

# CITY OF TAMARAC

## STATE OF EMERGENCY - EMERGENCY ORDER 2020-03

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52, thereby declaring a public health emergency in the State of Florida due to public health threat resulting from the spread of the Novel Coronavirus Disease 2019 (“COVID-19”); and

**WHEREAS**, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death constitutes a clear and present threat to the lives, health, safety and welfare of the citizens and residents of Broward County, including the City of Tamarac; and

**WHEREAS**, on March 10, 2020, Broward County Administrator Bertha Henry declared a state of emergency in Broward County; and

**WHEREAS**, on March 13, 2020, the City Manager of the City of Tamarac (the “City”) declared a state of emergency pursuant to Section 7.12 of the City Charter; and

**WHEREAS**, pursuant to Section 252.46, F.S., and City’s Charter, the City Manager has the authority to issue emergency orders with the force of law; and

**WHEREAS**, on March 28, 2020, the City Manager executed a first emergency order, thereby order all residents to stay at home, except when engaging in essential services; and

**WHEREAS**, on March 30, 2020, Governor Ron DeSantis issued Executive Order No. 20-89 restricting public access to businesses and facilities deemed non-essential in Miami-Dade County, Broward County, and Palm Beach County; and

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

**WHEREAS**, on April 9, 2020, Broward County Administrator Bertha Henry issued Broward County Emergency Order 20-06, as required by the Governor’s Executive Order 20-89, restricting public access to businesses and facilities deemed nonessential pursuant to the guidelines established by Miami-Dade County Emergency Order 07-20, as modified by amendments prior to March 30, 2020 (collectively, the “Miami-Dade Emergency Order 07-20”); and

**WHEREAS**, on April 28, 2020, as part of a coordinated effort with the local municipalities and the adjoining counties, Broward County Administrator Bertha Henry reopened certain parks, golf courses, and other recreational facilities in Broward County pursuant to the guidelines in Broward County Emergency Order 20-08, as amended; and

**WHEREAS**, on April 29, 2020, Governor DeSantis issued Executive Order 20-112, as amended, establishing Phase 1 of a step-by-step plan for Florida’s recovery, and adding (for

counties other than Broward, Miami-Dade, and Palm Beach Counties) certain additional services to the activities previously permitted for individuals under Executive Order 20-91, including on-premises consumption of food and beverage at restaurants, operation of in-store retail, and opening of museums and libraries (if permitted by the local government), subject to a twenty-five percent (25%) capacity limitation and certain other limitations; and

**WHEREAS**, on May 8, 2020, Governor Ron DeSantis issued Executive Order No. 20-114 extending the state of emergency declared in Executive Order 20-52 until July 7, 2020; and

**WHEREAS**, on May 9, 2020, Governor DeSantis issued Executive Order 20-120, authorizing licensed professionals including barbers and cosmetologists to provide personal services as part of Phase 1; and

**WHEREAS**, on May 14, 2020, Governor DeSantis issued Executive Order 2020-122 permitting Broward County to participate in the Phase 1 reopening identified in Executive Order 20-112, Executive Order 20-120, and any future orders pertaining to Phase 1; and

**WHEREAS**, on May 14, 2020, the Broward County Administrator executed Emergency Order 20-10 (the "County Phase 1 Order") providing for a Phase 1 re-opening for Broward County; and

**WHEREAS**, in accordance with Section 4(D) of Governor Ron DeSantis' Executive Order No. 20-52, as amended, the City of Tamarac is authorized to waive the procedures and formalities otherwise required by law.

**NOW, THEREFORE**, the City Manager of the City of Tamarac, pursuant to the authority set forth in Ch. 252, F.S., and Section 7.12 of the City's Charter, and all other applicable laws, promulgates the following Emergency Orders to take effect May 18th, 2020 at 12:01 a.m.:

Section 1. Adoption of County Phase 1 Order: The City of Tamarac hereby adopts Broward County Administrator's Emergency Order 20-10, as if fully set forth herein. A copy of the County Phase 1 Order is attached hereto as Exhibit "A."

Section 2. Prior City Orders Repealed: The following City of Tamarac Emergency Orders are hereby repealed:

- A. Emergency Order # 2020-01, dated March 28, 2020
- B. Emergency Order #2020-02, dated April 8, 2020

Section 2. Compliance with County and State Orders. All businesses and uses shall adhere to the requirements of all of the Governor's Executive Orders and Broward County Emergency Orders, and all persons shall continue to use facial coverings and follow social distancing requirements as described in Broward County Orders, and otherwise comply with all requirements of the Governor's Executive Orders and Broward County Emergency Orders.



Section 3. Face Coverings. All citizens and residents of Tamarac, as well as all visitors to the City, are strongly urged to use cloth face coverings while utilizing any services provided under the County Phase 1 Order, in addition to other recommended social distancing measures, especially in areas of significant community-based transmission, including, but not limited to grocery stores, hardware stores, and pharmacies. Facial coverings and other disposable personal protective equipment such as masks and gloves must be discarded properly; littering of facial coverings or other personal protective equipment is prohibited. Additionally, any worker involved in the preparation of food is required to wear a facial covering regardless of whether they are conducting in-person interactions with the public, unless doing so would pose a hazard or health issue. The following link offers a brief tutorial from the U.S. Surgeon General on how to make a cloth face covering:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

For purposes of this order, "cloth face coverings" shall not include surgical masks or N95 respirator masks, which should be reserved for healthcare workers and other first responders, as recommended by the CDC.

Section 4. Public Gatherings. Pursuant to the Governor's Executive Order 20-112, groups of more than ten (10) people are not permitted to congregate in any public space that does not readily allow for the required social distancing.

Section 5. Houses of Worship: This Emergency Order does not limit religious services at any location, but all persons performing or attending religious services are urged to fully comply with all measures advised by the CDC including limiting gatherings to no more than ten (10) people and practicing social distancing of at least six (6) feet between persons. Houses of worship are encouraged to use communications media technology such as live streaming of their services in-lieu of in person gatherings.

Section 6. City Pools: All City-owned and operated pools shall remain closed.

Section 7. City Parks: All active and passive City-owned parks shall be opened to the public, in accordance with the rules, restrictions and social distancing guidelines set forth in Broward County Emergency Order No. 20-08, as may be amended, unless otherwise provided for herein. A copy of the Order is attached hereto as Exhibit "B". Notwithstanding any provision of Emergency Order No. 20-08 to the contrary, all playgrounds, campgrounds and outdoor exercise equipment shall remain closed. Use of tennis courts, racquetball courts, volleyball and pickle ball courts shall be limited to a maximum of two (2) people on the court at any one time (i.e. singles play only). Basketball courts are limited to individual use (no multiplayers or pick-up games are permitted), and social distancing must be maintained at all times.

Section 8. Outdoor Seating at Restaurants: Temporary additional outdoor seating for restaurants, beyond the current limitations of the City's Code, will be permitted for a period of up to sixty (60) days from the date of this order, as approved by the City Administration, subject to the following:

- a. The owners of the building or shopping center in which the restaurant is located must submit the written registration request for additional outdoor seating to the City.
- b. All requests must be sent to the City via email to [frank.zickar@tamarac.org](mailto:frank.zickar@tamarac.org) on a registration form provided by the City.
- c. The request must include:
  - a. a scaled-rendering of the proposed area for additional outdoor seating;
  - b. if the proposed area would include areas currently used for parking or vehicular traffic, then include:
    - i. information showing the location and number of parking spaces to be temporarily used;
    - ii. information on how customers and employees will be physically protected from vehicle traffic;
    - iii. and, if alternate traffic patterns are being proposed, a diagram of the proposed new pattern;
    - iv. statement that there will be adequate parking for the uses on the property
- d. The requestor must permit inspections of the additional outdoor seating areas by the City's Fire, Community Development and Building Departments.
- e. The restaurant must strictly comply with Executive Orders issued by Governor Ron DeSantis, Emergency Orders issued by Broward County, and any guidelines or requirements of state licensing agencies from which the restaurant has received any licenses or permits.
- f. Any approvals by the City will be in writing. The City Administration may place reasonable conditions on any approval in order to protect the safety and welfare of customers and employees of the restaurant and adjoining uses on the property.
- g. Copies of the City approval must be posted on premises at all times when the restaurant is open for customers.
- h. The City Manager or his/her designee may immediately withdraw any approvals under this Order should the restaurant violate any of the terms of any applicable orders, regulations of state agencies, or conditions of City approval.
- i. To implement these emergency temporary actions, any City ordinance relating to a limit on outdoor seating capacity, required parking, or other site plan requirements for outdoor seating is temporarily and conditionally waived as applied to requests for temporary outdoor seating areas sent to the City pursuant to this Order.
- j. Temporary additional outdoor seating shall not expand any area previously approved by the City to permit the presence of dogs
- k. Any approved outdoor seating may remain in use for the duration of the City's approval.
- l. Upon the expiration of a City approval, the applicant must return the outdoor areas to their former state.

Section 9. Signage: Temporary banners and signage, beyond the current limitations of the City's Code, will be permitted for a period of up to sixty (60) days from the date of this Order, as approved by the City Administration. The owners of the building or shopping center in which the business is located must submit the written registration request for additional signage to the City. All requests must be sent to the City via email to [frank.zickar@tamarac.org](mailto:frank.zickar@tamarac.org) on a registration form provided by the City. Each business legally operating under the Governor's Executive Orders, County Orders and City Orders within the City's nonresidential zoning districts are permitted one (1) banner sign or "feather" sign of no more than twelve (12) square feet, and one (1) sandwich board or sidewalk sign with an area of no more than six (6) square feet on each face. These signs are not permitted in any



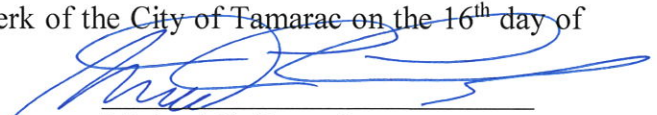
right-of-way and may not be attached to any public or utility infrastructure (such as street lights and traffic light posts).

Section 10. Applicability and Severability: This Emergency Order supersedes any contrary provision in any prior City of Tamarac Emergency Order. No landowner or applicant under Section 8 or 9 acquires vested rights to continue or complete any temporary rights acquired. Although the businesses and entities specified in this Emergency Order may open subject to the guidelines set forth herein, no business or entity is required to reopen if such business or entity does not wish to do so or believes it cannot do so safely. Any provision(s) within this Emergency Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, or Broward County shall be deemed inapplicable and deemed to be severed from this Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect.

Section 11. This Order replaces all prior Emergency Orders as set forth in Section 2 hereof. All requirements of City Emergency Orders, Broward County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.

Section 12. Enforcement: The Broward Sheriff's Office, as the City's law enforcement agency, other law enforcement agencies, including municipal law enforcement agencies, code enforcement officers, and other personnel as provided for in the City of Tamarac Code of Ordinances, are authorized to enforce this Emergency Order against any person or entity violating any provision of this Emergency Order. Violations of this Emergency Order shall be prosecuted in the same manner as misdemeanors are prosecuted, including fines not to exceed \$500 per violation.

**ORDERED AND FILED** with the City Clerk of the City of Tamarac on the 16<sup>th</sup> day of May 2020.



Michael C. Cernech  
City Manager