

Sponsor: _____
First Reading: _____
Second Reading: _____

AN ORDINANCE TO REQUIRE INDIVIDUALS TO WEAR A FACE COVERING ON THE BOARDWALK, BOARDWALK PLAZA AND ANYWHERE IN THE DOWNTOWN COMMERCIAL AREA (C-1 ZONE)

WHEREAS, under his authority set forth in 20 Del. C. ch. 31, Governor John C. Carney, on March 12, 2020, declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19, and extended the State of Emergency on April 10, 2020, May 8, 2020 and June 6, 2020; and

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

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that the novel coronavirus (COVID-19) presents a serious public health threat, and has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity; and

WHEREAS, COVID-19 continues to pose a serious risk to public health; and

WHEREAS, there has been substantial lack of public awareness, confusion and disregard concerning the face-covering requirement, as well as interpretation and enforcement issues, particularly in the boardwalk, boardwalk plaza and downtown commercial areas in Bethany Beach; and

WHEREAS, limiting the transmission and spread of the COVID-19 virus and protection of everyone in Bethany Beach, especially the most vulnerable, is a fundamental responsibility and objective of the Town government; and

WHEREAS, Section 4.2.25 of the Town Charter states that the Town “May provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”; and

WHEREAS, it has been determined that the Town should enact a face-covering requirement to protect the public health in Bethany Beach. Accordingly,

BE IT HEREBY ENACTED by the Town Council of the Town of Bethany Beach, a majority thereof concurring in Council duly met, that the Town Code be and hereby is amended as follows:

Part III: General Legislation – Public Conduct and Safety, is amended to add a new Chapter 283 and Section 283-1, as follows:

CHAPTER 283

HEALTH AND SAFETY REQUIREMENTS DURING THE STATE OF EMERGENCY IN DELAWARE DUE TO A PUBLIC HEALTH THREAT

§ 283-1. Face Coverings.

A. Requirements; exceptions.

- (1) All Individuals, with limited exceptions noted herein, must wear a face covering on the boardwalk, boardwalk plaza, and anywhere in the downtown commercial (C-1 Zone) areas of Bethany Beach, regardless of crowding or physical distancing from others.
- (2) This provision does not relieve any Individual from the obligation to comply with requirements to wear face coverings in other public settings, as may be set forth in Orders by the Governor of Delaware.
- (3) The requirement in this Section to wear a face covering does not apply to children twelve years old or younger, or to individuals when wearing a face covering would inhibit the individual's health.

B. Definition

For purposes of this Section, the following term will have the meaning indicated:

FACE COVERING—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. The face covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face.

C. Violations and Penalties

Any individual who violates this section shall be subject to a civil fine not less than \$50 nor more than \$100.

Add Section 283-1 to list of Violations and Penalties in Chapter 1, Article 1 of the Town Code.

Effective Date. This Chapter 283 and Section 283-1 shall be effective on the date it is approved by Town Council.

Synopsis

This Ordinance adds a new Chapter 283 and Section 283-1 to the Town Code to protect the health of those who live, work and visit in Bethany Beach by requiring Individuals, with limited exceptions, to wear face coverings on the boardwalk, boardwalk plaza and anywhere in the downtown commercial area (C-1 Zone), from 5:00 a.m. to midnight every day, in order to limit the transmission and spread of the COVID-19 virus during the pandemic emergency.

This shall certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly-noticed and convened meeting at which a quorum was present on _____, 2020.

Attest: _____
Town Clerk

Mayor

This shall certify that the title and synopsis of the foregoing Ordinance was posted at the Town Hall on _____, 2020 and published in _____ on _____, 2020.

So Certifies:

Date

Town Clerk

This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing Ordinance was published in _____ on _____, 2020 and that a copy of the foregoing ordinance was posted at the Town Hall on _____, 2020.

So Certifies:

Date

Town Clerk

TOWN OF BETHANY BEACH - FACE MASKS REQUIREMENT LOCATIONS



C-1 ZONE - MASKS REQUIRED

BOARDWALK, BOARDWALK PLAZA, RIGHT-OF-WAY - MASKS REQUIRED