

CITY OF TAMARAC

STATE OF EMERGENCY - EMERGENCY ORDER 2020-04

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, beginning on May 21, 2020, the Broward County Administrator issued a series of Emergency Orders including Emergency Orders 20-12,20-13,20-14,20-15, and 20-16, which outline the establishments currently permitted to operate in Broward County and incorporate guidelines and requirements for safe operations for opened businesses, amenities, and services; and

WHEREAS, in order to increase public awareness of the safety and sanitation measures required to protect public health, on June 12, 2020, the Broward County Administrator issued Emergency Order 20-17 requiring retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements; 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:

Section 1. Food Trucks. Established fees for the utilization of food trucks and regulatory requirements for utilization of such food trucks will be waived and permitted for a period of up to sixty (60) days from the effective date of this order for existing restaurants impacted by COVID-19

and the subsequent limitations placed on restaurants by applicable executive orders of the State, Broward County and the City, as approved by the City Administration, subject to the following:

- a. The food truck must be used for food service ancillary to an existing restaurant and be located within the physical property boundary of the building or shopping center in which the restaurant is located.
- b. The owners of the building or shopping center in which the restaurant is located must submit the written registration request for the food truck.
- c. All requests must be sent to the City via email to frank.zickar@tamarac.org on a registration form provided by the City.
- d. The request must include:
 - a. a scaled-rendering of the proposed area for the food truck;
 - 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.
- e. The requestor must permit inspections of the food truck by the City's Fire, Community Development and Building Departments.
- f. The food truck 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 food truck has received any licenses or permits.
- g. 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 food truck and the restaurant the food truck supports as well as any adjoining uses on the property.
- h. Copies of the City approval must be posted on premises at all times when the food truck is open for customers.
- i. The City Manager or his/her designee may immediately withdraw any approvals under this Order should the food truck violate any of the terms of any applicable orders, regulations of state agencies, or conditions of City approval.
- j. To implement these emergency temporary actions, any City ordinance relating to fees or a limit on operation of food trucks are temporarily and conditionally waived as applied to requests for temporary use of food truck by an existing restaurant for the sale of food of the restaurant sent to the City pursuant to this Order.
- k. Any approved food truck may remain in use for the duration of the City's approval.
- l. Upon the expiration of a City approval, the applicant must return remove the food truck and otherwise comply with the City Code as same relates to food trucks.

Section 2. Amendment to Emergency Order 2020-03

Section 6. City Pools: All City-owned and operated pools shall remain closed. All city-owned and operated pools shall be opened to the public on July 6, 2020,

in accordance with the rules, restrictions and social distancing guidelines set forth in Broward County Emergency Order No. 20-12. The water playground, slide and splash pads will 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, picnic shelters, 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). Use of tennis courts shall be limited to a maximum of four (4) people on the court at any one time (i.e. doubles play only). Basketball courts are limited to individual use (no multiplayer or pick-up games are permitted), and social distancing must be maintained at all times. All active and passive City-owned parks shall be closed July 4, 2020.

Section 3. Extension of City of Tamarac Emergency Order 2020-03. With the exception of the amendments contained in this Emergency Order, all provisions of City of Tamarac Emergency Order 2020-03 are ratified and extended for sixty (60) days from the effective date of this Emergency Order.

Section 4. 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 of Emergency Order 2020-03 or under Section 1 of this Emergency Order 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 5. 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 6. 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.

Wednesday, July 1st, 2020. Section 7. Effective Date; Duration. This order shall be effective as of 12:01 a.m. on State of Local Emergency, as same may extended by subsequent order or declaration, unless earlier terminated by a subsequent Emergency Order.

ORDERED AND FILED with the City Clerk of the City of Tamarac on the 1st day of July 2020.



Michael C. Cernech
City Manager