

RESOLUTION NO. 209-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; AUTHORIZING A CURFEW; 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 and the City of Delray Beach each declared a local State of Emergency due to the Coronavirus pandemic, which have been extended in accordance with applicable law; and

WHEREAS, on March 28, 2020, the City issued its version of a “stay at home” order due to the number of confirmed cases of COVID-19 in the jurisdictional boundaries of the City of Delray Beach and, in order to limit the potential community spread of COVID-19; and

WHEREAS, as part of its stay at home order, the City imposed a curfew designed to protect the health and well-being of the community, to create social distancing, and to minimize contact in an effort to limit community spread of COVID-19; and

WHEREAS, on May 8, 2020, the City terminated its “stay at home” order to remain consistent with the Governor’s phased approach to reopening the State; and

WHEREAS, on September 25, 2020, Governor Ron Desantis issued Executive Order 20-244 moving all Florida counties into Phase 3 reopening, providing that no COVID-19 emergency ordinance prevent an individual from working or from operating a business, providing that restaurants, including any establishment with a food service license not be limited by a COVID-19 order to less than fifty percent (50%) of their indoor capacity and imposing certain requirements if such an establishment is limited to less than one hundred percent (100%) of its indoor capacity; and suspending the collection of fines and penalties associated with COVID-19 enforced upon individuals; and

WHEREAS, the City has experienced a sharp rise in the number of individuals affected by COVID-19 and recognizes that the ongoing pandemic continues to seriously affect the life, health, and safety of the citizens and public at large; and

WHEREAS, due to the large number of crowds expected on New Year’s Eve, the City has determined that a 2 a.m. curfew on January 1, 2021 is necessary and appropriate and a prudent action to ensure the health, safety, and welfare of the residents of the City of Delray Beach and the public at large; and

WHEREAS, the City authorizes the declaration of a curfew on January 1, 2021 between the hours of 2:00 a.m. to 6:00 a.m.; 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 2020-030 providing for the extension of Palm Beach County Order 2020-012.

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. Effective January 1, 2021 at 2:01 a.m., a general curfew is hereby established throughout the City of Delray Beach. The curfew will be from the hours of 2:01 a.m. to 6:00 a.m. on January 1, 2021 and shall include but not be limited to the prohibition of pedestrian and vehicular movement, standing, and parking. The following exceptions shall apply within the City of Delray Beach:

- a) Provision of essential state, county, and City of Delray Beach emergency services such as fire-rescue, police, and hospital services, related government services, including the transportation of patients thereto;
- b) Utility emergency repairs;
- c) Emergency calls by physicians;
- d) Food delivery and third-party food delivery services;
- e) Travel related to medical care, work, or school;
- f) Walking of dogs within 250 feet of the owner's residence; and
- g) Gasoline Stations.

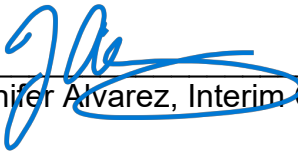
Section 3. This Resolution does not affect or limit the operations of Palm Beach County, the Palm Beach County School District, or any State or Federal office or facility.

Section 4. 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 5. Violations of the provisions of this Resolution shall be subject to enforcement pursuant to Chapter 95 of the Delray Beach Code of Ordinances. Consistent with the mandates of the Governor in EO 20-244, COVID-19 related collection of fines and penalties upon individuals is suspended.

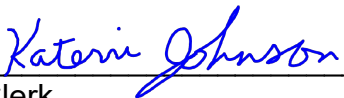
Section 6. This Resolution shall be effective at 8:00 a.m. on December 31, 2020 and shall expire at 6:01 a.m. on January 1, 2021.

PASSED AND ADOPTED on this the 21st day of December, 2020.



Jennifer Alvarez, Interim City Manager

ATTEST:



City Clerk