

RESOLUTION NO. 81-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; AMENDING RESOLUTION 78-20 IN ORDER TO PERMIT THE REOPENING OF CERTAIN PARKS AND RECREATIONAL FACILITIES CONSISTENT WITH PALM BEACH COUNTY COVID-19 ORDER 2020-005; PROVIDING A CONFLICTS CLAUSE, AN EFFECTIVE DATE 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 and extended six times due to the spread of the Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, both on a state and national level, task forces have been established to develop a plan to safely reopen the state and to assist local officials in determining when to reopen their economies and get people back to work while continuing to protect the health, safety, and welfare of the public at large; and

WHEREAS, on April 27, 2020, Palm Beach County Administrator, Verdenia Baker, executed Emergency Order Number 5 Palm Beach County Covid-19 authorizing the reopening of golf courses, public parks, natural areas, boat ramps, marinas, parks, tennis courts and community pools in a phased approach; 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 amend certain portions of Resolution 78-20 by adopting, by reference, Palm Beach County Order 2020-005 and provide for a phased reopening of golf courses, public parks, natural areas, boat ramps, marinas, parks, tennis courts, and community pools to prevent the spread of COVID-19 and mitigate its impacts.

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. This Resolution amends and supersedes section 3 of Resolution 78-20. All parts of Resolution 78-20 not expressly amended herein remain in full force and effect.

Section 3. All beaches and beach parks within the City of Delray Beach shall continue to remain closed. This Resolution shall apply to both publicly owned and privately-owned beaches. This Resolution does not apply to beaches under the jurisdiction of the State of Florida and the federal government.



Section 4. The City of Delray Beach hereby adopts and incorporates by reference Emergency Order Number 5 Palm Beach County COVID-19 ("PBC EO-5"), attached hereto and incorporated herein as Exhibit "A". For purposes of this Resolution, all facilities and activities within the City of Delray Beach and as designated in PBC EO-5 and its attachments may resume and/or reopen subject to the guidelines from the Centers for Disease Control and Prevention ("CDC"). All owners, operators and personnel of the facilities and participants in the activities referenced in PBC EO-5 shall ensure compliance with CDC guidelines.

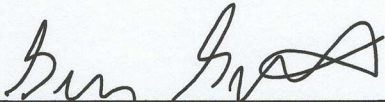
Section 5. This Resolution does not affect or limit the operations of Palm Beach County, the Palm Beach County School District, or any State or Federal office or facility, except as may be provided in PBC EO-5.

Section 6. 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.

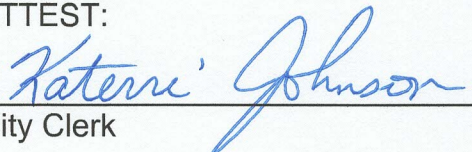
Section 7. Violations of the provisions of this Resolution shall be subject to enforcement pursuant to Chapter 95 of the Delray Beach Code of Ordinances.

Section 8. This Resolution shall be effective as of 12:01 a.m. on April 29, 2020. This Resolution shall expire upon the expiration of the existing State of Local Emergency declared on March 13, 2020, as same may be extended by subsequent order or declaration, unless earlier terminated.

PASSED AND ADOPTED on this the 27 day of April, 2020.

  
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George Gretsas, City Manager

ATTEST:

  
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Katerine Johnson  
City Clerk