
EMERGENCY MEASURES TO BE IMPLEMENTED BY CITY OF MIAMI BEACH

(Revised on April 16, 2020)

EFFECTIVE APRIL 17, 2020, AT 12:00 A.M.

As City Manager for the City of Miami Beach, Florida, and pursuant to the authority vested in me under Section 26-31 of the City of Miami Beach Code of Laws and Ordinances (the "City Code"), as well as that certain City of Miami Beach Declaration of State of Emergency, dated March 12, 2020, as extended through April 23, 2020, I hereby **ORDER** and **PROMULGATE** the following additional emergency measures, which will be reasonably and necessarily implemented in response to this State of Emergency (the "Order"):

A. PARKS, BEACHES, RECREATIONAL, AND CULTURAL FACILITIES

1. All parks, beaches, and recreational facilities (whether publicly-owned or privately-owned) shall be **CLOSED**.
2. All City Parks and Recreation programs, games, practices, field trips, and events shall be **CANCELED**.
3. The City's beachwalks and baywalks shall remain **OPEN**. Use of the City's beachwalks and baywalks shall be limited to pedestrians **ONLY** prior to 9:00 a.m. and after 5:00 p.m. each day; bicycles, scooters, skateboarding, in-line skating, roller skating, motorized means of transportation, and any other mobility devices (except for wheelchairs and other motorized means of transportation used by disabled persons) shall be **PROHIBITED** on the City's beachwalks and baywalks prior to 9:00 a.m. and after 5:00 p.m. each day.
4. All public gatherings of any number of people on the City's beachwalks and baywalks shall be **PROHIBITED**.
5. Monument Island shall be **CLOSED**.
6. All museums, memorials, and cultural institutions shall be **CLOSED**.

B. COMMON USE AMENITY AREAS (PURSUANT TO MIAMI-DADE COUNTY EMERGENCY ORDER 15-20)

Pursuant to Miami-Dade County Emergency Order 15-20, which is effective as of March 31, 2020, all pools, hot tubs, golf courses, tennis courts, basketball courts, fitness centers, gymnasiums and other common use amenities, whether of a commercial or non-commercial nature, are **CLOSED** for all purposes. Notwithstanding the foregoing, this order shall not apply to any pool, hot tub, tennis court, basketball court, fitness center, gymnasium or other amenity located: (a) on a single family residential lot, or (b) at any townhouse, duplex, or villa, and which is for the exclusive recreational or leisure use of the inhabitants of such individual dwelling unit.

C. SIDEWALK CAFES

All sidewalk cafes shall be **CLOSED**.

D. CURFEW

A general curfew is hereby established throughout the City. The curfew will be in effect daily from 12:00 a.m. (midnight) to 5:00 a.m., and shall include but not be limited to the prohibition on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police and hospital services, including the transportation of patients thereto, utility emergency repairs, emergency calls by physicians, food delivery services (subject to the additional provisions below), and transit to and from essential retail and commercial businesses, as defined in Miami-Dade County Emergency Order 07-20, as may be amended.

E. EMERGENCY MEASURES FOR RETAIL AND COMMERCIAL ESTABLISHMENTS

1. Pursuant to Miami-Dade County Emergency Order 07-20, as may be amended, all non-essential retail and commercial establishments shall be **CLOSED**. Essential retail and commercial businesses, as defined in Miami-Dade County Emergency Order 07-20, may remain open, and subject to any further City restrictions, as set forth in this Order. Any restaurants, nightclubs, dance halls, halls for hire, or similar businesses that are located within a hotel shall be subject to the restrictions below.
2. All private schools, colleges, and educational institutions shall be **CLOSED**, except as necessary to facilitate online or distance learning.

3. Commercial lodging establishments

- a. Commercial lodging establishments including, but not limited to, hotels, suite hotels, hotel units within apartment-hotels, hostels, dormitories, motels, and temporary vacation rentals (i.e. short-term rentals) shall be fully **CLOSED** to transient guests and renters, except as provided in Section E.3.b, below.
- b. Notwithstanding the provisions of Miami-Dade County Emergency Order 09-20, as amended, for purposes of this Order, which is more restrictive, the term "Essential Lodgers" shall be limited to healthcare professionals, first responders, National Guard members, law enforcement personnel, state or federal government employees, patients, patients' families, other essential personnel responding to the COVID-19 pandemic, and persons staying at an establishment that is repurposed as a shelter, or to house patients for any healthcare related purposes, such as pre-admission, observation, recovery, or rehabilitation ("Essential Lodgers"). The prior written approval of the City shall be required for a commercial lodging establishment to accept reservations or re-open for Essential Lodgers.
- c. Commercial lodging establishments shall cancel all existing reservations, and shall refrain from accepting new transient guests or making new reservations, until such time as Miami-Dade County Emergency Order 09-20 expires or is otherwise amended.
- d. Restaurants located within commercial lodging establishments may continue to operate their kitchens for take-out, pick up, or delivery services only, subject to the provisions below.
- e. Commercial lodging establishments may be permitted to maintain security and other essential personnel on-premises, as necessary, to maintain and secure their facilities.
- f. The provisions of this Section E.3 shall not be construed to apply to residents of residential apartment buildings and/or residential condominiums which may include hotel units.

4. Restaurants and Other Facilities That Prepare and Serve Food

All restaurants and other facilities that prepare and serve food (including bars, nightclubs, dance halls, halls for hire, banquet halls, ballrooms, or similar establishments operating within hotels) and similar businesses shall be required

to **CLOSE for on-premises service of customers** until further notice. However, such establishments may operate their kitchens for the purpose of providing **delivery services, drive-through, pick-up or take-out services only**, from 5:00 a.m. until midnight each day; and, between the hours of midnight and 5:00 a.m., such establishments may operate their kitchens for the purpose of providing **delivery services only**. Restaurants located on Lincoln Road between Alton Road and Washington Avenue shall close their entrances fronting Lincoln Road to the public, and may only conduct delivery, pick-up, or take-out services through their rear or side-facing entrances. Any establishment that remains open for delivery, pick-up, or take-out services shall be required to assign as many staff members as necessary to maintain a distance of at least six (6) feet between each individual patron, in order to enforce social distancing, both inside and outside of the establishment.

5. **Social Distancing and Sanitation Requirements for Essential Retail and Commercial Businesses**

All essential retail and commercial businesses (including restaurants providing take out and/or delivery services) shall deploy strategies to reduce COVID-19 exposure for their customers and employees including, at a minimum, the following measures:

- a. Limit capacity and monitor entrances and exits to reduce their maximum occupancy load by 50%.
- b. Provide alcohol-based hand sanitizers for use by customers and employees, subject to availability of supplies.
- c. Provide disinfecting wipes at points of entrance, cash registers, and/or other appropriate locations, subject to availability of supplies, for customers to disinfect carts, shopping baskets, or point of sale terminals. In the alternative, essential retail and commercial businesses shall designate staff responsible for disinfecting carts, shopping baskets, point of sale terminals, and other areas as frequently as possible.
- d. Implement procedures to ensure that both employees and customers remain at least six feet apart at all times, pursuant to Miami-Dade County Emergency Order 13-20. Such procedures shall include, but are not limited to, marking floors at appropriate intervals, or providing other visible systems to allow persons to maintain proper social distancing.
- e. Close all salad bars and other self-serve food stations.

- f. Refrain from distributing free samples or conducting tastings.
- g. Implement procedures for custodial/janitorial staff to sanitize frequent touchpoints throughout the day, including point of sale terminals at registers, conveyor belts, door handles, door plates, shelves, and other appropriate locations.
- h. Comply with the additional requirements and guidelines with respect to the use of personal protective equipment, as set forth below in Section 6.

6. **Covering of Nose and Mouth**

- a. Except as provided herein, **all employees and customers of essential retail and commercial businesses** shall be required to wear a form of covering over their nose and mouth at all times while inside the businesses. All individuals providing delivery services to the public shall wear a form of covering over their nose and mouth while making deliveries.
- b. **A covering over the nose and mouth may include a face mask, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering.**
- c. Additionally, essential retail and commercial establishments are **strongly encouraged** to implement policies for employees to use other personal protective equipment, such as gloves, subject to the availability of such items.
- d. The requirements of this Section shall not apply to children under two, persons who have trouble breathing due to a chronic pre-existing condition, or any outdoor activity permitted under any applicable City, County, or State order, except as provided herein with respect to persons providing delivery services.
- e. Nothing herein shall operate to restrict any employee or customer from accessing any essential retail or commercial establishment to address any emergency or other exigent circumstance, even if a covering over the nose and mouth is not readily accessible at the time of such emergency or other exigent circumstance.
- f. Medical and surgical face masks, such as "N95" masks or other similar medical or surgical masks, are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal

protective equipment. Persons are encouraged to review and comply with the CDC and Florida Department of Health guidelines on safely applying, removing, and cleaning personal protective equipment, including guidelines regarding the use of a medical or surgical face mask, such as an "N95" mask or other similar medical or surgical mask.

F. RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP

Consistent with the general restrictions on public and private gatherings set forth in the City's "Safer at Home" Emergency Order, dated April 16, 2020, public and private gatherings of any number of people shall be **PROHIBITED** in religious institutions and places of worship.

G. CDC GUIDANCE FOR RETIREMENT COMMUNITIES AND INDEPENDENT LIVING FACILITIES

Owners, administrators, operators, workers, volunteers, visitors, and residents of retirement communities and independent living facilities (including residential buildings that are age-restricted and/or contain a majority of residents who are over the age of 55 and are fully or partially retired), shall be urged to implement the CDC Guidance, entitled "Preventing the Spread of COVID-19 in Retirement Communities and Independent Living Facilities (Interim Guidance)," and dated March 20, 2020, as may be amended. See <https://www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html>.

In addition, all such buildings shall strictly adhere to Miami-Dade County Emergency Order 15-20, which mandates the closure of all common use amenity areas in residential buildings.

H. CHILD CUSTODY/TIME-SHARING ARRANGEMENTS EXPRESSLY PERMITTED

This Emergency Order shall not be construed to prohibit, interfere with, or otherwise limit any child custody order, agreement, or other "time-sharing" arrangement pertaining to the care of any children or other dependents whose parent(s) or guardian(s) live in different households. Nothing herein shall restrict the transportation of children or other dependent pursuant to any such child custody order, agreement, or other "timesharing" arrangement.

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE COMMENCING AT 12:00 A.M. ON APRIL 17, 2020, AND SHALL BE EFFECTIVE THROUGH 11:59 P.M. ON APRIL 23, 2020, UNLESS EXTENDED BY THE MIAMI BEACH CITY COMMISSION BY DULY ENACTED RESOLUTION IN REGULAR OR SPECIAL SESSION, OR BY THE CITY MANAGER PURSUANT TO CITY RESOLUTION NO. 2020-31219.

Any violation of these emergency measure(s) shall subject the individual, operator, business entity, or organization to arrest and criminal prosecution pursuant to Section 26-36 and Section 1-14 of the City Code.

The Emergency Measures set forth herein supersede and replace all prior City of Miami Beach Emergency Measures ordered and promulgated since March 12, 2020.

CITY OF MIAMI BEACH, FLORIDA


Jimmy L. Morales, City Manager

Date: April 16, 2020

Time: 3:37 p.m.

ATTEST:


4/16/2020
Rafael E. Granado, City Clerk



STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, RAFAEL E. GRANADO, City Clerk of the City of Miami Beach, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS my hand and seal of said City this
16 day of APRIL, 20 20.


Rafael E. Granado
City Clerk of the City of Miami Beach, Florida

