

ORDINANCE NO. 1359

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO SPECIAL EVENTS MAKING FINDINGS OF FACT; REDEFINING A SPECIAL EVENT TO BE BASED UPON THE CAPACITY OF THE EVENT VENUE OR MUNICIPAL RESOURCES REQUIRED TO SAFELY PRODUCE THE EVENT, AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; CLASSIFYING EVENTS AS SMALL, MEDIUM OR LARGE AND REVISING OR ESTABLISHING CRITERIA FOR THE SAFE PRODUCTION OF EVENTS; MAKING IT UNLAWFUL FOR EVENTS TO EXCEED CAPACITY OF THE EVENT VENUE OR A VENUE GATHERING SPACE AS THOSE TERMS ARE MORE PARTICULARLY DEFINED IN THE BODY OF THE ORDINANCE; CREATING A DUTY FOR PERSONS OWNING OR CONTROLLING PROPERTY ON WHICH AN UNPERMITTED SPONTANEOUS SPECIAL EVENT HAS DEVELOPED OR A PERMITTED SPECIAL EVENT HAS EXCEEDED APPROVED LEVELS TO MAKE EFFORTS TO REDUCE THE ACTIVITY OR EXCESS AND AUTHORIZING THE CHIEF OF POLICE TO APPROVE ACTIONS TO CONTROL OR REDUCE THE EVENT AS APPROPRIATE; REVISING THE NATURE OR ELEMENTS OF THE PLAN TO BE SUBMITTED WITH THE APPLICATION; REQUIRING APPLICANTS TO DEMONSTRATE THAT THE EVENT PLAN SUBMITTED BE FEASIBLE, CREDIBLE AND SUFFICIENT; ESTABLISHING A SCHEDULE BY WHICH FEES AND APPLICATIONS SHALL BE SUBMITTED TO THE CITY FOR REVIEW; REQUIRING A PRE-PERMIT CONFERENCE FOR LARGE EVENTS AND PROVIDING FOR A CITY SERVICES FEE; REVISING TIMELINES FOR CITY ACTION AND APPLICANT APPEAL OF THE CITY MANAGER'S DECISION; CLARIFYING THE NUMBER OF SPECIAL EVENTS WHICH MAY OCCUR ON ANY ONE DAY ON THE SANDY GULF BEACH; PROVIDING FOR SEVERABILITY AND REMEDIAL PURPOSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, all special events share one element in common: an assembly of people;  
and

WHEREAS, the City is an extremely active tourist destination which attracts large numbers of visitors who reside elsewhere and quite naturally and frequently are less inhibited in their conduct than they are at home, a fact recognized by the State of Florida, Department of Commerce in its 1980's advertising slogan "The Rules Are Different Here"; and

WHEREAS, the City Council finds, and common sense dictates, that tourists often have no obligatory plans and, in fact, are looking for something fun to do, a fact recognized by the Bay County Tourist Development Council's current slogan "Real. Fun. Beach."; and

WHEREAS, the presence of large numbers of relatively uninhibited people looking for something fun to do is fertile ground for an assembly of people relatively unrestrained by the conventions they would feel at home; and

WHEREAS, any assembly of a large number of people, especially uninhibited people looking for something to do without any immediate obligations, will create circumstances contrary to the health, safety and welfare of the persons assembled and the community as a whole if adequate preparation for the event is not made and executed; and

WHEREAS, adequate preparation requires notice and an opportunity to organize resources, and for large events, the contribution of additional resources; and

WHEREAS, in 2007 and before, the City began to study the need to regulate special events held within the city by commercial promoters attracting crowds of people which, on the one hand, is good for the tourism economy of the City and Bay County, especially when overnight guests attend, but on the other hand places a strain on the limited resources of the City to protect persons and property by policing the event, policing the off-site activities of the local and visiting attendees which inevitably accompany such events, and to control event related traffic, sometimes away from the site; and

WHEREAS, the City found that it was necessary and fair to require the commercial producer and promoter of a special event to secure the safety of the crowd they assembled by providing at their expense qualified security and traffic control personnel and competent municipal type resources such as garbage and trash removal, medical facilities on-site and emergency medical transport readily available as well as sanitation facilities; and

WHEREAS, the City adopted an ordinance regulating the conduct of special events through a permitting process requiring the producer of the event to demonstrate credible plans to provide event security, municipal type services and event traffic control and to faithfully execute those plans upon penalty of the city closing the event (the "Special Event Ordinance"); and

WHEREAS, the Special Event Ordinance in essence required the event producer to think through the needs and effects of the event assembly and give the city the information and time required to coordinate its public safety efforts to accommodate the event and, with adjustments for lessons learned along the way, the Special Event Ordinance has met those purposes; and

WHEREAS, in 2014 the Special Event Ordinance was amended to address entertainment on the sandy gulf beach as a special event, requiring the producer to demonstrate credible plans to address the same assembly issues as interior events plus, other issues unique to the sandy

beach, but still focused upon commercially produced, planned events, either short term events or events continuing back-to-back through the season to entertain the constant turn-over of visitors on the sandy beach; and

WHEREAS, the City Council finds that the requirements of the Special Event Ordinance did not diminish the production of events, but in fact improved them and assisted novice event producers; and

WHEREAS, the City Council finds that the predominate business and commerce of the City, and the basis of its revenue (the City being without an ad valorem tax) is tourism and that special events are a critical and positive component of that tourism, and the City Council declares its intent to continue to support and encourage special events of all types but determines that additional rules are necessary to curb the adverse, secondary effects of events which mushroom beyond the capacity of their venue and logistical support; and

WHEREAS, the City acknowledges that the permit requirements of the Special Event Ordinance, as amended here, can be easily argued to affect lawful assemblies and speech and therefor the city has established reasonable time frames adjusted for the size and complexity of the assembly, to consider and respond to the request for a permit and prompt notice and appeal rights in the event an application is denied; and

WHEREAS, the City Council acknowledges that the ways in which the Special Event Ordinance has been and will be applied are the best evidence of the City's commitment to special events and to the rights of the event organizers and event participants to assemble, and finds that, to date, there have been no complaints that staff has applied the existing ordinance unfairly; and

WHEREAS, to date the Special Event Ordinance has primarily focused upon planned events; and

WHEREAS, the City Council finds and determines that the advent and virtually universal spread of social media through the demographic of visitors to Panama City Beach has, in just the past two years, caused special event type entertainment assemblies to be commercially produced and promoted very quickly and in hastily created or converted venues with little or no notice or adequate private or public planning and provision for security, crowd control, traffic control and parking, and in some cases these events have spontaneously occurred with no accountable producer or any planning or preparation (Pop-Up Events); and

WHEREAS, the City Council finds and determines that both commercial Pop-Up Events (with an identifiable producer) and spontaneous Pop-Up Events are contrary to the health, safety and welfare of the community due to the lack of internal planning and control, and notice to the City to permit external planning and protection; and

WHEREAS, the City Council also finds and determines that the lack of internal and external planning and control of Pop-Up Events creates secondary effects that frequently become a public and private nuisance, including by way of example and not limitation, traffic congestion, pedestrian trespass, vehicular trespass, illegal parking, illegal drug and alcohol use, violence and other breaches of the peace, especially where a large crowd of pedestrians and even vehicles are held waiting outside a venue that is at capacity or attempt to access a venue that has essentially unlimited access; and

WHEREAS, the City Council also finds and determines that commercial Pop-Up Events will continue and, in fact, increase and that the producers of these events should be required to think through the needs and effects of the event assembly and give the city the information and time required to coordinate its public safety efforts to accommodate the attendees, just as traditional special events which in the past were publicized and promoted through slower and more predictable media; and

WHEREAS, the City Council recognizes that spontaneous Pop-Up Events in a non-commercial venue present a more difficult issue in a free society because they are, in fact, a spontaneous assembly which is the right of a free people, but the City Council also finds and determines that when such an assembly begins to create the same adverse effects which are attendant to an unregulated traditional special event, that is such things as neighborhood trespass of persons or vehicles, illegal parking, traffic congestion, frequent or repeated violations of the law facilitated by the anonymity of the crowd, a need for sanitation facilities, etc., then it is reasonable and lawful to place upon the owner or person in control of the venue, after notice, the duty under penalty of law to do all that he or she can reasonably do to bring the event under or within the threshold limits of the criteria which caused the assembly to become problematic; and

WHEREAS, the City Council finds and determines that the placing upon the owner or person in control of a non-commercial venue where a spontaneous special event occurs the duty to do all they reasonably can to bring the assembly under control will create a needed incentive for owners to pay attention to their property and be alert to not allowing assemblies upon their property to get out of control in the first place; and

WHEREAS, the City Council also finds and determines that the City has experienced an entirely new Pop-Up Event phenomenon, that is, a spontaneous special event “organized” through social media with no accountable producer or promoter, but still generating the same types of needs and effects as a traditional special event, albeit so far on a smaller scale; these Pop-Up Events include by way of example and not limitation, “open” house parties (no invitation required); “pay-party” house parties (no invitation required, leave money at the door) and large beach assemblies with amplified music; and

WHEREAS, the City Council also finds and determines that the variety, uniqueness, innovation and timing of modern special event assemblies, some commercially promoted and others spontaneously occurring and all frequently publicized and promoted through

instantaneous social media as well as traditional media, require the City to adopt a more flexible and commonsense approach to defining and determining what is a special event; and

WHEREAS, the City Council has received and considered extensive testimony from the public, from promoters and producers of special events and from staff, including the Fire Marshall, the Chief of Police and the City Manager, regarding what should be considered a special event and the issues and opportunities for mischief accompanying them, and moreover, the Council members have personally witnessed virtually all of these issues from time to time and find that the testimony presented in support of this ordinance is consistent with their own, first-hand experience; and

WHEREAS, by this ordinance, based upon that testimony and experience, the City Council intends to establish specific criteria defining and determining what should be considered a special event under the totality of the circumstances at hand and to authorize staff to apply that criteria in each specific case; and

WHEREAS, the City has attempted in the past to define special events based primarily upon anticipated attendance and found that method to be unreliable sometimes in the age of social media; and

WHEREAS, the City Council is aware of the inalienable right of citizens in a free state to assemble peacefully and without creating a public nuisance, and to speak and entertain freely, but expressly finds that the type of assemblies that will trigger the application of this ordinance create a real and imminent threat to the health, safety and welfare of the event patrons as well as the community if the notice, planning, preparation, services and control required by this ordinance is not provided, and based upon years of experience the City finds that there is no less intrusive way of handling the situation in the extremely active tourist environment of the City, so to borrow from Mr. Justice Holmes, "Upon this point a page of history is worth a volume of logic." *N.Y. Trust Co. v. Eisner*, 256 U.S. 345, 349 (1941) and the City has been working with special events for several decades, regulating them for the last; and

WHEREAS, the City Council is aware that the authority given staff to interpret and apply the specific criteria established in this ordinance in order that the City may timely consider the totality of the circumstances in each unique case, may be argued to invite arbitrary or capricious chilling of the rights of free speech or assembly but, Justice Holmes again, "Great constitutional provisions must be administered with caution. Some play must be allowed in the joints of the [government] machine." *Missouri, K.&T. Ry. Co. of Texas v. May*, 24 S. Ct. 638 (1904); and

WHEREAS, the City finds and determines it necessary to update and amend the Special Events Ordinance to better regulate traditionally produced and marketed special events and to add Pop-Up Events because, without these amendments, events will over-run the current law; and

WHEREAS, the City Council finds and determines that this ordinance will promote the public good by establishing necessary standards to define special events in the digital age, to create incentives and mechanisms to promote the public welfare by fostering preparation for, and curbing the excesses of, assemblies which by these same standards become events needing some level of support and control to protect persons and property, and therefore that, although this ordinance contains penalties, it is adopted for a remedial purpose and if challenged should nonetheless be given an equitable construction in order to achieve the clear remedial purposes determined by the legislative Council. *N. Securities Co. v. US*, 24 S. Ct. 436 (1904); and

WHEREAS, the City Council recognizes that the provisions of this ordinance are somewhat complex and interrelated by the definitions employed and the form by which the ordinance is structured, but also finds that the events and assemblies upon which the substance of this ordinance applies are quite varied and must be considered several and not interdependent, so that if this ordinance is found to be unenforceable, in whole or in part, against one or more classes of events or assemblies, the remainder may easily be left in force, and should be left in force for the public good.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. The forgoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance Article II of Chapter 4 of the Code of Ordinances of the City of Panama City Beach, related to Special Events is amended to read as follows:

**ARTICLE II. SPECIAL EVENTS**

**Sec. 4-16. Definition.**

**Sec. 4-17. Permit required; purpose.**

**Sec. 4-17.1 Spontaneous Unpermitted Events.**

**Sec. 4-18. Application for permit.**

**Sec. 4-19. Application fee and City services fee.**

**Sec. 4-20. Additional information.**

**Sec. 4-21. Action on the application and appeal.**

**Sec. 4-22. Posting vendor contacts.**

**Sec. 4-23. Suspension Termination of permit granted.**

**Sec. 4-24. Limitation of sandy beach events on the same day.**

**Sec. 4-25. Unlawful for event attendance to exceed capacity.**

**Sec. 4-26. Enforcement and Penalties**

**Sec. 4-27. Remedial purpose and severability.**

**Secs. 4-28—4-49. Reserved.**

**Sec. 4-16. Definitions.**

The term "event venue" shall mean any contiguous or connected area (improved or unimproved or both and including parcels separated by a street or other public way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one or more patron gathering spaces, in particular indoor and outdoor spaces but also other types of spaces with different occupancy limits.

The term "special event" shall mean any gathering of persons, reasonably expected to exceed five hundred (500) persons during any one (1) hour, invited by public advertisement for the purpose of witnessing or participating in any entertainment, or exhibition, ceremony or celebration, or purchasing or selling any merchandise, food or beverage, or consuming any food or beverage which also meets one or more of the following criteria. primarily in open spaces or temporary or permanent venues or structures not customarily, routinely and frequently used for such purposes, or employing parked vans, trailers or other vehicles, which event is A parade held on an officially closed, public street or road and lasting no more than two (2) hours is not, without more, a special event.

(A) ANTICIPATED OVERALL ATTENDANCE EXCEEDS VENUE CAPACITY. It is reasonably anticipated that the number of persons who will attend and attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by fire or safety code or other law applicable to that space, and (ii) for each other space at the rate of one person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces. Anticipated attendance shall be determined by the City Manager based upon a review of the totality of the circumstances and factors at hand, always including but not limited to:

- (1) The size of the event venue.
- (2) Whether the event is ticketed.
- (3) Estimates provided by the event producer or any person with a financial or other personal interest in the event, the probative value of which shall take into consideration the reputation of the person for honest and forthright dealings and the experience and history of the person in estimating and planning for previous events of any nature.
- (4) Actual attendance at prior, similar events regardless of the producer and wherever located.
- (5) The extent of promotion and advertisement of the event, excluding spontaneous social media not initiated, encouraged or orchestrated by the event producer or any person acting on behalf of the event producer or any person with a financial or other personal interest in the event ("spontaneous social media"), especially promotion outside of Bay County.
- (6) Whether the location and configuration of the event venue, and the nature and presence (sight and sound) of the event, will be likely to draw attendees or observers from the public at large.
- (7) Spontaneous social media.

(B) ANTICIPATED PARKING. It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of 5 persons per vehicle. Anticipated attendance shall be determined as provided in subsection (A).

(C) MUNICIPAL RESOURCES ANTICIPATED. The gathering is reasonably anticipated expected to require for its safe and successful execution the provision or and coordination of municipal services by the City or by the organizer of the event producer to a degree above that which the City routinely provides under ordinary, everyday circumstances. Municipal services includes, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities. The anticipated need to provide or coordinate municipal services shall be determined by the City Manager based upon a review of the totality of the circumstances and factors at hand, including but not limited to:

- (1) The size of the event venue and the anticipated attendance.
- (2) The location of the event to determine the potential for pedestrian and vehicular congestion.
- (3) The nature of the event, the activities planned during it and the weather conditions of the season to evaluate the danger of harm to persons and property such as a fireworks explosion, a collision of participants or spectators, spectator or participant heatstroke, drowning, and the like.
- (4) The historical density of visitors to the beaches during the annual season of the event and the type of activities, safe and unsafe, in which those visitors have historically engaged.
- (5) Whether the event venue is specifically designed and staffed to handle the anticipated needs and effects of the anticipated number of attendees.
- (6) Any event to be held in any part on the sandy gulf beach is be presumed to be a special event. This presumption can be rebutted only by the event producer providing clear and convincing evidence that, based upon the nature, location, time and season of the event it is almost certain that the event will not draw a spontaneous crowd in excess one person for every seven (7) square feet of sandy gulf beach controlled by the producer.

(D) ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE EVENT VENUE. The number of persons attending and attempting to attend the event exceeds at any point in time the number of persons permitted within the event venue determined as provided in (A) above. The number actually in attendance shall be determined by the Chief of Police or his designee using recognized or previously established law enforcement estimating techniques.

(E) ACTUAL VEHICLE CONGESTION. The number of vehicles actually parked and attempting to park for the event exceeds at any point in time on-site parking available. The number actually parked and attempting to park shall be determined by the Chief of Police or his designee using recognized or previously established law enforcement estimating techniques.

(F) MUNICIPAL RESOURCES ACTUALLY REQUIRED. The municipal resources required for the event exceeds at any point in time the resources typically available from the City plus the municipal resources provided by the producer of the event. The level of resources required at any point in time during the event shall be that minimum level needed to maintain the peace and protect the health, safety and welfare of persons or property as may be determined by the Chief of Police or his designee based upon a review of the totality of the circumstances and factors at hand, always including but not limited to the following where clearly associated with the event:

- (1) Repeated pedestrian trespass



(2) Repeated vehicular trespass

(3) Illegal parking

(4) Traffic congestion

(5) Apparent need for sanitation facilities as evidenced by public urination or other bodily functions.

(6) Repeated and flagrant instances of illegal activity.

(7) Repeated noise ordinance violations after notice, including differing offenders

(8) Unusual amount of Trash being abandoned with no apparent resources available to clean up after event.

(9) Unusual or repeated need for medical assistance.

(10) An assembly of persons on the sandy gulf beach more dense than one person for every seven (7) square feet of horizontal space who are attracted by any activity conducted or permitted by the owner or occupant of the real property immediately landward of the assembly shall be deemed a special event.

All special events are divided into three classes:

(1) A "small event" being an event with an anticipated, maximum attendance at any point in time of 500 persons or less.

(2) A "medium event" being an event with an anticipated, maximum attendance at any point in time of more than five hundred 500 but less than 5,000 persons.

(3) A "large event" being an event with an anticipated, maximum attendance at any point in time exceeding 5,000 persons.

A parade held on an officially closed, public street or road and lasting no more than two (2) hours is not, without more, a special event. The term "special event" shall also mean any gathering of persons in excess of five hundred (500) persons in a site entirely on the sandy gulf beach who are engaged in witnessing or participating in any live entertainment involving electronically amplified sound regardless of whether the event is advertised or whether such persons are invited to attend; PROVIDED HOWEVER that if (i) the amplified sound and live entertainment are not directed toward persons on the sandy gulf beach in such a manner as to encourage persons on the sandy gulf beach to become part of the audience of the entertainment, and if (ii) the amplified sound heard on the sandy gulf beach and the visibility of the entertainment are reduced to the fullest extent practicable or feasible without frustrating the purpose of the entertainment, and if (iii) no person associated with the entertainment has solicited or encouraged persons on the sandy beach to assemble or to witness or participate in the entertainment, then an unsolicited and spontaneous gathering of persons on the sandy beach shall not be a special event. This type of special event may also be referred to as a "sandy beach event." As used here, the term "live entertainment" includes by way of example and not limitation concerts, live performances of music or theater, D.J.'s, contests or events with a master of ceremonies.

**Sec. 4-17. Permit required; purpose**

No person shall organize, stage, promote or conduct any special event without ~~first securing from the City Manager or his designee~~ **holding a valid and unsuspending special event permit granted by the City Manager** under this Chapter. The purpose of this law is to promote the public health, safety and welfare by requiring special event **producers** promoters to develop and demonstrate the ability to execute feasible plans to safely conduct the event, and to permit the City to understand and prepare for any collateral effects of the event in the community.

#### **Sec. 4-17.1 Spontaneous Unpermitted Events.**

**If an assembly develops into a special event spontaneously (typically without a permit) in either a commercial or non-commercial venue, it shall become the duty of all persons owning or able to control the event venue to reduce the activity or circumstances which caused the assembly to become a special event - that is for example but not limited to, reducing occupancy to the permitted capacity of the venue or providing transportation to eliminate off-site parking or vehicular or pedestrian congestion, or to provide the additional municipal resources needed to regulate event traffic, maintain the peace and protect the public health, safety and welfare. The failure of any such person to immediately after notice from the city make a diligent and constant effort to reduce the event below the applicable criteria threshold shall be a violation of this law. The Chief of Police or his designee is authorized to approve actions to partially or slowly reduce the event below the applicable criteria threshold as compliance if he or she finds (i) that such person is acting expeditiously and reasonably to employ feasibly available resources to address the issues after notice that the assembly has become a special event, (ii) that full reduction to the criteria threshold will not be feasible and (iii) that it would be safer to taper down the event rather than to abruptly close the venue or stop the event.**

#### **Sec. 4-18. Application for permit.**

Each application for a special event permit required by ~~this Article section 4-17~~ **this Article** section 4-17 shall contain the **information described below and must** following. A complete application for a sandy beach event shall be filed, and ~~the~~ permit fee paid, no less than **the following number of** ~~thirty (30)~~ days before the opening of the event to the public.

**(1) 60 calendar days for a large event or for a medium event to be held in whole or in part during the month of March, Memorial Day weekend, 4th of July and its closest weekend or Labor Day weekend.**

**(2) 30 calendar days for a medium event other than at the above times.**

**(3) 20 calendar days for a small event.**

**The City Manager may reduce the number of days required in the event that he finds (i) that the event will provide significant economic or other value to the community or serves a public purpose, (ii) the event promoter files a complete application and fee and stands willing and able to pay and deposits a sum to cover any overtime required for city staff to conduct an ordinary review of it, and (iii) city staff has the capacity to conduct an ordinary review of the application without causing material neglect of other staff duties.**

(1) The name and address of the applicant and if not a natural person the names and addresses of all persons controlling or owning greater than a five (5) percent interest in the applicant or a parent company of the applicant.

- (2) The dates and times of the event and a brief description of the activities, goods and services and entertainment to be offered. The names and addresses of all bands or other entertainers shall be disclosed for the sole purpose of the City, first, investigating whether sufficient adverse secondary effects have accompanied the entertainer's performance(s) within the immediately preceding two (2) years to raise a concern that a performance at the event could endanger the public health, safety and welfare or materially contribute to the development of a public nuisance and then, second, consider the results of that investigation as part of the evaluation of the feasibility, credibility and sufficiency of the various plans proposed in the application for the purpose of protecting persons and property.
- ~~(3)~~ Additionally, for a sandy beach event specification of w Whether (i)1 patrons will be permitted to bring alcoholic beverages into the event (herein a "coolers event"), or (ii)2 patrons will not be permitted to bring alcoholic beverages into the event but patrons will be offered alcoholic beverages within the event (herein an "alcohol sales event"), or (iii)3 alcoholic beverages will be prohibited within the event (herein a "no alcohol event").
- ~~(4)3~~ An estimate of the largest number of persons anticipated to be in attendance in the event venue at any point in time area for each hour of the event (herein, the anticipated, maximum hourly attendance), and a feasible, and credible and sufficient plan for determining the actual approximate number of patrons actually in attendance in the event venue area(s) as the event progresses and keeping the City informed in real time of that number, and a feasible, credible and sufficient plan to manage and control or disburse the persons desiring to enter the event after capacity is reached. For a sandy beach event, attendance shall be deemed to be one (1) person for each seven (7) square feet of patron area shown on the site plan required by this section, regardless of anticipated or actual attendance.
- ~~(5)4~~ A feasible, and credible and sufficient plan for adequate sanitation facilities and sewage, garbage and litter collection and disposal (during and after the event) generated by the event or by its patrons (wherever such garbage or litter may be located), water supply and food service. For the purpose of evaluating any such plans, any rules promulgated by the Department of Health or other executive department pursuant to F.S. Ch. 381 (Public Health), F.S. Ch. 386 (Sanitary Nuisances), F.S. Ch. 509 (Food Service), or similar laws, may be considered.
- ~~(6)5~~ A feasible, and credible and sufficient plan for flood-lighting the special event and parking areas if any activities are to be offered during darkness.
- ~~(7)6~~ A feasible, and credible and sufficient plan for adequate parking facilities and plans for transporting or conducting patrons from said facilities to the special event venue area.
- ~~(8)7~~ A feasible, and credible and sufficient plan for provision of adequate traffic control, security and emergency vehicle access in and around the special event venue area. For a special event other than a sandy beach event, the plan shall provide for at least one (1) person professionally trained in traffic control for every five hundred (500) anticipated, maximum hourly attendees, and at least one (1) certified law enforcement officer or person licensed as a security guard under F.S. Ch. 493 (Class "D" or better) on duty for every one thousand (1,000) anticipated, maximum hourly attendees, with no security or traffic personnel working more than one (1) eight (8) hour shift in any twenty-four (24) hour period. The plan shall include a detailed description of the plan of security, on site and off site traffic control, communications, fire protection and emergency services,

including ambulance service, **and emergency vehicle access into the event venue** to be used and how **the plan** it is to be implemented, and the general background of the training and ability of the personnel to be used in implementing the plan.

- (i) ~~For a sandy beach event, t~~ **The plan shall provide for at least one (1) person professionally trained or experienced in vehicular traffic control for every five hundred (500) anticipated, maximum attendees to actively guide traffic during the event.**
  
- (ii) **The plan shall also provide for the following on site security officers to work the event:**
  - (a) for a "cooler event" at least five (5) persons **on duty for every one thousand (1,000) attendees or portion thereof,** ~~professionally trained in house security,~~ at least one (1) of whom shall be a certified law enforcement officer ~~or person~~ **and the remainder of whom shall be either** licensed as a security guard under F.S. Ch. 493 (Class "D" or better) **or in-house security professionally trained according to standards approved by the Chief of Police.** ~~on duty for every one thousand (1,000) deemed attendees;~~
  
  - (b) for an "alcohol sales event" at least three (3) persons **on duty for every one thousand (1,000) attendees or portion thereof,** ~~professionally trained in house security,~~ at least one of whom shall be a certified law enforcement officer ~~or person~~ **and the remainder of whom shall be either** licensed as a security guard under F.S. Ch. 493 (Class "D" or better) **or in-house security professionally trained according to standards approved by the Chief of Police.** ~~on duty for every one thousand (1,000) deemed attendees;~~
  
  - (c) ~~and for a "no alcohol event" at least at least one certified law enforcement officer or person licensed as a security guard under F.S. Ch. 493 (Class "D" or better) on duty for every one thousand (1,000) deemed attendees~~ **or portion thereof.**

No security **or traffic control** personnel may work more than one (1) ~~twelve (12)~~ **eight (8)** hour shift in any twenty-four (24) hour period. The plan shall include a detailed description of the plan of security, traffic control, communications, fire protection and emergency services, including ambulance service, to be used and how it is to be implemented, and the general background of the training and ability of the personnel to be used in implementing the plan.

- (98) A feasible, and credible **and sufficient** plan for adequate medical facilities at the special event. The staffing guidelines for events presenting a moderate hazard which are set forth below shall be used to evaluate the plan and may be decreased or increased by the City Manager or his designee after consultation with the Chief of Police, the Fire Chief and one (1) or more persons serving as a Director of Emergency Medical Services in Bay County, depending upon whether the event presents a lower or higher hazard **based upon the illustrations set forth below.**
  - (i) **For a small event: none.**
  
  - (ii) **For a medium event: two (2) EMTs or paramedics.**

**(iii) For a large event: two (2) EMTs or paramedics, plus an additional two (2) EMTs or paramedics for each eight thousand (8,000) anticipated maximum attendees, or portion thereof, over five thousand (5,000) anticipated maximum attendees.**

~~For an anticipated, maximum hourly attendance rate of five hundred (500) persons or less—None.~~

~~For an anticipated, maximum hourly attendance rate of more than five hundred (500) but less than one thousand (1,000) persons—One (1) EMT or paramedic.~~

~~For an anticipated, maximum hourly attendance rate exceeding one thousand (1,000) persons—One (1) additional EMT or paramedic per each two thousand (2,000) additional, anticipated maximum hourly attendees, or portion thereof.~~

By way of illustration, moderate hazard events include, but are not limited to, regional events, concerts, carnivals and fairs. Similarly, low hazard events include, but are not limited to, car shows, flea markets, local festivals, craft shows, local sporting events, and organized sporting tournaments. High hazard events include, but are not limited to, an event with stunts or having the potential for special danger to participants or spectators, or the potential for sustained exposure to extreme ambient temperatures. A low or moderate event may present a higher hazard due to extreme temperatures. Higher hazard events may be required to provide an Advanced Life Support Unit with transport capability. Staffing shall be equipped with customary supplies necessary to treat injuries and illnesses commonly associated with outdoor activities or similar events.

- (109) Plans demonstrating that all stages, booths, tents, scaffoldings or structures of any nature on, under or within which persons may congregate, shall conform to the applicable building and other construction codes then in effect in the City, and that any entertainment stage erected on the sandy beach in connection with a special event will be guarded by a person professionally trained in house security and authorized and instructed to prevent unsupervised, public use or activity on or about the stage twenty-four (24) hours a day, seven (7) days a week.
- (110) A list of the names and addresses of all vendors, ~~artists,~~ independent contractors or other persons or firms which will be engaged by or associated with the applicant to offer the goods, services or entertainment comprising the special event, including a description of the goods, services or entertainment offered by each and the name and address of the person who will have on-site responsibility, if different. Should such a list not be available at the time application is made, applicant shall give a written statement to that effect and agreeing to furnish such a list no later than thirty-six (36) hours before the event and acknowledging that failure to timely provide such a list will result in termination of the special event permit. **This requirement does not apply to a small event.**
- (1244) A site plan showing the location and size of the event **venue area(s)** and all parking areas (including required handicap parking), and the location of all other features required by this section. For a sandy beach event, the site plan shall show a cleared east/west corridor on the sandy beach outside the event **venue area(s)** adequate to permit the one-way passage of an emergency vehicle, and a cleared east/west pedestrian corridor at and above the wet sand at the water's edge at least twenty five (25) feet wide. **This requirement may be waived for an event hold in a venue with adequate on-site parking, for example a walk-up event.**

- (1342) A feasible, and credible **and sufficient** plan to provide and control safe pedestrian access between parking area(s) and **the event venue area(s)** which will minimize adverse impacts upon surrounding properties and businesses. For a sandy beach event, feasible, and credible **and sufficient** plan to keep the east/west emergency vehicle corridor and the waterfront pedestrian corridor open for traffic at all times. **This requirement may be waived for an event with only on-site parking.**
- (1413) A feasible, and credible **and sufficient** plan to enclose, restrict or control access to all parking and **the event venue area(s)** and to limit the number of persons within the event **venue area(s)** to the maximum number anticipated, and a feasible, and credible **and sufficient** contingency plan to deal with persons in excess of that number to minimize adverse impacts upon surrounding properties and businesses.
- (15) A feasible, credible and sufficient contingency plan to deal with persons congregating outside the event venue, regardless of whether attempting to enter the event, in such numbers as to call for additional municipal resources to address any one or more of the numbered factors set out in section 4-16 (F) of this Article.**
- (16) Additionally, for** For a **medium or large event held in any part on the sandy gulf beach event,** plans demonstrating that the event **space on the sandy beach event venue area(s)** will be enclosed on all sides by fences or other structures adequate to prevent access to the event at any point other than controlled access gates, **but and** also demonstrating adequate egress facilities and routes to clear the event **venue area** in case of an emergency. **If any entertainment or activity is provided for the event which may attract a crowd outside the event venue,** ~~t~~The fences or other structures shall be opaque and a minimum of six (6) feet high so as to prevent persons standing on ground level outside the fence or event **venue area(s)** from viewing the entertainment; except that in lieu of a six (6) foot opaque fence on the gulf water side there may be substituted two parallel fences each a minimum of four (4) feet high lying parallel to the gulf water's edge and no less than ten (10) feet apart. ~~A running, current count of attendees shall be kept at the gate(s) of a sandy beach event and actual attendance shall not exceed the deemed attendance.~~

During sea turtle nesting season, the fences required by this law for a sandy beach event shall be removed from the beach daily before 9:00 pm and not replaced until after the beach has been inspected for turtle nests the next morning.

Special exception option for a free concert:

~~Notwithstanding the forgoing, if all of the following criteria are met, an otherwise lawfully permitted sandy beach event shall not be required to erect either an opaque fence parallel to the water or dual fences parallel to the water (herein waterside fencing): (i) persons may attend the event freely without giving any consideration for access, and (ii) no coolers, backpacks, bags, cups, bottles or similar items capable of containing or concealing beverages are allowed to be brought into the event by patrons; and (iii) the application for the special event permit required by section 4-17 contains a feasible and credible plan to control patron access to the event area functionally equivalent to the omitted waterside fencing; and (iv) the patron area used to determine deemed attendance includes the area up to the wet sand at the shoreline; and (v) the application for the special event permit required by section 4-17 contains a feasible and credible plan to permit pedestrians walking east and west along the beach to pass by the event, including times when event attendance is at the maximum; and (vi) the application for the special event permit required by section 4-17 contains a feasible and credible plan to~~

~~provide access for emergency vehicles into and through the event area in lieu of the vehicular corridor otherwise required. All other permitting requirements for a sandy beach event shall still apply.~~

~~Special exception option for a "corporate village":~~

~~Notwithstanding the forgoing, if all of the following criteria are met, an otherwise lawfully permitted sandy beach event shall be permitted to substitute a fence at least four (4) feet high for the higher, opaque fencing required: (i) persons may attend the event freely without giving any consideration for access, and (ii) within the patron area there are at least three (3) entertainment, demonstration or product stages or tents or a combination of both; and (iii) the platform of every stage is no greater than four hundred (400) square feet, is placed seaward of the dune line where the beach flattens and is at no point higher than two (2) feet above adjacent grade. AS AN ADDITIONAL OPTION, all fencing may be omitted if the patron area used to determine deemed attendance includes essentially all the sandy beach under common ownership or control at the event location, more specifically, the area accessible to patrons bounded by the building line to the north, the wet sand to the south and on the east and west by extensions to the water of the upland owner's east and west property lines. All other permitting requirements for a sandy beach event shall still apply.~~

**(17) For a large event out of doors, a feasible and credible plan to provide sufficient elevated viewing platforms to permit event security and upon request City police to oversee the crowd and be able to pinpoint and respond to a disturbance or unusual activity before it escalates.**

**(18)44)** To be credible, a plan must include either evidence that the applicant is qualified, experienced and capable of executing it alone, or written commitments from one or more qualified, experienced and capable third parties promising to execute or assist the applicant in executing the plan and acknowledging that the commitment is being made to induce the City to issue a permit for the event.

**(19) To be sufficient, a plan must provide adequate, immediately available resources to reasonably handle issues known to occur at similar type events.**

**(20)45)** For medium events anticipating a maximum hourly attendance rate of one thousand (1,000) persons or more a cash deposit in the amount of two thousand dollars (\$2,000.00) or one thousand dollars (\$1,000.00) per day, whichever is greater, but not to exceed five thousand dollars (\$5,000.00). **For large events a cash deposit in the amount of three thousand dollars (\$3,000.00) or one thousand five-hundred dollars (\$1,500.00) per day, whichever is greater, but not to exceed six thousand dollars (\$6,000.00).** The return of such deposit, in whole or in part, shall be conditioned upon the applicant timely and completely performing all of the plans submitted with the application or reimbursing the City for all direct and indirect costs incurred to protect public or private health, safety or welfare in the absence of such performance **or to pay the City any rent due the City for the use of city facilities in the event.** In the event any such cost shall exceed the amount of the deposit, the applicant shall be liable to the City for such excess to the extent permitted by law.

**Sec. 4-19. Application fee and City services fee.**

**(1)** Application for a special event permit shall be accompanied by **one of the following applicable fees a fee of three hundred fifty dollars (\$350.00) for administrative expenses incurred in evaluation and processing the application:**

- (i) For small event, \$50.00.
- (ii) For a medium event, \$225.00
- (iii) For a large event, \$350.00.

If ~~an a sandy beach~~ event permit **for a large event wholly or partially on the sandy beach** is not issued due to other **such** sandy beach event(s) occurring on the same calendar day the application fee shall be refunded. **In the event the City Council shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or City services fee, or both, by appropriating general revenue funds to be applied to the fee.**

**(2) As part of the City's administrative review of an application for a large event permit, as soon as the City's initial review of the application is sufficiently complete to estimate the City services for police, fire and medical support that will be needed as a direct result of the event and not as a duty to the public generally, as well as the actual, marginal cost of those services, the City Manager or his or her designee shall schedule a pre-permit conference with the applicant during which the conduct of the event shall be discussed, public and private resources coordinated and the amount of the City services fee to be paid by the applicant agreed upon or not. It shall be the Applicant's duty to attend the pre-permit meeting at a day and time convenient for city staff. If the applicant does not accept the amount of the fee determined by the City, the City shall nonetheless proceed in ordinary course to complete the application process and either deny the permit through the process contained in this Article without consideration of the applicants objection to the fee, or if the applicant is entitled to the permit then grant the permit upon the condition that the City services fee be paid before the permit becomes valid or effective.**

**Sec. 4-20. Additional information.**

Before denying a permit **or conditioning a permit** based upon **things not included in the** a written application **or agreed to by the applicant**, the City Manager or his designee shall give the applicant written notice of **the** any deficiencies in the application **or the need to add conditions to the permit** and provide the applicant an opportunity to present additional written information addressing those deficiencies **or needs**.

**Sec. 4-21. Action on the application and appeal.**

(1) The permit shall be deemed granted **as applied for** if the **application fee is paid and the** City Manager does not grant, **grant with conditions** or deny the permit in writing **at least thirty (30) calendar days before the public opening of a large event, fifteen (15) calendar days before the public opening of a medium event and ten (10) calendar days before the public opening of a small event, unless the delay is caused by the need to obtain additional information from the applicant or the applicant's failure to attend and participate in the pre-permit meeting** within twenty (20) days after receipt of the completed application or additional information if applicable and payment of the application fee.

(2) The City Manager's decision shall be based upon the completeness of the application and the feasibility, and credibility **and sufficiency** of the required plans. The City Manager shall deny the application of any person who previously has failed to fully comply with this Chapter, previously submitted a plan required by this Chapter which in execution proved to be **insufficient** inadequate or not feasible, or materially understated or underestimated attendance at an event in the City that was or became a special event (collectively and severally a "Prior Failure") unless such person shall demonstrate by a preponderance of the evidence that the Prior Failure was due to circumstances beyond the person's control and that those circumstances should not have been anticipated by a reasonable person in the position of the applicant at the time. For the purpose of considering a Prior Failure, any act or omission by



any person with which the applicant is associated in the current application shall be considered the applicant's failure; that is, a party in interest in an application cannot avoid explaining a Prior Failure by presenting a new individual or entity as the applicant.

(32) A denial shall include the reason for denial. The grant of a conditional permit shall contain the applicant's written acceptance of the conditions or include the reasons for the conditions. In the case of a denial or an unaccepted, conditional grant, the denial or conditional grants shall and state that the applicant shall have the right to appeal to the City Council the decision of the City Manager by letter filed with the City Clerk within three (3) business days after receipt of the denial or unaccepted, conditional grant. The City Council shall grant or deny the permit based upon information presented by the applicant and the City Manager or his designee in a de novo, quasi-judicial hearing held as soon as may be practicable. The City Council's decision, including ~~its~~ ~~their~~ reasons therefore, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings and which may, but shall not be required to, express findings of fact and conclusions of law. The hearing may be continued from time to time in the sole discretion of the City Council, provided that if the City Council does not render a final order within thirty (30) days after filing of the letter of appeal the permit shall be deemed granted.

(4) In addition, if the applicant does not accept the amount of the City services fee, the applicant shall have the right to appeal to the City Council the amount of the fee by letter filed with the City Clerk within three (3) business days after the city shall advise the applicant in writing of the amount of the fee and the fact that the applicant may appeal within three business days. The City Council shall uphold or lessen the fee based upon information about the extent of services to be rendered by the city directly related to the event and the cost of those services as presented by the applicant and the City Manager or his or her designee in a de novo, quasi-judicial hearing held as soon as may be practicable. The City Council's decision, including its reasons therefore, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings. The hearing may be continued from time to time in the sole discretion of the City Council. If the City Council is unable to timely conduct or conclude the hearing, the applicant may pay to the City the disputed fee under protest, and the permit shall become effective so that the event may be held, in which case the hearing shall be held and concluded after the event at a mutually convenient time. If the fee is upheld, it shall be accepted by the City; if it is reduced the reduction shall be refunded to the applicant.

#### **Sec. 4-22. Posting vendor contacts.**

If the permit is granted, the applicant shall conspicuously display to the public (on a form to be provided by the City Manager) the name, mailing address, email address, and telephone number of each vendor, artist, or other person offering goods, services, or entertainment at the special event, including if different, the name, mailing address, email address and telephone number of the individual with on-site responsibility for the vendor, artist or other person. Such form shall be continuously displayed at the booth or specific location within the special event where such goods, services or entertainment are offered.

#### **Sec. 4-23. ~~Suspension~~ Termination of permit granted.**

If the permit is granted, the facilities, areas, services and staffing as demonstrated in the application shall be continuously provided during the special event, and any failure to so provide shall result in the automatic suspension of the permit and suspension of the event until full provision is made. ~~Should attendance exceed hourly estimates (or deemed attendance for a sandy beach event) for a period of one (1) hour, the applicant shall immediately limit attendance and provide additional staffing to meet the requirements specified in Sections 4-18(7) and 4-18(8) or suspend the event until those requirements are~~

~~met. Should the actual attendance or the actual number of vehicles or the municipal resources actually required, either within or outside the event venue, exceed for a period of one (1) hour the number or level anticipated by the application and permit, it shall become the duty of all persons owning or able to control the event or the event venue to reduce the excess. The failure of any such person to immediately after notice from the city make a diligent and constant effort to reduce the excess shall be a violation of this law. The Chief of Police or his designee is authorized to approve actions to partially or slowly reduce the excess as compliance if he or she finds (i) that such person is acting in good faith after notice of the excess, (ii) that full and immediate elimination of the excess will not be feasible and (iii) that it would be safer to taper down the event rather than to abruptly close the venue or stop the event.~~ Conversely, should actual attendance fall below the permit hourly estimates (or deemed attendance for a sandy beach event) for a sustained period and appear likely to continue at reduced levels, the City Manager or his designee shall be authorized, but not required, to allow the applicant to reduce staffing to the minimum requirements specified in said sections.

**Sec. 4-24. Limitation of sandy beach events on the same day.**

Notwithstanding anything to the contrary herein, permits for large events occurring wholly or partially on the sandy beach events shall be restricted to the following limits for any one (1) calendar day:

- (1) One large sandy beach event with deemed attendance in excess of ten thousand (10,000) persons; or
- (2) Multiple large or medium sandy beach events with aggregate deemed attendance of twelve thousand (12,000) persons where the deemed attendance of no single event is greater than five thousand (5,000) persons; or
- (3) Multiple large or medium sandy beach events with aggregate deemed attendance of fifteen thousand (15,000) persons where the deemed attendance of no single event is greater than two thousand five hundred (2,500) persons; or
- (4) A total of six (6) large or medium sandy beach events regardless of deemed attendance.

Permits shall be issued in the order that substantially complete applications with the required fee are filed.

**Sec. 4-25. Unlawful for event attendance to exceed capacity.**

(1) It shall be unlawful for the number of persons gathering in an event venue to exceed the event venue capacity. The producer of the event and all persons employed by the event and in attendance at the time such an excess occurs, and the owners and the persons ordinarily in control of the real property upon which all or a portion of the event venue is located who have personal knowledge of such excess and do not immediately and take all lawful measures within their power to reduce the occupancy, shall be guilty of a civil infraction as specified in this Article and a violation punishable as provided in Code Section 1-12. Each excess occurring an hour or more apart during a single or unified special event is a separate offence for all such persons.

(2) Event venue capacity means the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by fire or safety code or other law applicable to that space, and (ii) for each other space at the rate of one person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces.

(3) It shall be unlawful for the number of persons gathering in a gathering space within an event venue to exceed the capacity of that gathering space. The producer of the event and all persons employed by the event and in attendance at the time such an excess occurs, and the owners and the persons ordinarily in control of the real property upon which all or a portion of the gathering space is located who have personal knowledge of such excess and do not immediately and take

all lawful measures within their power to reduce the occupancy, shall be guilty of a violation punishable as provided in Code Section 1-12. Each excess occurring an hour or more apart during a single or unified special event is a separate offence for all such persons.

(4) Gathering space capacity means the capacity of a particular gathering area within an event venue. The capacity of each gathering space shall be determined (i) by fire or safety code or other law applicable to that space, and (ii) for each other space at the rate of one person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces. Individual gathering spaces or areas are those spaces within the event venue that are separated from each other by physical barriers that would impede an emergency, full scale movement of all persons from one space into another.

#### Sec. 4-26. Enforcement and Penalties.

(a) The City finds that a violation of any section of this Article 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 this Article shall constitute a separate, civil infraction within the meaning of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.

First violation of this Article: \$100.

Second violation of this Article: \$200.

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

Unless otherwise specified, a person who does not contest the civil citation for violation of this Article 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) This Article 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 civil 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.

(e) Each day (any 24 consecutive hour period) that a continuing violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to

different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

**Sec. 4-27. Remedial purpose and severability.**

**(1) This Article will promote the public good by establishing necessary standards to define special events in the digital age and creating incentives and mechanisms to promote the public welfare by fostering preparation for, and curbing the excesses of, those assemblies, and also to employ those same standards to require persons owning or controlling property upon which a spontaneous, unplanned event occurs to use their best efforts to immediately control the event if feasible and provide an incentive to better secure their property in the future. Therefore, even though this Article contains penalties, it is adopted for the remedial purposes set forth here and in the lengthy recitals to the adopting ordinance, and if challenged the Article should nonetheless be given an equitable construction in order to achieve the clear and remedial purposes determined by the City Council.**

**(2) If any part or provision of this Article is held to be unenforceable for any reason, the remainder shall remain in full force and effect to the fullest extent possible under as liberal construction as may be needed to achieve its remedial purposes.**

**Secs. 4-28—4-49. Reserved.**

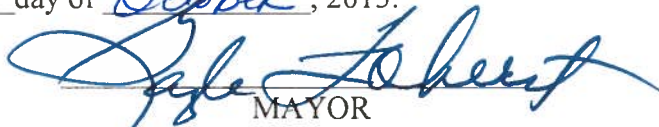
SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

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 8<sup>th</sup> day of October, 2015.

  
MAYOR

ATTEST:

  
CITY CLERK

EXAMINED AND APPROVED by me this 8<sup>th</sup> day of October, 2015.

  
MAYOR

Published in the News Herald on the 16<sup>th</sup> day of September, 2015.

Published in the News Herald on the 15<sup>th</sup> day of October, 2015.

Posted on pcbgov.com on the 9<sup>th</sup> day of October, 2015.