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City of Hialeah

TO: SERGIO VELAZQUEZ, CHIEF
HIALEAH POLICE DEPARTMENT

DATE: April 9, 2020

TIME: 11:45 AM

FROM: [Signature]
MAYOR CARLOS HERNANDEZ

ATTEST: [Signature]
MARBELYS FATJO, CITY CLERK

EMERGENCY ORDER RESTRICTING WALK-UP SERVICE WINDOWS OR “VENTANITAS” AT ALL FOOD SERVICE ESTABLISHMENTS IN THE CITY OF HIALEAH, FLORIDA

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-91 and 20-92 imposing a statewide “stay at home” order to all persons except when engaged in essential services or essential activities as provided in Executive Order 20-91; and

WHEREAS, in defining “essential services” Governor Ron DeSantis’s Executive Order 20-91 incorporates by reference his Executive Order 20-89 and its attachments which are Miami-Dade County Emergency Order 07-20, and its amendments, in its entirety; and

WHEREAS, pursuant to Miami-Dade County Emergency Order 07-20 all essential retail and commercial business identified in the Order may remain open; and

WHEREAS, Miami-Dade County Emergency Order 07-20 at paragraph 2 m. identifies as essential “restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of [Miami-Dade] Emergency Order 03-20” and so long as the food is not allowed to be eaten at the site where it is provided; and

WHEREAS, Miami-Dade County Emergency Order 03-20 allows restaurants, cafeterias and any other food service business establishment to operate kitchens for the purpose of providing delivery services, pick-up, or take out services; and

WHEREAS, Governor DeSantis’s Executive Order 20-91 encourages food service business establishments to provide delivery, carry-out or curbside service outside of the business establishment of orders placed online or by telephone; and

WHEREAS, the provisions of the State and County Emergency Orders are minimum standards and municipalities may impose stricter standards;

WHEREAS, typically walk-up windows or “ventanitas” at food service business establishments are cultural gathering places in the City to enjoy Cuban coffee, pastries and other small bites on site; and

WHEREAS, based on the restrictions imposed by the various orders, food service establishments are accepting and delivering food orders out of the walk-up windows while inadvertently allowing patrons to congregate without due regard to social distancing guidelines, including allowing patrons to consume on site Cuban coffee and other pastries and small bites while waiting for their take-out order; and

WHEREAS, the highest risk of exposure and infection by COVID-19 is precisely in close person to person contact;

WHEREAS, the use of walk-up windows encourages social gatherings and congregation of patrons thereby increasing the risk of community spread of the virus in our community;

WHEREAS, we remain in a state of emergency at every level of government; and

WHEREAS, the City continues to take action to slow the spread and reduce the impact of the disease to protect its residents;

THEREFORE, in response to the impending risk to the life, health, safety and welfare posed by Coronavirus Disease 2019 (COVID-19) to our citizenry and pursuant to the authority set forth in Florida Statutes §252.38 and in furtherance of all national, state, county and local emergency orders issued to date;

In order to safeguard the life, health, safety and welfare of the residents of the City of Hialeah; and

In an attempt to slow the spread and mitigate the potential impact of Coronavirus Disease;

EFFECTIVE IMMEDIATELY, I HEREBY ORDER:

1. The use of a walk-up service window by a food service business establishment shall be limited to either (a) acceptance of an order from, or (b) payment by, or (c) delivery of food to a customer, if the order has been paid in advance prior to the customer’s arrival at the food service business establishment, or (d) both payment and delivery, if payment and delivery occur simultaneously or in quick succession. Once the customer places an order at a walk-up service window, the customer shall wait for delivery of the order inside a parked vehicle. The food service establishment shall not allow customers to wait at, near or in the vicinity of the walk-up service window or on the premises of the food service business establishment while the customer’s order is being prepared. If delivery does not occur at the time of payment as provided by (d), then the customer shall wait for delivery of the order inside a parked vehicle and delivery of the order to the customer shall be made by an employee of the food service business establishment at the customer’s car.

2. Food service business establishments shall require all customers using walk-up service windows for the purposes allowed and in the manner mandated by this Order to wear masks.

3. Food service business establishments shall not allow customers to consume any beverage or eat any food on the premises of the food service business establishment. Food service business establishments shall not allow social gathering at, near or in the vicinity of the walk-up service window or on the premises of the food service business establishment.

4. This order shall not apply to food service business establishments with drive-up or drive-through facilities built and approved through the municipal development or building process.

5. This Emergency Order shall be strictly adhered to at all times while the City's declaration of emergency remains in effect and enforceable pursuant to Florida law.

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