

RESOLUTION NO. 122-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; PROVIDING FOR THE TEMPORARY CLOSURE OF BEACHES LOCATED WITHIN THE CITY OF DELRAY BEACH CONSISTENT WITH PALM BEACH COUNTY COVID-19 ORDER NUMBER 2020-013; PROVIDING A CONFLICTS CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 9, 2020, Governor Ron Desantis issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of COVID-19; and

WHEREAS, ON March 13, 2020, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has been extended in accordance with applicable law; and

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

WHEREAS, Palm Beach County is in Full Phase 1 pursuant to Executive Order 20-123 issued by Governor Desantis providing for the limited reopening of certain businesses; and

WHEREAS, in light of the recent temporary closure of neighboring beaches as well as guidance from the Department of Health and the CDC as well as the increase in positive COVID-19 cases, the City finds it necessary and appropriate to close all public, municipal, and private beaches and beach parks in the City of Delray Beach, consistent with Palm Beach County Board of County Commissioners Order No. 2020-013 issued on June 29, 2020; and

WHEREAS, Chapter 95 of the City of Delray Beach Code of Ordinances authorizes the City Manager to take necessary measures in order to protect the health, safety and welfare of the citizens of Delray Beach and the public at large; and

WHEREAS, the City of Delray Beach wishes to adopt, by reference, Palm Beach County Emergency Order 2020-013 providing for the temporary closure of all public, municipal, and private beaches, including all beach parks located in the City of Delray Beach for the Fourth of July weekend.

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. The City of Delray Beach hereby adopts and incorporates by reference Palm Beach County Emergency Order Number 2020-013 dated June 29, 2020, attached hereto and incorporated herein as **Exhibit A**.


Section 3. All public, municipal, and private beaches, including all beach parks, in the City of Delray Beach shall be closed from 12:01 a.m. on Friday, July 3, 2020 until 11:59 p.m. on Sunday, July 5, 2020.

Section 4. 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 5. Any provision(s) within this Resolution that conflict with any state or federal law or constitutional provision, or conflicts with, or are superseded by, a current or subsequently issued Executive Order of the Governor or President of the United States, shall be deemed inapplicable and deemed to be severed from this Resolution, with the remainder of the Resolution remaining intact and in full force and effect.


Section 6. This Resolution shall be effective upon signature and apply strictly to the closure dates herein. This Resolution shall expire at 11:59 pm on July 5, 2020.

PASSED AND ADOPTED on this the 30th day of June, 2020.



Jennifer Alvarez, Interim City Manager

ATTEST:



Katerri Johnson, City Clerk



**EMERGENCY ORDER NUMBER 13
PALM BEACH COUNTY COVID-19
TEMPORARY BEACH CLOSURES**

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis, issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of COVID-19; and

WHEREAS, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

WHEREAS, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, in light of the recent increase in positive reported cases of COVID-19 within our County and the State of Florida, the continuing guidance from the Florida Department of Health and the CDC regarding social distancing, and the upcoming temporary closure of the beaches in neighboring Miami-Dade and Broward Counties, the County Administrator finds it necessary to close all public, municipal, and private beaches and beach parks in Palm Beach County for the Fourth of July holiday weekend.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by reference.
2. **Temporary Beach Closures.**
All public, municipal, and private beaches, including all beach parks, in Palm Beach County shall be closed from 12:01 a.m. on Friday, July 3, 2020 until 11:59 p.m. on Sunday, July 5, 2020. Restaurants and retail establishments within beach parks may remain open subject to the restrictions included in current State and local emergency orders applicable to Palm Beach County, including, but not limited to, any occupancy restrictions.
3. **Applicability.** This Order applies in all incorporated and unincorporated areas of Palm Beach County.
4. **Enforcement.** The Sheriff of Palm Beach County, other law enforcement agencies including municipal law enforcement agencies, and any other personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order. Compliance and enforcement processes shall include the provision of a written or verbal warning and opportunity to correct before citations resulting in fines are issued. Authorized personnel may issue civil citations for fines as follows: individuals shall be fined twenty-five dollars (\$25) for the first violation, fifty dollars (\$50) for the second violation, and one-hundred dollars (\$100) for each additional violation; businesses shall be fined two-hundred-and-fifty dollars (\$250) for the first violation, three-hundred-and-fifty dollars (\$350) for the second violation, and five-hundred dollars (\$500) for each additional violation. Each incident of a continuing violation shall be deemed a separate additional violation. Nothing herein is intended to nor shall limit any additional enforcement mechanisms otherwise authorized by law.
5. **Conflicts.** Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order. The provisions of this Order shall

supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.

6. **Effective Date.** This Order shall be effective upon signature and apply strictly to the closure dates herein. This Order shall expire on 11:59 p.m. on July 5, 2020.

PALM BEACH COUNTY

By: *Veronica C. Baker*
County Administrator
6/29/2020
Date

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*
County Attorney

**ATTEST
CLERK & COMPTROLLER**
By: *Shawn R. Beck*