

RESOLUTION NO. 114-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; PROVIDING FOR DIRECTIVES ON WEARING OF FACIAL COVERINGS CONSISTENT WITH PALM BEACH COUNTY COVID-19 ORDER NUMBER 2020-012; 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, Dr. Alina Alonso, the Florida Department of Health's Palm Beach County Director, 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 May 16, 2020, the Palm Beach County Board of County Commissioners through the County Administrator, issued Emergency Order 2020-004, providing for a mandatory requirement to wear facial covers while utilizing Palm Tran transit services; and

WHEREAS, thereafter, on June 4, 2020, the Palm Beach County Board of County Commissioners through the County Administrator, issued Emergency Order 2020-010, mandating the use of facial coverings in County-owned and operated buildings; 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 covering in all businesses and establishments and outdoor public spaces where social distancing is not possible; and

WHEREAS, the State of Florida, and specifically Palm Beach County, has experienced a sharp rise in the number of positive COVID-19 cases. The City finds that additional measures are necessary in order to minimize the spread of COVID-19; and

WHEREAS, the City now desires to mandate the use of facial coverings in order to remain consistent with the County's directives; 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 2020-012 providing for directives on facial coverings 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. The City of Delray Beach hereby adopts and incorporates by reference Palm Beach County Emergency Order Number 2020-012 dated June 24, 2020, 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. 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 upon the expiration of the existing State of Local Emergency declared on March 13, 2020 by the City of Delray Beach, as same may be extended by subsequent order or declaration, unless earlier terminated.

PASSED AND ADOPTED on this the 24th day of June, 2020.



Jennifer Alvarez, Interim City Manager

ATTEST:


City Clerk



**EMERGENCY ORDER NUMBER 12
PALM BEACH COUNTY COVID-19
ADDITIONAL DIRECTIVE ON WEARING OF FACIAL COVERINGS**

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, the County Administrator pursuant to the authorities cited below has issued various Emergency Orders including Emergency Order 2020-004, Directive to Wear Facial Covers, effective on April 13, 2020; and

WHEREAS, on May 16, 2020, the County Administrator issued Emergency Order 2020-008, amending Emergency Order 2020-004, Directive to Wear Facial Covers, to add

a mandatory requirement for persons utilizing the County's Palm Tran transit services to wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle; and

WHEREAS, on June 4, 2020, the County Administrator issued an additional directive in Emergency Order 2020-010 mandating the wearing of facial coverings within County-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries; and

WHEREAS, on June 16, 2020 and June 23, 2020, during meetings of the Board of County Commissioners, the Florida Department of Health's Palm Beach County Director, Dr. Alina Alonso, continued to stress the importance of social distancing and wearing facial coverings as the best methods to reduce the spread of Coronavirus in the absence of a vaccine against the disease; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) also continue to encourage the use of cloth face coverings to help slow the spread of Coronavirus; and

WHEREAS, Palm Beach County has experienced a sharp increase in the number of positive cases of COVID-19 in late May and June 2020. The Board of County Commissioners has determined that additional measures are needed to minimize the spread of COVID-19 and has directed the County Administrator to issue an additional order mandating the wearing of facial coverings in all businesses and establishments and in outdoor public spaces where social distancing is not possible.

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. **Palm Beach County Emergency Orders 2020-004, 2020-008 and 2020-010 are hereby repealed and replaced with this Order 2020-012.**
3. This Order applies in all incorporated and unincorporated areas of Palm Beach County.

4. **Facial Coverings**

- a. **Businesses and Establishments - Facial Coverings Required.** Facial coverings must be worn by all persons, other than those specifically exempted in Section 4e, while obtaining any good or service or otherwise visiting or working in any business or establishment, including entering, exiting, and otherwise moving around within the establishment. Businesses or establishments of any type, including but not limited to, those permitted to operate under Executive Order of the Governor or any Palm Beach County Emergency Order are subject to this provision. Such businesses and establishments include, but are not limited to, restaurants, retail establishments, hotels, grocery stores, gyms, pharmacies, indoor recreational facilities, and vehicles for hire.
- b. **Public Places – Facial Coverings Required.** Facial coverings must be worn by all persons in public places where social distancing in accordance with CDC guidelines is not possible or not being practiced. For purposes of this provision, public places shall include any outdoor areas that are open and regularly accessible, including, but not limited to, common areas within private communities accessible to more than one housing unit.
- c. **Palm Tran – Facial Coverings Required.** All persons utilizing the County's Palm Tran transit services including fixed route, Palm Tran Connection, Go Glades, and any other transit service provided by Palm Tran, shall wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle, unless a medical accommodation is arranged in advance by contacting Palm Tran at (561) 841-4287.
- d. **County and Municipal Governmental Facilities - Facial Coverings Required.** All persons accessing governmental buildings for the purposes of conducting public business, visitation, contracting and maintenance, delivery, or any other activity requiring a presence in a governmental building shall wear facial coverings as defined by the CDC at all times while present in the building. For purposes of this section, governmental buildings shall mean any Palm Beach County or municipal-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries.

- e. **Exemptions - Facial Coverings Not Required.** Facial coverings are not required for the following persons:
1. Children under two (2) years of age and any child while under the custody of a licensed childcare facility, including daycare centers;
 2. Persons prohibited from wearing facial coverings by Federal or State safety or health regulations;
 3. Public safety, fire, or other life safety personnel that have personal protective equipment requirements governed by their respective agencies;
 4. Individuals while actively engaged in exercise and maintaining social distancing in accordance with CDC guidelines;
 5. Persons receiving goods or services from a business or establishment for the shortest practical period of time during which the receipt of such goods or services necessarily precludes the wearing of a facial covering such as, but not limited to, consuming food or beverage or receiving a facial grooming or treatment;
 6. Persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, other conditions that reduce breathing or lung capacity;
 7. Persons for whom wearing a facial covering conflicts with their religious beliefs or practices; and
 8. Facial coverings may be removed temporarily while assisting persons who are hearing impaired or who rely on reading lips in order to communicate.
5. A facial covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, mask or clothing covering including but not limited to, a scarf, bandana, handkerchief, or other similar cloth covering and which is secured in place. Examples of compliant homemade facial coverings may be found on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. Persons wearing face coverings should review the CDC and Florida Department of Health guidelines regarding safely wearing, removing, and cleaning facial coverings. Persons should not procure N95-rated masks for general use as those are critical supplies for health care workers, law enforcement, fire-rescue, emergency management, or other persons engaged in life and safety activities. In addition, in lieu of a facial covering as defined in this section, persons may wear clear, plastic face

shields, consisting of a piece of rigid, clear plastic attached to a headband that extends below the chin, whether store bought or homemade. For persons who are unable to safely utilize face coverings, businesses shall offer reasonable accommodation when required by the Americans with Disabilities Act which may include, but is not limited to, offering curbside service or any other reasonable accommodation.

6. **Compliance:** All businesses and establishments as provided for in Section 4 of this Order shall ensure compliance with the provisions of this Order and shall establish a process for verification of compliance upon customer entry into the establishment. A failure to establish and ensure such compliance may result in fines, penalties, and/or any other enforcement measures against the business as set forth in this order and as otherwise authorized by law.
7. **Signage:** All businesses and establishments as provided for in Section 4 of this Order shall conspicuously post signage as follows:
 - a. All restaurants and food service establishments shall post the signage attached hereto as Exhibit 1, designated "Restaurants and Food Service Establishment Required Signage". Signs are available in multi-languages at:
<https://discover.pbcgov.org/pdf/covid19/Restaurant-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RestaurantSpanish-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RestaurantCreole-Mask-Poster.pdf>
 - b. All retail and other establishments shall post the signage attached hereto as Exhibit 2, designated "Retail and Other Establishments Required Signage". Signs are available for download in multi-languages at
<https://discover.pbcgov.org/pdf/covid19/Retail-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RetailSpanish-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RetailCreole-Mask-Poster.pdf>
 - c. Signage required in subsections a. and b. above must be at least 8 ½" x 11" in size and printed in color if possible.
 - d. Signage shall be posted in multiple languages including English, Spanish and Creole.
 - e. Signage must be posted conspicuously for easy visibility at all entry points.
8. **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 warning and opportunity to correct before citations resulting in fines are issued. Authorized personnel may issue civil citations for fines not to exceed two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500) for each additional violation. Each incident of a continuing violation shall be deemed a separate additional violation. A fine schedule specific to individuals and businesses will be established by Board of County Commissioners resolution for implementation of this section.

- 9. 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.
- 10. This Order shall be effective as of 12:01 a.m. on June 25, 2020 and shall automatically expire at 12:01 a.m. on July 24, 2020, unless extended by subsequent order or Board of County Commissioner action. In addition, this Order may be terminated at any time by subsequent order or Board of County Commissioners action.

PALM BEACH COUNTY

By: *Verdencia Baker*

County Administrator

6/24/2020
Date

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*

County Attorney

**ATTEST
CLERK & COMPTROLLER**

By: *Shaun R. Beck*

Deputy Clerk

BY ORDER OF PALM BEACH COUNTY

Facial Coverings Required

Absent a legal exception, **all patrons must wear facial coverings except while actively consuming food and beverage.** This means you must wear a facial covering when entering, exiting, or otherwise away from your assigned table, including when visiting the restroom.

Staff must wear facial coverings during all in-person interactions with the public.

Social Distancing

Even while wearing facial coverings, **patrons must, wherever possible, maintain six feet of social distancing**, including while waiting to be seated.



Report Violations

If you suspect a business or person is violating these rules, you may report violations by calling **561-24COVID** or emailing covidcompliance@pbcgov.org.

Violations are subject to fines and/or other remedies.

Want to Know More?

Visit PBCGov.com/Coronavirus

Call 561-355-2754



BY ORDER OF PALM BEACH COUNTY

Facial Coverings Required

Absent a legal exception, **all patrons must wear facial coverings**, including while entering, exiting, or otherwise moving around an establishment.



Staff must wear facial coverings during all in-person interactions with the public.

Social Distancing

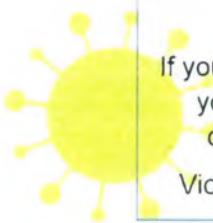
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