

ORDINANCE NO. 2019-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," SECTION 2-25, "DECLARATION OF CITY-WIDE STATE OF EMERGENCY," TO AUTHORIZE THE MAYOR TO DELINEATE MANDATORY EVACUATION ZONES AND SET CURFEWS DURING A DECLARED CITY-WIDE STATE OF EMERGENCY; BY AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE V, "EMERGENCY TEMPORARY HOUSING," SECTION 6-55, "HOUSING EMERGENCY DECLARATION," TO REMOVE INCONSISTENT PROVISIONS AS TO THE ENACTMENT OF EMERGENCY ORDINANCES; BY AMENDING CHAPTER 12, "GARBAGE AND REFUSE," ARTICLE II, "COLLECTIONS AND DISPOSAL," SECTION 12-42, "PUBLIC SERVICES ON PRIVATE ROADWAYS," TO CLARIFY THE MAYOR'S AUTHORITY TO DECLARE A CITY-WIDE STATE OF EMERGENCY; BY AMENDING CHAPTER 21, "PERSONNEL ADMINISTRATION," ARTICLE 1, "CIVIL SERVICE CODE," SECTION 21-10, "ATTENDANCE AND LEAVE," SUBSECTION 21-10.1, "HOURS OF WORK," TO CLARIFY THE MAYOR'S AUTHORITY TO DECLARE A CITY-WIDE STATE OF EMERGENCY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City's Code of Ordinances by and through Section 2-25, "Declaration of city-wide state of emergency," authorizes the Mayor to declare a city-wide state of emergency by proclamation; and

**WHEREAS**, during emergency circumstances, it is often essential to establish curfews and mandatory evacuation zones within the City; and

**WHEREAS**, although Chapter 870, "Affrays; Riots; Routs; Unlawful Assemblies," Fla. Stat., confers power unto the Mayor by the delegation of such authority to proclaim

a state of emergency, it is limited to the circumstances outlined in that chapter of the Florida Statutes; and

**WHEREAS**, the authority vested in the Mayor by Section 2-25 of the City's Code of Ordinances extends beyond affrays, riots, routs, and unlawful assemblies, to natural disasters and all other circumstances meeting the definition of "state of emergency" set forth therein; and

**WHEREAS**, it is important for the safety of the City's residents, property owners, and visitors to ensure that the City's Code of Ordinances also confers authority unto the Mayor to promptly and efficiently take certain prescribed actions once the city-wide state of emergency proclamation is made; and

**WHEREAS**, upon the proclamation of a city-wide state of emergency issued by the Mayor, this ordinance vests the Mayor with authority to set curfews and delineate mandatory evacuation zones within the City that may be valid until the 61<sup>st</sup> day after the proclamation; and

**WHEREAS**, other sections of the code were also identified as provisions that needed correction as to which City Official is vested with the authority declare a city-wide state of emergency, and those are detailed herein to provide further clarification; and

**WHEREAS**, the City Commission finds and determines that the safety of all persons and property within the City of Coconut Creek is of paramount importance during a declared city-wide state of emergency and such measures are appropriate.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:**

**Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

**Section 2:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, “Administration,” Article II, “City Commission,” by amending Section 2-25, “Declaration of city-wide state of emergency,” to read as follows:

Sec. 2-25. - Declaration of city-wide state of emergency.

(a) *Definition.*

1. State of emergency: A state of emergency occurs when there has been an occurrence, whether natural, technological, or man-made, or act of violence or a flagrant and substantial defiance of, or resistance to, a lawful exercise of public authority, and that, on account thereof, there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, or risk substantial injury to persons or to property, all of which constitute an imminent threat to public peace or order and to the general welfare of the area affected or a part thereof.

(b) *Declaration of emergency.* The Mayor shall be empowered to declare a state of emergency within the city by proclamation as needed.

(c) After the Mayor declares a city-wide state of emergency by proclamation pursuant to this section, the Mayor, at his or her discretion, may concurrently or subsequently set the following emergency measures, as needed:

1. Delineate mandatory evacuation zones effective immediately; and/or
2. Set curfews within the City.

(d) The emergency measures must be filed with the City Clerk, or designee, as promptly as practicable thereafter and delivered to local news media outlets for publication free of charge over radio and television broadcast.

(e) If practicable, the Mayor’s proclamation of a city-wide state of emergency declaration and the emergency measure(s) authorized herein shall be written and published by other means such as by posting on the City’s website and announced over loudspeakers or other available platforms.

(f) The Mayor’s emergency measure(s) authorized herein shall remain in effect until the 61st day following the date on which the Mayor proclaimed the city-wide state of emergency, unless repealed earlier by the Mayor, or repealed or enacted by formal action of the City Commission.

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**Section 3:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 6, "Buildings and Building Regulations," Article V, "Emergency Temporary Housing," by amending Section 6-55, "Housing emergency declaration," to read as follows:

Sec. 6-55. - Housing emergency declaration.

- (a) *Activation.* Upon declaration of a city-wide state of emergency by the Mayor~~city commission~~, and during the pendency thereof, the city commission, ~~as a part of the original declaration or at any time during the duration of a declared state of emergency,~~ may declare a state of housing emergency for all or any part of the City of Coconut Creek.
- (b) *Areas embraced.* Housing emergency declaration must define the boundaries of all areas subject to the terms of this section. The areas embraced may include the entire area of the city, or any part thereof.
- (c) *Termination.*
  - (1) A housing emergency declaration may survive the termination of the declaration of city-wide state of emergency, and may ~~only~~ terminate, in whole or in part, by formal action of the city commission to amend or terminate the areas embraced by the emergency housing declaration, but in any case is subject to Section 312, "Emergency Ordinances," of the Charter.
  - (2) *Partial termination.* Through the adoption of an emergency ordinance or ordinance resolution, the city commissioners may amend the housing emergency declaration to either expand or contract the areas embraced. The expansion or contraction of the areas embraced shall be supported by findings regarding the status of the housing stock in the area being considered.
  - (3) The status of the housing emergency shall be evaluated sixty (60)~~ninety (90)~~ days after its declaration and every sixty (60)~~ninety (90)~~ days thereafter as long as the housing emergency declaration is in effect to determine if formal action by the city commission is warranted to amend or terminate the declaration.
- (d) *Effect of a housing emergency declaration.* Upon the activation of a housing emergency, the provisions of this article shall become applicable in all the areas embraced by the housing emergency declaration.

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**Section 4:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 12, "Garbage and Refuse," Article II, "Collection and Disposal," by amending Section 12-42, "Public services on private roadways," to read as follows:

Sec. 12-42. - Public services on private roadways.

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- (a) The city has the authority and responsibility to protect the public health and safety, to enter upon public and private streets, to provide police, fire/EMS, code enforcement, water and wastewater, and solid waste disposal services including debris removal services and other municipal services on a day-to-day basis.
- (b) In a natural or man-made disaster that has caused a been ~~declared~~ of a city-wide state of public emergency by the Mayor ~~city manager or designee~~, the city may exercise its authority to implement needed services to protect the public's health, safety and welfare.
- (c) In order to respond to emergency conditions, the city must expeditiously clear 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) After ~~the~~ a declaration by the Mayor ~~city manager or designee~~ ~~that the exercise of the city has the~~ authority to enter private roadways for debris removal is necessary, the city is 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 (and rights-of-way and ingress and egress easements), to clear streets for emergency vehicle travel and delivery of services essential to the public health, safety, and welfare. No other property will be cleared in a private community. This shall apply only to roadways where the city regularly provided access for emergency vehicles and the enforcement of city regulations as well as access for municipal and other public service vehicles. Debris will be removed only where there is unrestricted access during removal times.
- (e) The city shall conduct similar operations on public roadways.

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**Section 5:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 21, "Personnel Administration," Article I, "Civil Service Code," Section 21-10, "Attendance and Leave," by amending Subsection 21-10.1, "Hours of work," to read as follows:

Sec. 21-10.1. - Hours of work.

10.1.1. The hours of work for employees are as follows:

- A. The established work week and hours of work shall be set by the Department Directors for their respective departments with the approval of the City Manager. In order to maintain essential public services, the City must reserve the right to have such flexibility in working hours as to properly conduct its operations. Therefore, the City reserves the right to determine and establish the hours of work and work schedules for each employee. For each department, division or shift, the City shall have the right to fix, alter or change the work week, work day, the number of hours worked, the number of shifts and the starting and ending time of each. The specific work schedule established for each department, division or shift may be changed by the City from time to time with five (5) working days notice, when practicable, to the

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affected employee(s), except in declared emergency situations. Employees shall be required to report for mandatory overtime under the following conditions: Three (3) workdays notice for non-emergency required overtime, and immediate notice if a City-wide state of emergency has been declared by the ~~Mayor~~City Manager and/or City Commission, or a Hurricane Watch/Warning or Tropical Storm Watch/Warning has been issued by the National Weather Service for an area in South Florida which includes Coconut Creek, or for special needs of the department including the maintenance of minimum staffing.

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**Section 6: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 7: Severability.** That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 8: Codification.** That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 9: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**PASSED SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

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	<u>1st</u>	<u>2nd</u>
Rydell	_____	_____
Welch	_____	_____
Tooley	_____	_____
Sarbone	_____	_____
Belvedere	_____	_____

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 EML  
 10/31/18

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