

ORDINANCE 1521-E

AN EMERGENCY ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, FINDING THE EXISTENCE OF AN EMERGENCY; PLACING TEMPORARY SAFETY STANDARDS ON BEACH RECREATION; PLACING TEMPORARY SAFETY STANDARDS ON BEACH COMMERCE; PROVIDING FOR MODIFICATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCE 1520-E; AND PROVIDING AN 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 City is empowered, pursuant to section 166.041(3)(b), Florida Statutes, to adopt emergency ordinances by two-thirds majority vote; and

WHEREAS, the City and Bay County continue to grapple with the extraordinary health crisis posed by the outbreak of the novel coronavirus, COVID-19; and

WHEREAS, on March 20, 2020, the City Council passed Ordinance 1519-E closing the sandy gulf beach to limit congregations and social interaction, which action was extended by Resolutions 20-93 and Resolutions 20-98; and

WHEREAS, on April 30, 2020, the Governor of the State of Florida’s Executive Order 20-91, requiring the public to stay at home except to obtain essential services of conduct essential activities and included, as an essential activity, “[p]articipating in recreational activities (consistent with social distancing guidelines...” expires allowing for additional safe recreational and commercial activity throughout the State of Florida and;

WHEREAS, the City is home to approximately nine miles of the world’s most beautiful beaches which, for generations, have been a vital source of recreation to residents and visitors; and

WHEREAS, at a news conference on April 17, 2020, Governor DeSantis said it was important for people to have outlets for getting exercise, sunshine and fresh air, and suggested that municipalities could open up parks and beaches if social distancing guidelines remained in place; and

WHEREAS, the City Council finds that the imposition of Ordinance 1519-E, Ordinance 1520-E, and other state actions were effective at gaining compliance from residents and visitors with social distancing requirements sufficient to reexamine safe use of the sandy gulf beach; and

WHEREAS, on April 23, 2020, the City Council enacted Ordinance 1520-E repealing the total closure of the beach and allowed for limited recreational use of the sandy gulf beach which is set to expire at 8:00 p.m. on May 1, 2020; and

WHEREAS, the City finds that citizens have welcomed social distancing regulations and that the limited opening has increased the mental well-being of the City's residents but that only allowing use of the sandy gulf beach during set times creates a natural surge of activity as crowds naturally flock to the sunrise and sunset; and

WHEREAS, Executive Order 20-91 limited business to "essential services" but allowed all business to operate in outdoor spaces, encouraging "all businesses and organizations" to "provide delivery, carry-out, or curbside service outside of the business or organization;" and

WHEREAS, the City is home to many Beach Services which offer chair and umbrella rentals and other retail services entirely outdoors with minimal personal interaction consistent with Executive Order 20-91; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order 20-112 extending Executive Order 20-91, encouraging recreational activities and allowing for certain services to reopen with strict safety standards; and

WHEREAS, the City Council finds that it is in the best interests of the public health, safety, and welfare to allow continued recreational activity on the sandy gulf beach subject to social distancing standards; and

WHEREAS, the City Council finds that allowing limited commercial outdoor retail service, subject to strict safety standards, on the sandy gulf beach is consistent with the directives of the Governor of the State of Florida; and

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to allow a balanced return to activity on the sandy gulf beach.

NOW, THEREFORE BE IT ORDAINED 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 the public health emergency requires continued stringent safety standards for recreational and commercial activity the sandy gulf beach but with modified restrictions.

SECTION 2. BEACH RECREATION SAFETY STANDARDS. From 12:01 a.m., May 1, 2020, all persons accessing the sandy gulf beach shall adhere to the following safety standards:

- a. Social Distancing. All groups of persons on the Sandy Gulf Beach shall be spaced a minimum of six-feet in length from any other person or groups of persons.
- b. Congregations. No persons shall congregate in groups greater than ten (10) people.

SECTION 3. BEACH COMMERCE SAFETY STANDARDS. During the duration of this Ordinance, existing Beach Commerce may operate within the City limits subject to the following safety standards:

- a. Compliance with Executive Orders. All Beach Commerce authorized under this Ordinance shall be compliant with any Executive Orders of the Governor of the State of Florida then in effect.
- b. Social Distancing. Beach chairs, umbrellas, cabanas shall be spaced a minimum of six (6) feet from the nearest chair, tent, person, or group of persons.
- c. Clean Goods. All goods sold or rented or otherwise available to the public on the sandy gulf beach shall be disinfected with an EPA registered disinfectant prior to any sale or rental. Rented goods shall be disinfected immediately upon return.
- d. Clean Booths. All Beach Service booths and other high-touch surfaces shall be routinely disinfected with an EPA-registered disinfectant appropriate for

the surface. Each booth shall be equipped with alcohol-based sanitizer available to the public.

- e. Personal Protection. Beach Services shall equip each employee with personal protective equipment, including but not limited to gloves and masks. Beach Service employees shall wear personal protective equipment when interacting with the public within six (6) feet.

SECTION 4. MODIFICATION. The safety standards set forth in Sections 2 and 3 may be modified by Resolution of City Council.

SECTION 5. ENFORCEMENT. 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 infraction by a sworn police office and enforced pursuant to Section 7-504 of the City's Code of Ordinances.

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. REPEALER. Ordinance 1520-E, and all ordinances, resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. Upon passage by two-thirds vote of the members of the City Council, this Ordinance shall take effect at 12:01 a.m. on Friday, May 1, 2020, without further reading or publication, to address the real and present public health emergency presented by the spread of the COVID-19 virus.

PASSED in special session this 30th day of April, 2020.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Jo Smith, Interim City Clerk