



TOWN OF CUTLER BAY DECLARATION OF STATE OF EMERGENCY

A State of Emergency was declared by President Donald J. Trump of the United States via Proclamation effective on March 13, 2020 (*Exhibit "A"*), Governor Ron DeSantis of the State of Florida Executive Order No. 20-52 (*Exhibit "B"*) on March 9, 2020, and Mayor Carlos A. Gimenez of Miami-Dade County (*Exhibit "C"*) effective on March 12, 2020.

In late 2019, a new significant outbreak of COVID-19 emerged in China and was declared a Public Health Emergency of International Concern by the World Health Organization. On March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19 and confirmed eight (8) counties in Florida (including Miami-Dade County) to have tested positive for the disease. COVID-19 poses a health risk to Town residents (particularly elderly residents) and responding to the threat may require extraordinary and immediate actions by the Town in order to protect the public health, safety, and welfare.

As Town Manager of the Town of Cutler Bay, I, Rafael G. Casals, exercise the authority given me under Chapter 12, Article II, Sec. 12-23 (a) of the Town Code, declare a State of Emergency for the Town of Cutler Bay, and elect to adopt orders issued by the State of Florida and Miami-Dade County emergency management agencies, and will be in effect until further notice.

Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the Town (*Exhibit "D"*).

Rafael G. Casals
Name


Signature

Town Manager
Title

March 13, 2020
Date

EXHIBITS

- Exhibit "A" – President Donald J. Trump Declaration of National Emergency, Proclamation
- Exhibit "B" – Governor Ron DeSantis Declaration of State of Emergency, Executive Order
- Exhibit "C" – Miami-Dade County Mayor Carlos A. Gimenez's Declaration of Local State of Emergency
- Exhibit "D" – Town Code, Emergency Management, Chapter 12, Article II



PROCLAMATIONS

Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID- 19) Outbreak

Issued on: March 13, 2020



In December 2019, a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19. I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID-19 outbreaks have occurred, including the People’s Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that

causes COVID-19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), do hereby find and proclaim that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. Emergency Authority. The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID-19 outbreak.

Sec. 2. Certification and Notice. In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b-5(d)).

Sec. 3. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020

[Handwritten signature in blue ink]

RON DESANTIS, GOVERNOR

ATTEST:

[Handwritten signature of Laurel McKee]

SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2020 MAR -9 PM 5:52
FILED

CFN 2020R0158237 OR BK 31848 Pgs 2080-2083 4Pgs
RECORDED 03/12/2020 11:00:17
HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY, FLORIDA

Exhibit "C" (Page 1 of 4)
LINDA L. CAVE, Deputy Clerk

Linda L. Cave
CLERK OF THE BOARD

2020 MAR 12 AM 8:51

CLERK OF COURT
MIAMI-DADE COUNTY, FLA.
#1



MIAMI-DADE COUNTY DECLARATION OF LOCAL STATE OF EMERGENCY

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51 directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19/novel Coronavirus in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19/novel Coronavirus; and

WHEREAS, COVID-19/novel Coronavirus poses a health risk to Miami-Dade County residents, particularly elderly residents; and

WHEREAS, responding to the threat posed by COVID-19/novel Coronavirus may require extraordinary and immediate actions by Miami-Dade County in order to protect the public health, safety, and welfare,

THEREFORE, as County Mayor of Miami-Dade County, I hereby declare a State of Local Emergency, effective as of 9:00 AM March 12, 2020, that will continue for seven (7) days thereafter or if cancelled before that period of time. This Local State of Emergency includes all of Miami-Dade County.

Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the community. Such orders may include, but are not limited to, orders related to the items listed in 1.a-p attached. The Deputy Mayors, through the Director of the Office of Emergency Management, are hereby ordered to take whatever prudent actions are necessary to effectuate such orders and to otherwise protect the health, safety, and welfare of the community.

Enacted:
Signed: *[Signature]*
COUNTY MAYOR

Date: 3/11/2020 Time: 22:30

Witness: *[Signature]*

A TRUE COPY
CERTIFICATION ON LAST PAGE
HARVEY RUVIN, CLERK

Miami-Dade County Declaration of Local State of Emergency

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: __:__

Witness: _____

Miami-Dade County Declaration of Local State of Emergency

Action Options for State of Local Emergency

1. Executive Orders of the Mayor to include:
 - a) Employee Recall order: An order recalling Miami-Dade County employees from vacation, canceling days off, and mobilizing all personnel required for disaster response;
 - b) Authorizing the Internal Services Department to suspend normal leasing and bid procedures to procure space, structures or other items under their normal authority for disaster response determined necessary by the Director;
 - c) Authorizing procurement of supplies, equipment, and services without formal bidding procedures;
 - d) Evacuation Order: A mandatory order(s) directing the evacuation of appropriate area(s) of the County deemed to be in imminent danger from disaster;
 - e) Curfew: In the period before, or during and immediately after an event, an order imposing a general curfew applicable to the County as a whole, or to geographical area(s) of the County and during hours the Mayor deems necessary, and from time to time, to modify the hours the curfew will be in effect and what area(s) it applies to;
 - f) An order requiring any and all commercial establishments located in area(s) of imminent or actual danger to close and remain closed until further order;
 - g) An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are predominantly sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sales of alcoholic beverages, and in which such alcoholic beverages may be removed or made secure from seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, at the discretion of the Mayor, be allowed to remain open;
 - h) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of Miami-Dade County;
 - i) An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly attached to a gas powered vehicle;

Miami-Dade County Declaration of Local State of Emergency

- j) Intentionally Omitted;
- k) An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;
- l) In addition to the provisions of Chapter 8A-5 of the Code of Miami-Dade County, orders to prevent price gouging for any essential commodity, dwelling unit, or storage facility;
- m) Orders requesting the conservation of water supplies;
- n) Such other orders as are immediately necessary for the protection of life and property; provided, however, that any such orders shall, at the earliest practicable time, be presented to the Board for ratification or confirmation in accordance with chapter 8B.
- o) The Mayor shall cause any proclamation ordered by the Mayor or the Board pursuant to the authority in this chapter to be delivered to all news media within the County, and shall utilize whatever available means to give public notice of such proclamation.
- p) The Mayor is hereby authorized to cancel any or all meetings of Miami-Dade County boards, authorities, agencies, instrumentalities and councils.

OR BK 31248 PG 2083
LAST PAGE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
 I HEREBY CERTIFY that the foregoing is a true and correct copy of the
 original on file in this office. March 12 AD 2020
 HARVEY RUVIN, Clerk of Circuit and County Courts
 Deputy Clerk Jandra Deunay



240370

CODE OF ORDINANCES TOWN OF CUTLER BAY, FLORIDA
Published in 2016 by Order of the Town Council

CHAPTER 12 – EMERGENCY MANAGEMENT

ARTICLE II. - CIVIL EMERGENCIES

Sec. 12-19. - 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:

Average retail price means the price at retail for merchandise, goods or services at which similar merchandise, goods or services were being sold immediately preceding a declaration of public emergency.

Emergency means a condition which threatens or adversely affects the public health, safety, property, public peace, general welfare or security and which is or 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 of imminent threatened act of war, riot, terrorism, mob or other acts of violence, from conflagration, explosion, hazardous materials incident or release, from a weather event such as a flood, hurricane or tornado, from a disruption in utility systems, or from any other cause, reason, condition or circumstance.

Town manager means the town manager designated in accordance with section 3.1 of the town Charter or the acting town manager designated in accordance with section 3.4 of the town Charter, and who has the powers delineated in sections 3.3 and 3.4 of the town Charter.

(Ord. No. 10-07, § 2(8B-1.1), 6-16-2010)

Sec. 12-20. - Applicability of provisions.

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

(Ord. No. 10-07, § 2(8B-1.2), 6-16-2010)

Sec. 12-21. - Emergency management structure.

- (a) The town manager shall perform the function of director of emergency management and shall implement, manage and report on all actions authorized and taken under the provisions of this article.
- (b) The town manager or the town manager's designee shall plan for the coordination of those actions necessary for the creation and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

(Ord. No. 10-07, § 2(8B-1.3), 6-16-2010)

Sec. 12-22. - Powers, duties and responsibilities.

The town manager, when acting as the director of emergency management, shall have the following powers, duties and responsibilities:

- (1) To declare a state of emergency pursuant to section 12-23; provided, however, that to the extent possible under the circumstances, the public announcement of such declaration shall be made by the mayor, together with the manager, and to promptly file with the town council a certificate showing such emergency and the necessity for such action.
- (2) To direct the creation, revision and the exercise of emergency response plans consistent with state and county emergency plans for the mitigation of, preparation for, response to, and recovery from emergencies, and to exercise all powers permitted by F.S. ch. 252.
- (3) To recommend a budget to the town council from the creation and maintenance of an emergency response capability as provided in this article.
- (4) To issue emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency.
- (5) To plan for and develop an emergency operations control center to include equipment, manning and operational procedures necessary to the management and control of emergency conditions, as well as procurement of necessary goods and services.
- (6) To develop and manage the town's emergency awareness public information program.
- (7) To apply for public assistance or other disaster relief funding.
- (8) To coordinate emergency management efforts with his counterparts in municipalities across the county, the county, state and nation.
- (9) To award contracts and expend necessary town funds for emergency relief and provide for the town council an itemized account of all expenditures. Further, this article shall constitute town council consent and approval of the town manager's contractual and purchasing authority hereunder as required pursuant to section 3.10 of the town Charter. The town council may, by resolution, establish procedures which apply to this subsection.

(Ord. No. 10-07, § 2(8B-1.4), 6-16-2010)

Sec. 12-23. - Declaration of a state of emergency.

- (a) The town manager shall have the sole authority to declare a state of emergency hereunder.
- (b) Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article and any emergency expenditures made hereunder pursuant to section 12-22(9) shall be confirmed by the town council by resolution no later than at the next regular meeting, or as reasonably as possible, unless the nature of the emergency renders a meeting of the town council impossible. Confirmation of the emergency declaration shall disclose the reasons for actions proposed and taken to manage the emergency, and other pertinent data relating to the emergency requiring the declaration.
- (c) Emergency ordinances, which may be enacted after the fact, authorized under section 4.4 of the town Charter and by this article may include, but are not limited to, the following subjects:
 - (1) Evacuation;
 - (2) Curfews, declaration of areas off limits;
 - (3) Suspension or regulation of the sale of, or offer to sell, with or without consideration, alcoholic beverages, ammunition, firearms, explosives, or combustibles;
 - (4) Prohibiting the sale of merchandise, goods or services at more than the average retail price;
 - (5) Water use restrictions;
 - (6) Suspension of local building regulations;

- (7) Regulating the use of and rationing of fuel, ice, bottled water, and other essentials;
- (8) Emergency appropriations procedures in compliance with section 4.4(5) of the town Charter.
- (d) A declaration of a state of emergency shall activate the emergency plans applicable to the town. A declaration of a state of emergency shall automatically invoke the emergency measures of F.S. § 870.044, if the emergency relates to overt acts of violence or the imminent threat of such violence.
- (e) A state of emergency, when declared, shall continue in effect from day-to-day until declared to be terminated by the town manager or town council in accordance with section 12-24.
- (f) Upon the declaration of a state of emergency, the town manager shall post a written notice of such declaration upon the main bulletin board in town hall, and shall, as promptly as practicable, file with the town clerk a notice of a declared state of emergency, or emergency measure declared or ordered and promulgated by virtue of state statutes. The town manager shall notify the local media if practicable and shall post the notice on the town's website as soon as practicable.
- (g) The town manager may issue orders pursuant to this article and may elect to adopt orders issued by county or state emergency management agencies.

(Ord. No. 10-07, § 2(8B-1.5), 6-16-2010)

Sec. 12-24. - Termination of a state of emergency.

A state of emergency shall be terminated by a vote of the town council if practicable or upon the certification of the town manager that the conditions leading to or causing the emergency no longer exist and the town's agencies and departments are able to manage the situation without extraordinary assistance; provided, however, section 4.4(4) of the town Charter is adhered to, which provision requires automatic repeal of the declaration and associated emergency ordinances by the 91st day from enactment; provided, additionally, that a state of emergency established under F.S. §§ 870.041—870.048 shall terminate at the end of a period of 72 consecutive hours after the declaration of the emergency, unless, prior to the end of the 72-hour period, the town manager or the town council has terminated such state of emergency. Any extension of the 72-hour time by the town manager must be confirmed by the town council by resolution at the next regular meeting, unless the nature of the emergency renders a meeting of the town council impossible. Notice of termination of the emergency declaration shall be made to the public by the town manager by the same means as the notice of the declaration of the state of emergency, as provided under section 12-23.

(Ord. No. 10-07, § 2(8B-1.6), 6-16-2010)

Sec. 12-25. - Police emergencies.

- (a) An emergency may be declared because of civil unrest, terrorist act or other imminent threat to public peace or order when the chief of police, or if unavailable, the next highest ranking officer in the police department chain of command, certifies to the town manager that an emergency condition arising from hostile actions of others, armed or unarmed, or other imminent threat to public peace or order, requires extraordinary measures of control, including, but not limited to, curfew; blockage; proscription of the sale of firearms, other weapons or alcoholic beverages; explosives and combustibles; evacuation; and other similar actions. The town manager may issue a declaration of a state of emergency in accordance with this section 12-23.
- (b) The declaration of a state of emergency because of civil unrest, terrorism or other imminent threat to public peace, health, welfare, and property or order, shall authorize the issuance of emergency ordinances, as may be required and may, if applicable, require automatic emergency measures pursuant to F.S. § 870.044. In addition, additional discretionary emergency measures pursuant to F.S. § 870.045 may be issued.

- (c) A state of emergency may be declared because of fire and hazardous materials emergencies, utility emergencies, and weather emergencies when the chief of police, public works director, or designee, certifies to the town manager that an emergency condition exists.

(Ord. No. 10-07, § 2(8B-1.7), 6-16-2010)

Sec. 12-26. - Fire and hazardous materials emergencies.

- (a) An emergency may be declared because of fire or a hazardous materials incident emergency when the fire chief, or designee, certifies to the town manager that an actual or potential condition arising from fire, explosion, chemical spill or release, building collapse, or plane, train or other vehicle accident, requires extraordinary measures for control, including, but not limited to, calling out of off-duty personnel; assistance by outside agencies; evacuation; and other similar actions. The town manager may issue a declaration of a state of emergency in accordance with section 12-23.
- (b) The declaration of public emergency because of fire and hazardous material emergency shall authorize the issuance of emergency resolutions and other appropriate resolutions, as may be required.

(Ord. No. 10-07, § 2(8B-1.8), 6-16-2010)

Sec. 12-27. - Utility emergencies.

- (a) An emergency may be declared because of utility conditions when the public works director, or designee, or the authorized representative of the relevant utility certifies to the town manager the following:
 - (1) A condition exists or is imminent that endangers the safety, potability, quantity, availability, collection, conveyance, transmission, distribution, treatment, or storage of water or waste through or within the town;
 - (2) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, distribution, or storage of gas or electricity through or within the town; or
 - (3) Extraordinary actions to control and correct the situation are required, including, but not limited to, emergency purchase; calling out of off-duty personnel; assistance by outside agencies; and other similar actions.
- (b) The declaration of a state of emergency because of utility conditions shall authorize the issuance of emergency resolutions or orders, and other appropriate resolutions or orders, as may be required.

(Ord. No. 10-07, § 2(8B-1.9), 6-16-2010)

Sec. 12-28. - Weather emergencies.

- (a) An emergency may be declared because of weather conditions when the national weather service or a state, county or local emergency management agency informs the town or the public that emergency conditions resulting from meteorological conditions are present or imminent. Meteorological conditions covered by this section shall include, but are not limited to, hurricanes, floods, tornados, or other severe weather conditions and the results therefrom. The town manager may issue a declaration of a state of emergency in accordance with section 12-23.
- (b) The declaration of a public emergency because of weather conditions shall authorize the issuance of emergency resolutions and other appropriate resolutions, as may be required.

(Ord. No. 10-07, § 2(8B-1.10), 6-16-2010)

Sec. 12-29. - Suspension of local building regulations.

The town manager may authorize a suspension of local building regulations during and following a declared state of emergency when the building official certifies to the town manager that such action is necessary for the expeditious restoration of property damaged by an emergency event. 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 therefore, when certifying the necessity of such suspension to the town manager.

(Ord. No. 10-07, § 2(8B-1.11), 6-16-2010)

Sec. 12-30. - Certification of emergency conditions.

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

(Ord. No. 10-07, § 2(8B-1.12), 6-16-2010)

Sec. 12-31. - Penalty.

Any person, firm or corporation who violates any provision of this article or orders issued hereunder, for which another penalty is not specifically provided herein or required by law shall, upon conviction, be subject to such fine or imprisonment or both as provided by section 1-16. Each day that a violation shall continue to exist shall constitute a separate offense.

(Ord. No. 10-07, § 2(8B-1.13), 6-16-2010)

Secs. 12-32—12-50. - Reserved.