

CITY OF TAMARAC

STATE OF EMERGENCY - EMERGENCY ORDER 2020-06

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, on July 17, 2020, the Broward County Administrator issued Emergency Order 20-22 in order to establish additional guidelines in efforts to control the pandemic and avoid further spread, by requiring that all persons take reasonable measures to minimize contagion including ensuring that those visiting their homes or properties comply with all applicable guidelines and refrain from engaging in activities likely to cause spread; 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 July 23, 2020 at 12:01 a.m.:

Section 1. Ratification of City of Tamarac Emergency Order 2020-05. With the exception of the amendments contained in this Emergency Order, all provisions of City of Tamarac Emergency Order 2020-05 are ratified.

Section 2. Extension of Provisions of City of Tamarac Emergency Order 2020-03 and Emergency Order 2020-04. With the exception of the amendments contained in this Emergency Order, Sections 8 and 9 of City of Tamarac Emergency Order 2020-03 and Section 1 of City of Tamarac Emergency Order 2020-04 are ratified and extended until the termination of the State of Emergency in the City of Tamarac or unless modified or terminated earlier.

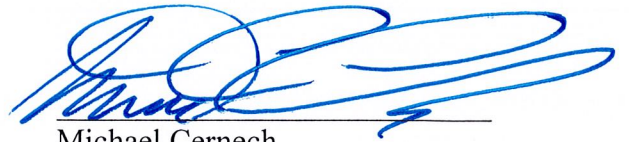
Section 3. Compliance with County and State Orders. All individuals and businesses and uses shall strictly adhere to the requirements of all of the Governor's Executive Orders and Broward County Emergency Orders, and all persons shall follow the Broward County wide curfew, continue to use facial coverings 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 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 Emergency Order 2020-04 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. 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 Broward County Administrator's Emergency Orders shall be prosecuted pursuant to the applicable provisions of the Broward County Administrator's Emergency Order. The City may enforce violations of provisions applicable only in the City of Tamarac as set forth in this Emergency Order pursuant to applicable provisions of Florida Law, Chapter 162, Florida Statutes and the City Code.

ORDERED AND FILED with the City Clerk of the City of Tamarac on the 23 day of

July 2020.



Michael Cernech
City Manager