

ORDINANCE 1628

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 23 OF THE CITY CODE OF ORDINANCES TO CREATE CHAPTER 23, ARTICLE IX, RELATING TO FATS, OILS AND GREASE MANAGEMENT FOR THE CITY'S WASTERWATER COLLECTION AND TREATMENT UTILITY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, SCRIVENER'S ERRORS, LIBERAL INTERPRETATION, MODIFICATIONS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach, Florida (the "City") does not currently have a uniform maintenance and monitoring system for controlling the discharge of fats, oils, and grease into the City's treatment system or for grease haulers operating within the City limits; and

WHEREAS, the City Council of Panama City Beach finds that it is in the best interest of the City to enact a uniform maintenance and monitoring system and to regulate grease haulers that provide services within the City.

NOW THEREFORE, 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, Chapter 23, Article IX of the City's Code of Ordinances relating to Fats, Oils and Grease Management is created to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 23-300. Title.

This article shall be known and may be cited as the "City of Panama City Beach Fats, Oils and Grease Management Ordinance."

Sec. 23-301. Purpose.

This article establishes uniform maintenance and monitoring requirements for controlling the discharge of Grease from Food Service Facilities discharging into the City's treatment works and for regulation of Grease Haulers operating within the City limits. The objectives of this article are:

- (1) To prevent the introduction of excessive amounts of Grease into Panama City Beach's treatment works.**
- (2) To prevent clogging or blocking of the City's sewer lines due to Grease build-up causing sanitary sewer overflows onto streets, into stormwater systems or waterways and into residences and commercial buildings, resulting in potential liability to the City.**

- (3) To prevent maintenance and odor problems at wastewater pumping stations due to Grease build up.**
- (4) To implement a process to recover costs for any liability incurred by the City for damage caused by Grease blockages resulting in sanitary sewer overflows.**
- (5) To establish fees for the recovery of costs resulting from the program established herein.**
- (6) To register Grease Haulers operating within the City of Panama City Beach.**
- (7) To establish enforcement procedures for violations of this article.**

Sec. 23-302. Applicability.

- (1) The provisions of this article shall apply to all Food Service Facilities discharging into the City's treatment works or infrastructure and to all Grease Haulers doing business within the City of Panama City Beach.**
- (2) Where there is a conflict between this article and the Florida Building Code-Plumbing, as amended (current edition), the Florida Building Code-Plumbing, as amended (current edition) shall be applicable.**

Sec. 23-303. Definitions.

For the purposes of this article, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Director means the City's Utilities Director or the director's designee.

Food Service Facility ("Facility") means any business or Food Service Facility which prepares and/or packages food or beverages for sale or consumption. This does not apply to private residences. Food Service Facilities may include, but are not limited to, food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, meat markets, hospitals, hotels, nursing homes, churches, schools, cafeterias, delicatessens, coffee shops, concession stands, and all other Food Service Facilities not specifically listed above.

Food Service Facility Owner ("Owner") means in the case of individual Food Service Facilities, the Owner or proprietor of the Food Service Facility. Where the Facility is a franchise operation, the Owner of the franchise is the responsible person or entity. Where the Facility is owned by a partnership, corporation, or other type of business entity, the individual who is authorized to legally act on behalf of the business entity under Florida State law shall be the responsible person. Where two (2) or more food service facilities share a common Grease or Oil Interceptor, the Owner shall be the individual who owns or assumes control of the Interceptor or the property on which the Interceptor is located. Owner shall also mean his or her duly authorized representatives, employees or agents.

Inspector means a member of the staff of the City designated by the *Director* to enforce the City of Panama City Beach Fats, Oils and Grease Management Ordinance with the powers and authority set forth in this Ordinance.

Gray Water means all liquid contained in a *Grease Interceptor* that lies below the floating grease layer and above the food solids layer.

Grease means a material either liquid or solid, composed primarily of fats, oils or grease from animal or vegetable sources.

Grease Hauler means a person who collects the contents of a *Grease Interceptor* or trap and transports it to an approved recycling or disposal facility.

Grease or Oil Interceptor (“Interceptor”) means an *Interceptor* whose rated flow exceeds fifty (50) gpm or has a minimum storage capacity of seven hundred fifty (750) gallons or more and is a device located underground and outside of a *Facility*. It is designed to collect, contain or remove food wastes, oils or *Grease* from the wastewater while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Grease Trap means an *Interceptor* whose rated flow is fifty (50) gpm or less and is a device located inside a facility and/or under a sink designed to collect, contain or remove food wastes and grease from the wastewater while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

Hydromechanical Interceptor means a device that is installed at a *Food Service Facility*, to prevent fats, oils and *Grease* from entering the wastewater system, that may incorporate, in combination or separately, air entrapment, interior baffling and internal barriers.

Notice of Violation (NOV) means a written notice informing a *Food Service Facility Owner* or *Grease Hauler* that a violation of the City of Panama City Beach Fats, Oils and *Grease* Management Ordinance has occurred.

Registered Hauler means a *Grease Hauler* registered with the City of Panama City Beach in accordance with this article who is authorized to perform inspection, cleaning, and grease disposal for *Food Service Facilities*.

Sanitary Facilities means bathrooms, bathroom fixtures, bathroom groups, hand sinks or other similar fixtures or facilities.

Treatment Works means any part of the City’s wastewater system as defined in Chapter 23 of the City of Panama City Beach Code.

Sec. 23-304. Authority.

(1) Pursuant to the City Charter and Chapters 15, 23, and 25 of the City of Panama City Beach Code of Ordinances, the *Director*, or the *Director's* designees shall have the power, duty and responsibility to administer and enforce the provisions of this article.

(2) Pursuant to the City of Panama City Beach Code and Chapters 23 and 25 of the City's Code of Ordinances, the *Director* or the *Director's* designees, such as *Inspectors*, shall have full authority and be designated as code inspectors.

Sec. 23-305. Facility Inspections.

(1) *Entry.* Pursuant to 2-43 of the City of Panama City Beach Code of Ordinances, each *Facility* shall allow the *Director* or the *Director's* designee the right of entry upon real property for the purpose of inspection, observation, records examination, measurement, and sampling in accordance with the provisions of this article.

(2) *Inspections.* The *Inspector* shall inspect *Food Service Facilities* on either an unannounced or scheduled basis to verify continued compliance with the requirements of this article. The *Inspector* shall inspect all *Grease Traps* or *Interceptors*, plumbing connections, the logbook(s) and file(s), other pertinent data or take samples as necessary. The *Inspector* shall record all observations in a written report. Any deficiencies shall be noted, including but not limited to:

(a) Failure to properly maintain the *Interceptor* or *Trap* in accordance with the provisions of this article.

(b) Failure to report changes in operations, or wastewater constituents and characteristics.

(c) Failure to maintain logs, files, records or access for inspection or monitoring activities.

(d) Inability of existing *Grease Interceptor* or *Trap* to prevent discharge of *Grease* into the City's treatment works.

(e) Any other inconsistency with or violation of this article.

(3) *Re-inspections.* The *Inspector* shall inspect any repairs, replacements or other deficiencies and shall provide written notice of compliance or noncompliance. In the event of continuing noncompliance, re-inspections will be performed.

Sec. 23-306. Grease Traps and Interceptors.

(1) Permit required. Any Food Service Facility that intends to erect, install, enlarge, alter, repair, remove, convert or replace any Grease Trap or Interceptor is required to make application to the building official and obtain the required permit. The Facility shall submit with its permit application the appropriate design criteria in accordance with the Florida Building Code- Plumbing, as amended (current edition).

(2) Requirements. All Food Service Facilities are required to have a Grease Interceptor or Trap properly sized and installed in accordance with any and all applicable requirements of the Florida Building Code -Plumbing (or FAC 64E-6), as amended (current edition).

(3) New facilities. On or after the effective date of this Ordinance, Food Service Facilities which are newly proposed or constructed, or existing Food Service Facilities which will be expanded or renovated to include a Food Service Facility, where such Food Service Facility did not previously exist, or is seeking a seating change as required by the health department, shall be required to install a Grease Interceptor or Trap according to the requirements of the Florida Building Code- Plumbing, as amended (current edition) and to operate and maintain the Grease Interceptor or Trap according to the requirements contained in this article.

(4) Existing facilities. Food Service Facilities existing prior to the date of this Ordinance shall be permitted to operate and maintain existing Grease Interceptors or Traps provided their Grease Interceptors or Traps are in good operating condition.

(5) The City may require an existing Facility to install a new Grease Interceptor or Trap that complies with the requirements of the Florida Building Code-Plumbing, as amended (current edition) or to modify or repair any non-compliant plumbing or existing Grease Interceptor or Trap when any one (1) or more of the following conditions exist:

(A) The Facility is found to be contributing Grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.

(B) Grease concentrations exceed four hundred (400) mg/l on wastewater effluent as determined by sampling performed by the Inspector.

(C) The Facility does not have a Grease Interceptor or Trap.

(D) The Facility has an irreparable or defective Grease Interceptor or Trap.

(E) Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Panama City Beach or Bay County.

(F) The Facility is sold or undergoes a change of ownership.

(G) The Facility does not have plumbing connections to a Grease Interceptor or Trap in compliance with the requirements of this article.

(H) A seating change is requested from the Florida Department of Health.

(6) Plumbing connections. Grease Interceptors or Traps shall be installed in accordance with Florida Building Code-Plumbing, as amended (current edition). Wastewater from sanitary facilities shall not be introduced into the Grease Interceptor or Trap under any circumstances.

(7) Records maintenance. Each Food Service Facility shall maintain a logbook in which a record of all Grease Interceptor maintenance is entered. Maintenance information shall include, but not be limited to, date and time of the maintenance, estimated gallonage removed from Grease Interceptor or Grease Trap, any defects in the Grease Interceptor or Trap, details of any repairs required and dates of repair completion, changes in operations or wastewater constituents and characteristics, receipts from Grease Haulers, plumbers, parts suppliers, plumbing layout, sizing or flow rate calculations for Grease Trap or Grease Interceptor, etc., and any other records pertaining to the Grease Interceptor. This logbook shall be made available for review upon request. Records shall be maintained for a period of one (1) year. Each facility shall provide, upon request of the Inspector within ten (10) days, a drawing of sufficient detail to depict the plumbing layout of the Facility.

(8) Grease interceptors. Grease Interceptors shall be designed and installed in accordance with the Florida Building Code- Plumbing, as amended (current edition) and shall be operated and maintained as follows:

(A) Pumping and maintenance. Each Food Service Facility shall be responsible for the costs of pumping, cleaning, and maintaining its Grease Interceptor. All Food Service Facilities that have Grease Interceptors shall utilize a registered Grease Hauler. Pumping services shall include the complete removal of all contents, including floating materials, gray water, bottom sludge, and solids from the Grease Interceptor. Grease Interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles, and all piping.

It shall be the responsibility of the Grease Hauler to inspect a Grease Interceptor during, or immediately after the pumping procedure to ensure that the Grease Interceptor is clean and that all fittings and fixtures inside the Grease Interceptor are in working condition and functioning properly. If the Grease Interceptor is not functioning properly, the Grease Hauler shall notify the owner in writing. The notice shall include a sufficient description of the malfunction.

(B) Grease Interceptor pumping frequency. Each Food Service Facility shall have its Grease Interceptor pumped prior to attaining any of the following criteria:

(1) When the settled solids layer exceeds the invert of the outlet pipe (typically eight (8) inches in depth):

(2) When the total volume of captured *Grease* and solid material displaces more than twenty-five (25) percent of the capacity of the *Grease Interceptor*:

(3) When the *Grease Interceptor* is not retaining or capturing oils and *Greases*:

(4) When a blockage or back up has occurred;

(5) When sanitary sewer contents have been introduced or diverted into the *Grease* retention system;

(6) When changing ownership or requesting a seating change required by the Florida Department of Health.

(9) *Inspection.* *Grease Interceptors* shall be inspected by an *Inspector* as necessary to assure compliance with this article.

(10) *Disposal.* Wastes removed from each *Grease Interceptor* shall be disposed of at a *Facility* permitted to receive such wastes. *Grease*, solid materials, or Gray Water removed from *Grease Interceptors* shall not be returned to any *Grease Interceptor*, private sewer line or to any portion of the City's treatment works.

(11) *Grease traps.* *Grease Traps* shall be installed in accordance with the Florida Building Code-Plumbing, as amended, (current edition) and shall meet the following criteria:

(A) *Flow control device.* *Grease Traps* shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturers rated capacity recommended in gallons per minute for the unit. Each *Food Service Facility* is responsible for maintaining appropriate flow control devices.

(B) *Venting.* The flow-control device and the *Grease Trap* shall be vented in accordance with the Florida Building Code-Plumbing, as amended (current edition). The vent shall terminate not less than six (6) inches above the flood-rim level or in accordance with the manufacturer's instructions. Each *Food Service Facility* is responsible for maintaining appropriate venting of the *Grease Trap*

(13) *Cleaning and maintenance.* Each *Food Service Facility* shall be solely responsible for the cost of *Grease Trap* cleaning and maintenance. Each *Food Service Facility* may contract with a registered *Grease Hauler*, or it may develop a written protocol and perform its own *Grease Trap* cleaning and maintenance procedures. Cleaning and maintenance must be performed before the total volume of captured *Grease* and solid

material displaces more than twenty-five (25) percent of the total volume of the *Grease Trap*. Each *Food Service Facility* shall determine the frequency at which their *Grease Trap* shall be cleaned, but all *Grease Traps* shall be opened, inspected, cleaned, and maintained at a minimum of once per week.

(12) *Inspection*. *Grease Traps* shall be inspected by an *Inspector* as necessary to assure compliance with this article and to assure proper cleaning and maintenance is being performed.

(13) *Disposal*. *Grease* and solid materials removed from a *Grease Trap* shall be removed by a registered *Grease Hauler* unless the *Grease* is in a solid, dry form, mixed with an oil absorbent in an enclosed bag or container, and does not exceed five (5) pounds.

(14) *Additives*. Any chemicals, enzymes, emulsifiers, live bacteria or other *Grease cutters* or additives, used for the purpose of *Grease* reduction shall be approved by the *Inspector* prior to their addition to *Grease Interceptors* or *Traps*. Applicable information concerning the composition, frequency of use and mode of action of the proposed additive(s) shall be sent to the City together with a written statement outlining the proposed use of the additive(s). The City may request a sampling port be installed by the *Food Service Facility* at the *Food Service Facility's* expense to demonstrate that the additive(s) will work. The City, upon evaluation of all of the information received, shall permit or deny the use of the additive(s) in writing. Permission to use additives may be withdrawn by the City at any time.

(15) *Alternative grease removal devices or technologies*. Alternative devices and technologies such as automatic *Grease* removal systems shall be subject to written permission by the *Director* prior to installation. Permission to use the device shall be based on demonstrated and proven removal efficiencies and reliability of operation. The City may permit these types of devices depending on the manufacturer's specifications on a case-by-case basis. The *Food Service Facility* may be required to furnish analytical data demonstrating *Grease* removal effectiveness or to perform effluent monitoring. Permission to use alternative devices and technologies may be withdrawn by the City at any time.

Sec. 23-307. *Grease Interceptor* and Trap Enforcement.

(1) Whenever the *Inspector* determines that a *Grease Interceptor* or *Grease Trap* is in need of pumping, repairs, maintenance, or replacement, enforcement shall be as follows:

(A) *Notice of Violation (NOV)*. The *Inspector* conducting the inspection shall immediately notify the *Food Service Facility Owner* that a violation exists and issue the owner a *NOV* stating the nature of the violation.

(2) *Inspection and re-inspection*. If a *Grease Interceptor* or *Grease Trap* has to be reinspected because of deficiencies found during a previous inspection, and all of

the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a re-inspection fee shall be charged to the *Food Service Facility*.

(3) *Sampling fees.* Fees for any sampling and analysis of wastewater discharges deemed necessary for the protection of the treatment works shall be charged to the *Food Service Facility Owner* in the amount per sampling event.

(4) *Pump-out and cleaning.* A violation involving the lack of proper cleaning and maintenance of a *Grease Trap* shall require the *Food Service Facility Owner* to clean out the *Grease Trap(s)* within twenty-four (24) hours of the *NOV*. If *Grease Interceptor* pumping frequency is not being met, the *Food Service Facility Owner* shall be required to have the *Grease Interceptor* pumped out within seventy-two (72) hours of the *NOV*.

(5) *Repairs and replacement.* The *Food Service Facility Owner* shall be responsible for the cost and scheduling of all repairs to or replacement of its *Grease Interceptor(s)* or *Grease Trap(s)*. Repairs and replacements required by an *Inspector* shall be completed within a reasonable time as established in written guidelines prepared by the *Director*. The time for corrective action shall commence on the date of receipt of the *NOV*. Written guidelines shall include provisions for time extensions if the *Food Service Facility Owner* responds with an acceptable plan for rectifying the situation.

(6) *Noncompliance.* If the *Food Service Facility Owner* continues to violate the provisions set forth in this article, or fails to initiate or complete corrective action in response to a *NOV*, or a City approved plan to rectify a violation, the *Director* may pursue one (1) or more of the following options at the *Director's* sole discretion:

(A) *Pump the Grease Interceptor* and seek reimbursement of the costs from the *Food Service Facility Owner*.

(B) *Assess further inspection fees* as provided.

(C) *Terminate sanitary sewer service* as provided in Chapter 23 of the City of Panama City Beach Code.

(D) *Refer any violation by any Food Service Facility or Food Service Facility Owner for enforcement* for any or all applicable remedies.

Sec. 23-308. *Grease Haulers.*

(1) *Grease hauler registration.* Any person, firm, or business desirous of collecting, pumping, or hauling *Grease Interceptor* or *Grease Trap* wastes from businesses located within the City limits shall be required to register with the City. It shall be unlawful for any *Grease Hauler* to clean or pump out *Grease Interceptors* or *Grease Traps* within the City limits without being registered.

Registrations shall be effective for a period of three (3) years. The registration required by the City shall be in addition to any other permits, registrations, or occupational licenses required by federal, state, and local agencies having lawful jurisdiction. The registration is not transferable. The *Director* shall issue stickers to all City of Panama City Beach registered *Grease Haulers*. The stickers shall be displayed in a visible location on all vehicles used to clean *Grease Interceptors* or *Grease Traps*.

(2) *Application*. To register with the City, a *Grease Hauler* shall submit a completed application form to the *Director*. The *Director* shall approve, deny, or approve with conditions all applications by written notice within forty-five (45) calendar days of the City's receipt of the completed application form. The *Grease Hauler* shall be registered prior to providing *Grease* hauling services within the City limits.

The application shall require, but not be limited to, the following information:

(A) List of all trucks or vehicles used to clean *Grease Interceptors* or *Grease Traps*, which include vehicle make, model, year, identification number, color, tank capacity, proof of insurance, and tag number.

(B) List of all drivers or personnel used to clean *Grease Interceptors* or *Grease Traps*, including proof of valid driver's licenses.

(C) List of all disposal sites.

(3) *Information update*. Registered *Grease Haulers* shall update application information annually from date of issuance of registration.

(4) *Registration renewal*. An application for registration renewal shall be submitted on the appropriate renewal form at least forty-five (45) calendar days prior to the expiration date of the existing registration by each applicant wishing to provide *Grease* hauling services in the City limits.

(5) *Spill reporting*. Any accident, spill, or other discharge of *Grease*, solids, or Gray Water, which occurs within the City, shall be reported to the City of Panama City Beach Utilities Department by the *Grease Hauler* as soon as possible but not longer than twenty-four (24) hours after the incident. The *Grease Hauler* shall comply with all procedures and reporting requirements contained in federal, state and local regulations. The *Grease Hauler* shall be responsible for all clean-up procedures and costs.

(6) *Record keeping*. *Grease Haulers* shall retain and make available for inspection and copying, all records related to *Grease Interceptor* or *Grease Trap* pumping and *Grease* disposal. A City of Panama City Beach *Grease Hauler* manifest or approved form shall be required to be signed by the *Grease Hauler* certifying the accuracy of the information on the manifest. The manifest shall include, but not be limited to, name, location, date and time of the *Food Service Facility* serviced, estimated gallonage

removed from *Grease Interceptor* or *Grease Trap*, disposal times, dates, locations, and amounts. These records shall remain available for a period of at least three (3) years. The failure to provide information to the City within ten (10) days of a written request is a violation of this article.

(7) *Vehicle inspection.* *Grease Haulers* shall permit the City to inspect *Grease Hauler's* registered vehicles.

(8) *Disposal.* Wastes removed from each *Grease Interceptor* or *Grease Trap* shall be disposed of at a *Grease* disposal facility permitted to receive such wastes. *Grease*, solid materials, or *Gray Water* removed from *Grease Interceptors* or *Grease Traps* shall not be returned to any *Grease Interceptor*, *Grease Trap*, private sewer line, or to any portion of the City's treatment works.

(9) *Grease hauler enforcement.* Enforcement actions against *Grease Haulers* in violation of this article shall be as follows:

(A) *Notice of violation (NOV).* A *NOV* will be issued to any *Grease Hauler* who is found to be in non-compliance with this article. Response to this *NOV* must be received by the City within ten (10) calendar days of its receipt by the *Grease Hauler*. The *Grease Hauler* will be required to describe how the violation occurred, verify that the violation has been corrected, and provide assurance that steps will be taken to prevent the re-occurrence of the violation.

(10) *Registration revocation.* Any registration issued pursuant to the provisions of this article may be modified, suspended or revoked in whole or in part during its term for cause shown including, but not limited to, any one (1) of the following:

(A) *Falsification of any information;*

(B) *Discharging any Grease, liquid, or solid waste into a non-authorized location; or*

(C) *Failing to comply with this article.*

Sec. 23-309. Fees.

Fees associated with this article will be established by resolution of the City Council.

Sec. 23-310. Enforcement.

(1) *Search or inspection warrant.* The *Director*, through the City attorney, may seek to obtain a search or inspection warrant from the appropriate authority to gain access to a *Food Service Facility* for purposes of inspection and monitoring if such lawful entry of this article has been denied by the *Food Service Facility Owner*.

(2) *Civil Violation.* The *Director* may enforce the violation of any provision of this article against a *Food Service Facility Owner* or *Grease Hauler*, pursuant to Section 23-16 and in the manner provided by Chapter 25 of the City of Panama City Beach Code of Ordinances.

(3) *Injunctive and other relief.* The City Manager through the City attorney may file a petition in the name of the City in the Circuit Court of Bay County or such other courts as may have jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this article or other applicable law or regulation.

(4) *Recovery of damages.* When the discharge from a *Food Service Facility* causes an obstruction, damage, or any other impairment to the treatment works, or causes any expense, fine, penalty, or damage of whatever character or nature to the City, the *Director* shall invoice the *Food Service Facility Owner* for same incurred by the City. If the invoice is not paid, the *Director* shall notify the City attorney to take such actions as shall be appropriate to seek reimbursement.

(5) *Remedies nonexclusive.* The remedies provided for in this article are not mutually exclusive. The *Director* may take any, all, or any combination of these actions against a noncompliant person.

(6) *Appeal of revocation or denial of grease hauler registration.* Any revocation or denial of *Grease Hauler* registration may be appealed to the City's Hearing Officer in accordance with Chapter 25 of the City of Panama City Beach Code of Ordinances. The *Grease Hauler* shall have twenty (20) days from receipt of written notice of denial or revocation of the registration to file an appeal. Failure of the *Grease Hauler* to file an appeal within the twenty (20) days shall constitute acceptance of the decision to deny or revoke the registration.

Sec. 23-311. Additional Criminal Offenses.

(1) *Damage to City property.* It is unlawful for any person to maliciously, willfully or negligently, break, damage, destroy, deface, tamper with, or remove any City property.

(2) *Falsifying information.* Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this article, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be subject to a penalty in an amount not to exceed five hundred dollars (\$500.00), or by imprisonment for not more than sixty (60) days, or by both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Sec. 23-312---23-325. - Reserved.

SECTION 2. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of ordinances of the Code of Ordinances of the City of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 4. SCRIVENER'S ERRORS. It is the intention of the City Council, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida and to that end, sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 5. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6. MODIFICATIONS. It is the intent of the City of Panama City Beach that the provisions of this ordinance may be modified because of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City Council.

SECTION 7. CODIFICATION. 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 of Ordinances, 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 8. EFFECTIVE DATE. 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 26th day of October, 2023.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:

Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 26th day of October, 2023.


Mark Sheldon, Mayor

Published on <https://publicnoticesbaycountyfl.gov/> on October 10, 2023.

Published on www.pcbfl.gov on September 29, 2023.