

ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-3

AN EMERGENCY ORDER DECLARING AN EMERGENCY UNDER THE ST. JOHNS COUNTY BEACH CODE, ORDINANCE NO. 2007-19; PROVIDING FOR THE CLOSURE TO PUBLIC USE OF ALL BEACHES AND WATERS OF THE ATLANTIC OCEAN SITUATED WITHIN THE GEOGRAPHIC BOUNDARIES OF ST. JOHNS COUNTY, FLORIDA; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PERIODIC REVIEW OF THE EMERGENCY ORDER; AND PROVIDING FOR AN EFFECTIVE DATE AND EXPIRATION DATE.

WHEREAS, on March 17, 2020, ST. JOHNS COUNTY EMERGENCY PROCLAMATION NO. 2020-1 declared a state of local emergency due to the threat of the Coronavirus Disease 2019 (COVID-19) to spread among humans, which may pose a threat to public health and safety and cause a threat to the entire State of Florida, including St. Johns County; and

WHEREAS, on March 24, 2020 and March 31, 2020, pursuant to section 252.38(3)(a)(5) of the Florida Statutes, the Board of County Commissioners extended the state of local emergency for seven (7) additional days and, further, retained, ratified, and continued in time for the duration of the emergency proclamation all emergency powers authorized by the emergency proclamations; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the Florida Department of Health (Department) continue to provide guidance to reduce the introduction of COVID-19 into new communities and to slow the spread of infection in communities already affected by the virus; and

WHEREAS, the CDC and Department report that COVID-19 is spread by close social contact, including among individuals who are currently asymptomatic; and

WHEREAS, on March 17, 2020, the Governor of the State of Florida issued Executive Order No. 20-68, which, among other things, directed that gatherings on public beaches in the State of Florida be limited in accordance with the CDC guidance and expressly supported beach closures at the discretion of local authorities; and

WHEREAS, COVID-19 continues to cause extensive concerns to the private citizens and public sectors in St. Johns County; and

WHEREAS, St. Johns County continues to make efforts to address emergency conditions and assist affected citizens and properties; and

WHEREAS, as part of such efforts, St. Johns County has sought to reduce the threat of large scale exposure by eliminating the potential for residents, visitors, and others to congregate in large gatherings, including on public beaches situated within the geographic boundaries of St. Johns County, Florida; and

WHEREAS, on March 28, 2020, St. Johns County entered ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-1, ordering that, effective at 6:00 A.M. on Sunday, March 29, 2020, all public beaches situated within the geographical boundaries of St. Johns County, Florida shall be closed to public access; and

WHEREAS, St. Johns County deems it necessary to continue, and to further clarify the extent and duration of, the closure of beaches situated within the geographical boundaries of St. Johns County, Florida; and

WHEREAS, St. Johns County further recognizes that Section 3.10 of the St. Johns County Beach Code, Ordinance No. 2007-19 (Beach Code), provides additional authority for St. Johns County, as delegated by the Board of County Commissioners to certain administrative officials including the County Administrator, to close or restrict use of the beach, including the temporary closure of the entire beach in the case of an emergency and/or because of crowd conditions or other like conditions endangering the safety of the public; and

WHEREAS, St. Johns County finds that an emergency exists under Section 3.10 of the Beach Code such that the entire beach and, except as may be preempted by the federal or state government, the waters of the Atlantic Ocean should be temporarily closed for use by the public; and

WHEREAS, notwithstanding the temporary closure of the beach and the waters of the ocean to use by the public, there continue to be many alternative means in St. Johns County by which members of the public can participate in recreational activities, such as walking, biking, hiking, fishing, hunting, running, or swimming, in a manner consistent with guidance from the CDC and Department regarding social distancing; and

WHEREAS, St. Johns County deems it necessary to make such efforts in order to protect the health, safety, and welfare of the public.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and the authority vested in the County Administrator pursuant to Section 6 of St. Johns County Ordinance No. 2019-40 and Section 3.10 of the St. Johns County Beach Code, Ordinance No. 2007-19, it is hereby ordered:

1. The definitions set forth in Section 1.01 of the Beach Code are hereby incorporated into this Emergency Order.

2. It is hereby declared that, pursuant to Section 3.10 of the Beach Code, there exists an emergency and conditions endangering the safety of the public, requiring the temporary closure for use by the public of the entire beach and, except as may be preempted by the federal or state government, the waters of the Atlantic Ocean.

3. The entire beach and, except as may be preempted by the federal or state government, the waters of the Atlantic Ocean situated within the geographical boundaries of St. Johns County, Florida are hereby closed for use by the public. It shall be a violation of this Emergency Order for any person to be present on the beach at any time after the effective date, and for the duration, of this Emergency Order. The prohibitions of this Section 3 shall not apply to law enforcement or authorized emergency personnel, when necessary for the performance of their official duties, or to the use of a boat or vessel within the waters of the Atlantic Ocean, when used in accordance with all applicable provisions of the Beach Code and with CDC and Department guidance regarding social distancing.

4. Violations of this Emergency Order may be enforced by any methods allowable in law or equity, including but not limited to the following:

A. Any person violating any provision of this Emergency Order is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes.

B. This Emergency Order may also be enforced as a noncriminal infraction in accordance with the provisions of Section 10.00 of the Beach Code.

C. The enforcement provisions of this Emergency Order are additional or supplemental in nature and are not intended to prohibit St. Johns County from enforcing this Emergency Order by any other lawful means or seeking any remedy available at law or equity.

5. This Emergency Order shall not affect the validity of any enforcement action or proceedings undertaken pursuant to ST. JOHNS COUNTY EMERGENCY ORDER 2020-1 prior to the effective date of this Emergency Order.

6. The County Administrator will periodically review the necessity of continuing the provisions of this Emergency Order and whether the beach, or any part of it, may be reopened for use by the public, in consideration of the health, safety, and welfare of the public.

7. This Emergency Order shall be effective immediately upon filing with the Clerk, in accordance with Section 252.46, Florida Statutes, and shall expire upon the expiration of ST. JOHNS COUNTY EMERGENCY PROCLAMATION 2020-1, including any extension thereof.

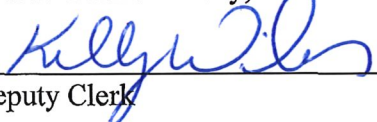
DONE and ORDERED this 6th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA



Hunter S. Conrad
County Administrator

ATTEST: Brandon Patty, Clerk

By: 
Deputy Clerk