



THE CITY OF REHOBOTH BEACH
PROCLAMATION OF CIVIL EMERGENCY
AND
ORDER CONCERNING THE COVID-19 PANDEMIC

WHEREAS, Section 22-3 of the Municipal Code of the City of Rehoboth authorizes the Mayor of the City of Rehoboth Beach to Proclaim a civil emergency, as follows:

§ 22-3 Proclamation of civil emergency by Mayor.

When, in the judgment of the Mayor, a civil emergency, as defined herein, is deemed to exist, he shall forthwith proclaim, in writing, the existence of same. In exigent circumstances such a proclamation of civil emergency may be issued in writing subsequent to its effect so long as a written log recording the dates and times of such proclamation is maintained and the proclamation is reduced to writing as soon as practicable.

WHEREAS, Section 22-5 of the Municipal Code of the City of Rehoboth authorizes broad authority for the Mayor to take actions in response to the civil emergency that are in the interest of public safety and welfare, as follows:

§ 22-5 Additional authority of Mayor.

After proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare:

- A. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms and ammunition, explosives, gasoline and combustibles.
- B. Suspend the provisions of any regulatory ordinance prescribing procedures for the conducting of City business, or the orders or regulations of any City department if compliance with the provisions of the statute, order or regulation would prevent, or substantially impede or delay, action necessary to cope with the disaster emergency.
- C. Use all the resources of the City government deemed reasonably necessary to cope with the disaster emergency.
- D. Transfer personnel or alter the functions of City departments and offices for the purpose of performing or facilitating the performance of disaster emergency services.

- E. Subject to any applicable requirements for compensation, commandeer or utilize any private property, except for all news media other than as specifically provided for in this chapter, if considered necessary to cope with the disaster emergency.
- F. Direct and compel the relocation of all or part of the population from any stricken or threatened area in the municipality if relocation is considered necessary for the preservation of life or for other disaster mitigation purposes.
- G. Order the temporary closing of any and all streets, alleys and other public ways in Rehoboth Beach.
- H. Prescribe routes, modes of transportation and destinations in connection with necessary relocation.
- I. Control ingress to and egress from a disaster area; control the movement of persons and occupancy of premises.
- J. Make provisions for the availability and use of temporary emergency housing.
- K. Allocate, ration or redistribute food, water, fuel, clothing and other items deemed necessary.
- L. Obtain vital supplies, equipment and other properties found lacking and needed for the protection of the health, life and property of the people, and bind the City for the fair value thereof.
- M. Issue such other orders as are imminently necessary for the protection of life and property.
- N. Any other authority as established in the City of Rehoboth Beach Emergency Operations Plan.

WHEREAS, as of March 20, 2020, according to the Centers for Disease Control and Prevention (“CDC”), there were more than 234,000 confirmed cases of COVID-19 worldwide, with over 9,800 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were more than 15,000 confirmed cases of COVID-19 in the United States, with at least 201 of those cases having resulted in death; and

WHEREAS, as of March 21, 2020, there were at least 45 positive cases of COVID-19 in Delaware; and

WHEREAS, as of March 21, 2020, there were at least 8 positive cases of COVID-19 in Sussex County, Delaware; and

WHEREAS, social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease; and

WHEREAS, the CDC has advised that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another; and

WHEREAS, as a result, the CDC has recommended that individuals practice “social distancing” to prevent community spread of the virus; and

WHEREAS, the CDC has defined social distancing as the practice of “remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible”; and

WHEREAS, restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, accommodating work-from-home arrangements is an effective means to ensure continuity of operations while also limiting person-to-person contact; and

WHEREAS, the CDC has recommended employers to establish policies and practices to increase the physical distance among employees and between employees; and

WHEREAS, as of March 17, 2020, the City Manager implemented policies to reduce physical interaction between City employees and with the public; and

WHEREAS, given the rapidly rising incidence of COVID-19, temporarily closing non-essential retail businesses will strengthen the City of Rehoboth Beach’s efforts to slow the spread of COVID-19; and

WHEREAS, the Governor of the State of Delaware issued a Fourth Modification to the State of Emergency on March 22, 2020. The Fourth Modification is attached hereto as Exhibit A; and

WHEREAS, the Fourth Modification controls and directs within the State of Delaware the operation of certain businesses, organizations, and enterprises to maintain life, health, property or public peace during the State of Emergency; and

WHEREAS, in connection with the Fourth Modification, the State has prepared a table identifying businesses that are required to close, businesses that are permitted to remain open, and the circumstances under which those businesses may remain open. The table is attached hereto as Exhibit B; and

WHEREAS, the Fourth Modification is effective State-wide at 8:00 a.m. on Tuesday, March 24; and

WHEREAS, to mitigate community spread of COVID-19, it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person

interactions in accordance with CDC and Delaware Department of Health and Social Services guidance; and

WHEREAS, the best way for Rehoboth Beach residents to keep themselves, their families, and their community safe during the COVID-19 outbreak is to stay at home as much as possible; and

WHEREAS, as of March 15, 2020, the CDC recommends that for the next eight weeks, gatherings of 50 or more people be canceled or postponed throughout the United States; and

WHEREAS, as of March 16, 2020, the White House recommended that Americans avoid social gatherings in groups of more than 10 people; and

WHEREAS, the Governor of the State of Delaware issued a Fifth Modification to the State of Emergency on March 22, 2020. The Fifth Modification is attached hereto as Exhibit C; and

WHEREAS, the Fifth Modification requires all individuals located in Delaware to shelter in place—that is, to stay at home or at their place of residence—except with respect to certain essential activities and to work to provide essential business and government services, in the interests of preserving public safety and health and limiting community spread of COVID-19; and

WHEREAS, the Fifth Modification is effective State-wide at 8:00 a.m. on Tuesday, March 24; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in Delaware and Sussex County is likely to increase for the immediate future, meaning we must take all possible steps to preserve our health care system's capacity to treat those who require emergency or intensive care.

NOW, THEREFORE, I, PAUL KUHN, Mayor of the City of Rehoboth Beach, Delaware, by virtue of the authority vested in me by the Municipal Code of the City of Rehoboth Beach, do hereby **ORDER and DIRECT**:

1. As a direct result of the COVID-19 pandemic, and the rising confirmed cases in the State of Delaware and Sussex County, a **CIVIL EMERGENCY** is hereby proclaimed.
2. **The Governor of the State of Delaware's Fourth Modification to the State of Emergency, regulating business activity, shall become effective at 4:00 p.m. on Monday, March 23, 2020.** For the sake of clarity, the City of Rehoboth Beach shall implement the Fourth Modification to the State of Emergency (Exhibits A and B) at 4:00 p.m. on Monday, March 23, 2020, which is 16 hours earlier than when the Fourth Modification is to be implemented State-wide, at 8:00 a.m. on Tuesday, March 24, 2020

3. **The Governor of the State of Delaware's Fifth Modification to the State of Emergency, requiring individuals to shelter in place, shall become effective at 4:00 p.m. on Monday, March 23, 2020.** For the sake of clarity, the City of Rehoboth Beach shall implement the Fifth Modification to the State of Emergency at 4:00 p.m. on Monday, March 23, 2020, which is 16 hours earlier than when the Fifth Modification is to be implemented State-wide, at 8:00 a.m. on Tuesday, March 24, 2020.
4. This Proclamation and Order shall take effect immediately and shall remain in effect until revoked or modified by the Mayor of the City of Rehoboth Beach.

GIVEN, under my hand and seal this 22 day of March 2020.

CITY OF REHOBOTH BEACH



PAUL KUHNS, Mayor