

ORDINANCE 1534

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATING TO BEACH SAFETY DURING DOUBLE RED FLAGS; PROHIBITING PERSONAL PROPERTY WITHIN AN EMERGENCY LANE ON THE SANDY GULF BEACH DURING DOUBLE RED FLAGS; PROVIDING FOR PENALTIES AND ENFORCEMENT; AUTHORIZING CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection has adopted a uniform warning flag program for use by Florida's beachfront communities, which system is intended to minimize the risks of drowning or serious injury; and

WHEREAS, the City prominently displays signs at its beach accesses and in transient dwelling accommodations to educate beachgoers of the flag system and hazard signified by such flags, and flies flags up and down its nine miles of beaches to indicate the Gulf conditions; and

WHEREAS, double red flags signify the water is closed to the public; and

WHEREAS, swimmers who enter the water in dangerous conditions risk not only their own lives but the lives of those attempting to rescue distressed swimmers; and

WHEREAS, on August 8, 2019, the City passed Ordinance 1494 which authorized City personnel to order persons to stay out or come out of the Gulf of Mexico during double red flags; and

WHEREAS, since that time the City has found it effective to use the beach landward of the wet sand as an emergency lane to spot swimmers in distress and to educate residents and visitors on the dangers of the Gulf of Mexico during double red flags; and

WHEREAS, the City finds that this emergency lane, already free of commercial personal property, is frequently obstructed by tents, chairs, and umbrellas from visitors enjoying the beach; and

WHEREAS, the City Council finds that during these especially dangerous times, there is a compelling reason to keep this emergency lane free of obstructions in furtherance of the public health, safety, and welfare.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this Ordinance, Section 7-12 of the City's Code of Ordinances is amended to read as follows:

Section 7-12. ~~Failure to obey lawful order.~~ Double Red Flags

- (a) The legislative intent of this section is to authorize City personnel to order persons to stay out of or come in from the Gulf of Mexico when double red flags are flying.
- (b) Failure to obey an order to stay out of or come in from the Gulf of Mexico by a police officer, when reasonably known to be such an official, is hereby prohibited and made unlawful. Such order shall be made for the purpose of ensuring the safety of persons using the beach or waters of the Gulf of Mexico. Any person violating any provision of this section may be punished as follows:
 - 1. First Offense: verbal warning.
 - 2. Second Offense (occurring within twenty-four hours but following an opportunity to comply with the preceding warning): Misdemeanor of the second degree punishable by a fine of no more than \$500, or a sentence of not more than sixty (60) days in jail, or both.
- (c) Failure to obey an order to stay out of or come in from the Gulf of Mexico by any member of the City's fire rescue department **or Code Enforcement Department**, when reasonably known to be such a person, is hereby prohibited and made unlawful. Any person violating any provision of this section may be punished as follows:
 - 1. First Offense: warning
 - 2. Second Offense: by a civil penalty of \$250.
 - 3. Third Offense: by a civil penalty of \$500.
- (d) All fire rescue personnel of the City shall be considered code enforcement officers for the purpose of enforcing this section. A

citation issued under section (b) may be contested in accordance with the provisions of Chapter 25 of the City's Code of Ordinance.

- (e) This section shall not apply to persons attached by a leash to a surfboard. A surfboard means a fiberglass, epoxy, closed-cell neoprene or closed cell Styrofoam instrument with one or more fins or skegs attached to or inserted through the bottom, including windsurf boards and sailboards, but does not include rubber rafts, floats, belly boards, skim boards, or boogie boards.
- (f) **During double red flags, no personal property, including but not limited to chairs, umbrellas, and tents, may be placed 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 being an obstacle to City vehicles. Any violation of this subsection is punishable in the same manner set forth in subsection (c) of this section.**

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. 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, 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 5. 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 _____, 2019.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 20120.

MAYOR

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