

RESOLUTION NO. 75-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; REGULATING ESSENTIAL AND NON-ESSENTIAL RETAIL AND COMMERCIAL ESTABLISHMENTS; CLOSING ALL PARKS, BEACHES, AND RECREATIONAL FACILITIES; PROVIDING A CONFLICTS CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, a State of Emergency in the City of Delray Beach was proclaimed by the City Commission on March 13, 2020 due to the spread of the Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, conditions arising from COVID-19 continue to seriously affect the safety and security of the lives of the citizens of the City of Delray Beach; and

WHEREAS, Chapter 95 of the City of Delray Beach Code of Ordinances authorizes the City Manager to take any measures intended to protect the health, safety and welfare of the citizens of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. A declaration of a State of Emergency proclaimed on March 13, 2020 is hereby confirmed.

Section 2. All non-essential retail and commercial establishments are ordered closed.

Section 3. Essential retail and commercial businesses, which may remain open, are:

a. Healthcare providers, including, but not limited to, hospitals, doctors' and dentists' offices, urgent care centers, clinics, rehabilitation facilities, physical therapists, mental health professionals, psychiatrists, therapists, and pharmacies;

b. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This authorization includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences;

c. Food cultivation, including farming, livestock, and fishing;

d. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

e. Newspapers, television, radio, and other media services;

f. Automobile dealerships;

g. Gas stations and auto-supply, auto-repair, and related facilities;

h. Banks and related financial institutions;

i. Hardware stores;

j. Contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures;

k. Businesses providing mailing and shipping services, including post office boxes;

k. Private colleges, trade schools, and technical colleges, but only as needed to facilitate online or distance learning;

l. Laundromats, dry cleaners, and laundry service providers;

m. Restaurants and other facilities that prepare and serve food, may continue to do so on the condition that the food is provided to members of the public on a pick-up and takeaway basis only;

n. Businesses that supply office products needed for people to work from home;

o. Businesses that supply other essential businesses with the support or supplies necessary to operate, and which do not interact with the general public;

p. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

q. Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, bus, or train;

r. Home-based care for seniors, adults, or children;

s. Assisted living facilities, nursing homes, and adult day care centers, and senior residential facilities;

t. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

u. Landscape and pool care businesses, including residential landscape and pool care services;

v. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities should operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group).
2. Children and child care providers shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix or interact with each other.

w. Businesses operating at any airport, seaport, or other government facility, including parks and government offices;

x. Pet Supply stores;

y. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;

z. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;

aa. Provision of propane or natural gas;

bb. Office space and administrative support necessary to perform any of the above- listed activities;

cc. Open construction sites, irrespective of the type of building;

dd. Architectural, engineering, or land surveying services;

ee. Factories, manufacturing facilities, bottling plants, or other

industrial uses;

- ff. Waste management services, including collection and disposal of waste;
- gg. Any business that is interacting with customers solely through electronic or telephonic means, and delivering products via mailing, shipping, or delivery services;
- hh. Private and municipal marinas and boat launches, docking, fueling, marine supply and other marina services;
- ii. Mortuaries, funeral homes, and cemeteries;
- jj. Hotels, motels, and other commercial lodging establishments and temporary vacation rentals. However, restaurants, bars, and fitness centers in hotels, motels, and other lodging establishments remain closed or restricted; and
- kk. Veterinarians and pet boarding facilities.

Section 4. All parks, beaches, and recreational facilities in the City of Delray Beach shall close. This Resolution shall apply to both publicly owned and privately-owned parks, beaches and recreational facilities. This resolution does not apply to parks, beaches, and recreational facilities under the jurisdiction of the State of Florida and the federal government

Section 5. This resolution does not affect or limit the operations of Palm Beach County, the Palm Beach County School District, or any State or Federal office or facility.

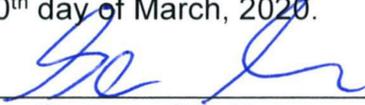
Section 6. This resolution does not limit the number of persons who may be physically present performing services at any location where an essential business is being conducted except as expressly set forth herein or otherwise governed by any State or Federal order or regulation. Employers and employees are urged, but are not required, to practice social distancing, such as keeping six feet between persons and limiting group size to less than ten (10) people.

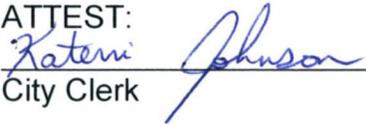
Section 7. All resolutions or parts thereof conflicting or inconsistent with the provisions of this resolution are hereby repealed.

Section 8. This resolution shall take effect immediately. All closures referenced herein shall expire on March 31, 2020 and may be renewed by resolution of the City Manager pursuant to Chapter 95 of the City of Delray Beach Code of Ordinances.

Section 9. All violations of the provisions of this resolution shall be subject to prosecution under Section 95.99 of the Delray Beach Code of Ordinances.

PASSED AND ADOPTED on this the 20<sup>th</sup> day of March, 2020.

  
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George Gretsas, City Manager

ATTEST:  
  
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Kateri  
City Clerk