

TOWN OF PALM BEACH, FLORIDA

June XX, 2020

EMERGENCY ORDER NO. 2020-02A

AMENDED ORDER REQUIRING USE OF FACIAL COVERINGS BY RESIDENTS AND VISITORS

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

WHEREAS, COVID-19 poses a danger to life and the economic well-being of Palm Beach residents; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Chief of Police of the Town of Palm Beach, pursuant to the authority of Section 58-41 of the Town Code of Ordinances, declared a state of emergency exists within the corporate boundaries of the Town; and

WHEREAS, on March 19, 2020, the Town Council of the Town of Palm Beach executed Resolution No. 21-2020, concurring with the request of the Town's Chief of Police to extend the declaration of a state of emergency within the corporate boundaries of the Town to May 13, 2020, unless earlier terminated by the Chief of Police; and

WHEREAS, on May 13, 2020, the Town Council of the Town of Palm Beach executed Resolution No. 34-2020, concurring with the request of the Town's Chief of Police to extend the declaration of a state of emergency within the corporate boundaries of the Town to June 9, 2020, unless earlier terminated by the Chief of Police; and

WHEREAS, on April 10, 2020, I issued Town of Palm Beach Emergency Order 2020-02 encouraging the use of facial coverings by residents and visitors; and

WHEREAS, as of today the spread of COVID-19 has not been contained and remains a threat to the public health, safety and welfare; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") issued guidance that the general population should wear cloth face coverings to capture the respiratory droplets of asymptomatic people to slow the spread of COVID-19; and

WHEREAS, many aspects of COVID-19 remain unknown, but what is known is that the virus spreads easily and can be deadly; medical experts strongly advise that reopening of communities include full observance of the social distancing, facial covering, and sanitation requirements stated in the CDC Guidelines by both operators of establishments and by persons patronizing establishments, in order to minimize the risk of a dramatic increase in infections that might overwhelm the available public health resources and require re-closure of public amenities, restaurants, and stores; and

WHEREAS, pursuant to Section 252.38, Florida Statutes and Section 58-41 of the Town's Code of Ordinances, and the Governor's Orders (including Paragraph 8 of the Governor's Executive Order 20-70), the Chief of Police has the power to issue emergency orders with the force of law.

NOW THEREFORE, I hereby **ORDER** and **PROMULGATE** the following additional emergency measures, effective at 12:01 am on June 01, 2020 (the Order):

Section 1.

The following facial covering requirements shall apply for all establishments and businesses permitted to operate in the Town of Palm Beach. The facial covering encouragements of Town of Palm Beach Emergency Order 2020-02 are hereby amended and replaced in their entirety with the following.

- A. For purposes of this Order, a facial covering is defined as a form of covering of the nose and mouth and shall include a face mask, a homemade mask, or cloth covering, including but not limited to a scarf, bandana, handkerchief or other similar cloth covering.

Facial coverings requirements are in addition to, and not in place of, any social distancing requirements imposed by any applicable orders. The provisions of this Emergency Order shall serve as minimum standards, which must be adopted by all establishments as a condition precedent to operating.

- B. Persons for whom facial coverings are required. Except as stated in section 1. C immediately below, facial coverings must be worn by the following persons:
- 1) All persons in an establishment of any type that is permitted to operate under any Executive Order of the Governor or any Palm Beach County Emergency Order, during in-person interactions with the public;
 - 2) Members of the public when obtaining any good or service or otherwise visiting any business or establishment, including entering, exiting, and otherwise moving around within the establishment.
 - 3) Any worker involved in the preparation of food is required to wear a facial covering regardless of whether they are conducting in-person interactions with the public, unless doing so would pose a hazard or health issue;

- 4) To the extent expressly required by any Executive Order of the Governor or any Palm Beach County Emergency Order, which may include additional facial covering requirements for specific activities.
- C. Persons for whom facial coverings are not required. The following persons are not required to wear facial coverings:
- 1) Children under the age of two (2) should not wear a facial covering, and any child while under the custody of a licensed childcare facility, including daycare centers, is not required to wear a facial covering;
 - 2) Persons who have difficulty breathing or a medical condition that otherwise makes the wearing of a facial covering unsafe;
 - 3) 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 eating or receiving a facial grooming);
 - 4) Public safety, fire, and other life safety personnel, as their personal protective equipment requirements will be governed by their respective agencies;
 - 5) Persons for whom wearing a facial covering is subject to a religious objection; and
 - 6) Persons subject to an express exception in an applicable Executive Order of the Governor or a Palm Beach County Emergency Order, solely while engaging in the expressly excepted activity.

Section 2. This Order is in addition to and supplements the Town's Emergency Orders. All requirements of Town Emergency Orders, County Orders, and Governor's Orders shall be strictly adhered to at all times.

Section 3. This Emergency Order is effective as of 12:01 am on June XX, 2020 and shall remain in full force and effect until terminated. This order is enforceable by the Town of Palm Beach Police Department.

ORDERED at 5:00 pm on this XXth day of June 2020.

Nicholas Caristo
Chief of Police

