

RESOLUTION NO. 175-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; CLARIFYING THE REOPENING OF CERTAIN BUSINESSES LOCATED WITHIN THE CITY OF DELRAY BEACH CONSISTENT WITH PALM BEACH COUNTY COVID-19 ORDER NUMBER 2020-025; 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 twenty-eight times due to the spread of the Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, Palm Beach County is in Incremental Phase 2 Re-Opening pursuant to the direction of Governor DeSantis and Step 1 to the Incremental Phase 2 Re-Opening Plan and Emergency Order 2020-024; 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 2020-025 clarifying that clubhouses, banquet halls, ball rooms, and other rental spaces may be open for meetings and other events.

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 2020-025 dated September 19, 2020, attached hereto as **Exhibit A**.

Section 3. As of the effective date of this Resolution, clubhouses, banquet halls, ball rooms and other rental spaces may be open for meetings and uses authorized in

previous emergency orders including, but not limited to, seated meal service, with the following limitations:

- a. Maximum 50% room capacity;
- b. Tables for banquet style seating must be spaced at least 6-feet apart and shall be limited to no more than 8 people per table. Theatre, classroom, boardroom and similar seating arrangements must provide for social distancing;
- c. CDC guidelines must be adhered to in accordance with Section 3 of EO 2020-025 including, but not limited to, all social distancing and enhanced cleaning and disinfection guidelines; and
- d. All prior executive and emergency orders must be adhered to in accordance with Section 4 of EO 2020-012 and City of Delray Beach Resolution 114-20 providing additional directive on wearing of facial coverings, as may be amended.

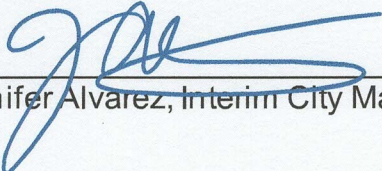
Section 4. This Resolution does not affect or limit the operations of Palm Beach County, the Palm Beach County School District, or any State or Federal office or facility.

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. In addition to the enforcement provisions listed in Section 7 of Palm Beach County Emergency Orders Number 2020-2023 in accordance with the provisions of EO 2020-017, violations of the provisions of this Resolution shall be subject to enforcement pursuant to Chapter 95 of the Delray Beach Code of Ordinances.

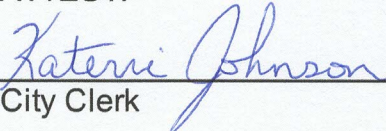
Section 7. This Resolution shall be effective in accordance with Palm Beach County Emergency Order Number 2020-025 and shall expire upon the expiration of the existing State of Local Emergency declared on March 13, 2020, as same may be extended by subsequent order or declaration, unless earlier terminated.

PASSED AND ADOPTED on this the 25th day of September, 2020.



Jennifer Alvarez, Interim City Manager

ATTEST:



Kateri Johnson
City Clerk



**EMERGENCY ORDER NUMBER 25
PALM BEACH COUNTY COVID-19
PHASE 2, STEP 1 RE-OPENINGS CLARIFICATION**

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; 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, Palm Beach County operated under Phase 1 from May 11, 2020 to September 4, 2020, in accordance with Executive Orders 20-120, 20-123, and Order 20-139. The Phase 1 restrictions allowed indoor seating in restaurants at 50% capacity with appropriate partitioning in place between parties. Outdoor seating and take-out service was permitted; however, bar counters remained closed to seating, and eating at bars within restaurants was not allowed. Bars and nightclubs and certain other business types remain closed in Palm Beach County; and

WHEREAS, Palm Beach County experienced a sharp increase in the number of positive cases of COVID-19 in late May, June and July and numerous virus control strategies, including but not limited to, restrictions on business operations and events, facial covering and social distancing mandates, cleaning and hygiene requirements, testing, and public education, were employed to slow the spread of the virus; and

WHEREAS, all Phase 1 businesses in Palm Beach County have been permitted to open subject to various executive and emergency orders requiring cleaning and hygiene protocols, facial coverings, social distancing, and restricted operating hours for businesses serving food and alcohol for on premises consumption and certain other businesses; and

WHEREAS, given the above-mentioned interventions, and in consideration of the most current data and indicators related to COVID-19, on September 1, 2020, the Board of County Commissioners determined that it was appropriate to submit a request to Governor Ron DeSantis to move Palm Beach County to Phase 2 in accordance with the *Incremental Phase 2 Re-Opening Plan* recommended by the County Administrator; and

WHEREAS, on September 4, 2020, Governor Ron DeSantis authorized Palm Beach County to move to Phase 2 in accordance with the submitted *Incremental Phase 2 Re-Opening Plan*; and

WHEREAS, the County Administrator determined that it was necessary and appropriate to issue an emergency order authorizing additional business re-openings in accordance with the direction of Governor DeSantis and Step 1 of the *Incremental Phase 2 Re-Opening Plan* and Emergency Order 2020-024 was issued for that purpose on September 4, 2020; and

WHEREAS, to clarify that clubhouses, banquet halls, ball rooms, and other rental spaces may be open for meetings and other events, the County Administrator is issuing this clarifying order.

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. The foregoing recitals are hereby incorporated herein by reference.
2. This Order applies in all incorporated and unincorporated areas of Palm Beach County.
3. **Adherence to CDC Guidelines.** Notwithstanding the reopening of the establishments contained herein, all individuals and all establishments, shall adhere to all applicable guidelines issued by the Centers for Disease Control and Prevention (CDC), including, but not limited to, social distancing guidelines and enhanced cleaning and disinfection guidance for reopenings.

4. **Applicability of Prior Emergency Orders.** Notwithstanding the reopening of the establishments contained herein, all individuals and establishments, shall adhere to all applicable executive orders and Palm Beach County emergency orders, including, but not limited to, Emergency Order 2020-012 entitled “Additional Directive on Wearing of Facial Coverings,” and Emergency Order 2020-018, as amended by Emergency Order 2020-023, entitled “Revised Operating Hour Restrictions on Serving Food and/or Alcohol for on Premises Consumption and Other Business Hours,” and Emergency Order 2020-024 entitled “Phase 2, Step 1 Re-openings” as the same may be amended.
5. **Openings Allowed.** As of the effective date of this Emergency Order, clubhouses, banquet halls, ball rooms and other rental spaces may be open for meetings and uses authorized in previous emergency orders including, but not limited to, seated meal service, with the following limitations:
 - Maximum 50% room capacity;
 - Tables for banquet style seating must be spaced at least 6-feet apart and shall be limited to no more than 8 people per table. Theater, classroom, boardroom and similar seating arrangements must provide for social distancing;
 - CDC guidelines must be adhered to in accordance with Section 3, including, but not limited to, all social distancing and enhanced cleaning and disinfection guidelines; and
 - All prior executive and emergency orders must be adhered to in accordance with Section 4, including, but not limited to, Emergency Order 2020-012 entitled “Additional Directive on Wearing of Facial Coverings,” as may be amended.
7. 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 in accordance with the provisions of Emergency Order 2020-017, and any subsequent amendments thereto.
8. 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.

9. This order shall be effective as of 12:01 a.m. on September 19, 2020. This order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order.

PALM BEACH COUNTY

By: *Verdiana C. Baker*
County Administrator
9/18/2020
Date

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*
County Attorney

ATTEST

CLERK & COMPTROLLER

By: *Shawn R. Back*
Clerk