

ORDINANCE NO. 2020-04

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, IMPLEMENTING A CITY-WIDE CURFEW FOR THE CITY OF OPA-LOCKA, FLORIDA DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article IV, Section 4.4 of the City of Opa-locka's Code of Ordinances provides for emergency ordinances to be passed; and

WHEREAS, on March 9, 2020, Florida Governor Ron Desantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, Executive Order 20-52, Section (4) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the taking of whatever prudent action is necessary to ensure the public's health, safety, and welfare; and

WHEREAS, the effects of COVID-19 continue to require extraordinary and immediate actions by the City of Opa-Locka in order to protect the public's health, safety, and welfare; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order 20-91, requiring all persons in Florida to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, the City Commission of the City of Opa-Locka, Florida hereby desires to implement a curfew within the jurisdictional limits of the City of Opa-locka for all residents between the hours of 10:00 PM and 5:00 AM, unless engaged in "essential travel" as more specifically described in Exhibit "A" hereto; and

WHEREAS, in order to combat the widespread transmission of COVID-19 the City Commission of the City of Opa-Locka desires to implement a city-wide curfew as in the best interest of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Imposition of a City-wide Curfew. The City Commission of the City of Opa-Locka, Florida hereby implements a city-wide curfew for the City of Opa-Locka consistent with the terms and conditions set forth in Exhibit "A" attached hereto, and until such time as Executive Order Number 20-52, executed by Governor Ron Desantis on March 9, 2020, including any extensions of same is terminated.

Section 3. Conflict & Repealer.
All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.


Section 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

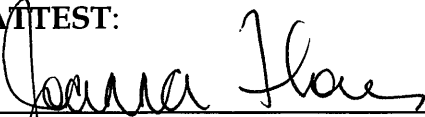
Section 5. Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption.

PASSED and ADOPTED this 3rd day of April, 2020.



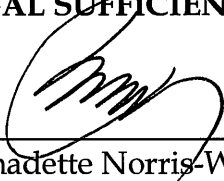
Matthew A. Pigatt, Mayor

WITTEST:


Joanna Flores, City Clerk

Ordinance No. 2020-04

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: COMMISSIONER KELLEY

Seconded by: COMMISSIONER BURKE

VOTE: 5-0

Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES

EXHIBIT A

City of Opa-Locka Florida Emergency Order

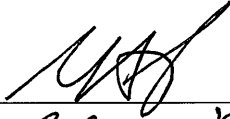
By virtue of the powers and duties vested in us as the City Commission of the City of Opa-locka, Miami Dade County, Florida and in accordance with Section 252.38, Florida Statutes and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, and by relevant sections of the Miami-Dade County Code of Ordinances, and having determined that because COVID-19 is a natural emergency whose effects are or will be significantly felt within the City of Opa-Locka, Florida and that on account thereof there is reason to believe that it is necessary to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City of Opa-locka residents, we do hereby proclaim and declare that a city-wide curfew shall be imposed.

Accordingly, we hereby issue this order establishing a curfew beginning Saturday, April 4, 2020 commencing at 12:00 am and continuing until Executive Order Number 20-52, executed by Governor Ron Desantis on March 9, 2020, is terminated, including extensions. The curfew shall be between the hours of 10:00 PM and 5:00 AM, within the jurisdictional limits of the City of Opa-locka. No person shall be outside in this area during the curfew hours either as a pedestrian or by means of a vehicle, unless such person is determined to be engaged in "essential travel." Essential travel is defined as travel necessary to obtain medication or health services; if the person is providing police, fire, or other governmental services; participating in, going to, or returning from a place of work or occupation; providing assistance expressly requested by police, fire, or governmental administrative personnel; participating in, going to, or returning from providing assistance to an individual with a disability or a medical need who is vulnerable to COVID-19. No person shall occupy any outside area during the curfew hours except upon express authorization of the City of Opa-locka Police Department. This Order shall not prohibit a person from walking a pet animal in the vicinity of his or her residence at which the animal is being maintained.

This Order has been coordinated with Miami-Dade County pursuant to Section 252.38(2), Florida Statutes. Any person violating any provision this Emergency Order shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or s. 775.083, Florida Statutes.

IN WITNESS WHEREOF, we have hereunto set my hand and caused the seal of City of Opa-locka to be affixed this 3rd day of April, 2020 at 7:45 p.m.

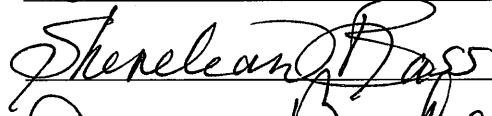
Mayor Matthew Pigatt



Vice-Mayor Chris Davis



Commissioner Sherelean Bass



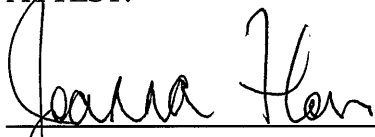
Commissioner Alvin Burke



Commissioner Joseph L. Kelley



ATTEST:



Joanna Flores, City Clerk



RECEIVED
CITY OF OPA-LOCKA
OFFICE OF THE CITY CLERK
City of Opa-Locka
Agenda Cover **2020-APR -2 AM 8:31**

Department Director:			Department Director Signature:				
City Manager:	John E. Pate, MS, CM		CM Signature:				
Commission Meeting Date:	4/8/2020		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance		Other
				X			
Fiscal Impact: <i>(Enter X in box)</i> N/A	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source: Account# :	<i>(Enter Fund & Dept)</i> Ex:		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
							X
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid#:				
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input checked="" type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input checked="" type="checkbox"/> Communication <input type="checkbox"/>	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>			
Sponsor Name	City Manager		Department:	City Manager			

Short Title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PROVIDING CERTAIN POWERS TO THE CITY MANAGER RELATED TO THE LOCAL EMERGENCY MEASURES DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19), INCLUDING BUT NOT LIMITED TO IMPOSING A MANDATORY CURFEW; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff Summary:

Requesting to implement a curfew and enforce based on Chapter 15 of the City Code of Opa-locka. Yes, all with all emergency orders have been submitted to Miami-Dade County for inclusion in their Emergency Management plan. The City we are using for example is Miami Gardens and Hialeah for curfew. Miami Gardens is 10p-5a and Hialeah is 11p-5a. The curfew will be enforced using Chapter 15 of Opa-locka's Municipal Code. Also, provide the City Manager with certain powers to be able to act on the best interest of the City of Opa-locka related to the Public Safety and Wellness of residents.

Proposed Action:

Staff recommends approval.

Attachment: