

ORDINANCE NO 2004 - 12

NASSAU COUNTY EMERGENCY ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO 2001-04, AND DECLARING A STATE OF EMERGENCY AND DESIGNATING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, OR IN HIS/HER ABSENCE, VICE-CHAIRMAN, OR IN THEIR ABSENCE, THE COUNTY COORDINATOR ADMINISTRATOR, AS THE OFFICIAL WITH AUTHORITY TO TAKE CERTAIN EMERGENCY MEASURES RELATING THERETO; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that the "Burn Index" requires the adoption of this Ordinance as an emergency ordinance; and

WHEREAS, because of the existing and continuing possibility of the occurrence of severe fires, and emergencies and destruction resulting therefrom, and in order to ensure readiness of Nassau County to adequately deal with such fires, and generally provide for the protection of the public health, safety, and welfare, and preserve the lives and property of the people of Nassau County, it is hereby determined to be in the best interest of Nassau County, that the following Ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED this 5TH day of April, 2004, by the Board of County Commissioners of Nassau County, Florida, 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~~ Administrator, 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 and may exercise the authority as set forth in Florida Statutes, Section 252.38(6)(e).

**SECTION 3.** A State of Emergency shall be declared by Resolution of the Board of County Commissioners, or Proclamation of the Chairman or Vice Chairman of the Board of County Commissioners in his/her absence. 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 (7) 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.** The Resolution or Proclamation declaring a State of Emergency 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 available, pursuant to such plans.

**SECTION 5.** The purpose of this Ordinance is to provide authority and enforcement power to whatever action is necessary to:

- a. Prohibit all outdoor burning, except pursuant to permits issued by the Division of Forestry. No outdoor burning would not pertain to cooking on attended and monitored barbecue equipment.
- b. Establish 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, not to exceed Fifty thousand and no/100 Dollars (\$50,000.00).
- d. Declare certain areas off limits.

- e. Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
- f. Establish Emergency Operating Centers and shelters, in addition to, or in place of, those provided for in the County's Comprehensive Emergency Management Plan.
- g. Allow the Chairman, or Vice Chairman, in his/her absence, or County ~~Coordinator~~ Administrator 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.

**SECTION 6.** 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 actions authorized by law when sitting in regular or special session.

**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.

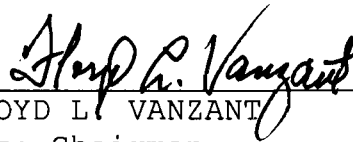
Nothing contained herein shall prevent the County from taking such other lawful actions in any Court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this Ordinance or the emergency measures which may be effective pursuant to this Ordinance.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

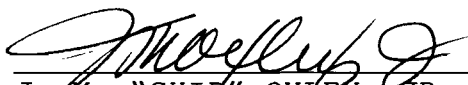
If any phase or portion of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

**SECTION 9.** This Ordinance shall take effect upon adoption.


BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
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FLOYD L. VANZANT  
Its: Chairman

ATTEST:

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

Approved as to form by the  
Nassau County Attorney

  
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MICHAEL S. MULLIN

anne/h:burn-ban2004