

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 ~~the~~ 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:
Arthur H. Sorey, III
By: Arthur H. Sorey, III, Interim City Manager

ATTEST:

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[Signature]
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Vanessa Joseph, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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Jeff P. H. Cazeau, City Attorney