

ORDINANCE 1517

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ESTABLISHING RULES AND PROCEDURES FOR THE PROVISION OF MUNICIPAL SERVICES DURING SPECIAL EVENTS; ESTABLISHING A MUNICIPAL SERVICES RESERVATION SYSTEM FOR SPECIAL EVENT PROMOTERS PRIOR TO THE FILING OF A SPECIAL EVENT APPLICATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 2-54 of the Code of Ordinances of the City of Panama City Beach related to Off-Duty Employment, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 2-54 General Provisions

- (j) **The City Police Department and Fire Department employees may not engage in off duty employment for the provision of law enforcement, security, traffic control, emergency medical technician services, fire protection, crowd management, or provide any other services necessary for the implementation of a special event within the corporate limits of the City of Panama City Beach.**

SECTION 2. From and after the effective date of this ordinance, Section 4-16 as of the Code of Ordinances of the City of Panama City Beach related to Special Events, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 4-16. - Definitions

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.

SECTION 3. From and after the effective date of this ordinance, Section 4-20 of the Code of Ordinances of the City of Panama City Beach related to Special Events, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 4-20. – Application for Permit

- (1) Each application for a special event permit required by this Article shall contain the information described below and must be filed, and the permit fee paid, no less than the following number of days before the opening of the event to the public:
 - a. Sixty (60) calendar days for a large event or for a medium event to be held in whole or in part during the month of March, Memorial Day weekend, 4th of July and its closest weekend or Labor Day weekend.

- b. Thirty (30) calendar days for a medium event other than at the above times.
- c. Twenty (20) calendar days for a small event.

Notwithstanding the foregoing, the City Manager shall accept a tardy application and if (i) City staff has the capacity to conduct an ordinary review of the application without causing material neglect of other staff duties or, (ii) the event promoter stands willing and able to pay and deposits a sum of money to cover any overtime for City staff to conduct an ordinary review of the application, and staff volunteers such overtime, then the City will use reasonable efforts to process a tardy application in time to allow the event to be held. Applications shall be reviewed in the order received and priority shall be given to timely filed applications.

- (2) All applications for a permit under this Article must contain:
- a. The name and address of the applicant and if not a natural person the names and addresses of all persons controlling or owning greater than a five (5) percent interest in the applicant or a parent company of the applicant.
 - b. The dates and times of the event.
 - c. A list of the names and addresses of all vendors, independent contractors or other persons or firms which will be engaged by or associated with the applicant to offer goods or services during the special event, including a description of the goods and services offered by each and the name and address of the person who will have on-site responsibility, if different. The names and addresses of such persons shall be used only for the purposes of (i) identifying the source of good or services after the event, if necessary, (ii) allowing the City to collect all business license taxes due, and (iii) contacting such persons or firms as necessary in the normal course of City business. The information may not be used to grant or deny a permit. Should such a list not be available at the time application is made, applicant shall give a written statement to that effect and agreeing to furnish such a list no later than thirty-six (36) hours before the event and acknowledging that failure to timely

provide such a list will result in termination of the special event permit.

- d. The names and addresses of all entertainers. This information shall be used for the sole purpose of the City, first, investigating whether sufficient adverse secondary effects have accompanied the entertainer's performance(s) at past performances to raise an objective and reasonable concern that a performance at the event could require planning for and provision of extraordinary municipal services and precautions due to a special or enhanced danger to public health, safety or welfare, and then, second, to allow the City to contact such entertainers as necessary in the normal course of City business.
- e. Whether (i) patrons will be permitted to bring alcoholic beverages into the event (herein a "coolers event"), or (ii) patrons will not be permitted to bring alcoholic beverages into the event but patrons will be offered alcoholic beverages within the event (herein an "alcohol sales event"), or (iii) alcoholic beverages will be prohibited within the event (herein a "no alcohol event").
- f. An estimate of the largest number of persons anticipated to be in attendance in the event venue at any point in time, a statement as to how such attendance was estimated (i.e., such as historical events, ticket sales, etc.), and a plan for: (i) determining the actual number of persons in attendance at the event venue as the event progresses; (ii) keeping the City informed in real time of that number; and (iii) a plan to manage and control or disburse the persons desiring to enter the event after capacity is reached. The name, address, telephone number and a description of any prior experience in estimating attendance at previous events shall be included for all persons participating in the attendance estimation.
- g. A plan for sanitation facilities and sewage, garbage and litter collection and disposal (during and after the event) generated by the event or by its patrons (wherever such garbage or litter

may be located), water supply and food service. A plan submitted under this section is presumptively a danger to public health and safety if it violates, any rules promulgated by the Department of Health or other executive department pursuant to F.S. Ch. 381 (Public Health), F.S. Ch. 386 (Sanitary Nuisances), F.S. Ch. 509 (Food Service), or similar laws.

- h. A plan for flood-lighting the special event and parking areas if any activities are to be offered during darkness.
- i. A plan for parking facilities and plans for transporting or conducting patrons from said facilities to the special event venue.
- j. A plan for the provision of security, on site and off site traffic control, communications, fire protection and emergency services, including ambulance service, and emergency vehicle access in and around the event venue, and the general background of the training and ability of the personnel to be used in implementing the plan.
 - (i) A traffic control plan submitted under this section is presumptively a danger to public health and safety if it does not provide for at least one (1) person professionally trained or experienced in vehicular traffic control for every five hundred (500) anticipated, maximum attendees to actively guide traffic during the event.
 - (ii) A security plan submitted under this section is presumptively a danger to public health and safety if it does not provide for the following on site security officers to work the event:
 - (a) for a "cooler event" at least five (5) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers , licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;

- (b) for an "alcohol sales event" at least three (3) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;
- (c) for a "no alcohol event" at least one (1) person for every one thousand (1,000) attendees or portion thereof who shall be a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards.

One certified law enforcement officer, licensed security guard, or in-house security person for each event must be designated as the commanding officer tasked with supervision of other security personnel and maintaining compliance with this section. The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event, or alternatively the City Manager may require additional staffing reasonably shown to be required to secure the public health and safety during the proposed event.

A security plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit security and traffic control personnel from working more than one (1) twelve-hour shift in any twenty-four-hour period.

- k. A plan for medical services to be provided at the special event. A medical services plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit medical personnel from working more than one (1) twelve-hour shift in any twenty-four-hour period. A medical services plan presumptively presents a danger to public safety

or health if it does not provide for the following on site professionals to work the event. **The event shall be staffed by sufficient Medical Aid Personnel as follows:**

- (i) For a small event: none.
- (ii) For or a medium event: two (2) ~~Emergency Medical Technicians ("EMTs"), paramedics, or other professionals with equivalent (or higher) medical training~~ **Medical Aid Personnel.**
- (iii) For a large event: two (2) ~~EMTs, paramedics or other professionals with equivalent (or higher) medical training~~ **Medical Aid Personnel**, plus an additional two (2) such persons for each eight thousand (8,000) anticipated maximum attendees, or portion thereof, over five thousand (5,000) anticipated maximum attendees.

(iv) One Medical Aid Personnel for each medium and large event must be designated as the commanding officer tasked with supervision of other Medical Aid Personnel and maintaining compliance with this section.

(v) For the purposes of this section "Medical Aid Personnel" means a person licensed by the State of Florida as an Emergency Medical Technician, paramedic, or other professional with equivalent (or higher) medical training.

The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event.

The foregoing presumption is intended to address an event presenting a moderate hazard. The staffing guidelines set forth above may be decreased or increased as may be reasonably required to secure the public health and safety during the event depending upon whether the event objectively presents a lower or higher hazard. By way of illustration, the staffing guidelines set forth above are intended for moderate hazard events which include, but are not limited to, concerts, carnivals and fairs.

Similarly, low hazard events include, but are not limited to, car shows, flea markets, local festivals, craft shows, local sporting events, and organized sporting tournaments. High hazard events include, but are not limited to, an event with stunts or having the potential for special danger to participants or spectators, or the potential for sustained exposure to extreme ambient temperatures. A low or moderate event may present a higher hazard due to extreme temperatures. Higher hazard events may be required to provide an Advanced Life Support Unit with transport capability. Staffing shall be equipped with customary supplies necessary to treat injuries and illnesses commonly associated with outdoor activities or similar events.

- i. A plan for assuring that all stages, booths, tents, scaffoldings or structures of any kind on, under or within which persons may congregate, will conform to applicable building and construction codes in effect within the City, and that any entertainment stage erected on the sandy beach in connection with a special event will be guarded by a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or an in-house security professionally trained according to recognized standards and authorized and instructed to prevent unsafe, public use or activity on or about the stage twenty-four (24) hours a day, seven (7) days a week.
- m. A site plan showing the location and size of the event venue and all parking areas (including required handicap parking), and the location of all other features required by this section. For a sandy beach event, the site plan shall show a cleared east/west corridor on the sandy beach outside the event venue adequate to permit the one-way passage of an emergency vehicle, and a cleared east/west pedestrian corridor at and above the wet sand at the water's edge at least twenty-five (25) feet wide.
- n. A plan to provide and control safe pedestrian access between parking area(s) and the event venue which will minimize adverse impacts upon surrounding properties and businesses. For a sandy beach event a plan to keep the east/west

emergency vehicle corridor and the waterfront pedestrian corridor open for traffic at all times must be provided.

- o. A plan to deal with persons congregating outside the event in public right of ways either seeking entry to the event or attracted to the event should the number of such ~~numbers~~ persons call for municipal services to a degree above that which the City routinely provided under ordinary, everyday circumstances.
- p. A plan to enclose, restrict or control access to all parking at the event venue and to limit the number of persons within the event venue to the maximum number anticipated, and a contingency plan to deal with persons in excess of that number to minimize adverse impacts upon surrounding properties and businesses.
- q. For a medium or large event held in any part on the sandy gulf beach, plans demonstrating that the event space on the sandy beach event venue will be enclosed on all sides by fences or other structures adequate to prevent access to the event at any point other than controlled access gates, and also demonstrating adequate egress facilities and routes to clear the event venue in case of an emergency. If any entertainment or activity is provided for the event which is reasonably likely to attract a crowd outside the event venue, the fences or other structures shall be opaque and a minimum of six (6) feet high so as to prevent persons standing on ground level outside the fence or event venue from viewing the entertainment; except that in lieu of a six (6) foot opaque fence on the gulf water side there may be substituted two (2) parallel fences each a minimum of four (4) feet high lying parallel to the gulf water's edge and no less than ten (10) feet apart.
- r. During sea turtle nesting season, a plan for the fences to be removed from the beach daily before 9:00 p.m. and not replaced until after the beach has been inspected for turtle nests the next morning.
- s. For a large event out of doors, a plan to provide sufficient elevated viewing platforms to permit event security and, upon

request, City police to oversee the crowd and be able to identify and respond to a disturbance or unusual activity before it escalates.

- t. A list of all live animals to be used in connection with the event and a plan for the care and safe keeping of such animals.
- u. For medium events, a cash deposit in the amount of two thousand dollars (\$2,000.00) or one thousand dollars (\$1,000.00) per day, whichever is greater, but not to exceed five thousand dollars (\$5,000.00). For large events, a cash deposit in the amount of three thousand dollars (\$3,000.00) or one thousand five-hundred dollars (\$1,500.00) per day, whichever is greater, but not to exceed six thousand dollars (\$6,000.00). The return of such deposit, in whole or in part, shall be conditioned upon the applicant timely and completely performing all of the plans submitted with the application or reimbursing the City for all direct and indirect costs incurred to protect public or private health, safety or welfare in the absence of such performance or to pay the City any rent due the City for the use of city facilities in the event. In the event any such cost shall exceed the amount of the deposit, the applicant shall be liable to the City for such excess to the extent permitted by law.
- v. The plans required by this Article are designed to allow the City to evaluate and assure that the proposed event will not pose an unreasonable danger to public health and safety and will not excessively burden municipal resources without adequate planning so as to create such a danger. Any plan submitted hereunder is presumptively a danger to public health and safety if it does not (i) include evidence that the applicant is reasonably qualified, experienced and capable of executing the plan alone, or written commitments from one (1) or more qualified, experienced and capable third parties promising to execute or assist the applicant in executing the plan and acknowledging that the commitment is being made to induce the City to issue a permit for the event, and (ii) demonstrate that it is reasonably capable of being executed through the equipment, personnel and processes specified in it, and (iii) demonstrate that it will be

reasonably effective to protect the public from the health or safety risks it is intended to address.

- w. The City Manager may waive any requirement herein if it is reasonably shown that public health and safety can be secured through alternative means or that such a plan is not reasonably required for the proposed event.

(Ord. No. 1379, § 3, 1-5-2016)

SECTION 4. From and after the effective date of this ordinance, Section 4-21 of the Code of Ordinances of the City of Panama City Beach related to Special Events, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 4-21. - Application fee and municipal services fee.

- (1) Application for a special event permit shall be accompanied by one of the following applicable fees for administrative expenses incurred in evaluating and processing the application:
 - (i) For small event, \$50.00.
 - (ii) For a medium event, \$225.00
 - (iii) For a large event, \$350.00.

If an event permit for a large event wholly or partially on the sandy beach is not issued due to other such sandy beach event(s) occurring on the same calendar day the application fee shall be refunded. In the event the City Council shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or City services fee, or both, by appropriating general revenue funds to be applied to the fee.

- (2) As part of the City's administrative review of an application for a large **or medium** event permit, the City shall determine the municipal services **or other City resources** needed as a direct

result of the event and not as a duty to the public generally, together with any municipal services requested by the applicant, and their respective costs, and shall prepare an itemization of the services and their cost (the municipal services fee). The purpose of the municipal services fee is to place upon a large or medium event the ~~marginal~~ reasonable cost of providing municipal services which are reasonably necessary to directly support the event.

- (3) The level of municipal services required shall be determined by an objective, reasonable examination of the totality of the circumstances, including but not limited to the following factors:
 - (i) The size of the event venue and the anticipated attendance.
 - (ii) The location of the event to determine the potential for pedestrian and vehicular congestion.
 - (iii) The nature of the event, the activities planned during it and the weather conditions of the season to evaluate the danger of harm to persons and property such as a fireworks explosion, a collision of participants or spectators, spectator or participant heatstroke, drowning, and the like.
 - (iv) The historical density of visitors to the beaches during the annual season of the event and the type of activities, safe and unsafe, in which those visitors have historically engaged.
 - (v) Whether the event venue is specifically designed and staffed to handle the anticipated needs and effects of the anticipated number of attendees.
- (4) The City Manager or his or her designee shall promptly provide the applicant a copy of the itemization and amount of the municipal services fee at such rates as are approved by the City Council by resolution and attempt to schedule or arrange a pre-permit conference with the applicant, or other means of communication between the city and the applicant as may be suggested by the applicant, in order to discuss the conduct of the event, the coordination of public and private resources and the level of municipal services required and the amount of the municipal services fee. It shall be the Applicant's duty to attend the pre-permit

meeting at a day and time convenient for City staff, or to request an alternative to the pre-permit meeting and the City Manager shall allow the request if it is reasonable and practical to do so.

- (5) If the applicant does not accept the type and extent of municipal services listed and the amount of the municipal services fee, the City shall nonetheless proceed in ordinary course to complete the application process and either deny the permit through the process contained in this Article without consideration of the applicant's objection to the fee, or if the applicant is entitled to the permit then grant the permit upon the condition that the municipal services fee be paid before the permit becomes valid or effective. The applicant shall have the right to appeal to the City Council the type and extent of services required and the amount of the fee by letter filed with the City Clerk within three (3) business days after the City shall provide the applicant the itemization and amount of the fee which notice shall state that the applicant may appeal within three (3) business days. The City Council shall uphold or lessen the fee based upon information about the extent of services to be rendered by the City directly related to the event and the cost of those services as presented by City Manager or his/her designee and the applicant in a *de novo* , quasi-judicial hearing held as soon as may be practicable. The City Council's decision, including its reasons therefore, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings. The hearing may be continued from time to time in the sole discretion of the City Council. If the City Council is unable to timely conduct or conclude the hearing in time for the event to be held pursuant to an otherwise valid permit, the applicant may pay to the City the disputed fee under protest, and the permit shall become effective so that the event may be held, in which case the hearing shall be held and concluded after the event at a mutually convenient time. If the fee is upheld, it shall be accepted by the City; if it is reduced the reduction shall be refunded to the applicant.

(6) Prior to the provision of municipal services at a special event, the City Manager and applicant shall execute an agreement, in a form approved by the City Attorney, which delineates the specific services to be performed by the City at the special event which agreement shall specify the number and roster of personnel, schedule of work, and all rates, fees, and taxes to be provided by the City and paid by the applicant.

(7) Following the execution of a municipal services agreement, should the applicant determine that the municipal services for which it contracted will no longer be required the promoter shall to request a reduction in services from the coordinating department no later than twenty-four (24) hours prior to the start of such services for a small or medium event and seventy-two (72) hours prior to a large event. Upon receipt of such request, the coordinating department may deny the request if the department determines the reduction would create a safety risk to the public. In the event that the applicant fails to timely request a reduction, the City shall charge a minimum of two (2) hours for each employee who reports for duty to the applicant's event.

(Ord. No. 1379, § 3, 1-5-2016)

SECTION 5. From and after the effective date of this ordinance, Section 4-21.5 of the Code of Ordinances of the City of Panama City Beach related to Special Events, is hereby created to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 4-21.5 – Municipal Services Reservation.

(a) Municipal services performed by City personnel in support of a special event are available on a first-come-first-serve basis. The City is not obligated to provide or reserve any

personnel prior to the execution of an agreement between the applicant and the City for the services to be rendered and payment of any municipal services fee.

(b)Any applicant who intends to procure municipal services from the City in order to meet the special event obligations required herein shall be required to secure a municipal services reservation pursuant to this section before any permit can be issued.

(c)A municipal services reservation request must include:

- 1. The information listed in section 4-20 (a), (b), (e), (f), (i), (j), (k), and (m).**
- 2. The number of Police Department and Fire Department personnel requested.**
- 3. A proposed schedule of work for each City employee requested based upon the applicant's need throughout the duration of the event.**

(d)Upon the receipt of a municipal services reservation request, the City Manager, the Chief of Police and the Fire Chief, or their respective designees, shall provide the applicant a copy of the itemization and amount of the municipal services fee based upon the rate then in effect as set by the City Council.

SECTION 6. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

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 Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 8. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 9. 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 12th day of March, 2020.



MAYOR

ATTEST:



CITY CLERK

EXAMINED AND APPROVED by me this 12th day of March, 2020.


MAYOR

Published in the News Herald on the 28th day of February, 2020.

Posted on pcbgov.com on the 13th day of March, 2020.