



CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

**ORDER AND SUPPLEMENT TO DECLARATION OF
STATE OF EMERGENCY
(Order Number 13)**

**ONGOING COMPLIANCE WITH RE-OPENING GUIDELINES
REGULATING SERVICE OF ALCOHOL AT CERTAIN RESTAURANTS AND FOOD SERVICE ESTABLISHMENTS;
REGULATING HOURS OF OPERATION FOR RESTAURANTS; REGULATING USE OF POOLS AT HOTELS,
MOTELS, AND COMMERCIAL LODGING ESTABLISHMENTS**

WHEREAS, on March 12, 2020, I, as City Manager of the City of Aventura, promulgated a Declaration of Emergency (the "Declaration"), due to the COVID-19/Coronavirus health emergency within the jurisdictional limits of the City of Aventura ("City"), pursuant to Section 2-404 of the City of Aventura Code of Ordinances; and

WHEREAS, Section 2-404 of the City's Code of Ordinances authorizes the City Manager, to adopt emergency orders which may include, but are not limited to, curfews, declaration of certain areas being off limits, and other matters related to the Declaration; and

WHEREAS, on April 3, 2020, the United States Centers for Disease Control and Prevention ("CDC") recommended that persons wear masks, including cloth masks or other facial coverings, while in public to help control the spread of COVID-19; and

WHEREAS, COVID-19 spread continues to occur in Miami-Dade County, and the City of Aventura, although at a lower rate; and

WHEREAS, on April 8, 2020, I entered City of Aventura Emergency Order 7 to adopt the CDC guidelines to require all persons to wear face coverings over their nose and mouth when in public; and

WHEREAS, on May 18, 2020, Governor DeSantis issued Executive Order 20-122, which authorizes 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 June 28, 2020, Miami-Dade County Mayor Carlos Gimenez issued Amendment 4 to Emergency Order 23-20, ("Amended County Re-Opening Orders"), which provides for the prohibition on the sale of alcohol for on-site consumption between the hours of 12:01 a.m. and 6:00 a.m. each day; and

WHEREAS, on June 30, 2020, Miami-Dade County Mayor Carlos Gimenez issued Amendment 5 to Emergency Order 23-20, ("Amended County Re-Opening Orders"), which provides for restaurants and

other food service establishments with seating for more than eight (8) people to close for on-premises dining between 12:01 am and 6:00 a.m. each day; and

WHEREAS, the ability of every retail and commercial establishment and any other establishment or facility to remain open subject to compliance with the “Moving to a New Normal Handbook,” included as an exhibit to the Amended County Re-Opening Orders, facial covering requirements, and applicable social distancing guidelines; and

NOW, THEREFORE, as City Manager for the City of Aventura, Florida, and pursuant to the authority vested in me under Section 2-404 of the City of Aventura Code of Ordinances (the “City Code”), as well as that certain City of Aventura Declaration of State of Emergency, dated March 12, 2020, I hereby ORDER and PROMULGATE the following additional emergency measures:

Section 1. Declaration Supplemented.

In accordance with City Code Section 2-404, and Chapter 252, Florida Statutes, the Declaration of the State of Emergency within the City of Aventura, dated March 12, 2020, is hereby re-affirmed, remains in full force and effect, and is further supplemented pursuant to this Order, as provided herein:

Section 2. Findings.

- (A) The detailed findings of Governor Desantis’ Executive Orders Number 20-52, Number 20-68, Number 20-82, 20-83, 20-91, 20-92, 20-112, and 20-122 are hereby incorporated herein by reference.
- (B) The detailed findings of Miami-Dade County Mayor Gimenez as contained in Amendments 4 and 5 to Miami-Dade County Emergency Order 23-20, dated June 19, 2020, and City of Aventura Emergency Orders 10 (revised), dated May 30, 2020, and Emergency Order 12, dated June 24, 2020, including “The New Normal, a Guide for Residents and Commercial Establishments,” as amended, which is hereby adopted and incorporated herein by reference.
- (C) In light of the continual spread of COVID-19, the City finds it necessary to implement further regulations regarding the sale of alcohol, the operation of restaurants, and the use of pools at hotels, motels, and commercial lodging establishments.

Section 3. Prohibition of Sale of Alcoholic Beverages for On-Site Consumption at Certain Hours

Commencing on July 1, 2020 at 11:59 p.m., no establishment permitted to open that serves alcohol shall sell alcohol for on-site consumption between the hours of 12:01 a.m. and 6:00 a.m. each day.

Section 4. Closure of Restaurants and Other Food Services Establishments at Certain Hours

Section 3 of Emergency Order 12 shall be amended to read as follows (additional language is underlined):

- (A) Every retail and commercial establishment, and any other establishment or facility in the City of Aventura may remain open, provided that each establishment complies with the following continuing obligations:
 - 1. Complies with the applicable requirements in the Moving to a New Normal Handbook;

2. Insures that customers and employees comply with all social distancing requirements;
3. Complies with the facial covering requirements;
4. Complies with guidelines related to hand washing, and sanitary practices; and
5. Insures that employees who are ill, or not feeling well do not show up or remain at the establishment.

Should an establishment fall out of compliance with items 1 through 5 above, they shall immediately close.

- (B) Commencing at 12:01 a.m. on June 25, 2020, **such business may reopen only upon** (1) taking 24 hours to review this order and taking all necessary measures to come into compliance with its requirements; and (2) executing the attestation attached hereto as Exhibit "A" demonstrating that the review has been completed and the measures have been taken, and submitting the executed affidavit by email to IMT@mdpd.com or by mail to Special Patrol Bureau/Incident Management Team 1501 N.W. 79th Avenue, Doral, Florida 33126, and to the City Manager's Office via email rwasson@cityofaventura.org.

- (C) Commencing on July 2, 2020 at 11:59 p.m., restaurants and other food service establishments with seating for more than eight people shall close for on-premises dining between 12:01 a.m. and 6:00 a.m. each day. Notwithstanding the foregoing, such establishments may operate their kitchens for the purpose of providing delivery services, pick-up or take out services. Employees, janitorial personnel, contractors, and delivery personnel shall be allowed access to such establishments at all times.

Section 5. Operation of Pools at Hotels, Motels, and Commercial Lodging Establishments:

Section 3 of City of Aventura Emergency Order 10 (Revised) dated May 30, 2020 is hereby amended and supplemented to include the following:

- (A) Commencing at 12:01 a.m., Friday, July 3, 2020 and extending through 11:59 p.m., Monday, July 6, 2020 and notwithstanding any other emergency order to the contrary:

1. Hotels, motels, and commercial lodging establishments shall close their pools between the hours of 8:00 p.m. and 6:00 a.m. each day. During the time the pools are open:
 - a. only guests staying in rooms at such hotel, motel, or commercial lodging establishment may use the pool;
 - b. capacity will be capped at 50 percent of the authorized capacity of the pool area, inclusive of pool and pool deck;
 - c. alcohol shall be permitted for sale or conception in pools or on pool decks only between the hours of 11:00 a.m. and 8:00 p.m. each day;
 - d. the owner or authorized agent shall ensure it, its staff, and its guests comply with the requirements for pools and pool decks in the New Normal

Guidebook attached to City of Aventura Emergency Order 12, and County Emergency Order 23-20, as amended.

2. A hotel, motel, or commercial lodging establishment which violates any provision of 1 above shall close its pool and pool deck until 12:01 a.m., July 7, 2020.

3. Only guests staying in rooms at hotels, motels, and commercial lodging establishments shall be permitted to access rooms and room occupancy limits shall be strictly observed.

4. The provisions contained in 1 through 3 above shall not apply to pools at private homes, condominiums, or apartment complexes.

Section 6. Enforcement

Any person, firm, or corporation who violates any provision of the Declaration of the State of Emergency, and any Supplemental Order, any Amended Supplemental Order, including this Order, shall be subject to such fine or imprisonment or both as provided by Sections 1-14 and 2-333 of the City Code, or any other applicable penalty provision. Each day that a violation shall continue to exist shall constitute a separate offense.

Section 7. Effective Date.

This Order and Supplement to Declaration shall be effective as of 5:00 p.m., July 1, 2020, and may be further supplemented from time to time in accordance with Article VIII of Chapter 2 of the City Code. This document shall be posted and distributed as provided by City Code Section 2-404(f).

Executed this 1st day of July, 2020.

By: 

Ronald J. Wasson, City Manager
City of Aventura, Florida

Copy: Mayor and Commissioners, City Clerk, Police Chief, City Attorney, Department Directors