

RESOLUTION NO. 53-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; EXTENDING DIRECTIVES ON WEARING OF FACIAL COVERINGS CONSISTENT WITH PALM BEACH COUNTY COVID-19 ORDER NUMBER 2021-002; 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 thirty-two times due to the spread of the Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Florida Department of Health continues to stress the importance of social distancing and the wearing of facial coverings in order to mitigate the impacts and spread of Coronavirus; and

WHEREAS, on June 24, 2020, the Palm Beach County Board of County Commissioners issued Order No. 2020-012, providing for additional directives on the wearing of facial coverings in all businesses and establishments and outdoor public spaces where social distancing is not possible; and

WHEREAS, on September 21, 2020, the Palm Beach County Board of County Commissioners through the County Administrator issued Emergency Order No. 2020-026, extending its directive on facial coverings through 12:01 a.m. on October 22, 2020; and

WHEREAS, on September 25, 2020, Governor Ron Desantis issued Executive Order 20-244 moving all Florida counties into Phase 3, 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, on September 29, 2020, the Palm Beach County Commission, through the County Administrator, issued Emergency Order Number 2020-28 providing

for Phase 3 Reopening in Palm Beach County consistent with the Governor's mandates; and

WHEREAS, on October 21, 2020, the Palm Beach County Commission, through the County Administrator, extended Executive Order 2020-12 until 12:01 a.m. on November 21, 2020; and

WHEREAS, on November 20, 2020, the Palm Beach County Commission, through the County Administrator, extended Executive Order 2020-12 until 12:01 a.m. on December 21, 2020; and

WHEREAS, on December 18, 2020, the Palm Beach County Commission, through the County Administrator, extended Executive Order 2020-12 until 12:01 a.m. on January 20, 2021; and

WHEREAS, on January 19, 2021, the Palm Beach County Commission, through the County Administrator, further extended Executive Order 2020-12 until 12:01 a.m. on February 19, 2021; and

WHEREAS, on February 18, 2021, the Palm Beach County Commission, through the County Administrator, further extended Executive Order 2020-12 until 12:01 a.m. on March 19, 2021

WHEREAS, the City desires to remain consistent with the County's directives concerning facial coverings; 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 2021-002 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. The City of Delray Beach hereby adopts and incorporates by reference Palm Beach County Emergency Order Number 2021-002 dated February 18, 2021, attached hereto and incorporated herein as **Exhibit A**.

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. Medical and surgical face masks, such as "N95" masks or other similar medical or surgical masks, are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment. Persons are encouraged to review and comply with the CDC and Florida Department of Health guidelines on personal protective equipment, including with respect to the use of a medical or surgical face mask, such as an "N95" mask or other similar medical or surgical mask. This Resolution should not be construed as to require the utilization of surgical masks or "N95" respirators. To the extent possible, persons should refrain from utilizing surgical masks and "N95" respirators, which are in short supply and which should be reserved for healthcare workers or other medical first responders as recommended by CDC guidance. Instead, persons are encouraged to utilize facial coverings as defined in Section 5 of Palm Beach County Emergency Order 2020-012.

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 Palm Beach County Emergency Order 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.

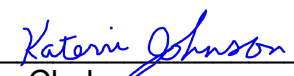
Section 7. This Resolution shall be effective immediately. This Resolution shall expire at 12:01 a.m. on March 19, 2021, consistent with Palm Beach County Emergency Order 2021-002.

PASSED AND ADOPTED on this the 26th day of February, 2021.



Jennifer Alvarez, Interim City Manager

ATTEST:



City Clerk