

CITY OF MARGATE, FLORIDA
EMERGENCY ORDER 2021-001

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

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency as a result of COVID-19, and on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19; and

WHEREAS, on March 10, 2020, Broward County declared a Local State of Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and

WHEREAS, on March 12, 2020, and based upon the foregoing, and pursuant to authority granted by the Charter and Code of the City, I declared a State of Emergency for the City of Margate; and

WHEREAS, Appendix A Zoning, Article III. Section 3.28 of the Code of the City of Margate, provides that during the existence of any declared emergency, the City Manager may grant temporary exceptions for nonconforming use of buildings or lands from the Zoning Code of the City of Margate; and

WHEREAS, a temporary exception for erecting or installing a tent, shed, or portable building to provide testing, treatment, and/or vaccination to the public for COVID-19, is deemed to be in the best interest of the health, safety and welfare of the citizens of Margate and necessitated by the declared emergency.

NOW, THEREFORE, I, Cale Curtis, as City Manager, pursuant to my emergency authority under Section 33-7 and Appendix A Zoning, Article III. Section 3.28 of the Code of the City of Margate, the Declaration of Emergency issued by the Governor, Chapter 252, Florida Statutes, and by the State of Local Emergency, hereby order as follows:

Section 1. The above WHEREAS clauses are true and correct and are hereby incorporated into this Order.

Section 2. Notwithstanding any provision in the Code of the City of Margate to the contrary, any establishment providing testing, treatment, and/or vaccination to the public for COVID-19 may erect or install a tent, shed, or portable building ("Accessory Structure") subject to the regulations provided for herein.

Section 3. Any establishment erecting an Accessory Structure shall comply with the following regulations:

- (a) Accessory Structures permitted herein shall only be used for the testing, treatment, or vaccination of COVID-19 or the storage of COVID-19 vaccines.
- (b) The establishment shall provide notice to the City of Margate Development Services Department 48 hours prior to installation. Such notice shall include the street address of the location and a description of where the Accessory Structure will be placed.
- (c) Accessory Structures shall not obstruct fire lanes, drive aisles, or handicap parking spaces.
- (d) Accessory Structures shall be sited in a manner to allow safe pedestrian access, preferably adjacent to sidewalks and walkways.
- (e) Accessory Structures shall not be sited on any landscaped area.
- (f) Establishments operating an Accessory Structure shall comply with City, County, and State Emergency or Executive Orders, including, but not limited to, the requirement for facial coverings and social distancing markers for those waiting in line.
- (g) Accessory Structure waiting areas shall not impede the free flow of existing vehicular or pedestrian traffic.
- (h) Exterior signage on an Accessory Structure is only permitted for the following important public safety reasons: (1) identification of the owner and/or operator of the Accessory Structure, and (2) wayfinding.

- (i) Accessory Structures shall conform to the Florida Building Code, including, but not limited to Section 3103, relating to temporary structures.
- (j) If an Accessory Structure is not designed to meet hurricane force winds, then a plan to secure the structure shall be provided to the Margate Building Department.
- (k) Accessory Structures must have an accessible route from the handicap marked parking spaces.
- (l) Accessory Structures drawing power from a meter or generator shall require a permit issued by the Margate Building Department.
- (m) If patient care occurs within the Accessory Structure, then fresh air calculations showing air exchanges rates for a patient care facility shall be provided to the Margate Building Department. An additional outside air duct and /or exhaust fan may be required to provide additional outside air. Such work requires a permit issued by the Margate Building Department.

Section 4. The allowance of an Accessory Structure shall not create any right, vested or otherwise, for construction, installation, use, and/or continued use of an Accessory Structure by any establishment, business entity, person, and/or property owner even if operating pursuant to this Order. Accordingly, the Building Official is hereby authorized, for good cause, to terminate any permits issued to an establishment operating an Accessory Structure in accordance with this Emergency Order. Additionally, the Building Official shall have the authority, for good cause, to order any Accessory Structure closed and require any Accessory Structure to be removed.

Section 5. This Emergency Order is effective as of 12:00 P.M. on February 2, 2021 and shall remain in full force and effect until the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by a subsequent City of Margate Emergency Order.

ORDERED at 12:00 P.M. on this 2nd day of February, 2021.

Cale Curtis

Cale Curtis, City Manager

ATTEST:



Joseph J. Kavanagh, City Clerk