

## ORDINANCE 1627

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 THE REGULATIONS FOR FIRES ON THE BEACH; AMENDING THE REGULATIONS OF STORAGE BOXES AND CHAIRS ON THE BEACH; AMENDING THE REGULATIONS OF BOOTHS OR STALLS USED IN BEACH COMMERCE; PROVIDING FOR THE LIMITED PROVISION OF DELIVERY CHAIR AND UMBRELLA SERVICE; AMENDING THE PERMIT FEE FOR LIMITED FOOD AND NON-ALCOHOLIC BEVERAGE SERVICE ON THE BEACH; REPEALING ALL ORDINANCES IN CONFLICT; 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 Section 7-11 related to Fires 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. 7-11. 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*, 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 *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~~ permit issued by the City Police Department.
    - 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 operated by an *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 any 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 [Bay 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 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.
  - (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 [City](#) Police Department when [turtle](#) 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 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) 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) 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 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)~~

SECTION 2. From and after the effective date of this ordinance Section 7-36 of the Panama City Beach Code of Ordinances related to Storage Boxes and Chairs is amended to read as follows (new text **blue** and underlined, deleted text **red** and ~~struck through~~):

**Sec. 7-36. Storage boxes and chair**

- (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 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 perpendicular or 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.
  - i. Notwithstanding the foregoing, the City Manager may grant a variance allowing placement of storage boxes in an alternative location upon the application of the permitted *Beach Service* or *Owner-Operator* based upon, in the sole discretion of the City Manager, an affirmative finding of the following factors:
    1. The unique geography, topography, or other environmental conditions make compliance with this section impracticable.
    2. The alternative storage location will benefit the public health, safety, and welfare.
    3. The need for the alternative storage location is not caused by the applicant's density and intensity of *Beach Commerce* on the site.
    4. The alternative storage location will not impede City operations, beach cleaning, sea turtle nesting, or solid waste collection activities.
  - ~~3~~-ii. Any variance granted pursuant to this subsection shall expire on December 31 of the year in which it was granted regardless of the date it was granted.
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 Violation pursuant to Section 7-502. Violation of this Section by a Beach Service or Owner-Operator shall be punishable as a Class 1 Violation pursuant to Section 7-501.

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

SECTION 3. From and after the effective date of this ordinance, Section 7-67 of the Panama City Beach Code of Ordinances related to Beach Amusements is amended to read as follows (new text blue and underlined, deleted text red and ~~struck through~~):

**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.
- (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 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 whenever the aggregate number of points (as specified below) of all Beach Amusements provided or offered, or both, on the 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.

*Any Beach Service or Owner-Operator who is permitted to operate Beach Commerce on multiple contiguous locations may offer the aggregate number of Personal Watercraft permitted across the contiguous locations at one location so long as the placement of the Personal Watercraft otherwise complies with the requirements of this Chapter.*

- (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 Violation as provided in Section 7-502. Violation of this section by a Beach Service shall be punishable as a Class 1 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 4. From and after the effective date of this ordinance, Section 7-82 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. 7-82. Same—Exception for booths and stalls; limited delivery service ~~definition; purpose.~~**

- (a) The prohibition contained in section 7-80 shall not apply to persons soliciting or canvassing from within a Booth or 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) 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.



---

(c) A permitted *Beach Service* may offer and deliver services without a booth or stall at any location which meets the following criteria:

(1) The upland property is a single-family home;

(2) The upland property is a multi-family development consisting of no greater than fifteen (15) dwelling units which is controlled by a single entity or an owner's association of which all unit owners are members; or

(3) The upland property is undeveloped but is otherwise owned, leased, or controlled by a single entity or association;

(d) In addition to compliance with the otherwise applicable provisions of this chapter, a delivery *Beach Service* shall be subject to the following requirements:

(1) No more than one *Beach Service* may offer delivery services at any one location which shall be evidenced by the upland owner's permission; and

(2) Any *Beach Service* offering delivery *Beach Commerce* shall hold a valid permit for each location issued by the City Police Department in accordance with Article III of this Chapter.

(3) No person may solicit, offer or deliver services or goods other than rental chairs and umbrellas; and

(4) Any goods delivered by a *Beach Service* must be removed from the location at or before sunset of each day; and

(5) A *Beach Service* may not be granted any additional permit to drive on the beach by virtue of offering a delivery *Beach Service*.

(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)

SECTION 5. From and after the effective date of this ordinance, Section 7-85 related to Limited Food and Beverage Service is amended to read as follows (new text blue and underlined, deleted text red and struck through):

**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*.

(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.
  6. The fee for the issuance of the food service permit shall be based upon the following fee schedule which may be amended or repealed by resolution of the City Council:
    - i. For Food Service Areas which span fifty (50) linear feet or less of beach frontage, the annual permit fee shall be five hundred (\$500) dollars.
    - ii. For Food Service Areas which span between fifty (51) and one hundred (100) linear feet of beach frontage, the annual permit fee shall be one thousand (\$1,000) dollars.
    - iii. For Food Service Areas which span greater than one hundred (100) linear feet of beach frontage, the annual permit fee shall be two thousand five hundred (\$2,500) dollars.
  7. Each food and beverage service permit issued pursuant to this section shall expire on December 31 of the year in which it was issued regardless of the date of issuance.
- (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 employee 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 to 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. Services 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 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.

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

SECTION 7. 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 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

THIS ORDINANCE shall be effective immediately upon passage.

PASSED, APPROVED AND ADOPTED in regular session this 13<sup>th</sup> day of July, 2023.

CITY OF PANAMA CITY BEACH



Mark Sheldon, Mayor

ATTEST:



Lynne Fasone, City Clerk

Posted on pcbfl.gov on the 23rd day of June 2023.

Posted on [publicnoticescountyfl.gov](http://publicnoticescountyfl.gov) on the 23<sup>rd</sup> day of June, 2023



Lynne Fasone, City Clerk