

FILED FOR RECORD
R. B. SHORE

2009 SEP 15 AM 7:34

ORDINANCE NO. 09-53

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
AMENDING CHAPTER 2-16, CODE OF ORDINANCES,
ENTITLED "GARBAGE AND TRASH" BY AMENDING
ARTICLE II THEREOF, ENTITLED "COLLECTION" BY
CREATING SECTION 2-16-45, ENTITLED "DEBRIS
COLLECTION ON PRIVATE ROADWAYS DURING AN
EMERGENCY," WHICH PROVIDES FOR DEBRIS
REMOVAL IN PRIVATE COMMUNITY STREETS TO
ALLOW FOR PUBLIC SAFETY OPERATIONS; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CODIFICATION;
PROVIDING AN EFFECTIVE DATE.**

2009 AUG 28 AM 9:59
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, the devastation created by natural or man-made disasters has caused difficulties in providing emergency medical, fire and police services because of debris on streets in all communities; and

WHEREAS, the debris resulting from natural or man-made disasters can block streets and can hinder the County's ability to provide emergency medical services and to fight fires and save lives; and

WHEREAS, this condition can exist on private community streets as well as public streets; and

WHEREAS, the situation can jeopardize the residents in private communities and the County at large as the County's ability to fight and limit fires is compromised; and

WHEREAS, in an emergency condition, constituting an immediate threat to the life, health and safety of the citizens of the County, it is necessary to eliminate an immediate threat of significant damage to improved property; and

WHEREAS, the County has jurisdiction over all private roads in the County for the purposes set forth herein; and

WHEREAS, the County has the obligation, authority and responsibility to enforce its laws on private streets and to provide government services; this obligation, authority and responsibility exists independent of this Ordinance, but is affirmed hereby as a matter of record;

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA:**

SECTION 1. That Article II of Chapter 2-16, Code of Ordinances, is hereby amended by creating Section 2-16-45, of the Manatee County Code of Ordinances to read as follows:

Section 2-16-45. Debris Collection On Private Roadways During or
Following An Emergency.

(a) The County has the authority and responsibility to protect the public health and safety, to enter upon and clear debris from public and private streets, to clear and remove debris to permit access by public emergency vehicles and other service providers.

(b) During or following a natural or man-made disaster that has been declared a public emergency by the Governor of Florida or the County Commission or their designee, the County may exercises its authority to implement the measures set forth herein.

(c) In order to respond to emergency conditions, the County must cause the expeditious clearing of debris from all roads, including roads in private communities. This is necessary to eliminate an imminent threat to the public health, safety and welfare.

(d) The County or its authorized collector(s) under Chapter 2-16, Code of Ordinances are hereby authorized to remove debris from private roads, rights-of-way, and ingress/egress easements in private communities. The actions authorized hereby do not permit debris removal except from streets (including rights-of-way and ingress and egress easements), and to clear streets

for emergency vehicle travel and delivery of services essential to the public health and safety. No other property will be cleared in a private community. This shall apply only to streets where the County or its authorized collector(s) regularly provided access for emergency vehicles and the enforcement of County regulations as well as access for County and other public service vehicles. Debris will be removed only where there is unrestricted access during removal times.

(e) The County or its authorized collector(s) shall conduct similar operations on public streets.

SECTION 2: Codification. The publisher of the County's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 1 above into the Code of Ordinances.

SECTION 3. Severability. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining section, sentences, clauses, or provisions of this Ordinance.

SECTION 4: Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 5th day of August 2009.

MANATEE COUNTY, FLORIDA,
a political subdivision of the State
of Florida

By: Board of County Commissioners

By: Dr. Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman
of the Board of County Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: Susan D. Louie
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 20th day of

August, 2009

R.B. SHORE
Clerk of Circuit Court

By: Debi Sessner c.c.

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R. B. SHORE



2009 SEP 11 PM 1:41

FLORIDA DEPARTMENT of STATE

CLERK OF THE CIRCUIT COURT
CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

August 28, 2009

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 26, 2009 and certified copy of Manatee County Ordinance No. 09-53, which was filed in this office on August 28, 2009.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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