



## EMERGENCY ORDER 10 AND SUPPLEMENT TO DECLARED STATE OF EMERGENCY

**WHEREAS**, on March 12, 2020, the City Manager of the City of Sunny Isles Beach (“City”) declared a Local Emergency as a result of COVID-19; and

**WHEREAS**, the City Manager has extended the declared state of Local Emergency every seven (7) days since that date; and

**WHEREAS**, according to the Centers for Disease Control (“CDC”), COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; and

**WHEREAS**, many persons infected by COVID-19 are contagious while they are asymptomatic, and can therefore spread the disease unwittingly; and

**WHEREAS**, prolonged close contact between people enhances the risk of spreading COVID-19; and

**WHEREAS**, COVID-19 cases have recently spread rapidly in Miami-Dade County; and

**WHEREAS**, the increasing effects of COVID-19 continue to require immediate and extraordinary actions by the City in order to protect the safety, health, and welfare of the public due to the propensity of COVID-19 to spread person to person; and

**WHEREAS**, COVID-19 poses a health risk to Miami-Dade County residents and visitors, particularly those who are elderly, immunosuppressed or otherwise have high-risk medical conditions; and

**WHEREAS**, the long-term effects of COVID-19 on persons who recover are currently unknown; and

**WHEREAS**, hospital capacity and medical availability is diminishing as COVID-19 patients require hospitalization, which will limit the ability of hospitals to perform elective medical procedures and may impact the delivery of life saving services; and

**WHEREAS**, short-term vacation rentals are being utilized within the City in a manner that provides prolonged close contact between individuals which creates a higher risk of COVID-19 transmission; and

**WHEREAS**, on July 7, 2020, Miami-Dade County issued Amendment 02 to Emergency Order 26-20, imposing a maximum daytime and overnight occupancy for short-term vacation rentals of up to a maximum of two persons per bedroom plus two additional persons per property not to exceed a maximum of ten persons, and prohibits new rental agreements entered into except on a

monthly basis, citing the evidence that County residents and visitors are increasingly using such short term vacation rentals as “party houses” at which many individuals congregate in prolonged close contact; and

**WHEREAS**, short-term vacation rentals of less than thirty (30) days are of the frequency and nature that they create increased opportunities for disease to spread, especially in multi-family dwellings where there is a high concentration of persons in hallways, elevators, and other communal, shared areas; and

**WHEREAS**, in order to protect the life, safety, and welfare of the City’s residents and visitors, the City will require that individuals and entities operating short-term vacation rentals within the City shall provide documentation to the City proving compliance with Miami-Dade County Emergency Order 26-20, as amended; and

**WHEREAS**, in accordance with Section (A)(6) of Amendment 02 to Miami-Dade County Emergency Order 26-20, the City of Sunny Isles Beach can impose more stringent standards within the City than are set forth in the County Emergency Order 26-20, as amended.

**NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED AS FOLLOWS:**

1. Findings.
  - A. The foregoing recitals are hereby adopted and incorporated herein by reference.
  - B. The detailed findings of Miami-Dade County Mayor Gimenez as contained in Miami-Dade County Emergency Order 26-20, and all amendments thereto, are incorporated herein by reference.
  
2. Production of Documentation Required When Operating a Short-Term Vacation Rental.
  - A. All persons or entities throughout the City of Sunny Isles Beach who operate a Short-Term Vacation Rental, as defined in Chapter 217 of the City’s Code of Ordinances, shall provide the following documentation to the City’s Planning & Zoning Department for each instance that the dwelling is rented:
    - i. A copy of the lease or rental agreement (in the form of a booking or a reservation generated through advertising platforms such as Airbnb, vrbo, homeaway, etc.) for each rental period reflecting the duration of the rental period for all agreements that are entered into on or after July 9, 2020; and
  - B. The documentation required under subparagraph (2)(A)(i) shall be submitted to the City no less than forty-eight (48) hours prior to the first day of the given rental period.
    - i. Documentation must be submitted one of three ways: via email to [infopz@sibfl.net](mailto:infopz@sibfl.net), via fax to 305.792.1569 or hand delivered to the Planning and Zoning office on the 3<sup>rd</sup> floor of the Government Center located at 18070 Collins Avenue, Sunny Isles Beach, FL 33160.
  
3. Enforcement.
  - A. Violations of this Order shall be enforced pursuant to Chapter 14 of the City’s Code of Ordinances.

4. Penalties.

A. Failure to comply with the requirements of this Order, or with the provisions of Section (A) (4) of Amendment 02 to Miami-Dade County's Emergency Order 26-20, which is attached hereto as Exhibit "A" and incorporated herein by reference, will be the following:

- i. \$1,000 for the first violation;
- ii. \$2,500 for the second violation;
- iii. Suspension of the Short-Term Vacation Rental License upon the third violation for a period of one year as indicated in Section 217-25 of the City's Code of Ordinances. Any appeals of a suspension shall also be pursuant to Section 217-25 of the City's Code of Ordinances.

5. This order shall be effective as of 12:01 a.m., July 9, 2020, and shall expire upon the expiration of Amendment 02 to Miami-Dade County's Emergency Order 26-20, unless terminated earlier by the City Manager.

Dated: July 9, 2020

By:   
\_\_\_\_\_  
Christopher J. Russo, City Manager  
City of Sunny Isles Beach, FL

## EXHIBIT A



### **AMENDMENT NO. 2 TO MIAMI-DADE COUNTY EMERGENCY ORDER NO. 26-20**

WHEREAS, section 252.38(3)(a), Florida Statutes, gives political subdivisions the authority to declare and enact a State of Local Emergency for a period of up to seven days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order No. 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of coronavirus disease 2019 (COVID-19) in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order No. 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Local Emergency for all of Miami-Dade County related to COVID-19; and

WHEREAS, COVID-19 is transmitted by infected persons expelling respiratory droplets containing virus particles when they breathe, talk, cough, sneeze, or raise their voice, which are then ingested or inhaled by persons around them; and

WHEREAS, many persons infected by COVID-19 are contagious while they are asymptomatic, and can therefore spread the disease unwittingly; and

WHEREAS, prolonged close contact between people enhances the risk of spreading COVID-19; and

WHEREAS, COVID-19 cases have recently spread rapidly in Miami-Dade County; and

WHEREAS, currently, since March, nearly 47,000 County residents have tested positive for COVID-19, and more than 1,000 have died of the disease, including an eleven-year-old child; and

WHEREAS, COVID-19 poses a health risk to Miami-Dade County residents and visitors, particularly those who are elderly, immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, the long term effects of COVID-19 on persons who recover are currently unknown; and

## Miami-Dade County Declaration of Local State of Emergency

WHEREAS, hospital capacity and medical availability is diminishing as COVID-19 patients require hospitalization, which will limit the ability of hospitals to perform elective medical procedures and may impact the delivery of life saving services; and

WHEREAS, section 8B-7(2)(f) of the Code of Miami-Dade County authorizes the County Mayor to close businesses in areas of danger; and

WHEREAS, section 8B-7(2)(o) of the Code of Miami-Dade County authorizes the County Mayor to issue orders as are necessary to protect human life; and

WHEREAS, section 252.46, Florida Statutes, authorizes the County to issue emergency orders as necessary to protect life and health; and

WHEREAS, establishments in which prolonged close contact between individuals occurs create higher risk of COVID-19 transmission; and

WHEREAS, gyms, fitness centers, banquet halls, and ballrooms were among the last businesses to be reopened by the County prior to the current increase in COVID-19 cases, as the medical experts consulted by the County deemed those businesses as having a high risk of spreading COVID-19 amongst their patrons; and

WHEREAS, this amendment to Emergency Order 26-20 closes (i) banquet halls, both stand alone and incident to any hotel or other establishment; and (ii) ballrooms, both stand alone and incident to any hotel or other establishment;

WHEREAS, this amendment requires masks or facial coverings to be worn when inside gyms and fitness centers; and

WHEREAS, this amendment limits restaurants and cafeterias to outdoor service only for on-site consumption between the hours of 6:00 a.m. and 10:00 p.m. each day, and requires that such outdoor on-premises service cease at 10:00 p.m., but provides that such establishments may operate their kitchens between the hours of 10:00 p.m. each night and 6:00 a.m. the next morning only for the purpose of providing delivery, pick-up, room service, or take out services; and

WHEREAS, this amendment further imposes a maximum daytime and overnight occupancy for short-term vacation rentals of up to a maximum of two persons per bedroom plus two additional persons per property not to exceed a maximum of ten persons, and prohibits new rental agreements entered into except on a monthly basis, as County residents and visitors are increasingly using such short term vacation rentals as “party houses” at which many individuals congregate in prolonged close contact,

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

A. Emergency Order 26-20 is replaced in its entirety by the following:

1. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all of the following shall be closed in both the

## Miami-Dade County Declaration of Local State of Emergency

incorporated and unincorporated areas of Miami-Dade County: (a) movie theaters, (b) concert houses, (c) auditoriums, (d) playhouses, (e) bowling alleys, (f) arcades, (g) indoor and outdoor amusement facilities and attractions, (h) casinos (except casinos on sovereign tribal land), (i) adult theaters, special cabarets, and unlicensed massage establishments, as defined in section 847.001, Florida Statutes, (j) banquet halls, both stand alone and incident to any hotel or other business, and (k) ballrooms both stand alone and incident to any hotel and other establishment.

2. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all individuals in a gym or fitness center shall at all times wear a mask or other facial covering as defined by Emergency Order 20-20. This requirement is in addition to, and does not modify or waive, any other requirement imposed on gyms and fitness centers in Emergency Order 23-20 or the New Normal Handbook.
3. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all restaurants, cafeterias, and other food service establishment with seating for more than eight people within the incorporated and unincorporated areas of Miami-Dade County shall be limited to offering outdoor on-premises service only. Outdoor service of customers for on-premises consumption shall only be offered between the hours of 6:00 a.m. and 10:00 p.m. each day and shall close at 10:00 p.m. Notwithstanding the foregoing, between the hours of 10:00 p.m. and 6:00 a.m., such establishments may operate their kitchens only for the purpose of providing delivery services, pick-up, room service, or take out services, and employees, janitorial personnel, contractors, and delivery personnel shall be allowed access to such establishments. Table size at such establishments shall be limited to four persons per table, irrespective of whether those persons reside in the same household. Music shall be eliminated or set at a decibel level below that of a normal conversation.
4. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order and section 33-28(D)(3) of the Code to the contrary, in both the incorporated and unincorporated areas of Miami-Dade County, (a) the maximum daytime and overnight occupancy for short-term vacation rentals shall be up to a maximum of two persons per bedroom plus two additional persons per property not to exceed a maximum of ten persons, and (b) new rental agreements shall not be entered into except on a monthly basis.
5. This order does not affect or limit the operations of Miami-Dade County, Miami International Airport, Port Miami, any business operating at such port or airport, 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.
6. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions. Municipalities are encouraged to provide flexibility for outdoor seating at restaurants within their jurisdiction.

Miami-Dade County Declaration of Local State of Emergency

7. 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.

B. This amendment 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: 7/7/2020 Time: 19:00

Witness: Ronald P. Gimenez

Cancelled:

Signed: \_\_\_\_\_

COUNTY MAYOR

Date: \_\_\_\_\_ Time: \_\_: \_\_

Witness: \_\_\_\_\_