

EMERGENCY ORDINANCE No. \_\_\_\_  
REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN CERTAIN  
CIRCUMSTANCES, AND MATTERS RELATED THERETO.

WHEREAS, it is well recognized that SARS-CoV-2 the virus that causes the disease COVID19 presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 12, 2020, the Governor of the State of Delaware declared a State of Emergency for the State of Delaware; and

WHEREAS, the Governor subsequently modified the Emergency Declaration on April 25, 2020, to require all individuals, with limited exceptions, to wear face coverings in public settings where social distancing measures are difficult to maintain; and

WHEREAS, the Charter of the Town of Dewey Beach empowers the Commissioners to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the Town's residents and visitors, and limits the spread of infection in our communities; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the Town of Dewey Beach is taking steps to try to protect the citizens and employees of the Town from increased risk of exposure; and

WHEREAS, in light of the foregoing, the Commissioners of the Town of Dewey Beach deem it proper and necessary to adopt this Emergency Ordinance to require persons to wear face coverings while on public property within the town of Dewey Beach and to observe minimum social distancing requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF  
THE TOWN OF DEWEY BEACH, DELAWARE:

1. For purposes of this Emergency Ordinance:

(a) “Minimal social distancing” shall mean maintaining at least six (6) foot social distancing from any individual who is not a member of the same household or a caregiver to someone in that household.

(b) “Face covering” shall mean a soft cloth, paper fiber or fabric covering that fully covers a person’s nose and mouth. The term includes, without limitation, masks, scarves and bandanas.

2. All persons, with limited exceptions noted herein, shall observe and maintain minimal social distancing while on all public property, including the ocean and bay beach areas of Dewey Beach OR, alternatively, shall wear a face covering in all while on public property.

3. This Act does not relieve any person from the obligation to comply with requirements to wear face coverings or observe minimum social distancing requirements in this or other public settings, as may be set forth in Orders of the Governor of Delaware.

4. The requirements of this Emergency Ordinance shall not apply to persons twelve (12) years of age or younger, or to any person who is unable to safely wear a face covering due to age, an underlying health condition or who is unable to remove a face covering without the assistance of others.

5. A person who fails to comply with Section 2 of this Emergency Ordinance shall be guilty of a civil infraction, punishable by a fine of \$50.00.

6. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

7. This Emergency Ordinance shall take effect at noon on July \_\_\_\_, 2020, and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment, whichever date is earlier.

ENACTED THIS THE \_\_\_\_ DAY OF JULY, 2020.

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MAYOR

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TOWN MANAGER