

CITY OF DANIA BEACH
CORRECTED FIFTH AMENDMENT TO THE SUPPLEMENTAL
DECLARATION OF STATE OF EMERGENCY
(COVID-19 STATE OF EMERGENCY – April 30, 2020)
EXTENSION ORDER

WHEREAS, on March 12, 2020 a State of Emergency was declared in the City of Dania Beach by Mayor Lori Lewellen relating to the Novel Coronavirus Disease 2019 (“COVID-19”), and subsequently supplemented on March 17, 2020, March 18, 2020, March 21, 2020, March 22, 2020, March 27, 2020, April 10, 2020, April 16, 2020, April 24, 2020, and April 29, 2020; and

WHEREAS, as of today, the City of Dania Beach is aware of confirmed cases of COVID-19 within its jurisdictional boundaries. To limit the potential community spread of COVID-19, it is now necessary for the City of Dania Beach to extend restrictions for the general health, safety, and welfare of the community; and

WHEREAS, pursuant to Section 252.38(3) and 252.46, *Florida Statutes*, Florida Governor DeSantis’s Executive Order 20-52, Section (4)(0)(1) (dated March 9, 2020), which provides that a municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivisions by law pertaining to the taking of whatever prudent action is necessary to ensure the public’s health, safety, and welfare, and Article 2, Section 1 of the Charter of the City of Dania Beach, the Mayor has the power to issue emergency orders with the force of law. The Mayor has expressly been authorized to issue Emergency Orders; and

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, and constitutes a clear and present threat to the lives, health, welfare, and safety of the people of the City of Dania Beach, Florida; and

WHEREAS, Miami-Dade County, Broward County, and Palm Beach County, each announced on Monday, April 27, 2020, that the stay at home/shelter in place orders were being modified to allow, based upon social distancing compliance, parks to be opened and utilized for passive recreational uses (walking, jogging, bicycling), marinas to open based upon strict criteria, golf courses to reopen – with no caddies and single player golf cart use amongst other lessening of restrictions; and

WHEREAS, the Broward County Emergency Order, No. 20-08, is non-exclusive and authorizes local municipalities to create their own more stringent rules and regulations relating to the public spaces and businesses within municipal jurisdictions; and

WHEREAS, the City of Dania Beach desires to correct and modify its 5th Amendment to the Supplemental Declaration of a State of Emergency, in order to clarify regulations as delineated in Broward County Emergency Order No. 20-08 as drafted,

BY ORDER OF THE MAYOR under her emergency powers and authority:

Section 1. Effective Date. The above whereas clauses are incorporated by reference into this Emergency Order. Additionally, this Emergency Order is effective as of 12:01 A.M. on May 1, 2020. This Order and all prior orders shall be effective for seven (7) additional days from May 1, 2020, and may be extended thereafter by a new executive order.

Section 2. Stay Home Order. This order modifies the City's March 27, 2020 Emergency Order relating to "Staying at Home".

- (1) Each resident is ordered to stay home and within the entirety of their owned or rented property. The order to stay at home does not require residents to confine themselves to the interior of their homes. Residents may make use of all exterior portions of their homes such as patios, porches, yards, and driveways. Residents may also leave their place of residence and travel to another place in accordance with Section 4, below.
- (2) In an effort to limit people associating in groups, which results in increased danger of infection, all pools, community rooms, club houses, and gyms in common areas of hotels, motels, apartment complexes, gated communities, homeowners' associations, or condominiums may be opened, provided the occupancy and use at any one time shall be consistent with these provisions. All pool furniture shall be removed from access to preclude use. Pool furniture, including chairs, tables, chaise lounges, umbrellas and the like must be removed from the pool deck or secured in a way that prohibits use by any person. Social distancing requirements must be maintained. Each housing development (as defined in Broward County Order 20-08) shall limit pool use at any one time to no more than ten persons and social distancing shall be strictly observed. The Broward County Emergency Order 20-08 relating to 50 percent capacity shall not be authorized in the City of Dania Beach. The remainder of the Broward County Order No. 20-08 shall be complied with as it relates to pool use. No outside users of the pool area shall be authorized. Only current residents in the housing development may use the pool.
- (3) All housing developments shall require owners, tenants, employees, and agents to wear protective masks in the hallways, common areas, and elevators of any housing development, as well as the hallways, common areas, and elevators of hotels, motels.

Section 3. Unless a person has a Permissible Use as provided for in Section 4, below, no person shall travel or be on or upon any public right of way, including but not limited to, streets, canals, or sidewalks, within the boundaries of the City of Dania Beach.

Section 4. Permissible Use. Notwithstanding Section 2 and 3, all residents and visitors in the City may lawfully engage in the following activities:

- (1) **Essential Businesses.** Residents and visitors may engage in travel to Essential Businesses and provide minimum basic operations to non-essential businesses as identified in Broward County Emergency Orders 20-01 through 20-03, and as may be amended or extended. Businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly

encouraged to remain open. People may use public transit only for purposes of travel to and from Essential Businesses, or for work commitments, or engaging in commerce with those Essential Businesses, or essential governmental functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 4 below, to the greatest extent feasible. Marinas shall be entitled to operate. Masks and gloves shall be required.

- (2) **Emergency Assistance.** Residents and visitors may engage in travel and similar activities to obtain assistance from law enforcement, fire-rescue, or other emergency services.
- (3) **Personal Support Activities.** Residents and visitors may travel to and from their homes to care for or support a friend, companion, family member, pet or livestock, support groups, or a vulnerable person (meaning a person with heart, lung or similar health issues or over the age of 60, or both).
- (4) **Work in Support of Essential Businesses.** Residents and visitors in the City may continue to perform work for and in support of businesses authorized to be open to the public in accordance with Broward County Emergency Order 20-01 through 20-03, and any orders of local government, the state government, or the federal government.
- (5) **Outdoor Recreational Activities.** In areas not otherwise closed by a separate Emergency or Executive Order, residents may engage in outdoor activity and recreation while staying six (6) feet apart from another person or group of people, and so long as residents are in compliance with size of public gatherings as defined in Section 7, below. Beaches remain closed. The City's Pier shall remain closed.
- (6) **Religious Activities.** Residents and visitors may travel to and from places of worship. Places of worship must comply with Social Distancing Requirements as defined in Section 4 below, to the greatest extent feasible and the size of public gatherings as defined in Section 8 below. Place of worship are encouraged to livestream their services in lieu of in-person gatherings. Social distancing shall be maintained, gloves and masks shall be utilized. The same requirements shall apply to funeral parlors. Repasts shall not be permitted.
- (7) **Government Employees and Emergency Personnel.** All first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel and related contractors, persons working for emergency service providers, and government employees performing work in the course and scope of their employment are categorically exempt from this Order.
- (8) **Public Transit.** Public transit may be used for the above listed activities. People riding on public transit must comply with Social Distancing Requirements as defined in Section 4 below, to the greatest extent feasible.
- (9) **City Parks.** City Parks as designated by the Parks Director shall be open for passive use consistent with Broward County Order 20-08. No play grounds or courts will be open to use. Passive walk paths or bike paths will be authorized for use.
- (10) **Boat Launches.** Boat launches, and use of marinas shall comply with the Broward County Order 20-08.

Section 5. Social Distancing Requirements. A person in a public space shall:

- (1) Practice social distancing by staying at least 6 feet away whenever practicable from another person, excluding immediate family members, caretakers or household members;
- (2) Cover all coughs and sneezes with their elbow or tissue;
- (3) Not shake hands;
- (4) Not enter any public place if the person exhibits any flu or COVID-19 like symptoms, has a fever over 99.9 degrees Fahrenheit, or both unless that person is traveling to or from a hospital, doctor's office, urgent care, walk-in clinic, or pharmacy;
- (5) If a person is exhibiting flu or COVID-19 like symptoms, has a fever over 99.9 degrees Fahrenheit, or both, and is seeking medical treatment, the person shall first contact their medical provider by phone before appearing at the medical provider's office; and
- (6) If a person is exhibiting flu or COVID-19 like symptoms, has a fever over 99.9 degrees Fahrenheit, or both, and requires a prescription or a refill and the pharmacy has a drive-thru window or delivery service, that person shall utilize the drive-thru window or delivery service to receive their medication.
- (7) Face masks (or comparable, e.g. scarf covering nose and mouth), and gloves shall be required in public.

Section 6. Essential Businesses Employee Screening. For those businesses deemed to be an Essential Business, as set forth above, those facilities shall implement employee screening and prohibit any employee from entering the premises if they affirmatively answer any of the below questions, as recommended by the Center for Disease Control and Prevention (CDC):

- (1) Have you returned from international travel (anywhere outside the United States) or been on a cruise within the last 14 days?
- (2) Have you been in contact with anyone who has returned from international travel or been on a cruise within the last 14 days?
- (3) Have you been in any gathering of 50 people or more in the last 14 days?
- (4) Have you traveled through any airport within the past 14 days?
- (5) Have you traveled to any area known to have high numbers of positive cases of COVID-19, including but not limited to California, Washington, New Jersey, New York, Massachusetts, Connecticut, or Washington D.C. within the past 14 days?
- (6) Have you experienced signs or symptoms of COVID-19, such as fever over 99.9 degrees Fahrenheit, cough or shortness of breath?

Section 7. Essential Businesses Cleaning Protocols. For those businesses deemed to be an Essential Business, as set forth above, these facilities must make every effort to:

- (1) Provide disinfectant wipes or equivalent for shopping carts and baskets or disinfect shopping carts and baskets after each use.
- (2) Disinfect hourly, at a minimum, all check out areas, including but not limited to, conveyor belts, cash registers, and credit card areas.
- (3) Disinfect after closing or before opening all areas of the business that customers may touch or come into contact.

- (4) Require employees or independent contractors present to wash or disinfect their hands at least once per hour.
- (5) Clean and disinfect any pen, stylus or screen used to sign receipts after each customer or waive the need to sign a receipt.
- (6) Ensure that no more than ten (10) people, including staff, are gathered in any particular area of the Essential Business.
- (7) Ensure that customers at checkout are separated from each other by at least six (6) feet.
- (8) Disinfect all restrooms and door handles used by the general public at least hourly during business hours.
- (9) Essential Businesses with waiting rooms must ensure that no person shall be seated within six (6) feet of another person and all seats must be disinfected after each use.
- (10) Do not allow more than 25% of their approved maximum capacity into any location.

Section 8. Limit on Gatherings. All gatherings of ten (10) or more people shall be prohibited except for those identified in Section 4 above. Social Distancing Requirements must be observed. All public and private gatherings of any number of people occurring outside a residence are prohibited except for gatherings among family members, caretakers, or household members provided such gathering does not exceed ten (10) people.

Section 9. Exceptions for Utilities and Government Personnel. Nothing in this Order shall be construed to limit or restrict movement or use of the public rights of way for use by other local governments, the state government, and federal government or their employees, and utility providers and contractors, while engaged in their official duties.

Section 10. Enforcement. This Order is in addition to, and supplements, the City's Declaration of a State of Emergency, County Emergency Orders, and State of Florida Executive Orders and shall be strictly adhered to at all times. This Order may be enforced by City law enforcement personnel through issuance of Notices to Appear or arrest, pursuant to the provisions of Chapter 252, Florida Statutes, and other applicable state, County and City laws, rules and regulations, or through the issuance of Code Violations and Notices of Violations pursuant to applicable provisions of Florida law, Chapter 162, Florida Statutes, and City Code. Moreover, this declaration is enforceable through sections 13-1 and 1-8, of the City Code, with a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment, per each violation.

Section 11. Essential Lodgers. Essential lodgers, as identified in Broward County Order 20-01, Section 3(gg), may lodge in hotels, motels, and commercial lodging establishments. Commencing on the effective date of this order, hotels, motels, short-term rentals, and other commercial lodging establishments shall not (i) accept any occupants, regardless of when reservations were made, or (ii) extend existing reservations, for persons other than essential lodgers.



MAYOR LORI LEWELLEN

FILED WITH THE CITY CLERK, THOMAS SCHNEIDER, OF THE CITY OF DANIA BEACH, FLORIDA ON APRIL 30, 2020 AT 3:58 A.M./P.M.

APPROVED AS TO FORM AND CORRECTNESS:

Thomas J. Ansbro

Digitally signed by Thomas J. Ansbro
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THOMAS J. ANSBRO, CITY ATTORNEY