

CITY OF MIDWAY, FLORIDA

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY COUNCIL OF MIDWAY, FLORIDA; DECLARING LOCAL STATE OF EMERGENCY. PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Florida Statutes Section 252.38 gives authority to the City of Midway to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

**WHEREAS**, the Governor of Florida has issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to Declare a Public Health Emergency due to the discovery of COVID-19 Novel Coronavirus in Florida; and

**WHEREAS**, the Governor of Florida has issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida related to COVID-19 Novel Coronavirus; and

**WHEREAS**, Chief Judge Sjostrom, of the Second Judicial Circuit in and for Gadsden County, Florida has issued Administrative Order 2020-03 ordering “Critical Court Proceedings Related to the Public Health Emergency” to include: violations of quarantine or isolation; violation of orders to limit travel; violation of orders to close public or private buildings; and enforcement of curfew orders; and

**WHEREAS**, because COVID-19 Novel Coronavirus poses a public health, safety and welfare risk to the citizens of Midway, the City Council of the City of Midway, Florida has, determined that it is in the best interest of the citizens to declare a local state of emergency to respond to the threat posed by the COVID-19 Novel Coronavirus, and to provide for emergency measures to respond to the threat of COVID-19 Novel Coronavirus; and

**WHEREAS**, the Midway Police Department has reported gatherings of 50 or more people during daytime and night hours.

**WHEREAS**, responding to the threat posed by the COVID-19 Novel Coronavirus requires extraordinary and immediate actions by the City of Midway, Florida in order to protect the public health, safety and welfare; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MIDWAY, FLORIDA:**

## **ARTICLE 1**

### **INTRODUCTION**

**SECTION 1 LEGISLATIVE FINDINGS.** It is hereby ascertained determined, and declared that:

(A) Pursuant to Section 252.38(3)(a) Florida Statutes, the City of Midway is authorized to declare and enact a State of Local Emergency for a period of up to seven (7) days commencing on March 30, 2020, and concluding on April 5, 2020, if not canceled before that period of time.

(B) Pursuant to Section 252.38(2), Florida Statutes, the City of Midway, Florida is authorized and encouraged to create municipal emergency management programs.

(C) Pursuant to Section 252.38(2), Florida Statutes, the City of Midway's municipal emergency management program(s) will coordinate its activities and shall comply with all the laws, rules, and requirements applicable with those of Gadsden County emergency management and is subject to review by Gadsden County.

(D) Pursuant to Section 252.38(2), Florida Statutes, the City of Midway shall coordinate requests for state or federal emergency response assistance with Gadsden County, with the exception of requests for reimbursement under federal public disaster assistance programs.

(E) Pursuant to Article IV, Section 4.5 of The Midway City Charter, the Mayor has authority to summon appropriate law enforcement to suppress civil disturbances and to keep law during an emergency.

(F) It is the intent of the City Council to take extraordinary and immediate action in order to protect the public health, safety and welfare for the citizens of Midway, Florida from the exacerbation of the spread of COVID-19 Novel Coronavirus.

**SECTION 2 DEFINITIONS.** As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires.

“Gathering” means any event or convening that brings together 10 or more people in a single room or single space at the same time, such as a church, conference room, meeting hall, cafeteria, park, or any indoor or outdoor space.

“Social Distancing” is maintaining a six-foot (6ft.) separation from all persons except for family for family members.

**SECTION 3 INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “shall” or “will” are mandatory; the term “may” is discretionary; the terms “hereof,” “herein,” “hereto,” “hereunder,” and similar terms refer to this Ordinance; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

## **ARTICLE II**

### **REQUIREMENTS AND PURPOSE**

#### **SECTION 1 REQUIREMENTS**

The State of Local Emergency shall be for a period of up to seven (7) days commencing on March 30, 2020, and concluding on April 5, 2020, and is subject to the following:

(A) All public or private “gatherings” as defined above, are prohibited. All non-essential gatherings of any size are strongly discouraged.

(B) All restaurants and other business establishments that serve food shall close all on-site dining. All food served shall be by delivery, or through pick-up or drive thru. Social distancing shall be required for persons picking-up food on site.

(C) All businesses shall enact social distancing, increased sanitation standards, and shall make every effort to use telecommuting for its workforce.

(D) A strong recommendation is made that all persons who are sixty-five (65) years old or older, have a chronic underlying condition, or have a compromised immune system self-quarantine themselves at home.

(E) All persons arriving in the City of Midway, from locations as found on the Centers for Disease Control and Prevention (CDC) Warning Level 3 Travel Advisory shall be subject to fourteen (14)-day home quarantine and self-monitoring. Please see CDC’s website located at: (<https://wwwnc.cdc.gov/travel/notices>).

(F) A strong recommendation is made for persons exhibiting mild to moderate symptoms of COVID-19 Novel Coronavirus, to self-isolate themselves in their place of residence unless seeking medical treatment.

(G) A curfew between 10:00 PM to 5:00 AM of the following day shall be implemented to support the restriction of non-essential gatherings.

## **SECTION 2 PURPOSE**

(A) This Ordinance is issued to prevent circumstances often present in gatherings that may exacerbate the spread of COVID-19 Novel Coronavirus, such as: 1) the increased likelihood that gatherings will attract people from a broad geographic area; 2) the prolonged time period in which large numbers of people are in close proximity; 3) the difficulty in tracing exposure when large numbers of people attend a single event; and 4) the inability to ensure that attendees follow adequate hygienic practices.

### ARTICLE III

#### SEVERABILITY; SUPPLEMENTAL AUTHORITY; EFFECTIVE DATE

**SECTION 1 SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 2 SUPPLEMENTAL AUTHORITY.** Except as expressly provided for elsewhere in this Ordinance, this Ordinance shall not be construed as repealing or superseding any City of Midway Ordinances and consistent provisions therein, or Florida Statutes or Laws, and shall be construed as providing alternative or supplemental authority for the exercise of all powers granted and provided for herein. This Ordinance shall be read in concert with the Florida Statutes as it may be amended or renumbered from time to time.

**EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment by the City Council and the Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED ON THIS 26<sup>th</sup> DAY OF March, 2020.


CITY COUNCIL OF THE CITY OF  
MIDWAY, FLORIDA

By:   
Ronald Colston, Mayor

**CERTIFICATION**

The undersigned, Clerk of the City of MIDWAY, FLORIDA, do hereby certify that the above and foregoing AN ORDINANCE OF THE CITY COUNCIL OF MIDWAY, FLORIDA; DECLARING LOCAL STATE OF EMERGENCY. PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE., was duly enacted on the date set forth above at a regular meeting of the City Council of the City of MIDWA, FLORIDA.

(SEAL)

By:   
Frances Harrell, City Clerk