

ORDINANCE 1387

DENIED BY UNANIMOUS
VOTE AT 2ND READING, PH
& ADOPTION

JUNE 23, 2016

ORDINANCE NO. 1387

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATED TO BEACH, BOATS AND WATER SAFETY, RELATED TO THE CITY'S "LEAVE NO TRACE" REGULATIONS; REMOVING A PROVISION ALLOWING PERSONAL PROPERTY TO BE STORED OR PLACED AT THE TOE OF THE DUNE FROM 7PM TO 7AM; ESTABLISHING CONDITIONS FOR THE PLACEMENT OF PERSONAL PROPERTY UNDER PRIVATE DUNE WALKOVERS AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; REVISING THE DEFINITION OF BEACH TO INCLUDE ALL LOOSE SANDY AREAS BETWEEN THE WATERS OF THE GULF OF MEXICO AND THE NEAREST PAVED ROAD; AMENDING THE PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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, Chapter 7, BEACH, BOATS AND WATER SAFETY, of the Code of Ordinances of the City of Panama City Beach, related to Article VIII, Obstructions on the Beach and Beach and Beach Access Areas Prohibited, is amended to read as follows:

ARTICLE VIII. OBSTRUCTIONS ON THE BEACH AND BEACH ACCESS AREAS PROHIBITED

Sec. 7-120. Purpose.

The purpose of this article is to ensure the beach and beach access areas are free from any obstruction by any item of personal property in order to protect public ingress, egress, and regress to the beach, promote public safety, and to protect endangered sea turtles.

Sec. 7-121. Definitions.

As used in this article:

~~Beach means that area of unconsolidated material that extends landward from the mean low water line of the Gulf of Mexico, to the frontal dune, or to where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward.~~ **means all loose or uncompacted sandy area, including sand dunes and vegetated area, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward-most paved roadway.**

Beach access areas means those 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.

Dune means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Personal property means all types of personal property, including by way of example and not limitation, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, tiki huts, volleyball nets, hammocks, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles and other watercraft.

~~Toe of the dune means that area just seaward and off the dune where there is no vegetation.~~

Sec. 7-122. Obstructions on the beach and beach access areas prohibited.

(a) It shall be unlawful for any person to leave an item of personal property unattended on any portion of the sandy gulf beach located in the City from 7:00 p.m. until 7:00 a.m. daily, except as otherwise permitted in this article.

(b) It shall be unlawful for any person to leave an item of personal property unattended at anytime within any public beach access area located in the City.

(c) Any item of personal property left on the beach unattended in violation of this article shall be deemed discarded by the owner and shall become the property of the City, which may dispose of the item.

(d) ~~From 7:00 p.m. until 7:00 a.m. daily, on public beaches or on private property with the upland owner's permission, items of personal property that are relocated as close to but not on the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this article, provided:~~

~~(1) Such items shall not be placed on the dune or on native vegetation;~~

~~(2) Such items shall be stored in a neat and orderly manner;~~

~~(3) Such items shall not inhibit access to the beach from the nearest public access areas, nor obstruct access on the beach, nor impact native vegetation, nor significantly affect sea turtles.~~

~~(4) Private property owners may store their personal property items under or adjacent to their private dune walkovers or boardwalks, provided:~~

~~(1) Such items shall not be placed on a dune or on native vegetation;~~

~~(2) Such items shall be stored in a neat and orderly manner;~~

~~(3) Such items shall not obstruct public access on the beach, nor impact native vegetation, nor significantly affect sea turtles.~~

~~(5) Items shall not be placed on any public beach access point or within twenty (20) feet of any public trash receptacle.~~

(e) Unattended items of personal property in violation of this article shall be removed from the beach by the Code Enforcement Officer, persons under contract with the Bay County Tourist Development Council, any law enforcement officer, licensed beach patrol, or lifeguard.

(f) Unattended or abandoned items of personal property in violation of this article are a public nuisance.

Sec. 7-123. Exceptions.

The prohibitions contained in Section 7-122 do not apply to:

(1) Trash containers;

(2) Lifeguard stands and lifeguard storage containers, and safety devices;

(3) Signs placed by a governmental agency;

(4) Items placed by persons acting under authority of the City Manager or other governmental agency;

(5) Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by the City, Bay County or the State of Florida; and

- (6) Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service.

Sec. 7-124. Permits.

(a) Permits may be issued by the City Manager or their designee for activities otherwise prohibited by this article for such periods of time and under such conditions as the City Manager deems appropriate under the circumstances that are found to be necessary for:

- (1) Reasonable accommodation of persons with disabilities;
- (2) Adjunct to a lawfully existing activity;
- (3) For the conduct of a governmental, civic or educational activity;
- (4) For the conduct of scientific research;
- (5) For special events, or
- (6) For a beach amusement, beach business, or beach service governed by Article III of this chapter.

(b) There shall be no fee for obtaining this permit. Such permit shall include the following:

- (1) Name and contact information of the owner or person in possession and control of the item;
- (2) Description of the item;
- (3) Location of the item;
- (4) Duration of time the item will remain in such location; and
- (5) Acknowledgement that owner or person in possession and control of the item will be liable for any impacts to federally protected species.

(c) This article is not intended to authorize any violation of Section 379.2431 Florida Statutes or any of the provisions of the Endangered Species Act. The City will not be liable for any impacts to federally protected species resulting from persons leaving items of personal property on the beach and such liability will rest with the owner of such item.

Sec. 7-125. Notice.

The City shall provide notice of this ordinance by posting a permanent sign located at the entry of every beach access point.

Sec. 7-126. Penalty.

A violation of this article shall be punishable as a Class 2 Infraction as provided in Section 7-502.

~~Violations of this article are punishable as provided in Section 1-12 of the City Code of Ordinances.~~

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 ____ day of _____,
2016.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____,
2016.

MAYOR

Published in the _____ on the ____ day of _____, 2016.

Posted on pcbgov.com on the ____ day of _____, 2016.