

PANAMA CITY BEACH EMERGENCY ORDER 20-02

**AN ORDER AND DECLARATION REGARDING THE REOPENING OF
AMUSEMENTS**

WHEREAS, the City of Panama City Beach (“City”) is a municipality granted home rule authority pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and may 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 World Health Organization, U.S. Health and Human Services Secretary, President of the United States, Governor of the State of Florida, and Bay County have all declared the outbreak of the novel coronavirus, COVID-19, to be an international, national, state, and local emergency; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52 authorizing, among other things, local governments to execute their authority under the State Emergency Management Act; and

WHEREAS, the Executive Order, in accordance with Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent action that is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, Chapter 252, Florida Statutes authorizes political subdivisions to take all necessary action and issue any necessary orders to protect human life; and

WHEREAS, on May 14, 2020, the Governor of the State of Florida issued Executive Order 20-123, providing a process for amusement parks to submit reopening plans and granted the Mayor and County Manager express authority to endorse amusement reopening plans; and

WHEREAS, industry organizations such as the International Association of Amusement Parks and Attractions have provided thoughtful guidance for reopening attractions in light of the current pandemic; and

WHEREAS, the Governor’s Office has deferred to local governments on the interpretation of the Governor’s executive orders in their jurisdiction.

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. Definitions

a. “Industry Guidelines” means the COVID-19 Reopening Guidance, First Edition, dated May 1, 2020, issued by the International Association of Amusement Parks and Attractions, or similar guidelines promulgated by national or international trade groups representing the attractions industry.

b. “Local Exempt Amusement” means (a) Any playground operated by a school, local government, or business licensed under chapter 509, Florida Statutes, if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement; (b) Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts; (c) Skating rinks, arcades, laser or paint ball war games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, airboats, helicopters, airplanes, parasails, hot air or helium balloons whether tethered or untethered, theatres, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, side shows, live animal rides, or live animal shows; (d) Nonmotorized playground equipment that is not required to have a manager; (e) Coin-actuated amusement rides designed to be operated by depositing coins, tokens, credit cards, debit cards, bills, or other cash money and which are not required to have a manager, and which have a capacity of six persons or less; (f) Battery-powered cars or other vehicles that are designed to be operated by children 7 years of age or under and that cannot exceed a speed of 4 miles per hour; (g) mechanically driven vehicles that pull train cars, carts, wagons, or other similar vehicles, that are not confined to a metal track or confined to an area but are steered by an operator and do not exceed a speed of 4 miles per hour; (h) water-related amusement ride operated by a business licensed under chapter 509, Florida Statutes, if the water-related amusement ride is an incidental amenity and the operating business is not primarily engaged in providing amusement, pleasure, thrills, or excitement and does not offer day rates; (i) an amusement ride at a private, membership-only facility if the amusement ride is an incidental amenity and the facility is not open to the general public; is not primarily engaged in providing amusement, pleasure, thrills, or excitement; and does not offer day rates; and (j) nonprofit permanent facility registered under chapter 496, Florida Statutes, which is not open to the general public.

c. “Regulated amusements” mean facilities, other than Local Attractions, which are required to obtain a permit from the Department of Agricultural and Consumer Services pursuant to s. 616.242, F.S.

2. Pursuant to Executive Order 20-123, Section 3, Local Exempt Amusements that elect to reopen and comply with the Industry Guidelines in reopening their facilities are hereby authorized for reopening and are not required to obtain a separate letter of endorsement from the Mayor. Because such facilities are not subject to state regulation, reopening shall not require an approval from the Governor's office. Such facilities shall notify the Mayor's office in writing that they intend to reopen and that they will comply with the Industry Guidelines.

3. Pursuant to Executive Order 20-123, Section 3, the Mayor is authorized to review reopening plans submitted by regulated amusements and to execute letters of endorsement for such reopening plans when the reopening plan is deemed satisfactory. Reopening plans should be generally consistent with guidance provided by public health authorities and with Industry Guidelines.

4. The failure of a local exempt attraction to comply with Industry Guidelines or the failure of a regulated amusement to comply with its own approved reopening plan shall be deemed a violation of this Order, punishable in accordance with Sec. 1-12 of the City's Code of Ordinances;

5. This Order shall become effective immediately and shall be in effect until rescinded. This Order shall be automatically rescinded if restrictions on amusements imposed by Executive Order 20-123 are rescinded.

6. If any provision of this Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of the Order, which shall continue to have the full force and effect of law.

Done and ordered this 20th day of May, 2020.

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CITY OF PANAMA CITY BEACH

By: _____

Mark Sheldon, Mayor

ATTEST:

Jo Smith, Interim City Clerk