



CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

**ORDER AND SUPPLEMENT TO DECLARATION OF
STATE OF EMERGENCY
(Order Number 14)**

REQUIRING INDIVIDUALS TO USE FACIAL COVERINGS

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, on June 24, 2020, in order to protect the health, safety, and welfare of the residents of Aventura, I entered City of Aventura Emergency Order 12 requiring individuals to use a face covering in certain circumstances; and

WHEREAS, on July 2, 2020, Miami-Dade County Mayor Gimenez entered Amendment Number 1 to Miami-Dade County Emergency Order 20-20 to require facial coverings when in public, subject to certain limited exceptions; and

WHEREAS, after further analysis of the Declaration, and the CDC's recommendation, and in order to further protect individuals from COVID-19/Coronavirus, I am issuing this Supplement to Declaration to the State of Emergency to require all persons to wear a facial covering while in public, subject only to certain limited exceptions; and

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, and 20-92 are hereby incorporated herein by reference.
- (B) The detailed findings of Miami-Dade County Mayor Gimenez as contained in Amendment No. 1 to Miami-Dade County Emergency Order 20-20, dated July 2, 2020 is hereby adopted and incorporated herein by reference.

Section 3. Cancellation of City of Aventura Emergency Order 12.

Section 4 of City of Aventura Emergency Order 12, dated June 24, 2020 entitled, "Use of Covering Over Mouth and Nose" is cancelled in its entirety.

Section 4. Facial Coverings Required to be Worn in Public

- (A) All persons throughout the City of Aventura shall wear a mask or other facial covering when in public, except as set forth in paragraph (D) below.
- (B) Persons entering or walking through interior and exterior "Common Areas" of commercial buildings, residential condominium buildings, and residential cooperative buildings are required to wear facial coverings. "Common Areas" include lobby/reception areas, hallways, elevators, mailrooms, clubhouse/meeting rooms, and stairwells. The respective property managers/building managers shall be required to enforce this requirement.
- (C) A mask or other facial covering shall comply with the recommendations of the CDC as such recommendations may change from time to time. The current CDC guidelines recommend wearing a mask or facial covering which snugly covers the face and mouth, whether store bought or homemade, which is secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction, and which is able to be laundered and machine dried without damage or losing shape. Examples of compliant homemade masks and other facial coverings may be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>

Persons should not utilize N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in life/safety activities. Persons wearing facial coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning such coverings, which are found at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>

- (D) Masks and other facial coverings shall not be required:
1. At or inside a private residence;
 2. Inside a private automobile;
 3. At or inside any religious institution, without limitation
 4. Inside a hotel, motel, or commercial lodging establishment guest room, or inside any apartment;
 5. Of children under the age of two years;
 6. Of persons who cannot wear a mask or facial covering due to an existing medical condition;
 7. Of an individual who is hearing impaired or an individual who is communicating with an individual who is hearing impaired;
 8. Where federal or state safety or health regulations prohibit the wearing of facial coverings;
 9. Of persons actively engaged in strenuous physical activity, either inside or outdoors;
 10. Of persons swimming or engaged in other activities which may cause the facial covering to become wet;
 11. While persons are actively eating, drinking, or smoking; and
 12. While a person is receiving services which require access to that person's nose or mouth.
- (E) This order does not change or alter any social distancing requirements imposed in any other emergency order.

Section 5. 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 6. Effective Date.

This Order and Supplement to Declaration shall be effective as of 3 p.m., July 2, 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 2nd 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