EMERGENCY ORDER 2020-07

PHASE 1 RE-OPENING OF ADDITIONAL SERVICES AND ACTIVITIES

On March 1, 2020, the Honorable Ron DeSantis, Governor of the State of Florida declared a Public Health Emergency as a result of COVID-19.

On March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19.

During the period between March 10, 2020 and March 13, 2020, Broward County Government, Miami-Dade County Government, and Palm Beach County Government each declared a Local State of Emergency for the incorporated and non-incorporated areas of each respective county.

On March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic.

On March 12, 2020, a State of Emergency was declared in the City of Lauderdale Lakes by the City Mayor as a result of the Novel Coronavirus Disease 2019 ("COVID-19"), which was effectively reaffirmed and ratified on March 17, 2020 pursuant to the City Commission’s adoption of Resolution 2020-020 and Resolution 2020-021.

On March 27, 2020, Phil Alleyne, as City Manager of the City of Lauderdale Lakes ("City"), Florida executed Emergency Order 2020-01 directing a Safer At Home Order to City residents and visitors, and also applicable to the conduct and performance of essential business activities and services, and further requiring social distancing and limitations on gatherings, employee screening, and employer cleaning protocols.

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.

On April 1, 2020, Governor DeSantis issued Executive Order Number 20-91, which among other things, directed the State Surgeon General and State Health Officer to issue a public health advisory urging the public to avoid all social or recreational gatherings of 10 or more people and urging those who can work remotely to do.

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").
On April 28, 2020, in coordination with the Broward County municipalities and adjoining Miami-Dade and Palm Beach Counties, Broward County Administrator Bertha Henry issued Broward County Emergency Order 20-08, as amended, which effectively re-opened certain parks, golf courses, and other recreational facilities in Broward County, pursuant to the specific guidelines.

On April 29, 2020, Governor DeSantis issued Executive Order 20-112, as amended, implementing the Phase 1 of the Safe, Smart, Step-by-Step Plan for Florida’s recovery (albeit not including Palm Beach, Broward and Miami-Dade Counties) by adding certain other additional services and activities to those previously permitted under Executive Order 20-91, subject to certain capacity and other limitations, including adherence to CDC guidelines.

On May 8, 2020, Governor DeSantis issued Executive Order 20-114, among other things, amending, ratifying, reaffirming and extending Executive Order 20-52 for 60 days.

On May 9, 2020, Governor DeSantis issued Executive Order 20-120, adding barbershops, cosmetology salons, and cosmetology specialty salons to the list of Phase I services authorized under Section 2, 3, and 4 of Executive Order 20-112.

On May 14, 2020, Governor DeSantis issued Executive Order 2020-122 thereby permitting Broward County and Miami-Dade County to participate in the Phase 1 reopening identified in Executive Order 20-112, Executive Order 20-120, as modified, and any future orders pertaining to Phase 1.

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 of certain additional businesses, services and activities for Broward County.

On May 16, 2020, the Broward County Administrator executed Emergency Order 20-11, particularly intended to preserve and retain the County’s ability to limit and/or condition the re-opening of additional facilities in order to protect the health, safety and welfare of Broward County residents, by including, among other things, a restatement and acknowledgement that municipalities may establish more stringent standards within their jurisdiction, to the extent permitted by law.

This Emergency Order is to necessary for the implementation of community mitigation strategies to mitigate against the spread of the COVID-19 viral pandemic virus by a coordinated governmental emergency management response, which includes necessary emergency directives and enforcement of adherence to CDC applicable guidelines to protect the lives, health, welfare, and safety of the City’s residents, visitors, employee, businesses and neighboring communities from the devastating impacts of the COVID-19 pandemic.

Pursuant to Section 252.38(3) and 252.46, Florida Statutes and Section 1.01, Section 2-212 of the Charter of the City of Lauderdale Lakes, as well as Article IV, Section 2-121, City Code of Ordinances, the City has the power to issue emergency orders with the force of law. The City
Manager, pursuant to Section 3 of Resolution 2020-020 is authorized to issue Emergency Orders.

IT IS HEREBY ORDERED:

Section 1. Jurisdictional Limits of Emergency Order:

This Emergency Order applies to the corporate limits of the City of Lauderdale Lakes, and has no application outside the City of Lauderdale Lakes.

Section 2. Adoption and Incorporation of Broward County Emergency Order 20-10:

The City of Lauderdale Lakes hereby adopts and incorporates the Broward County Administrator's Emergency Order 20-10 ("BC Emergency Order 20-10"), as modified or amended from time to time, as if fully set forth herein. A copy of the BC Emergency Order 20-10 is attached hereto as Exhibit A. Although certain businesses and entities are permitted to reopen pursuant to BC Emergency Order 20-10 subject to the applicable guidelines, no such business or entity is required to reopen if it cannot do so safely and in compliance with the requirements of the BC Emergency Order 20-10.

Section 3. Adherence to CDC Guidelines Re: Social Distancing and Facial Coverings:

All persons shall continue to adhere to the guidelines from the Center for Disease Control and Prevention available at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html (referred to as the “CDC Guidelines”), and facial coverings requirements stated in Broward County Emergency Order 20-07, as amended. Social distancing requirements do not apply to members of the same household. Facial coverings are in addition to, and not a substitute for, the required social distancing. In accordance with 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. All owners, operators, and persons involved in the provision of essential services or other additional goods, services, or immunities permitted by BC Emergency Order 20-10 shall ensure compliance with the CDC Guidelines and all additional requirements stated in such Emergency Order by all workers (to the extent they exercise any supervisory authority or control over such workers) providing any goods, services, or immunities and by all persons receiving or availing themselves of such goods, services, or immunities. To the greatest extent practical, and notwithstanding the openings at physical business locations permitted under BC Emergency Order 20-10, all businesses permitted to operate under such Emergency order and any Gubernatorial Executive Order are encouraged to perform remote operations and permit personnel to utilize teleworking or other remote working methods.

Section 4. City-Owned Parks and Playgrounds.

Pursuant to City of Lauderdale Lakes Emergency Order 2020-03, City-owned parks and playgrounds shall remain closed until further notice.
Section 5. Gyms, Fitness Centers:

Pursuant to City of Lauderdale Lakes Emergency Orders 2020-03 and 2020-05, gyms, fitness centers, fitness studios, dance studios and gymnasiums located within the City of Lauderdale Lakes, which are not (a) an amenity of an office building and having a capacity of 10 persons or less, or (b) an amenity of a multifamily residential building, including a homeowners or community association, shall remain closed until further notice;

Section 6. Basketball Courts, Tennis Courts and other Similar Outdoor Recreational Amenities

Section 6 of City of Lauderdale Lakes Emergency Order 2020-05 is hereby amended as set forth herein, with strikethrough text indicating deletions and underlined text indicating additions:

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Section 6. Closure of Basketball courts, Tennis Courts and Other Similar Outdoor Recreational Amenities. City-Owned Basketball courts, tennis courts and other similar outdoor recreational amenities, including those located within Housing Developments shall remain and are hereby closed until further notice.

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Section 7. City-Owned Pools:

All City-owned and operated pools shall remain closed until further notice.

Section 8. Signage for Business and Restaurant Locations:

Temporary banners and signage, beyond the current limitations of the City’s code of Ordinances, 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 a written registration request for additional signage to the city. All requests must be sent to the City via email to tanyad@lauderdalelakes.org on a registration form provided by the City. Each Business that is located within the City’s nonresidential zoning district and legally operating in accordance with the Governor’s Executive Orders, and all Emergency Orders issued by Broward County or the City of Lauderdale Lakes, upon registration and approval by the City shall be permitted one (1) banner sign or “feather” sign of no more than twelve (12) square feet and one (1) sandwich board or sidewalk sign within an area of no more than six (6) square feet on each face. The signs are not permitted in any right-of-way and may not be attached to any public or utility infrastructure (such as streetlights or traffic lights post). No landowner, business or applicant requesting approval for temporary banners and signage pursuant to this Section shall acquire any vested right to continue or complete any temporary rights acquired hereunder.
Section 9. Restaurants and Additional Outdoor Seating:

Subject to obtaining written City Approval, temporary additional outdoor seating (“Additional Outdoor Seating”) for restaurants that operate in a stand-alone building or a shopping center site, beyond existing requirements and limitations prescribed by the City’s Code of Ordinances, may be permitted for a period of up to sixty (60) days from the date of this Emergency Order, subject also to the following conditions:

(a) The owner of the building or shopping center site in which the restaurant is operating (“Site Owner”) or agent must submit a written registration request (“Registration Request”) for Additional Outdoor Seating to the City at tanyad@lauderdalelakes.org on a registration request form provided by the City.

(b) The Registration Request shall include:
   (i) a scaled rendering of the area proposed for Additional Outdoor Seating;
   (ii) if the area proposed would include areas currently used for parking or vehicle traffic, then provide:
      1. information showing the location and the number of parking spaces to be temporarily used;
      2. information on how customers and employees will be physically protected from vehicular traffic;
      3. if alternate parking or traffic patterns are proposed, a diagram of the proposed new parking or traffic pattern; and
      4. a notarized statement that there will be adequate parking for all uses on the property.
   (iii) A notarized statement that the Site owner and restaurant operator shall indemnify and hold harmless the city, its employees, agents or officers from all claims, losses, liens, expenses, suits, and attorney fees arising from the placement, operation and maintenance of the Additional Outdoor Seating areas.
   (iv) A notarized statement that the Site Owner and restaurant operator agrees to name the City of Lauderdale Lakes as an additional insured under their respective general liability insurance, covering bodily injury, property damage and personal injury and said Site Owner and restaurant owner shall maintain such insurance for such time as the Additional Outdoor Seating areas exist.
   (v) The Site Owner shall provide the City Manager or his designee with evidence of such insurance.

(c) The Site Owner shall permit inspections by the City’s Fire and Development Services Department, including without limit, its Code Enforcement and Building departments.

(d) The Site owner and restaurant operator shall strictly comply with Executive Orders issued by the Governor of the State of Florida, Emergency Orders issued by Broward
County, and any CDC and other applicable guidelines or requirements of federal or state licensing agencies for which the restaurant has received licenses or permits.

(e) All City approvals of a Registration Request shall be in writing and may place such conditions, in the City’s sole discretion, on any approval in order to protect the health, safety and welfare of customers and employees of the Restaurant, other Site Owner tenants and customers, the City and adjoining uses on the subject property.

(f) Copies of the City’s approval of a Registration Request shall be posted at all times on the premises of the Restaurant location.

(g) The City Manager, or his designee, may immediately withdraw any approvals under this Emergency Order for violation by the restaurant operator or Site Owner of any terms of any applicable Executive Orders or Emergency Orders issued by federal, state and local agencies, or any condition of an approved Registration Request.

(h) Any applicable City ordinance relating to a limit on outdoor seating capacity, required parking, or other site plan requirements pertaining to outdoor seating is hereby temporarily and conditionally waived, only as applied to Registration Requests for temporary outdoor seating areas sent to the City in accordance with this Emergency Order.

(i) Temporary additional outdoor seating permitted under a City approved Registration Request shall not create any vested rights nor shall expand any area previously approved by the City to permit the presence of otherwise prohibited animals on the restaurant premises.

(j) Approved Registration Request for Additional Outdoor Seating may remain in use only for the duration of the time prescribed in the City’s approval. Upon the expiration of the time permitted for such use the Site Owner and restaurant operator shall return the outdoor areas to its existing state prior to the approval of the Registration Request.

(k) No landowner, business or applicant requesting approval for Registration Requests for Additional Outdoor Seating pursuant to this Section shall acquire any vested right to continue or complete any temporary rights acquired hereunder.

Section 10. Applicability and Severability:

This Emergency Order supersedes any contrary provision and previous City of Lauderdale Lakes Emergency Orders. Except as superseded, or amended, all City of Lauderdale Lakes Emergency Orders shall remain in full force and effect.
Section 11. Supplemental Effect.

This Emergency Order is in addition to, and supplements, the City’s previous Emergency Orders. All requirements of the City’s previous Emergency Orders, or Broward County’s Emergency Order and Executive Orders issued by the State Government shall be strictly adhered to at all times.

Section 12. Severability:

This Emergency Order supersedes any contrary provision in any prior City of Lauderdale Lakes Emergency Order. Any provision(s) within this Emergency Order that conflict(s) with any state or federal law or constitutional provision, or conflicts(s) with or are superseded by any 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 13. Enforcement:

This Emergency Order may be enforced by the Broward Sheriff’s Office, as the City’s law enforcement agency, or other law enforcement agencies, including municipal law enforcement agencies, code enforcement officers, and other personnel as provided for in the City of Lauderdale Lakes Code of Ordinances against any person or entity violating any provision of this Emergency Order. A violation of this Emergency Order shall be prosecuted in the same manner as misdemeanors are prosecuted, including fines not to exceed $500 per violation.

Section 14. Effective Date:

This Emergency Order is effective as of 12:00 a.m. on May 20, 2020 and shall remain in full force and effect and shall expire upon the expiration of the existing State of Local Emergency, as the same may be extended by subsequent Order or Declaration, unless earlier terminated by subsequent Emergency Order.

CITY OF LAUDERDALE LAKES, FLORIDA

BY: ____________________________
PHIL ALLEYNE,
CITY MANAGER

RECEIVED AND FILED with the City Clerk of the City of Lauderdale Lakes, Florida on this 20th day of May, 2020 at 8:00 a.m.