

CITY OF CORAL GABLES, FLORIDA

EMERGENCY ORDINANCE NO. 2020-19

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 27 STATE OF EMERGENCY ORDINANCE, SECTION 27-2 “MAYOR; POWERS” AND CREATING SECTION 27-12 “ENFORCEMENT OF EMERGENCY ORDERS ISSUED BY THE CITY OF CORAL GABLES; PENALTIES”; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY, WAIVING PRE-PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March, 12, 2020, the Mayor of the City of Coral Gables, Florida declared a state of emergency for the City of Coral Gables as authorized by Chapter 252.38(3)(a), Florida Statutes, and Section 27-2(c)(6) of the City Code in response to the Novel Coronavirus Disease-2019 (COVID-19); and

WHEREAS, as the Novel Coronavirus Disease (COVID-19) continues to spread in the area and the City, County, and State remain in a state of emergency; and

WHEREAS, in accordance with Section 252.50, Florida Statutes, any person violating any provision of an emergency order is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding sixty (60) days or a \$500.00 fine; and

WHEREAS, under its Home Rule powers and the City Code, certain emergency orders issued by the City provide that violations shall be enforced by code enforcement means, however, in an abundance of caution, this amendment to the City Code provides additional authority for enforcing violations of emergency orders as code enforcement violations which avoids voluminous arrests that are detrimental to individuals, tax police resources, and burden the criminal justice system; and

WHEREAS, in order to protect the health, welfare, and safety of its residents and employees, the City finds it necessary to amend Chapter 27 of the City Code to allow for code enforcement proceedings of emergency orders; and

WHEREAS, pursuant to Section 166.041(3)(b), Florida Statutes, the City Commission finds that this emergency ordinance is necessary on the grounds of an urgent need for the continuity of services for City’s residents and for the preservation of health, safety, welfare, or property of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Chapter 27 “State of Emergency Ordinance”, is hereby amended as follows¹:

Sec. 27-2. Mayor; powers

- (a) The mayor may declare a state of emergency when the conditions in section 27-1 exist.
- (b) Once a state of emergency is declared, it remains in existence until affirmatively terminated by the mayor.
- (c) When a state of emergency has been declared, the mayor shall exercise all powers granted to him or her under state law and under section 6 of the Charter of the City of Coral Gables and, in doing so, may waive any requirement of any law or rule that impedes the emergency efforts being undertaken by the city. Specifically, the mayor's powers include, but are not limited to, the following:
 - (1) Approve any item that the city commission would be required to approve outside of the state of emergency, if a quorum cannot be obtained for the city commission to meet or if time does not permit for the city commission to meet prior to the action being taken;
 - (2) Delegate his or her authority to the city manager, and direct city officials to perform their functions as stated herein;
 - (3) Issue evacuation, curfew, and emergency ~~and curfew~~ orders;
 - (4) Approve contracts related to emergency efforts;
 - (5) Call emergency meetings; and
 - (6) Exercise all powers granted in F.S. § 252.38.

Sec. 27-12. Enforcement of Emergency Orders issued by the City of Coral Gables; Penalties.

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

- (a) Pursuant to Section 252.50, Florida Statutes, as amended, any person or property violating any provision of an emergency order is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding sixty (60) days or a \$500.00 fine. When specified therein, Coral Gables Emergency Orders may also be enforced as a code enforcement violation pursuant to this Section.
- (b) Code enforcement violations are enforceable under the provisions of Sec. 1-7 of the City Code. Each violation shall carry with it a fine up to \$500 as set forth in the emergency order. Enforcement under this Section shall not preclude enforcement action by any other means allowed by law.

SECTION 3. REPEALER. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. CODIFICATION. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions. . If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 6. COMPLIANCE. Given that the City has been under a declared State of Emergency since March 12, 2020 and for the purpose of providing for the continuity of City services during a prolonged state of emergency, this ordinance is hereby declared an emergency measure, waiving second reading and pre-publication and requiring 4/5th vote.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-NINTH DAY OF JUNE, A.D., 2020.

(Moved: Lago/ Seconded: Mena)

(Yeas: Fors, Jr., Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: A-1)

APPROVED:

A handwritten signature in black ink, consisting of a stylized 'W' or 'V' shape enclosed within a circular loop.

RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to be 'B. Y. Urquia' with a long horizontal flourish extending to the right.

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, consisting of a stylized 'M' followed by 'S' and 'R'.

MIRIAM SOLER RAMOS
CITY ATTORNEY