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SUNRISE, FLORIDA

ORDINANCE NO. 654

AN EMERGENCY ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY; EMPOWERING THE CITY MANAGER TO ISSUE DECLARATION(S) OF EMERGENCY REGULATIONS; DESIGNATING THE CHIEF OF POLICE AS THE CITY OFFICIAL FOR CHAPTER 870, FLORIDA STATUTES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND DEEMING THIS ORDINANCE AN EMERGENCY MEASURE AND WAIVING READINGS ON TWO SEPARATE DAYS.

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents with symptoms similar to those of influenza; and

WHEREAS, in December 2019, a new and significant outbreak of COVID-19 emerged in China and has since spread rapidly to more than 100 countries and territories throughout the World, including the United States, Florida, and more specifically, Broward County; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic; and

WHEREAS, in response to the recent COVID-19 outbreaks in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention is predicting widespread transmission of COVID-19 in the United States; and

WHEREAS, on March 1, 2020, the Governor issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, the Governor directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, on March 9, 2020, the Governor issued Executive Order 20-52 declaring a State of Emergency for COVID-19 in the State of Florida, directed the Florida Division of Emergency Management to activate the Florida Emergency Operations Center (EOC) to coordinate the state's response to COVID-19, and authorized each political subdivision of the state to "waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;" and

WHEREAS, on March 10, 2020, Broward County issued a Local Declaration of Emergency under the provisions of the Broward County Charter and Florida Statutes Chapter 252 due to the serious threat to the health, safety and life within Broward County. The City implemented its local emergency plan and the County activated its Emergency Operations Center, which allows the County to quickly initiate emergency response to municipalities like Sunrise if a need arises; and

WHEREAS, on March 12, 2020, the State Director of Emergency Management, Jared Moskowitz, advised that "municipalities cancel all major gatherings in their jurisdictions, until further notice;" and

WHEREAS on March 13, 2020, President Donald Trump declared a "National Emergency" and urged every state to set up emergency operations centers; and

WHEREAS, on March 14, 2020, the City of Sunrise declared an emergency for purposes of procurement under Section 5-173 of the City's Code; and

WHEREAS, as of March 16, 2020, Worldometer reports that 162 countries and territories have been affected, that 179,836 COVID-19 cases exist and that 7,096 people have died from COVID-19; and

WHEREAS, on March 16, 2020, President Trump stated that to prevent the spread of the pandemic disease, that no more than 10 people should gather in a location and President Trump has further stated that this pandemic may last through July or August 2020; and

WHEREAS, numerous counties in Florida, including Broward County, have positive cases for COVID-19, and COVID-19 poses a significant health risk to the entire state of Florida; and

WHEREAS, as of March 17, 2020, the State of Florida has 192 confirmed cases of COVID-19 of which 43 are located in Broward County; and

WHEREAS, experts say the worst is yet to come with some estimates calling for the pandemic to last two (2) months and the possibility of more than 800 cases in Broward County; and

WHEREAS, the City of Sunrise is threatened by the COVID-19 pandemic due to the virus' ability to spread rapidly and overwhelm the health system; and

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, this emergency declaration allows City staff to proceed with all mitigation, prevention, and awareness efforts required to minimize impact from the COVID-19 outbreak in Broward County, and to take measures to protect the health, safety and public welfare of our Sunrise residents, employees, businesses and visitors; and

WHEREAS, on March 17, 2020, Governor DeSantis issued Executive Order 20-68 that provides that the licensee of a bar, pub or nightclub that derives more than 50% of its gross revenue from the sale of alcoholic beverages shall suspend all sale of alcoholic beverages for thirty (30) days from the date of his order; makes requirements for beaches; and provides that restaurants shall immediately limit occupancy to 50% of current building occupancy and ensure a 6-foot distance between any group of patrons and limit parties to no more than ten (10) individuals; and

WHEREAS, pursuant to Section 3.13 of the City's Charter, Florida Statutes Chapters 166, 252 and 870 and the Declaration of State of Emergency existing since March 9, 2020, Emergency Ordinances such as this Emergency Ordinance may be enacted by the City Commission to meet a public emergency affecting life, health, property, safety or the public peace.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Declaration of Local State of Emergency, duration, extension, and termination. The City of Sunrise finds that it has been operating under a state of emergency declared by the State of Florida as well as Broward County. The City hereby

declares a local state of emergency to ensure it has the ability to minimize impact from the COVID-19 global pandemic and to take measures to protect the health, safety and public welfare of our Sunrise residents, employees, businesses and visitors. This state of emergency shall commence upon its declaration and shall terminate not more than seven (7) days after its effective date unless extended by the City Manager, after consultation with the Chief of Police and Fire Chief, in additional seven (7) day increments provided a national state of emergency, declared state of emergency for the State of Florida, or declared state of emergency for Broward County exists. This local state of emergency shall terminate upon decision by the City Manager or the City Commission or when all of the national, state and county states of emergency have terminated.

Section 3. Designation of Authority to City Manager or Assistant City Manager.

In order to protect the health, safety and welfare of the Sunrise residents, employees, businesses and visitors, the City Commission authorizes and empowers the City Manager or designated Assistant City Manager to issue Declaration(s) of Emergency Regulations and to take all action necessary through the duration of the State of Emergency, including but not limited to the following actions:

- a. Make and issue Declaration of Emergency Regulation(s) rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;
- b. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and bind the City for the fair value thereof and, if required immediately, commandeer the same for public use;
- c. Require emergency services of any City officer or employee;
- d. Requisition necessary personnel or material of any City Department or agency;
- e. Extend in accordance with Section 2 or terminate the declaration of local emergency during any period that a national emergency, declared state of emergency for Florida, or declared state of emergency for Broward County exists;
- f. Close city facilities and suspend city services; and
- g. Postpone, cancel or suspend City events and activities, including advisory board meetings, statutory board meetings, special magistrate, code enforcement, red light camera local hearings, board of adjustment, unsafe

structures board, etc.; homeowner association and civic association meetings conducted or held on City property; special events; and all City recreational programs and facilities, facility rentals and organized sports leagues.

Section 4. City Commission. The City Commission passed a Declaration of Emergency Regulations (COVID-19 State of Emergency – March 18, 2020). Notwithstanding the City Manager’s authority set forth herein, during the duration of this national, state, County or City declared state of emergency, the City Commission reserves the following powers to itself:

- a. Prohibit public gatherings of any type, whether organized or otherwise consistent with the guidance of public health officials. Retail establishments, pharmacies and grocery stores may be exempt from this regulation. Land or facilities owned and managed by Broward County, the Broward County School Board, the North Broward Hospital District, the State of Florida, the Federal Government, or any hospital or healthcare facilities are exempt from this regulation; and
- b. Require public places, including businesses, restaurants, bars, and retail establishments to have complimentary alcohol-based hand sanitizer at every entrance for use by patrons and employees upon entering and exiting.

Section 5. Police Chief’s Authority. Notwithstanding the City Manager’s authority set forth herein, during the duration of this national, state, County or City declared state of emergency, the Chief of Police is designated as the City official empowered to exercise the emergency powers conferred in §§ 870.041 – 870.047, Florida Statutes, including but not limited to those powers regarding firearms and ammunition, establishing curfews and other discretionary emergency measures, and establishing penalties for violations. The Chief of Police shall be responsible for enforcement of all such emergency orders, rules and measures.

Section 6. Procurement. Additionally, the Governor’s Executive Order No. 19-189, under Fla. Stat. §252.38, authorized the City to waive the procedures and formalities associated with the appropriation and expenditure of public funds. In furtherance of Section 5.05 of the City Charter, the City Manager, in conjunction with the Finance and Administrative Services Director, is authorized to expend normal operating budget funds for this emergency to obtain services and contracts to continue operations and return the City to normal operations. The City Manager or designee is authorized to approve expenditures to continue City personnel duties and make variations or exceptions to expenditures, rates and other policies currently established for City facilities and operations. In addition to the procurement authority provided for in Sections 5-172 and

5-173 of the City Code, the Purchasing Director is authorized to make the necessary procurements for services and or contracts to continue City operations and to return the City to normal operations.

Section 7. Violations. Any violation of a provision of §§ 870.041 to 870.047, Fla. Stat. or of any emergency measure established thereto shall be a misdemeanor of the first degree, punishable as provided in §§ 775.082 or 775.083, Fla. Stat. Any violation of a provision of §§ 252.31 – 252.90, Fla. Stat., or any rule or order made pursuant thereto shall be a misdemeanor of the second degree, punishable as provided in §§ 775.082 or 775.083, Fla. Stat.

Section 8. Waive notice, public advertising and two (2) readings for emergency ordinance. Pursuant to Section 3.13 of the City Charter, the Commission waives notice and the requirement for public advertising of this Emergency Ordinance prior to its adoption. This Ordinance shall be deemed an emergency measure and readings on two separate days are hereby waived.

Section 9. Newspaper publication of emergency ordinance. Pursuant to Section 3.13 of the City Charter, the City Clerk is directed to publish the Ordinance at least once in a newspaper of general circulation.

Section 10. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

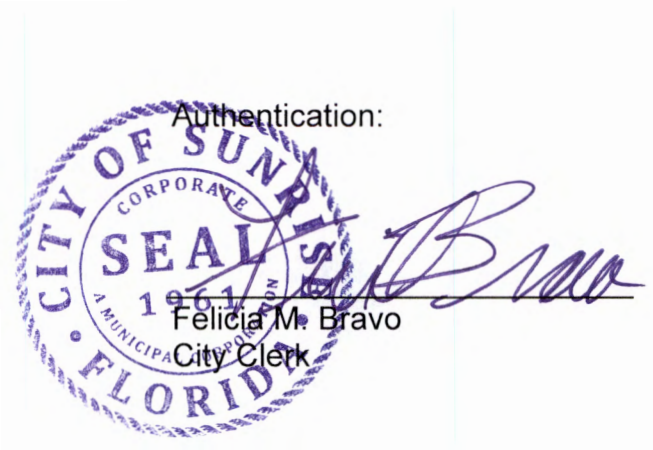
Section 11. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 12. Effective Date. This Ordinance shall be effective immediately upon its passage. Pursuant to Section 2-34 of the City's Code, this Emergency Ordinance is automatically repealed as of the 61st day following the date on which it was adopted unless extended under regular ordinance adoption procedures or unless extended in the manner set forth in Section 3.13 of the Charter.

PASSED AND ADOPTED this 18TH DAY of MARCH, 2020.



Mayor Michael J. Ryan



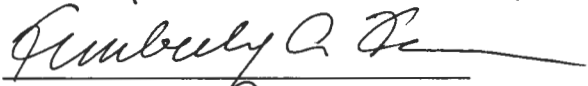
Authentication:

Felicia M. Bravo
City Clerk

MOTION: KERCH
SECOND: SCUOTTO

DOUGLAS: YEA
KERCH: YEA
SCUOTTO: YEA
SOFIELD: YEA
RYAN: YEA

Approved by the City Attorney
as to Form and Legal Sufficiency



Kimberly A. Kisslan