

RESOLUTION NO. 2020-138

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, AMENDING RESOLUTION 2020-52 TO INCLUDE A SPECIFIC SAFETY REQUIREMENTS STEMMING FROM THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR REPEAL OF RESOLUTION 2020-128 AND RESOLUTION 2020-130; PROVIDING A FACE COVERING REQUIREMENT; PROVIDING FOR FACE COVERING EXEMPTION; PROVIDING AUTHORITY FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND DURATION.

WHEREAS, on March 24, 2020, in response to the Novel Coronavirus Disease 2019 (COVID-19) the City of Mount Dora adopted Resolution Number 2020-52 declaring a local state of emergency; and

WHEREAS, the City has continued to extend the local state of emergency stemming from the COVID-19 pandemic pursuant to the parameters set forth in Resolution Number 2020-52; and

WHEREAS, the Center for Disease Control and Prevention (CDC) recommends wearing face covering in public settings where other social distancing measures are difficult to maintain; and

WHEREAS, the use of face coverings and social distancing are vital public health approaches to help slow the transmission of COVID-19; and

WHEREAS, the City continues to take precautions, implement safety measures and take efforts to protect the general welfare of its employees, citizens and visitors during the COVID-19 pandemic; and

WHEREAS, on July 7, 2020, the City adopted Resolution 2020-128, in order to require that face coverings be worn as specified therein because of the public health concerns stemming from the COVID-19 pandemic; and

WHEREAS, on July 21, 2020, the City adopted Resolution 2020-130, in order to clarify its intent regarding the requirement that face coverings be worn due to the public health concerns stemming from the COVID-19 pandemic; and

WHEREAS, on August 4, 2020, the City heard public comment related to application and impact of the face covering requirement on students of educational institutions within the City of Mount Dora City limits; and

WHEREAS, pursuant to the current state of emergency declared by the City and its emergency efforts related to the COVID-19 pandemic, the City may from time to time find it necessary and prudent to adopt additional regulations in furtherance of the local state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The City of Mount Dora has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Repeal of Resolution 2020-128. Resolution 2020-128, adopted on July 7, 2020, is hereby repealed in its entirety.

SECTION 3. Repeal of Resolution 2020-130. Resolution 2020-130, adopted on July 21, 2020, is hereby repealed in its entirety.

SECTION 4. Face Covering Requirement. Resolution 2020-52 is hereby amended to include the following regulation related to Face Coverings:

- A. This regulation is intended as a measure to seek required compliance.
- B. Face Covering as used herein shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands.
- C. Individuals are encouraged to reserve medical and surgical face masks, such as "N95" masks or similar medical or surgical masks for health care personnel and other first responders with the greatest need for such personal protective equipment.
- D. Every person working, living, visiting or doing business in the City of Mount Dora is required to wear a Face Covering, consistent with the current CDC Guidelines while inside any place open to the general public.
- E. Every person utilizing or operating public transit vehicles and vehicles for hire is required to wear Face Coverings.
- F. Every person working, living, visiting or doing business in the City of Mount Dora must practice social distancing by staying at least six (6) feet apart while in a public place.
- G. Face Coverings are not required outdoors where social distancing is being practiced.
- H. Face Coverings shall not be required for the following persons:
 - 1. Persons under the age of three (3) years;
 - 2. Persons for whom a Face Covering would cause impairment due to an existing health condition or disability;

3. Persons working in a business or profession who are not interacting with the public and who are able to maintain social distancing from co-workers;
4. Persons working in or within portions of a business or profession who do not have face to face interaction with others;
5. Persons exercising while maintaining social distancing.

SECTION 5. Face Covering Exemption.

A. Any institution for the education of children (School) which is located within the City limits of the City of Mount Dora that desires to be exempt from the provisions of this Resolution, while on its campus or other school property, may submit an application, COVID-19 safety plan and any other required documentation to the City, in the form determined by the City Manager, in order to secure such an exemption from the City.

B. Upon receipt of a complete application, with all of the appropriate supporting documentation attached, the City Manager may provide provisional exemption approval to the applying School and thereafter place the request on the next regularly scheduled agenda for consideration by the City Council. The City Council may approve or deny the exemption, in its sole discretion, despite any provisional exemption approval granted by the City Manager. The decision of the City Council shall be final.

SECTION 6. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such action as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 7. Savings Clause. All prior actions of the City of Mount Dora pertaining to the face covering requirement stemming from the state of local emergency related to the COVID-19 outbreak, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

SECTION 8. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 9. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 10. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 11. Effective Date and Duration. This Resolution shall become effective on adoption and shall extend throughout the local state of emergency declared under Resolution Number 2020-52, unless earlier rescinded.

PASSED AND ADOPTED this 7th day of August, 2020.

CATHERINE T. HOECHST
MAYOR of the City of Mount Dora, Florida

ATTEST:

GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of City of
Mount Dora only. Approved as to form
and legal sufficiency

Sherry G. Sutphen
City Attorney