

BOARD OF COUNTY COMMISSIONERS



INDIAN RIVER COUNTY EMERGENCY ORDER 2020-009

WHEREAS, on March 1, 2020, Governor Ron DeSantis, in his capacity as Governor of the State of Florida, issued Executive Order 20-51, directing the declaration of a public health emergency and establishing the State of Florida's response to COVID-19; and

WHEREAS, on March 1, 2020, the State Surgeon General declared a public health emergency in the State of Florida; and

WHEREAS, on March 7, 2020, Indian River County began making preparations to address COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis, in his capacity as Governor of the State of Florida, issued Executive Order Number 20-52, declaring that a state of emergency exists in the State of Florida by reason of COVID-19; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order Number 20-112, which allowed restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, to have on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25 percent of their building occupancy; and

WHEREAS, on May 14, 2020, Governor Ron DeSantis issued Executive Order Number 20-123, which allowed restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, to serve patrons at indoor seating so long as they limit indoor occupancy up to 50 percent of their seating capacity, excluding employees; and

WHEREAS, pursuant to section 101.10(1) of the Code of Indian River County, and Resolution 2019-55 of the Indian River County Board of County Commissioners, the County Administrator is authorized to declare a local state of emergency upon making a determination that a disaster has occurred or is imminent, requiring immediate and expeditious action,

WHEREAS, in my capacity as County Administrator, I determined that, by reason of COVID-19, the threat of a disaster had occurred or was imminent, requiring immediate and

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expeditious action, and declared that a local state of emergency existed in all of Indian River County, Florida, effective as of 8:00 a.m., on the 17th day of March, 2020; and

WHEREAS, in my capacity as County Administrator, I determined that, by reason of COVID-19, the threat of a disaster had occurred or was imminent, requiring immediate and expeditious action, and declared that a local state of emergency existed and continued to exist in all of Indian River County, Florida, on March, 24, March 31, April 7, April 14, April 21, April 28, May 5, May 12, and again on May 19, 2020; and

WHEREAS, while the Governor has allowed restaurants to re-open per Executive Order 20-112, with expended capacity per Executive Order 20-123, restaurants may need additional flexibility, consistent with that order, in order to make service viable; and

WHEREAS, the County wants to take all reasonable efforts to assist restaurants to open in a viable manner while helping protect the health & safety of County residents; and

WHEREAS, by reason of such declarations of a state of emergency, and pursuant to the authority granted in me in my capacity as County Administrator, I am authorized to enter emergency orders necessary to ensure the health, safety and welfare of the residents of Indian River County, including, without limitation, those orders authorized in chapter 252, Florida Statutes, and chapter 101 of the Code of Indian River County, and other applicable law;

NOW, THEREFORE, this Emergency Order is issued declaring that restaurants and food establishments as identified under Governor's Executive Order Number 20-112 located in the unincorporated areas of Indian River County, can provide outdoor seating as set forth below:

Section A. Waiver of Temporary Use Permits

Temporary use permits or other permits required for such activities by those restaurants and food establishments operating consistent with this Emergency Order, Governor's Executive Order 20-112 and Governor's Executive Order 20-123, shall be waived.

Section B. Temporary Outdoor Dining Area Requirements

Site plan restrictions governing temporary outdoor dining areas shall be waived for restaurants and food establishments operating consistent with this Emergency Order, Governor's Executive Order 20-112 and Governor's Executive Order 20-123 within the limitations set forth below.

1. Temporary outdoor dining areas shall not block entrance or exit ways, fire lanes, fire hydrants, or any other aspect of public safety.
2. Except as noted in this Emergency Order, temporary outdoor dining areas shall not block streets, driveways, parking lot lanes, parking areas, or anywhere that impedes access or poses a conflict between diners and vehicular traffic.
3. Temporary outdoor dining areas located within a parking area, shall utilize a temporary physical barrier to separate the dining from the remaining parking.

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4. Temporary outdoor dining areas shall not block any drainage or utility areas or impede the operation and maintenance of these areas.
5. Temporary outdoor dining areas shall comply with all applicable fire code and public health department requirements.
6. Temporary outdoor dining areas shall comply with all applicable provisions of Governor's Executive Order Number 20-112 and Governor's Executive Order 20-123.

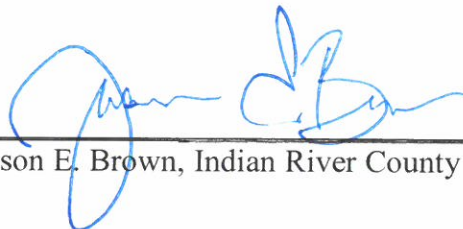
Section C. Contract Infringement

This Emergency Order shall not infringe on any contractual obligations between a landlord and tenant which relate to the tenant's authority to utilize outdoor space for temporary outdoor dining areas.

THIS EMERGENCY ORDER shall be enforced in the unincorporated areas of Indian River County per section 252.47, Florida Statutes. Violation of this Emergency Order is punishable pursuant to section 252.50, Florida Statutes as a misdemeanor of the second degree.

THIS EMERGENCY ORDER shall be in effect in Indian River County, from 8 a.m. on May 20, 2020 until 8 a.m. on May 27, 2020, or until further order.

DONE AND ORDERED this 20th day of May, 2020.



Jason E. Brown, Indian River County Administrator