

BAL HARBOUR

- VILLAGE -

ORDER NO. 09-20

BAL HARBOUR EMERGENCY MEASURES

RESTRICTIONS ON CONSTRUCTION SITES

(ISSUED ON APRIL 7, 2020 AT 5:00 P.M.)

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to Novel Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, on March 13, 2020, I, as Village Manager of Bal Harbour Village, promulgated an Emergency Order which, among other requirements, temporarily closed Village facilities and certain businesses located in the Village, and imposed emergency measures effective immediately; and

WHEREAS, on March 23, 2020, I issued a Safer at Home Order, urging all persons living within the Village to remain in their homes; and

WHEREAS, on April 1, 2020, Governor DeSantis issued a statewide Safer at Home Order; and

WHEREAS, limiting the presence of outside workers at occupied structures and could reduce the chance of exposure and spread of COVID-19; and

WHEREAS, in light of the spread of COVID-19 in Miami-Dade County, I find that it is necessary to suspend construction activities at occupied structures and properties, while giving the Building Official the authority to approve essential construction activities to protect health, safety and welfare at occupied structures and properties on a case by case basis; and

WHEREAS, construction activities at unoccupied structures and properties are less likely to contribute to the spread of COVID-19, and the risk associated with construction activities permitted by this Order can be mitigated by compliance with the best practices provided in this Order; and

WHEREAS, current ongoing Village construction projects are necessary for the public health, safety and welfare.

NOW, THEREFORE, as Village Manager of Bal Harbour Village, Florida, and pursuant to the authority vested in me pursuant to Chapter 252.38(3)(a), Florida Statutes, and Bal Harbour Village Code Chapter 2, Article VIII "Emergency Management" (the "Village Code"), as well as that certain Bal Harbour Village Declaration of State of Emergency, dated March 13, 2020, and in addition to the Emergency Measures I have previously ordered and promulgated, I hereby **ORDER** and **PROMULGATE** the following additional emergency measures, effective **April 7, 2020 at 5:00 p.m.** (the "Order"):

1. All interior and exterior construction activities at occupied structures and properties shall be suspended for the duration of this Order.
2. Upon approval of the Building Official, a Contractor may be permitted to finish certain construction activities that have already started at occupied structures and properties and, due to safety concerns or concerns regarding the protection of materials or systems, are required to be finished in order to maintain a safe and secured building and/or site. Contractor shall send a request in writing to the Building Official indicating the need to finish certain construction activities pursuant to this paragraph, which shall state the specific rationale for and duration necessary to complete the activity, and shall only proceed consistent with the terms of the approval by the Building Official.
3. The following categories of construction activities are permitted for the duration of this Order as it may be amended, unless the owner or manager of the property decides otherwise:
 - a) Construction activities at unoccupied properties and structures.
 - b) Upon the approval of the Building Official, essential construction activities at occupied properties. Essential construction activities are defined as those activities necessary to maintain functions essential to the life safety, health, and welfare of occupants of a habitable structure. Essential functions to support life safety, health and welfare are fire protection systems, fire sprinklers, power, water, water heaters, air conditioning, refrigeration, roof leaks and unsecured sites that may pose a threat of harm or damage to other residents. Contractor shall send a request in writing to the Building Official, specifically describing the proposed essential construction activities, and shall only proceed consistent with the terms of the approval by the Building Official.
 - c) Any other construction activity deemed by the Building Official to be essential to life safety.
4. Contractors with construction sites shall maintain the sites in a neat and orderly manner and shall keep sites free of construction debris and trash at all times in compliance with Section 6-201 (a, b, c) of the Village Ordinance.

5. The following construction site best practices, precautions, and preparations for public safety shall be implemented by the property owners, general contractors or their authorized designees on every construction site:
 - a) General Contractors shall strictly adhere to CDC guidelines and Joint Construction Industry Commitment issued on March 23, 2020: Pledge to Reduce the Spread of Novel Coronavirus on South Florida's Construction Sites attached hereto for reference as Exhibit A.
 - b) Contractors must provide alcohol-based hand sanitizer (that contains at least 60% alcohol), and require the use of the alcohol-based hand sanitizer before entering and leaving the construction sites.
 - c) All workers must use personal protective equipment, including gloves, goggles/glasses, and masks/respiratory protection.
 - d) Construction sites shall have 10 or fewer persons at a single family residential construction site, and 10 or fewer persons per work area on other construction sites.
 - e) No food trucks shall be allowed at any construction site. All workers on construction sites must bring their own lunch or receive a lunch provided by the employer; and consume meals onsite.
 - f) All construction workers are to stay within the construction sites and not congregate in the public right of way except while driving to and from the construction site.
 - g) Loose Building materials shall be bundled, fastened, secured or removed from site.
 - h) Construction dumpsters shall be emptied regularly, fastened, secured or removed from site.
 - i) Shoring shall be properly secured pursuant to EOR-Approved shop drawings and Special Inspector Plan.
 - j) Pools shall be free from standing water, garbage or debris that can cause a public hazard.
 - k) Temporary structures, portable toilets, and other such construction site equipment shall be maintained securely fastened to the ground, emptied regularly, or removed from site.
6. If directed by the Village, any other measures necessary to promote the public health, safety, and welfare shall be implemented by the Contractor.

7. Failure to abide by any part of this Order, or Village requirements issued pursuant to this Order, shall result in penalties up to and including a Stop Work Order, or other measures deemed appropriate by the Village.
8. This Order shall not apply to Village, County, state, or federal construction projects and activities.

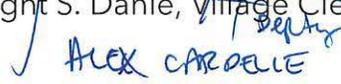
9. This Order is in addition to and supplements the Village's Emergency Orders. All requirements of Village Emergency Orders, Miami-Dade County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.
10. The provisions of this Order are declared to be severable and, if any section, sentence, clause or phrase of this Order for any reason is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Order and they shall remain in effect, it being the intent that this Order shall stand notwithstanding the invalidity of any part.
11. This Order shall be in effect for as long as the State of Florida state of emergency is in effect, unless this Order is earlier terminated or amended.
12. This Order shall be filed promptly with the Village Clerk and shall be given prompt and general publicity.

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE APRIL 7, 2020 at 5:00 p.m.

BAL HARBOUR VILLAGE, FLORIDA

ATTEST:


Dwight S. Danie, Village Clerk


ALEX CARABELLE




Jorge M. Gonzalez, Village Manager

Date: April 7, 2020

Time: 5:00 pm