



**MARTIN COUNTY
EMERGENCY ORDER 20-06
TEMPORARY OUTDOOR DINING AREAS FOR RESTAURANTS**

WHEREAS, Section 51.4.C., General Ordinances, Martin County Code, authorizes the Director of the Emergency Management Agency to issue any such orders as are deemed necessary to protect life and property and preserve critical resources; and

WHEREAS, the Emergency Management Director has determined that a State of Local Emergency exists within Martin County; and

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as “high”, both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, directing that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, the President of the United States has declared a State of Emergency for the Country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control (“CDC”) issued the 15 Days to Slow the Spread guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, Martin County began implementing preparations to address the serious public health threat on January 31, 2020; and

WHEREAS, on March 16, 2020, Martin County declared a local state of emergency in response to the COVID-19 efforts which was subsequently extended by declaration; and

WHEREAS, Effective May 4, 2020, Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step Plan for Florida's Recovery, which provides measures to slowly re-open Florida, will become effective; and

WHEREAS, Executive Order Number 20-112 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, under Executive Order Number 20-112, for such restaurants and food establishments, outdoor seating is permissible with appropriate social distancing, such as maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating; and

WHEREAS, while the Governor has allowed restaurants to re-open per Executive Order 20-112, 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

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

This Emergency Order is issued declaring that restaurants and food establishments as identified under Governor's Executive Order Number 20-112 located in the incorporated and unincorporated areas of Martin County, can provide outdoor seating as follows:

1. **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 and Governor's Executive Order 20-112, shall be waived.

2. **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 and Governor's Executive Order 20-112 within the limitations set forth below:

a. Temporary outdoor dining areas shall not block entrance or exit ways, fire lanes, fire hydrants, or any other aspect of public safety.

b. 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.

c. Temporary outdoor dining areas located within a parking area, shall utilize a temporary physical barrier to separate the dining from the remaining parking.

d. Temporary outdoor dining areas shall not block any drainage or utility areas or impede the operation and maintenance of these areas.

e. Temporary outdoor dining areas shall comply with all applicable Florida Fire Prevention Code and public health department requirements.

f. Temporary outdoor dining areas shall comply with all applicable provisions of Governor's Executive Order Number 20-112.

g. Temporary outdoor dining areas shall comply with all regulations, guidelines and requirements under the American with Disabilities Act.

h. Temporary outdoor dining areas shall comply with all social distancing recommendations from the CDC, the Governor, the State Surgeon General and the State Health Officer to limit the spread of COVID-19.

i. Temporary outdoor seating shall comply with all state and local safety and sanitary regulatory standards and laws relating to food service.

3. **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.

4. Any provisions within this Order that conflict with any state or federal law or constitutional provision, or conflicts with or are superseded by a current or subsequently-issued Executive Order of the Governor of the State of Florida or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order.

5. This Order shall be effective immediately upon execution and will expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent Order.

6. This Order is in addition to the Executive Orders issued by Governor DeSantis.

7. Prior resolutions and emergency orders remain in full force and effect unless modified or superseded.

8. This Emergency Order shall be enforced in the incorporated and unincorporated areas of Martin County pursuant to 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.

9. This Order shall be filed in the Office of the Clerk of the Circuit Court.

Signed this 8 day of may, 2020 at 4:00 (am) (pm).



Michele Jones
Emergency Management Director
Martin County Board of County Commissioners



Concurrence: Taryn Kryzda
County Administrator
Martin County Board of County Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Sarah W. Woods
County Attorney
Martin County Board of County Commissioners

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