-Operator or Beach Service or any employee, agent or independent contractor or subcontractor of that person, or Owner-Operator or Beach Service upon the voluntarily payment of a civil citations or finding of guilt for a violation of this Chapter under the following schedule:
 - 1. Three (3) Class 1 violations in any calendar year.
 - 2. Five (5) Class 1 or 2 violations in any calendar year.
 - 3. Seven (7) Class 1, 2, or 3 violations in any calendar year.
- (c) The Order to Show Cause shall set the date and time at which the action to revoke or suspend any permit or certificate of compliance shall be heard in accordance with section 25-33 of this Code.
- (d) After notice and opportunity for hearing held in accordance with the procedures set forth herein and in Chapter 25 upon an order the Hearing Officer shall revoke or suspend the permit or certificate of compliance of the violator based upon the following factors which shall be used to determine the appropriate sanction:

1. Any prior warnings provided by any City employee to the violator(s) for the subject violation(s)
 2. Prior citations issued to the violator(s) for the subject violations or other violations of this Chapter.
 3. The potential or actual injury caused by the violation including violation of any violation of the rights of the public at large.
 4. The existence of aggravating or mitigating factors established by competent and substantial evidence before the Hearing Officer.
- (e) Based on a careful consideration of the guidelines set forth in this section, the Hearing Officer shall issue an Order which sets forth the specific sanction, if any, which shall clearly designate the activities, locations, persons, and entities subject to the sanctions provided by the Order. The Hearing Officer may, due to the seasonal nature of the activities regulated herein as well as the annual permit system, enforce any sanction in a subsequent calendar year upon a finding that seasonal factors would allow the violator to evade the sanction's effects.
- (f) Any time a Code Enforcement Officer shall have probable cause to believe that any facts exist which ultimately could lead to revocation or suspension of a permit or certificate of compliance, it shall be their duty to investigate and if they find that such facts do exist file with the Hearing Office a complaint specifying the charge. The complaint shall also state whether the complaint is the alleged violator's first, second, third, fourth or fifth offense that calendar year.
- (g) An Order of the Hearing Officer suspending or revoking a permit or certificate of compliance may also assess against such violator or the associated Beach Service or Owner-Operator, or both severally, the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.
- ~~(a)~~(h) Regardless of the term of any such suspension stated in the order, the suspension shall continue until all investigative and legal costs assessed against the violator plus interest is paid in full.

SECTION 4. 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.

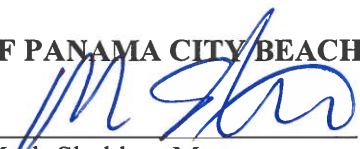
SECTION 5. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary

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. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

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 February, 2023.