

**VILLAGE OF KEY BISCAYNE, FLORIDA**  
**OFFICE OF THE VILLAGE MANAGER**  
**DECLARATION OF A STATE OF EMERGENCY**

Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. COVID-19 poses a health risk to Village of Key Biscayne residents, particularly elderly residents. The World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern. On March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency.

A State of Emergency was declared by Governor Ron DeSantis of the State of Florida, Executive Order No. 20-52 (*Exhibit “A”*) effective at 5:52 PM on March 9, 2020, by Mayor Carlos Gimenez of Miami-Dade County (*Exhibit “B”*) effective at 9:00 AM on March 12, 2020. President Trump of the United States of America declared a national emergency and at a press conference held at 3:00 PM on March 13, 2020.

On March 12, 2020, the Village cancelled all senior activities and athletic programming in an overabundance of caution to mitigate the spread of the virus. Rapid response to mitigate spread of the virus requires that precautions be taken to protect the public health and welfare of the Village.

Therefore, as Village Manager of the Village of Key Biscayne, I, Andrea M. Agha, exercise the authority granted to me under Chapter 9 of the Village Code, declare a State of Emergency for the Village of Key Biscayne, and elect to adopt orders issued by the State of Florida and Miami-Dade County emergency management agencies. This state of emergency shall continue in effect from day to day until declared to be terminated by the Village Council or me in accordance with Section 9-6 of the Village Code.

Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the Village in accordance with Chapter 9 of the Village Code (*Exhibit “C”*). I hereby direct all Village departments to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the Village of Key Biscayne to be affixed this 13<sup>th</sup> day of March, 2020 at 4:20p.m. (EST).



ATTEST:

\_\_\_\_\_  
ANDREA M. AGHA, VILLAGE MANAGER

\_\_\_\_\_  
CONCHITA ALVAREZ, CMC, VILLAGE CLERK

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

**WHEREAS**, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

**WHEREAS**, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention (“CDC”) has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

**WHEREAS**, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

**WHEREAS**, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

EXHIBIT A

**WHEREAS**, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

**WHEREAS**, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

**WHEREAS**, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

## EXHIBIT A

Section 2. I designate the Director of the Division of Emergency Management (“Director”) as the State Coordinating Officer for the duration of this emergency and direct him to execute the State’s Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

- A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.
- B. Designate additional Deputy State Coordinating Officers, as necessary.
- C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.
- D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

## EXHIBIT A

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan (“CEMP”); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

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C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision 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; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

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.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

## EXHIBIT A

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

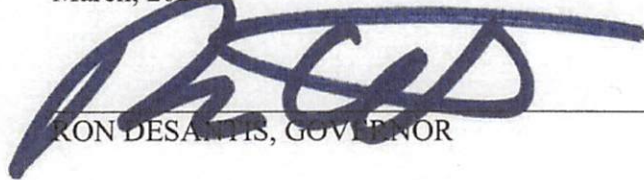
Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

EXHIBIT A

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

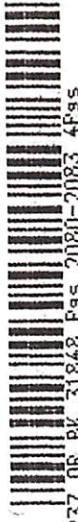
  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

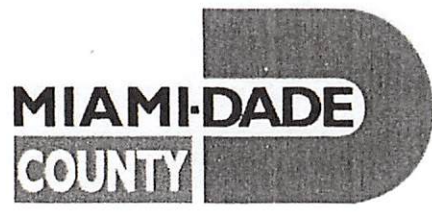
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2020 MAR - 9 PM 5:52  
FILED





CFN 2020R0158237 OR BK 31848 Pgs 2080-2083 4FSS  
RECORDED 03/12/2020 11:00:17  
HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY, FLORIDA

EXHIBIT B



LINDA L. CAVE, Deputy Clerk  
*Linda J. Cave*  
CLERK OF THE BOARD

2020 MAR 12 AM 8:51

PLEASE PRINT NAME ONLY FOR  
MIAMI-DADE COUNTY, FLA.  
#1

**MIAMI-DADE COUNTY DECLARATION OF LOCAL STATE OF EMERGENCY**

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51 directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19/novel Coronavirus in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19/novel Coronavirus; and

WHEREAS, COVID-19/novel Coronavirus poses a health risk to Miami-Dade County residents, particularly elderly residents; and

WHEREAS, responding to the threat posed by COVID-19/novel Coronavirus may require extraordinary and immediate actions by Miami-Dade County in order to protect the public health, safety, and welfare,

THEREFORE, as County Mayor of Miami-Dade County, I hereby declare a State of Local Emergency, effective as of 9:00 AM March 12, 2020, that will continue for seven (7) days thereafter or if cancelled before that period of time. This Local State of Emergency includes all of Miami-Dade County.

Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the community. Such orders may include, but are not limited to, orders related to the items listed in 1.a-p attached. The Deputy Mayors, through the Director of the Office of Emergency Management, are hereby ordered to take whatever prudent actions are necessary to effectuate such orders and to otherwise protect the health, safety, and welfare of the community.

Enacted:  
Signed: *[Signature]*  
COUNTY MAYOR

Date: 3/11/2020 Time: 22:30

Witness: *[Signature]*

A TRUE COPY  
CERTIFICATION ON LAST PAGE  
HARVEY RUVIN, CLERK

EXHIBIT B  
Miami-Dade County Declaration of Local State of Emergency

Cancelled:  
Signed:

\_\_\_\_\_ COUNTY MAYOR

Date: \_\_\_\_\_

Time: \_\_\_\_:\_\_\_\_

Witness: \_\_\_\_\_

EXHIBIT B  
Miami-Dade County Declaration of Local State of Emergency

**Action Options for State of Local Emergency**

1. Executive Orders of the Mayor to include:
  - a) Employee Recall order: An order recalling Miami-Dade County employees from vacation, canceling days off, and mobilizing all personnel required for disaster response;
  - b) Authorizing the Internal Services Department to suspend normal leasing and bid procedures to procure space, structures or other items under their normal authority for disaster response determined necessary by the Director;
  - c) Authorizing procurement of supplies, equipment, and services without formal bidding procedures;
  - d) Evacuation Order: A mandatory order(s) directing the evacuation of appropriate area(s) of the County deemed to be in imminent danger from disaster;
  - e) Curfew: In the period before, or during and immediately after an event, an order imposing a general curfew applicable to the County as a whole, or to geographical area(s) of the County and during hours the Mayor deems necessary, and from time to time, to modify the hours the curfew will be in effect and what area(s) it applies to;
  - f) An order requiring any and all commercial establishments located in area(s) of imminent or actual danger to close and remain closed until further order;
  - g) An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are predominantly sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sales of alcoholic beverages, and in which such alcoholic beverages may be removed or made secure from seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, at the discretion of the Mayor, be allowed to remain open;
  - h) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of Miami-Dade County;
  - i) An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly attached to a gas powered vehicle;

EXHIBIT B  
Miami-Dade County Declaration of Local State of Emergency

- j) Intentionally Omitted;
- k) An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;
- l) In addition to the provisions of Chapter 8A-5 of the Code of Miami-Dade County, orders to prevent price gouging for any essential commodity, dwelling unit, or storage facility;
- m) Orders requesting the conservation of water supplies;
- n) Such other orders as are immediately necessary for the protection of life and property; provided, however, that any such orders shall, at the earliest practicable time, be presented to the Board for ratification or confirmation in accordance with chapter 8B.
- o) The Mayor shall cause any proclamation ordered by the Mayor or the Board pursuant to the authority in this chapter to be delivered to all news media within the County, and shall utilize whatever available means to give public notice of such proclamation.
- p) The Mayor is hereby authorized to cancel any or all meetings of Miami-Dade County boards, authorities, agencies, instrumentalities and councils.

STATE OF FLORIDA, COUNTY OF MIAMI-DADE  
I HEREBY CERTIFY that the foregoing is a true and correct copy of the  
original on file in this office, March 12 AD 2020  
HARVEY RUVIN, Clerk of Circuit and County Courts  
Deputy Clerk Jandra Steinar



240370

## EXHIBIT C

### Chapter 9 - EMERGENCY MANAGEMENT

#### Sec. 9-1. - Definitions.

As used in this chapter:

*Average Retail Price* shall mean the price at retail for merchandise, goods or services at which similar merchandise, goods or services were being sold immediately preceding a declaration of public emergency.

*Debris* shall include, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, and vehicle and vessel wreckage.

*Duplication of Benefits* shall mean funding received from two sources for the same item of work.

*Emergency* shall mean a condition which threatens or adversely affects the public health, safety, general welfare or security and which is or threatens to be beyond the control of those public and private agencies normally responsible for the management of such a condition, resulting from an act or imminent threatened act of war, riot, terrorism, mob or other acts of violence; from conflagration, explosion, hazardous materials incident or release; from a weather event such as a flood, hurricane or tornado; from a disruption in the Village's utility, or other utility system; or from any other cause, reason, condition or circumstance.

*Private Property* shall mean all property that is not owned or controlled by a governmental entity.

*Village Manager* shall mean the Village Manager of the Village of Key Biscayne or her designee.

(Ord. No. 2005-16, § 2, 10-11-05; Ord. No. 2018-4, § 2, 6-5-18)

#### Sec. 9-2. - Applicability of provisions.

All officers, employees, contractors, subcontractors, vendors, boards and other agencies of the Village are subject to the provisions of this chapter.

(Ord. No. 2005-16, § 2, 10-11-05)

#### Sec. 9-3. - Emergency management structure.

- (a) The Village Manager shall perform the functions of Director of Emergency Management and shall implement, manage and report on all actions authorized and taken under the provisions of this chapter.
- (b) The Village Manager or the Village Manager's designee shall plan for the coordination of those actions necessary for the creation and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

(Ord. No. 2005-16, § 2, 10-11-05)

#### Sec. 9-4. - Powers, duties and responsibilities.

The Village Manager, when acting as the Director of Emergency Management, shall have the following powers, duties and responsibilities.

- (1) To declare a state of emergency pursuant to section 9-5 and to inform the Mayor and the Village Council of the reasons for and status of events requiring the declaration.

## EXHIBIT C

- (2) To direct the creation, revision and the exercise of emergency response plans consistent with 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 Village Council for the creation and maintenance of an emergency response capability as provided in this chapter.
- (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 Village's emergency awareness public information program.
- (7) To apply for public assistance or other disaster relief funding.
- (8) To expend necessary Village funds for emergency relief and for disaster recovery from the Reserve Fund authorized by section 25-3 of the Village Code. The Village Council may, by resolution, establish procedures which apply to this subsection (8).

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-5. - Declaration of a state of emergency.

- (a) The Village Manager shall have the sole authority to declare a state of emergency hereunder.
- (b) Any declaration of a state of emergency and all emergency regulations activated under the provisions of this chapter and any emergency expenditures made hereunder pursuant to subsection 9-4(8) shall be confirmed by the Village Council by resolution no later than at the next regular meeting, unless the nature of the emergency renders a meeting of the Village Council impossible. Confirmation of the emergency declaration shall disclose the reasons for actions proposed and taken to manage the emergency, and other pertinent data relating to the emergency requiring the declaration.
- (c) Emergency resolutions or orders authorized by this article may include, but are not limited to, the following subjects:
  - (1) Evacuation;
  - (2) Curfews; declaration of areas off limits;
  - (3) Suspension or regulation of the sale of, or offer to sell, with or without consideration: alcoholic beverages; ammunition; firearms; explosives; or combustibles;
  - (4) Prohibiting 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 essentials;
  - (8) Emergency procurement procedures.
- (d) A declaration of a state of emergency shall activate the emergency plans applicable to the Village. A declaration of a state of emergency shall automatically invoke the emergency measures listed in F.S. § 870.044, if the emergency relates to overt acts of violence or the imminent threat of such violence.
- (e) A state of emergency, when declared, shall continue in effect from day to day until declared to be terminated by the Village Manager or Village Council, in accordance with section 9-6.

## EXHIBIT C

- (f) Upon the declaration of a state of emergency, the Village Manager shall post a written notice of such declaration upon the main bulletin board in Village Hall, and shall, as promptly as practicable, file in the office of the Village Clerk a notice of a declared state of emergency, or emergency measure declared or ordered and promulgated by virtue of Florida Statutes. The Village Manager shall notify the local media and residents as soon as possible and in the manner most practicable and expeditious.
- (g) The Village Manager may issue orders pursuant to this chapter and may elect to adopt orders issued by County or State emergency management agencies.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-6. - Termination of a state of emergency.

A state of emergency shall be terminated by a vote of the Village Council if practicable or upon the certification of the Village Manager that the conditions leading to or causing the emergency no longer exist and the Village's agencies and departments are able to manage the situation without extraordinary assistance; provided, that a state of emergency established under F.S. §§ 870.041—870.046 shall terminate at the end of a period of 72 consecutive hours after the declaration of the emergency, unless, prior to the end of the 72-hour period, the Village Manager or the Village Council has terminated such state of emergency. Any extension of the 72-hour time by the Village Manager must be confirmed by the Village Council by resolution at the next regular meeting, unless the nature of the emergency renders a meeting of the Village Council impossible. Notice of termination of the emergency declaration shall be made to the public by the Village Manager by the same means as the notice of the declaration of the state of emergency.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-7. - Police emergencies.

- (a) An emergency may be declared because of civil unrest or imminent threat to public peace or order when the Chief of Police, or if unavailable, the next highest ranking officer in the Police Department chain of command certifies to the Village Manager that an emergency condition arising from hostile actions of others, armed or 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 firearms, other weapons or alcohol beverages; explosives and combustibles; evacuation; and other similar actions. The Village Manager may issue a declaration of a state of emergency in accordance with section 9-5.
- (b) The declaration of a state of emergency because of civil unrest or imminent threat to public peace or order, shall authorize the issuance of emergency resolutions or orders and other appropriate resolutions or 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.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-8. - Fire and hazardous materials emergencies.

- (a) An emergency may be declared because of fire or a hazardous materials incident emergency when the Fire Chief or the designee of the Fire Chief certifies to the Village Manager that an actual or potential condition arising from fire, explosion, chemical spill or release, building or bridge collapse, or plane, train or other vehicle accident, requires extraordinary measures for control, including, but not limited to calling out of off-duty and reserve personnel; assistance by outside agencies;

## EXHIBIT C

evacuation; and other similar actions. The Village Manager may issue a declaration of a state of emergency in accordance with section 9-5.

- (b) The declaration of state of emergency because of fire and hazardous material emergency shall authorize the issuance of emergency resolutions or orders and other appropriate resolutions or orders, as may be required.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-9. - Utility emergencies.

- (a) An emergency may be declared because of utility conditions when the Public Works Director or the designee of the Public Works Director or the Chief Operating Officer or the designee of the Chief Operating Officer of the relevant county or public utility certifies to the Village Manager that:
  - (1) A condition exists or is imminent that endangers the safety, potability, quantity, availability, collection, conveyance, transmission, distribution, treatment, or storage of water or waste water through or within the water or waste water utility system serving the Village; or
  - (2) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, distribution, or storage of gas or electricity through or within the Village area of the electrical or gas utility system(s); and
  - (3) Extraordinary actions to control and correct the situation are required, including, but not limited to emergency purchase; call-in of off-duty personnel; assistance by other communities and agencies; and other similar actions.
- (b) The declaration of a state of emergency because of utility conditions shall authorize the issuance of emergency resolutions or orders, and other appropriate resolutions or orders, as may be required.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-10. - Weather emergencies.

- (a) An emergency may be declared because of weather conditions when the national weather service or a State, County or local emergency management agency informs the Village or the public that emergency conditions resulting from meteorological conditions are present or imminent. Meteorological conditions covered by this section shall include, but are not limited to hurricane, floods, tornados, or other severe weather conditions and the results therefrom. The Village Manager may issue a declaration of a state of emergency in accordance with section 9-5.
- (b) The declaration of a state of emergency because of weather conditions shall authorize the issuance of emergency resolutions or orders and other appropriate resolutions or orders, as may be required.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-11. - Suspension of local building regulations.

The Village Manager may authorize a suspension of local building regulations during and following a declared state of emergency when the Chief Building Official certifies to the Village Manager that such action is necessary for the expeditious restoration of property damaged by the emergency event, unless terminated by the Village Council. Such suspension of building regulations may be applied on a case-by-case basis as required to remedy specific conditions and to facilitate the provision of emergency housing to disaster victims. The Chief Building Official shall specify the provisions of the building code to be suspended and the reasons therefore, when certifying the necessity of such suspension to the Village Manager.



## EXHIBIT C

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-12. - Certification of emergency conditions.

A certification of emergency conditions to the Village Manager may be verbal, but each verbal certification shall be confirmed in writing within 24 hours following an emergency declaration.

(Ord. No. 2005-16, § 2, 10-11-05)

### Sec. 9-13. - Debris removal from Private Property.

The Village Manager may authorize removal of Debris from Private Property only during a declared Village state of emergency. Prior to the removal of Debris from Private Property, the Village Manager shall determine that:

- (1) The severity of the situation is of such magnitude or the Debris is so widespread that removal is in the public interest; and
- (2) The Debris constitutes an immediate threat to life, public health, or safety, or to the economic recovery of the Village at large.

(Ord. No. 2018-4, § 2, 6-5-18)

**Editor's note**— Ord. No. 2018-4, § 2, adopted June 5, 2018, added a new § 9-13, renumbering the former § 9-13 as 9-17. The historical notation remains with the renumbered provisions.

### Sec. 9-14. - Gated Private Property.

In the event of a declared Village state of emergency, gated Private Property must provide reasonable access for emergency vehicles and any Debris removal vehicles and personnel. If the gates are unable to be opened for emergency access, then the entrance gates are required to be secured in the open position to allow for access during the emergency event.

(Ord. No. 2018-4, § 2, 6-5-18)

### Sec. 9-15. - Right of entry, indemnification and hold harmless, no duplication of benefits agreement.

Prior to removal of Debris by the Village from Private Property, the property owner(s), community association(s), homeowner association(s) and/or governance board(s) shall execute a right of entry, indemnification and hold harmless, and no Duplication of Benefits agreement on a form approved by the Village Attorney.

(Ord. No. 2018-4, § 2, 6-5-18)

### Sec. 9-16. - Emergency roadway clearance.

Nothing in this chapter shall preclude a first response by the Village to clear and push Debris from private roadways and rights-of-way as necessary for the movement of emergency vehicles, including police, fire, ambulance and other emergency responders.

(Ord. No. 2018-4, § 2, 6-5-18)

## EXHIBIT C

### Sec. 9-17. - Penalty.

Any person, firm or corporation who violates any provision of this chapter or orders issued hereunder, for which another penalty is not specifically provided herein or required by law shall, upon conviction, be subject to such fine or imprisonment or both as provided by section 1-14 of the Village Code. Each day that a violation shall continue to exist shall constitute a separate offense.

(Ord. No. 2005-16, § 2, 10-11-05; Ord. No. 2018-4, § 2, 6-5-18)

**Editor's note**— See the note to § 9-13.