

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE NO. 544

AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA, CREATING CHAPTER 28, TITLED "EMERGENCY PROCEDURES", OF THE CITY OF SPRINGFIELD CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Springfield is located in an area that is vulnerable to natural disasters and civil emergencies;

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Springfield is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law;

WHEREAS, Florida Statute § 252.38(2) and (3), titled Emergency Management Powers of Political Subdivisions, authorizes the City Commission to provide emergency management procedures within the City of Springfield boundaries;

WHEREAS, the City Commission desires to create Chapter 28 titled, Emergency Procedures, within the City of Springfield Code of Ordinances; and

WHEREAS, the City Commission finds that the creation of Chapter 28, Emergency Procedures, which establishes City emergency procedures is necessary for the preservation of the public health, safety and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SPRINGFIELD, FLORIDA:

SECTION 1. RECITALS. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. CREATION OF NEW CHAPTER. Chapter 28, Emergency Procedures, of the City of Springfield Code of Ordinances is hereby created to read:

Chapter 28 - EMERGENCY PROCEDURES

ARTICLE I. - IN GENERAL

Sec. 28-1. Title. These regulations shall be known and referred to as the City of Springfield Emergency Procedures.

ARTICLE II. - EMERGENCY MANAGEMENT

Sec. 28-2. - Policy and purpose.

A. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from hurricanes, floods, tornadoes, or other natural causes, or from sabotage, hostile actions, or from hazardous material mishaps of catastrophic measures; and in order to ensure that preparations of the City will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the City, it is hereby found and declared to be necessary:

1. To establish a City emergency management program responsible for City planning and preparation for emergency government operations in time of disasters;
2. To provide for the exercise of necessary powers during emergencies and disasters;
3. To provide for the rendering of mutual aid between the City and other political subdivisions of the State and of other states with respect to the carrying out of emergency preparedness functions;
4. To comply with provisions of § 252.38(2) and (3), Fla. Stat., which encourages each political subdivision of the State to establish local emergency management program not in conflict with that of the County.

Sec. 28-3. - Definitions.

State of Local Emergency. As used in this Chapter, a “state of local emergency” shall mean a declaration by the Mayor of the City of Springfield, or designee, enacting some or all of the local emergency powers addressed in this Chapter.

State Declared Emergency. As used in this Chapter, a “state declared emergency” or a “state of emergency” shall mean a declaration by the Governor of an actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting Florida or against the United States. A declaration of emergency by the Governor may enact some or all of the emergency powers, local or otherwise, addressed in this Chapter.

Emergency Management shall mean the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters.

Imminent shall mean clear and present danger to life or property rights as a result of an emergency or disaster.

Disaster. As referenced in § 252.34, Fla. Stat., “disaster” means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by the City, County, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:

1. "*Catastrophic disaster*" means a disaster that will require massive state and federal assistance, including immediate military involvement.
2. "*Major disaster*" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.
3. "*Minor disaster*" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

Disaster-Generated Debris shall mean any material, including vegetation, personal property and construction material on public or private property that is directly deposited by the disaster.

Sec. 28-4. - Declaration of Local Emergency.

A. The Mayor, or designee, shall have the power, duty, and responsibility to declare a state of local emergency when a disaster or threat of a disaster has placed all or some persons of the City of Springfield in danger of loss of life or property. A state of local emergency shall continue until the Mayor or designee issues a cease order.

B. Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article shall be confirmed by the City Commission by resolution no later than at the next regular meeting, unless the nature of the emergency renders a meeting of the City Commission impossible.

C. When an emergency has been declared, as much public notice as is practical shall be provided for any meeting of the City Commission, but in no event shall meeting notice be less than a two (2) hours.

D. Consistent with a declaration of a state of local emergency, the Mayor, or designee, may request emergency assistance and resources from higher levels of government, other local governments and/or other agencies, in accordance with the State of Florida Comprehensive Emergency Management Plan and/or the Statewide Mutual Aid Agreement and/or in accordance with the needs of the City and available resources.

Sec. 28-5. - Emergency Declaration Activation.

A. *Activation of Emergency Management Procedures.* A declaration of state of local emergency by the Mayor, or designee, shall automatically activate all applicable City of Springfield emergency management procedures and shall be the authority for deployment of personnel and use of any forces to which the procedures apply and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant Chapter 252, Florida Statutes, or any other laws applicable to emergencies or disasters.

1. The Mayor, or designee, shall have the legal authority to exercise the powers and discharge the duties conferred upon the City of Springfield, including the implementation of emergency plans and coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with county, state, and federal officials, and inspection of emergency or disaster sites.
2. In responding to the emergency and conducting the necessary and appropriate survey of the damages caused by the emergency, any authorized representative or agent of the City of Springfield, is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the public's health, safety, or welfare.
3. The Mayor, or designee, is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the City; however, any such document shall be later presented for ratification at a meeting of the City Commission.
4. No person shall refuse entry or access to any authorized representative or agent of the City of Springfield who requests entry for purposes of evaluating sites involved with emergency management functions to protect the public's health, safety, or welfare, and who presents appropriate credentials. Nor shall any person obstruct, hamper, or interfere with any such representative or agent while that individual is in the process of carrying out his or her official duties.

Sec. 28-6. - Emergency Powers.

A. *Emergency Powers.* Following a declaration of a state of emergency by the governor and during the continuance of such state of local emergency by the Mayor of the City of Springfield, the Mayor, or designee, is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control.

B. The emergency powers of this Chapter may exempt, from all or part of such restrictions, personnel of public utilities maintaining essential public services, City authorized or requested fire service personnel, law enforcement officers and personnel and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve safety, health and welfare needs of the people within the City of Springfield.

C. Emergency powers under the Mayor, or designee, to protect life and property under a local state of emergency that may be enacted under this Chapter include, but are not limited to:

1. Direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or property.
2. Establish routes, modes of transportation, and destinations in connection with evacuation.
3. Enact curfews and declare areas off limits.

4. Prohibition of the sale of merchandise, goods or services at more than the average retail prices.
5. Water use restrictions.
6. Suspension of local building regulations.
7. Regulating the use of and rationing of fuel, ice and other essential commodities.
8. Emergency procurement procedures in Section 28-7 Emergency Procurement Procedures in this Chapter.
9. Provision for the availability and use of temporary emergency housing, emergency shelters, and/or emergency medical shelters.
10. Transfer the direction, personnel, or functions of any City of Springfield departments for the purpose of performing or facilitating emergency services.
11. Utilize all available resources of the City of Springfield, over which the City has budgetary control, as reasonably necessary to cope with the emergency or disaster.
12. Utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health, and welfare, and/or the property of citizens.
13. Perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

ARTICLE III. - EMERGENCY PURCHASES

Sec. 28-7. - Emergency Procurement Procedures

A. During a state of emergency, the procedures and formalities otherwise required of the City by law may be waived by the Mayor or designee, upon a finding that said action is necessary to respond to conditions created by the disaster; in such case, he/she may authorize actions pertaining to the following as necessary:

1. Performing work necessary to ensure the health, safety, and welfare of the community
2. Entering into contracts/agreements
3. Suspending bid provisions for a period not to exceed ninety days from the declaration of the emergency
4. Employment of permanent and temporary workers
5. Utilization of volunteer workers
6. Rental of equipment

7. Acquisition and distribution of supplies, equipment, materials, and facilities
8. Additional appropriation and expenditure of funds as needed for the emergency
9. Implementing emergency personnel policies
10. Activating and/or executing the statewide mutual-aid system and/or interlocal agreements.

In the case of any actions of the Mayor, as authorized above, the contracts/agreements authorized shall not exceed ninety days from the date of the issuance of the local state of emergency cease order unless deemed necessary by City Commission action. Any such extension of said contracts/agreements shall only be made by City Commission action.

ARTICLE IV. - ROADWAY DEBRIS REMOVAL

Section 28-8. Debris Removal from Private Streets, Roads, Roadways and Private Property

A. After declaration of local state of emergency in accordance with this Chapter, the primary mission of the City will be to protect lives and property, restore governmental services and clear public streets. Depending on the magnitude of the disaster and after accomplishment of the primary mission, resources may be available to the City that may not be available to a private property owner. The intent and purpose of this section is to establish a process by which the City may evaluate and, if necessary, remove disaster-generated debris from along privately-owned streets, roads, roadways, and other private property in the event of an immediate threat to life, public health and safety after a significant disaster. While the City recognizes that, as a general proposition, the removal of disaster-generated debris from private property is the responsibility of the property owner, there are occasions when, because of the magnitude of the disaster and the threat posed to life, health, and safety, there may be a compelling need to remove disaster-generated debris from private streets, roads, and roadways and other private property as described herein.

B. The City may remove debris from private roadways when such debris is determined to pose an immediate threat to the health, safety and welfare of the community. The Mayor, or designee, shall determine whether there is an immediate threat to the public health, safety, and welfare sufficient to warrant removal of debris in accordance with any one of the following standards:

1. There is a significant likelihood that emergency vehicles will be significantly hindered from rendering emergency services to residential and commercial property should the debris be allowed to remain in place absent City removal.
2. The type of debris is such that it may reasonably cause disease, illness, or sickness which could injure or adversely affect the health, safety, or general welfare of those residing and working in the area if it is allowed to remain.
3. The clearing is necessary to effectuate orderly and expeditious restoration of City-wide utility services including, but not limited to, power, water, sewer, and communication.

4. The debris is determined by the Mayor, or designee, to be dangerous or hazardous.
5. The debris prevents garbage collection thereby creating a public health hazard.
6. The debris contains contaminants which have a reasonable likelihood of leeching into the soil and/or water system.
7. The debris has a substantial negative impact in preventing or adversely affecting emergency repairs to buildings and/or property.
8. The debris presents a reasonable danger of being transported by wind and/or water into the surrounding areas of the City and thereby increasing the cost of recovery and removal.
9. The debris poses a significant likelihood of, if left over time, producing mold which would be injurious to public health.
10. The presence of the debris significantly adversely impacts the City's recovery efforts.
11. The debris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall.
12. The sheer volume of the debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the City.
13. The type, extent and nature of the debris is such that it would cause much greater damage if the debris was not removed immediately.
14. Debris removal in commercial or other specific areas will be cleared if, in the opinion of the Mayor or designee, the clearance will aid the City's recovery operations or aid the health, safety, or welfare of the residents.

C. *Indemnification and hold harmless.* Prior to removal of debris by the City as contemplated herein on private roadways and private property, or clearance by the City of private property as provided herein, the private property owner shall indemnify and hold harmless, to the maximum extent permitted by law, the federal, state, and local government and all employees, officers and agents of the federal, state, and local government connected with the rendering of such service.

D. *Emergency roadway clearance.* Nothing herein shall preclude a first response by the City to clear and push debris from all roadways (both public and private) including access to properties when deemed necessary for emergency vehicles.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of


competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

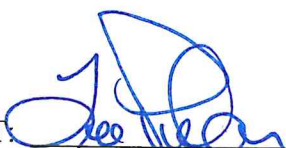
SECTION 5. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Springfield Code; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Springfield, Florida, this 7th day of JAN, 2019

CITY OF SPRINGFIELD, FLORIDA

By: 
Ralph Hammond, Mayor

ATTEST: 
Lee Penton, City Clerk