

ORDINANCE NO. 1302

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, PROHIBITING CONSUMPTION OF ALCOHOL AT CITY OWNED PONDS AND OTHER STORMWATER FACILITIES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City prohibits consumption of alcohol within rights-of-way of streets, highways, avenues or other similar ways and in any public parking lot, within the City; and

WHEREAS, there are various publicly owned ponds and stormwater facilities in the City and the City plans to construct additional ponds and stormwater facilities; and

WHEREAS, some of the ponds and stormwater facilities have associated walkways, trails, benches and greenspace; and

WHEREAS, the predominate purposes for these additional features is to beautify the stormwater features and promote recreation, an improved tourist experience, and better quality of life for residents; and

WHEREAS, public consumption of alcohol at and around publicly owned ponds and stormwater facilities detracts from the effectiveness of these additional purposes; and

WHEREAS, City police report that consumption of alcohol at and around ponds and stormwater facilities occurs frequently and contributes to unruly and unlawful behavior; and

WHEREAS, the City desires to expand the prohibition on consumption of alcohol to the ponds, stormwater facilities, and associated areas owned by governmental entities and that are within the City; and

WHEREAS, expanding this prohibition to these areas will enhance public safety, health and welfare, make these areas more family friendly, and reduce littering.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1. From and after the effective date of this ordinance, Article I, Chapter 3, Section 3-3, of the Panama City Beach Code of Ordinances is amended to read as follows (deleted text ~~stricken~~, new text underlined):

**Section 3-2. – Consumption of alcoholic beverages in rights-of-way, and public parking lots, and public ponds and stormwater facilities prohibited.**

- (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.

SECTION 2. Severance of invalid provisions: if any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that holding shall not be so

construed to render invalid the remaining provisions of this ordinance, the City intending that all such provisions be severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4 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 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 27<sup>th</sup> day of March, 2014.

CITY OF PANAMA CITY BEACH

By   
GAYLE P. OBERST, MAYOR

ATTEST:

  
HOLLY J. WHITE, CITY CLERK

EXAMINED AND APPROVED by me this 27<sup>th</sup> day of March, 2014.

  
MAYOR

Published in the Panama City News Herald on the 11<sup>th</sup> day of March, 2014.

POSTED AT:

PCB City Hall Annex

Dated: March 28, 2014

PCB Public Library

Dated: March 28, 2014

W PCB Post Office

Dated: March 28, 2014