



EMERGENCY ORDER 20-M-03
COVID-19
WEARING CLOTH FACE COVERINGS
Amended and Restated

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, and constitutes a clear and present threat to the lives, health, welfare, and safety of the people of the City of Miramar, Florida; and

WHEREAS, on March 9, 2020, Florida Governor Ron DeSantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, Executive Order 20-52, Section (4)(0)(1) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivisions by law pertaining to the taking of whatever prudent action is necessary to ensure the public's health, safety, and welfare; and

WHEREAS, pursuant to Section 22-86(6) of the City of Miramar Code of Ordinances, on March 14, 2020, the City Manager and the City Mayor declared a local State of Emergency as a result of COVID-19, which is renewed each seventh day thereafter; and

WHEREAS, COVID-19 is an emergency whose increasing effects are being felt within the City of Miramar and on account thereof, there is reason to believe that the virus will continue to spread; and

WHEREAS, pursuant to Section 252.46, Florida Statutes, the municipalities have the power to issue emergency orders with the force of law; and

WHEREAS, to protect the health and well-being of the community, to create social distancing, to minimize contact and in an effort to limit community spread of COVID-19, the City of Miramar issued Executive Oder 20-M-01 "Safer at Home", ordering residents to stay home and within the entirety of their owned or rented property and outlining provisions for the lawful engagement in specific activities outlined in the order; and

WHEREAS, as of the date of this Order COVID-19 continues to be a concern due to increases in the number of positive cases within the jurisdictional boundaries of the City of Miramar and to limit its potential community spread, it is now necessary for the City of Miramar to implement further restrictions for the general health, safety, and welfare of the community; and

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) recommends “wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies);” and

WHEREAS, pursuant to Section 252.38(3) and 252.46 Florida Statutes; and Sections 3.01 and 3.03 of the Charter of the City of Miramar; and Section 22-86(6) of the City of Miramar Code of Ordinances, as well as City Resolution 20-94 passed and adopted on March 18, 2020, the City Manager has the power to issue emergency orders with the force of law; and

WHEREAS, this order is in addition to, and supplements Executive Order 20-M-01 effective March 28, 2020, including any extensions thereof and **supersedes Executive Order 20-M-02.**

NOW THEREFORE, AS CITY MANAGER OF THE CITY OF MIRAMAR, I HEREBY ORDER THAT:

Section 1. Covering of Nose and Mouth.

- a) Except as provided herein, all employees and customers of grocery stores, hardware stores, pharmacies and restaurants are ~~strongly encouraged~~ required to wear a form of covering over their noses and mouths at all times while inside the grocery store, hardware store, pharmacy or restaurant facility. All individuals providing delivery services shall wear a form of covering over their noses and mouths 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) In addition to the requirements applicable to grocery stores, hardware stores, pharmacies and restaurants, employees and customers of all other essential retail and commercial establishments are strongly encouraged to wear a form of covering over the nose and mouth (as described above).
- d) Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- e) All 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.
- f) The requirements of this Section shall not apply to any outdoor activity permitted under any applicable City, County, or State order, except as provided herein with respect to persons providing delivery services.
- g) 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.
- h) 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 personal protective equipment, including with respect to the use of a medical or surgical face mask, such as an "N95" mask or other similar medical or surgical mask.

Section 2. Essential Businesses. All essential businesses are encouraged, subject to availability of necessary sanitizing products to:

- a) Provide alcohol-based hand sanitizers for use by customers and employees; and
- b) Provide disinfecting wipes at points of entrance, cash registers, and/or other appropriate locations, for customers to disinfect carts, shopping baskets, or point of sale terminals, or, alternatively designate staff responsible for disinfecting carts, shopping baskets, point of sale terminals, and other areas as frequently as possible; and
- c) Implement procedures for custodial or 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.

Section 3. Adherence to Executive Orders. All requirements of Emergency Orders from the City of Miramar, Broward County and State of Florida shall be strictly adhered to at all times.

Section 4. Enforcement Authority. The provisions of this Emergency Order may be enforced within the boundaries of the City of Miramar by the City's law enforcement agency, as well as the City's Code Enforcement Officers. Pursuant to City Code Section 2-344(b), nothing in this article shall be construed to prohibit the city from enforcing this Order by any legally available means including, but not limited to, a notice to appear in county court, a civil citation, or an arrest.

Section 5. Effective Date. This Order is effective as of 12:01 a.m. on April 13, 2020 and shall remain in full force and effect until terminated.

Section 6. Effective Date. The Order will extend for the same period of time as Executive Order Number 20-M-01, executed by me on March 27, 2020, including any extensions of same.

ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF MIRAMAR ON APRIL 8, 2020.

Ordered by: 
Vernon E. Hargray, City Manager