

ORDINANCE 19-47

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO DISASTER EMERGENCY MANAGEMENT POWERS OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; AMENDING ARTICLE II OF CHAPTER 2-13 OF THE MANATEE COUNTY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 252.38, Florida Statutes, provides that safeguarding the life and property of citizens is an innate responsibility of the governing body of each political subdivision of the State; and

WHEREAS, Section 252.38(3)(a)5, Florida Statutes, provides that a county that has declared a state of local emergency has the power and authority to waive procedures and formalities otherwise required 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, (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; and

WHEREAS, the Board of County Commissioners of Manatee County adopted Ordinance No. 05-29 establishing disaster emergency management powers of the Manatee County Board of County Commissioners, which superseded and replaced Ordinance No. 98-27, and which are codified in Article II of Chapter 2-13 of the Manatee County Code; and

WHEREAS, it is necessary and in the best interest of Manatee County to revise and update the provisions of Article II of Chapter 2-13 of the Manatee County Code to provide for a line of succession for the Board of County Commissioners, the County Administrator and the Department of Public Safety in the event of a disaster emergency; and

WHEREAS, additional provisions are necessary and appropriate to clarify the effect of such authority as may from time to time be provided for the adoption of emergency orders, resolutions, and rules that may have the force and effect of law; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Section 2-13-12 of the Manatee County Code is hereby amended as follows:

Sec. 2-13-12. - Definitions.

In this article unless the context otherwise requires, ~~the~~ ~~:-~~The definitions provided in Chapter 252, Florida Statutes, shall apply to the same terms when used in this article. Additionally:

Administrator means the county administrator or acting county administrator of Manatee County, Florida.

Board means the board of county commissioners of Manatee County, Florida.

County means Manatee County, Florida.

Director means the ~~public safety~~ director of the public safety department of Manatee County (or the successor to such department position, however designated) or his or her designee, or if he or she is unavailable, the emergency management division chief (or the successor to such position, however designated). The director is empowered with the authority to execute the emergency management program on behalf of the jurisdiction.

Disaster emergency means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to enemy attack, sabotage, terrorism, or other hostile military or paramilitary action, earthquake, major fire as interpreted by state rule or regulation, flood, hurricane, severe thunderstorm with massive lightning strikes, tornado, volcanic activity, wave action, windstorm, explosion or accident involving radiation by-products, or explosion or accident containing poisonous or environmentally hazardous substances, wherein the explosion or accident affects or could affect an area more than five hundred (500) feet from the site of the explosion or accident.

Emergency Operations Center (EOC) means the physical location designated by the County at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place.

Immediate post emergency means the period of time immediately following the impact of or abatement of any circumstance that has resulted in a lawfully declared state of local emergency.

Incident Command System (ICS) means the standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. The Incident Command System is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents.

~~State of local emergency declaration means any lawfully issued order, proclamation, resolution or other process which activates state, local or inter-jurisdictional emergency management plans and authorizes specific activities relating to the emergency.~~

Local emergency means an emergency for which an emergency declaration has been issued affecting more than one municipality or one municipality and/or any portion of the unincorporated area of Manatee County.

Municipal emergency means an emergency confined to incorporated areas of a single municipality which has resulted in the issuance of an emergency declaration by the municipality.

~~Immediate post emergency means the period of time immediately following the impact of or abatement of any circumstance that has resulted in a lawfully declared state of local emergency.~~

State of local emergency declaration means any lawfully issued order, proclamation, resolution or other process which activates state, local or inter-jurisdictional emergency management plans and authorizes specific activities relating to the emergency.

~~Unavailable is defined as means not being accessible, to the director or personnel of the emergency operations center, in person or via telecommunications, at times when immediate action by the board is deemed necessary by the chairman, or vice-chairman, or the highest ranking vice chair present or the county administrator or the director.~~

Section 2. Section 2-13-13 through Section 2-13-16 of the Manatee County Code are unchanged.

Section 3. Section 2-13-17 of the Manatee County Code is hereby amended as follows:

Sec. 2-13-17. - Disaster emergencies.

(a) Upon a finding of the occurrence or imminent threat of a disaster emergency, the board may declare a state of local emergency and thereafter issue orders or adopt resolutions dealing with any and all matters necessary to protect the public health, safety and welfare by reason of the disaster emergency and may amend or rescind said orders and resolutions in its discretion, and said orders or resolutions shall have the force and effect of law during the period for which they are effective. ~~During the time of a disaster emergency,~~ During the time of a disaster emergency, the board's authority includes the power to temporarily suspend the enforcement of any ordinances of Manatee County, Florida, where the emergency is of such nature that immediate action outside said ordinance(s) is required.

(b) In the event the director determines that there exists a disaster emergency and finds that a quorum of the board cannot be attained either in person or via telecommunications within a reasonable time to take needed action the board hereby delegates authority to declare a state of local emergency and to issue emergency orders necessary to protect the public health, safety, and welfare during the disaster emergency:

- (1) To the chairman; or
- (2) If the chairman is unavailable, to the highest-ranking vice-chairman available; or
- (3) If the chairman and all vice-chairmen are unavailable, to the county administrator.

(c) During the continuance of a state of local emergency the director shall have direct responsibility for the coordination of all disaster emergency relief activities and efforts, subject only to the direction and control of the board or such direction and control as delegated by the board to the county administrator. The operational policies and procedures for response to disaster emergencies shall be consistent with the Manatee County Comprehensive Emergency Management Plan and supporting documents.

(d) The state of local emergency shall continue until it expires, or is terminated through a proclamation which states the threat of danger no longer exists.

(e) No state of local emergency may continue for longer than seven (7) days unless renewed by proclamation or resolution by the board. In such event, the renewal may run for additional periods of seven (7) days, as long as the disaster emergency exists.

Section 4. Section 2-13-18 of the Manatee County Code is unchanged.

Section 5. Section 2-13-19 of the Manatee County Code is hereby amended as follows:

Sec. 2-13-19. - Disaster emergency powers of the board.

(a) In order to facilitate the activities and efforts associated with the mitigation of a disaster emergency, the board may exercise those powers as delineated in section 252.38(3), Florida Statutes, and Governor's Executive Order 80-29. In addition, the board shall have the power and authority to:

- (1) Establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking. Such curfew shall not apply to essential services, such as fire, police, emergency medical services and hospital services, including the transportation of the

patients and , utility emergency repairs ~~and emergency calls by physicians~~ or such other activities as the board may designate.

(2) To the extent authorized by law and to the extent the governor has delegated necessary powers to the board, the board is authorized to issue such orders, proclamations, and rules having the force and effect of law as are deemed necessary and appropriate to provide for the health, welfare, and safety of the residents of Manatee County, to provide for orderly management of the disaster emergency and to mitigate the potential effects of the disaster emergency.

(3) To recommend a voluntary evacuation or issue a mandatory evacuation order in accordance with Executive Order 80-29.

(b) Where circumstances warrant, the board may designate the director as the individual authorized to discharge the power specified in subsection (a) hereinabove.

(c) The sale of merchandise by any business establishment at a rate or price that exceeds the rate or price charged immediately prior to the declaration of the disaster emergency by the board is prohibited as delineated in Florida Statutes, section 501.160.

(d) The official source of public information with respect to emergency declarations shall be the ~~Emergency Operations Center (EOC)~~ and all official emergency declarations shall be transmitted from the EOC.

Section 6. Section 2-13-20 through Section 2-13-21 of the Manatee County Code are unchanged.

Section 7. Section 2-13-22 and Section 2-13-23 of the Manatee County Code are hereby amended as follows:

Sec. 2-13-22. - Authority to accept services, gifts, materials.

(a) Whenever the state or federal government offers to the county services, equipment, supplies, material or funds, by way of gift, grant, or loan, for the purpose of using in an actual, impending, mock or practice disaster emergency, the board, or when designated, the director, may accept the offer on behalf of the county and utilize the services, equipment, supplies, materials or funds subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(b) Whenever a person offers to the county services, equipment, supplies, materials, or funds, by way of gift, grant or loans, for the purpose of use in an actual, impending, mock or practice disaster emergency, the board, or when designated, the director, may accept the offer on behalf of the county and utilize the services, equipment, supplies, materials or unsolicited funds subject to the terms of the offer.

Sec. 2-13-23. - Hurricane evaluation levels established.

The hurricane evacuation levels of the county are hereby established as designated upon the map on file at the ~~EOC emergency operations center~~ known as "The Manatee County Evacuation Level Map" and such map and all notations, references, or other information shown thereon are incorporated by reference and shall be a part of this section the same as if such information were fully and completely described and set forth herein.

Section 8. Section 2-13-24 through Section 2-13-26 of the Manatee County Code are unchanged.

Section 9. Section 2-13-27 of the Manatee County Code is hereby amended as follows:

Sec. 2-13-27. - Intergovernmental coordination.

The director of ~~the Manatee County Department of Public Safety~~ is directed to coordinate these activities with the Florida ~~Department of Community Affairs~~, Division of Emergency Management (or the successor state agency thereto), the municipalities located in Manatee County, and all key preparedness, response and recovery agencies in Manatee County.

Section 10. Section 2-13-28 through Section 2-13-29 of the Manatee County Code are unchanged.

Section 11. For purposes of codification of any section of the Manatee County Code herein amended, words underlined represent additions to original text, and words ~~stricken~~ are deletions from the original text.

Section 12. Pursuant to Section 125.68(1), F.S., the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 1 through Section 10 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 13. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 14. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting this 19th day of November, 2019



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: *[Signature]*
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: *[Signature]*
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 20, 2019

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Tessmer

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance 19-47, which was filed in this office on November 20, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: ords@municode.com
To: [Vicki Tessmer](mailto:Vicki_Tessmer); tammy.larsen@mymanatee.org
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 109
Date: Thursday, November 21, 2019 9:38:50 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

THIS IS AN AUTOMATICALLY GENERATED EMAIL

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 109

| Document | Adopted Date | Recorded | Recorded Format |
|-------------------------------------|--------------|------------|-----------------|
| Ordinance No. 19-33 | 10/8/2019 | 11/21/2019 | Word |
| Ordinance No. 19-41 | 10/22/2019 | 10/24/2019 | Word |
| Ordinance No. 19-43 | 11/19/2019 | 11/21/2019 | Word |
| Ordinance No. 19-47 | 11/19/2019 | 11/21/2019 | Word |



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Order Confirmation

Customer

MANATEE COUNTY PUBLIC SAFETY DEPARTMENT

Payor Customer

MANATEE COUNTY PUBLIC SAFETY DEPARTMENT

Customer Account

733114

Payor Account

733114

Customer Address

2101 47TH TERRACE EAST
BRADENTON FL 34203 USA

Payor Address

2101 47TH TERRACE EAST
BRADENTON FL 34203 USA

Customer Phone

941-749-3500

Payor Phone

941-749-3500

Customer Fax

Customer EMail

Sales Rep

ctrunick@mcclatchy.com

Order Taker

ctrunick@mcclatchy.com

| <u>PO Number</u> | <u>Payment Method</u> | <u>Blind Box</u> | <u>Tear Sheets</u> | <u>Proofs</u> | <u>Affidavits</u> |
|------------------|-----------------------|------------------|--------------------|---------------|-------------------|
| | Credit Card | | 0 | 0 | 0 |

| <u>Net Amount</u> | <u>Tax Amount</u> | <u>Total Amount</u> | <u>Payment Amount</u> | <u>Amount Due</u> |
|-------------------|-------------------|---------------------|-----------------------|-------------------|
| \$117.00 | \$0.00 | \$117.00 | \$0.00 | \$117.00 |

| | | | |
|---|----------------------------|---|-------------------------------|
| <u>Ad Order Number</u> 0004448146 | <u>Order Source</u> | <u>Ordered By</u> Nicole M. Knapp | <u>Special Pricing</u> |
| <u>Invoice Text</u> ORDINANCE NO. 19-47 | | | <u>Promo Type</u> |
| <u>Package Buy</u> | | | <u>Materials</u> |

Ad Order Information

| | | | |
|-------------------------|-----------------------|---------------------------------|--------------------------------|
| <u>Ad Number</u> | <u>Ad Type</u> | <u>Production Method</u> | <u>Production Notes</u> |
| 0004448146-01 | BRD-Legal Liner | AdBooker | |

| | | | |
|----------------------------------|-----------------------------|---------------------------|-----------------------|
| <u>External Ad Number</u> | <u>Ad Attributes</u> | <u>Ad Released</u> | <u>Pick Up</u> |
| | | No | |

| | |
|-----------------------|---------------------|
| <u>Ad Size</u> | <u>Color</u> |
| 1 X 100 li | |

| | | | |
|-----------------------|--------------------------|-------------------------|-----------------------------|
| <u>Product</u> | <u>Placement</u> | <u>Times Run</u> | <u>Schedule Cost</u> |
| BRD- Bradenton Herald | 0300 - Legals Classified | 1 | \$117.00 |

| | |
|--|--------------------------------|
| <u>Run Schedule Invoice Text</u> | <u>Position</u> |
| NOTICE OF PUBLIC HEARING NOTICE IS HEREE | 0301 - Legals & Public Notices |

Run Dates
11/07/2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Patricia M. Glass Chambers at the Manatee County Administrative Building, 1112 Manatee Avenue West, first floor, Bradenton, Florida, on the **19th day of November, 2019, at 9:00 a.m.**, or soon thereafter to consider, act upon, enact, or reject the following Ordinance.

The Board of County Commissioners of Manatee County, Florida proposes to adopt the following ordinance:

**ORDINANCE NO. 19-47
AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO DISASTER EMERGENCY MANAGEMENT POWERS OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY; AMENDING ARTICLE II OF CHAPTER 2-13 OF THE MANATEE COUNTY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. The public hearing may be continued from time to time to a date and time certain or to no date certain and re-advertised. The public may also provide written comments for the Board of County Commissioners to consider.

Please send comments to:

Manatee County
Public Safety Center

Attn:

Emergency Management Chief
2101 47th Terrace East
Bradenton, FL 34203
emergency.management@mymanatee.org

The proposed Ordinance is available for public inspection at the Manatee County Public Safety Department, 2101 47th Terrace East, Bradenton, Florida, during regular business hours, telephone number (941) 749-3507, email to emergency.management@mymanatee.org. A reasonable charge may be made for the provision of copies.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans with Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact 941-742-5800; or FAX 745-3790.