

ORDINANCE 1520-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, FINDING THE EXISTENCE OF AN EMERGENCY; PLACING TEMPORARY RESTRICTIONS ON ACCESS TO THE SANDY GULF BEACH AND BEACH ACCESSES; PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE 1519-E AND ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR EXPIRATION AND EXTENSION; PROVIDING FOR MODIFICATION BY RESOLUTION OF THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE AS AN EMERGENCY MEASURE.

WHEREAS, the City of Panama City Beach (“City”) is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and may exercise its governmental, corporate, and proprietary powers for municipal purposes, including to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City is empowered, pursuant to section 166.041(3)(b), Florida Statutes, to adopt emergency ordinances by two-thirds majority vote; and

WHEREAS, the City and Bay County continue to grapple with the extraordinary health crisis posed by the outbreak of the novel coronavirus, COVID-19.

WHEREAS, on March 20, 2020, the City Council passed Ordinance 1519-E closing the sandy gulf beach to limit congregations and social interaction, which action was extended by Resolutions 20-93 and Resolutions 20-98; and

WHEREAS, on April 1, 2020, the Governor of the State of Florida issued Executive Order 20-91, requiring the public to stay at home except to obtain essential services of conduct essential activities and included, as an essential activity, “[p]articipating in recreational activities (consistent with social distancing guidelines...)” and;

WHEREAS, the City is home to approximately nine miles of the world's most beautiful beaches which, for generations, have been a vital source of recreation to residents and visitors; and

WHEREAS, at the time of the enactment of Ordinance 1519-E the City was experiencing an influx of spring break specific visitors and observed that these visitors congregated in large groups on the sandy gulf beach contrary to social distancing guidelines, failed to heed the orders of law enforcement, and presented a danger to the public health; and

WHEREAS, the City Council finds that the imposition of Ordinance 1519-E and other state actions were effective at gaining compliance from residents and visitors with social distancing requirements sufficient to reexamine safe use of the sandy gulf beach; and

WHEREAS, at a news conference on April 17, 2020, Governor DeSantis said it was important for people to have outlets for getting exercise, sunshine and fresh air, and suggested that municipalities could open up parks and beaches if social distancing guidelines remained in place; and

WHEREAS, on April 21, 2020, the Bay County Board of Commissioners approved Emergency Order 20-03, approving recreational use of Bay County beaches during the hours of 6-9 a.m. and 5-8p.m; and

WHEREAS, consistent with Executive Order 20-91, the Governor's statements on April 17, 2020, and Bay County Emergency Order 20-03 the City Council finds that limited use of the beach for recreation in accordance with strict social distancing rules provides a reasonable balance to best protect the public health, safety, and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. FINDING OF EMERGENCY. The foregoing recitals are true and correct, and incorporated herein as if set out in full. For the reasons set out in the above recitals, the Council finds and determines the public health emergency requires continued limited use of the sandy gulf beach but with modified restrictions on access and use.

**SECTION 2. LIMITED USE AND ACCESS TO SANDY BEACH AND BEACH ACCESSES.** From and after 6:00 a.m. on April 24, 2020, the Sandy Gulf Beach and all Beach Accesses, as those terms are defined in Ordinance 1519-E, shall be open to the public for limited purposes as follows:

- a. Limited Hours. The public may use and access the Sandy Gulf Beach and its adjacent waters each day from 6:00 a.m. to 9:00 a.m. and from 5:00 p.m. through 8:00 p.m. for recreational purposes only.
- b. Social Distancing. All groups of persons on the Sandy Gulf Beach shall be spaced a minimum of six-feet in length from any other person or groups of persons.
- c. Congregations. No persons shall congregate in groups greater than ten (10) people.
- d. No Commercial Activity. Nothing herein shall be construed to allow commercial activity on or upon the Sandy Gulf Beach or Beach Accesses.
- e. Beaches Otherwise Closed. The Sandy Gulf Beach and Beach Accesses shall be closed from 9:00 a.m. to 5:00 p.m., and 8:00 p.m. to 6:00 a.m.

**SECTION 3. ENFORCEMENT.** Each violation of this ordinance shall constitute a separate offense punishable by imposition of a fine, not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed (30) days, or both.

Violations may also be enforced by the issuance of a civil infraction by a sworn police officer and enforced pursuant to Section 7-504 of the City's Code of Ordinances.

**SECTION 4. REPEAL.** Ordinance 1519-E and all ordinances, resolutions, orders or parts of ordinances, resolutions or orders in conflict herewith are repealed to the extent of the conflict.

**SECTION 5. EXPIRATION AND EXTENSION.** This Ordinance shall expire at 8:00 p.m., Friday, May 1, 2020 unless that period is extended by Resolution of the City Council or by written order of the Mayor. The Mayor is hereby authorized to extend the effective period of this Ordinance for periods of 7 days, subject to consultation with the City Manager, Fire Chief and Chief of Police.

**SECTION 6. MODIFICATIONS.** The restrictions set forth in Section 2 of this Ordinance, and the authority granted the Mayor in Section 5, may be modified, revoked, or expanded by Resolution of the City Council.

**SECTION 7. 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 8. EFFECTIVE DATE.** This Ordinance shall take effect

immediately upon passage by two-thirds vote of the members of the City Council, without further reading or publication, to address the real and present public health emergency presented by the spread of the COVID-19 virus.

**THIS ORDINANCE** shall be effective immediately upon passage.

**PASSED** in regular session this 23<sup>rd</sup> day of April, 2020.

**CITY OF PANAMA CITY BEACH**

By:   
Mark Sheldon, Mayor

**ATTEST:**

  
Jo Smith, Interim City Clerk