

EMERGENCY ORDINANCE
REGARDING USE OF EAST HAVEN TOWN BEACH AND FACILITIES
AS ENACTED BY
EAST HAVEN TOWN COUNCIL ON JULY 22, 2020

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9 in response to a global pandemic of Coronavirus Disease 2019 (“COVID-19”) affecting multiple countries, states, and the State of Connecticut; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act at 42 U.S.C. 5121-5207; and

WHEREAS, in response to the issuance of the aforesaid declarations by the Governor and the President, and the spread of COVID-19 in Connecticut, including New Haven County and the Town of East Haven, and in finding that it is critical to limit the spread of COVID-19 to protect the public health and safety within the Town of East Haven from the global pandemic, pursuant to Connecticut General Statutes Section 28-8a, the undersigned, Joseph Carfora, as the Mayor of the Town of East Haven, issued a Declaration of State of Emergency on March 16, 2020, specifically declaring that a state of emergency exists in the Town of East Haven as a result of the global pandemic of COVID-19 ; and

WHEREAS, since his declaration of a public health emergency and civil preparedness emergency, the Governor has issued numerous Executive Orders in an effort to prevent the spread of COVID-19 in Connecticut cities and towns and said Executive Orders impose certain restrictions on the actions of persons and businesses throughout the State; and

WHEREAS, as of May 20, 2020, according to the Connecticut Department of Public Health, the Town of East Haven ~~has had~~ 373 confirmed cases of COVID-19 and 33 deaths resulting from COVID-19; and

WHEREAS, **on May 22, 2020, pursuant to the authority granted by Connecticut General Statutes Section 28-8a and Section 7 of Chapter III of the Charter of the Town of East Haven, and notwithstanding any Charter, code, or regulatory provisions to the contrary, Joseph Carfora, as the Mayor of the Town of East Haven, proclaimed and ordered the enactment of an “Emergency Ordinance Regarding Use Of East Haven Town Beach And Facilities” imposing certain restrictions upon the use of the East Haven Town Beach and all related facilities as detailed therein (“May 22, 2020 Emergency Ordinance”); and**

WHEREAS, **as of July 21, 2020, according to the Connecticut Department of Public Health, the Town of East Haven had 396 confirmed cases of COVID-19 and 34 deaths resulting from COVID-19; and**

EMERGENCY OPERATIONS PLAN
Emergency Ordinance

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to slow transmission of COVID-19, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and

WHEREAS, public health experts have indicated that persons infected with COVID-19 may not show symptoms, and transmission or “shedding” of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the Town of East Haven has a significant and compelling governmental interest in protecting its residents from the spread of COVID-19 during the duration of the state of emergency; and

WHEREAS, the Town of East Haven has a significant and compelling governmental interest in providing its residents with a safe means of utilizing Town-owned properties and facilities during the duration of the state of emergency; and

WHEREAS, the Town of East Haven has a significant and compelling governmental interest in facilitating outdoor exercise for its residents to benefit their physical and mental well-being during the duration of the state of emergency; and

WHEREAS, the aforesaid significant and compelling governmental interests remain ongoing and continuous due to the state of emergency; and

WHEREAS, further action is necessary to protect the aforesaid significant and compelling governmental interests for the purpose of ensuring civil preparedness and mitigating the effects of this public health and civil preparedness emergency upon the residents of the Town of East Haven;

NOW, THEREFORE, I-WE, THE TOWN COUNCIL OF THE TOWN OF EAST HAVEN, HEREBY PROCLAIM AND ORDER, pursuant to the authority granted by Connecticut General Statutes Section 28-8a, and Section 7 of Chapter III of the Charter of the Town of East Haven, and notwithstanding any Charter, code, or regulatory provision to the contrary, that the use of the East Haven Town Beach and all related facilities shall be permitted subject to the following restrictions which shall apply to the entire Town Beach property, including all parking and facilities areas:

1. Use of the East Haven Town Beach property, including all parking and facilities areas, is limited to residents of East Haven only and said use is restricted to between the hours of 9:00 AM to 5:00 PM on Monday, Tuesday, Wednesday, and



Thursday and 7:30 AM to 5:30 PM on Friday, Saturday, and Sunday, and ~~Memorial Labor~~ Day (~~May 25~~September 7, 2020); and

2. Residents shall present current and valid photo identification with an East Haven residential address when seeking to gain admittance to the Town Beach and asked to present same by Beach Monitors; and
3. Use of the splash pad is strictly prohibited at all times; and
4. Use of the beach pavilion and grove pavilion areas for parties and gatherings of more than five (5) persons is strictly prohibited at all times; and
5. Use of the on-site permanent restroom facilities is prohibited as such are inadequate to afford safe social distancing and residents shall only use the provided portable restroom facilities; and
6. At all times, capacity is limited to no more than five hundred (500) persons and shall be adjusted by Town officials as the conditions warrant; and
7. Strict adherence to Governor Lamont’s Executive Order ~~7N-7TT~~, which ~~prohibits~~ permits outdoor ~~all~~ social and recreational gatherings of ~~more than~~ up to and including twenty ~~five~~ (25) people, subject to the restrictions contained in Executive Order TT, shall be maintained at all times, and shall remain in full force and effect until Executive Order ~~7N-7TT~~ is further modified or terminated by the Governor; and
8. Strict adherence to the United States Centers for Disease Control and Prevention guidelines on social distancing, which includes, without limitation, staying at least six (6) feet (approximately two arm lengths) apart from every other person who is not ~~part of the same family or single group of no more than five (5) persons~~ an immediate family member, caretaker, or household member, over the entire Town Beach property, shall be maintained at all times; and
9. Strict adherence to the Connecticut Department of Energy and Environmental Protection guideline on blanket-to-blanket distance at beach areas of fifteen (15) feet of space to allow a six (6’) radius around each person or family and a three (3) foot walkway in between groups, shall be maintained at all times; and
10. Strict adherence to Governor Lamont’s Executive Order BB, which requires that any person in a public place must wear a mask or cloth face covering over their mouth and nose if unable to or when not maintaining a safe social distance of six (6) feet from every other person who is not part of the same family or a single group of no more than five (5) persons, shall be maintained at all times, until Executive Order BB is further modified or terminated by the Governor; and

EMERGENCY OPERATIONS PLAN
Emergency Ordinance

11. Recreational pick-up games of any kind are prohibited due to the inability of persons engaged in same to be able to adequately maintain social distancing and the potential health and safety issues with sharing a ball, frisbee, disc, or similar equipment held by hand; and
12. Swimming is not prohibited; however, persons choosing to swim shall do so at their own risk as it is unknown whether engaging in such activity will result in possible virus exposure and risk of infection; and
13. Beach monitors will be present during the above-mentioned restricted hours of use to: (1) confirm residency of those seeking admittance to the beach (check required photo identification); (2) record/track admittance number to comply with limitation on capacity; (3) assist residents upon arrival with finding an appropriate location to sit/lay in order to maintain recommended blanket-to-blanket distance; (4) monitor all areas to ensure compliance with all restrictions; (5) issue warnings to persons who are in non-compliance with restrictions; and (6) any other assigned duties; and
14. Residents who do not feel well, who are at higher risk for severe illness or who had close contact with a person who has lab-confirmed COVID-19 or who was diagnosed with COVID-19 without lab testing, should stay home so as not to endanger other persons, including the most vulnerable members of our community. Residents exhibiting symptoms of COVID-19 may be denied access to or expelled from the use of the East Haven Town Beach property; and
15. These restrictions may not be entirely comprehensive and in the event that the Centers for Disease Control and Prevention or the State of Connecticut develops additional guidelines or restrictions to reduce or eliminate the risk of exposure to COVID-19 and keep persons within the State safe, such restrictions shall be adopted and enforced by the Town of East Haven; and
16. Persons violating the provisions of this Ordinance or any related federal, state, or local law or order may be subject to enforcement action; and
17. This Ordinance may be amended if amendments are deemed necessary by the Town to limit violations of the restrictions, impose further restrictions, or to comply with any federal or state action taken subsequent to its passage.

IT IS FURTHER PROCLAIMED AND ORDERED, that in accordance with Section 7 of Chapter III of the Charter, this Ordinance shall become effective immediately after passage by the Town Council and shall remain in effect until it shall stand repealed at the termination of the sixty-first (61st) day following passage of the Ordinance, or until Governor Lamont's March 10, 2020 declaration of public health and civil preparedness emergency is terminated, whichever occurs first.



IT IS FURTHER PROCLAIMED AND ORDERED, that this Ordinance will be made publicly available for inspection and review in the Office of the Town Clerk of the Town of East Haven, shall be posted on the Town of East Haven website, and shall be published in a newspaper having a circulation in the Town of East Haven.

Dated:

Joseph Deko, Chairman
on behalf of the Town Council
Town of East Haven, Connecticut

Attested By:

Michael J. Luzzi
Town Attorney
Town of East Haven