

ORDINANCE 1587-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, FINDING THAT AN EMERGENCY EXISTS, TEMPORARILY CLOSING A PORTION OF THE SANDY GULF BEACH FROM THE HOURS OF 10:00 P.M. TO 5:00 A.M.; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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 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, the City’s beautiful beaches continue to attract even larger crowds than in previous years; and

WHEREAS, since 2020, the City has seen 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, 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, throughout the spring of 2022, the dangers to the public have become immediate as evidenced by a shooting which occurred in this area in the early hours on Monday, June 6th; and

WHEREAS, the City anticipates a high increase in occupancy around the area of concern and that the large numbers of visitors to this area and the increasingly

common civil unrest during late night hours have created an emergency during those hours; and

WHEREAS, the City Council finds that an emergency temporary late night closure of the sandy gulf beach in a specific geographic area, specifically while the City hosts a high volume of visitors, will substantially advance public interest of mitigating the current threats to public safety in the City and allow the City to better protect its visitors and residents from crime.

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 that the public safety emergency facing the City requires temporary closure adopted by this Ordinance which are needed immediately to help address the dangers present in our community.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, 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 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 3. CLOSING SANDY BEACH AND PUBLIC BEACH ACCESSES IN GEOGRAPHIC AREA. Beginning on June 9, 2022, and ending on July 31, 2022, 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 Ordinance remains in effect in accordance with Section 6.

SECTION 4. PENALTIES. 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 be enforced by the issuance of a civil citation by a sworn police officer or by arrest. A civil 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 5. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage by a two-thirds vote of the members of the City Council, and shall remain in effect until 12:00 a.m., August 1, 2022, unless such date is otherwise extended by resolution of the City Council.

THIS ORDINANCE shall be effective immediately upon passage.

PASSED in regular session this 9th day of June, 2022.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

