

ORDINANCE NO. 1321

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATED TO THE CONSUMPTION OF ALCOHOL; AMENDING THE CITY'S CODE OF ORDINANCES TO PROHIBIT THE CONSUMPTION OR POSSESSION OF AN ALCOHOLIC BEVERAGE ON THE SANDY GULF BEACH WITHOUT THE SIMULTANEOUS POSSESSION OF A GOVERNMENT ISSUED PICTURE ID; PROVIDING FOR CODIFICATION; ESTABLISHING A CIVIL PENALTY FOR VIOLATION OF VARIOUS ALCOHOL RELATED OFFENCES IN ADDITION TO CRIMINAL PENALTIES AND MAKING FINDINGS OF FACT RELATING TO THOSE OFFENCES; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City experiences a high volume of visitors who come to the City seeking relaxation, entertainment and a departure from the routines of daily life; and

WHEREAS, the City finds that these visitors are drawn to the City's sandy gulf beach to enjoy the sun and surf, and that many will consume alcoholic beverages as part of their beach experience; and

WHEREAS, the City finds that especially during college Spring Break, but throughout the year as well, persons not of legal drinking age are consuming alcohol on the beach; and

WHEREAS, the City finds that especially during the annual period known generally as College Spring Break, the beach is crowded with thousands of college aged visitors seeking a break from the rigors of academia, for whom the beach provides an unsecured and largely unregulated venue in which to consume alcoholic beverages, which can be particularly attractive to those student visitors under the legal drinking age; and

WHEREAS, Florida law prohibits the possession of alcohol by any person under the age of

21 (Section 562.111, Florida Statutes); and

WHEREAS, Florida law prohibits an adult from providing alcoholic beverages to a minor (Section 562.11, Florida Statutes); and

WHEREAS, the City has found that it impossible to determine if a minor is in possession of an alcoholic beverage on the beach, or to determine if an adult has provided an alcoholic beverage to a minor on the sandy beach, or to determine the identity of either a minor or an adult in violation of either of the state laws above referenced, unless persons in possession of alcohol on the beach are also in possession of identification; and

WHEREAS, the City finds and determines that it is necessary and appropriate to require the possession of a government issued photo ID by any person possessing alcohol on the beach in order to respect and enforce the State's minimum drinking age.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE 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 alcoholic beverages is amended to read as follows (new text underlined):

**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~~ 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 simultaneously possessing a government issued photo ID disclosing their name, address and age. For purposes of this section, "sandy gulf beach" shall mean 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 3. 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 23<sup>rd</sup> day of October, 2014.

  
MAYOR

ATTEST:

  
CITY CLERK

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CITY CLERK