

**MEXICO BEACH EMERGENCY DECLARATION ORDER 20-03
AN ORDER AND DECLARATION REGARDING THE CLOSURE OF BEACHES AND
ALLOWING LIMITED USE OF BEACHES**

WHEREAS, the Governor of the State of Florida issued Executive Order 20-52, declaring that a state of emergency exists throughout the State of Florida due to the spread of COVID-19 in the State and its imminent threat to the health and welfare of Florida citizens; and

WHEREAS, that Executive Order, in accordance with Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent action that is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, Chapter 252, Florida Statutes authorizes political subdivisions to take all necessary action and issue any necessary orders to protect human life; and

WHEREAS, on March 17, 2020, by Resolution 3700, the Bay County Board of County Commissioners issued a Declaration of Local State of Emergency regarding the threat of COVID-19; and

WHEREAS, on March 17, 2020, the Governor of the State of Florida issued Executive Order 20-68 limiting gatherings on Florida beaches and supporting local beach closures; and

WHEREAS, on March 20, 2020, the Bay County Board of County Commissioners found that crowds on Bay County beaches constitute a threat to public health and safety and are likely to lead to the spread of COVID-19 and that the immediate enactment of an Bay County Emergency Declaration Order 20-01 to temporarily close the beaches in Bay County was necessary to prevent the spread of COVID-19; and

WHEREAS, on March 20, 2020, the City Council of Panama City Beach closed its beaches temporarily; and

WHEREAS, on March 20, 2020, the County Commission of Gulf County closed its beaches temporarily; and

WHEREAS, on March 26, 2020, the City of Mexico Beach (the “City”) closed all public parking for beaches to reduce the number of people congregating on the beach within the City and to increase social distancing; and

WHEREAS, on March 31, 2020, the City adopted Emergency Declaration Order 20-01, which had the effect of closing the beach within the City for fourteen days; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis promulgated Executive Order 20-91, requiring the public to stay home except to obtain or provide essential services or conduct essential activities and included, as an essential activity, “[p]articipating in recreational activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming;” and

WHEREAS, on April 14, 2020, Mexico Beach adopted Emergency Declaration Order 20-02 to extend the beach closure for fourteen additional days, but with the understanding that the City Council might modify this closure depending on forthcoming feedback from Gulf County regarding the continuation of Emergency Medical Services within the City; and

WHEREAS, the City has received favorable information regarding the continuation of those Emergency Medical Services within the City under the modified beach closure set forth in this Emergency Declaration Order 20-03; and

WHEREAS, congregations of large groups tend to occur on the beach during the middle of day as people sunbath, particularly after setting up recreational items like chairs, tents, umbrellas, blankets, and beach towels; and

WHEREAS, by not allowing equipment and items like these on the beach, groups will be less likely to form and beachgoers will be more focused on recreational activities such as walking, jogging, and fishing, which also are the main activities that occur on the beach earlier in the morning and later in the evening; and

WHEREAS, the beach within the City of Mexico Beach will be the only large beach nearby that is even conditionally open to the public, so it is important to have restrictions that will limit the number of people who congregate for “a beach day” in the City; and

WHEREAS, the restrictions provided by this Emergency Declaration Order 20-03 provide a balance between allowing outdoor recreational opportunities and the need to for social distancing in public spaces; and

WHEREAS, for the reasons expressed herein, the City Council finds that gatherings on the beach in Mexico Beach continue to constitute a threat to the public health and safety and remain likely to lead to the spread of COVID-19, but that limited recreation on the beach as provided herein does not pose that same threat and that the immediate partial re-opening of the beach through this Emergency Declaration Order is in the public interest.

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. The City of Mexico Beach rescinds its temporary beach closure for the hours of 6:00 AM – 9:00 AM CST and 5:30 PM – 7:30 PM CST each day for the limited purpose of allowing individual recreational activities as limited below:
 - a. equipment used for individual active sports, including fishing, may be brought to the beach;
 - b. other sports equipment and beach lounging items may not be brought to the beach, including but not limited to chairs, tents, loungers, umbrellas, and blankets, and beach towels laid on the ground;
 - c. gathering of people is not permitted on the beach; and
 - d. public parking areas remain closed for the purpose of accessing the beach.

2. The beach within the City remains closed to the public at all other times and for all other purposes.

3. "Beach" shall have the same definition as provided by Bay County Emergency Declaration Order 20-01

4. A violation of this Emergency Declaration Order shall be punished in accordance with the Mexico Beach City Code or Bay County Code Sec. 1-6, as appropriate.

5. This Emergency Declaration Order shall become effective immediately and shall remain in effective until rescinded or amended by the City Council, notwithstanding the expiration of any prior Mexico Beach Emergency Declaration Order related to the beach. In addition, this Emergency Declaration Order shall automatically expire if Bay County Emergency Declaration Order 20-01, or a replacement beach closure by Bay County, is no longer in effect.

If any provision of this Emergency Declaration Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of the Emergency Declaration Order, which shall continue to have the full force and effect of law.

PASSED this 15th day of April, 2020.

CITY OF MEXICO BEACH

By: _____
William A. Cathey, Mayor

ATTEST:

City Clerk