



**EMERGENCY RULE
REGARDING TO COVID-19 PANDEMIC**

**EMERGENCY RULE TO TEMPORARILY SUSPEND
TIME PROVISIONS OF SECTION 4-2(a) OF THE CODE
OF ORDINANCES OF THE CITY OF NEPTUNE BEACH,
FLORIDA; TO REVERT THE TIMES IN SUCH SECTION
TO THE TIME PROVISIONS OF FLA. STAT. §562.14(1);
TO PROVIDE FOR AN EFFECTIVE DATE; AND TO
PROVIDE FOR TERMINATION.**

WHEREAS, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 14, 2020, Mayor Elaine Brown and City Manager Stefen Wynn declared a local emergency to combat COVID-19 on behalf of the City of Neptune Beach (the "City"); and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("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, on April 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-91, which limited commercial and other activities to Essential Services and Essential Activities as defined therein; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order Number 20-112, initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, on May 14, 2020, Governor Ron DeSantis issued Executive Order Number

20-123, fully implementing Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, on June 3, 2020, Governor Ron DeSantis issued Executive Order Number 20-139, initiating Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, Phase 2 of such plan authorizes restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises, to operate at fifty (50) percent of their indoor capacity, excluding employees, as under Executive Order 20-123, Section 1; and

WHEREAS, recent data and reports evidence an alarming increase in reported positive tests of COVID-19 throughout the United States and Florida, especially among persons in the 20s and 30s age groups; while locally, reports show a similar concern; and

WHEREAS, locally there have been many reports from employees, patrons, groups, owners and managers of restaurants, bars and other establishments that sell alcoholic beverages on-premises, that they have experienced a rapid increase in positive tests for COVID-19; causing many establishments to voluntarily close and take mitigation measures to protect their staff and patrons; and

WHEREAS, a large number of patrons and social gatherings in establishments focused primarily on the service of alcoholic beverages and entertainment related to such service are not adhering to social gathering protocols set forth by the CDC and Florida Department of Health, and encouraged by the Governor and the Task Force to Re-Open Florida; and

WHEREAS, reports indicate that the large crowds, reduced social distancing, and other personal contact occurring in establishments focused primarily on the service of alcoholic beverages and entertainment related to such service have significantly contributed to such increases in positive cases of COVID-19; and

WHEREAS, residents and businesses have expressed concern and request local safety measures be taken to ensure the health, safety, and welfare of the citizens and community, and to diminish the imminent threat posed by the close social interaction associated with these types of establishments; and

WHEREAS, Section 4-2(a) of the Code of Ordinances of the City provides that "It shall be unlawful for any licensee to sell, offer for sale, serve, give away, dispense or dispose of alcoholic beverages, or permit the same to be consumed upon any licensed premises between the hours of 2:00 a.m. and 7:00 a.m. all days of the week"; and

WHEREAS, Fla. Stat. §562.12(1) provides that "Except as otherwise provided by county or municipal ordinance, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the division between the hours of midnight and 7 a.m. of the following day"; and

WHEREAS, pursuant to §252.46, Fla. Stat., the political subdivisions of the state are authorized and empowered to make, amend, and rescind such orders and rules as are

necessary for emergency management purposes; and

WHEREAS, reducing the hours during which patrons may be exposed to large crowds, reduced social distancing, and other contact occurring in these establishments is anticipated to reduce the spread of COVID-19 and result in fewer new positive cases of COVID-19; and

WHEREAS, such limitations will help ensure the health, safety, and welfare of the community and advance the compelling government interest in reducing the spread of COVID-19 in the community, residents, patrons, and staff associated with these establishments; and

WHEREAS, these limitations are necessary and narrowly tailored to achieve that purpose; and

WHEREAS, pursuant to the City's *Comprehensive Municipal Emergency Management Plan*, the City may issue orders and regulations to protect life and property, including curfews; and

WHEREAS, the following rules and procedures are not inconsistent with any Executive Order or other applicable law.

NOW THEREFORE, the following rules are implemented and take immediate effect:

1. SUSPENSION

The time provisions contained in Section 4-2(a) of the Code of Ordinances are hereby suspended. During the effectiveness of this rule, the time limitations provided in Fla. Stat. §562.14(1) shall apply and it shall be unlawful for any licensee to sell, offer for sale, serve, give away, dispense or dispose of alcoholic beverages, or permit the same to be consumed upon any licensed premises between the hours between the hours of midnight and 7 a.m. of the following day.

2. EFFECT

All establishments with on-premises alcohol sales permits are directed to comply with this rule and to cooperate with public officials and safety personnel, and to obey and comply with lawful direction of all public officers during the period stated in Section 1 above. Authorized law enforcement, fire marshal and code enforcement personnel shall have authority to enforce compliance with this rule. This rule has full force and effect of law. Violation of this rule is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.

3. TIME

This rule shall take effect at 12:01 a.m. on Saturday, June 27, 2020 and shall remain in effect until the earliest of:

1. The local state of emergency for COVID-19 expires; or
2. The state of emergency declared by the State of Florida for COVID-19 expires; or
3. Amendment or rescission of this rule by the City.

4. AMENDMENT

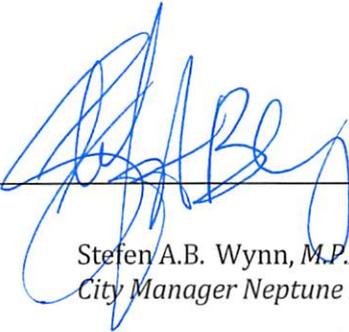
The City reserves the right to amend this rule as it deems necessary or appropriate.

IT IS SO DECLARED AND ORDERED THIS 25TH DAY OF JUNE, 2020.

THE CITY OF NEPTUNE BEACH, FLORIDA

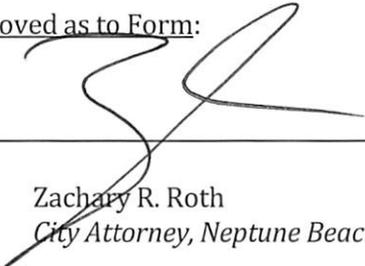
By: 

Elaine Brown
Mayor, Neptune Beach

By: 

Stefen A.B. Wynn, M.P.A.
City Manager Neptune Beach

Approved as to Form:

By: 

Zachary R. Roth
City Attorney, Neptune Beach

Attested:

By: 

Catherine B. Ponson, CMC
City Clerk, Neptune Beach