

ORDINANCE NO. 1558

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO CONTROL AND SUPERVISION OF COMMERCIAL PARKING LOTS TO INCREASE PENALTIES FOR VIOLATIONS; AUTHORIZING CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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 22-26 of the Code of Ordinances of the City of Panama City Beach, related to Enforcement and penalties for parking lots violations, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 22-26. - Enforcement and penalties for parking lot violations of section 22-25.

(a) The City finds that a violation of any provision in Section 22-25, or similar superseding section, (collectively Section 22-25) by an owner or a person using a parking lot presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.

(b) Each violation of Section 22-25 shall constitute a separate, civil infraction within the meaning of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount of **\$500.00** ~~specified below.~~

~~First violation of this Article:\$100.~~

~~Second violation of this Article:\$200.~~

~~Third and all subsequent violations of this Article:\$500.~~

~~A person who does not contest the civil citation for violation of Section 22-25 shall be subject to a civil penalty in the following amount:~~

~~First violation of this Article:\$50.~~

~~Second violation of this Article:\$100.~~

~~Third and all subsequent violations of this Article:\$250.~~

The penalty for uncontested civil citations may be paid directly to the City Clerk.

(c) Section 22-25 may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any section of this Article. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing every section of this Article. A citation issued under any section of this Article may be contested in the county court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation. In addition to the penalties specified in this Article, a person voluntarily paying a civil citation or convicted of a civil citation shall be required to bear all costs and fees imposed by the County Court or the office of the Clerk.

(d) The penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the Panama City Beach Code of Ordinances or state law. Each calendar day that a violation shall occur or continue shall constitute a separate, and cumulative, offence.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. 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 4. 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 10th day of
June, 2021.



MARK SHELDON, MAYOR

ATTEST:



CITY CLERK

EXAMINED AND APPROVED by me this 10th day of
June, 2021.



MARK SHELDON, MAYOR

Published in the News Herald on the 27th day of May, 2021.

Posted on pcbfl.gov on the 31st day of May, 2021.

Section 22-25 FOR REFERENCE:

Sec. 22-25. - Control and use of business parking lots when business closed.

(a) The following words shall have the following meanings in this section:

Manager of a business parking lot means, all persons, jointly and severally, with a legally enforceable, exclusive or non-exclusive real property right to exclude others from entry, regardless of where each such person may reside or have its principle place of business, and includes owners or fee holders and their agents, tenants and their agents, and licensees and their agents who hold such a right.

Business parking lot (or sometimes parking spaces within a common or shared parking lot) means the private, real property designated, used or intended to be used by a business as the vehicular use or parking area required for that business by the City's Land Development Code, and for the purpose of this section such a lot and business are referred to as being associated with each other. In determining which spaces in a common or shared parking lot are associated with a business and hence constitute the *business parking lot* for that particular business, the number of spaces required for the business by the City's Land Development Code and the proximity of that number of spaces to the business shall control, even though a particular space or spaces may be associated with more than one (1) business.

Close a parking lot means to prohibit unauthorized public parking of vehicles in the lot, to arrange to have unauthorized vehicles promptly towed from the lot and to post warning and information signs required by City Code Section 22-19 or similar law.

Supervise a parking lot means to provide active, continuous and onsite supervision of the lot by a parking lot attendant who at a minimum is authorized and responsible to control vehicular access to the lot, to maintain peace and order within the lot and require persons in the lot to obey the law, to require offenders to leave the lot and to immediately seek assistance from law enforcement if needed to maintain order or enforce the law.

(b) Whenever the business associated with a business parking lot is not open to the public for business, then the associated parking lot must be closed or supervised, and each manager of the lot, jointly and severally, is obligated to make or cause to be made that closure or supervision.

(c) Whenever all the businesses associated with proximate parking spaces located in a common or shared parking lot are not open to the public for business, then the parking spaces associated with those businesses must be closed or supervised, and each manager of the common or shared lot is obligated to make or cause to be made that closure or supervision.

(d) Where a business parking lot is closed by one (1) or more physical barriers, no person shall disturb any such barrier, or break the close of the lot, or enter the lot after the close is broken by another, regardless of whether any physical or permanent damage is done to the barrier.

(e) Nothing in this section shall be construed to prohibit owners, employees, vendors or others authorized by an owner, or emergency personnel, from entering a closed parking lot.