

CITY CLERK
CITY OF SUNRISE

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2020 MAY 12 PM 7:42

DECLARATION OF EMERGENCY REGULATIONS 20-07

TEMPORARY OUTDOOR RESTAURANT SEATING

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency for the entire State of Florida due to the public health threat resulting from the spread of the Novel Coronavirus Disease 2019 (COVID-19) and on May 8, 2020, the Governor issued Executive Order No. 20-114 extending the state of emergency for 60 days; and

WHEREAS, on March 10, 2020, Broward County Administrator Bertha Henry declared a state of emergency in Broward County, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic, and 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 17, 2020, Governor Ron DeSantis issued Executive Order No. 20-68, thereby suspending the sale of alcoholic beverages at bars, pubs and nightclubs for thirty (30) days, limiting restaurant occupancy, and requiring social distancing and employee screening, among other things and further issued Executive Orders 20-91 and 20-92 for a statewide stay-at-home directive; and

WHEREAS, on March 18, 2020, the City of Sunrise (City) enacted Emergency Ordinance No. 654 and declared a state of emergency pursuant to 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, and the City Manager was authorized to extend the Declaration of State of Local Emergency which he has extended on March 25, 2020, April 1, 2020, April 8, 2020, April 15, 2020, April, 22, 2020, April 29, 2020, and May 6, 2020; and

WHEREAS, on April 15, 2020, Governor Ron DeSantis appointed the Re-Open Florida Task Force which is charged with developing a plan for safely reopening the state; and

WHEREAS, on April 16, 2020, President Donald J. Trump issued the White House's Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts, to help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery and adopted the recommendations in Phase 1 of the plan published by the Re-Open Florida Task Force for the entire state except Miami-Dade, Broward, and Palm Beach Counties; and

WHEREAS, effective May 11, 2020, Governor Ron DeSantis removed the restrictions applicable to Palm Beach County and allowed Palm Beach County to progress to Phase 1; and

WHEREAS, the City of Sunrise expects that Governor Ron DeSantis will allow Broward County to proceed to Phase 1 in the near future; and

WHEREAS, Section 3(B) of Executive Order 20-112 allows on-premises consumption of food and beverage not to exceed 25% of building occupancy with appropriate social distancing and further allows outdoor seating with appropriate social distancing at restaurants for on-premises food and beverage consumption; and

WHEREAS, Section 16-112 of the City's Code sets forth the process for permitting Outdoor Restaurant Seating, and the City Commission for the City of Sunrise desires to enact this Declaration of Emergency Regulations to allow temporary outdoor seating with appropriate social distancing for restaurants with a stand-alone entrance and exit to use up to 2,000 square feet of available outside seating, upon application and compliance with the criteria set forth herein once Broward County is able to proceed to Phase 1; and

Pursuant to Sections 252.38(3) and 252.46, *Florida Statutes*, Section 3.13 of the City's Charter, Florida Statutes Chapters 166, 252 and 870, the Governor's Declaration of State of Emergency existing since March 9, 2020, Broward County's Local Declaration of Emergency existing since March 10, 2020, the City of Sunrise's Declaration of a State of Local Emergency existing since March 18, 2020 as extended weekly, and Sunrise Emergency Ordinance No. 654, the City has the power to issue emergency orders and regulations with the force of law to address a public emergency affecting life, health, property, safety or the public peace.

IT IS HEREBY ORDERED:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Declaration of Emergency Regulation 20-07 Temporary Outdoor Restaurant Seating.

Section 2. To promote the appropriate social distancing, the City of Sunrise is providing for Temporary Outdoor Restaurant Seating. All restaurants with a stand-alone entrance and exit may utilize up to 2,000 square feet of available outdoor space. The 2,000 square feet is in addition to any existing approved Outdoor Restaurant Seating. All Temporary Outdoor Restaurant Seating is subject to City review and approval and must comply with the following criteria:

- A. Must comply with all provisions of State law, County ordinances, and City of Sunrise Code of Ordinances, except as set forth in this Section. In addition, must comply with all provisions of Executive Orders of the State, Broward County Administrator Orders and City Declarations of Emergency Regulations, including but not limited to all social distancing requirements.
- B. Must comply with all applicable Fire Department regulations and must not impede police and fire access.
- C. Must comply with all Florida Department of Health regulations.
- D. If temporary outdoor dining space is located within a parking area, a temporary physical barrier must be placed separating the dining from the remaining parking.
- E. All outdoor dining space/seating must be maintained clean of litter.
- F. If a restaurant is not the property owner of the temporary outdoor dining space, then written permission from the property owner must be obtained.
- G. Regulations pertaining to outdoor entertainment are not affected by this Declaration of Emergency Regulation.
- H. Community Development Department will process applications with a hold harmless for temporary outdoor dining space/seating under this Declaration of Emergency Regulation.
- I. The City Manager will authorize temporary relief provisions as necessary within the Land Development Code in order to facilitate the Temporary Outdoor Restaurant Seating within this Declaration of Emergency Regulation.

Section 3. All requirements of Sunrise's Declarations of Emergency Regulations, Broward County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times, except as set forth in this Section 2 above.

Section 4. Enforcement. The City may revoke a restaurant's Temporary Outdoor Restaurant Seating for failure to comply with (a) the criteria enumerated in Section 2 above or (b) the Code of Ordinances of the City of Sunrise. In addition, this Sunrise Declaration of Emergency Regulations 20-07 Temporary Outdoor Restaurant Seating may be enforced by City law enforcement pursuant to the provisions of Chapter 252, Florida Statutes, and other applicable state, County and City laws, rules and regulations.

Alternatively, and in addition to enforcement by law enforcement personnel, the City may enforce this Sunrise Declaration of Emergency Regulations 20-07 Temporary Outdoor Restaurant Seating through the Code Enforcement Special Magistrate process by issuance of Notices of Violation pursuant to applicable provisions of Florida law, Chapter 162, Florida Statutes, and Sections 2-116 through 2-127 of the City Code, including the procedure set forth in Section 2-122 for violations that pose a serious threat to the public health, safety and welfare, and violations that are deemed irreparable or irreversible.

Section 5. This Sunrise Declaration of Emergency Regulations 20-07 Temporary Outdoor Restaurant Seating shall be effective when the Governor issues an Executive Order allowing Broward County to proceed to Phase I (as described in Governor's Executive Order 20-112) and determines that the restriction in Section 2(A)(2) of Executive Order 20-112 no longer applies to Broward County. This Sunrise Declaration of Emergency Regulations 20-07 Temporary Outdoor Restaurant Seating shall expire upon the earlier of (a) the expiration of the existing Sunrise State of Local Emergency, (b) 5 days after restaurants can occupy 100% of approved building occupancy, or (c) termination of this Declaration of Emergency Regulations 20-07 Temporary Outdoor Restaurant Seating by the City of Sunrise.

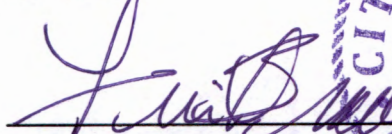
ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF SUNRISE THIS 12th DAY OF MAY, 2020.

City of Sunrise, Florida



Mayor Michael J. Ryan

ATTEST:



Felicia M. Bravo, City Clerk