

ORDINANCE NO. 3296

AN ORDINANCE AMENDING CHAPTER 17 – PROTECTION OF PUBLIC AND PRIVATE RIGHTS; SEPARATING INTO ARTICLES FOR EASIER INTERPRETATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR A MORE STREAMLINED SPECIAL EVENTS APPLICATION PROCESS; PROVIDING WHICH HOLIDAYS SPECIAL EVENTS ARE PROHIBITED ON; SUBSTITUTING THE QUALITY OF LIFE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE SEVERABILITY OF ANY PART OF THIS ORDINANCE DECLARED INVALID; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City (“City”) is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and Section 166.021, Florida Statutes, constitutionally and statutorily guaranteeing it the right to 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 Commission of the City of Panama City finds that having special events promotes the economic vitality and quality of life of the Citizens of Panama City;

WHEREAS, the City Commission finds that having a special events application handled by the Parks, Culture and Recreation Department, formerly known as the Quality of Life Department promotes this vision;

WHEREAS, the City Commission also finds that the welfare of the staff members of the City of Panama City is of such importance to restrict special events from certain Holidays to allow for the support and wellbeing of the staff;

WHEREAS, the City Commission has found that in the current climate of social media, events can be promoted quickly and unintentionally resulting in a drain of municipal resources and this unintentional need of municipal resources for only one location of the City can have a negative impact on the rest of the City.

NOW THEREFORE, IT IS ORDAINED by the City Commission of Panama City, Florida, the amendment of Chapter 17 as follows:

SECTION 1. From and after the effective date of this Ordinance, Chapter 17 of the City’s Code of Ordinances is created to read as follows:

(~~Strikethrough~~ text is being deleted; Underlined text is being added.)

ARTICLE I – PROTECTION OF PUBLIC PLACES

Sec. 17-1. Definition of Public Property.

All definitions in Article I, Article II and Article III apply to Chapter 17.

The term “*public property*” shall mean property owned, leased, operated or managed by a government or one of its agencies, divisions or entities, including, but not limited to, structures, conveyances, parks, beach park, public natural area, public recreation area, trails, playgrounds, streets, sidewalks, rights-of-way, libraries, docks, pavilions, parking lots, vacant lots, fenced land, posted land, easements, kayak launches, gateways, community centers, clubhouses, and other property generally used by the public. This definition shall not include school property or school safety zones as those terms are defined in F.S. Ch. 810 and government or one of its agencies’ owned property that is leased to a private person or another entity.

Sec. 17- 2. Solicitation and panhandling prohibited.

- (a) It is the finding of the city that aggressive solicitation and panhandling is disruptive to residents and businesses and contributes to the loss of access to and the enjoyment of public places and to a sense of fear, intimidation and disorder. It is the intent of the city to protect citizens from disruption, fear and intimidation accompanying certain kinds of panhandling and solicitation activities and not to limit constitutionally protected activity.
- (b) Panhandling and solicitation is a verbal communication by a person to another requesting an immediate donation of money or other gratuity from another, and includes, but is not limited to, seeking donations by vocal appeal or other thing of value including the purchase of an item or service for an amount exceeding its value under circumstances where a reasonable person would understand that the purchase is a donation. However, aggressive panhandling and solicitations shall not include the act of passively standing or sitting with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.
- (c) Aggressive panhandling and solicitation include, but are not limited to the following:
 - (1) Touching the solicited person without the solicited person's consent;
 - (2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
 - (3) Blocking the path of a person being solicited or the entrance to any building or vehicle;
 - (4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
 - (5) Approaching and coming within five feet of a person unless the person has agreed to make a donation;
 - (6) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled to make a donation;

(7) Panhandling in a group of two or more persons.

(d) Panhandling and solicitations are prohibited at the following locations:

- (1) Vehicular transportation stops.
- (2) Public restrooms;
- (3) In a public transportation vehicle or facility;
- (4) In a sidewalk cafe or within 15 feet of the cafe;
- (5) Within 15 feet of any ATM or bank;
- (6) Within four feet of any occupied passenger vehicle on the street;
- (7) Public parks or property; or public entertainment venue or within 15 feet of any entryways or exists thereto;
- (8) Within 15 feet of property housing a gasoline service station;
- (9) Within 15 feet of any property housing a liquor store;
- (10) Within 15 feet of any property housing a grocery store or convenience store;
- (11) Within 15 feet of any property housing a check cashing business;
- (12) Within 30 feet of any intersection having pedestrian crosswalks.

(e) Roadway solicitation and panhandling:

- (1) No person shall stand, sit, or remain next to or in any roadway or street or when the shoulder of any street or roadway or upon a neutral ground of any street or roadway or any median thereon for the purpose of begging, soliciting funds, conducting business of any nature, distribution of handbills, or other objects, requesting a ride, soliciting employment making known his or her availability for work, employment or business or a charitable contribution or any other service or accommodation to or from the drivers or occupants of any vehicle;
- (2) The prohibitions against standing on a median, that divides the lanes of traffic shall not apply persons stopping or standing in the median while in process of crossing the street or roadway;
- (3) The ordinance shall not apply to any governmental activity or lawful construction or repair work within the rights-of-way.

Sec. 17- 3. Municipal parks.

(a) Unless a sign is posted stating otherwise, all public parks of the city are opened from 5:00 a.m. to 9:00 p.m. It shall be unlawful of any person to be on the park grounds and facilities when it is not opened.

(b) Except for governmental activities and or other permitted activities authorized by the city within its governmental authority it shall be unlawful for a person to do any of the following on the park grounds:

- (1) Lie or otherwise be in a horizontal position on a park bench or grounds where prohibited by signs;

- (2) Sleep on park grounds at any time during the hours from sunset to sunrise of the following day;
- (3) Construct any hut, shanty, or other shelter;
- (4) Cook foodstuffs except where facilities for such preparations are provided by the city;
- (5) Set or stoke a fire except where appropriate facilities are provided by the city;
- (6) Discharge or deposit human wastes, except in toilet facilities provided or approved by the city;
- (7) Dig holes or otherwise disturb the natural surface of the ground;
- (8) Pick flowers or damage or remove plants, trees, shrubs, or any part of the park grounds;
- (9) Erect signs or affix signs to any tree, post or park facility or grounds, except signs posted by the city;
- (10) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, bird, or touch, break, remove, or relocate any bird egg located above, upon or under park grounds;
- (11) Write on, draw on, or otherwise deface, damage, remove or destroy any park facility or any part of the park grounds;
- (12) Purchase, sell, offer for sale, possess or consume any alcoholic beverages as defined by the laws of Florida,
- (13) Sleep or otherwise be or remain in any bushes, shrubs, or other foliage;
- (14) Use public restrooms to shave and/or shower; provided, however, that showering is permitted where shower facilities are specifically provided for public use;
- (15) Sit in or on any trash receptacles, planters, or newspaper dispensers provided for public use;
- (16) It is unlawful for any person to carry, possess or drink from any open glass container in the public parks or on the sidewalks and streets while attending special events, i.e., parades, Mardi Gras, etc., without the consent of the city;
- (17) Bathe or otherwise be or remain in a water fountain and/or reservoir;
- (18) To stop, stand, or park any motor vehicle or trailer in an area not specifically designated for parking.

Sec. 17- 4. Glass containers in public venues prohibited.

(a) An *open glass container* is defined as:

- (1) Any drinking vessel made of glass, excluding drinking glasses in their original package that contain no liquid; or
- (2) A container made of glass upon which the seal has been broken and which by virtue of its labeling or contents would normally contain a consumable beverage.

- (b) Should a violation occur in the presence of a law enforcement officer, the officer shall advise the offender of the provisions of this chapter and direct the offender to:
 - (1) Immediately depart from the public property; or
 - (2) To immediately dispose of the glass container and its contents. Should the offender refuse to comply with the requests of the officer, the offender will be arrested and charged pursuant to F.S. § 843.02, resisting officer without violence to his or her person.
- (c) The provisions of this chapter shall not apply to persons engaged in picking up or transporting empty bottles for recycling or disposal or to persons taking part in litter control programs.

Sec. 17- 5. Alcohol consumption on public title properties and buildings prohibited.

- (a) "*Alcoholic beverage*" means all beverages containing more than one percent of alcohol by weight;
- (b) The manufacturer's label on the beverage container shall be *prima facie* evidence that the substance in such container was and is an alcoholic beverage as defined in this section;
- (c) Any person or persons who by experience in the past in the handling or use of alcoholic beverages, or who by taste, smell, or the drinking of such beverages has knowledge as to the alcoholic nature thereof, may testify as to his opinion whether such beverage is or is not alcoholic;
- (d) Without permission of the city by permit, licensure or otherwise it is unlawful for person or entity to possess an open container having alcohol therein or to consume, purchase or sell or distribute an alcoholic beverage in or on public properties, i.e., streets, sidewalks, marinas, parks, building and other public venues. Public properties would include premises leased by city.

Sec. 17- 6. Obstruction of sidewalks and streets.

- (a) It shall be unlawful for any person or group of persons to obstruct or cause to be obstructed any public space parallel to any public sidewalk including linear streets, rights-of-way, alleys or entrance that prevents the free and proper use thereof.
- (b) No person shall sit or lie down on a public sidewalk or upon a blanket, chair, stool or any other object placed upon public sidewalk. This prohibition shall not apply to a person sitting or lying on a public sidewalk because of a medical emergency, because of a person's disability requiring the use of wheelchairs, walkers or similar appliances, attendance at an authorized event by the city occupying the adjacent streets, or sitting on a bench or chair supplied or authorized by the city.
- (c) If the gathering is in response to an entertaining event, the police will have the right to order the people involved in the event to cease the performance or be subject to a violation of this section.
- (d) Obstructing of streets or sidewalk passages caused by governmental repairs or a parade shall not cause a violation thereof.

Sec. 17-7. Large group feeding in parks and park facilities owned or controlled by the city.

Except for activities of a governmental agency within the scope of its governmental authority, or unless specifically permitted to do so by a permit or approval issued pursuant to this chapter or by City Commission:

- (1) It is unlawful to knowingly sponsor, conduct, or participate in the distribution or service of food at a large group feeding at a park or park facility owned or controlled by the City of Panama City without a large group feeding permit issued by the City, through the Quality of Life Parks, Culture and Recreation Department (herein known as the "Department") and approved by the City Commission or the City Manager.
- (2) It is unlawful to fail to produce and display the large group feeding permit during or after a large group feeding, while still on site, to a law enforcement officer upon demand.
- (3) Not more than two large group feeding permits shall be issued to the same person, group, or organization for large group feedings for the same park in a 12 consecutive month period.
- (4) *Large group feeding* is defined as an event intended to attract, attracting, or likely to attract 25 or more people, including distributors and servers in a park owned or controlled by the city, including adjacent sidewalks and rights-of-way for the delivery of food service. Excluded from this definition are activities of the city licensed or contracted concessionaries, lessees, or licensees.

ARTICLE II – SPECIAL EVENTS

Sec. 17-8. Definitions.

All definitions in Article I, Article II and Article III apply to Chapter 17.

The term "*event venue*" shall mean any contiguous or connected area (improved or unimproved or both and including parcels separated by a street or other public way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one (1) or more patron gathering spaces, in particular indoor and outdoor spaces but also other types of spaces with different occupancy limits.

The term "*municipal services*" shall mean law enforcement, security, traffic control, emergency medical technician services, fire protection, crowd management, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities, or any other services necessary for the implementation of a special event within the corporate limits of the City of Panama City performed by employees of the City, the Police department or Fire department.

The term "*special event*" shall mean any assembly of persons that includes, but is not limited to, parades, festivals, road closures, and which also meets one (1) or more of the following six (6) criteria. Each of the first three (3) criteria are specific to a planned event. Each of the last three (3)

criteria are specific to a "pop-up" event. These criteria are to provide guidance to help know when a special event permit should be applied for:

(a) ATTENDANCE ANTICIPATED TO EXCEED VENUE CAPACITY (Planned event). It is reasonably anticipated that the number of persons who will attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by building or life safety code or other law applicable to that space, and (ii) for each other space at the rate of one (1) person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces. This is not authorization for any event to exceed venue capacity.

(b) VEHICLE PARKING ANTICIPATED TO EXCEED ON-SITE CAPACITY (Planned event). It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of five (5) persons per vehicle.

(c) MUNICIPAL RESOURCES ANTICIPATED TO BE REQUIRED (Planned event). The gathering is reasonably anticipated to require for its safe and successful execution the provision or coordination of municipal services by the City or by the event producer to a material degree above that which the City routinely provides under ordinary, everyday circumstances. Municipal services include, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities (herein "municipal services").

(d) ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE VENUE (Pop-up Event). The number of persons attending and attempting to attend an unpermitted assembly of persons exceeds at any point in time the number of persons permitted within the event venue or within any gathering space within the event venue.

(e) ACTUAL VEHICLE CONGESTION (Pop-up Event). The number of vehicles actually parked and attempting to park to permit the occupants to join an unpermitted assembly exceeds at any point in time on-site parking available.

(f) MUNICIPAL RESOURCES ACTUALLY REQUIRED (Pop-up Event). The municipal services required for an unpermitted assembly exceed at any point in time the level of municipal services typically available from the City for that time and season after taking into consideration the similar, municipal-type services provided by the person or persons, if any, encouraging the assembly.

Sec. 17- 9. Permits and authorizations required.

- (a) No person shall initiate, advertise, engage in, participate in, aid, form, or start any special event unless a special events "save the date" notification has first been made to the **Quality of Life** Department and, if necessary, approved by the City Manager.
- (b) The issuance of a special events permit shall not relieve any person from the duty to secure other permits or approvals as may be required by the City Code to include, but not be limited to, a tent permit, an occupational license, street, lane, or sidewalk use/closure authorization, a permit for loud speaker or other sound amplification device, and approval for sale of items

on public property, permits as required by the Health Department, permits as required by the Department of Agriculture and Consumer Services, and permits for fireworks in accordance with 791.02, Florida Statute, as it may be amended from time to time.

- (c) The purpose of this law is to ensure that special events do not endanger public health or safety and to permit the City to understand and prepare for known collateral and secondary effects of special events in the community. The permitting process is not intended to control or regulate special events based on their content, the nature or type of speech involved, or any speaker's viewpoint.
- (d) A Special Events Handbook will be adopted by Resolution of the City Commission and will provide fees as they may be adjusted by staff from time to time and includes, but is not limited to, actual costs incurred by the City. Further, the Special Events Handbook will provide for what types of Municipal services are required depending on the type of event.
- (e) ~~All special events are divided into two (2) classes:~~
 - (1) ~~A "small event" being an event with an anticipated, maximum attendance at any point in time of two hundred fifty (250) persons or less.~~
 - (2) ~~A "large event" being an event with an anticipated, maximum attendance at any point in time exceeding two hundred fifty (250) persons.~~

Sec. 17-10. Application for special events permit.

Any person seeking the issuance of a special events permit shall file an application with the ~~Quality of Life~~ Department on forms provided by the Department, or the city's website (www.panamacity.gov). The ~~Quality of Life~~ Department shall be responsible for distributing the application to the affected City departments.

(1) Filing period.

Each application for a special event permit required by this Article shall contain the information described below and must be filed, and the permit fee paid, no less than the following number of days before the opening of the event to the public, but at no time more than 720 days before:

- a. Sixty (60) calendar days for a ~~large event and a small special event~~.
- b. Twenty (20) calendar days for a ~~small special~~ event, that does not include street closures of FDOT designated roads, has no alcohol being served, ~~has no advertisement~~, or does not require any other permits from other State Agencies or City Departments. Further, this type of event can be approved by the City Manager or his or her designee.

Applications shall be reviewed in the order received and priority shall be given to timely filed applications.

(2) Contents. The application for a permit shall set forth the following information, and such other information as may from time to time be reasonably required:

- a. The name, place of residence, mailing address, and telephone number of the person seeking to conduct the events.
- b. If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- c. The name, place of residence, mailing address, and telephone number of the individual person who will be the event chairperson and who will be responsible for the conduct of the event.
- d. The date when the event is to be conducted and a back-up date for the event should a rain-out occur. Availability of City resources will determine the ability to host the rain-out day event.
- e. Type of event including a description of the activities which will occur during the event.
- f. Event set-up and break down dates and times. The hours when such event will start and terminate.
- g. A description of any and all recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices which will be utilized in connection with the event.
- h. The approximate number of participants, not including spectators, who will participate in the event.
- i. The approximate number of spectators who will be present at or near the event.
- j. If the event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Quality of Life Department a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his behalf.
- k. The exact location of the event and if the event is a parade, the location by streets of any marshaling area or areas for such parade. A parking plan shall be included and if any parking will be off premises, then copies of leases or other authorizations for the additional parking must be included.
- l. A designation of any public facilities or equipment proposed to be utilized.
- m. If the application is for a parade, it also shall set forth the following information:
 - 1. The time at which units of the parade will begin to arrive at the marshaling area or areas, and the times at which all such units will be disbursed there from.
 - 2. The route to be traveled, including the starting point and the termination point.
 - 3. The approximate number of persons who, and animals and vehicles which will constitute such parade, the type of animals, and description of the vehicles.

4. A statement as to whether the parade will occupy all or only a portion of the width of the streets or sidewalks to be used.
- n. Whether alcoholic beverages will be sold or served at the event.
- o. If the event is a run/walk or parade event, select one of the predetermined routes in the Special Events Handbook.
- p. For non-profit organization-sponsored events, proof of non-profit status is required in the form of an IRS determination letter. A proposed budget for the event prepared by the applicant and information on how and to whom the gross revenues shall be allocated as requested by the City. Proof of charitable donation is required.

(3) *Fees.*

- a. A non-refundable special event fee to cover the administrative cost of processing the permit must accompany the application for a permit. The fee schedule shall be subject to adjustment from time to time by resolution of the City Commission. The fee schedule will be outlined in the Special Events Handbook.
- b. If the application is for the use of any city property or if any City services shall be required for the event, the applicant shall pay, prior to the issuance of a permit, the charges thereof in accordance with a schedule of fees approved by City Commission, as listed in the Special Events Handbook.
- c. For special events located within the City of Panama City, the permittee shall be responsible for any damage caused to public property during the event by participants or vendors. The permittee shall post a security deposit with the City to cover the cost of clean-up or repairing any damage to the hardscape, furnishings, landscape, roadway clean up, water, electrical, or security not covered in the initial application fees, caused by the special event. The deposit shall be paid to the ~~Quality of Life~~ Department prior to the issuance of a permit. The ~~Quality of Life~~ Department will inspect the special event area prior to the event and any pre-existing damage will be noted in a damage report. The ~~Quality of Life~~ Department will inspect the special event area after the event and determine if any damage was incurred during the event, including set-up and take down. The cost of repairing or replacing any damaged items or areas shall be deducted from the security deposit, and the balance remaining, if any, shall be returned to the permitted within thirty (30) days of the date of the event. If the cost of repair or replacement exceeds the amount of the security deposit, the City shall invoice the permittee for the excess amount. The permittee shall pay such amount within ten (10) days of his or her receipt of the invoice, and the permit holder shall not be eligible to apply for a special event permit until such amount is paid in full.
- d. The special event fee and security deposit shall be waived by the City Commission if the activity proposed by the applicant involves (1) expressive speech protected by the First Amendment to the United States Constitution, (2) will occur in a public forum, (3) the fees would be so financially burdensome that it would preclude the applicant from exercising First Amendment rights,

and (4) adequate alternate channels of expression are not available. The City shall put the applicant's request on the agenda of the next City Commission meeting and promptly advise the applicant of its decision and the reasons for it. An applicant wishing to appeal the decision of the City may file a request for immediate judicial review with a court having jurisdiction thereof.

Sec. 17-11. Police, Fire and Medical Services.

The Chief of Police shall determine whether and to what extent additional police protection reasonably will be necessary for the event for purposes of traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time, and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections to be blocked, and the need to detour or preempt ordinary citizen travel and use of the streets and sidewalks. The content of the speech or event will not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise to public safety, the event will be policed by regularly scheduled on-duty personnel. If additional police protection for the event is deemed necessary by the chief of police, he or she shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the chief of police at the sole expense of the applicant who shall prepay the prescribed amount in the Special Events Handbook of the estimated expenses of such protection. The event organizer will be responsible to pay each additional required officer's wage at an amount of time and a half for each officer, directly to the City of Panama City. In the event that the overall number of officers needed for security requires the use of officers from neighboring agencies, the organizer will be responsible for any and all wages owed to the neighboring agencies. The Police Department will determine the duties and responsibilities of any officers assigned to the event. Officers assigned to an event will remain under the direction and control of the Police Department supervisor. The supervising officer will be responsible for coordinating with the event organizer.

The Fire Chief shall determine whether and to what extent additional fire and medical services will be necessary for the event for purposes of public safety. The Fire Chief shall base this decision on the size, location, duration, time, and date of the event, and the expected sale or service of alcoholic beverages. If possible, without disruption of ordinary emergency services or compromise to public safety, the event will be serviced by regularly scheduled on-duty personnel. If additional fire/medical services for the event is deemed necessary by the Fire Chief, he or she shall so inform the applicant for the permit. The applicant then shall have the duty to secure the services deemed necessary by the Fire Chief at the sole expense of the applicant who shall prepay the prescribed amount in the Special Events Handbook of the estimated expenses of such services. The rate for these services shall be prescribed in the Special Events Handbook. The Fire Department will determine the duties and responsibilities of any personnel assigned to the event. Personnel assigned to an event will remain under the direction and control of the Fire Department supervisor. The supervisor will be responsible for coordinating with the event organizer.

100% of costs for ambulance or EMS services, if required, shall be the sole responsibility of the applicant. These services are provided by Bay County.

Cost for police and fire services provided by the City of Panama City shall be at a rate designated in the Special Events Handbook as approved by the City Commission. Payment will be made to the City.

Sec. 17- 12. Public issue speech.

Persons exercising their first amendment rights by engaging in events, parades, assemblies, or demonstrations conducted for the sole or primary purpose of public issue speech shall not be required to pay the costs of any police or fire services provided by the City at the event. The City may designate locations for the expression of First Amendment Speech that will minimize costs to the persons exercising their first amendment rights and allows for the maintenance of safety and security.

Sec. 17- 13. Standards for issuance of permit.

- (a) The ~~Quality of Life~~ Department shall issue a permit upon the approval of the City Commission or the City Manager, if it appears that:
 - (1) The conduct of the event will not interrupt substantially the safe and orderly movement of other pedestrian or vehicular traffic in or contiguous to the route or location of the event.
 - (2) The concentration of persons, animals, and/or vehicles at the event will not interfere unduly with proper fire and police service of, or ambulance service to, areas contiguous to the event area or other areas of the city.
 - (3) Adequate sanitation and other required health facilities are, or will be available, in or adjacent to the event area.
 - (4) There are sufficient parking places near to the site of the event to accommodate the approximate number of vehicles reasonably expected to be driven to the event. Parking requirements also include, but are not limited to, providing for safe pedestrian traffic to and from the special event.
 - (5) The applicant has secured police and/or fire services, if required for such things as controlling traffic or other public safety, but at no time will police and/or fire services be hired to provide safety and security measures on certain private premises, such as alcohol establishments premises. Any required safety and security measures will be the sole responsibility of the applicant.
 - (6) If the event is a parade, such parade is not to be held for the primary purpose of advertising any product, goods, or event, which is primarily for private profit, and the event itself is not primarily for profit; provided, however, the prohibition against advertising any product, goods, or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the conduct of the event.
 - (7) No special event permit application for the same time and location has been received which has been or will be granted.
 - (8) No special event permit application for the same time, but in another location, has been received which has been or will be granted where the police and/or fire services required for that prior special event is so great that in combination with the subsequent proposed

application, the resulting deployment of police and/or fire services would have an immediate and adverse effect upon the welfare and safety of persons and property at the Police Chief's and/or Fire Chief's discretion.

- (9) No event is scheduled elsewhere in the city where the police and/or fire services required for that event are so great that the deployment of police and/or fire services for the proposed event would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (10) No permit shall be granted which allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk, or right-of-way unless advance approval for the erection or placement of said structure has been obtained from the City Commission.
- (11) Decisions on special event applications on City holidays will be made based on the availability of City resources, however, no special event application will be approved for any events scheduled on Good Friday, Easter weekend, Thanksgiving Day and the three days following, Christmas Eve or Christmas Day.
- (12) There will only be one "large" special event application approved per day for the following events: Mardi Gras, Fourth of July, Octoberfest, Veteran's Day, Memorial Day, and the Christmas Parade.
- (13) All Fats, Oil, and Grease ("FOG") Producing Establishments ("FPE") acknowledge FOG control practices outlined in section 23-504.
- (14) All FPEs acknowledge wastewater (black water) control practices outlined in section 23-509.

Sec. 17- 14. Alternative permit.

If the City Commission or the City Manager denies an application for a permit they may, in the interest of traffic control and public safety, authorize the conduct of the event on a date, at a time, over a route, or in a location different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the City Commission or the City Manager, file a written notice of acceptance with the City Commission by delivering to the ~~Quality of Life~~ Department. An alternate permit shall conform to the requirements of, and shall have the effect of, a permit under this chapter.

Sec. 17- 15. Duties of permittee.

- (a) A permittee hereunder shall comply with all permit directions, the Special Events Handbook, and conditions, and with all applicable laws and ordinances.
- (b) The event chairperson or other person heading or leading such event shall carry the permit upon his person during the conduct of the event and shall display the permit upon demand to any Police Officer or a representative designated by the ~~Quality of Life~~ Department of the City of Panama City.

- (c) A permittee hereunder shall clean the public assembly area, including all closed streets, sidewalks, rights of way, hardscape and landscape areas, within 24 hours of the end of the event, unless such time period is modified and coordinated by the Quality of Life Director of the Department. Cleaning shall be conducted in accordance with the city's guidelines.
- (d) The permittee shall not dump or allow the dumping of grease from vendor carts or other food service equipment on any street, sidewalk, right-of-way, streetscape, landscape area, or park grounds.
- (e) If a public feeding is involved, porta potties or like accommodations must be provided by the applicant and removed out of any vehicular or pedestrian travel lanes no later than the next business day after the event. However, any porta potties or like accommodations that are located in the roadway shall be removed from the roadway immediately after the event. The number of units shall comply with City guidelines.
- (f) The permittee shall be financially responsible for any cleaning, replacement and repair of municipal property or its accompanying articles required to be done by the City after the completion of the special event.
- (g) The permittee shall be financially responsible for extra personnel hours incurred by the City as a result of the use of City personnel, including public works, the Department Quality of Life, police department, fire department and any other City department that may be needed to monitor, check, observe, control, or otherwise regulate any phase of the special event, including without limitation, any pre-event planning, on-site management of the special event and support in any post-event activities.

Sec. 17- 16. Public conduct during assemblies.

- (a) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any duly permitted event, or with any person, vehicle, or animal participating or used in such event.
- (b) *Driving through parades.* No driver of any vehicle, unless specifically permitted by an officer of the Panama City Police Department or assisting law enforcement agency, shall drive between the vehicles of persons comprising a duly licensed parade, when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) *Parking on parade route or in area near event.* The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade or an area needed for the safe and efficient flow of traffic to or from an event. The Chief of Police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. All violators will be towed at their own expense.

Sec. 17- 17. Revocation of permit.

The Chief of Police or designee shall have the authority to revoke a permit issued hereunder instantly upon violation of any one or more of the conditions or standards for issuance as herein set forth or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the event would have an immediate and adverse effect upon the welfare and safety of persons or property.

The City reserves the right to revoke or temporarily suspend a special event permit after issuance upon the declaration of a state of emergency, the issuance of a tropical storm or hurricane warning, or warning of any and all severe inclement weather or any other emergency incident that requires resources.

Sec. 17- 18. Unlawful discrimination prohibited.

It shall be unlawful for any permittee, or any agent or employee of the permittee, either directly or indirectly:

- (1) To unlawfully discriminate against any natural person by refusing, withholding, or denying to such person any of the services, advantages, facilities, or privileges offered or available to any other person attending the event, or by setting different rates or charges therefore, or by placing or attempting to place any such natural person in a separate and segregated section or area at the event.
- (2) To publish, circulate, display, post, or mail any written or printed communication or notice to the effect that any of the services, advantages, facilities, or privileges of the event will be refused, withheld, or denied to any natural person on account of the person's race, color, religion, national origin, ancestry, or sex, or that the person's attendance and presence at the event is unwelcome or objectionable, or that the person will be prohibited from mingling with other persons at the event because of the person's race, color, religion, national original, ancestry, or sex.
- (3) To aid, abet, incite, or coerce the doing of any act declared herein to be unlawful, or to prevent or attempt to prevent any person from complying with the provisions of this chapter.

Sec. 17- 19. Indemnification and insurance.

- (a) *Indemnification.* The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing a permit application shall represent, stipulate, contract, and agree that they will jointly and severally indemnify and hold the city harmless against liability, including court costs and attorney's fees, and attorney's fees on appeal, for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the event or any of its participants.
- (b) *Insurance.* The applicant shall furnish proof of insurance prepaid certificate of insurance for comprehensive premise liability on public property in a single limit sum of \$1,000,000.00, which by its terms designate the city an insured. The city shall place any request to waive insurance on the agenda at the next meeting of the city commission. The city commission shall set forth its reasons for the denying any waiver of any insurance requirements.
- (c) *Waiver of insurance requirement; appeal.* The insurance requirement shall be waived by the city if the activity proposed by the applicant involves (1) expressive speech protected by the First Amendment to the United States Constitution, (2) will occur in a public forum, (3) does not include liability of property damage risk factors beyond those typically associated with the ordinary public use of the property, (4) the insurance requirement would be so financially burdensome that it would preclude the applicant from exercising First Amendment rights, and (5) adequate alternate channels of expression are not available. An applicant wishing to appeal

the decision of the city may file a request for immediate judicial review with a court having jurisdiction thereof.

Sec. 17- 20. Block party.

A block party permit shall be applied for in accordance with the procedures set forth in this Article and Sec. 17-10. A block party permit shall be subject to the same requirements as a small event. The City will require barricades for traffic control for any block party. At a minimum, barricades must meet Florida department of Transportation Class 2 requirements.

ARTICLE III – POP-UP SPECIAL EVENTS

Sec. 17-21. Definitions.

All definitions in Article I, Article II and Article III apply to Chapter 17.

The term "*pop-up special event*" shall mean any assembly of persons which also meets one (1) or more of the following six (6) criteria. Each of the first three (3) criteria are specific to a planned event. Each of the last three (3) criteria are specific to a "pop-up" event. The intent of this definition is to provide notice of what types of events should apply for a special event permit. These criteria are to provide guidance to help know when a special event permit should be applied for:

(a) ATTENDANCE ANTICIPATED TO EXCEED VENUE CAPACITY (Planned event). It is reasonably anticipated that the number of persons who will attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by building or life safety code or other law applicable to that space, and (ii) for each other space at the rate of one (1) person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces. This is not authorization for any event to exceed venue capacity.

(b) VEHICLE PARKING ANTICIPATED TO EXCEED ON-SITE CAPACITY (Planned event). It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of five (5) persons per vehicle.

(c) MUNICIPAL RESOURCES ANTICIPATED TO BE REQUIRED (Planned event). The gathering is reasonably anticipated to require for its safe and successful execution the provision or coordination of municipal services by the City or by the event producer to a material degree above that which the City routinely provides under ordinary, everyday circumstances. Municipal services include, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities (herein "municipal services").

(d) ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE VENUE (Pop-up Event). The number of persons attending and attempting to attend an unpermitted assembly of persons exceeds at any point in time the number of persons permitted within the event venue or within any gathering space within the event venue.

(e) ACTUAL VEHICLE CONGESTION (Pop-up Event). The number of vehicles actually parked and attempting to park to permit the occupants to join an unpermitted assembly exceeds at any point in time on-site parking available.

(f) MUNICIPAL RESOURCES ACTUALLY REQUIRED (Pop-up Event). The municipal services required for an unpermitted assembly exceed at any point in time the level of municipal services typically available from the City for that time and season after taking into consideration the similar, municipal-type services provided by the person or persons, if any, encouraging the assembly.

Sec. 17-22. – Spontaneous unpermitted assembly (“pop-up events”).

The City has found and determined that some events occur spontaneously, without a permit, especially if attendance is promoted through instantaneous, social media and these events turn into special events and can become a hazard or nuisance to the surrounding areas.

- (1) If an assembly develops into a special event spontaneously (and therefore without a permit) in either a commercial venue or non-commercial private venue, it shall become the duty of all persons or entities owning or able to control the event venue or who is providing entertainment encouraging the assembly, to take reasonable, diligent and constant measures to reduce the activity or circumstances which caused the assembly to become a special event. The measures to reduce the activity or circumstances are, but not limited to:
 - a. Reducing occupancy to the permitted capacity of the venue immediately by evacuating and counting persons back in;
 - b. Providing transportation to eliminate off-site parking or vehicular or pedestrian congestion;
 - c. Providing the additional municipal type services needed to regulate event traffic, maintain the peace and protect the public health and safety if available.
- (2) The failure of any such person or entity to immediately, after notice from the City by a law enforcement officer, make a reasonable, diligent and constant effort to reduce the event below the applicable criteria threshold shall be a violation of this code, punishable by civil penalties specified in this Chapter and criminal penalties specified in City Code section 1-8. Further, the Chief of Police or his or her designee is authorized to require the venue to immediately shut down if any such person or entity refuses to make any immediate efforts required by subsection (1) or it is determined that shutting down the venue is necessary to prevent an imminent adverse threat to the public and the municipal resources are not available to properly keep the peace. An imminent adverse threat to the public includes, but is not limited to:
 - a. Violations of capacity which could result in fire evacuation hazards and loss of life;
 - b. Flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority and there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property;

(3) The Chief of Police or his or her designee is authorized to approve of actions to partially or slowly reduce the event below the applicable criteria threshold and can determine those actions are compliant if he or she finds:

- a. That such person is acting expeditiously and reasonably to employ feasibly available resources to address the issues after notice that the assembly has become a special event; or
- b. That full reduction to the criteria threshold will not be feasible; or
- c. That it would be safer to taper down the event rather than to abruptly close the venue or stop the event.

(4) Whether a spontaneous assembly has developed into a special event based upon attendance, vehicle congestion or a need for municipal services (as those services are defined in this Chapter), or any combination of those three (3), shall be determined by the Chief of Police or his or her designee with an objective and reasonable examination of the totality of the circumstances at hand, including but not limited to the following factors:

- a. With respect to attendance and attempted attendance:
 - (i) The size of the venue.
 - (ii) Whether the attendance is ticketed.
 - (iii) Actual attendance at prior, similar events.
 - (iv) The extent of commercial promotion and advertisement of the event, especially promotion outside of Bay County, by traditional or digital means, but excluding spontaneous social media not initiated, encouraged or orchestrated by a commercial event producer or any person acting on behalf of the event producer or any person with a financial or other personal interest in the event through spontaneous social media.
 - (v) The extent of spontaneous social media encouraging attendance at the assembly.
 - (vi) Whether the location and configuration of the venue, and the nature and presence (sight and sound) of the event, will be likely to draw attendees or observers from the public at large.
 - (vii) The number in attendance and attempting to attend shall be determined by the Chief of Police or his or her designee using estimating techniques to determine if the attendance exceeds capacity
- b. With respect to actual vehicle congestion, the number of vehicles parked shall be noted on whether the parking lot at the venue is full, and the number attempting to park shall be determined by the Chief of Police or his or her designee using estimating techniques to determine if the vehicles attempting to park exceed the capacity of the parking lot.
- c. With respect to municipal services actually required:
 - (i) Repeated pedestrian trespass.
 - (ii) Repeated vehicular trespass.
 - (iii) Illegal parking.
 - (iv) Traffic congestion.
 - (v) Apparent need for sanitation facilities as evidenced by public urination or other bodily excretions in public.

- (vi) Repeated and flagrant instances of illegal activity.
- (vii) Repeated noise ordinance violations after notice, including differing offenders.
- (viii) Unusual amount of trash or refuse being abandoned with no apparent resources available to clean up after the event.
- (ix) Unusual or repeated need for medical assistance.

ARTICLE IV – PENALTIES FOR VIOLATION OF CHAPTER 17

Sec. 17- 23. Penalties.

- (a) It shall be unlawful for any person to stage, present, or conduct any event or block party without first having obtained permits thereof as herein provided.
- (b) It shall be unlawful for any person knowingly to participate in an event or block party for which permits have not been granted.
- (c) It shall be unlawful for any person in charge of or responsible for the conduct of a duly licensed event or block party knowingly to fail to comply with any condition of a permit.

Sec. 17- 24. State misdemeanors adopted.

All offenses classified as misdemeanors under state law are adopted by the city including all future amendments thereto and made an offense against the city.

Sec. 17- 25. Disturbing the peace offenses.

- (a) *Disobeying orders of police.* It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of a police officer.
- (b) *Throwing trash or debris on public properties.* It shall be unlawful to throw or deposit any trash, paper, plastic, can goods, debris, or other substances on the public properties in the city such as sidewalks, streets, parks, alleys, and the adjacent grounds thereto.
- (c) *Open fires.* It shall be unlawful for any person to start or set or participate in or to support the continuance of any trash fire or to burn paper, grass, trash, discarded wood, including driftwood or other debris, unless a burn permit is first obtained.

Sec. 17- 26. Penalty for violations.

Except as otherwise provided by the Municipal Code of the City, a person convicted of a violation of any of the above offenses shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment in the discretion of the court. Unless stated otherwise, each day that a violation continues shall constitute a separate offense.

Sec. 17- 27. Trespass warnings on public property.

- (a) Officers of the Panama City Police Department are authorized to issue a trespass warning to any individual who violates any city ordinance, rule or regulation, or state law, which violation was committed while on or within any city facility, building, or outdoor area, including municipal parks, and including beach access as that term is defined in section 101-

3 (but excluding other public rights-of-way). The trespass warning shall be limited to the specific property where the violation occurred.

- (1) *Public property* shall mean property owned, leased, operated or managed by a government or one of its agencies, divisions or entities, including, but not limited to, structures, conveyances, parks, beach park, public natural area, public recreation area, trails, playgrounds, streets, sidewalks, rights-of-way, libraries, docks, pavilions, parking lots, vacant lots, fenced land, posted land, easements, and other property generally used by the public. This definition shall not include school property or school safety zones as those terms are defined in F.S. ch. 810.
- (b) Trespass warnings shall be in writing and issued for a period of one year.
- (c) A copy of the trespass warning shall be provided by mail or hand delivery to the individual given the warning. The written trespass warning shall advise of the right to appeal and the location at which to file the appeal.
- (d) Any person found on or within any city facility, building, or outdoor area, including municipal parks, and beach access, in violation of a trespass warning issued in accordance with this section may be arrested for trespassing, except as otherwise provided in this section.
- (e) The City Manager, or his/her designee, may upon request, authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.
- (f) This section shall not be construed to limit the authority of any officer of the Panama City Police Department to issue a trespass warning to any person for any lawful reason for any city property, including rights-of-way when closed to general vehicular or pedestrian use, when necessary or appropriate in the sole discretion of the officer; nor shall this section be construed to limit the authority of any officer of the Panama City Police Department to arrest or cite individuals for violating any section of the Panama City Code or the Florida Statutes.
- (g) Appeal of trespass warning. This appeal process only applies to trespass warnings issued for public property, not trespass warnings issued for private property. A person to whom a trespass warning is issued under this section shall have the right to appeal the issuance of the trespass warning as follows:
 - (1) An appeal of the trespass warning must be filed with the city clerk or his/her designee, in writing, within ten days of the issuance of the warning, and shall include the appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal.
 - (2) Appeals shall be heard by a special magistrate at an alternative proceeding as outlined in Chapter 2, Article IX, section 2-750, the alternative hearing proceeding for the code enforcement board.
 - (3) Within ten days following the filing of the appeal, the City Clerk or his/her designee shall schedule a hearing. Notice of the hearing shall be provided to the appellant in one of three ways:

- a. By providing the appellant a copy of the notice of hearing in person at the time he or she files the appeal. When it is not reasonably practical or possible to provide notice in this manner, the appellant shall be informed that notice of the hearing will be provided in accordance with either paragraph b. or c. below;
 - b. By posting the notice at City Hall; or
 - c. By telephone if a telephone number has been provided and mailing when a mailing address has been provided.
- (4) In no event shall the hearing be held sooner than seven days following the filing of the appeal or later than 30 days from the filing of the appeal except that the appellant may request that the scheduled hearing be postponed up to an additional 30 days during the appeal period.
- (5) Copies of documents in the city's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.
- (6) The appellant shall have the right to attend with an attorney, to testify and to call witnesses, cross examine witnesses and present evidence. The appellant shall have the right to bring a court reporter, at appellant's own expense.
- (7) The special magistrate shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental due process shall govern the proceedings.
- (8) The city shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of this section.
- (9) If the appellant fails to attend a scheduled hearing, the special magistrate shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.
- (10) Within ten days of the hearing, the special magistrate shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided.
- (11) The decision of the special magistrate shall be final and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law.
- (12) The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

Secs. 17-28 – 17-30. – Reserved.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. CODIFICATION. 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 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. 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 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the Commission of the City of Panama City, Florida on the ____ day of January, 2026.

CITY OF PANAMA CITY, FLORIDA

By _____
Allan Branch, Mayor

ATTEST:

Janette Smith, CPA, CMC, City Clerk-Treasurer