

## EMERGENCY ORDER 21-01

AN EMERGENCY ORDER OF THE CITY OF PANAMA CITY BEACH, FLORIDA, TEMPORARILY CLOSING A PORTION OF THE SANDY GULF BEACH FROM THE HOURS OF 10:00 P.M. TO 5:00 A.M FROM APRIL 1ST UNTIL APRIL 13TH.

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 252.46, Florida Statutes, to make such emergency orders as are necessary for emergency management purposes; and

WHEREAS, the World Health Organization, U.S. Health and Human Services Secretary, President of the United States, Governor of the State of Florida, and Bay County have all acknowledged and declared the outbreak of the novel coronavirus, COVID-19, to be an international, national, state, and local emergency; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52, which has been continuously extended by subsequent Executive Orders including most recently by issuance of Executive Order 21-45, authorizing local governments to execute their authority under the State Emergency Management Act; and

WHEREAS, since March 17, 2020, the City Council has taken careful and measured actions to balance the public health and safety while also monitoring the need to allow for recreational and commercial activity to safely continue; and

WHEREAS, the City is home to the world’s most beautiful beaches and serves as one of the nation’s premier tourist destinations to over 4 million visitors per year while also serving as the permanent home for approximately 13,000 residents; and

WHEREAS, throughout the COVID-19 pandemic, the City’s beautiful beaches have attracted even larger crowds than in previous years, in part due to more stringent restriction in place in other communities; and

WHEREAS, based upon that experience City has observed that the increase in the number of visitors has led to a corresponding increase in criminal activity, which in turn and combined with COVID-19's effects on the City's workforce is inordinately straining the City's resources; and

WHEREAS, the circumstances set forth in 2020 led to a large increase in "pop-up events" on the sandy gulf beach in a densely populated area near the City's eastern border wherein large groups of young people gather at night on the beach engaging in criminal activity, increasing risks of COVID transmission, and creating unrest; and

WHEREAS, the Council finds that the circumstances creating a danger in 2020 continue today and present a danger to public health, safety and welfare; and

WHEREAS, the City Council finds that a temporary closure of the sandy gulf beach in a specific geographic area, specifically while the City hosts a high volume of visitors, will substantially advance the national, state, and local interest of mitigating the current threats to public safety in the City and allow the City to better protect its visitors from crime and from increased transmission of COVID-19.

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

SECTION 1. DEFINITIONS. For purposes of this Order, the following terms shall have the meanings proscribed below:

- a. "Sandy Gulf Beach" means 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 boundary of the seaward most public vehicular right of way.
- b. "Beach access" means any public beach access points identified by the City Parks and Recreation Department, including associated boardwalks, walkways, and dedicated parking areas, and the area on the beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.

SECTION 2. CLOSING SANDY BEACH AND PUBLIC BEACH ACCESSES IN GEOGRAPHIC AREA. Beginning on April 1, 2021 and ending on April 13, 2021, the Sandy Gulf Beach and all beach accesses located in the geographic area depicted on the map attached hereto as Exhibit "A" are closed each

day from the hours of 10:00 p.m. through 5:00 a.m. and access shall be unlawful so long as this Order remains in effect in accordance with Section 4.

SECTION 3. PENALTIES. Each violation of this Order 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 be enforced by the issuance of a non-criminal citation by a sworn police officer. A citation issued under this section may be contested in accordance with the Code Enforcement Hearing Officer System pursuant to chapter 25 of the City's Code of Ordinances.

SECTION 4. EFFECTIVE DATE. This Order shall take effect on April 1, 2021 and shall remain in effect until 5:00 a.m., April 13, 2021, unless such date is otherwise extended by further order of the City Council.

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

**PASSED** in regular session this 11<sup>th</sup> day March, 2021.

**CITY OF PANAMA CITY BEACH**

By: \_\_\_\_\_

  
Mark Sheldon, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lynne Fasone, City Clerk



EXHIBIT A