

ORDINANCE NO. 1411

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, CREATING SECTION 11 OF CHAPTER 7 OF THE CITY CODE OF ORDINANCES ALLOWING FIRES ON THE SANDY BEACH WITH A PROPER PERMIT FROM THE CITY FIRE DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City Council finds that the safety, health, and welfare of the citizens of, and visitors to, Panama City Beach would be best protected by the regulation of recreational fires on the sandy gulf beach; and

WHEREAS, the Council finds that it is in the public's best interest to regulate fires on the sandy gulf beach.

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, ARTICLES I of Chapter 7, BEACHES, BOATS, AND WATER SAFETY, of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

ARTICLE I. - IN GENERAL

Sec. 7-11. Fires.

(a) It shall be unlawful for any person to ignite or maintain, or participate in the maintenance of, a fire, bonfire or campfire on the sandy gulf beach, without a permit issued by the City Fire Department as provided herein and in accordance with rules set by the City Fire Department;

(1) No fires will be allowed between 12:00 a.m., CST, May 1 and 12:00 a.m., CST, November 1 due to turtle nesting season.

(2) No fires will be allowed within 100 feet of a marked turtle nest or within 50 feet of vegetation line or within 100 feet of any habitable structure.

(3) No fire permit shall be issued if wind conditions are greater than ten (10) miles per hour.

(4) No fire permit shall be issued if the National Weather Service, Florida Forest Service, or county has issued a red flag fire warning, a no burn order, or when the City Fire Department determines that the proposed fire will endanger the public health, safety, welfare, or other people or property.

(5) All permitted fires must occur between the hours of 5:00 p.m. and 12:00 a.m. The site shall be cleaned of all debris and restored to its natural condition by 12:00 a.m. It shall be unlawful and a violation of this section for a person to fail to clean up after the fire has been extinguished.

(6) All permitted fires must be enclosed by fencing material with a minimum height of three (3) feet and have two appropriate access/egress points. The area to be fenced will depend on the number of guests, must conform to the site capacity standard required by section 4-16(a) of this Code.

(7) All permitted fires must be fueled solely by propane gas via an elevated propane-supplied fire pit not to exceed three (3) feet in diameter. Burning of any material other than propane shall be a violation of this Code.

(8) The permit holder shall be present at all times on the site and shall have the signed permit available for inspection.

(9) A maximum of ten (10) permits per day shall be issued on a first come first served basis.

(b) All persons desiring to obtain a one-time permit for a fire on public or private land within the area described herein above shall apply for a fire permit from the City Fire Department. All applications for fire permits shall set forth in detail the following

(1) Full name and address of the applicant;

(2) The date and time the fire is to be set;

(3) The fire pit or container to be used;

(4) The specific location of the fire;

(5) Written consent of any upland private property owners;

(6) The safeguards to be taken to protect the public and other property from injury including fire control equipment to be used on site; and

(7) Such other information as may be prescribed by the City Fire Department.

(8) A site plan of the fire space to include the location of the burn equipment and type, the area to be fenced, access and egress points, and any other onsite chairs, tables, garbage cans or other obstructions.

(c) The fee for the issuance of the fire permit shall be fifty dollars (\$50).

(d) Issuance of a permit by the City shall not excuse or relieve the applicant from any liability or responsibility for damages which may result from carelessness or neglect in setting, starting, looking after, or guarding a fire.

(e) Any violation of this section shall constitute a Class 2 infraction pursuant to section 7-502 of this chapter and be otherwise punishable under this Chapter and section 1-12 of this Code.

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. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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 ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2017.

MAYOR

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