

ORDINANCE 210-05-117

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL REQUIRING ALL PERSONS ON CITY OF LAUDERHILL PREMISES TO COMPLY WITH THE CENTER FOR DISEASE CONTROL (CDC) GUIDELINES CURRENTLY IN EFFECT AND AS MAY BE AMENDED FROM TIME TO TIME, AS DEEMED NECESSARY AND ESSENTIAL TO PROTECT THE HEALTH, SAFETY AND WELFARE OF EMPLOYEES AND MEMBERS OF THE PUBLIC WHILE THE CITY OF LAUDERHILL REMAINS UNDER A DECLARED STATE OF EMERGENCY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, on March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52, thereby declaring State of Emergency in the State of Florida due to the continued spread of COVID-19, and there have been many extensions thereof including the most recent extension of the State of Emergency was Executive Order No. 21-94 entered on April 27, 2021; and

WHEREAS, the City of Lauderhill (the "City") first declared a State of Emergency by issuing SOE 20-02 pursuant to Chapter Section 8 $\frac{1}{2}$ -1 of the City Code, Florida Statute Chapter 252, and has issued weekly extensions of this declaration, the most recent of which was SOE 21-16 entered on May 4, 2021; and

WHEREAS, Governor DeSantis signed Executive Order 21-102 on May 3, 2021, which provides that all COVID-19 restrictions and mandates upon businesses or individuals that were enacted through an Emergency Order or Ordinance are suspended immediately; and

WHEREAS, during press conferences regarding this Executive Order, Governor DeSantis stated that private businesses have the discretion to choose to continue to impose facial covering and distancing requirements in order to conduct business; and

WHEREAS, businesses such as Publix, Walmart, Target and Home Depot have told Local 10 News that they are not changing their mask mandates in their stores at this time, despite Governors Executive Order 21-102 (See Exhibit 1, attached hereto and incorporated herein); and

WHERE, Broward County and Palm Beach County have indicated that they will still require masks in county government buildings to keep employees safe (See Composite Exhibit 2, attached hereto and incorporated herein); and

WHEREAS, public governmental businesses are no less of a priority and should be treated as no less important than private businesses; and

WHEREAS, if private businesses can make the proprietary decision to continue to impose mask mandates or CDC guidelines, public businesses in like manner should be entitled to do so; and

WHEREAS, municipalities in their proprietary capacity should be governed by the same rules that govern private corporations; and

WHEREAS, City of Lauderhill Charter, Part I, Article I, Creation and Powers, Section 1.01, provides that the City of Lauderhill is a municipal corporation having all governmental, corporate and proprietary powers and further provides that the Charter shall be liberally construed in favor of the City;

WHEREAS, the Governor's Executive Order No. 21-102 provides in Section 4 that the order does not prohibit political subdivisions from enacting ordinances pursuant to regular enactment procedures to protect the health, safety, and welfare of its population; and

WHEREAS, the CDC Guidelines are still recommended and still posted online, most specifically regarding facial coverings and distance requirements (see Exhibit 3, attached hereto and incorporated herein); and

WHEREAS, the City of Lauderhill wishes to protect the health, safety and welfare of its employees and members of the public entering public buildings by continuing to keep in full force and effect the current CDC recommendations regarding facial coverings and social distancing on city premises;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the foregoing "WHEREAS" are hereby adopted and incorporated herein.

SECTION 2. That the City Commission of the City of Lauderhill, pursuant to the intent of its Home Rule Powers, the Charter of the City of Lauderhill, Article VIII, Section 2(b), of the Florida Constitution, and the Governor's EO 20-102, hereby finds and declares that it is necessary for the City of Lauderhill to continue to require compliance with the current CDC Guidelines, as may be amended from time to time, while on city premises in order to protect the health, safety and welfare of its employees, residents and the community as a whole who choose to access or utilize public premises within the City of Lauderhill.

SECTION 2. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions, all emergency orders or emergency ordinances, in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon its adoption.

DATED this _____ day of _____, 2021.

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
S. MARTIN	_____	_____
K. THURSTON	_____	_____