

**BY ORDER OF THE MAYOR OF CITY OF CAPE CANAVERAL
DECLARATION OF EMERGENCY – COVID-19
SUPPLEMENTAL EMERGENCY ORDER #3
(Governor EO 20-91/92 - Beaches and Amendment to Supplemental Emergency Order #2
re: Feather Flags and Snipe Signs)**

WHEREAS, on March 16, 2020, by the powers vested in me as Mayor of the City of Cape Canaveral, I issued a local Declaration of Emergency within the City of Cape Canaveral regarding COVID-19 (“Declaration”) following declarations of emergency issued respectively by the President of United States, Governor Ron DeSantis and Brevard County, and said Declaration shall remain in full force and effect until further notice; 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 avoiding gatherings of more than 10 people, and in states with evidence of community spread, bars, restaurants, food courts gyms and other indoor and outdoor venues where groups of people congregate should be closed; and

WHEREAS, on March 31, 2020, the President updated the guidance, renaming it “30 Days to Slow the Spread,” and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

WHEREAS, in furtherance of the President’s guidance and the guidance of the State Surgeon General, Governor DeSantis has issued several Executive Orders to-date that restrict the operations of various businesses in order to implement and comply with social distancing guidelines; and

WHEREAS, on April 2, 2020, Governor DeSantis issued Emergency Executive Order Number 20-91 and 92 imposing a “safer at home” order which requires all persons in Florida to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, Section 4 of Executive Order Number 20-91, as amended by 20-92 provides that “this Order shall supersede any conflicting official action or order issued by local officials in response to COVID-19;” and

WHEREAS, as Mayor of the City of Cape Canaveral, I am committed to supporting the Governor’s Executive Orders to fight against the spread of COVID-19, and to protect the residents and businesses in Cape Canaveral; and

WHEREAS, the intent and purpose of this Supplemental Emergency Order #3 is to supplement the Declaration and to expressly revise Supplemental Emergency Order #2 regarding feather flags and snipe signs to address the local preemption in Section 4 and therefore, to permit such flags or signs for businesses that are only deemed to be providing “essential services” as defined by the Governor’s Executive Order Number 20-91 and 92; and

WHEREAS, Executive Order Number 20-91 also limits citizen conduct to “essential activities,” which include “participating in recreational activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming” and prohibits social gatherings in a public space; and

WHEREAS, Executive Order Number 20-91 further provides that local jurisdictions shall ensure that groups of people greater than ten are not permitted to congregate in any public space; and

WHEREAS, in recognition of Executive Order Number 20-91 may impact our citizens ability to use the beaches within the City of Cape Canaveral, and other Brevard County beachside communities are adopting a similar approach, I find it necessary to post a public notice at the beaches as specifically stated herein; and

NOW, THEREFORE, BE IT DECLARED PURSUANT TO THE POWER VESTED IN ME, AS MAYOR OF THE CITY OF CAPE CANAVERAL, FLORIDA UNDER SECTION 18-2, that this Supplemental Emergency Order #3 is hereby adopted and applicable for all the territory within the legal boundaries of the City of Cape Canaveral.

SECTION 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Supplemental Emergency Order #3.

SECTION 2. Amendment to Supplemental Emergency Order #2 – “Essential Services” Businesses. Due to the local preemption set forth in Section 4 of the Governor’s Executive Order Number 20-91 and 20-92, Supplemental Emergency Order #2 is hereby revised to limit the use of feather flags or snipe signs by businesses that are only permitted to operate because such businesses are deemed to be providing “essential services” as defined by the Governor’s Executive Order Number 20-91.

SECTION 3. Beaches – Essential Activities Permitted. Due to the Governor’s Executive Order Number 20-91, the City Manager shall post a public notice at public beach access points and advise Cape Canaveral residents by use of social media in a manner substantial form as follows:

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COVID-19 Beach Restrictions

In Furtherance of Florida Governor DeSantis’ Executive Order 20-91, the following Beach Restrictions will be in effect beginning April 3, 2020 at 12:01 a.m. in order to suppress the spread of the COVID-19 virus until further notice:

- Beach activities are limited to Participating in Recreational Activities (consistent with Social Distancing Guidelines) such as walking, biking, hiking, fishing, running or swimming.
- Beaches are closed to activities which violate CDC social gathering and social distancing guidelines.
- Beachgoers must abide by Social Distancing (minimum 6 ft.)
- Social Gatherings of 10 or more people are prohibited.
- Beachgoers must act responsibly consistent with all public guidelines so that beaches may remain open for these limited activities. The City reserves the right to fully close the beaches if the public engages in irresponsible behavior inconsistent with public guidelines.

To view Florida Executive Order 20-91, or to learn more about how you can protect yourself from the COVID-19 Virus, please visit www.cityofcapecanaveral.org

Working Together We Can Get Through This

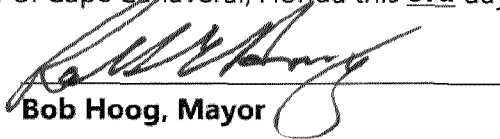
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The City Manager may revise this notice if he deems necessary to address the public health, safety and welfare of the public pursuant to the emergency authority vested in him under Chapter 18 of the City Code.

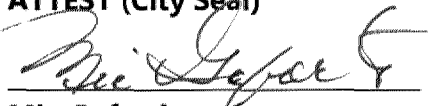
SECTION 4. Effective Date; Termination. This Supplemental Emergency Order #3 shall become effective immediately upon execution of this order by the undersigned.

SECTION 5. Notice to the City Council. The City Clerk is hereby directed to provide a copy of this Supplemental Emergency Order to all members of the City Council, City Manager, City Attorney, City Department Directors, and other appropriate government officials.

DECLARED by the Mayor of the City of Cape Canaveral, Florida this **3rd** day of April, 2020.

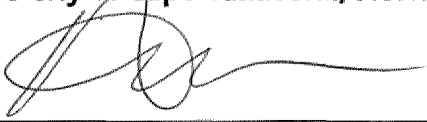

Bob Hoog, Mayor

ATTEST (City Seal)



Mia Goforth
City Clerk, MMC

**Approved as to legal form and sufficiency for
the City of Cape Canaveral, Florida only:**

A handwritten signature in black ink, appearing to read 'A. Garganese', written over a horizontal line.

Anthony A. Garganese, City Attorney