

**RESOLUTION NO. 20-9744**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE “LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE CITY MANAGER OF THE CITY OF OPA-LOCKA, FLORIDA” IMPOSED ON MARCH 26, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE**

**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)(0)(1) 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**, on March 26, 2020, City Manager John E. Pate, issued Order No. 20-02 (See Attached Exhibit “A”) which urged the residents of the City of Opa-Locka, Florida to Shelter-in-Place in order to combat the widespread transmission of COVID-19 now occurring throughout the United States; and

**WHEREAS**, the City Commission of Opa-Locka (“City”) desires to ratify the City Managers action in issuing his Order No. 20-02.

**NOW THEREFORE, BE IT RESOLVED THAT 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. Ratification of Declaration of City Manager Order 20-52.** The City Commission of the City of Opa-Locka, Florida hereby ratifies Order No. 20-02 issued by the City Manager, John Pate, on March 26, 2020.

Resolution No. 20-9744

**Section 3. Effective Date.** This Resolution shall take effect immediately upon adoption, and is subject to the approval of the Governor of the State of Florida or his designee.

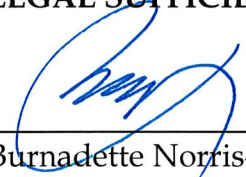
**PASSED AND ADOPTED** this 3<sup>rd</sup> day of April, 2020.

  
\_\_\_\_\_  
Matthew A. Pigatt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Joanna Flores, City Clerk

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

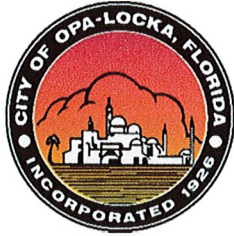
  
\_\_\_\_\_  
Burnadette Norris-Weeks, P.A.  
City Attorney

Moved by: COMMISSIONER KELLEY

Seconded by: COMMISSIONER BURKE

**VOTE:** 5-0

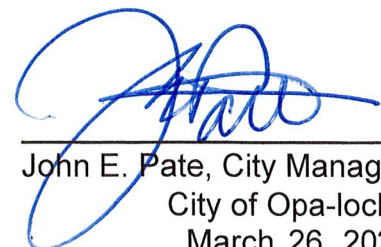
Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES



**ORDER No. 20-02**

**DECLARATION OF LOCAL EMERGENCY  
MEASURES IMPLEMENTED BY THE CITY  
MANAGER OF  
THE CITY OF OPA-LOCKA, OF MIAMI-DADE  
COUNTY, FLORIDA**

I, John E. Pate, City Manager of the City of Opa-locka, County of Miami-Dade, State of Florida, acting under the authority granted to municipalities by Florida Statutes Sections 252.38, et seq., and 501.160, and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, by the authority granted to me by Resolution No. 20-9742 passed by the City of Opa-locka City Commission on March 13, 2020 and by my authority under the City of Opa-locka Code of Ordinance 18-2, 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 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 do hereby proclaim and declare that a state of local emergency exists within the City of Opa-locka, County of Miami-Dade, State of Florida and the attached and elected emergency measures are necessary and are hereby instituted urging Opa-locka residents to be SAFER AT HOME.



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John E. Pate, City Manager  
City of Opa-locka  
March 26, 2020

**ORDER No. 20-02**  
**LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE**  
**CITY MANAGER OF THE CITY OF OPA-LOCKA, FLORIDA**

**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)(0)(1) 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**, COVID-19 is a natural emergency whose increasing effects are being felt within the City of Opa-locka and that on account thereof, there is reason to believe that the virus will continue to spread; and

**WHEREAS**, Miami-Dade County Mayor Carlos A. Gimenez declared a State of Emergency for South Florida due to the threat of COVID-19; and

**WHEREAS**, on March 13, 2020, City Manager John E. Pate, declared a Local State of Emergency for the City of Opa-locka due to the threat of COVID-19; and

**WHEREAS**, the Center for Disease Control ("CDC") is predicting that it is "likely" that "widespread transmission" of COVID-19 will continue to occur within the United States; and

**WHEREAS**, on March 13, 2020, the City Commission of the City of Opa-locka ratified the declaration of the City Manager pursuant to Resolution No. 20-9742 for the benefit of expressing the seriousness of the local public health and safety matters facing the City and the immediate need for such matters to be addressed; 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

**NOW, THEREFORE**, I, John E. Pate, City Manager of the City of Opa Locka, County of Miami-Dade, State of Florida, acting under the authority granted to municipalities by Florida Statutes Sections 252.38, et seq., 501.160, and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, and by City of Opa-locka Code of Ordinances 18-2 and by relevant sections of the Miami-Dade County Code of Ordinances, by City of Opa-locka Resolution No. 20-9742, in addition to the Local Emergency Measures

I have previously ordered, hereby **ORDER** and promulgate the following additional Local Emergency Measures for the City of Opa-locka, **effective March 27, 2020 at 11:59 p.m.:**

**I. SAFER AT HOME**

1. All residents living within the City of Opa-locka are hereby ordered to remain in their residence subject only to the exceptions permitted herein.

2. All non-essential travel, including, without limitation, travel on scooter, motorcycle, automobile, or use of public transit is prohibited subject only to the exceptions permitted in Section III below.

3. All residents may leave their residence and persons may travel into the City of Opa-locka to seek goods and services from essential retail establishments and/or to perform work in support of essential activities specifically permitted in this Local Emergency Measure or any emergency order issued by a local municipality, by Miami-Dade County, by the State of Florida, or by the federal government. Travel by personnel of essential retail and commercial activity shall be permitted, including personnel providing essential services to residents within their homes, such as repair landscaping and pool services, home care, or other essential services as provided in Miami Dade County Emergency Orders, as amended, provided persons engaging in these essential activities shall maintain reasonable social distancing practices at all times.

4. Residents may engage in outdoor recreational activity and/or visit recreational areas not otherwise closed to the public pursuant to existing Emergency Orders issued by Miami-Dade County, as amended by Miami-Dade County, or subsequent Emergency Measures by the City of Opa-locka, provided that the individuals maintain a distance of at least six (6) feet between each other.

**11. CLOSING OF PLACES OF ASSEMBLAGE IN THE CITY**

1. As City Manager, I hereby authorize the closure of places of public

assemblage with designated exceptions.

2. Assemblage by any person or persons in such closed place is hereby prohibited.

### **III. CLOSURE OF CERTAIN BUSINESSES AND ESTABLISHMENTS IN THE CITY**

1. All alcohol service establishments in the City of Opa-Locka that do not serve food are permitted to operate only between the hours of 10 AM to 6:00 PM on each day of the week.

2. All restaurants and retail food facilities in the City of Opa-locka shall be prohibited from serving food for consumption in dining areas on premises, including outdoor seating areas. Restaurants and retail food facilities may continue to operate for the sole purpose of preparing and offering food to customers via delivery, third-party delivery service, carry-out, or drive-thru amenities at any hour. For those establishments offering food carry out options, proprietors are directed to establish safe social distancing practices for those patrons in the queue for pick-up.

3. All movie theaters, live performance venues, bowling alleys, and arcades located in the City of Opa-locka shall be closed to the public.

4. All gyms and fitness centers shall be closed to the public.

5. All casinos, cardrooms, frontons, racetracks, and pari-mutuel facilities shall be closed to the public.

6. Exceptions: Notwithstanding the SAFER AT HOME order provided herein, all visitors or residents of the City of Opa-locka may leave their residence to seek goods and services from "essential retail and commercial establishments" as defined in Miami-Dade County Emergency Order 07-20, as amended by Miami-Dade County, or

subsequent amended Local Emergency Measures for the City of Opa-locka, which are exempt from mandatory closure. These essential retail and commercial establishments generally include, but are not limited to, grocery stores; convenience stores; food distribution centers; restaurants subject to the limitations provided in this Section and subject to social distance separation of at least six (6) feet between patrons; hospitals, pharmacies, and health care providers; gas stations and auto-repair facilities; banks and financial institutions; hardware stores; businesses that provide postal/shipping services and other *office* products; laundry service providers; childcare facilities providing services to groups of 10 or fewer and subject to limitations in County Emergency Orders; exempt professional services; home-based care for seniors, adults or children; pet supply stores, veterinarian and pet boarding facilities; and offices in support of essential retail and commercial activities. See Miami- Dade County Emergency Order 07-20 and Amendments thereto.

#### **IV. LIMITATION OF OCCUPANCY LOAD AT CERTAIN PLACES**

1. No essential retail businesses or commercial establishments of any kind in the City of Opa-locka shall be permitted to operate and shall immediately cease all business activities and operations, if, at any time, the total occupancy load of any essential business or establishment meets or exceeds fifty percent (50%) of the business' or establishment's authorized total occupancy load. Notwithstanding the foregoing, all businesses or establishments may avoid the prohibition set forth herein if such business or establishment immediately reduces its occupancy load to fifty percent (50%) of the business' or establishment's authorized total occupancy load.

2. Notwithstanding the above, no essential businesses or establishments of any kind with an occupancy load of five-hundred (500) or

more shall be permitted to operate, if, at any time, the total occupancy load of any business or establishment meets or exceeds two-hundred fifty (250) persons.

**V. NON-ESSENTIAL RETAIL AND COMMERCIAL ESTABLISHMENTS**

1. All business and establishments not deemed "essential retail and commercial establishments "as provided in Miami-Dade County Emergency Order 07-20, as amended by Miami-Dade County, are hereby deemed to be non-essential and, therefore, such businesses and establishments within the territorial limits of the City of Opa-locka shall continue to remain CLOSED and may resume operations upon termination of these Local Emergency Measures.

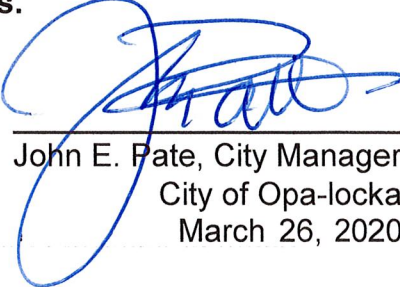
**VI. BAN ON UNCONSCIONABLE PRICING (PRICE GOUGING)**

1. No person shall during a declared state of local emergency impose unconscionable prices for any essential commodity, including but not limited to goods, supplies, services, provisions, materials, resources, equipment, or any article of commerce and includes, without limitation water, food, ice, chemicals, petroleum products, sanitizers, cleaning products, and lumber necessary for consumption and/or use as a direct result of the emergency.

2. No person shall during a declared state of local emergency impose unconscionable prices for the rental or lease of any dwelling unit or storage facility.



**All requirements and directives contained in this Local Emergency Measure, as well as all active Miami-Dade County Emergency Orders and all Executive Orders issued by Florida Governor Ron Desantis shall be strictly adhered to at all times and enforceable pursuant to the Code of the City of Opa-locka and Section 252.50, Florida Statutes.**



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John E. Fate, City Manager  
City of Opa-locka  
March 26, 2020

**NOTICE OF ORDER No. 20-02 DECLARATION OF LOCAL EMERGENCY MEASURES**

Under the provisions of law and §§ 252.31 - 252.60, Florida Statutes, the City Manager declared on March 13, 2020, that a State of Local Emergency continues to exist and it is the intent that the declared emergency will extend for the same period of time as Miami-Dade County, Florida state of emergency and in accordance with the authority granted to municipalities pursuant to Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, there is reason to believe that there continues to exist a clear and present danger of substantial injury to the health, safety, and welfare of persons or to property, all of which constitute an imminent threat to public peace and order and to the general welfare of this City and, therefore, the *attached* Local Emergency Measures are necessary and are hereby necessary and being promulgated pursuant with Section 252.38, Florida Statutes, after coordination with Miami-Dade County.

All persons within the City of Opa-locka are advised to become informed as to the contents of the attached Order No. 20-02 Declaration of Local Emergency Measures and to keep informed as to the issuance of further Local Supplementary Emergency Orders. Any violations of Order No. 20-02 Declaration of Local Emergency Measures and previously promulgated Local Emergency Measures may be subject persons to arrest and conviction thereof to the penalties as provided by law.