

**ORDINANCE NO. 1748-20**

**AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, RELATING TO EMERGENCY MANAGEMENT; BY ADOPTING A NEW CHAPTER 16, "EMERGENCY MANAGEMENT," OF THE ALTAMONTE SPRINGS CODE OF ORDINANCES, BY SETTING FORTH PROVISIONS REGARDING MANAGEMENT OF THE CITY DURING STATES OF EMERGENCY OR DISASTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVERNOR'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 252.38, Florida Statutes, municipalities are authorized and encouraged to create municipal emergency management programs; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida, finds it advisable and in the interest of the citizenry of Altamonte Springs to establish an emergency management program; and;

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida, finds that this Ordinance establishing an emergency management program in the City of Altamonte Springs, Florida, complies with all laws, rules and regulations applicable to county emergency management agencies and is consistent with and subject to the Seminole County emergency management plan; and

**WHEREAS**, the City Commission of the City of Altamonte Springs, Florida, finds that this Ordinance furthers and promotes public health, safety and welfare; and

**WHEREAS**, this Ordinance authorizes the City Manager to take such steps and to direct appropriate City personnel in a manner that is necessary to protect the health, safety and welfare of the citizens and property owners of the City of Altamonte Springs.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Altamonte Springs, Florida, as follows:

**SECTION ONE:** Chapter 16, "Emergency Management," of the Altamonte Springs Code of Ordinances is hereby adopted to read as follows:

**Chapter 16 - EMERGENCY MANAGEMENT**

**Sec. 16-1 - Declaration; time limits.**

- (a) The City Manager, or designee, shall have the power, duty, and responsibility to declare a State of Local Emergency in preparation for or in response to an emergency or disaster.
- (b) The City Manager, or designee, shall inform the City Commission of the reasons for and status of events requiring the declaration of a State of Local Emergency either prior to the declaration of emergency or as soon thereafter as practicable.
- (c) Upon the declaration of a State of Local Emergency, the City Manager, or designee, shall post a written notice of such declaration in a conspicuous place at Altamonte Springs City Hall, and shall, as promptly as practicable, file in the office of the City Clerk a notice of a declared State of Local Emergency as well as such other notification and posting requirements of the State of Florida.

#### **Sec. 16-2- Powers during emergency.**

- (a) The City Manager, or designee, shall be empowered during a State of Local Emergency:
  - (1) To implement emergency plans and procedures and take such other prompt and necessary action to save lives and protect property, including but not limited to, the authority to compel and direct timely local evacuation, if necessary.
  - (2) Pursuant to the established "Comprehensive Emergency Management Plan" (CEMP) of the City, declare that the CEMP is in effect, as appropriate.
  - (3) To authorize emergency expenditures for payment from the reserve fund when such action is necessary to protect and preserve the health, safety, and welfare of the public. All such transfers and obligations shall be reported to the City Commission at the first opportunity following such action, but no later than 30 days after such occurrence.
  - (4) To act, on behalf of the City, in any matter provided by F.S. §252.38(2) and (3), as amended.
  - (5) To determine a threat to public health and safety exists that may result from the generation of widespread debris throughout the city and to act to mitigate said risk.
  - (6) To authorize the City right of access to private roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety.
  - (7) To prohibit or regulate the purchase, sale, transfer, or possession of explosives, flammable or combustible liquids, alcoholic beverages or dangerous weapons of any kind; however, this subsection shall not apply to or include firearms or ammunition.

- (8) To prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any public right-of-way or upon any public property.
- (9) To prohibit or regulate the participation in or carrying on of any business activity and prohibit or regulate the keeping open of places of business, places of entertainment, and any other place of public assembly.
- (10) To prohibit or regulate travel upon any public street, highway or upon any other public property. Persons in search of medical assistance, food or other commodity or service necessary to sustain the well-being of themselves, their families or some member thereof may be exempted or excepted from such prohibition or regulation.
- (11) To impose a curfew upon all or any portion of the City thereby prohibiting persons from being on public streets, highways, parks or other public places during the hours the curfew is in effect.
- (12) To prohibit businesses, vendors, merchants and any other person operating a retail business, regardless of whether licensed at the state or local level, from charging more than the average retail price for any goods, materials, or services sold during a Governor Declared State of Emergency or a declared State of Local Emergency, except when the wholesale price or the cost of obtaining the merchandise is increased as a direct and provable result of the Governor Declared State of Emergency or declared State of Local Emergency. For this subsection (12), average retail price means that price at which similar merchandise or services has been sold during the 30-day period immediately preceding a Governor Declared State of Emergency or a declared State of Local Emergency. Notwithstanding anything in the foregoing to the contrary, the average retail price may be increased, but only to the degree that the maximum increase in retail price is a percentage less than or equal to the amount representative of the average mark-up percent between wholesale and average retail price for any merchandise during the 30-day period immediately preceding a Governor Declared State of Emergency or a declared State of Local Emergency.
- (13) To prohibit any persons, firm or corporation from using the fresh water supplied by the City for any purpose other than cooking, drinking or bathing.
- (14) To prohibit the general public from conducting any open burning including any campfires, bonfires, trash burning and any other similar open incineration without a burning authorization issued by the Florida Department of Agriculture and Consumer Services and Florida Forest Service while this prohibition is in effect.

- (15) To prohibit the sale or use of fireworks or sparklers as defined in Chapter 791, Florida Statutes.
- (16) To set speed limits, no wake zones and adjust traffic patterns as needed to protect public safety, prevent property damage and otherwise protect the health safety and welfare of the people and property within the City.
- (17) To impose any other restriction reasonably necessary for the protection of the health, safety and welfare of the people and property of Altamonte Springs, Florida resulting from any Governor Declared State of Emergency or any declared State of Local Emergency under this Chapter, provided the restriction is not covered by an exception to the specific restrictions set forth above and provided the restriction is not prohibited by federal or state law.
- (18) During, and subsequent to Governor Declared State of Emergency or a declared State of Local Emergency, the City Manager, or designee, shall have the power to authorize the collection, removal, and disposal of emergency and disaster-generated debris resulting from a declared disaster from all property whether public lands, public or private roads, private vacant property, or gated communities to ensure a safe and sanitary living and functioning conditions, and to protect improved property from immediate threat. Debris includes all hazardous conditions created that impact all modes of movement and transportation of the residents as well as emergency services and endangers properties and waterways in the city. Debris also includes conditions created that increase an environment conducive to breeding disease and vermin, and greatly increases risk of fire, and that is in the public interest to remove and dispose. Debris collection, removal, and disposal is not limited to the timeframe of the State of Local Emergency but shall be accomplished expeditiously to ensure protection of the health, safety, and welfare of the community, and the restoration of normalcy to promote economic recovery of the community at large.
- (19) Upon a Governor Declared State of Emergency or the declaration of a State of Local Emergency, the City Manager, or designee, is authorized to deploy City personnel and resources to respond to events arising both internal and external to the Altamonte Springs City Limits and to permit such other public service personnel from other agencies or jurisdictions to respond to events within the City of Altamonte Springs, or which may request such personnel or resources to traverse through the City of Altamonte Springs.
- (20) Upon a Governor Declared State of Emergency or the declaration of a State of Local Emergency, the City Manager, or designee, has the power and authority

to waive the procedures and formalities otherwise required of the City by law or ordinance pertaining to:

(a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community;

(b) Entering into contracts;

(c) Incurring obligations;

(d) Employment of permanent and temporary workers;

(e) Utilization of volunteer workers;

(f) Rental of equipment;

(g) Acquisition and distribution of supplies, materials and facilities;

(h) Appropriation and expenditure of public funds.

(b) Pursuant to Section 252.46(2), Florida Statutes (2019), as the statute may be amended from time to time, all Executive Orders and emergency rules imposed and enacted by the City Manager, or designee, pursuant to this Part must be reduced to writing as soon as possible, filed with the office of the City Clerk of Altamonte Springs and concurrently posted in a conspicuous place upon the premises at Altamonte Springs City Hall.

### **Sec. 16-3 - Penalty.**

Any person, firm, partnership, association, corporation, company or organization of any kind who violates any provision of this section shall be subject to the provisions of Section 252.50, Florida Statutes (2019), as well as the provisions of Chapter 3 of the Altamonte Springs Code of Ordinances.

### **Sec. 16-4 - Time periods tolled.**

During a State of Local Emergency, all procedural and notice time periods affecting the normal functions of the City, to the extent such requirements cannot be complied with due to the emergency, shall be temporarily suspended for a period of seven days from the declaration of local emergency. Such functions include, but are not limited to, permitting, code enforcement matters, municipal approvals, and scheduled public meetings. When necessary, additional seven-day time extensions may be permitted by approval of the City Manager

### **Sec. 16-5 - State of Local Emergency terminated.**

(a) A State of Local Emergency declared by the City Manager pursuant to this article shall be terminated upon certification by the City Manager that the conditions leading to or causing the emergency or disaster no longer exist and the city agencies, departments, and staff are able to manage the situation without extraordinary assistance

(b) Notice of the termination of the State of Local Emergency declaration shall be made by the City Manager by the same means as notice of the declaration of the State of Local Emergency.

**SECTION TWO: Repeal of Conflicting Provisions.** Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION THREE: Severability.** If any section, phrase, sentence, portion or provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION FOUR: Codification in Code.** It is the intent of the City Commission, and it is therefore ordained, that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" may be changed to "Section", "Article" or appropriate designation.

**SECTION FIVE: Scrivener's Error.** The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

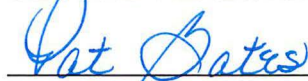
**SECTION SIX: Effective Date.** This ordinance shall become effective immediately after passage.

**PASSED AND ADOPTED THIS** 21st **DAY OF** January, **2020.**

FIRST READING: 1/7/2020

ADVERTISED: 1/9/2020

SECOND READING: 1/21/2020



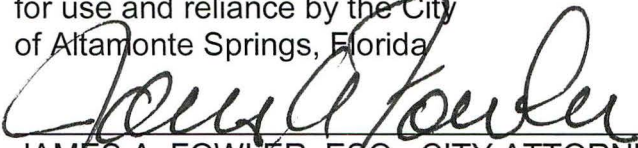
PAT BATES, MAYOR  
City of Altamonte Springs, Florida



ATTEST:

  
ANGELA M. APPERSON, CITY CLERK

Approved as to form and legality  
for use and reliance by the City  
of Altamonte Springs, Florida

  
JAMES A. FOWLER, ESQ., CITY ATTORNEY