

ORDINANCE NO.: 23-19

ORDINANCE OF THE BAY COUNTY CODE OF ORDINANCES OF BAY COUNTY, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 5 REGARDING BEACH SAFETY REGULATIONS; PROVIDING FOR BEACH SAFETY SIGNAGE AND EQUIPMENT; PROVIDING FOR NOTICES REGARDING FLAG WARNINGS AND SIGNAGE REGARDING RIP CURRENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA:

SECTION 1. Section 5-91 of the Bay County Code of Ordinances is created as follows:

Sec. 5-91. - Flag warning and rip current signs in rental rooms.

Public lodging establishments, as defined in s. 509.013, F.S., located in unincorporated Bay County, must place in a conspicuous location in each rental unit for each occupancy, a sign in form and substance approved by the County Manager (1) Explaining the flag warning system; and (2) Explaining and warning swimmers of rip currents.

SECTION 2. Section 5-92 of the Bay County Code of Ordinances is created as follows:

Section 5-92. "No lifeguard" and beach safety signage and equipment required.

(a) Any person managing or controlling a Beach Business which permits its business invitees to swim in the waters of the Gulf of Mexico behind such business shall at all times either:

(1) Cause such business to furnish one or more Exclusive Lifeguards covering substantially all of its beachfront, where each Exclusive Lifeguard is responsible for no more than two hundred fifty (250) linear yards of beachfront and has a Tower in materially the center of his or her zone of responsibility, or

(2) Conspicuously post at every public or common place of egress from such business to the sandy Gulf beach a sign in letters no less than four inches in height stating "No Lifeguard on Duty" and "Swim at Own Risk."

(b) In addition, any person managing or controlling a Beach Business which permits its business invitees to swim in the waters of the Gulf of Mexico behind such business shall at all times conspicuously post, at every public or common

place of egress from such business to the sandy Gulf beach, signs in form and substance approved by the COUNTY Manager:

- (1) explaining the flag warning system; and
- (2) explaining and warning swimmers of rip currents.

(c) During all times when double red flags are flying, an owner or operator of a Beach Business shall conspicuously post a two-sided sign at any public or common place of egress from such business which states that the water is closed in substantially the following form:

"WATER CLOSED TO PUBLIC.

ENTRY INTO GULF OF MEXICO

PUNISHABLE BY ARREST.

SECTION 5-84, BAY COUNTY CODE OF ORD."

(d) Each booth or stall from which solicitation, sales, or rentals of Beach Amusements or Beach Services are conducted shall be equipped with two (2) United States Coast Guard approved Type IV throwable personal flotation devices conspicuously displayed on a booth/stall and available for emergency response.

(e) For the purpose of this Section, the term "Exclusive Lifeguard" shall have the same meaning provided in the City of Panama City Beach's Code of Ordinances.

(f) Violation of this section shall be punishable as provided in Sec. 5-90.

DULY ADOPTED in regular session this 1 day of August, 2023.

ATTEST:


Bill Kinsaul, Clerk


**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA**

TOMMY HAMM, CHAIRMAN

APPROVED AS TO FORM:


County Attorney's Office



SECTION 6. MODIFICATIONS. It is the intent of the Board of County Commissioners of Walton County, Florida, that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board.

SECTION 7. INCLUSION IN THE BAY COUNTY CODE. The provisions of this Ordinance shall be included and incorporated in the Bay County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Bay County Code, once established.

SECTION 8. FILING OF ORDINANCE. In accordance with the provisions of § 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Florida Department of State.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing with the Florida Department of State.

DULY ADOPTED in regular session this 1 day of August, 2023.


ATTEST:


Bill Kinsaul, Clerk

**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA**


TOMMY HAMM, CHAIRMAN

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