

ORDINANCE NO. 1303

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, DEFINING BEACH ACCESS AND PROHIBITING VARIOUS ACTIVITIES AT BEACH ACCESSES TO ENCOURAGE THE FREE FLOW OF TRAFFIC OVER BEACH ACCESSES AND TO PROTECT THE DUNE SYSTEM; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

W I T N E S S E T H:

WHEREAS, the City and Bay County (the “County”) provide access to the sandy beach at numerous beach access corridors throughout the City; and

WHEREAS, the City or the County owns fee title, an easement, or right-of-way to these beach access corridors in trust for public recreational use; and

WHEREAS, the primary purpose of the beach access corridors is to provide publicly accessible locations for pedestrian travel to and from the sandy beach; and

WHEREAS, in some cases the City or County maintains a wooden walkway or path for pedestrian traffic through each beach access corridor; and

WHEREAS, an equally significant purpose of the beach access corridors and wooden walkways is to protect the dune system; and

WHEREAS, providing designated beach accesses minimizes foot traffic on and around dunes in other areas, thereby reducing damage to the dune system; and

WHEREAS, the wooden walkways are designed to go above dunes, eliminate foot traffic on the dune, and minimize damage to the dune; and

WHEREAS, another purpose of providing beach access corridors and wooden walkways is to improve the aesthetics of the City, both by installing aesthetically pleasing structure and by protecting the dune system; and

WHEREAS, people remaining within beach access corridors, including on and around wooden walkways, interferes with pedestrian traffic to and from the sandy beach, results in frequent and sometimes uncomfortable close encounters between users of the beach access corridors, and creates a less desirable experience for residents and tourists; and

WHEREAS, people remaining within beach access corridors, including under and around wooden walkways damage to the dune system; and

WHEREAS, the City is aware of persons loitering, camping, sleeping, and conducting related activities within beach access corridors, all of which result in congestion within the beach access corridors that is counter to the primary purpose of pedestrian travel to and from the sandy beach,

WHEREAS, people remaining within beach access corridors is associated with increased littering resulting in negative aesthetic, health, and safety impacts; and

WHEREAS, regulating activities, as provided herein, within beach access corridors, including under and around wooden walkways, promotes public access to the sandy beach, aesthetics, and public health and safety, including the health of the dune system.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1. From and after the effective date of this ordinance, Article I, Chapter 16, of the Panama City Beach Code of Ordinances is amended to create the following Section 16-3:

### **Section 16-3. – Impermissible activities at beach accesses**

- (a) For the purposes of this section, “beach access” shall mean all areas within the City where the City or County owns fee title, an easement, or right-of-way, at least of portion of which is designated by the City or County for public access to and from the sandy beach, including but not limited to the number beach accesses maintained by the City or County, and includes any walkways or other structures located within any such area, as well as the space under any such walkways or structures.
- (b) Beach accesses are meant to provide public access to and from the sandy beach and protect the aesthetics and health of the dune system. Therefore, it shall be unlawful for a person or group of persons, except for agents or contractors of the City in the performance of authorized construction or maintenance activities or in the exercise of police powers, to do any of the following within a beach access, including on, under or adjacent to any walkway or other structure:
- 1) obstruct or cause to be obstructed the free and unencumbered travel through or over a beach access
  - 2) Sit, lie or otherwise be in a horizontal position, unless due to a medical emergency or because of a person's disability or age that requires the use of wheelchairs, walkers, strollers or similar appliances;
  - 3) Sleep at any time, except for infants;
  - 4) Consume any alcoholic beverages as defined by the laws of Florida;
  - 5) Construct any hut, shanty, or other shelter;
  - 6) Cook foodstuffs unless facilities for such preparations are provided by the City;
  - 7) Set or stoke a fire;
  - 8) Discharge or deposit human wastes, except in toilet facilities provided or approved by the City;
  - 9) Dig holes or otherwise disturb the natural surface of the ground;
  - 10) Pick flowers or damage or remove plants, trees, or shrubs;
  - 11) Erect posts, umbrellas, or signs;
  - 12) Affix signs to any tree, post or structure, and the only City signs posted shall be (i) limited to information concerning the sandy beach and the gulf waters, and (ii) placed so as not to obstruct free pedestrian access;
  - 13) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, bird, or touch, break, remove, or relocate any bird egg;
  - 14) Write on, draw on, or otherwise deface, damage, remove or destroy any structure within a beach access;
  - 15) Sit in or on any trash receptacles, planters or other items within the beach access;
  - 16) Drive any motor vehicle or trailer in an area not specifically designated for motor vehicles and without permission from the City to drive in that area.
- (c) Any violation shall result in a general penalty under Chapter 1 of this Code.

SECTION 2. Severance of invalid provisions: if any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that holding shall not be so construed to render invalid the remaining provisions of this ordinance, the City intending that all such provisions be severable.

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.

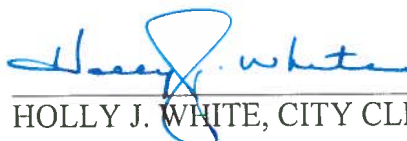
SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 27<sup>th</sup> day of March, 2014.

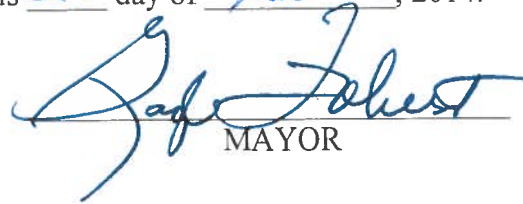
CITY OF PANAMA CITY BEACH

By   
GAYLE F. OBERST, MAYOR

ATTEST:

  
HOLLY J. WHITE, CITY CLERK

EXAMINED AND APPROVED by me this 27<sup>th</sup> day of March, 2014.

  
MAYOR

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Dated: March 28, 2014

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