

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CHAPTER 98 STATE OF EMERGENCY MANAGEMENT PLAN OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY AMENDING, SECTION 98.01, DEFINITIONS; SECTION 98.02, DECLARATION; TIME LIMITS; SECTION 98.03, ORDER OF SUCCESSION; SECTION 98.04, POWERS DURING EMERGENCY; 98:09, REMOVAL OF DEBRIS; AND SECTION 98.14, EMERGENCY RESPONSE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's responsibility has been, and continues to be, the preservation of the health, safety, and welfare of its citizens and the public in general; and

WHEREAS, the City intends to clarify the City's legal responsibilities at the time of any declared State of Emergency affecting the City of Port St. Lucie; and

WHEREAS, the City desires to update position titles baring responsibilities pertaining to this chapter; and

WHEREAS, the City desires to update the title of the plan formally known as the Comprehensive Emergency Operations Plan (CEOP), to the Comprehensive Emergency Management Plan (CEMP); and

WHEREAS, during a State of Emergency, unknown and unusual or threatening circumstances may arise that must be addressed in an expeditious manner, in order to insure the health, safety, and welfare of the community; and

WHEREAS, the emergency powers granted by the laws of the state and city to the designated city official(s) must be expansive, as needed, so as to assure the achievement of these goals.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance:

SECTION 2. Title IX General Regulations, Chapter 98. – State of Emergency Management Plan of the Code of ordinances is amended as follows:

Section 98.01. -Definitions.

Comprehensive Emergency Management ~~Operations~~ Plan (CEMP), as amended. City of Port St. Lucie's standard of operating policy, procedures, guidelines, forms, and supporting materials to be used during any state of emergency declared in the city.

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Disaster means the actual occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause including, but not limited to, fire, flood, hurricane, tornado, snowstorm, ice storm, wind storm, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, epidemic, air contamination, blight, drought, infestation, explosion, mass casualty incident, cyber-attack, or hostile military action or paramilitary actions, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

Emergency or local emergency means any natural or man-made event including but not limited to flood, conflagration, hazardous material dispersal, hurricane, tornado, earthquake, or explosion affecting ~~with~~ the limits of the city resulting in, or imminently threatening the death or injury of persons, or the destruction of property, to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

Sec. 98.02. Declaration; time limits.

The city manager shall be authorized to declare a state of emergency. An emergency council meeting shall be convened, as soon as practicable within 24 ~~42~~ hours thereafter, for the purpose of assessing the emergency and the procedures taking effect. The duration of a declared state of emergency shall be limited to seven days, which may be extended by seven-day increments, as necessary. However, if the local emergency involves a threat to private structure or public infrastructure, the local emergency may remain in effect for up to 30 days.

Sec. 98.03. Order of Succession.

During a state of emergency, the order of succession of authority is as follows: city manager, chief assistant city manager, deputy city manager, emergency operations division director ~~management director~~, and chief of police.

Sec. 98.04. Powers during emergency.

The city manager, or its designee (or named authority by 98.03), as chief administrator for the city, shall be empowered during a state of emergency:

(a) 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.

(b) Pursuant to the established "Comprehensive Emergency ~~Operations~~ Management Plan" (CEMOP) of the city, declare that the CEMOP is in effect, as appropriate.

(c) To obligate emergency expenditures for payment from the emergency reserve fund when such action is necessary to preserve the public safety, health, and welfare.

1. All such transfers and obligations shall be reported to the city council at the first opportunity following such action, but no later than 30 days after such occurrence.

(d) To automatically initiate the use of the CEMOP, including but not limited to all annexes and appendices, such as ~~Part III~~ the Debris Management Plan, ~~Appendix D (FDOT Primary and Secondary Road List)~~, as a directive to staff to include all named locations as a responsibility of the city.

(e) To act on behalf of the city, in any matter provided by F.S. § 252.38(3).

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(f) To determine a threat to public health and safety that may result from the generation of widespread debris throughout the city, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the city, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.

(g) To authorize the city or its contracted agent(s) 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.

Sec. 98.09 Removal of Debris

(a) Once the City has been identified as a potential impact region by the National Weather Service (NWS) and, the City is within a 72-hour projected impact path of a storm event, the placing out of all yard waste materials and cutting and/or trimming back of trees, shrubs and bushes shall be suspended and no further collection of such debris may occur until after the storm event has passed and the City per, NWS is no longer in the potential impact region. This also applies to the placing out of bulky waste such as furniture, mattresses, white goods etc.

(b) During a declared state of emergency, the city manager shall have the power to authorize the removal of disaster-generated debris and wreckage resulting from a declared disaster from all property whether public lands, public or private roads, or gated communities to ensure a safe and sanitary living and functioning conditions, and to protect improved property from immediate threat.

Sec. 98.14. Comprehensive emergency ~~management response plan.~~

The city has approved and adopted a "Comprehensive Emergency Management Operations Response Plan," as amended, which is set forth in full in Exhibit "A" (on file with the city clerk) and is adopted by reference, as if fully set forth herein, as the peacetime emergency, management plan for the city.

SECTION 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

SECTION 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be

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renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2022.

ATTEST:

**CITY COUNCIL
CITY OF PORT ST. LUCIE**

Sally Walsh, City Clerk

By: _____
Shannon Martin, Mayor

APPROVED AS TO FORM:

James D. Stokes, City Attorney