

Ordinance 1345-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH FINDING THE OVERPOPULATION OF COLLEGE SPRING BREAK 2015 TO HAVE CREATED A SITUATION IN WHICH THE CITY LACKS THE RESOURCES TO PROPERLY POLICE THE ACTIVITIES OF ITS VISITORS AND DETERMINING THAT IT IS NECESSARY TO ENACT EMERGENCY MEASURES TO REDUCE THE NUMBER OF PERSONS AND TO ENHANCE THE ABILITY OF PERSONS TO PROTECT THEMSELVES; EXTENDING THE 2 AM CLOSURE OF ALCOHOL SALES EFFECTIVE APRIL 1, 2015; PROHIBITING ALCOHOL POSSESSION OR CONSUMPTION ON THE SANDY GULF BEACH, PARKING LOTS AND OTHER VEHICULAR ACCESS AREAS UNTIL APRIL 18, 2015; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF THAT CONFLICT; PROVIDING AN IMMEDIATELY EFFECTIVE DATE AS AN EMERGENCY MEASURE.

WITNESSETH:

WHEREAS, the critical mass of College Spring Break 2015 has occurred during the month of March 2015, during which the community has been exposed to an extraordinary number of visitors, and a correspondingly extraordinary amount of violence and disrespect for law and order; and

WHEREAS, though the critical mass of College Spring Break occurred during the month of March, the City expects to entertain a high volume of Spring Break-specific visitors into April, 2015; and

WHEREAS, this morning the Bay County Board of Commissioners adopted several measures to enhance or address gaps in measures previously adopted, such that the City's failure to similarly and immediately consider such measures will likely result in a migration of unwanted behavior into the City, and

WHEREAS, in the last five days, the Council has heard hours of public comment from residents and businesses concerning the incidents and impacts of College Spring Break and its excesses; and

WHEREAS, although the Council adopted several measures following College Spring Break 2014 to address known and foreseeable problems during College Spring Break 2015, and those measures were helpful, the Council finds that, taken as a whole,

the incidents of violence and dangerous activities have increased during College Spring Break this year; and

WHEREAS, the Council finds, as did the Board of County Commissioners today, that extended measures are necessary to give law enforcement additional tools to curb the dangerous excesses, to enhance the ability of young persons visiting Panama City Beach to protect themselves, and to reduce the prevalence of the dangerous situations on the sandy beach and in the parking lots which the Council members have personally observed and, in addition, have been related to the Council by numerous credible sources; and

WHEREAS, on October 23, 2014, the City Council adopted Ordinance 1320, which provided for the cessation of alcohol sales at 2 AM during the month of March, and re-established the final hour of sale to be 4 AM effective April 1, 2015; and

WHEREAS, the City finds that the rule of Ordinance 1320 has been an effective tool during College Spring Break for law enforcement to address those persons congregating within the City who are intoxicated, are frequently without accommodations and who congregate in the streets and parking lots in an impaired condition or who are there to sell illegal drugs or engage in other illicit activity; and

WHEREAS, the City and the County are meeting the day after tomorrow to begin work on permanent ordinances address the excesses of College Spring Break and its year round effect and those ordinances cannot be responsibly enacted before early May, 2015.

NOW THEREFORE, be it ordained by the people of the City of Panama City Beach:

SECTION 1. FINDING OF EMERGENCY: For the reasons set out in the above recitals and described by countless witnesses before the City Council and County Commission, in social media, letters to the editor, online petitions, and virtually every coffee shop and kitchen table in the community, the Council finds and determines that the overpopulation of College Spring Break and the violence and disrespect for law and order which now are accompanying College Spring Break have overwhelmed the valiant efforts of law enforcement to protect the community and the spring breakers themselves, and that the enhanced restrictions adopted by this ordinance are needed immediately to help address the dangers being observed. The County Commission has observed, and the

City Council concurs, that the beaches community is under siege and it appears that this siege will not end with the end of each annual College Spring Break.

SECTION 2. EXTENDING 2AM CLOSING OF THE SALE OF ALCOHOLIC BEVERAGES. From and after the effective date of this ordinance, the hours of sale within the city of all alcoholic beverages shall cease at 2 AM, until such regulation is repealed or replaced by a permanent ordinance to the contrary.

SECTION 3. PROHIBITING THE POSSESSION AND CONSUMPTION OF ALCOHOL ON THE SANDY GULF BEACH. From and after the effective date of this ordinance, and until repealed or replaced by a permanent ordinance, but in any event no longer than April 18, 2015, it shall be unlawful for any person to consume any alcoholic beverage, or possess any sealed or unsealed container which contains any alcoholic beverage while on the sandy Gulf beach. For purposes of this section, "*sandy Gulf beach*" shall mean the beach seaward of the dune line or building line whichever is more landward.

SECTION 4. NO ALCOHOL IN PARKING LOTS. From and after the effective date of this ordinance, and until repealed or replaced by a permanent ordinance, but in any event no longer than April 18, 2015, it shall be unlawful for any person to consume any alcoholic beverage, or possess any unsealed container of alcoholic beverage while in a paved or unpaved parking lot, driveway or other area within which vehicular access of any type is allowed.

SECTION 5. PENALTIES. Each incident of possession or consumption of an alcoholic beverage made illegal by this ordinance shall constitute a separate offense.

Any person convicted of violating this ordinance shall be punished by imposition of a fine, not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or both.

In addition, the Council finds that a violation of this ordinance presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature. Therefore, and pursuant to Florida Statutes Chapter 162, Part II, the City hereby establishes and imposes the following civil infraction penalties. Each violation shall constitute a separate, civil infraction punishable by a civil penalty in the amount specified below:

First violation: . . . \$50.00.

Second violation: . . . \$100.00.

Third and all subsequent violations of: \$200.00, and as otherwise provided by law, The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

A person who does not contest a violation shall be subject to a civil penalty in the following amount which may be paid directly to the City Clerk:

First violation . . . \$25.00.

Second violation . . . \$50.00.

Third and all subsequent violations: \$150.00, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

Violations 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 this section. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under this section 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 and 775.083, Florida Statutes or subsequent superseding legislation.

The civil penalties established in this section shall always be cumulative and in addition to any other civil or criminal penalties available for a violation of this section of the Panama City Beach Code of Ordinances, including the criminal penalty set forth above, the general penalty and terms set forth in Section 1-12 of the City Code, and also cumulative and in addition to any requirements, proscriptions and civil or criminal penalties under state law.

A violation of this ordinance is punishable by Section 1-12 of the Code of Ordinances of the City.

SECTION 6. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 7. SEVERABILITY. If any clause or portion of this ordinance is held invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage by two-thirds of members of the City Council, without further reading or publication, to address the real and present danger that confronts the young people visiting and the people of all ages residing and working within the City during Spring Break.

CITY OF PANAMA CITY BEACH

ATTEST:

By 
GAYLE F. OBERST, MAYOR


ACTING CITY CLERK

POSTED on pcb.gov.com on the 15th day April, 2015.


ACTING CITY CLERK