



**DECLARATION OF THE MAYOR OF THE
VILLAGE OF BISCAYNE PARK EXTENDING
THE DECLARATION OF A STATE OF
EMERGENCY AND REQUIRING FACIAL
COVERING IN THE VILLAGE OF BISCAYNE
PARK, FLORIDA**

WHEREAS, on December 4, 2012, the Commission of the Village of Biscayne Park passed and adopted Resolution No. 2012-43, adopting the Village's Comprehensive Emergency Management Plan (the "Village CEMP"); and

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

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Miami-Dade County and other counties in the State of Florida; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") declared COVID-19 a pandemic; and

WHEREAS, President Trump issued a Proclamation Declaring a National Emergency Concerning the COVID-19 outbreak; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has predicted the widespread transmission of COVID-19 will occur in the United States; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order 20-52, declaring a State of Emergency for the State of Florida, including Miami-Dade County, and authorizing the Florida Department of Health to issue a Public Health Emergency as a result of the spread of the dangerous and highly contagious COVID-19; and

WHEREAS, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a county-wide Local State of Emergency in Miami-Dade County, Florida following the discovery of COVID-19; and



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

WHEREAS, Section 252.38(2), *Florida Statutes*, requires that each municipal emergency management plan be consistent with and subject to the applicable county emergency management plan; and

WHEREAS, the Village CEMP requires the Village's emergency activation be initiated once Miami-Dade County has declared a county-wide state of emergency; and

WHEREAS, Section 252.38(3)(a)(5) and Section 252.46, *Florida Statutes*, grants political subdivisions and municipalities of the state the authority to declare a State of Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Village CEMP authorizes the Village Mayor to declare a state of emergency within the Village; and

WHEREAS, it is the innate responsibility of the governing body of each political subdivision and municipality of the State of Florida to safeguard the health, safety and welfare of its residents; and

WHEREAS, pursuant to Sections 252.38 and 252.46, *Florida Statutes*; the Village Charter and the Village CEMP; the Mayor is empowered to take all prudent actions necessary to ensure the health, safety and welfare of the community; and

WHEREAS, pursuant to the authority granted by Chapter 252, *Florida Statutes*, and the Village CEMP, on March 16, 2020 the Mayor of the Village of Biscayne Park, Florida, declared a Village-wide State of Emergency which has been regularly extended until October 5, 2020 at midnight; and

WHEREAS, the Village Mayor deems it necessary to extend the declaration of a Village-wide State of Emergency for the Village to ensure the health, safety, and welfare of the community.

NOW, THEREFORE, IT IS ORDERED:

1. The existing Village-wide State of Emergency is extended from **October 13, 2020 at 12:01 a.m. to October 20, 2020 at 12:00 p.m.**
2. There is a curfew from 10:00 p.m. to 5 a.m.
3. All persons throughout the Village is required to wear a mask or other facial covering when in public, except as set forth in paragraph (4).



The Village of Biscayne Park

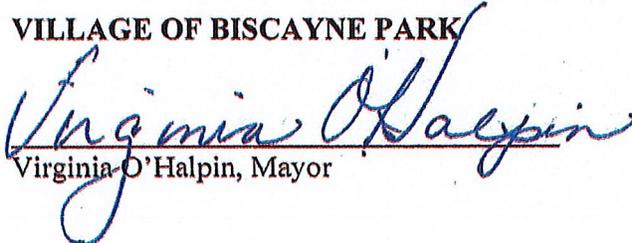
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4. Masks and other facial coverings shall not be required:
 - a. at or inside a private residence;
 - b. inside a private automobile;
 - c. at or inside any religious institution, without limitation;
 - d. inside a hotel, motel, or commercial lodging establishment guest room, or inside any apartment;
 - e. of children under the age of two years;
 - f. of persons who cannot wear a mask or facial covering due to an existing medical condition;
 - g. of an individual who is hearing impaired or an individual who is communicating with an individual who is hearing impaired.

5. This order does not change or alter any social distancing requirements imposed in any other federal, state, Miami-Dade County or Village emergency order or emergency declaration.

VILLAGE OF BISCAYNE PARK


Virginia O'Halpin, Mayor

ATTEST:


Roseann Prado, Village Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:**


Edward A. Dion, Village Attorney

This Declaration was filed in the Office of the Village Clerk on this 13th day of October, 2020 -
[see, §252.46(2), Fla. Stat.] /s/ Roseann Prado, Village Clerk