

ORDINANCE 1531-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, FINDING THE EXISTENCE OF AN EMERGENCY; AUTHORIZING THE ENFORCEMENT OF ALL CITY ORDINANCES BY CODE ENFORCEMENT OFFICERS SUBJECT TO PENALTIES AND PROCEDURES SET FORTH IN THE CITY'S CODE OF ORDINANCES.

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, 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, thousands of visitors have flocked to the City this year in hopes of finding rest and recreation while the world is gripped by the COVID-19 crisis; and

WHEREAS, the COVID-19 crisis and the nation's pent-up demand for recreation along with dangerous conditions in the Gulf of Mexico has led to an inordinate burden on the City's resources, including the continued call for mutual aid from surrounding areas, which must be bolstered in order to maintain the public health, safety, and welfare; and

WHEREAS, section 166.0415, Florida Statutes, authorizes code enforcement officers to issue citations for violations of all municipal ordinances which may be adjudicated in the county court.

WHEREAS, enforcement of beach safety ordinances and other regulations have been previously reserved to the Fire and Police employees who now find themselves in need of assistance by other departments of the City; and

WHEREAS, the City Council finds that the strain on the City's resources at this critical time constitutes an emergency which can be effectively mitigated by the deployment of code enforcement officers to maintain the public health, safety, and welfare in areas of critical need.

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

SECTION 1. FINDING OF EMERGENCY. For the reasons set out in the above recitals, the Council finds and determines that the public health emergency facing the City combined with the large influx of seasonal visitors have overwhelmed the efforts of law enforcement to protect the community and the visitors themselves, and that the enhanced authority adopted by this ordinance are needed immediately to help address the dangers present in our nation, state, and community.

SECTION 2. From and after the effective date of this ordinance, Section 1-12, of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text struck through):

Sec. 1-12. - General penalty; continuing violations, **enforcement**.

- (a) Whenever in this Code or the ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or the ordinances of the city the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or the ordinances of the city shall be punished by a fine not exceeding five hundred dollars (\$500.00), imprisonment in a lawful place for a term not exceeding sixty (60) days, probation with terms set by the court, or by any combination thereof including all three in the discretion of the court. This section shall not apply to offenses which are recognized by the laws of the state as misdemeanors, the penalties for which are provided by the laws of the state, which state penalties shall likewise be applicable under this Code. Each day any violation

of any of the provisions of this Code or of any ordinance of the city shall continue shall constitute a separate offense.

- (b) In addition to the penalties provided in subsection (a), any condition caused or permitted to exist in violation of any of the provisions of this code and the ordinances of the city shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that any such offensive condition continues shall be regarded as a new and separate offense.
- (c) Any violation of municipal ordinance may be enforced by civil citation by an employee of the City designated as a code enforcement officer by the City Manager. Any violation of a provision of this Code, the City's Land Development Code, or any other ordinance of the City shall be punishable by the penalties set forth in section (a) of this Section or as specifically set forth in the body of the Code, ordinance, or resolution. This grant of authority shall be cumulative and supplemental to any enforcement powers granted to Police and Fire Department employees as more specifically set forth throughout this Code.**
- (d) Any violation of municipal ordinance which is not adjudicated through administrative procedures set forth in the body of the ordinance shall be adjudicated in the County Court of Bay County pursuant to section 34.01, Florida Statutes.**

(Code 1973, §§ 1-8, 1-9; Ord. No. 208, § II, 5-24-78; Ord. No. 570, § 1, 5-15-98)

Cross reference— Nuisances, Ch. 15; offenses, Ch. 16.

State Law reference— Fines and forfeiture in county court payable to municipality, F.S. § 34.191; **enforcement by code inspectors §166.0415**; punishment for misdemeanors, F.S. §§ 775.082, 775.083.

SECTION 3. 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 4. 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 9th day of July, 2020.

CITY OF PANAMA CITY BEACH

By: _____


Mark Sheldon, Mayor

ATTEST:


Jo Smith, Interim City Clerk

Posted on pcb.gov.com on the 10th of July, 2020.