



EMERGENCY ORDER NUMBER 5
Outdoor Restaurant Seating
WELLINGTON COVID-19

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 Wellington; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis, issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; 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 24, 2020 Governor Ron DeSantis issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory to advise senior persons, and persons who 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, 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, Wellington has declared a State of Emergency pursuant to Chapter 252 of the Florida Statutes and has authorized the Village Manager to take all actions necessary and appropriate to protect human life and property, including the authority to promulgate rules and order necessary subject to the limitations of section 252.33 of the Florida Statutes; and

WHEREAS, on March 25, 2020, Palm Beach County issued Emergency Order No. 2 in which it directed all non-critical businesses throughout the unincorporated and incorporated areas within the County to close except for those specifically enumerated in the Order; and

WHEREAS, on March 20, 2020, also pursuant to Executive Order 20-70 and provided therein, Governor Ron DeSantis closed all movie theaters, concert halls, auditoriums, playhouses, bowling alleys, arcades, gyms, fitness studios, and beaches; and

WHEREAS, on March 26, 2020, the Village of Wellington issued Emergency Order Number 1 relating to all public and private parks, playgrounds, golf courses, recreational facilities, pools and public seating areas within Wellington shall be closed to the public; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis signed Executive Order 20-91 that highlighted participating in recreational activities (consistent with social distancing) such as walking, biking, hiking, fishing, running or swimming as activities important to Florida residents; and

WHEREAS, on April 15, 2020, Governor Ron DeSantis appointed the Re-Open Florida Task Force, which is charged with developing a plan for safely reopening the state; and

WHEREAS, on April 16, 2020, President Donald J. Trump issued the White House's Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts, to help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives; and

WHEREAS, in review of the Department of Health data related to specific indicators used to measure the spread of COVID-19, it has been determined that Palm Beach County's key indicators suggest and may allow for certain socially distanced recreational activities and related facilities to resume operations under specific CDC and County guidelines; and

WHEREAS, on April 27, 2020, Palm Beach County provided executive order 2020-005, which is supplemental to and in addition to any executive orders that may be issued by the President of the United States or Governor DeSantis that may be applicable to Palm Beach County. All provisions of prior Palm Beach County Orders, including the County's Stay Home-Stay Safe; Safer at Home Emergency Order 2020-003a, remain in effect, except for provisions inconsistent with County Emergency Order No. 2020-005; and

WHEREAS, on May 8, 2020, Governor Ron DeSantis announced Palm Beach County can begin the Phase 1 path to re-opening Florida and the promotion of business operation and economic recovery while maintaining focus on core safety principles beginning Monday, May 11, 2020; and

WHEREAS, Phase 1 allows certain businesses, including restaurants and food establishments and retail sales establishments, to re-open under certain restrictions; and

WHEREAS, the Village of Wellington is launching the “Restart Wellington” recovery plan, which temporarily allows restaurants to expand their business footprint on sidewalks and parking facilities without meeting certain Village code and permit requirements.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Wellington’s Declaration of Emergency, Chapter 252 of the Florida Statutes, and Governor DeSantis’s Phase 1 reads as follows:

Section 1. Effective 6:00 a.m., Monday, May 11, 2020.

Section 2. Restaurants are permitted to expand their business footprint following process and requirements in Exhibit “A”.

Section 3. Any provision(s) within this Emergency Order that conflict(s) with any county, 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 or any county-wide Emergency Order or ordinance, shall be deemed inapplicable and deemed to be severed from this Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Emergency Order.

DATED this 8th day of May, 2020.

VILLAGE OF WELLINGTON

By: _____
Paul Schofield, Village Manager

ATTEST:

By: _____

Chevelle D. Addie, Village Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By _____

Laurie Cohen, Village Attorney