

ORDINANCE 1353

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOL ON THE SANDY GULF BEACH DURING THE MONTH OF MARCH UNLESS SUCH PERIOD IS EXTENDED BY RESOLUTION OF THE CITY COUNCIL; DEFINING SANDY GULF BEACH; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, beaches in this state represent one of the most valuable natural resources of Florida and it is in the public interest to preserve and protect them; and

WHEREAS, there are approximately 8 miles of beach within Panama City Beach, which the City finds to be a tremendous resource and asset to the community; and

WHEREAS, the County restores, renourishes and maintains the beach (inside and outside of the City limits), and regularly patrols, cleans and removes debris and trash from the beach, which the City supports; and

WHEREAS, during a determinable period each spring the City experiences a high volume of college aged visitors who come to the City seeking relaxation and entertainment during a break from the rigors of academia; and

WHEREAS, during Spring Break college-aged visitors especially are drawn *en masse* to the sandy gulf beach; and

WHEREAS, the City finds that daylong consumption of alcohol on the sandy gulf beach is a marked pastime of many of these young visitors while they are here; and

WHEREAS, the City finds that this prolonged consumption to be directly associated with undesirable behaviors such as public urination and significant littering on the beaches; and

WHEREAS, the City finds that students under the influence of alcohol are also made vulnerable by that condition and their unfamiliarity with their surroundings, often creating opportunities for these students to be preyed upon by other revelers under the influence or persons engaged in criminal activities; and

WHEREAS, local residents have expressed concerns about binge drinking, public drunkenness, use of beer bongs and funnels, lewd behavior and large crowds who pose a risk for riots and serious crime, that have been observed with increasing frequency on the beach during college Spring Break; and

WHEREAS, alcohol-related or alcohol-induced issues, including fights and disorderly conduct have in recent years increasingly taken away from other beach and crowd management priorities; and

WHEREAS, particularly in warmer weather, intoxicated individuals tend to ignore the flag warning system attempting to warn them out of rip-current areas and are less able to overcome challenging physical stressors; and

WHEREAS, Section 166.021 provides municipalities with the home rule and police powers to enact legislation concerning any subject matter upon which the State may act, except those expressly prohibited by the constitution or general or special law, or any subject expressly pre-empted to state or county by constitution or general law; and

WHEREAS, citizens of a municipality through their local legislative body should be permitted to determine what regulatory measures are needed for their own self-government, and the City Council for 2 years has received public outcry and comment on the particular matter of whether the consumption of alcohol should be permitted or prohibited on the sandy beaches in the City during Spring Break; and

WHEREAS, the City finds that a policy regarding the consumption of alcohol during the month of March bears a substantial relation to health safety and welfare of visitors and residents, and that a prohibition during Spring Break is a valid exercise of police power that will substantially promote the health, safety and welfare of the community and particularly that of the residents and young visitors; and

WHEREAS, the use of the beach by the public generally, and the use of the private property by upland owners specifically, is not interfered with should the city prohibit the consumption of alcohol on the beach, as all users of the beach may still enjoy the common law rights of access, bathing, boating and fishing.

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 3-2.1 of the Code of Ordinances of the City of Panama City Beach, related to the consumption of alcoholic beverages is created to read as follows:

**Sec. 3-2.1. Consumption of alcoholic beverages on sandy beach prohibited during Spring Break; civil penalties.**

- (a) During the period commencing March 1 at 12:01 AM and ending March 31 at 11:59 PM each year, unless that period is extended by resolution of the City Council adopted on or before the immediately preceding January 31<sup>st</sup> as authorized hereby, it shall be unlawful for any person to possess or consume any alcoholic beverage on the sandy Gulf beach

of the Gulf of Mexico, within the City limits. For purposes of this section, "sandy Gulf beach" shall mean 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) Violations of this section are punishable as provided in Section 1-12 of the Code of Ordinances.

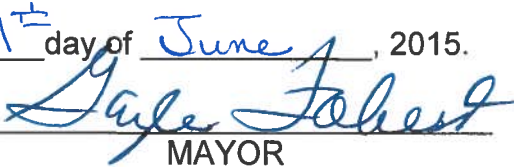
SECTION 2. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

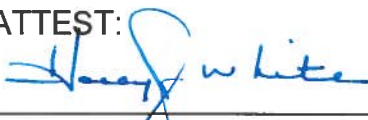
SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. 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 5. 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 11<sup>th</sup> day of June, 2015.

  
MAYOR

ATTEST:  
  
CITY CLERK

EXAMINED AND APPROVED by me this 11<sup>th</sup> day of June, 2015.

  
MAYOR

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