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SUNRISE, FLORIDA

ORDINANCE NO. 654-21-A

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, EXTENDING ORDINANCE NO. 654, AS AMENDED, THROUGH MARCH 12, 2021 AND FUNCTIONING AS A FIFTH EXTENSION OF SUNRISE EMERGENCY ORDINANCE NO. 654 WHICH DECLARED A STATE OF LOCAL EMERGENCY IN THE CITY OF SUNRISE, FLORIDA; EMPOWERED THE CITY MANAGER TO ISSUE WEEKLY DECLARATION(S) OF THE STATE OF EMERGENCY AND CERTAIN DECLARATIONS OF EMERGENCY REGULATIONS; AND DESIGNATED THE CHIEF OF POLICE AS THE CITY OFFICIAL FOR CHAPTER 870, FLORIDA STATUTES; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 March 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic; the President of the United States declared a National Emergency; the Governor of the State of Florida declared a State of Emergency; Broward County declared a state of Emergency; and

WHEREAS, on March 18, 2020, the City of Sunrise declared a State of Local Emergency by enacting Emergency Ordinance No. 654 which also empowered the City Manager to take certain actions and issue Declaration(s) of Emergency Regulations, reserved certain powers to the City Commission, designated the Chief of Police as the City Official for Chapter 870, Florida Statutes, and provided for penalties for violations; and

WHEREAS, on May 12, 2020, the City of Sunrise adopted Ordinance No. 654-20-A which further adopted and extended the provisions of Emergency Ordinance No. 654 for an additional 60 days which expire on July 17, 2020; and

WHEREAS, on July 14, 2020, the City of Sunrise adopted Ordinance No. 654-20-B which further adopted and extended the provisions of Emergency Ordinance No. 654 through September 15, 2020; and

WHEREAS, on September 8, 2020, the City of Sunrise adopted Ordinance No. 654-20-C which further adopted and extended the provisions of Emergency Ordinance No. 654 through November 14, 2020; and

WHEREAS, on November 10, 2020, the City of Sunrise adopted Ordinance No. 654-20-D which further adopted and extended the provisions of Emergency Ordinance No. 654 through January 13, 2021; and

WHEREAS, on September 25, 2020, the Governor of the State of Florida issued Emergency Order No. 20-244 ordering Broward County to enter into Phase 3 of re-opening; and

WHEREAS, on September 25, 2020, the State of Florida reported 2,847 new COVID-19 positive cases for September 24, 2020; and

WHEREAS, since entering Phase 3, Florida's new COVID-19 positive cases have been increasing. Florida reported 7,459 new COVID-19 positive cases on November 17 and 10,105 new COVID-19 positive cases on November 15. According to the Centers for Disease Control and Prevention, Florida has the fourth highest total of COVID-19 deaths among the states, behind New York, Texas and California; and

WHEREAS, commencing on March 25 and every Wednesday thereafter, the City Manager has exercised the authority given to him by Emergency Ordinance No. 654, as amended, and extended the City's Declaration of Local State of Emergency; and

WHEREAS, the City Commission and the City Manager have issued Sunrise Declarations of Emergency Regulations which remain in effect; and

WHEREAS, the City is unable to predict the duration of the COVID-19 global pandemic and whether or not there will be a resurgence as the State of Florida progresses towards a coordinated reopening of the State of Florida; 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, the City Commission can enact ordinances 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. By its terms, Ordinance No. 654-20-D extended Ordinance Nos. 654, 654-20-A, 654-20-B, and 654-20-C through January 15, 2021. The City Commission hereby adopts, incorporates, and extends the terms of Ordinance No. 654, Ordinance No. 654-20-A, Ordinance No. 654-20-B, Ordinance No. 654-20-C and Ordinance No. 654-20-D through March 12, 2021.

Section 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective immediately upon its passage and shall expire on March 12, 2021 unless extended by the City Commission.

PASSED AND ADOPTED upon this first reading this 8TH DAY OF DECEMBER, 2020.

PASSED AND ADOPTED upon this second reading this 12TH DAY OF JANUARY, 2021.



Mayor Michael J. Ryan

Authentication:



Meryl Girard
Felicia M. Bravo *Meryl Girard*
Asst. City Clerk

FIRST READING

MOTION: SCUOTTO
SECOND: GUZMAN

DOUGLAS: YEA
GUZMAN: YEA
KERCH: YEA
SCUOTTO: YEA
RYAN: YEA

Approved by the City Attorney
as to Form and Legal Sufficiency

SECOND READING

MOTION: SCUOTTO
SECOND: KERCH

DOUGLAS: YEA
GUZMAN: YEA
KERCH: YEA
SCUOTTO: YEA
RYAN: YEA

Kimberly A. Kisslan
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