

CITY OF NORTH MIAMI
EMERGENCY ORDER RELATING TO THE RE-OPENING OF RETAIL AND
COMMERCIAL ESTABLISHMENTS

(EFFECTIVE MONDAY, MAY 18, 2020 @ 12:01 a.m.)

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 North Miami, Florida; and

WHEREAS, on March 9, 2020, Florida Governor Ron DeSantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, on Friday, March 13, 2020, I, as Interim City Manager of the City of North Miami, declared a state of emergency which, among other requirements, imposed emergency measures effective immediately; and

WHEREAS, on March 19, 2020, Miami-Dade County issued Emergency Order 07-20 which required the closure of all non-essential retail and commercial establishments; and

WHEREAS, as Miami-Dade County COVID-19 hospitalizations have stabilized and are declining, the County will be allowing for certain activities to resume that do not pose a threat for transmission of the virus; and

WHEREAS, Governor Ron DeSantis, under Executive Order 20-122, has allowed Miami-Dade County to proceed to Phase 1 of the Safe, Smart, Step by Step Plan for Florida's Recovery, subject to the limitations imposed in Executive Order 20-112, paragraphs two through six; and

WHEREAS, on May 15, 2020, Miami-Dade County issued Emergency Order 23-20 allowing for the re-opening of non-essential retail and commercial establishments; and

WHEREAS, the City will be abiding by the conditions set forth in the County Order, however, under its Home Rule power, the City will retain control over when and how these areas re-open and may impose stricter standards within the City.

Now, therefore, I, Arthur H. Sorey, III, Interim City Manager, by virtue of the power vested in me by the North Miami Code of Ordinances pursuant to the state of emergency that I executed on Friday, March 13, 2020, I hereby **ORDER** and **PROMULGATE** the following additional emergency measures, effective **May 18, 2020 at 12:01 a.m.** (the "Order"):

Section 1. Non-Essential Retail and Commercial Establishments.

All standards and requirements that apply to non-essential retail and commercial establishments pursuant to Miami-Dade County Emergency Order 23-20 (attached as Exhibit A), shall apply to all City non-essential retail and commercial businesses that re-open.

1. Except for those establishments listed in paragraph 4 below, every retail and commercial establishment and any other establishment or facility (collectively, "establishment") in Miami- Dade County may open, provided that each such establishment:
 - a. complies with the requirements in paragraph 2 below;
 - b. complies with the applicable activity-specific requirements in Miami-Dade County's "Moving To A New Normal Handbook," (the "Handbook");
 - c. complies with the facial covering requirements in paragraph 6; and
 - d. consents to the entry of enforcement personnel onto the establishment's property for the sole purpose of inspection for compliance with this order.
2. As a condition of opening, all establishments shall, as set forth in the Handbook:
 - a. post CDC signage in public locations emphasizing measures to "Stop the Spread" and to exercise social responsibility;
 - b. train all personnel in new operating protocols and modifications to existing codes of conduct to deal with COVID-19 issues;
 - c. reduce seating in breakrooms and common areas to ensure a minimum physical distance of six feet between people, and where possible, establish a single point of entrance;
 - d. post a contact email address, telephone number or both for employees and customers to raise questions or concerns;
 - e. if faced with infection from on-site personnel, immediately report the number of infected persons, time of infection, and proposed remediation plan to the Florida Department of Health, as more further specified in the Handbook;
 - f. enhance sanitization of all common areas and frequent touch points;

- g. place trash containers for facial coverings and other personal protective equipment ("PPE") near exits, entrances and other common areas;
 - h. comprehensively clean establishments each night, including thoroughly disinfecting all frequent touch points and emptying all trash receptacles using solid waste bags that are double-bagged and securely sealed;
 - i. install hand sanitizer at entry points and throughout the property;
 - j. use reasonable efforts to ensure that on-site customers, employees, contractors, and vendors maintain appropriate social distancing, as recommended by the then-current CDC guidelines, which may include, but are not limited to, marking floors at appropriate intervals or providing other visible systems to identify the appropriate social distance; and
 - k. comply with any restrictions or requirements imposed pursuant to any Executive Order issued by the Governor, including, but not limited to, building capacity restrictions.
3. No establishment is required to comply with the provisions listed as "recommendations" in the Handbook, but all businesses are strongly urged to follow those recommendations to the maximum extent possible. However, activity and site-specific restrictions and requirements listed in the Handbook in bold must be followed by all applicable establishments
4. At this time the following establishments remain closed:
- a. Bars, pubs, night clubs, banquet halls cocktail lounges, cabarets and breweries, except for take-out or delivery services as authorized pursuant to MDC Emergency Order 03-20;
 - b. Movie theaters, concert houses, auditoriums, playhouses, bowling alleys, arcades, gymnasiums, and fitness studios (martial arts, yoga, pilates, Zumba; dance instruction; etc.);
 - c. Hotels and commercial lodging establishments, except as operated pursuant to MDC Emergency Order 09-20, as amended;
 - d. Pools and hot tubs, except as authorized in MDC Emergency Order 16-20, as amended;
 - e. Tattoo parlors; and
 - f. Massage parlors.
5. Any establishment that has an on-site employee or contractor who tests positive shall close for the shorter of:

- a. the time needed for all staff to be tested and the establishment to be deep-sanitized, as specified in the Handbook; or
- b. 14 days from the date such employee or contractor was last onsite at such establishment.

Where an establishment has multiple floors or structures, only those structures or floors where the infected person was present are required to be deep-sanitized as a condition of re-opening, and only those employees working in such structures or on such floors must be tested.

6. All persons working in or visiting an establishment, including but not limited to airports, seaports, and mass transit facilities and vehicles, shall wear a facial covering except that facial coverings shall not be required:
 - a. for children under the age of two years;
 - b. for persons who have trouble breathing;
 - c. where Federal or state safety or health regulations prohibit the wearing of facial coverings; or
 - d. for persons engaged in strenuous physical activity.

Additional PPE may be required of persons engaged in specific activities as described in the Handbook.

7. Restaurants that comply with the foregoing requirements may also provide outdoor dining areas in accordance with the provisions set forth in Exhibit B.

Section 2. Libraries and Museums.

All City libraries and museums shall remain closed at this time.

Section 3. Amendment to Emergency Order Regarding Re-Opening of Parks.

The North Miami Emergency Order regarding the Re-opening of Parks is modified to allow the playing of singles tennis only. The health and safety of the community are critically important. Noncompliance with the Emergency Order will be addressed by North Miami Police personnel based on the totality of the circumstances. Compliance is the ultimate goal, which can be obtained through a variety of methods, including, but not limited to ~~to~~, education, warning, dismissal from City locations, and/or arrest.

Section 4. This Order is in addition to, and supplements, the City's Emergency Orders. All requirements of City Emergency Orders, Miami-Dade County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE MAY 18, 2020 AT 12:01 a.m. UNTIL RESCINDED BY THE INTERIM CITY MANAGER OR UNTIL THE TERMINATION OF THE STATE OF EMERGENCY.

Dated: 5/16/2020 _____

DocuSigned by:
By: Arthur H. Sorey, III
FD AE 1897923F40D
Arthur H. Sorey, III, Interim City Manager

ATTEST:

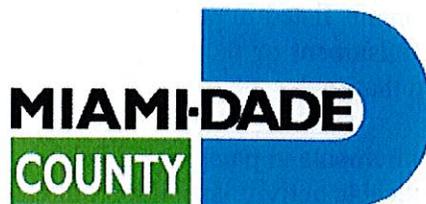
DocuSigned by:

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Vanessa Joseph, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

DocuSigned by:

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Jeff P. H. Cazeau, City Attorney



MIAMI-DADE COUNTY EMERGENCY ORDER 23-20

WHEREAS, on March 19, 2020, the County Mayor issued Emergency Order 07-20 relating to coronavirus disease 2019 (COVID-19); and

WHEREAS, Emergency Order 07-20, as amended by Amendment Nos. 1 through 3, required the closure of all non-essential retail and commercial establishments, as defined therein; and

WHEREAS, on April 9, 2020, the County Mayor issued Emergency Order 20-20; and

WHEREAS, Emergency Order 20-20 required facial coverings, as defined by the United States Centers for Disease Control and Prevention ("CDC"), to be worn by persons working in or visiting grocery stores, restaurants, public transit vehicles, vehicles for hire, and locations where social distancing measures are not possible; and

WHEREAS, as Miami-Dade County COVID-19 hospitalizations have stabilized and begun declining, the County will be allowing for certain activities to resume that do not pose a threat for transmission of the virus; and

WHEREAS, unlike many establishments that will operate pursuant to this order, restricting indoor occupancy presents unique challenges to restaurants, and therefore additional flexibility in providing seating areas is warranted; and

WHEREAS, section 8B-7(2)(f) of the Code of Miami-Dade County ("Code") authorizes the County Mayor to order the closure of any commercial establishment; and

WHEREAS, sections 8B-7(2)(e) and (o) of the Code authorize the County Mayor to limit the movement of persons inside Miami-Dade County in order to safeguard life and health; and

WHEREAS, the Governor, via Executive Order 20-122 has allowed Miami-Dade County to proceed to Phase 1 of the Safe, Smart, Step by Step Plan for Florida's Recovery, subject to the limitations imposed in Executive Order 20-112 paragraphs two through six; and

WHEREAS, the safety and welfare of all the citizens of Miami-Dade County is paramount,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

Miami-Dade County Declaration of Local State of Emergency

1. Except for those establishments listed in paragraph 4 below, every retail and commercial establishment and any other establishment or facility (collectively, “establishment”) in Miami-Dade County may open, provided that each such establishment:
 - a. complies with the requirements in paragraph 2 below;
 - b. complies with the applicable activity-specific requirements in the “Moving To A New Normal Handbook,” attached as Exhibit A (the “Handbook”);
 - c. complies with the facial covering requirements in paragraph 6; and
 - d. consents to the entry of County personnel onto the establishment’s property for the sole purpose of inspection for compliance with this order.

2. As a condition of opening, all establishments shall, as set forth in the Handbook:
 - a. post CDC signage in public locations emphasizing measures to “Stop the Spread” and to exercise social responsibility;
 - b. train all personnel in new operating protocols and modifications to existing codes of conduct to deal with COVID-19 issues;
 - c. reduce seating in breakrooms and common areas to ensure a minimum physical distance of six feet between people, and where possible, establish a single point of entrance;
 - d. post a contact email address, telephone number or both for employees and customers to raise questions or concerns;
 - e. if faced with infection from on-site personnel, immediately report the number of infected persons, time of infection, and proposed remediation plan to the Florida Department of Health, as more further specified in Exhibit A;
 - f. enhance sanitization of all common areas and frequent touch points;
 - g. place trash containers for facial coverings and other personal protective equipment (“PPE”) near exits, entrances and other common areas;
 - h. comprehensively clean establishments each night, including thoroughly disinfecting all frequent touch points and emptying all trash receptacles using solid waste bags that are double-bagged and securely sealed;
 - i. install hand sanitizer at entry points and throughout the property;
 - j. use reasonable efforts to ensure that on-site customers, employees, contractors, and vendors maintain appropriate social distancing, as recommended by the then-current CDC guidelines, which may include, but are not limited to, marking floors at appropriate intervals or providing other visible systems to identify the appropriate social distance; and
 - k. comply with any restrictions or requirements imposed pursuant to any Executive Order issued by the Governor, including, but not limited to, building capacity restrictions.

3. No establishment is required to comply with the provisions listed as “recommendations” in the Handbook, but all businesses are strongly urged to follow those recommendations to the maximum extent possible. However, activity and site-specific restrictions and requirements listed in the Handbook in **bold** must be followed by all applicable establishments.

4. The following establishments remain closed:

Miami-Dade County Declaration of Local State of Emergency

- a. bars, pubs, night clubs, banquet halls, cocktail lounges, cabarets, and breweries, except for take-out or delivery services as authorized pursuant to Emergency Order 03-20;
- b. movie theaters, concert houses, auditoriums, playhouses, bowling alleys, arcades, gymnasiums, and fitness studios;
- c. hotels and commercial lodging establishments, except as operated pursuant to Emergency Order 09-20, as amended;
- d. pools and hot tubs, except as authorized in Emergency Order 16-20, as amended;
- e. tattoo parlors; and
- f. massage parlors.

5. Any establishment that has an on-site employee or contractor who tests positive shall close for the shorter of:

- a. the time needed for all staff to be tested and the establishment to be deep-sanitized, as specified in the Handbook; or
- b. 14 days from the date such employee or contractor was last onsite at such establishment.

Where an establishment has multiple floors or structures, only those structures or floors where the infected person was present are required to be deep-sanitized as a condition of re-opening, and only those employees working in such structures or on such floors must be tested.

6. All persons working in or visiting an establishment, including but not limited to airports, seaports, and mass transit facilities and vehicles, shall wear a facial covering as described in Emergency Order 20-20, except that facial coverings shall not be required:

- a. for children under the age of two years;
- b. for persons who have trouble breathing;
- c. where Federal or state safety or health regulations prohibit the wearing of facial coverings; or
- d. for persons engaged in strenuous physical activity.

Additional PPE may be required of persons engaged in specific activities as described in the Handbook.

7. Restaurants in the unincorporated municipal service area that comply with the foregoing requirements may also provide outdoor dining areas in accordance with the provisions set forth in Exhibit B.

8. This order does not affect or limit the operations of Miami-Dade County, any public utility, any municipality, the Miami-Dade County School District, or any state or Federal office or facility, except that such entities shall abide by the restrictions of any County, municipal, state or Federal emergency order, as applicable.

Miami-Dade County Declaration of Local State of Emergency

- 9. This order does not limit the number of persons who may be physically present at any religious service. Persons attending religious services are urged, but are not required, to practice social distancing, such as keeping six feet between persons and limiting group size to less than ten people.
- 10. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions.
- 11. All prior emergency orders remain in effect except to the extent modified by this order. This order supersedes any conflicting provision of any prior order.
- 12. This order shall expire upon the expiration of the existing Miami-Dade County State of Local Emergency, provided, however, that if such State of Local Emergency is extended, this order shall also be deemed to be extended for the duration of such extension order. This order may be cancelled earlier by action of the County Mayor.
- 13. This order shall be effective as of 12:01 a.m., on Monday, May 18, 2020.
- 14. This order shall be provided to all appropriate media consistent with the requirements of section 8B-7(2)(n) of the Code of Miami-Dade County.

Enacted:

Signed: _____



COUNTY MAYOR

Date: 5/15/2020

Time: 17:35

Witness: Lourdes P. Jimenez

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: __: __

Witness: _____

EXHIBIT B

I. Outdoor Dining Areas Allowed Without Additional Permits

To provide greater flexibility and opportunity to serve patrons while this Emergency Order remains in effect, restaurants, snack shops, and other food service establishments shall be allowed to have outdoor dining as an ancillary use without obtaining additional permits, so long as they comply with all of the following conditions and maintain social distancing measures:

- (1) The food service establishment has all current state and local licenses required to operate.
- (2) The primary use of the establishment under non-emergency conditions is the preparation of food for consumption on premises, except that the establishment may continue to provide takeout service in accordance with Emergency Order 03-20.
- (3) Outdoor dining areas shall be managed, operated, and maintained as an integral part of the food service establishment.
- (4) Outdoor dining areas may only be located in one or more of the following:
 - a) Walkways and pedestrian areas that front the food service establishment.
 - b) The first row of parking spaces, only in accordance with the following requirements:
 - i) The parking is adjacent to the walkway fronting the unit or building (see Diagram 1).
 - ii) Where the outdoor dining area is adjacent to a drive aisle, driveway, or other vehicular use area, the exterior of the outdoor dining area is clearly delineated with bollards, cones, landscaping, planters, or combinations thereof.
 - iii) All handicapped-accessible ramps, parking spaces, and walkways shall remain fully accessible and shall not be used for outdoor dining. Additionally, manholes and other utility structures shall remain fully accessible at all times.
 - iv) Structures shall not be placed in or encroach into driveways or drive aisles.
 - v) Shade structures such as umbrellas and pop up tents are permitted, subject to the following:
 - a. Tents shall be spaced a minimum of 10 feet from each other.
 - b. Tents greater than 10' by 12' shall require a building permit in accordance with the Florida Building Code.

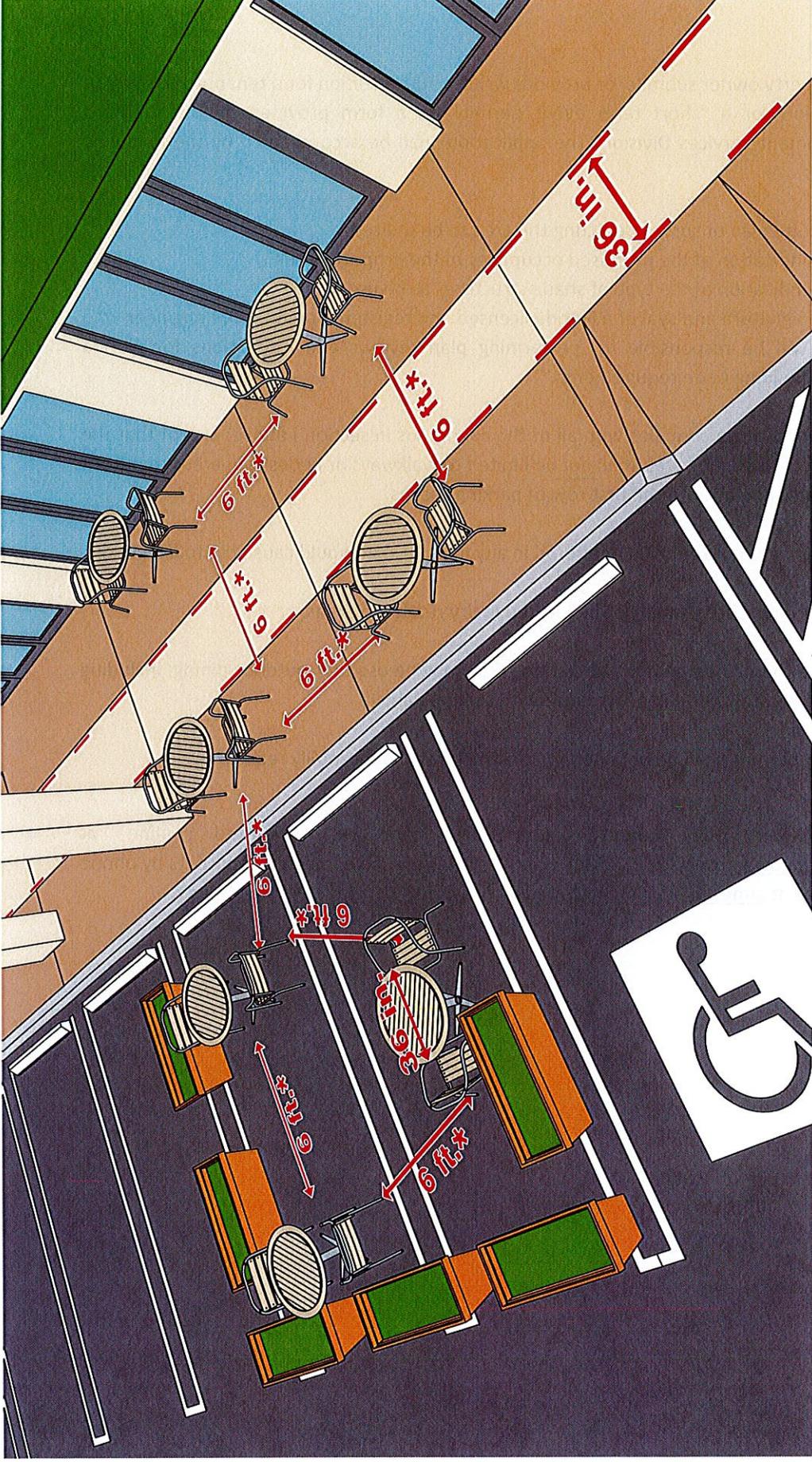
- vi) Handicapped-accessible tables and safe, handicapped-accessible routes to and from washrooms shall be provided.
- (5) Outdoor dining areas are not located on any private or public road, drive aisle, or public sidewalk.
- (6) Outdoor cooking or food preparation is prohibited.
- (7) Tables and chairs in outdoor dining areas shall not be arranged in such a manner as to impede pedestrian access to the food service establishment or create an environment in which social distancing is difficult or impossible due to pedestrian traffic entering and exiting the establishment through the outdoor dining area.
- (8) Outdoor dining areas shall comply with handicapped accessibility requirements, and shall provide for a minimum clear and open pathway of 36 inches.
- (9) Outdoor dining areas shall provide a minimum clearance of 3 feet from all fire department access and devices, such as Fire Department Connections (FDCs) and hydrants.
- (10) Outside public address systems are prohibited, except in connection with outdoor entertainment as permitted by section [33-150\(H\)](#) of the Miami-Dade County Code or equivalent municipal regulation.
- (11) Alcoholic beverages may be served in accordance with the establishment's current state beverage license, provided that such service is strictly incidental to the service of food and is from a service bar only.
- (12) Blinking and flashing lights are prohibited.
- (13) The total occupancy of the interior and outdoor dining areas combined shall not exceed the establishment's current approved occupancy maximums under non-emergency conditions.
- (14) All spacing and social distancing mandates shall be adhered to within both the primary establishment and the outdoor dining areas (see Diagrams 2 and 3).
- (15) The sanitation standards and mandates set shall be observed in all outdoor dining areas.
- (16) This allowance under emergency powers shall not be construed to absolve a tenant from seeking any required consent from the property owner to provide for outdoor dining.

II. Outdoor Dining Areas for which Permits Are Required

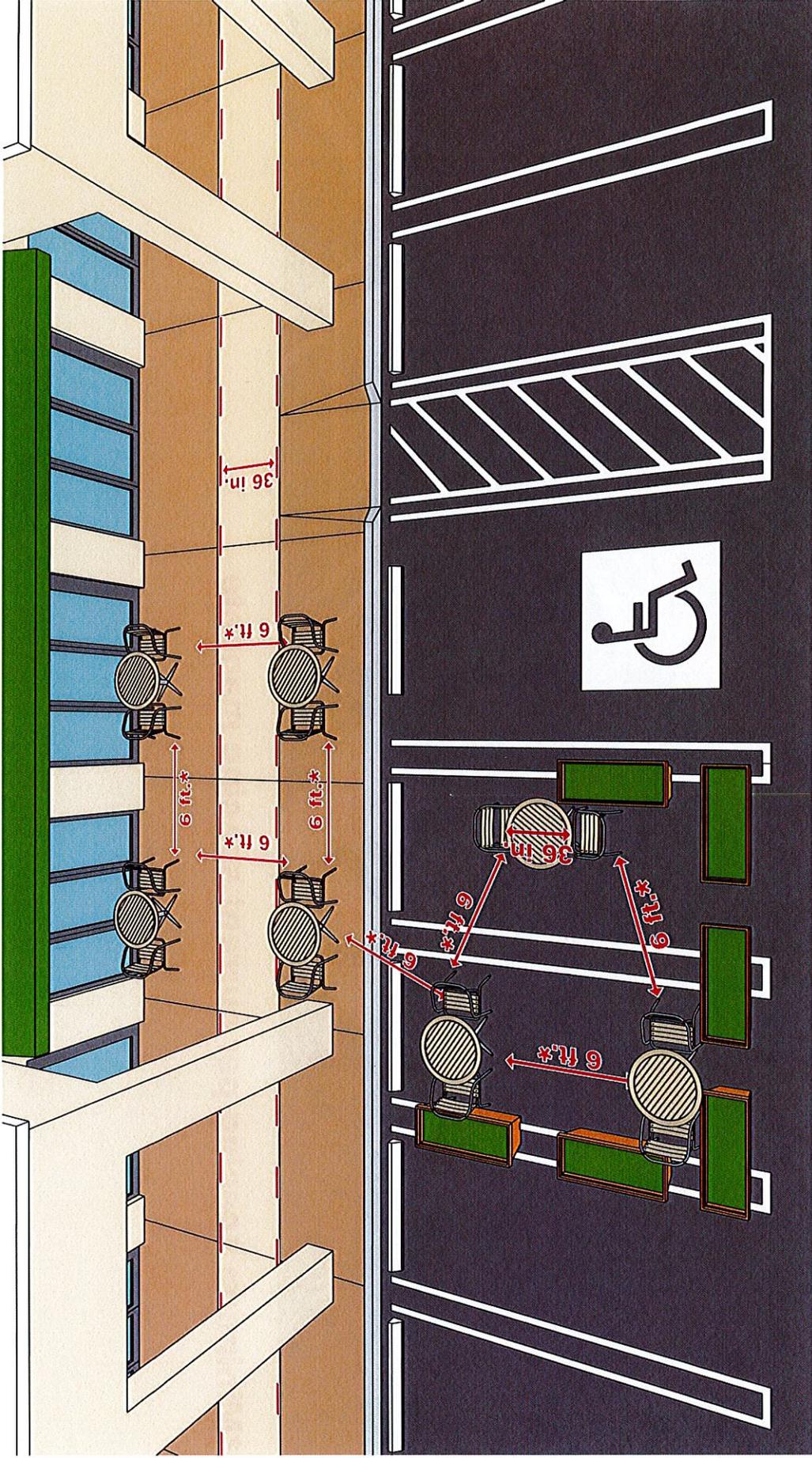
In addition to the foregoing, food service establishments may provide additional outdoor dining areas in accordance with the following requirements while this Emergency Order remains in effect, subject to prior review and approval by the County's Development Services Division or applicable municipal zoning department. Approval of such additional outdoor dining areas, which may include, without limitation, landscaped and parking areas, shall be subject to the following requirements:

- (1) The property owner submits, or provides written authorization for a tenant to submit, an application for a "short term event permit" on a form provided by the County's Development Services Division. The application shall be accompanied by the following exhibits:
 - a) Site plan or survey depicting the area to be utilized.
 - b) Indication of the proposed occupancy of the proposed area.
 - c) Indication of the type of shade structures to be used.
 - d) Signature and seal of a Florida licensed and registered architect or engineer who will be responsible for performing plan reviews and inspections for Florida Building Code requirements.
- (2) The proposed site complies with all of the conditions in section I above, except that the location of the dining area shall not be limited to walkways or pedestrian areas that front the establishment or to the first row of parking spaces.
- (3) Landscaping is not removed or altered in any manner that would cause the foliage to die.
- (4) Outdoor dining areas shall not be located in dry retention areas.
- (5) No more than 20 percent of the parking area may be used for outdoor dining, including any parking stalls used in accordance with section I above.
- (6) Building permits shall be obtained for all structures that normally require one.

In unincorporated Miami-Dade County, applications can be submitted online at <https://www.miamidade.gov/Apps/RER/EPSPortal>. County staff is available to assist applicants by phone at 786-315-2660 or email at james.byers@miamidade.gov or sydney.vincent@miamidade.gov.



***Minimum spacing per current spacing mandate**



***Minimum spacing per current spacing mandate**



***Minimum spacing per current spacing mandate**