

ORDINANCE NUMBER 99-06

AN ORDINANCE RELATING TO DISASTER EMERGENCIES IN HOLMES COUNTY, FLORIDA, PROVIDING FOR LEGISLATIVE AUTHORIZATION; SPECIFYING THE TERRITORY EMBRACED; IDENTIFYING THE INTENT OF THIS ORDINANCE; CREATING THE HOLMES COUNTY DIVISION OF EMERGENCY MANAGEMENT; DESIGNATING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, OR IN HIS OR HER ABSENCE, VICE-CHAIRMAN OR ADMINISTRATOR, HIS OR HER DESIGNEE, IN THIS SUCCESSION AS THE OFFICIAL WITH AUTHORITY TO DECLARE A STATE OF EMERGENCY IN THE EVENT OF A NATURAL, TECHNOLOGICAL, OR MANMADE DISASTER OR THE IMMINENT THREAT THEREOF; AUTHORIZING SUCH OFFICIAL TO TAKE CERTAIN EMERGENCY MEASURES RELATING THERETO; PROVIDING FOR IMPOSITION OF A CURFEW; PROVIDING FOR REGULATION OF THE USE OF WATER; PROVIDING FOR PROHIBITION OF PRICE GOUGING; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, because of the existing and continuing possibility of the occurrence of natural, technological, or manmade disasters or emergencies and destruction resulting therefrom, and in order to ensure the readiness of Holmes County to adequately deal with such emergencies and generally provide for the protection of the public health, safety, and welfare and to preserve the lives and property of the people of Holmes County; it is hereby determined to be in the best interest of Holmes County that the following ordinance is adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

SECTION 1. SHORT TITLE:

This ordinance shall be known as the Emergency Management Ordinance of Holmes County, Florida.

SECTION 2. LEGISLATIVE AUTHORIZATION:

This ordinance is enacted in the interest of the public health, safety, and general welfare of the citizens and inhabitants of Holmes County, Florida, pursuant to Article VIII, Section I (f), of the Florida Constitution and Sections 252.38, Florida Statutes (1995) and 125.01 (l)(t), Florida Statutes (1995).

SECTION 3. TERRITORY EMBRACED:

This ordinance shall be effective within the boundaries of Holmes County, Florida, except where in conflict with an ordinance of a municipality within Holmes County.

SECTION 4. INTENT OF ORDINANCE:

The intent of the Board of County Commissioners of Holmes County, Florida, in adopting this ordinance is to:

- (a) Protect and safeguard the safety, health and welfare of the people of Holmes County;**
- (b) Designate a County official to declare a local state of emergency in the event of a natural, technological, or manmade disaster or emergency, or the imminent threat thereof, and to authorize certain actions relating thereto, and to authorize certain actions relating thereto when a quorum of the Board of County Commissioners is unable to meet;**
- (c) Establish and create the Holmes County Division of Emergency Management.**

SECTION 5. DEFINITIONS:

- (1) "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 a county, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:**
 - (a) "Catastrophic Disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement.**
 - (b) "Major Disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.**

- (c) **“Minor Disaster” means a disaster that is likely to be within the response capabilities and require a broad range of state and federal assistance.**
- (2) **“Emergency” means any occurrence, or threat thereof, whether 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.**
- (3) **“Emergency Management” means the preparation for, the mitigation of the response to, and the recovery from emergencies and disasters. Specific Emergency Management responsibilities include, but are not limited to:**
- (a) **Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies, catastrophes or hostile military or paramilitary action.**
 - (b) **Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies, rescue, care, and treatment of persons victimized or threatened by disasters.**
 - (c) **Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.**
 - (d) **Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.**
 - (e) **Provisions of an emergency management system embodying all aspects of pre-emergency preparedness and post emergency response, recovery, and mitigation.**
 - (f) **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.**
- (4) **“Local Emergency Management Agency” means an organization created in accordance with the provisions of ss.252.31-252.91 to discharge the emergency management responsibilities and functions of a political subdivision.**

- (5) "Manmade Emergency" means an emergency caused by an action against persons or society, including but not limited to enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.
- (6) "Natural Emergency" means an emergency caused by a natural event including but not limited to a hurricane, a storm, a flood, a drought, or an earthquake.
- (7) "Technological Emergency" means an emergency caused by a technological failure or accident including but not limited to an explosion, transportation accident, radiological accident, or chemical or other hazardous material incidents.

SECTION 6. PERSON EMPOWERED TO DECLARE A LOCAL STATE OF EMERGENCY:

Pursuant to Chapter 252, Florida Statutes, which authorizes the waiver of procedures and formalities otherwise required of political subdivisions to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of an emergency, when a quorum of the Board of County Commissioners is unable to meet, the Chairman of the Board of County Commissioners, or the Vice-Chairman in his or her absence, or the County Administrator, or his or her designee in the absence of the Chairman and Vice-Chairman, is hereby designated and empowered to declare a local state of emergency whenever that person shall determine that a natural, technological or man made disaster, or emergency has occurred or that the occurrence or threat or one is imminent and requires immediate and expeditious action.

SECTION 7. LENGTH OF STATE OF EMERGENCY:

A state of emergency shall be declared by proclamation of the Chairman of the Board or the Vice-Chairman in his or her absence, or by the County Administrator, or his or her designee in the absence of the Chairman and Vice-Chairman. The state of emergency shall continue for seven days, and may be extended in seven day increments as necessary, or until the Chairman, or Vice-Chairman, finds that the threat or danger no longer exists and/or until a meeting of a quorum of the Board of County Commissioners can take place and terminate the state of emergency proclamation.

SECTION 8. ESTABLISHMENT OF THE HOLMES COUNTY DIVISION OF EMERGENCY MANAGEMENT:

There is hereby created and established the Holmes County Division of Emergency

Management. Such Division shall have an appointed Director. The Director shall be responsible for the organization, administration and operation of the Division of Emergency Management. The Director shall coordinate emergency management activities, services and programs within the county and shall serve as liaison with the State Division of Emergency Management and other local agencies and organizations.

SECTION 9. ACTIVATION OF DISASTER EMERGENCY ACTIVITIES:

A proclamation declaring a state of emergency shall be the authority for taking emergency measures including, but not limited to, the use or distribution of any supplies, equipment, materials, facilities assembled or arranged to be made available pursuant to the disaster emergency plans of Holmes County. Such disaster emergency measures may include the following actions at the discretion of the Board:

- (a) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and combustibles.**
- (b) Establish curfews, including but not limited to, the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs and emergency calls by physicians.**
- (c) Utilize all available resources of the County Government as reasonably necessary to cope with the disaster emergency, including emergency expenditures.**
- (d) Declare certain areas off limits.**
- (e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area of the county.**
- (f) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.**
- (g) Establish emergency operating centers and shelters in addition to or in place of addition to or in place of those provided for in the County's Emergency Plans.**
- (h) Declare that during an emergency it shall be unlawful and an offense against Holmes County or any person, firm, or corporation to use the fresh water supplied by any water system in Holmes County for any purpose other than cooking, drinking and bathing.**

(i) Declare that during any emergency it shall be unlawful and an offense against Holmes County for any person, firm, or corporation operating within the County to charge more than the normal average retail price for any merchandise, goods, or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods or services were being sold during ninety (90) days immediately preceding the emergency or at a mark-up which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency.

(j) Allow the Chairman, Vice-Chairman, or in their absence, the County Administrator, or his or her designee, on behalf of the County, to call on the National Guard, other law enforcement divisions and state and federal assistance as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue, and traffic control.

SECTION 10. CONSTRUCTION:

Nothing in this ordinance shall be construed to limit the authority of the Board of County Commissioners to declare or terminate a state of emergency and take any action authorized by law when sitting in regular or special session.

SECTION 11. PENALTIES:

Any person, firm or corporation who refuses to comply with or violates any section of this ordinance, or the emergency measures which may be effective pursuant to this ordinance, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed sixty (60) days in the county jail, or both. Each day of continued non-compliance or violation shall constitute a separate offense.

Nothing contained herein shall prevent the County from taking such other lawful actions in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this ordinance or other emergency, measures which may be effective pursuant to this ordinance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION 12. CONFLICT:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 13. 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 portions of this ordinance.

SECTION 14. EFFECTIVE DATE:

This ordinance shall take effect according to law.

The foregoing ordinance was adopted by a vote of 5 to 0 by the Board of County Commissioners of Holmes County, Florida, after due notice and publication, motion, second and discussion, in the meeting of August 18, 1999.

**BOARD OF COUNTY COMMISSIONERS
HOLMES COUNTY, FLORIDA**

BY: *Rick Crews*
RICK CREWS, CHAIRMAN

ATTEST:
Cody Taylor
CODY TAYLOR, CLERK OF COURT

