

ORDINANCE 99-30

AN ORDINANCE DECLARING A STATE OF EMERGENCY AND DESIGNATING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, OR IN HIS ABSENCE, VICE-CHAIRMAN, OR IN THEIR ABSENCE, THE COUNTY COORDINATOR AS THE OFFICIAL WITH AUTHORITY TO TAKE CERTAIN EMERGENCY MEASURES RELATING THERETO; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hurricane Floyd has been designated a Category Five hurricane and poses a potential threat to the East Coast of the State of Florida; and

WHEREAS, based upon the information from the National Hurricane Center and County staff, there is a potential danger to the citizens of Nassau County from Hurricane Floyd

WHEREAS, the Board of County Commissioners desires to insure that there is complete preparedness in order to protect the lives, safety and property of the citizens of Nassau County; and

WHEREAS, because of the threat posed by Hurricane Floyd and in order to insure the readiness to deal with Hurricane Floyd, it is hereby determined that an Emergency Ordinance be adopted; and

WHEREAS, Chapter 125 and Section 252.38(3)(a), Florida Statutes, provides the authority to enact an emergency ordinance.

NOW, THEREFORE, BE IT ORDAINED this 13th day of September, 1999, by the Board of County Commissioners as follows:

SECTION 1.

It is the intent of the County to designate the Chairman of the Board of County Commissioners, or the Vice Chairman in his/her

absence, or in their absence, the County Coordinator, to authorize certain actions relating thereto.

SECTION 2.

The power and provisions of the county to act in such a manner are pursuant to Florida Statutes, Chapter 252. The County, through the officials so designated shall have an may exercise the authority as set forth in Florida Statutes, Section 252.38(3)(a).

SECTION 3.

A State of Emergency is here declared. The State of Emergency shall continue for seven (7) days from the date of this ordinance. The State of Emergency may be extended in Seven-day increments by Resolution or Proclamation by the Chairman of the Board of County Commissioners, or in his/her absence, the Vice Chairman.

SECTION 4.

This Ordinance shall activate the disaster emergency plans applicable to Nassau county and shall be the authority for use or distribution of any supplies, equipment, materials, facilities assembled or arranged to be made available, pursuant to such plans.

SECTION 5.

The Director of Emergency Management shall coordinate all emergency management activities, services, and programs, and shall report to the County Coordinator, or in his absence, directly to the Chairman of the Board of County Commissioners, and shall continue to report during the State of Emergency, and shall

coordinate with the County Coordinator and the Chairman of the Board of County Commissioners, or in his absence, the Vice Chairman of the Board of County Commissioners.

SECTION 6.

The purpose of this Ordinance is to provide authority and enforcement power to whatever action is necessary to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

b. Entering into contracts.

c. Incurring obligations.

d. Employment of permanent and temporary workers.

e. Utilization of volunteer workers.

f. Rental of equipment.

g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

h. Appropriation and expenditure of public funds.

i. Utilization of all available resources of the County government as reasonably necessary to cope with the disaster emergency, including emergency expenditures, not to exceed seventy-five thousand dollars (\$75,000.00).

j. Declare certain areas off limits

k. Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.

l. Establish Emergency Operating Centers and shelters, in addition to, or in the place of, those provided for in the County's Comprehensive Emergency Management Plan.

m. Allow the Chairman, or Vice Chairman, in his/her absence, or County Coordinator or his designee, in the absence of the Chairman or Vice Chairman, on behalf of the County, to call on the State of Florida Division of emergency Management, as necessary, to assist in the mitigation of the emergency, or to help maintain law and order, rescue and traffic control.

n. To exercise all other procedures as set forth in Section 252.35(3) (a), Florida Statutes.

SECTION 7.

Any person, firm, or corporation who refuses to comply with, or violates any section of this Ordinance, or the emergency measures which may be made effective pursuant to this Ordinance, shall be punished according to law, and upon conviction for such offenses, shall be punished by a fine, not to exceed Five hundred Dollars (\$500.00), or by 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 action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this Ordinance, or the emergency measures which may

be effective pursuant to this Ordinance. Such other lawful action shall include, but shall not be limited to, an equitable action for injunctive relief or any action at law for damages.

SECTION 8.


In the event this Ordinance conflicts with any other Ordinance of Nassau County or other applicable law, the more restrictive shall apply.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district, and independent provision, and such holding shall not affect the validity of the remaining portion.

SECTION 9.

This Ordinance shall take effect upon adoption.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



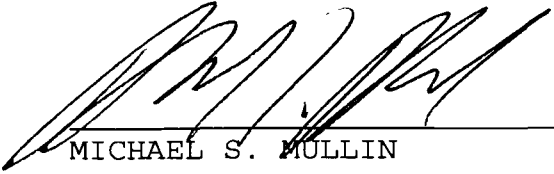
J. H. COOPER
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

36/a:hurr-floyd-ord