



**MARTIN COUNTY
EMERGENCY ORDER 20-08
RESTRICTIONS ON BEACHES IN MARTIN COUNTY**

WHEREAS, Section 51.4.C., General Ordinances, Martin County Code, authorizes the Director of the Emergency Management Agency to issue any such orders as are deemed necessary to protect life and property and preserve critical resources; and

WHEREAS, the Emergency Management Director has determined that a State of Local Emergency exists within Martin County; and

WHEREAS, Novel Coronavirus Disease 2019 (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, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as “high”, both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, directing 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, it is the duty of Martin County to take protective measures – including activation of the emergency operations center, procurement of personal protective equipment, consequence management, and similar activities to support the public health and safety of the community; and

WHEREAS, the President of the United States has declared a State of Emergency for the Country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control (“CDC”) issued the 15 Days to Slow the Spread guidance advising individuals to adopt

far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, a threat of impact from COVID-19 exists throughout the County; and

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

WHEREAS, Martin County began implementing preparations to address the serious public health threat on January 31, 2020; and

WHEREAS, on March 16, 2020, Martin County declared a local state of emergency in response to the COVID-19 efforts which was extended by declaration on March 23, 2020; and

WHEREAS, in Emergency Order 20-01, Martin County previously declared that an emergency existed due to overwhelming crowds on the beaches of Martin County, that such crowding was likely to lead to the spread of COVID-19, and that immediate enactment of an Emergency Order to temporarily close the beaches in Martin County is necessary to prevent the spread of COVID-19.

WHEREAS, On May 4, 2020, Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step Plan for Florida's Recovery, which provides measures to slowly re-open Florida, became effective; and

WHEREAS, Martin County issued Emergency Order 20-05 opening some of Martin County's beaches for the limited time period of May 4, 2020 through May 15, 2020 consistent with the steps to reopen Florida. From May 4, 2020 through May 7, 2020, there was an influx of residents from Miami-Dade, Broward and Palm Beach counties whose beaches remain closed pursuant to Executive Order 20-112 because those counties have been recognized as hotspots for COVID-19; and

WHEREAS, consistent with the steps to reopen Florida, the County has determined that it is necessary to restrict Martin County beach access to Martin County residents only with social distancing restrictions in place; and

WHEREAS, Hobe Sound beach is in close proximity to Palm Beach County, which has been identified as a COVID-19 hotspot. As a result, it is in the best interests of Martin County to keep Hobe Sound beach closed to help prevent the spread of COVID-19.

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. All beaches, beach accesses, and parking for beach accesses in Martin County, Florida are opened to Martin County residents only, with the exception of Hobe Sound beach.

This does not apply to property owners who may access Martin County beaches via private beach crossovers.

2. All beaches, beach access and parking for Hobe Sound beach located in Martin County, Florida shall remain closed. This does not apply to property owners or residents and visitors who may access Hobe Sound beach via private beach crossovers.

3. For purposes of this Order the following definitions shall apply:

a. "Beach" shall include all sandy beach areas from the waters of the North Atlantic Ocean to the frontal dune, or where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward; and

b. "Beach access" shall mean public beach access points, including associated boardwalks, walkways, dedicated public parking areas, and the area on the beach beginning at the entrance of the beach.

c. "Martin County Resident" shall mean a person who maintains his or her residence in Martin County, owns or leases a non-transient residence within Martin County, or has established a domicile in Martin County.

4. Beach patrons must comply with all social distancing recommendations from the CDC, the Governor, the State Surgeon General and the State Health Officer, including but not limited to, maintaining a minimum of six feet of social distancing.

5. Groups of more than 10 people are prohibited from congregating at any Martin County beach.

6. County staff and the Martin County Sheriff's Office shall provide signage and communication to alert the public that the Martin County beaches open pursuant to this Order are only accessible to Martin County residents.

7. Martin County Emergency Order 20-05 pertaining to Beaches is hereby terminated and superseded by this Order as of May 9, 2020 at 12:00 am.

8. Any provisions within this Order that conflict with any state or federal law or constitutional provision, or conflicts with or are superseded by a current or subsequently-issued Executive Order of the Governor of the State of Florida or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order.

9. This Order shall be effective on May 9, 2020 at 12:00 a.m. and will expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent Order.

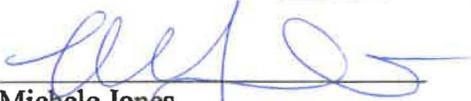
10. This Order is in addition to the Executive Orders issued by Governor DeSantis.

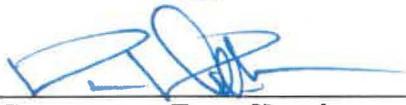
11. Prior resolutions and emergency orders remain in full force and effect unless modified or superseded.

12. This Emergency Order shall be enforced pursuant to section 252.47, *Florida Statutes*. Violation of this Emergency Order is punishable pursuant to section 252.50, *Florida Statutes* as a misdemeanor of the second degree.

13. This Order shall be filed in the Office of the Clerk of the Circuit Court.

Signed this 8 day of May, 2020 at 3:41 (am) (pm).


Michele Jones
Emergency Management Director
Martin County Board of County Commissioners


Concurrence: Taryn Kryzda
County Administrator
Martin County Board of County Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Sarah W. Woods
County Attorney
Martin County Board of County Commissioners

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