

**CITY OF DANIA BEACH
SIXTH DECLARATION OF STATE OF EMERGENCY ORDER
(COVID-19 STATE OF EMERGENCY – May 15, 2020)**

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 there have been a series of Emergency orders from the State of Florida, Broward County and the City of Dania Beach; and

WHEREAS, Governor Ron DeSantis on May 14, 2020, issued an order (20-122) releasing Miami-Dade County and Broward County from certain COVID-19 restrictions, and provided the Counties with the authority to issue new emergency orders; and

WHEREAS, on May 14, 2020, Broward County issued a county-wide emergency order, based upon Governor DeSantis’ order, and issued County Emergency Order No. 20-10, authorizing certain businesses to open, other facilities to be opened, and conditions for such openings, county-wide; and

WHEREAS, Broward County is authorized to set the minimum requirements for opening of businesses and facilities in the County, and municipalities cannot operate more liberally than as authorized by the County, but can operate more stringently; and

WHEREAS, the City of Dania Beach seeks to create an emergency order to further protect its citizens, beyond Broward County’s minimum requirements; and

WHEREAS, pursuant to Sections 252.38(3) and 252.46, *Florida Statutes*, Florida Governor DeSantis’ 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;

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. The City’s March 12, 2020 Emergency Order is adopted into this Order and extended for seven (7) days. Additionally, this Emergency Order is effective as of 12:01 A.M. on May 18, 2020.

Section 2. City Pools. Public Pools in Dania Beach remain closed.

Section 3. Housing Development Pools. “Housing development” amenity pools (condominiums, home associations and the like) remain subject to the Broward County Order EO 20-08 issued April 28, 2020. Those pools are excluded from County Order 20-10. In the 20-08 Order, developments’ pool amenities are required to either ensure the development furnishes “employees or other designees . . . (to) sanitize chairs, railings, gates, tables, showers and other equipment at

the pool and pool deck on a regular basis” or “all furnishings are (to be) removed from the pool deck.” The housing development may choose to follow either option but in either case must fully comply with the applicable requirements.

Section 4. Restaurants. As specified in Broward County Order EO 20-10, no seating shall be allowed at bar counters and no congregating at bar counters or elsewhere is permitted. For additional or new outdoor seating (not already existing and approved) for restaurant use, a written request shall be submitted to and reviewed by the City’s Community Development Department to evaluate safety concerns, distancing, and other related issues, and a review fee shall be paid by the applicant. Such seating approval shall not exceed ninety (90) days from the date of this order.

Section 5. Congregating in Public. All public gatherings of any type, whether organized or otherwise, of greater than 10 persons are prohibited. Grocery stores, gas stations, convenience stores, banks, credit unions, financial institutions, hardware stores, auto-supply stores, hospital, urgent care facilities, healthcare and medical facilities, pharmacies, drug stores, medical supply companies, land or facilities owned and managed by Broward County, the Broward County School Board, the City, a hospital, the state of Florida and the Federal Government are exempt from this regulation.

No persons shall congregate in or around any restaurant or retail business of any kind if they are not actively purchasing services, items, or dining at a licensed restaurant.

Section 6. Food Distribution Activities Using City Facilities. No person shall distribute food, beverages or both by using a City facility, building or area, such as but not limited to any City park area, without complying with the following:

- a) Only pre-packaged food, nonperishable food, or both, as well as bottled, canned or pre-packaged (by the manufacturer) beverages may be distributed at any food give-away or distribution function or program held on City property.
- b) Distributions shall only be made by persons consistently wearing masks and gloves, complying with CDC recommendations and strictly complying with the six-foot social distance practice.
- c) Distributions shall only be made to persons in motor vehicles who must remain in the vehicle at all times while at the site.
- d) No distribution shall be conducted without a prior written request being directed to the City Manager, at least five (5) days prior to the event, clearly describing the requested date, time period, proposed distribution logistics (e.g., such as number of tables, number of volunteers) and location of a requested distribution. The City will review the request and determine if BSO involvement, other security measures, or both are needed and the City will issue a written approval if the foregoing requirements are met.

Section 7. Miscellaneous.

- a) All meetings of City Boards and Code Compliance/Special Master Hearings are postponed indefinitely.
- b) All City sponsored events (other than related to this crisis) are postponed indefinitely.

- c) All recreational programs and use of City facilities, facility rentals and organized sports and leagues are postponed indefinitely.
- d) The public beach in the City of Dania Beach closed.
- e) City Hall is closed, however, all essential services such as the Broward Sheriff's Office, Fire Department, Sanitation, and City Utilities shall continue to operate on a normal basis. All other departments are working remotely.

Section 8. Adherence to Executive Orders. All requirements of Emergency Orders from the Mayor, Broward County, and State of Florida shall be strictly adhered to at all times.

Section 9. Disposal of Used Personal Protective Equipment (face masks and gloves). The improper disposal, including but not limited to illegal dumping or littering, of used personal protective equipment ("PPE") such as face masks and gloves, cloth face coverings and similar equipment can create a biohazard and further the community spread of COVID-19. Therefore, all persons are ordered to dispose of all used personal protective equipment, cloth face coverings and similar used equipment in proper trash receptacles. Failure to properly dispose of used personal protective equipment, including but not limited gloves, facemasks, cloth coverings and similar used equipment, in proper trash receptacles shall be a violation of this Order.

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.



MAYOR LORI LEWELLEN

FILED WITH THE CITY CLERK, THOMAS SCHNEIDER, OF THE CITY OF DANIA BEACH, FLORIDA ON MAY 15, 2020 AT 5:10 ~~A.M.~~/P.M.

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO, CITY ATTORNEY