

**VILLAGE OF KEY BISCAYNE, FLORIDA**  
**OFFICE OF THE VILLAGE MANAGER**  
**AMENDMENT 1 to EMERGENCY ORDER 20-10**

Date: July 10, 2020

On May 1, 2020, the President implemented Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts, which will help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives, including Gating Criteria to be satisfied prior to entering in to a Phased Comeback. On May 14, 2020, the Governor issued Executive Order 20-122 allowing Miami-Dade County to proceed to Phase 1 of the Safe, Smart, Step by Step Plan for Florida's Recovery, subject to the certain limitations imposed in Executive Order 20-112. On May 15, 2020, the Miami-Dade County Mayor issued Emergency Order 23-20 allowing for the reopening of most retail and commercial establishments, including restaurants, subject to certain restrictions. On July 7, 2020, as a result of an increase in COVID-19 positive cases, the Miami-Dade County Mayor issued Amendment 2 to Emergency Order 26-20, which limited most restaurants to outdoor dining only for onsite consumption and encouraged municipalities to permit such use. Therefore, I, by virtue of the powers and duties vested in me as the Village Manager of the Village of Key Biscayne, Miami-Dade County, Florida, in accordance with Section 252.38 of the Florida Statutes, Chapter 9 of the Village Code, Resolution No. 2019-55 of the Village of Key Biscayne Village Council adopting the Village's Comprehensive Emergency Management Plan, and pursuant to the Village's Declaration of a State of Emergency issued at 4:20 p.m. March 13, 2020, find that it is in the best interest of the Village to issue the following Emergency Order to permit the expansion of outdoor dining and inspections subject to the requirements below:

1. Restaurants within the Village may provide outdoor dining areas in accordance with the provisions, exhibits, and diagrams set forth in Miami-Dade County Emergency Order 23-20, as amended (the "County Order"). Notwithstanding, the County Order, where the outdoor dining area is adjacent to a drive aisle, driveway, or other vehicular use area, the exterior of the outdoor dining area shall be clearly delineated with concrete barriers or other barriers authorized by the Village Building, Zoning, and Planning Director or designee Fire Marshall.
2. Any references in the County Order to County Departments, Divisions, or personnel shall be deemed to refer to the equivalent Village Departments, Divisions, or personnel.
3. Any references in the County Order to the Miami-Dade County Code of Ordinances shall be deemed to refer to the equivalent Village Code of Ordinances provisions.
4. Any applicable provisions within the Village Code of Ordinances or within any development order that would otherwise prohibit outdoor dining are hereby waived for the duration of this Emergency Order.

5. Village Staff is available to assist applicants for outdoor dining areas by phone at (305) 365-5504 or email at [response@keybiscayne.fl.gov](mailto:response@keybiscayne.fl.gov).
6. Village personnel are authorized to conduct inspections of all reopened retail or commercial establishments pursuant to 1(d) of the County Order.
7. No individual shall violate the terms of this Emergency Order, except upon direct authorization of the Village of Key Biscayne Police Department. Any violation of this Emergency Order shall be subject to fine, imprisonment, and/or closure of the establishment.

I further find that the provisions of this Emergency Order will help achieve the goal of mitigating and slowing the spread of the COVID-19 virus. Accordingly, I hereby issue this Emergency Order **beginning July 11, 2020 at 12:01 a.m. and continuing until September 28, 2020** within the jurisdictional limits of the Village of Key Biscayne. This Emergency Order shall expire as provided herein. This Emergency Order may be cancelled earlier by action of the Village Manager.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the Village of Key Biscayne to be affixed this 10<sup>th</sup> day of July, 2020 at 7:00 p.m. (EST).

*AMA*

ATTEST:  


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ANDREA M. AGHA, VILLAGE MANAGER

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PETER J. KULPA, INTERIM VILLAGE CLERK

