

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 9. EMERGENCY MANAGEMENT

LAKE WALES
CHAPTER 9. EMERGENCY MANAGEMENT

Table of Contents

§ 9-1. Definitions.

§ 9-2. Powers, duties and responsibilities.

§ 9-3. Declaration of a state of local emergency.

§ 9-4. Duration and termination of a state of emergency.

§ 9-5. Emergency management powers of the city manager.

§ 9-6. Activation of emergency management plan.

§ 9-7. Specific restrictions authorized; exemptions.

§ 9-8. Police emergencies.

§ 9-9. Enforcement.

LAKE WALES

CHAPTER 9. EMERGENCY MANAGEMENT

§ 9-1. Definitions.

Effective: Tuesday, October 21, 2014

Comprehensive Emergency Management Plan (CEMP) is the framework that describes the process for disaster preparedness, response, recovery and mitigation activities of the city.

Emergency means any occurrence, or threat thereof, whether accidental, natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Emergency management means the preparation for, and the carrying out of, all emergency responsibilities and functions, other than those for which military forces or other federal agencies are primarily responsible, to prevent, mitigate, or repair injury and damage resulting from the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from emergencies. These responsibilities include but are not limited to:

- (1) Reduction of vulnerability of people and communities of this city to damage, injury, and loss of life and property resulting from natural or manmade catastrophes or hostile military or paramilitary action;
- (2) Preparation for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disasters;
- (3) Provision of a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies;
- (4) Provision of an emergency management system embodying all aspects of pre-emergency preparedness and post-emergency response;
- (5) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(Code 1962, § 8½-1; Ord. No. 2014-13, § 1, 10-21-14)

NOTATION

Cross reference

Definitions and rules of construction generally, § 1-2.

State law reference

Emergency management definitions, F.S. § 252.34.

§ 9-2. Powers, duties and responsibilities.

Effective: Tuesday, October 21, 2014

The city manager shall have the following powers, duties and responsibilities:

- (1) To declare a state of local emergency pursuant to section 9-3, should the mayor or vice mayor be unavailable, and to promptly file with the city commission a certificate showing such emergency and the necessity for such action.
- (2) To direct the creation and the exercise of the city's CEMP consistent with the state and county emergency plans for the mitigation of, preparation for, response to, and recovery from emergencies, and to exercise all powers permitted by F.S. ch. 252.
- (3) To recommend funding to the city commission for the creation and maintenance of an emergency response capability as provided by this article.
- (4) To issue emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency.
- (5) To plan for and develop an emergency operations control center to include equipment, manning, and operational procedures necessary to the management and control of emergency conditions.
- (6) To develop and manage the city's emergency awareness public information program.
- (7) To apply for public assistance or other disaster relief funding.
- (8) To award contracts and expend necessary city funds during a declaration of emergency for emergency relief and for disaster recovery as applicable.

(Code 1962, § 8½-2; Ord. No. 2011-20, § 1, 9-20-11; Ord. No. 2014-13, § 1, 10-21-14)

NOTATION

State law reference

City to designate person authorized to declare a state of emergency, F.S. § 870.042(2);
automatic emergency measures, F.S. § 870.044.

§ 9-3. Declaration of a state of local emergency.

Effective: Tuesday, October 21, 2014

- (1) The mayor, deputy mayor or in his/her absence the city manager shall have the sole authority to declare a state of local emergency.
- (2) Any declaration of a state of local emergency and all emergency orders shall be activated under the provisions of this article.
- (3) A declaration of a state of local emergency shall activate the emergency plans applicable to the city. A declaration of a state of local emergency shall automatically invoke the emergency measures listed in F.S. § 252.38 regarding emergency management powers of political subdivisions and F.S. § 870.044 of the emergency relates to overt acts of violence or the imminent threat of such violence.
- (4) Upon the declaration of a state of local emergency, the city manager shall file a copy with the Polk County Emergency Management department and shall, promptly as practicable, file in the office of the city clerk a notice of a declared state of local emergency, or emergency measure declared or ordered and promulgated by virtue of Florida Statutes. The city manager shall notify the local media and residents as soon as possible and in the manner most practicable and expeditious.
- (5) The city manager may issue orders pursuant to this article and may elect to adopt orders issued by county, or state emergency management agencies.

(Ord. No. 2011-20, § 2, 9-20-11; Ord. No. 2014-13, § 1, 10-21-14)

§ 9-4. Duration and termination of a state of emergency.

Effective: Tuesday, October 21, 2014

- (1) The duration of a state of local emergency shall be initially for seven days.
 - (2) The mayor, deputy mayor or in his/her absence the city manager may extend the duration of the state of local emergency, as necessary, in seven-day increments by executive order.
 - (3) Any state of local emergency may be altered or rescinded by the mayor, vice mayor or in his/her absence the city manager by the issuance of a subsequent executive order.
-

- (4) In the event a state of local emergency declared pursuant to this article has been in effect continuously for more than 30 days and in the event a state or federal state of emergency is not also in effect, the city manager shall appear before the city commission at its next regularly scheduled meeting or special call meeting to present the reasons for further continuance of the state of local emergency. If, upon presentation of the city manager, the city commission determines emergency conditions exist, the city commission may extend the local state of emergency by resolution of the commission. If, upon presentation by the city manager, the city commission finds that emergency conditions no longer exist, the city commission may terminate the local state of emergency by resolution of the city commission.
- (5) Notwithstanding the provisions of subsection (4), the city manager shall retain the authority to continue to extend any state of local emergency, in seven-day increments in excess of 30 days when:
- (a) Declared state or federal state of emergency continues to exist;
 - (b) The city commission has not yet acted pursuant to subsection (4);
 - (c) The city commission has acted to extend the local state of emergency to subsection (4).

(Code 1962, § 8½-2; Ord. No. 2011-20, § 3, 9-20-11; Ord. No. 2014-13, § 1, 10-21-14)

NOTATION

State law reference

Similar provisions, F.S. § 870.045.

§ 9-5. Emergency management powers of the city manager.

Effective: Tuesday, October 21, 2014

- (1) Upon declaration of a state of local emergency, the city manager, in addition to any other powers conferred by City Charter, shall have the following powers and authority:
 - (a) To direct and compel the evacuation of all or part of the population from any stricken or threatened area within the city if he/she deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery.
 - (b) To waive the procedures and formalities otherwise required of the city by law or ordinance pertaining to:
 - (1) Performance of public work and taking whatever prudent action is necessary to ensure 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.
 - (c) Request emergency assistance and resources from higher levels of government, other local governments and/or other agencies, in accordance with 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 the resources available.

(Code 1962, § 8½-3; Ord. No. 2014-13, § 1, 10-21-14)

NOTATION

Cross reference

Alcoholic beverages generally, Ch. 5.

§ 9-6. Activation of emergency management plan.

Effective: Tuesday, October 21, 2014

A declaration of emergency by the governor or a declaration of state of local emergency by the city shall automatically activate the city CEMP and shall be authority for the deployment of personnel and use of any forces to which the CEMP applies and for use or distributions of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the state and county CEMP.

(Code 1962, § 8½-4; Ord. No. 2014-13, § 1, 10-21-14)

NOTATION

State law reference

Similar provisions, F.S. § 870.043.

§ 9-7. Specific restrictions authorized; exemptions.

Effective: Tuesday, October 21, 2014

- (1) During the existence of a declared state of local emergency, the city manager may impose by executive order any or all of the following restrictions:
 - (a) Prohibit or regulate the purchase, sale, transfer or possession of alcoholic beverages.
 - (b) Prohibit or regulate any special event, demonstration, parade, march, vigil or participation therein from taking place on any of the public rights-of way or upon any public property;
 - (c) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances altogether, except by delivery into a tank properly affixed to an operable motor vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof;
 - (d) 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 places of assembly;
 - (e) Prohibit or regulate travel upon any public street, highway or upon any other public property. The city manager may exempt persons in search of medical assistance, food or other commodity or service necessary to sustain the well being of themselves or their families or some member thereof;
 - (f) 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 which the curfew is in effect;
 - (g) Prohibit state and/or local business licensees, vendors, merchants and any person operating a retail business from charging more than the normal average price for any goods, materials or services sold during a declared state of local emergency, except that the normal average price for any merchandise may be increased, but only to the degree that the maximum increase in retail price shall be 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 the declared state of local emergency or the normal average price for services sold during the 30 days immediately preceding the declaration of a state of local emergency; or
 - (h) Upon request of the city utilities director, prohibit any person, firm, or corporation from using fresh water supplied by the city for any purpose other than cooking, drinking or bathing.
- (2) The executive order of the city manager may exempt, from all or part of such restrictions, physicians, nurses and ambulance operators performing medical services, on-duty employees of hospitals and other medical facilities, on-duty military personnel, bona fide members of the news media, personnel of public utilities maintaining essential public services, city authorized or requested firefighters, 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 to the people within the city or other essential personnel having to stop or travel through the city.

§ 9-8. Police emergencies.

Effective: Tuesday, October 21, 2014

- (1) An emergency may be declared because of civil unrest or imminent threat to public peace or order when the city's police chief certifies to the city manager that an emergency condition arising from hostile actions of others, armed and unarmed or other imminent threat to public peace or order, requires extraordinary measures for control, including, but not limited to curfew; blockade; proscription of the sale of alcohol beverages; explosives and combustibles; evacuation; and other similar actions. The city manager may issue a declaration of a state of emergency in accordance with this article.
- (2) The declaration of a state of local emergency because of civil unrest or imminent threat to public peace or order shall authorize the issuance of emergency orders as may be required and may, if applicable, require automatic emergency measures pursuant to F.S. § 870.044. In addition, additional discretionary emergency measures pursuant to F.S. § 870.045 may be issued.

(Code 1962, § 8½-5; Ord. No. 2006-26, § 1, 7-18-06; Ord. No. 2014-13, § 1, 10-21-14)

NOTATION

State law reference

Emergency management powers of political subdivisions, F.S. § 252.38.

§ 9-9. Enforcement.

Effective: Tuesday, October 21, 2014

Any violation of this article shall be considered a violation of state law and enforced in accordance with the provisions of F.S. § 252.50.

(Code 1962, § 8½-7; Ord. No. 2014-13, § 1, 10-21-14)