

ORDINANCE 1519-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, FINDING THAT THE COVID-19 PUBLIC HEALTH CRISIS NECESSITATES EMERGENCY MEASURES TO REDUCE CONGREGATIONS ON THE SANDY GULF BEACH TO REDUCE THE RISK OF COMMUNITY SPREAD OF THE COVID-19 VIRUS; CLOSING ALL BEACHES AND PUBLIC BEACH ACCESS POINTS; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE AS AN EMERGENCY MEASURE.

WHEREAS, the City of Panama City Beach (“City”) is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and may exercise its governmental, corporate, and proprietary powers for municipal purposes, including to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the World Health Organization, U.S. Health and Human Services Secretary, President of the United States, Governor of the State of Florida, and Bay County have all declared the outbreak of the novel coronavirus, COVID-19, to be an international, national, state, and local emergency; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52 authorizing, among other things, local governments to execute their authority under the State Emergency Management Act; and

WHEREAS, section 252.44, Florida Statutes, directs the Governor to make recommendations to local governments for the mitigation of the harmful consequences of emergencies; and

WHEREAS, on March 17, 2020, the Governor of the State of Florida issued Executive Order 20-68, directing “parties accessing public beaches to follow the CDC guidance by limiting their gatherings to no more than 10 persons, distance themselves from other parties by 6 feet, and support beach closures at the discretion of local authorities”; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution 20-80E, approving an COVID 19 action plan implementing measures to slow and mitigate the transmission and spread of the coronavirus in the City; and

WHEREAS, the City is home to the world's most beautiful beaches and serves as one of the nation's premier tourist destinations to over 4 million visitors per year while also serving as the permanent home for approximately 13,000 residents; and

WHEREAS, since the beginning of the COVID-19 public health emergency, the City has hosted a high volume of spring break specific visitors from across the country and the City Council finds that these visitors have been less likely to heed to recommendations and directives of the government; and

WHEREAS, the City Council has observed that the recreational use of the sandy gulf beach by spring break specific visitors has led to large congregations in violation of Executive Order 20-68 and finds that such congregations present a danger to public health; and

WHEREAS, the City is empowered, pursuant to section 166.041(3)(b), Florida Statutes, to adopt emergency ordinances by two-thirds majority vote; and

WHEREAS, considering the nature of the emergency facing the City and surrounding community, including the apparent rapid spread of COVID-19, the City Council deems it necessary and appropriate to adopt the following Temporary Emergency Ordinance in order to meet and address the emergency presented by COVID-19 to ensure the public health, safety, and welfare of the community.

WHEREAS, the City Council finds that a temporary closure of the sandy gulf beach, specifically while the City hosts a high volume of spring break visitors, will substantially advance the national, state, and local interest of mitigating the community spread or transmission of the COVID-19 virus.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. FINDING OF EMERGENCY. The foregoing recitals are true and correct, and incorporated herein as if set out in full. For the reasons set out in the above recitals, the Council finds and determines that the public health emergency facing the City combined with the large influx of spring break visitors have overwhelmed the 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 present in our nation, state, and community.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, the following terms shall have the meanings proscribed below:

- a. "Sandy gulf beach" means all loose or uncompacted sandy areas, including sand dunes and vegetated areas, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward boundary of the seaward most public vehicular right of way.
- b. "Beach access" means any public beach access points identified by the City Parks and Recreation Department, including associated boardwalks, walkways, and dedicated parking areas, and the area on the beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.
- c. "Fee Owner" shall mean the person, persons or entity in whom fee simple title to beachfront land is held. Fee ownership may be evidenced by deed or government issued identification. Fee owner shall not include the guests of any such person.

SECTION 3. CLOSING SANDY BEACH AND PUBLIC BEACH ACCESSES. From and after 7:00 p.m. on March 20, 2020, and through 12:00 p.m., March 26, 2020, unless such date is otherwise extended by resolution of the City Council, the sandy gulf beach and all beach accesses are closed and access by the public shall be unlawful.

SECTION 4. PENALTIES. Each violation of this ordinance shall constitute a separate offense punishable by imposition of a fine, not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed (30) days, or both.

Violations may be enforced by the issuance of a civil citation by a sworn police officer. A citation issued under this section may be contested in accordance with the Code Enforcement Hearing Officer System pursuant to chapter 25 of the City's Code of Ordinances. Officers are directed to exercise discretion in the enforcement of this Ordinance against a Fee Owner on its property.

SECTION 5. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall take effect

immediately upon passage by two-thirds vote of the members of the City Council, without further reading or publication, to address the real and present public health emergency presented by the spread of the COVID-19 virus.

THIS ORDINANCE shall be effective immediately upon passage.

PASSED in emergency session this ____ day of _____, 2020.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Mary Jan Bossert, City Clerk