

ORDINANCE NO. 1348

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO ALCOHOLIC BEVERAGES; PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN COMMERCIAL PARKING LOTS DURING THE MONTH OF MARCH UNLESS SUCH PERIOD IS EXTENDED BY RESOLUTION OF THE CITY COUNCIL; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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 the consumption of alcohol is a marked pastime of many visitors while they are here, and that increasingly this consumption is occurring in parking lots throughout the City by those who may not be in a hurry to return to their lodging accommodations, or those with no reserved accommodations at all; and

WHEREAS, the City prohibits the consumption and possession of open containers of alcoholic beverages in public parking lots; and

WHEREAS, the City finds that the lack of a similar prohibition in privately owned parking lots of commercial establishments has enabled the assembly of persons in such parking lots; and

WHEREAS, the City has observed that congregations of persons consuming alcoholic beverages in parking lots during a business's operating hours interferes with efficient use of the vehicular use area by other patrons and can result in uncomfortable encounters between those congregating in the parking lot and those who desire to patronize the business; and

WHEREAS, particularly in those parking lots associated with a closed business who has shut down its operations for the night, or in parking lots which are not associated with any adjacent or active business, the City is aware of persons loitering and sometimes sleeping in their cars, which activity is often also associated with increased littering.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance Section 3-5 of the Code of Ordinances of the City of Panama City Beach, related to Possession or

Consumption of Alcoholic Beverages in Commercial Parking Lots is established to read as follows:

### Chapter 3 ALCOHOLIC BEVERAGES

#### **Sec. 3-5. Possession or Consumption of alcoholic beverages in commercial parking lots; civil penalties.**

(a) It shall be unlawful for any person to possess an open container of any alcoholic beverage or substance or to drink or otherwise consume any alcoholic beverage or substance within the confines of any commercial parking lot located within the City, unless the parking lot is concurrently under surveillance and control by the associated business or commercial use. "Commercial parking lot" shall mean a parking lot or vehicular use area associated with a commercial activity or business use.

(b) 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: . . . \$50.00.

Second violation: . . . \$100.00.

Third and all subsequent violations of: \$200.00, 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 . . . \$25.00.

Second violation . . . \$50.00.

Third and all subsequent violations: \$150.00, 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 and 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 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

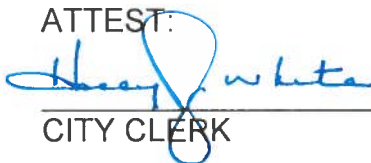
directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. 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 11<sup>th</sup> day of June, 2015.

  
MAYOR

ATTEST:

  
CITY CLERK

EXAMINED AND APPROVED by me this 11<sup>th</sup> day of June, 2015.

  
MAYOR

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