



**CITY OF HOMESTEAD, FLORIDA EXECUTIVE ORDER AND
SUPPLEMENT PURSUANT TO DECLARATION OF STATE OF EMERGENCY**

Section 1. Declaration Supplemented.

In accordance with Section 11-5(e) of the City Code of Ordinances and Chapter 252, Florida Statutes, the Declaration of a State of Emergency within the City of Homestead, Florida, (“City”), dated March 17, 2020 is further supplemented pursuant to this Order.

Section 2. Findings.

- (A) The detailed findings of Governor Desantis' Executive Order Numbers 20-52, 20-68, 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 (“County”) Mayor Gimenez, as contained in Executive Order Extending Declaration of Local State of Emergency, dated March 25, 2020 and Executive Orders 21-20 and 23-20 are hereby incorporated herein by reference.
- (C) On May 18, 2020, Governor DeSantis issued Executive Order 20-122, which authorizes the 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.
- (D) On May 15, 2020, Mayor Gimenez issued Emergency Order 23-20 (“County Re-Opening Order”) which provides for the re-opening of retail and commercial establishments in the County, subject to conditions and requirements contained in the County Re-Opening Order, including, the Moving to a New Normal Handbook, included as an exhibit to the County Re-Opening Order.
- (E) As the City continues to move towards a “new normal” in the wake of the COVID-19 pandemic, outdoor dining shall be permitted, subject to the requirements below.

Section 3. Order: Outdoor Dining.

- (A) Restaurants, within the City may provide outdoor dining areas in accordance with the provisions, exhibits, and diagrams set forth in County Emergency Order 23-20 found at <https://www.miamidade.gov/information/library/coronavirus-emergency-order-23-20.pdf>.
- (B) Notwithstanding the foregoing, a Covid-19 Emergency temporary outdoor dining permit (“outdoor dining permit”) is required for restaurants located in the Krome Avenue corridor, within the City's arts, entertainment and antiques district that wish to provide outdoor dining. Such restaurants shall adhere to following regulations:

1. Applications for outdoor dining permits shall be made to the department of development services for administrative review and approval.
2. A site plan shall be submitted with the application. Such plans shall show a floor plan that adheres to social distance requirements, elevation of any structures, setbacks, type of paving, location of refuse containers, all proposed signs and lighting, layout of all tables, chairs, benches and other furniture and pedestrian ingress and egress. Plans shall also be submitted showing the street elevation of building on adjacent properties.
3. Prior to the issuance of an outdoor dining permit, the applicant shall furnish the director of development services with a signed and notarized statement from an officer of the restaurant that the permittee shall hold-harmless the City, its officials and employees and shall indemnify the City, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Proof of workers' compensation coverage shall also be provided.
4. The applicant shall furnish and maintain such public liability, food products liability, and property damage insurance coverage from all claims and damage to property or bodily injury, including death which may arise from operations under the permit or in connection therewith. Such coverage shall be provided by an insurance company admitted by the state and having an A-6 rating or better and shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the City, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the permit period without thirty (30) days' written notice to the City's risk manager, and
5. An outdoor dining permit shall only be effective during the Covid-19 State of Emergency. Such permit shall not be transferable in any manner.
6. Outdoor dining areas shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the restaurant. The utilization of space extending not more than twenty-five (25) linear feet on either side beyond the subject property frontage may be authorized subject to written consent provided by tenants in front of whose businesses the outdoor dining service would occur.
7. There shall be maintained a minimum of six (6) feet clear distance or fifty (50) percent of public sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement. The minimum distance shall be measured from the portion of the open air dining area nearest either the curb-line or the nearest obstruction.
8. No perimeter structures such as fences, railings, planters or other such barriers shall surround the outdoor dining area which would restrict the free and unobstructed pedestrian flow or discouraging the free use of the tables or chairs by the general public.
9. Under no circumstance shall any outdoor dining area interfere with the free and unobstructed public access to any bus stop, crosswalks, public seating areas, street intersections, alley, service easements, handicap facilities or access to adjacent commercial establishments. The operation of such outdoor dining shall not be

conducted in such a way as to become a public nuisance and that the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.


10. The outdoor dining shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.
11. The restaurant owner/operator shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash and litter shall be removed daily.
12. The hours of operation shall coincide with that of the primary restaurant. Tables, chairs and all other furniture used in the operation of an outdoor dining area shall not be anchored or restrained in any visible manner as with a chain, rope or wire.
13. Outdoor dining may be suspended by the City Manager or designee for community or special events, utility, sidewalk or road repairs, or emergency situations or violations of provisions contained in this Order. The length of the suspension shall be for a duration as determined necessary by the City Manager or designee. Removal of all street furniture and related obstructions shall be the responsibility of the restaurant owner/operator.
14. The outdoor dining permit may be revoked by the department of development services upon a finding that one (1) or more conditions of this section have been violated, or the outdoor dining is being operated in a manner which constitutes a nuisance, that unduly impedes or restricts the movement of pedestrians or in any way constitutes a liability.

Section 4. Effective Date.

This Order shall be effective as of 7 AM, June 5, 2020, and may be further supplemented from time to time in accordance with Article I, Section 11-5 of Chapter 11 of the City Code. This document shall be posted and distributed as provided by City Code Section 11-5(f).


ISSUED THIS 4TH DAY OF JUNE, 2020, IN HOMESTEAD, MIAMI-DADE COUNTY, FLORIDA.

BY: 
CATE MCCAFFREY, CITY MANAGER

ATTEST: 
ELIZABETH SEWELL, MMC, CITY CLERK

COPY: MAYOR AND COUNCIL, CITY CLERK, POLICE CHIEF, CITY ATTORNEY, DEPARTMENT DIRECTORS

NOTICES POSTED AND ISSUED BY CITY CLERK THIS 4th DAY OF JUNE 2020 AT 4 PM.


CITY CLERK