ORDINANCE NO. 2015-025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER TWO, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," BY ENACTING A NEW SECTION 2-25, "DECLARATION OF CITY-WIDE STATE OF EMERGENCY" EMPOWERING THE MAYOR TO DECLARE A CITY-WIDE STATE OF EMERGENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 870.042(2) of the Florida Statutes requires a municipality to designate by a duly adopted ordinance a City official who shall be empowered to declare that a state of emergency exists within the boundaries of the municipality and to exercise the emergency powers conferred in Sections 870.041 through 870.047 of the Florida Statutes; and

WHEREAS, Section 312 of the City of Coconut Creek City Charter authorizes certain emergency measures to be taken under emergency conditions; and

WHEREAS, a state of emergency may be declared when there has been an occurrence, whether natural, technological, or man-made, or act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority; and that, 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 which constitute an imminent threat to public peace or order and to the general welfare of the area affected or a part thereof; and

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WHEREAS, in order to ensure swift City response to an emergency, the City must designate a City official to carry out the duty of declaring a state of emergency; and

WHEREAS, the City's Mayor, as the chief representative of the City, shall be empowered with the authority to declare a state of emergency within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AS FOLLOWS:

Section 1: That Chapter Two, "Administration," Article II, "City Commission," be amended by enacting a new subsection 2-25, "Declaration of City-Wide State of Emergency," to read as follows:

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Sec. 2-25. – Declaration of City-Wide State of Emergency.
   (a) Definition.
      1. State of Emergency: a state of emergency occurs when there has been an occurrence, whether natural, technological, or man-made, or act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority; and that, 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 which constitute an imminent threat to public peace or order and to the general welfare of the area affected or a part thereof.

   (b) Declaration of Emergency. The Mayor shall be empowered to declare a state of emergency within the City by proclamation as needed.

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Section 2: That the authority to declare a state of emergency is lawful and necessary to swiftly address the emergency and return the community to a condition of normalcy.

Section 3: 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.

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Section 4: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 5: This Ordinance shall be in full force and effect immediately.

PASSED FIRST READING THIS 25th DAY OF June , 2015.

PASSED SECOND READING THIS 23rd DAY OF July, 2015.

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Rebecca A. Tooley, Mayor

Attest:

_____
Leslie Wallace May, MMC, City Clerk

	1st	2nd
Tooley	Aye	Aye
Belvedere	Aye	Aye
Sarbone	Aye	Aye
Welch	Aye	Aye
Rydell	Aye	Aye