

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY MANAGER TO SUSPEND OR PRORATE ANNUAL SIDEWALK CAFÉ PERMIT FEES FOR THE PERIOD OF TIME COMMENCING ON OCTOBER 1, 2020, THROUGH AND INCLUDING DECEMBER 31, 2020, PURSUANT TO CITY CODE SECTION 82-383(b) AND THE CITY'S DECLARATION OF A STATE OF EMERGENCY, DATED MARCH 12, 2020, IN RESPONSE TO THE COVID-19 PANDEMIC.**

**WHEREAS**, City Code Section 82-383(b) provides that the City Manager may, "in his reasonable discretion and judgment, . . . suspend or prorate the annual permit fee in cases of public construction or public emergency situations"; and

**WHEREAS**, coronavirus disease 2019 ("COVID-19"), a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Miami Beach; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; and

**WHEREAS**, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for all of Miami-Dade County due to the threats associated with COVID-19; and

**WHEREAS**, on March 12, 2020, the City Manager for the City of Miami Beach declared a State of Emergency for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents; and

**WHEREAS**, subsequently, both the County and the City issued various Emergency Orders temporarily closing public and private facilities, including the temporary closure of all non-essential retail and commercial establishments, and the closure of all restaurants for in-person dining; and

**WHEREAS**, the foregoing measures have greatly limited economic activity in the City of Miami Beach, and continue to adversely impact City businesses, including restaurants; and

**WHEREAS**, the path to re-opening businesses in the City must promote business operation and economic recovery while safeguarding the public's health and safety; and

**WHEREAS**, several months of business closures and significant reductions to indoor occupancy have placed severe financial strain on many restaurants in the City; and

**WHEREAS**, on May 13, 2020, the Mayor and City Commission adopted Resolution No. 2020-31275, directing the City Manager to suspend or prorate annual sidewalk café permit fees

through September 30, 2020, pursuant to City Code Section 82-383(b) and the City's Declaration of a State of Emergency, dated March 12, 2020, in response to the COVID-19 pandemic; and

**WHEREAS**, in an effort to mitigate the catastrophic economic impacts of the COVID-19 pandemic on the City's restaurants, the Mayor and City Commission now desire to authorize the City Manager to suspend or prorate annual sidewalk café permit fees for the period of time commencing on October 1, 2020, through and including December 31, 2020.

**NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby direct the City Manager to suspend or prorate annual sidewalk café permit fees for the period of time commencing on October 1, 2020, through and including December 31, 2020, pursuant to City Code Section 82-383(b) and the City's Declaration of a State of Emergency, dated March 12, 2020, in response to the COVID-19 pandemic.

**PASSED** and **ADOPTED** this 16th day of September, 2020.

**ATTEST:**

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Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

*NJ For* *9-11-20*
  
\_\_\_\_\_
  
City Attorney *NK* Date