



AMENDMENT 02 TO EMERGENCY ORDER 12 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 spread rapidly in Miami-Dade County (“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 City 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, overtime, positive case rates and hospitalizations due to COVID-19 in the County have stabilized and begun declining, and the County has been allowing for certain activities to resume that pose less of a threat for transmission of the virus; and

WHEREAS, in light of the ever evolving situation related to the spread of COVID-19, the City wishes to terminate select Emergency Orders, and modify others, as detailed more fully below; and

WHEREAS, in accordance with Section ~~(11)~~ (10)(B) of Miami-Dade County Emergency Order 29-20, as amended, the City of Sunny Isles Beach can impose more stringent standards within the City than are set forth in the County Emergency Order 29-20, as may be amended, which governs outdoor activities, including the opening of parks; and

WHEREAS, on September 25, 2020, the Governor of Florida issued Executive Order Number 20-244, stating that economic harms resulting from COVID-19 closures have exacerbated the State of Emergency, and moves the State of Florida into Phase 3 of its reopening plan; and

WHEREAS, Executive Order Number 20-244 requires local governments to provide an analysis of the economic impact on the restaurant industry and explanation of why limits are necessary for public health if the local government intends to reduce capacity below 100 percent and requiring all other businesses to open as part of Phase 3; and

WHEREAS, as a result of the Governor's Executive Order Number 20-244, the County issued Emergency Order 30-20 on September 26, 2020, cancelling Emergency Order 28-20 and all amendments thereto, and providing the requisite analysis of the economic impact to the County's restaurant industry, and setting forth limits on restaurant capacity depending on whether the restaurants can comply with the conditions and requirements set forth in its order; and

WHEREAS, the County's analysis on the economic impact of its Emergency Order 30-20 on restaurants includes those restaurants located within the City, and the City wishes to adopt the findings set forth in the County's Emergency Order 30-20, and wishes to enforce all of the limitations and regulations of said order to the restaurants operating within the City's municipal boundaries.

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

1. Emergency Order 12 is hereby amended as follows:
2. 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 Orders ~~28-20~~ 30-20 and 29-20, and all amendments thereto, are incorporated herein by reference.
3. Termination of Emergency Orders. Emergency Orders 01-20, 02-20, 03-20, 05-20, 06-20, 07-20, 08-20, 09-20, 10-20, and 11-20 are hereby terminated.
4. Emergency Order 04-20. Emergency Order 04-20 shall remain in full force and effect, and the requirements contained therein are not modified by this Order.
5. Retail and Commercial Establishments. All retail and commercial establishments (collectively "establishments"), as identified in Miami-Dade County Emergency Order ~~28-30-20~~, located within the jurisdiction of the City of Sunny Isles Beach, are permitted to open, and remain open, provided that each such establishment complies with the requirements set forth in Miami-Dade County Emergency Order ~~28~~ 30-20, as may be amended.

~~The establishments identified in Section 4 of Miami-Dade County Emergency Order 28-20 shall remain closed.~~

6. City Parks and Recreational Facilities. Use of the City’s parks and recreational facilities will be subject to the following regulations:

A. City Residents Only. With the exception of Samson Oceanfront Park and Pier Park, which will remain open to the general public, all other City parks and recreational facilities shall be limited to City of Sunny Isles Beach residents with proper identification.

B. Park Closures. The below listed parks shall remain closed to the public:

- i. Golden Shores Community Park, 201 191 Terrace;
- ii. Pelican Community Park, 18115 North Bay Road; and
- iii. Bella Vista Bay Park, 500 Sunny Isles Boulevard.

C. Hours of Operation. All City parks not specifically identified in (5)(B) above, will be open subject to the following hours of operations:

- i. Pier Park Daily Hours: 7 a.m. – 8 p.m.
- ii. Samson Oceanfront Park Daily Hours: 7 a.m. – 8 p.m.
- iii. Senator Gwen Margolis Park Daily Hours: 8 a.m. – 8 p.m.
- iv. All other City Parks
 - a. Mornings (daily except Tuesdays): 8 a.m. – noon
 - b. Afternoons (daily) 4 p.m. – 9 p.m.

D. Guidelines:

- i. Individuals using the parks are required to adhere to CDC Guidelines concerning facial coverings, with the exception of children under two years old, or persons who have trouble breathing due to a chronic pre-existing condition. Notwithstanding anything else herein to the contrary, facial coverings shall not be required while actively engaging in an organized sport. For purposes of this exemption, organized sport means a sport such as soccer, baseball, basketball, softball, boxing, and other recognized sport that is part of an established athletic league or part of an organized program. The facial covering exemption for organized sports includes training and practice sessions and matches, but prior to commencing and immediately upon concluding a training or practice session or a match, individuals must wear facial coverings.
- ii. Minors shall always be accompanied by a parent or guardian.
- iii. Groups larger than ten (10) people are prohibited from gathering in one place.
- iv. ~~Use of parks and recreational facilities shall be for limited passive uses, such as walking, jogging, running, stretching, biking and exercise.~~

- v. Directional signage along sidewalks and walkways, established to minimize cross contact, shall be adhered to.
- vi. Restrooms at the park will be open for only one (1) person or family at a time.

E. Prohibited Amenities: Use of the following amenities is prohibited: ~~playgrounds; tables; fitness equipment; water fountains; and water features.~~

- 7. Enforcement. Violations of this order may be enforced pursuant to Chapter 14 and Chapter 29 of the City's Code of Ordinances. Any person or establishment prosecuted under this order and found in violation of the applicable ordinance may be punished by a fine up to \$500.00 per day for a first violation and no more than \$750.00 per day for a repeat violation. For the purposes of continuing violations, each day that a violation shall continue to exist shall constitute a separate offense. The monetary penalties described herein shall not apply to violations of Section 6(D)(i) of this order; nevertheless, a violation of that subsection may result in the violator being removed from the City's park or recreational facility.
- 8. Effective Date. This order shall be effective as of 12:01 a.m., October 2, 2020, and shall expire upon the expiration of the City's Declaration of Local State of Emergency, unless terminated earlier by the City Manager.

Dated: October 1, 2020

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