

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2011-22**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH,
FLORIDA AMENDING ARTICLE II OF CHAPTER 34 OF
THE CITY OF ST. PETE BEACH CITY CODE ENTITLED
"EMERGENCY MANAGEMENT;" AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City Commission finds the amendments to Article II of Chapter 34 of the City Code, as more particularly set forth herein, in the public interest and necessary to protect the health, safety and welfare of the citizens of the City of St. Pete Beach, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. PETE BEACH,
FLORIDA:

Section 1. Article II, Chapter 34; St. Pete Beach City Code related to Civil Emergencies; Article II, Emergency Management, is hereby amended in its entirety as follows:

Sec. 34-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency means a condition which threatens or adversely affects the public health, safety or security and which threatens to be beyond the control of those public and private agencies normally responsible for the management of such a condition, resulting from an act or threatened act of war, riot, terrorism, mob or other act of violence; from a weather event such as lightning, flood, hurricane, cyclone, tornado or waterspout; from a disruption in the city's utility system; hazardous waste spill; or from any other cause.

Emergency interim successor means a person designated pursuant to this article for possible temporary succession to the powers and duties but not the office of an officer if such officer or a duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

Normal average retail price means the price at retail for merchandise; goods or services at which similar merchandise, goods or services were being sold during the 90 days immediately preceding a declaration of public emergency.

Sec. 34-32. - Intent.

(a) It is the intent of this article to designate a city official to declare a local state of emergency to enable the timely and effective use of all available city resources to prepare for, respond to and recover from a natural or manmade disaster or emergency or the imminent threat thereof likely to affect the security, safety or health of the city and its residents, whether such events occur within or without the corporate limits of the city.

(b) Nothing in this article shall be intended to relieve city departments of their normally assigned duties, responsibilities and functions.

(c) Nothing in this article shall be construed as a delegation of authority to abridge or diminish the legislative or administrative powers of the city commission.

Sec. 34-33. - Legislative authority.

This article is enacted pursuant to the authority granted by F.S. § 252.38.

Sec. 34-34. - Applicability of article.

All officers, employees, contractors, vendors, boards, commissions, authorities and other agencies of the city are subject to this article.

Sec. 34-35. - Director of emergency management.

(a) The city manager shall perform the function of director of emergency management and shall implement, manage and report on all actions authorized and taken under this article.

(b) The city manager, when acting as the director of emergency management, shall have the power, duty and responsibility to:

- (1) Direct the creation, revision, and exercise of emergency response plans conforming to state and county emergency plans for the mitigation of, preparation for, response to and recovery from emergencies.
- (2) Direct the efforts of the emergency management coordinating committee in the preparation for, response to and recovery from emergency conditions.
- (3) Recommend a budget for the creation and maintenance of an emergency response capability as provided in this article.
- (4) Promulgate emergency regulations necessary to the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency.

Sec. 34-36. - Coordinator of emergency services.

(a) The city manager shall appoint a coordinator of emergency services whose duties shall include the ongoing planning for a coordination of those actions necessary to the creation

and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

- (b) The coordinator of emergency services shall have the responsibility and duty to:
- (1) Supervise the development and maintenance of city emergency plans, including annual updates.
 - (2) Chair the emergency management coordinating committee.
 - (3) Plan for and develop an emergency operations control center to include equipping, staffing, and establishing operational procedures necessary for the management and control of emergency conditions.
 - (4) Develop and manage the city's emergency awareness public information program.

Sec. 34-37. - Emergency management coordinating committee.

(a) There shall be an emergency management coordinating committee composed of the department directors which shall be chaired by the coordinator of emergency services.

(b) The emergency management coordinating committee shall have the responsibility and duty to:

- (1) Function as the emergency management agency during a declared emergency.
- (2) Assist in the creation, revision and exercise of emergency plans.
- (3) Advise the director of emergency management of requirements for resources necessary to the creation, maintenance, and exercise of a capable, efficient emergency response capability.

Sec. 34-38. - Declaration of state of emergency.

(a) In the following order, the mayor, vice-mayor, commissioner, or city manager shall have the authority to declare a state of emergency by proclamation. Upon the absence or unavailability of the mayor, the vice-mayor may issue such a declaration, and upon the absence or unavailability of the mayor and the vice-mayor, a city commissioner or the city manager or, upon the absence or unavailability of the city manager, an acting city manager may issue such a declaration.

(b) Any declaration of a state of emergency and all emergency regulations activated under this article shall be confirmed by the city commission by resolution within five working days of such declaration or at the next regularly scheduled meeting of the city commission, whichever occurs first, unless the nature of the emergency renders a meeting of the city commission extremely impractical. Confirmation of the emergency declaration shall disclose the reasons for, anticipated impacts of, actions proposed and taken to manage the emergency and

other pertinent data relating to the declaration of emergency.

(c) The state of emergency shall continue until there is a finding by the official declaring the emergency that the emergency no longer exists or until a meeting of a quorum of the board of city commissioners can take place and terminate the state of emergency by proclamation.

(d) Upon the determination of an emergency, the mayor, vice-mayor or city manager shall have the power to issue and rescind executive orders, proclamations and rules. Such executive orders, proclamations and rules shall have the force and effect of law and may deal with the following matters:

- (1) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.
- (2) Establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated, essential services, such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.
- (3) Utilize all available resources of the city government as reasonably necessary to cope with the emergency, including emergency expenditures, not to exceed \$50,000.00.
- (4) Declare certain areas off limits.
- (5) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
- (6) Establish emergency operating centers and shelters, in addition to or in place of those provided for in the city's emergency plan.
- (7) Declare that during an emergency, it shall be unlawful and an offense against the city for any person to use the fresh water supplied by the city or the county, for any purpose other than cooking, drinking or bathing.
- (8) Declare that during an emergency, it shall be unlawful and an offense against the city for any person operating within the city to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price, as used in this subsection is defined to be that price at which similar merchandise, goods, or services were being sold during the 90 days immediately preceding the emergency or a markup which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency.
- (9) Confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be within 60 days and at customary

value charged for the items during 90 days previous to the emergency.

(10) Make provisions for rationing of fuel, ice and other essentials.

(11) Evacuation planning.

(e) A state of emergency, when declared as provided in this section, shall continue in effect from day to day until declared to be terminated.

(f) Upon the declaration of a state of emergency, the city manager shall as promptly as practicable, file the declaration in the office of the municipal clerk who shall deliver it to appropriate news media for publication and radio and television broadcast thereof. If practicable, such state of emergency declaration or emergency measure shall be published by other means such as by posting and loudspeakers.

Sec. 34-39. - Certification of emergency conditions.

A certification of emergency conditions to the city manager may be verbal, but each verbal certification shall be confirmed in writing within 24 hours following an emergency declaration.

Sec. 34-40. - Suspension of local building regulations.

The city manager may authorize the suspension of local building regulations during and following a declared state of emergency when the building official certifies that such action is necessary to the expeditious restoration of property damaged by the emergency event. Such suspension of building regulations may be applied on a case-by-case basis as required to remedy specific conditions and to facilitate the provision of emergency housing to disaster victims. The building official shall specify the provisions of the building code to be suspended and the reasons therefor when certifying the necessity of such suspension to the city manager.

Sec. 34-41. - Termination of state of emergency.

A state of emergency shall be terminated upon the certification of the officer or agency requesting the declaration of the state of emergency that the conditions leading to or causing the emergency conditions no longer exist and that the city's agencies and departments are able to manage the situation without extraordinary assistance. Notice of such termination shall be made to the public by the city manager by the same means as the notices of the declaration of the state of emergency.

Sec. 34-42. - Commission authority limitations.

Notice in this article shall not be construed to limit the authority of the board of city commissioners to declare or terminate a state of emergency and take any action by law when sitting in a regular or special session.

Sec. 34-43. - Penalties.

(a) Any person who refuses to comply with or who violates any section of this article or

the emergency measures which may be made effective pursuant to this article shall be punished according to law and, upon conviction for such offenses, shall be punished as provided in section 1-14. Each day of continued noncompliance or violation shall constitute a separate offense.

(b) In addition to subsection (a) of this section, any licensee of the city found guilty of violating any provision of this article or the emergency measures which may be made effective pursuant to this article may have his license suspended or revoked by the board of city commissioners.

(c) Nothing contained in this section shall prevent the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this article or the emergency measures which may be effective pursuant to this article. Such other lawful action shall include but shall not be limited to an equitable action for injunctive relief or any action at law for damages.

Sec. 34-44. - Conflicts.

(a) If this article conflicts with any other ordinance or this Code or other applicable law, the more restrictive shall apply.

(b) Any portion of this article found to be in conflict with the Pinellas County Emergency Management Plan shall not be enforceable.

Sec. 34-45. - Authority in evacuation zones.

(a) *Preemption.* The emergency management coordinating committee shall have the authority to delegate, to the chief of police, sole and exclusive authority to regulate the ingress and egress of persons and vehicles in those zones which are required to be evacuated in a declaration of a state of local emergency, and to designate the terms and conditions of reentry into such areas upon official declaration that the evacuated zones are safe and secure for reentry. In the exercise of such authority, the police chief shall consult with the emergency management coordinating committee, the executive group of the Pinellas County Emergency Operations Center and all affected local governments.

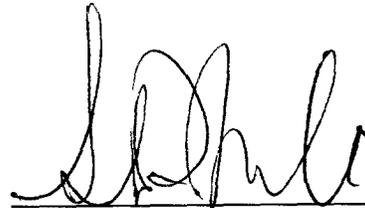
(b) *Prohibition.* The police chief is authorized to delegate to any local law enforcement agency the authorities granted in this section relative to their respective jurisdictions, upon his determination that such delegation of authority is necessary and proper.

(c) *Jurisdiction.* All territory within the legal boundaries of the city, including all incorporated and unincorporated areas, shall be embraced by this article.

Section 3. Should any section, sentence, clause, part or provision of this ordinance be held or declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part held or declared to be invalid.

Section 4. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall take effect immediately upon second reading.



STEVEN McFARLIN, MAYOR

FIRST READING	: <u>08/09/2011</u>
PUBLISHED	: <u>08/13/2011</u>
SECOND READING	: <u>08/23/2011</u>
PUBLIC HEARING	: <u>08/23/2011</u>

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ^{23rd} day of August, 2011.



Rebecca C. Haynes, City Clerk