



TOWN OF MELBOURNE BEACH, FLORIDA

EMERGENCY EXECUTIVE ORDER NO. 2020-05 REGARDING COVID-19

Phase 1: Safe, Smart, Step-by-Step, Plan for Florida's Recovery

WHEREAS, Governor DeSantis issued Executive Order No. 20-52 on March 9, 2020 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the 15 Days to Slow the Spread guidance on March 16, 2020 advising individuals to adopt far-reaching social distancing measures, and avoiding gatherings of more than 10 people; and

WHEREAS, Governor DeSantis issued Executive Order No. 20-68 on March 17, 2020, in partial response to information reflecting individuals were not adhering to the CDC's social distancing measures and gathering limitations; and

WHEREAS, Executive Order No. 20-68 directed parties accessing public beaches to follow the CDC guidance, and further "[supported] beach closures at the direction of local authorities"; and

WHEREAS, the Town of Melbourne Beach ("the Town") adopted a Proclamation on March 18, 2020 declaring a local state of emergency for the Town regarding the COVID-19 emergency; and

WHEREAS, traditionally, the Town receives visitors from outside the Town limits and Brevard County to our beaches. The Town is concerned that it will receive an influx of people from outside the Town and Brevard County to its beaches as people are generally still allowed to leave their residences for recreational purposes during the

COVID-19 state of emergency, and the Town has concerns of crowds of visitors on the beach making compliance with CDC social distancing recommendations difficult;

NOW, THEREFORE, I, ELIZABETH MASCARO, as Town Manager of the Town of Melbourne Beach, by virtue of above-mentioned authority, and all other applicable laws, promulgate the following Executive Order to take immediate effect.

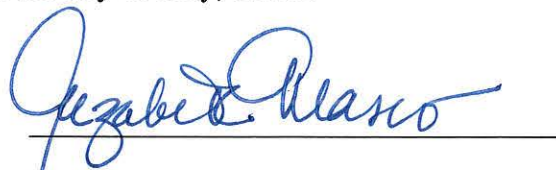
Section 1. All beaches located in the Town of Melbourne Beach are allowing activities, such as sunbathing, sitting in chairs, surfing, fishing, swimming, walking and jogging; however, activities must be conducted in groups of no more than 5 people. People will not be allowed to congregate on boardwalks and access areas. All parking areas for beach accesses will continue to remain closed.

Section 2. All property in the Town of Melbourne Beach that is not residentially zoned is hereby prohibited from being used for beach parking. In addition, all parking in residentially zoned areas shall be used **only** for parking for residents, their guests, persons doing work at the residentially zoned location, and delivery trucks when used for delivery to the residentially zoned location. Vehicles parked in violation of this Order shall be subjected to immediate towing and shall be subject to a fine for violation.

Section 3. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this Executive Order is invalid or unconstitutional, the remainder of the Executive Order shall not be affected thereby and it will be presumed that the Town Manager did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Manager would have promulgated the remainder of this Executive Order without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

Section 4. Effective Date. This Executive Order shall become effective on May 1, 2020 at 4 p.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed at Melbourne Beach, Florida, this 1st day of May, 2020.



Elizabeth Mascaro
Melbourne Beach Town Manager

ATTEST



Jennifer Torres, Interim Town Clerk