

RESOLUTION 2020-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR PARTIAL REOPENING OF CERTAIN PROPERTIES AND FACILITIES; PROVIDING FOR PROCEDURES FOR ADVISORY BOARD AND COMMITTEE MEETINGS; SUPERCEDING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

WHEREAS, in December 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 Okaloosa County and 26 other counties in the State of Florida; and

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

WHEREAS, on March 13, 2020, President of the United States, Donald J. Trump, issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease Outbreak pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

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

WHEREAS, The City of Destin, Florida (the “City” or “Destin”) is threatened by COVID-19 because of the apparent 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 Destin; and

WHEREAS, the CDC has issued guidelines for “community mitigation strategies” to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 regarding COVID-19, declaring a state of emergency in the State of Florida and authorizing in accordance with § 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 17, 2020, the Okaloosa County Board of County Commissioners declared a local state of emergency that is still in effect today; and

WHEREAS, on March 18, 2020, pursuant to Chapter 8, Articles II and III of the City’s Code of Ordinances, the City’s Mayor and City Manager jointly declared a State of Emergency exists in the City; and

WHEREAS, on March 20, 2020, the City Council duly adopted Resolution 20-04, providing for closure of certain properties and facilities; and

WHEREAS, on April 1, 2020, the City Council duly adopted and ratified the Declaration of State of Emergency and this State of Emergency or an amended version of it remains in effect; and

WHEREAS, the Declaration of State of Emergency empowers the City with wide latitude allowing it to adopt any measure allowed by law that is in the best interest of the public’s health, safety, and welfare; and

WHEREAS, § 252.46, Florida Statutes, permits political subdivisions of the state to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of §§252.31-252.90, Florida Statutes; and

WHEREAS, the measures implemented below are as narrowly tailored as possible to protect the public’s health, safety, and wellbeing; and

NOW, THEREFORE, the City Council of the City of Destin, Florida, does hereby declare and establish the following:

Section 1. Recitals.

1. The foregoing recitals are true and correct, and incorporated into this Resolution.

Section 2. Partial Reopening of Certain Properties and Facilities.

1. Except as otherwise described herein, public and private beaches, beach accessways, trails, parking areas solely for accessing public and private beaches, and City beachfront parks (collectively heretofore referred to as the “Beaches”) are reopened between the hours of 6:30 a.m. and 9 a.m., and 4:30 p.m. and 7 p.m., daily.
2. Pursuant to Executive Order 20-91, a social gathering is not an essential activity. No group of greater than ten (10) is permitted to congregate on the Beaches, regardless of whether that group is engaging in an “essential activity.”
3. No commercial activity is allowed outside of hours that the Beaches are reopened.

Section 3. Procedures for Advisory Board and Committee Meetings.

1. City Advisory Board and Committee Meetings shall be scheduled and held at the discretion of the City Manager or his designee. These meetings shall utilize communications media technology in accordance with City Resolution 2020-05 and City Resolution 2020-08, to the extent practicable.

Section 4. Severability.

1. If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution.

Section 5. Inconsistent and conflicting Ordinances and Resolutions superseded.

1. This Resolution shall supersede all inconsistent or conflicting Ordinances and Resolutions to the extent these Ordinances and Resolutions are inconsistent or conflicting for the time this Resolution is in effect. Except as otherwise described herein, the terms of City Resolution 2020-04, are hereby specifically reaffirmed and readopted and shall remain effective until further amended or modified by the City Council.

Section 6. Effective Date.

1. This Resolution shall be effective beginning the day of May 1, 2020.

PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA THIS ___TH DAY OF _____, 2020.

GARY JARVIS, MAYOR

ATTEST:

REY BAILEY, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE CITY OF DESTIN, ONLY:

KYLE S. BAUMAN, ESQ.
CITY ATTORNEY

