

ORDINANCE 1540

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE ENFORCEMENT PROVISIONS FOR VIOLATION OF SECTION 7-12 OF THE CITY'S CODE OF ORDINANCES; AUTHORIZING CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection has adopted a uniform warning flag program for use by Florida's beachfront communities, which system is intended to minimize the risks of drowning or serious injury; and

WHEREAS, the City prominently displays signs at its beach accesses and in transient dwelling accommodations to educate beachgoers of the flag system and hazard signified by such flags, and flies flags up and down its nine miles of beaches to indicate the Gulf conditions; and

WHEREAS, double red flags signify the water is closed to the public and that conditions in the Gulf of Mexico present a clear and present danger to the public who may enter its waters; and

WHEREAS, on August 12, 2019, the City Council enacted Ordinance 1494 creating penalties for those persons refusing to stay out of the Gulf of Mexico during double red flags which led to a reduction in drownings and water distress calls during double red flags; and

WHEREAS, the City Council finds enhancing the enforcement of Ordinance 1494 will increase its effectiveness and the protection of tourists and others swimming in the Gulf.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this Ordinance, Section 7-12 of the City's Code of Ordinances is amended to read as follows:

Section 7-12. Failure to obey lawful order.

(a) The legislative intent of this section is to authorize City personnel to order persons to stay out of or come in from the Gulf of Mexico when double red flags are flying.

(b) Failure to obey an order to stay out of or come in from the Gulf of Mexico by a police officer, when reasonably known to be such an official, is hereby prohibited and made unlawful. Such order shall be made for the purpose of ensuring the safety of persons using the beach or waters of the Gulf of Mexico. Any person violating any provision of this section may be punished as follows:

1. Each Offense: ~~verbal warning.~~ By issuance of a non-criminal civil penalty of \$500.
2. Second Offense (~~occurring within twenty four hours but following an opportunity to comply with the preceding warning~~): Misdemeanor of the second degree punishable by a fine of no more than \$500, or a sentence of not more than sixty (60) days in jail, or both.
3. Any uncontested civil penalty paid within twenty (20) days of the date of issuance shall be eligible for a 50% discount.

(c) Failure to obey an order to stay out of or come in from the Gulf of Mexico by any member of the City's fire rescue department or Code Enforcement Department, when reasonably known to be such a person, is hereby prohibited and made unlawful. Any person violating any provision of this section may be punished as follows:

1. First Offense: ~~warning~~ \$500
2. Second Offense: by a civil penalty of ~~\$250~~ \$1,000.00.
3. ~~Third Offense: by a civil penalty of \$500.~~ Any uncontested penalty paid within twenty (20) days of the date of issuance shall be eligible for a 50% discount.

(d) All fire rescue personnel of the City and any other City employees designated by the City Manager shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under section (b or c) may be contested in accordance with the provisions of Chapter 25 of the City's Code of Ordinance.

(e) This section shall not apply to persons attached by a leash to a surfboard. A surfboard means a fiberglass, epoxy, closed-cell neoprene or closed cell Styrofoam instrument with one or more fins or skegs attached to or inserted

through the bottom, including windsurf boards and sailboards, but does not include rubber rafts, floats, belly boards, skim boards, or boogie boards.

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 22nd day of October, 2020.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 22nd day of October, 2020.


MAYOR

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