

CITY OF DANIA BEACH
23rd DECLARATION OF STATE OF EMERGENCY ORDER
(COVID-19 STATE OF EMERGENCY – SEPTEMBER 24, 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, The Centers for Disease Control and Prevention (CDC) continues to encourage the use of cloth face coverings to help slow the spread of COVID-19; and

WHEREAS, the Florida Department of Health continues to stress the importance of social distancing and wearing facial coverings as the best method to reduce the spread of COVID-19 in the absence of a vaccine against the disease; and

WHEREAS, Broward County and Dania Beach have experienced a sharp increase in the number of positive cases of COVID-19 in early June 2020. The City has determined that additional measures are needed to minimize the spread of COVID-19 and the Mayor issues this order mandating the wearing of facial coverings in all businesses and establishments and in outdoor public spaces (and clarifying its Third Amendment to the Supplemental Declaration of State of Emergency dated April 10, 2020); and

WHEREAS, 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 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. The City’s March 12, 2020, March 15, 2020, April 10, 2020, May 22, 2020, May 23, 2020, May 29, 2020, June 8, 2020, June 9, 2020 (as modified below), June 24, 2020, June 26, 2020, July 2, 2020, July 9, 2020, July 16, 2020, July 24, 2020, July 30, 2020, August 6, 2020, August 13, 2020, August 20, 2020, August 28, 2020, September 2, 2020, September 10, 2020, and September 17, 2020.

That portion of the City’s 8th Emergency order dated June 9, 2020 relating to the hours of operation of the City’s public pier are modified as follows: the City pier may operate between the hours of 6:00 a.m. and 11:00 p.m.

Emergency Orders are adopted into this Order and extended for an additional seven (7) days. Additionally, this Emergency Order is effective as of 12:01 A.M. on September 25, 2020.

Section 2. Facial Coverings

- a. Businesses and Establishments – Facial Coverings required.** Facial coverings must be worn by all persons, other than those specifically exempted below, while obtaining any good or service or otherwise visiting or working in any business or establishment, including entering, exiting and otherwise moving around within the establishment. This applies to all businesses authorized to be open.
- b. Public Places – Facial Coverings Required.** Facial coverings must be worn by all persons in public places where social distancing in accordance with CDC guidelines is not possible or not being practiced. For purposes of this provision, public places shall include any outdoor areas that are open and regularly accessible, including but not limited to, common areas within private communities accessible to more than one housing unit, and also includes all streets, parks, and open outdoor spaces.
- c. Exemptions – Facial Coverings Not Required.** Facial coverings are not required for the following persons:
 1. Children under two (2) years of age and any child while under the custody of a licensed childcare facility, including day care centers;
 2. Persons prohibited from wearing facial covers by Federal or State safety or health regulations;
 3. Public safety fire or other life safety personnel that have personal protective equipment requirements governed by their respective agencies.
 4. Individuals while actively engaged in exercise and maintaining social distancing in accordance with CDC guidelines.
 5. Persons receiving goods or services from a business or establishment for the shortest practical period of time during which the receipt of such goods or services necessarily precludes the wearing of a facial covering such as, but not limited to, consuming food or beverage or receiving a facial grooming or treatment.
 6. Persons for whom wearing a facial covering conflicts with their religious beliefs or practices;
 7. Persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, other conditions that reduce breathing or lung capacity;
 8. Facial coverings may be removed temporarily while assisting persons who are hearing impaired or who rely on reading of lips in order to communicate; and
 9. Persons engaged in outdoor activity when they are alone and not near others.

Section 3. Vacation Rentals and Short Term Rentals. Vacation rental and short term rentals are prohibited. Any rental which is ongoing upon the effective date and time of this Order may continue the rental, if it is in compliance with City ordinances, including maximum authorized duration for a term that began before the effective date of this Order, until the particular current rental period expires and which does not violate Broward Emergency Order 20-021. Proof of such a rental period by display of the rental agreement to a City Code Compliance Officer or Broward Sheriff's Officer is required.

Section 4. Adherence to Emergency Orders. All requirements of Emergency Orders from the Mayor, Broward County, and State of Florida shall be strictly adhered to at all times.

Section 5. 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 SEPTEMBER 24, 2020 AT 12:30 P.M.

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO, CITY ATTORNEY