

ORDINANCE NO. 1378

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO THE CONSUMPTION OF ALCOHOL IN PUBLIC PLACES; CLARIFYING THAT A PERSON MUST HAVE A GOVERNMENT ISSUED ID IN HIS OR HER IMMEDIATE POSSESSION AND AVAILABLE FOR IMMEDIATE PRESENTATION WHEN POSSESSING OR CONSUMING ALCOHOL ON THE SANDY GULF BEACH; REVISING THE DEFINITION OF SANDY BEACH TO INCLUDE ALL LOOSE SANDY AREAS BETWEEN THE WATERS OF THE GULF OF MEXICO AND THE NEAREST PAVED ROAD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on October 23, 2014, the City adopted Ordinance 1321 requiring persons possessing or consuming alcohol on the sandy gulf beach to simultaneously possess a government issued ID; and

WHEREAS, the City desires to clarify the ordinance to require the possession of ID on the person of the person possessing or consuming alcohol on the beach, and to amend the definition of sandy gulf beach to boundaries more easily identified and understood by the public.

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

SECTION 1. From and after the effective date of this ordinance Section 3-2 of the Code of Ordinances of the City of Panama City Beach, related to alcohol consumption in public places is amended to read as follows:

Sec. 3-2. Consumption of alcoholic beverages in rights-of-way, public parking lots, and public ponds and stormwater facilities prohibited; identification required on sandy beach; civil penalties.

(a) It shall be unlawful for any person to drink or otherwise consume any alcoholic beverage or substance within the rights-of-way of streets, highways, avenues or other similar ways, within the City.

(b) It shall be unlawful for any person to drink or otherwise consume any alcoholic beverage or substance within the confines of any public parking lot located within the City. "Public parking lot" shall mean a parking lot owned or leased, and maintained, by a public body or governmental agency.

(c) It shall be unlawful for any person to possess or consume any alcoholic beverage on the premises of a public pond or public stormwater facility and on any publicly owned parcel of real property used predominantly for a public pond or public stormwater facility. "*Public pond or public stormwater facility*" shall

mean a pond or stormwater facility owned, leased or maintained by a public body or governmental agency, as well as all associated walkways, trails, benches, greenspace, and similar features.

(d) It shall be unlawful for any person to possess or consume any alcoholic beverage on the sandy gulf beach of the Gulf of Mexico, within the City limits, without **having in his or her immediate possession simultaneously possessing a government issued photo ID disclosing their name, address and age to immediately present upon the demand of law enforcement.** For purposes of this section, "sandy gulf beach" shall mean **all loose or uncompacted sandy area, including sand dunes and vegetated area, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward most paved roadway** ~~the beach seaward of the dune line or building line, whichever is more landward.~~

(e) The City finds that a violation of this section 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.

Second violation: \$100.

Third and all subsequent violations of: \$200, 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.

Second violation: \$50.

Third and all subsequent violations: \$150, 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 & 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 general penalty and terms set forth in Section 1-12, and also cumulative and in addition to any requirements, proscriptions and civil or criminal penalties under state law.

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 14th day of January, 2016.

Gayle Scheer
MAYOR

ATTEST:
Kim B. Loh
CITY CLERK

EXAMINED AND APPROVED by me this 14th day of January, 2016.

Gayle Scheer
MAYOR

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Kevin Gerald (LTS)

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