

ORDINANCE NO. 2019-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," SECTION 2-25, "DECLARATION OF CITY-WIDE STATE OF EMERGENCY," TO PROVIDE DEFINITIONS, CLARIFY THE AUTHORIZATION FOR THE CITY MANAGER TO IMPLEMENT THE EMERGENCY RESPONSIBILITIES PROVIDED UNDER FLORIDA LAW, AUTHORIZE THE MAYOR TO ORDER EMERGENCY MEASURES PROVIDED UNDER FLORIDA LAW AS NEEDED, REVISE THE DURATION FOR LOCAL EMERGENCY DECLARATIONS FROM SIXTY (60) DAYS TO SEVEN (7) DAYS FOR MAN-MADE, TECHNOLOGICAL AND NATURAL EMERGENCIES AND FROM SIXTY (60) DAYS TO SEVENTY-TWO (72) HOURS DURING LOCAL THREATS OF VIOLENCE PURSUANT TO STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City's Code of Ordinances by and through Section 2-25, "Declaration of city-wide state of emergency," authorizes the Mayor to declare a city-wide state of emergency by proclamation; and

**WHEREAS**, it is essential to implement emergency procedures, guidelines and measures during times of emergency in order to protect the public health and welfare and ensure order; and

**WHEREAS**, Chapter 252, Florida Statutes, authorizes emergency powers and responsibilities during man-made, technological, and natural emergencies; and

**WHEREAS**, Chapter 870, Florida Statutes, authorizes emergency measures and procedures during declarations of state of emergencies due to threats of violence; and

**WHEREAS**, it is important for the safety of the City's residents, property owners,

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and visitors to ensure that the City's Code of Ordinances confers authority unto the Mayor and City Manager to promptly and efficiently take certain prescribed actions once a state of emergency has been declared; and

**WHEREAS**, the Florida Statutes sets specific time limits for declarations of a local state of emergency issued by the Mayor; and

**WHEREAS**, the City Commission finds and determines that the safety of all persons and property within the City of Coconut Creek is of paramount importance during a declared city-wide state of emergency and such measures are appropriate.

**NOW THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

**Section 2:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, "Administration," Article II, "City Commission," by amending Section 2-25, "Declaration of city-wide state of emergency," to read as follows:

Sec. 2-25. - Declaration of city-wide state of emergency.

(a) *Definitions.*

1. Man-made emergency: An emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.
2. Natural emergency: An emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.
3. State of emergency: A state of emergency occurs when there has been an occurrence, whether natural, technological, or man-made, or act or threat of violence, which on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, or risk substantial injury to persons or to property; all of

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which constitute an imminent threat to public peace or order and to the general welfare of the area affected or a part thereof.

4. Technological emergency: An emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.

5. Act or threat of violence emergency: An emergency due to an act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority.

(b) *Declaration of emergency.* The Mayor shall be empowered to declare a local state of emergency within the city by proclamation as needed pursuant to Florida Statutes Chapter 252 or Chapter 870.

(c) *Emergency measures.* After a state of emergency is declared by the county, state or federal government applicable to the City or the Mayor declares a ~~city-wide~~ local state of emergency by proclamation pursuant to this section,

1. the Mayor, at his or her discretion, may concurrently or subsequently set the following emergency measures, as needed:

a1. Delineate mandatory evacuation zones effective immediately; and/or

b2. Set curfews within the City.

c. Emergency measure(s) authorized pursuant to this section shall remain in effect for the duration of the declared state of emergency, unless repealed earlier by the Mayor, or repealed by formal action of the City Commission

2. Upon declaration of a state of emergency due to a natural, manmade, or technological emergency, the city manager or designee may implement emergency management powers pursuant to Chapter 252 Florida Statutes, as needed during the emergency declaration.

3. Based on the declaration of an emergency due to an act or threat of violence, the Mayor may order discretionary emergency measures pursuant to Chapter 870, Florida Statutes, as needed during the emergency declaration.

(d) *Notice.*

1. The declaration of a local state of emergency by the Mayor, any applicable extensions, and any emergency measures must be filed with the City Clerk, or designee, as promptly as practicable thereafter and delivered to local news media outlets for publication free of charge over radio and television broadcast.

2. ~~(e)~~ If practicable, the Mayor's proclamation of a local ~~city-wide~~ state of emergency declaration and the emergency measure(s) authorized herein shall be written and published by other means such as by posting on the City's website and announced over loudspeakers or other available platforms.

(e) Duration.

1. Natural, manmade or technological emergencies. The duration of a local state of emergency due to a natural, manmade, or technological emergency shall be limited to seven (7) days, unless terminated earlier by the Mayor, or repealed by formal action of the City Commission. The state of emergency may be extended by the Mayor in seven (7) day increments.
2. Threat of violence emergency. A declaration of a state of emergency due to an act or threat of violence, shall commence upon the declaration thereof by the Mayor and shall terminate at the end of a period of 72 consecutive hours thereafter unless terminated by the Mayor prior to the end of such 72-hour period. The state of emergency may be extended beyond the 72-hour time limit by request from the Mayor with the concurrence of the City Commission by duly enacted resolution in regular or special session, unless the nature of the emergency renders a meeting of the City Commission impossible. If it is not possible for the City Commission to meet, the Mayor and the City Manager jointly shall have the authority to extend such 72-hour period, which shall be reviewed and ratified by the City Commission at the first available opportunity to schedule a City Commission meeting.

~~(f) The Mayor's emergency measure(s) authorized herein shall remain in effect until the 61st day following the date on which the Mayor proclaimed the city wide state of emergency, unless repealed earlier by the Mayor, or repealed or enacted by formal action of the City Commission.~~

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**Section 3: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 4: Severability.** That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 5: Codification.** That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 6: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 8<sup>TH</sup> DAY OF AUGUST, 2019.

PASSED SECOND READING THIS 12<sup>TH</sup> DAY OF SEPTEMBER, 2019.

\_\_\_\_\_  
Sandra L. Welch, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Welch	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Absent</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Absent</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>

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KMM  
06/18/19

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