

ORDINANCE NO. 1352

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO DISORDERLY CONDUCT; REGULATING THE CONDUCT OF PERSONS ON BALCONIES BY MAKING IT UNLAWFUL TO CLIMB OR JUMP FROM A BALCONY OR TO THROW ANY OBJECT FROM A BALCONY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City is a tourist destination visited by thousands who stay in condos and hotel accommodations throughout the City and particularly along Front Beach Road and South Thomas Drive; and

WHEREAS, many if not all of the condominiums units and hotels rooms feature balconies where visitors can enjoy the sea breezes and a view of the Gulf of Mexico or of the tourist corridors where visitors tend to cruise and congregate on foot and by all manner of vehicles while enjoying the sounds of the surf and the salt air; and

WHEREAS, the City has observed that each year some or several visitors will attempt to jump or climb from their balcony, whether to a beach or pool deck below or to an adjacent balcony, oftentimes with disastrous results, and

WHEREAS, the City finds and determines that the climbing and jumping on, over and from balconies is disorderly and dangerous to persons and property no matter the frequency with which it occurs, and it is in the best interests of the City's residents and guests that such behavior be prohibited and made unlawful within the City; and

WHEREAS, the City further finds that particularly during seasons when young people populate the beach and balconies, these guests have a tendency to want to throw things from their balconies—whether for convenience, sport or mischief, and that such behavior also interferes with other guests' use of and view from their own balconies and can endanger the life and property of those in the vicinity of such behavior; and

WHEREAS, the City finds and determines that is in in the best interests of the City to make unlawful the throwing of any objects from balconies 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, Section 16-2 of the Code of Ordinances of the City of Panama City Beach, related to Disorderly Conduct is amended to read as follows:

Sec. 16-2. Disorderly conduct.

(a) Definitions. The following words and phrases, as used in this section, shall have the meanings respectively ascribed to them:

(1) Public place shall mean any place to which the general public has access and a right to resort for business entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks;

(2) Riot shall mean a public disturbance involving an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or a threat of the commission of an act of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of any such threat or threats, where the performance of the threatened act of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual; and

(3) Incite a riot shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act.

(b) Prohibited. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

(1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;

(2) Commits an act in a violent and tumultuous manner toward another whereby the property of an person is placed in danger of being destroyed or damaged;

(3) Causes, provokes, threatens or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

(4) Interferes with another's pursuit of a lawful occupation by acts of violence;

(5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear the public way when ordered to do so by the city police or other lawful authority known to be such;

(6) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;

(7) Resists or obstructs the performance of duties by the city police or any other authorized official of the city, when known to be such an official;

(8) Incites, attempts to incite or is involved in attempting to incite a riot;

(9) Addresses abusive language or threats to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his duties or any other person, when any such words have a direct tendency to cause acts of violence, words merely causing displeasure, annoyance or resentment not being prohibited;

(10) Damages, befoils or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;

(11) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the travelling public annoyed; or in any way disturbs the public's tranquility in a manner inconsistent with the time or place of such an incident;

(12) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is immediately threatened;

(13) Uses abusive or obscene language or makes an obscene gesture; or

(14) Makes an offensive utterance, gesture or display in a manner that might reasonably lead to violence.

(15) Climbs up, down or over a balcony, or attempts to jump from a balcony, or spits or throws any object to or from a balcony.

(c) Exemptions. This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

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 11th day of June, 2015.

[Signature]
MAYOR

ATTEST:

[Signature]
CITY CLERK

EXAMINED AND APPROVED by me this 11th day of June, 2015.

[Signature]
MAYOR

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