

ORDINANCE NO. 03-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF BRINY BREEZES BY CREATING AN ENTIRELY NEW CHAPTER 94. EMERGENCY MANAGEMENT. IN ORDER TO CODIFY EMERGENCY MANAGEMENT PROCEDURES WITHIN THE TOWN, TO AUGMENT AND REVISE THE TOWN OF BRINY BREEZES' EMERGENCY PREPAREDNESS MANUAL; PROVIDING A CONFLICT CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Briny Breezes adopts and regularly updates an Emergency Preparedness Manual, but currently has no ordinance or code provisions to address local emergency management; and

WHEREAS, the Town Council of the Town of Briny Breezes desires to adopt code provisions to address local emergency management, that augment and revise the existing Emergency Preparedness Manual; and

WHEREAS, the Town Manager and Police Chief have recommended adoption of this ordinance in order to accomplish the Town Council's objective regarding emergency management; and

WHEREAS, the Town Council of the Town of Briny Breezes has determined that the adoption of an emergency management code as set forth herein is in the best interest of the citizens of the Town of Briny Breezes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:

SECTION 1: Chapter 94. Emergency Management. of the Code of Ordinances of the Town of Briny Breezes, Florida, is hereby created to codify emergency management procedures within the town, and to augment and revise the Town of Briny Breezes' Emergency Preparedness Manual; providing that Chapter 94. Emergency Management. shall hereafter read as follows:

CHAPTER 94: EMERGENCY MANAGEMENT

Emergency and Disaster Management

94.01 Definitions

94.02 Applicability

94.03 Emergency management structure

94.04 Powers, duties and responsibilities of the director of emergency management.

94.05 Declaration of state of emergency

94.06-94.30 Reserved

Civil Disorder Management

94.31 Definitions

94.32 Declaration of civil disorder or disturbance

ARTICLE I. EMERGENCY AND DISASTER MANAGEMENT

§ 94.01 DEFINITIONS

As used in this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Disaster means any natural, technological or other emergency that causes damage of sufficient severity and magnitude to result in the declaration of a state of emergency by the Town of Briny Breezes, Palm Beach County, the Governor of Florida or the President of the United States.

Emergency means any occurrence, or threat thereof, whether natural, technological or manmade, in war or in peace, which results or may result in substantial injury or harm to the health, safety or welfare of the Town population, including visitors within the Town's jurisdiction, or substantial damage to or loss of public or private property.

Emergency management means the preparation for, the mitigation of, the response to, and/or the recovery from emergencies and disasters.

Emergency Preparedness Manual means the document approved and adopted by the Town Council to guide activities in the Town related to emergency management.

§ 94.02 APPLICABILITY

All boards, officers, employees, contractors, vendors, authorities and other agencies of the Town, all citizens of the Town, and visitors within the Town's jurisdiction, are subject to the provisions of this article and the Town's Emergency Preparedness Manual.

§ 94.03 EMERGENCY MANAGEMENT STRUCTURE

(A) The Town Manager or designee shall perform the function of director of emergency management and shall declare, implement, manage and report on all actions authorized and taken under the provisions of this article.

(B) Duties and responsibilities of the director of emergency management shall include the on-going planning for and coordination of those actions necessary for the maintenance of a comprehensive Town-wide emergency management plan which shall be memorialized in the Town's Emergency Preparedness Manual.

(C) The Town's administrative offices will contain the emergency operations center, which shall be utilized as necessary.

§ 94.04 POWERS, DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF EMERGENCY MANAGEMENT

The Town Manager or designee, when acting as director of emergency management, shall have the following powers, duties and responsibilities:

(A) To recommend the declaration of a state of emergency or declare same pursuant to the organizational structure as set forth in § 94.05 as soon as practical. To inform the Town Council of the reasons for and the status of the event(s) requiring the declaration.

(B) To revise and exercise the Town's Emergency Preparedness Manual for the mitigation of, preparation for, response to and recovery from emergency conditions.

(C) To direct the efforts of emergency services personnel in preparation for, response to, and recovery from emergency conditions.

(D) To recommend a budget to the Town Council for the creation and maintenance of an emergency response capability as provided herein.

(E) To establish emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public health, safety

and welfare resulting from an emergency, and to incorporate same into the Town's Emergency Preparedness Manual.

(F) To develop and manage a Town emergency awareness public information program, and to incorporate same into the Town's Emergency Preparedness Manual.

§ 94.05 DECLARATION OF A STATE OF EMERGENCY

(A) The director of emergency management, the Mayor and the Town Marshal acting in concert, or any two of them if one is not available, or any one of them if neither of the other two are available shall have the authority to declare a local state of emergency.

(B) Any declaration of a local state of emergency and all emergency regulations activated under the provisions of this article shall be confirmed by the Town Council by resolution no later than its next regularly scheduled meeting, unless the nature of the emergency renders a meeting of the Town Council impractical.

(C) An emergency declaration authorized under this article shall authorize temporary emergency measures necessary for the protection of the public health, safety and welfare, which shall, if applicable, be coordinated with activities of the Palm Beach County Emergency Management Agency, and may include but is not limited to the following subjects:

(1) Evacuations;

(2) Curfews and declaration of areas off limits;

(3) Suspension or regulation of the sale of, or offer to sell, with or without consideration: alcoholic beverages, explosives, or combustibles;

(4) Suspension of local building regulations;

(5) Emergency procurement procedures, and the appropriation and expenditure of public funds;

(6) Regulating the use of and rationing of fuel, ice and other essentials.

(7) Providing for the health and safety of persons and property;

(8) Any other subject as authorized by F.S. Ch. 252.

(D) A local state of emergency, when declared as provided herein, shall continue in effect for no longer than seven (7) days without being affirmatively renewed, and may be terminated at any time.

(E) Upon the declaration of a state of emergency under this article, a written notice of such declaration shall be posted on the bulletin board at Town Hall, and as promptly as practical, said notice shall be filed in the office of the Town Clerk, and delivered to local news media for publication and radio and television broadcast.

§§ 94.06—94.30 – Reserved.

ARTICLE II. CIVIL DISORDER MANAGEMENT

§ 94.31 DEFINITIONS

As used in this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Civil disorder or disturbance means an 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, and 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 Town or any part of the Town.

§ 94.32 DECLARATION OF A CIVIL DISORDER OR DISTURBANCE

(A) Pursuant to F.S. § 870.042(2), the Town Manager or designee is designated as the Town official empowered to declare that a civil disorder or disturbance exists within the boundaries of the Town and to exercise the emergency powers conferred in F.S. §§ 870.041—870.047. In the absence of the Town Manager or designee, the Mayor shall be the designated Town official to exercise the powers to declare that a civil disorder or disturbance exists within the boundaries of the Town; in the absence of the Mayor, the Town Marshal shall be the designated Town official; or in their absence, the Town Council President shall be the designated Town official to exercise the powers to declare that a civil disorder or disturbance exists within the boundaries of the Town.

(B) Whenever a civil disorder or disturbance is declared as stated above, the sale of, or offer to sell, with or without consideration, any ammunition or gun or firearm of any size or description shall be prohibited throughout the Town; and the intentional display by or in any store or shop of

ammunition or gun or firearm of any size or description shall be prohibited throughout the Town; and the intentional possession in a public place of a firearm by any person other than a duly authorized law enforcement official or person in military service acting in the official performance of their duty shall be prohibited throughout the Town, in accordance with F.S. § 870.044.

(C) Whenever a civil disorder or disturbance is declared as stated above, measures regarding the imposition of curfews, restricting the sale or distribution of alcoholic beverages, closing public assemblages, and prohibiting the sale or distribution of gasoline and other flammables, as provided in F.S. § 870.45, may be invoked in whole or in part, with limitations and conditions as may be deemed appropriate.

(D) Upon the declaration of civil disorder or disturbance under this article, a written notice of such declaration shall be posted on the bulletin board at Town Hall, and as promptly as practical, said notice shall be filed in the office of the Town Clerk, and delivered to local news media for publication and radio and television broadcast.

§ 94.33 DECLARATION TERM AND TERMINATION

A declaration of civil disorder or disturbance made pursuant to this article shall commence upon the declaration by the public official and shall terminate after seventy-two (72) hours, unless terminated sooner by the Town Council. Any extension of the seventy-two (72) hour period must be requested by the declaring public official and approved by the Town Council by resolution in special session prior to the expiration of the seventy-two (72) hour period, pursuant to F.S. ch. 870.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed

SECTION 3: Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: Specific authority is hereby granted to codify this Ordinance.

SECTION 5: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 21st day of May 2020

SECOND AND FINAL READING this 28th day of May 2020

TOWN OF BRINY BREEZES

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES

Samuel Adams

MAYOR, SAMUEL GENE ADAMS

Susan Thaler

PRESIDENT, SUSAN THALER

(TOWN SEAL)



Christina Adams

ALDERMAN, CHRISTINA ADAMS

Allen "Chick" Behringer
ALDERMAN

ALDERMAN, ALLEN "CHICK" BEHRINGER BILL BIRCH

Allen "Chick" Behringer

ALDERMAN, BILL BIRCH ALLEN "CHICK" BEHRINGER

Kathy Gross

ALDERMAN, KATHY GROSS

ATTEST:

Christina Adams

Christina Adams, Town Clerk Pro Tem

APPROVED AS TO FORM AND CORRECTNESS:

Keith Davis

KEITH DAVIS

Attorney for Town of Briny Breezes