

RESOLUTION NO. 2020-093

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, RECOGNIZING THE THREATENING TRAJECTORY OF THE COVID-19 VIRUS AND DIRECTING BUSINESS AND FACILITY CLOSINGS AND BUSINESS PRACTICES TO IMPLEMENT PROTOCOLS ISSUED BY THE PRESIDENT OF THE UNITED STATES AND THE CENTER FOR DISEASE CONTROL (CDC); PROVIDING FOR STRINGENT EMERGENCY ENFORCEMENT OF PRESIDENTIAL AND CDC PROTOCOLS AND THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Novel Coronavirus (COVID-19) is a severe acute respiratory illness that can spread quickly among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Broward County and 18 other counties in the State of Florida; and

WHEREAS, the Florida Governor issued Executive Order Number 20-52 on Monday, March 9, 2020 declaring a state of emergency statewide, and authorizing in accordance with Section 252.38, Florida Statutes, each political subdivision within the State to "waive the procedures and formalities otherwise required of the political subdivision by law pertaining to . . . [the] [p]erformance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;" and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic; and

WHEREAS, as of March 18, 2020, there are 203,612 confirmed cases of COVID-19 globally, and 8,229 deaths, showing rapidly increasing transmission of the virus; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting that it is likely that widespread transmission of COVID-19 will also occur in the United States; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, as of March 17, 2020, at least 51 persons in Broward County, 216 persons in the State of Florida, and 6,539 persons in the United States, have tested positive for COVID-19, with an unknown number of persons awaiting testing or awaiting test results; and

WHEREAS, the City of Coconut Creek is threatened by COVID-19 because of the extraordinary ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of the City of Coconut Creek; and

WHEREAS, on March 16, 2020, Present Donald J. Trump and the CDC issued guidelines for "Community Mitigation Strategies" to limit the spread of COVID-19, including recommendations for social distancing and limiting gatherings of more than

10 people, which have been shown to be an effective method for containing COVID-19; and

WHEREAS, Section 312 of the City of Coconut Creek City Charter authorizes certain emergency measures to be taken under emergency conditions; and

WHEREAS, COVID-19 poses a health risk to Coconut Creek residents, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the City; and

WHEREAS, restaurants, bars, banquet halls, lounges, breweries, cafeterias, bowling alleys, movie theaters, arcades, ballrooms, gyms, fitness centers, and dance studios are potential gathering places for the spread of COVID-19; and

WHEREAS, on March 12, 2020, the Mayor of the City of Coconut Creek, Florida, proclaimed and declared the existence of a City-wide “**STATE OF EMERGENCY**” and authorized that all proper and lawful actions necessary to swiftly resolve the emergency and return the City to a condition of normalcy shall be taken; and

WHEREAS, Section 252.47 Florida Statutes charges the law enforcement authorities of the state and political subdivisions with enforcement of the orders and rules issued by the pursuant to state law; and

WHEREAS, in order to protect the City’s residents and visitors, the extremely threatening trajectory of the COVID-19 virus calls for emergency action and commitment to the social distancing protocols of the Center for Disease Control and the President of the United States; and

WHEREAS, the City Commission finds and determines that in support and recognition of Federal and CDC guidelines and recommendations, Executive Orders of the Governor of the State of Florida, and the authority of the Department of Business and Professional Regulation, emergency enforcement measures are necessary to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: That the City Commission recognizes the extremely threatening trajectory of the COVID-19 virus and commits to following the protocols of the Center for Disease Control and the President of the United States and therefore declare and establish that effective immediately, and for a period of 30 days hereafter, up through and including April 18, 2020:

1. The following events and activities within the City of Coconut Creek are postponed, cancelled, or suspended:
 - a. All meetings of the City Commission, City boards, including all advisory and statutory boards, City committees and City working groups;
 - b. All Special Magistrate, Code Enforcement except when necessary related to unsafe structures or other health and safety threats;
 - c. All homeowner association and civic association meetings conducted or held on City property;
 - d. All City events, including but not limited to, city sponsored or approved special

events; and

- e. All City recreational programs and facilities, facility rentals, and organized sports leagues.
2. All public gatherings of any type, whether organized or otherwise, of greater than 10 persons are prohibited. Grocery stores, convenience stores, pet stores, gas stations, banks, credit unions and other financial institutions, hardware and home-improvement stores, auto-supply stores, hospital, healthcare and medical facilities, medical supply companies, pharmacies and drug stores, land or facilities owned and managed by Broward County, the Broward County School Board, the North Broward Hospital District, the State of Florida, and the Federal Government, are exempt from this regulation.
3. All gyms, fitness centers, fitness studios, dance studios, and gymnasiums shall close. This regulation shall not apply to gymnasiums, fitness centers, and fitness studios which: (a) are amenities of hotels or office buildings and which have a capacity of 10 persons or less; and (b) are an amenity of residential buildings.
4. All bars, cocktail lounges, breweries, dance halls, movie theaters, halls for hire, auditoriums, bowling alleys, video arcades, and other like entertainment facilities and businesses, including but not limited to those contained within a hotel or other enclosed facility or structure, shall close.
5. All restaurants, cafeterias, and other food service establishments are mandated to cease all on-premises service. However, such establishments may continue to operate their kitchens for drive-thru, delivery, take-out, and exterior pick-up food services.
6. Businesses exempted in paragraph 1 and facilities exempted in paragraph 2 shall:
 - have alcohol-based hand sanitizer at every entrance for use by persons upon entering and exiting;
 - provide wipes at every gym or fitness center station or machine;
 - follow restaurant employee protocols issued by the Department of Business and Professional Regulation;
 - take all available steps to ensure a six-foot minimum distance between any group of patrons.
7. All residents and visitors of the City Coconut Creek are directed to comply with the isolation and social distancing protocols issued by the CDC and United States President, and with these emergency regulations and necessary measures which shall be strictly enforced, and to cooperate with public officials and public safety personnel in executing any emergency operational plans, and to obey and comply with the lawful direction of all properly identified public officers.

Section 3: That the City Manager, or designee, is directed to vigorously enforce Executive Order Number 20-68, the Department of Business and Professional Regulation requirements for Restaurants, Bars and Nightclubs and the requirements of this Resolution.

Section 4: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 5: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 18th day of March _____, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

Sarbone Aye_____

Rydell Aye_____

Tooley Aye_____

Belvedere Aye_____

Welch Aye_____