

ORDINANCE NO. 1655

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 4 OF THE CITY'S CODE OF ORDINANCES. AMENDING THE DEFINITION OF MUNICIPAL SERVICES; ESTABLISHING REQUIREMENTS FOR BEACH WEDDINGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Section 4-16 of the City's Code of Ordinances related to special events is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 4-16. - Definitions.

The term "beach wedding event" shall mean marriage ceremonies held on the sandy gulf beach.

The term "event venue" shall mean any contiguous or connected area (improved or unimproved or both and including parcels separated by a street or other public way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one (1) or more patron gathering spaces, in particular indoor and outdoor spaces but also other types of spaces with different occupancy limits.

The term "*municipal services*" shall mean law enforcement, security, traffic control, emergency medical technician services, fire protection, crowd management, or any other services necessary for the implementation of a special event within the corporate limits of the City of Panama City Beach ~~performed by employees of the City Police or Fire department.~~

The term "*sandy gulf beach*" shall mean 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 most public, vehicular right-of-way.

The term "*special event*" shall mean any assembly of persons which also meets one (1) or more of the following six (6) criteria. Each of the first three (3) criteria define a planned event. Each of the last three (3) criteria define a "pop-up" event.

- (a) ATTENDANCE ANTICIPATED TO EXCEED VENUE CAPACITY (Planned event). It is reasonably anticipated that the number of persons who will attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue

capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by building or life safety code or other law applicable to that space, and (ii) for each other space at the rate of one (1) person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces.

- (b) VEHICLE PARKING ANTICIPATED TO EXCEED ON-SITE CAPACITY (Planned event). It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of five (5) persons per vehicle.
- (c) MUNICIPAL RESOURCES ANTICIPATED TO BE REQUIRED (Planned event). The gathering is reasonably anticipated to require for its safe and successful execution the provision or coordination of municipal services by the City or by the event producer to a material degree above that which the City routinely provides under ordinary, everyday circumstances. Municipal services include, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up, and sanitation facilities (herein "municipal services").
- (d) ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE VENUE (Pop-up Event). The number of persons attending and attempting to attend an unpermitted assembly of persons exceeds at any point in time the number of persons permitted within the event venue or within any gathering space within the event venue.
- (e) ACTUAL VEHICLE CONGESTION (Pop-up Event). The number of vehicles actually parked and attempting to park to permit the occupants to join an unpermitted assembly exceeds at any point in time on-site parking available.
- (f) MUNICIPAL RESOURCES ACTUALLY REQUIRED (Pop-up Event). The municipal services required for an unpermitted assembly exceed at any point in time the level of municipal services typically available from the City for that time and season after taking into consideration similar, municipal-type services provided by the person or persons, if any, encouraging the assembly.

All special events are divided into three (3) classes:

- (a) A "*small event*" being an event with an anticipated, maximum attendance at any point in time of five hundred (500) persons or less.
- (b) A "*medium event*" being an event with an anticipated, maximum attendance at any point in time of more than five hundred (500) but less than five thousand (5,000) persons.
- (c) A "*large event*" being an event with an anticipated, maximum attendance at any point in time exceeding five thousand (5,000) persons.

A parade held on a public street or road and lasting no more than two (2) hours is not, without more, a special event.

Any planned event to be held in any part on the sandy gulf beach is presumed to be a special event. This presumption can be rebutted only by the event producer providing clear and convincing evidence that, based upon the nature, location, time, and season of the event, it is almost certain that the event will not draw a spontaneous crowd in excess one (1) person for every seven (7) square feet of sandy gulf beach controlled by the producer. **This section shall not apply to beach wedding events, which are governed by Section 4-26.**

The term "*Special Event Zone*" shall mean a contiguous area on or along a roadway, street, or highway which is designated by warning signs. The term includes a parking structure, a parking lot, or any other property, whether public or private, immediately adjacent to or along the designated area.

SECTION 2. From and after the effective date of this ordinance, Section 4-27 of the City's Code of Ordinances titled "Remedial purpose and severability" is repealed.

SECTION 3. From and after the effective date of this ordinance, Section 4-26 of the City's Code of Ordinances titled "Enforcement and penalties" is renumbered as Section 4-27.

SECTION 4. From and after the effective date of this Ordinance, Section 4-26 of the City's Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 4-26. – Beach wedding events.

(1) All Beach wedding events shall be subject to following requirements:

- a. **Beach wedding events shall be limited to marriage ceremonies.**
- b. **The following is prohibited from taking place during or associated with any beach wedding event:**
 - i. **Post-ceremony receptions, celebrations, or similar events.**
 - ii. **Food and beverage service other than water.**
 - iii. **Musical performances featuring amplified sound in excess of 60 decibels.**
 - iv. **Driving a motor vehicle on the sandy gulf beach.**
 - v. **Dance floors, confetti, rice, glitter, sky lanterns, balloons, fireworks, grills, tiki torches or other stationary lighting, generators, signs or banners.**
 - vi. **Any wedding event within one hundred (100) feet from a marked sea turtle nest.**
- c. **Beach wedding events shall be limited to four (4) hours with one (1) additional hour for event setup and breakdown. Beach wedding events must take place between 4:00 p.m. and one hour after sunset as those times are published by the U.S. Naval Observatory, Astronomical Applications Department.**
- d. **All beach weddings events shall not impede public beach access along the sandy gulf beach.**
- e. **Any business entity who files a beach wedding permit application must have an active business tax receipt with the City.**

- f. A copy of any required permit shall be kept at the ceremony location for which the permit is issued and presented upon request.
 - g. Following the beach wedding event, the event site shall be cleaned of all debris and restored to its natural condition. No trash or debris may be stored in a public trash container.
 - h. It shall be the applicant's responsibility to ensure compliance with all laws or rules adopted by the City during the beach wedding event.
 - i. Any violation of this section may be enforced pursuant to section 4-27 of this Code.
 - j. Compliance with this section or the issuance of a permit by the City shall not entitle any person(s) to host a beach wedding event on any specific portion of the sandy gulf beach.
- (2) Small beach wedding events with 25 or less attendees shall be permitted provided that the City is notified in writing of the following event information:
- a. The name, address, and contact information of the parties to the ceremony; the date and times of the event; the event location; any vendors contracted to perform services for the event, and the anticipated number of attendees.
- (3) Medium size beach wedding events with 26-100 attendees require a wedding permit as follows:
- a. A wedding permit application must be completed and submitted to the City at least fourteen (14) calendar days before the event.
 - b. Wedding permit applications shall contain, at a minimum, the name, address and contact information of the applicant; the date and times of the event; the event location; any vendors contracted to perform services for the event, the anticipated number of attendees, and written permission of the upland owner.
 - c. A fee may be charged for the processing of wedding permit applications as determined by resolution of the City Council.
 - d. The application will be processed in accordance with section 4-23.
- (4) Large beach wedding events with 101 or more attendees are deemed special events under this Chapter and require a special event permit and compliance with all procedures set forth in this Chapter.

SECTION 5. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 7. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or

other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 8. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 9. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

SECTION 10. 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 Code of Ordinances, 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 11. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2024.

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tetterer, Mayor

ATTEST:

Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this ____ day of _____ 2024.

Stuart Tetterer, Mayor

Posted on pcbfl.gov on the ____ day of ____ 2024.

Posted on publicnoticesbaycountyfl.gov on the __ day of ____ 2024.