CITY OF AVENTURA

OFFICE OF THE CITY MANAGER

ORDER AND SUPPLEMENT TO DECLARATION OF
STATE OF EMERGENCY
(Order Number 16)

AMENDED UPDATED BUSINESS RESTRICTIONS

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 modify City Emergency Order 9, dated May 17, 2020, City Emergency Order 11, dated June 5, 2020, and City Emergency Order 15, dated July 8, 2020, in order to authorize the re-opening of certain businesses within the City, and to further regulate the operation of restaurants and short-term rentals within the City.

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, City Emergency Order 9, dated May 17, 2020, Emergency Order 11, dated June 5, 2020, and Emergency Order 15, dated July 8, 2020 are hereby re-affirmed, remain in full force and effect, except as expressly modified herein, and are 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 Miami-Dade County Emergency Order 28-20, dated August 28, 2020 is hereby adopted and incorporated herein by reference.

Section 3. Business Reopening – City Emergency Orders 9, 11, and 15 shall be modified as provided herein.

(A)   Business Closures: Beginning at 12:01 a.m., Tuesday, September 1, 2020, with the exception of those establishments listed in Paragraph (B) below, every retail and commercial establishment and any other establishment or facility in the City of Aventura is permitted to open, and remain open, provided that each such establishment complies with the following requirements at all times:

    (1)   the requirements in City Emergency Orders 9, 11, and 15;

    (2)   the requirements in the Miami Dade County "Moving to a New Normal" Handbook, as amended as of August 28, 2020;

    (3)   comply with existing facial covering requirements in City Emergency Order 14, dated July 2, 2020;

    (4)   the entry of City personnel onto the establishment's property for the sole purpose of inspection for compliance with this Order.

(B)   The following establishments remain closed:

    (1)   concert houses
    (2)   auditoriums
    (3)   playhouses
    (4)   bowling alleys
    (5)   arcades
    (6)   indoor and outdoor amusement facilities and attractions
    (7)   casinos (except casinos on sovereign tribal land)
    (8)   adult theaters, special cabarets, and unlicensed massage establishments, as defined in section 847.001, Florida Statutes
    (9)   banquet halls, both stand alone and incident to any hotel or other business

(10)   ballrooms both stand alone and incident to any hotel and other establishment

(C)   As a condition of opening, all establishments shall comply with the following:

  (1)   post CDC signage in public locations emphasizing measures to "Stop the Spread" and to exercise social responsibility;
  (2)   train all personnel in new operating protocols and modifications to existing codes of conduct to deal with COVID-19 issues;
  (3)   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;
  (4)   post a contact email address, telephone number or both for employees and customers to raise questions or concerns;
  (5)   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;
  (6)   enhance sanitization of all common areas and frequent touch points;
  (7)   place trash containers for facial coverings and other personal protective equipment near exits, entrances, and other common areas;
  (8)   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;
  (9)   install hand sanitizer at entry points and throughout the property;
  (10)   use reasonable efforts to ensure that on-site customers, employees, contractors, and vendors maintain appropriate social distancing, as recommended by 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
  (11)   comply with any restrictions or requirements imposed pursuant to any Executive Order issued by the Governor, including, but not limited to, building capacity restrictions.

Section 4. Vacation Rentals. City Emergency Order 15 is hereby modified as follows with respect to

(A)   Vacation Rentals/Short-Term Rentals. This Section only applies to the location permitted for vacation and short-term rentals:

  (1)   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;
  (2)   This Emergency Order does not authorize vacation and short-term rentals which are already prohibited by the City Code.

(ORDER CONTINUES ON FOLLOWING PAGE)

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 12:01 a.m., September 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 31st day of August, 2020.

By: _____

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

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