

**EMERGENCY ORDINANCE NO. 2020-04
TOWN OF PIERSON, FLORIDA**

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PIERSON, FLORIDA, DECLARING A STATE OF EMERGENCY WITHIN THE TOWN OF PIERSON IN ACCORDANCE WITH THE DECLARATION OF EMERGENCY BY THE GOVERNOR; ADOPTING EMERGENCY REGULATIONS TO ADDRESS PREPARATION, MANAGEMENT, AND MITIGATION OF THE COVID-19 THREAT; PROVIDING FOR NON-CODIFICATION, SEVERABILITY, AN EFFECTIVE DATE, AND AN EXPIRATION DATE.

WHEREAS, a respiratory illness due to a novel coronavirus (a disease now known as COVID- 19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States; and

WHEREAS the State of Florida has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS, on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID- 19 across the country; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 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, Governor Ron DeSantis of the State of Florida 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, on March 9, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency; and

WHEREAS, in accordance with § 252.38, Florida Statutes, Executive Order No. 20-52 authorizes the Town to waive the procedures and formalities otherwise required of the Town 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, the Town is cautioned against entering into time and materials contracts without ceiling as defined in 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;

WHEREAS, § 252.38(3), Florida Statutes, authorizes the Town of Pierson to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, § 166.041(3)(b), Florida Statutes, permits the Town to, by a 2/3 vote of the Town Council, enact an emergency ordinance without complying with the noticing and hearing requirements of § 166.041(3)(a), Florida Statutes; and

WHEREAS, Article II, § 1 of the Town's Charter provides the Town authority to address ordinances, rules, and regulations to maintaining the public health, addressing public health emergencies, and preserving the general welfare of the Town; and

WHEREAS the Florida Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID- 19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in the Town of Pierson, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS the Town must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid; and

WHEREAS, the Town finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF PIERSON, FLORIDA:

SECTION 1. Recitals. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Declaration of Emergency. The Town Council of the Town of Pierson finds, due to those reasons enumerated in the Recitals above, that a State of Emergency is hereby declared to exist within the Town of Pierson immediately upon the effective date of this ordinance. The Town Council therefore makes this formal declaration of a State of Emergency, which shall continue in accordance to the terms set forth herein, unless otherwise earlier terminated by the Town.

SECTION 3. Emergency Powers.

1. In accordance with applicable statutory, executive, and common law authority, the Town Council hereby elects to suspend the effect of any statute, ordinance, procedure, rule or order, to the extent necessary to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, including, but not limited to, any and all statutes, rules, ordinances, or orders affecting budgeting, leasing, printing, purchasing, travel, and the condition of employment and compensation of employees, provided that any such statute, ordinance, rule, or order is suspended only to the extent necessary to ensure timely performance of response to and mitigation of the COVID-19 virus. To this end, the Town Council opts to waive those procedures and formalities otherwise required of the Town as authorized by § 4, ¶ D. of the Governor’s Executive Order # 20-52, which order is incorporated herein by reference.
2. The Town shall have the right to exercise any of the powers specifically provided to local governments pursuant to § 252.38, Fla. Stat., and authorizes and directs the Town Council Chairman and Town Departments to execute those activities deemed necessary to respond to and mitigate the effects and conditions attributable to COVID-19 and any other related adverse health conditions concomitantly impacting the Town. For the purpose of carrying out COVID-19 mitigation, the Town Council Chairman and Town Clerk are directed and encouraged to seek assistance from any and all applicable federal, state, and local agencies that may be capable of providing medical services, compensation, or reimbursement to the Town.
3. During this declared state of emergency, all procedural and notice time periods affecting the normal functions of the Town, including those set forth in ordinances and rules of the Town, to the extent such requirements cannot be complied with due to the emergency, shall be temporarily suspended during the emergency. Such functions include, but are not limited to, permitting, development applications, code enforcement matters, and other municipal review and approval procedures.
4. The Town Council delegates the authority to renew this Ordinance pursuant to Section 7 of this Ordinance, to the Town Council Chairman, Samuel Bennett, who must do so in writing. Nothing, however, shall impede the authority of the Town Council to override such a renewal, take back renewal authority, or to veto any decision made by the Town Council Chairman with this power.

SECTION 4. Non-Codification. Given the temporary nature and effect of this Ordinance, it is the intent of the Town Council that this Ordinance will not be codified.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, 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 6. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 7. Effective Date. This Ordinance shall become effective immediately and expire seven (7) days from this date. It may be renewed as provided in law in seven (7) day increments, unless earlier terminated by the Town Council.


The within and foregoing Ordinance was introduced and read on first reading before the Town Council of the Town of Pierson, Florida at its meeting held at Pierson Town Hall held on the 17th day of March, 2020.

It was moved by Vice Chair Robert Greenlund and seconded by Council Member Thomas Larrivee that said Ordinance be approved on first reading. A roll call vote of the Council held on said motion for approval of the Ordinance resulted as follows:


Samuel G.S. Bennett, Chairman	<u>Aye</u>
Robert Greenlund, Vice Chairman	<u>Aye</u>
Thomas Larrivee, Council Member	<u>Aye</u>
James T. Peterson, Council Member	<u>Aye</u>
Herbert Bennett, Council Member	<u>Aye</u>

Whereupon the Chairman of the Town of Pierson, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said Town to affixed, at Pierson Town Hall, this 17th day of March, 2020 for the purpose of authenticity as is required by law.

Attest:



Carmen M. Spelorzi, Town Clerk



Samuel G. S. Bennett, Chairman
Pierson Town Council