

ORDINANCE NO. 2023-O-38

AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND DISASTER PREPAREDNESS) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND FOR ADOPTION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. It is necessary for the preservation and enhancement of the public health, safety and welfare and in the best interest of the city and its citizens to amend Chapter 8 (Comprehensive Emergency Management Plan and Disaster Preparedness).
2. Authorizing the City Manager to declare a State of Emergency within the City is more efficient when preparing for and responding to an emergency.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Edgewater, Florida:

PART A. AMEND CHAPTER 8 (COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND DISASTER PREPAREDNESS) OF THE CODE OF ORDINANCES, CITY OF EDGEWATER, FLORIDA

Chapter 8 (Comprehensive Emergency Management Plan and Disaster Preparedness) is amended pursuant to Exhibit “A”, which is attached and incorporated herein.

PART B. CONFLICTING PROVISIONS

All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

PART D. CODIFICATION

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Parts B through F shall not be codified.

PART E. EFFECTIVE DATE

This ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2023.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2023

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT “A”

CHAPTER 8 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND DISASTER PREPAREDNESS

Sec. 8-1. Purpose and declaration of policy.

This article [chapter] is enacted to clarify and designate powers and duties with regard to emergencies and disasters. It is intended to grant as broad a power as permitted by statutory and constitutional authority.

Sec. 8-2. Definitions.

The following words, terms and phrases, when used in this article [chapter], shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Average retail price. The average price at which similar merchandise, services, rentals or lodging were being sold or rented during the 30 days immediately preceding the declaration of a local emergency.

Civil emergency. Any condition of unrest, riot, civil disobedience, affray, unlawful assembly, hostile military or paramilitary action, war, terrorism, sabotage, or any similar condition.

Comprehensive emergency management plan. The plan adopted by the city council for the effective administration of emergency and disaster preparation, response, management and recovery.

Consumer good. Any service, article, product, merchandise or commodity of any kind or class, which is customarily produced or distributed for sale or rental at retail or provided for consumption by or [for] the use or benefit of individuals, including but not limited to foods, water, ice, clothing, lumber, hardware, chainsaws, generators, and home improvement materials; fuel products; and repairs, services, rentals or lodging.

Disaster. Whether natural or manmade, shall mean hurricane, flood, fire, tornado, earthquake, severe high or low temperatures, water contamination or pollution, land contamination or pollution, air pollution, landslide, mudslide, building or structural collapse, high water table, pandemic disease, epidemic, blight, drought, severe energy shortages, windstorm, hazardous substance spills or releases, radiation releases or exposures, infestation, explosions, sabotage, mass transportation accidents, public health emergencies, or any similar emergency.

Emergency. Any imminent threat or occurrence of a disaster, civil emergency or utility emergency that adversely affects the public health, safety or security affecting the city and its residents and inhabitants where it is determined that the exercise or discharge of emergency or disaster powers, as outlined in section 8-4, is necessary to save lives, protect property, protect the public health and safety, or to lessen or to avert the threat of a catastrophe or calamity within the city.

Enforcement official. Any police or law enforcement officer, any code compliance official, any fire department personnel, or division of emergency management, and any other appropriate municipal official.

Fuel product. Home heating oil, kerosene, propane, natural gas, diesel fuel, methanol, aviation fuel, bio-fuels and gasoline.

Utility emergency. Conditions which endanger or threaten to endanger the safety, potability, availability, transmission, distribution, treatment, or storage of water, natural gas, gas, fuel, electricity, communication, garbage, sewage, or any similar condition.

Sec. 8-3. Adoption of plan.

A comprehensive emergency management plan for the city shall be adopted by the city council by resolution and be maintained as a separate document. The city manager shall prepare and present to the city council for approval the comprehensive emergency management plan and such ongoing changes, amendments and revisions thereto necessary for its effective administration.

Sec. 8-4. Declaration, extension and termination of a state of local emergency; delegation of authority to declare, extend and terminate a state of local emergency.

(a) ~~(a)~~ — The city ~~council manager, or acting city manager in his/her absence,~~ has the power to declare a state of local emergency ~~and/or civil emergency~~ activating the emergency management plans applicable to the ~~Struck through~~ passages are deleted.
Underlined passages are added.

city when ~~the city council he or she~~ finds it necessary to protect the lives and property of the citizens of the city and to provide for the continued operation of essential services provided by the city. The city council manager may at any time extend or terminate the local state of emergency as necessary. A state of emergency declared by the city manager will terminate after 48 hours unless the state of emergency is affirmed by the city council prior to the expiration of the 48-hour period.

(b) Whenever the City Manager declares that a state of emergency exists, pursuant to section 8-4 (a) or during a declared state or county emergency pursuant to the provisions of chapters 252 or 381, Florida Statutes, the City Manager may order and promulgate, by issuance of a written emergency order, any, or all of the following *Emergency Management* measures, in whole or in part, with such limitations and conditions as he or she may deem appropriate, including but not limited to:

~~(b) In the absence of a quorum of the city council, the mayor, vice mayor, city manager, or the acting city manager in his/her absence, in the order named, based on availability, shall have the authority to declare a state of emergency.~~

~~(c) Any declaration of a state of emergency and all emergency regulations activated or rescinded under the provisions of this chapter and done absent of the city council, shall be confirmed by the city council no later than at the next regular meeting, unless the nature of the emergency renders a meeting of the city council extremely impractical.~~

~~(d) Emergency resolutions authorized by this chapter shall include, but are not limited to, the following subjects:~~

Resolution	Subject
A	Evacuation
B	Curfews; declaration of areas off limits
C	Suspension or regulation of the sale of, or offer to sell, with or without consideration, alcoholic beverages, explosives and flammables or combustibles
D	Prohibiting the sale of merchandise, goods or services at more than the average retail price
E	Water use restrictions
F	Suspension of local building regulations
G	Regulating the use of and rationing of fuel, ice and other essentials
H	Emergency procurement procedures
I	Authorizing the suspension of certain city codes, rules and regulations relating to temporary housing

~~(a) (e) Upon declaration of a state of local emergency and during the existence of a declared state of local emergency, the mayor or designated city official, in addition to any other powers conferred upon the mayor or designated city official by F.S. ch. 252, F.S. ch. 870, or other law, has the power and authority among other nonenumerated powers to:~~

- ~~(1) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the city if the mayor or designated city official deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery.~~
- ~~(2) Waive the procedures and formalities otherwise required of the city by law or ordinance pertaining 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.
- (3) Prohibit or regulate travel upon any public street, highway or upon any other public property. Persons in search of medical assistance, food or other commodity or service necessary to sustain the well being of themselves or their families or some member thereof may be excepted from such prohibition or regulation;
 - (4) Impose a curfew upon all or any portion of the city thereby prohibiting persons from being on public streets, highways, parks or other public places during the hours which the curfew is in effect. Any curfew restrictions will allow persons to travel during the curfew to their places of employment to report for work and to return to their residences after their work has concluded, pursuant to section 252.46(4), Florida Statutes;
 - (5) Prohibit any person, firm, or corporation from using the fresh water supplied by the city for any purpose other than cooking, drinking or bathing;
 - (6) Prohibit the sale or distribution of any alcoholic beverages, explosives, and flammables or combustibles during a state of emergency with or without the payment or a consideration therefore;
 - (7) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of place of business, places of entertainment and any other place of public assembly, unless authorized by the mayor or designated public official and must be for the purpose of assisting with disaster preparedness, response or recovery;
 - (8) Regulate the use of and ration fuel, ice and other essentials;
 - (9) Prohibit or regulate any demonstration, parade, march, vigil or participation therein from taking place on any of the public rights-of-way or upon any public property;
 - (10) Suspend local building regulations as necessary during the existence of a public emergency;
 - (11) Prohibit the sale of merchandise, goods or services at more than the average retail price;
 - (12) The restrictions referenced in sections (3) through (5) above may exempt, from all or part of such restrictions, physicians, nurses and ambulance operators performing medical services, on-duty employees of hospitals and other medical facilities, on-duty military personnel, bona fide members of the news media, personnel of public utilities maintaining essential public services, city authorized or requested firefighter, paramedic, law enforcement officers and emergency management personnel and such other classes of persons as may be essential to the preservation of public order and immediately necessary to preserve safety, health and welfare needs of the people within the city.
- (e) A declaration of a state of emergency shall activate the emergency plans applicable to the city. 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.
 - (f) A state of emergency, when declared as provided herein, shall continue in effect from day to day until declared to be terminated. Provided, however, that a state of emergency declared pursuant to F.S. § 870.041 et seq. shall commence upon the declaration thereof and shall terminate at the end of a period of seven consecutive days thereafter, unless, prior to the end of such seven day period, the public official or city official declaring the emergency shall have terminated such state of emergency. An extension of periods up to 72-hour time limit(s) may occur but must be accomplished by a declaration of extension of the state of emergency by the mayor or designated city official. A state of emergency declared by the city manager will terminate after 48 hours unless the state of emergency is affirmed by the city council prior to the expiration of the 48-hour period.

Sec. 8-5. Termination of a state of emergency.

A state of emergency may be terminated by the official declaring the emergency or a person eligible to declare an emergency ~~and the termination shall be confirmed by a vote of the city council, at the earliest convenience, or upon the certification of the person who originally requested the declaration of the state of emergency,~~ that the conditions leading to or causing the emergency no longer exist and the city's agencies and departments are able to manage the situation without extraordinary assistance. Provided, however, that a state of emergency established under F.S. § 870.041 et seq. shall terminate at the end of a period of seven consecutive days after the declaration of the emergency,

unless, prior to the end of the 72-hour period, the public official calling for a declaration of emergency or the city council has terminated such state of emergency. Notice of termination of the emergency declaration shall be made to the public by the city manager by available means. A state of emergency declared by the city manager will terminate after 48 hours unless the state of emergency is affirmed by the city council prior to the expiration of the 48-hour period.

A state of emergency or emergency order established under this Article:

1. *Civil Emergency* - Shall terminate at the end of a period of seventy-two (72) consecutive hours thereafter unless, prior to the end of such seventy-two (72) hour period, the City Manager or City Council shall have terminated such state of emergency. The *Civil Emergency* may be terminated, modified, or extended beyond the seventy-two (72) hour time limit by duly enacted ordinance or resolution of the City Council.

2. *Emergency In General* – Shall terminate seven (7) days after issuance. The *Emergency* may be terminated, modified, or extended beyond the seven (7) day time limit by a majority vote of the City Council by duly enacted ordinance or resolution. Any order issued in response to a non-weather related *Emergency* that limits the rights or liberties of individuals or businesses shall not extend beyond a total duration of forty two (42) days.

Sec. 8-6. City manager to act as director of emergency management.

Pursuant to the comprehensive emergency management plan, the city manager shall act as the director of emergency management with all of the authority of that position either granted by the city's comprehensive emergency management plan, the city council, federal or state law, city or county ordinances. The city manager or his designee shall appoint a coordinator of emergency management whose duties shall include the ongoing planning for and coordination of those actions necessary for the creation and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

Sec. 8-7. Powers and duties of director of emergency management.

The powers and duties of the director of emergency management shall include, but are not limited to, all of the following emergency measures:

- (1) Direct pre-emergency and emergency response activities by city departments and such emergency services personnel as the director of emergency management may designate or appoint.
- (2) Execute contracts and purchase or lease goods and services for emergency protection, construction or repair of public improvements and property to the extent allowed by law.
- (3) Lease real property or structures necessary for the continued operation of city government and essential services provided by the city.
- (4) Recommend the suspension of or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles.
- (5) Recommend the establishment of curfews, including, but not limited to, prohibition or restriction of pedestrian and/or vehicular movement, standing or parking, except for the provision of essential services, such as fire, police, utility emergency repairs, emergency medical services and hospital services, including the transportation of patients and emergency calls by physicians.
- (6) Identify and recommend the declaring of certain areas off limits.
- (7) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials and equipment.
- (8) Establish and operate emergency operation centers and shelters as necessary.
- (9) Recommend the declaring that it shall be unlawful for any person to use the fresh water supplied by the city for any purpose other than cooking, drinking or bathing.
- (10) Request assistance from other governmental agencies as necessary for mitigation of the emergency or disaster.

- (11) Coordinate with federal, state and other governmental agencies as may be necessary to plan and implement a joint jurisdiction emergency planning and disaster services plan and mutual aid arrangement.
- (12) Coordinate the city comprehensive emergency management plan with the county emergency management agency pursuant to F.S. ch. 252. Comply with all laws, rules, and requirements applicable to county emergency management agencies. Coordinate requests for state or federal emergency response assistance with the County of Volusia.
- (13) Consult with the city attorney in the planning and exercise of emergency powers.
- (14) Recommend for adoption by the city council mutual aid plans and agreements.
- (15) Direct emergency training activities.
- (16) Maintain a liaison with other municipal, state, regional and federal emergency management agencies.
- (17) In consultation with the city attorney, prepare all necessary emergency declarations, orders and rules and contracts or agreements.
- (18) Act as, or appoint, a media contact person during the state of local emergency.
- (19) Utilize those powers enumerated in F.S. ch. 252.
- (20) Delegate responsibilities as necessary to members of the recovery operations management team.
- (21) As necessary during and following any period of a declared state of emergency, enter onto roadways in private or gated communities or on private property for collection and removal of event-generated debris located in the rights-of-way and/or utility easements or on private property when it is determined on a case-by-case basis that the removal of such debris from private property may be in the public interest when it is required to eliminate or lessen an immediate threat to life, public health and safety, to reduce a threat of additional damage to improved property, or to promote economic recovery of the community at large, subject to the section 8-13 below, on debris and hazard removal.
- (22) Assume other emergency responsibilities as assigned by the city council.

Sec. 8-8. Operational organization.

The emergency management services organization of the city, which includes, but is not limited to, emergency operation center management group, emergency preparedness task force, emergency response team and the long term disaster recovery team, shall consist of municipal officers and employees who may be designated by the director of emergency management, volunteer workers, and paid noncity workers deemed necessary by the director of emergency management to accomplish emergency management planning and response goals.

Sec. 8-9. Police emergencies.

- (a) A public 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 City Manager (or, if unavailable, the Acting City 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 alcoholic beverages; explosives and combustibles; evacuation; and other like actions. The City Manager, or if unavailable, the Acting City Manager, shall report said certification to the ~~officials in the order named in subsection 8-4(b)~~city council regarding the need to declare a state of emergency. Pursuant to section 8-4, a declaration of emergency may then be issued.
- (b) Declaration of a public emergency because of civil unrest or imminent threat to public peace or order shall authorize the ~~mayor, vice mayor,~~ city manager or other designated official to exercise the powers provided in section 8-4 or require automatic emergency measures pursuant to F.S. § 870.44 et seq. In addition, additional discretionary emergency measures pursuant to F.S. § 870.045 may be issued.

Sec. 8-10. Fire and hazardous materials emergencies.

- (a) A public emergency may be declared because of fire, emergency medical condition or a hazardous materials incident emergency when the chief of the fire-rescue department, or if unavailable, the next highest ranking officer in the fire-rescue department chain of command, certifies to the city manager or designee that an actual or potential condition arising from fire, medical condition, explosion, chemical, radiological or biological spill, release or exposure, building or bridge collapse, or plane, train, or other vehicle accident, or other actual or potential occurrences which pose an unreasonable risk to health, safety and property, which requires extraordinary measures for control, including, but not limited to, calling out of off-duty and reserve personnel; assistance by outside agencies; evacuation; and other like actions. The City Manager shall report said certification to the ~~officials in the order named in subsection 8 4(b)~~city council regarding the need to declare a state of emergency. Pursuant to Section 8-4, a declaration of emergency may then be issued.
- (b) Declaration of a public emergency because of fire, chemical, radiological or biological and hazardous material emergency shall authorize the city manager or other designated official to exercise the powers provided in section 8-4.

Sec. 8-11. Utility emergencies.

- (a) A public emergency may be declared because of utility conditions when the director of the environmental services department, or if unavailable, the next highest ranking environmental services department official, certifies to the city 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 city's water or waste water utility system; or
 - (2) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, distribution, or storage of gas through or within the gas utility system provided throughout the city; 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 like actions.
- (b) The city manager shall report said certification to the ~~officials, in the order named in subsection 8 4(b)~~city council regarding the need to declare a state of emergency. Pursuant to section 8-4, a declaration of emergency may then be issued.
- (c) Declaration of a public emergency because of utility conditions shall authorize the exercise of emergency powers provided in section 8-4.

Sec. 8-12. Weather emergencies.

- (a) A public emergency may be declared because of weather conditions when the National Weather Service or a state, county or local emergency management agency informs the city 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, hurricanes, floods, tornadoes, or other severe weather conditions and the results may be considered to be hazardous or harmful to the community. The city manager shall ~~request report the need to a declaration-declare~~ of a state of emergency ~~from the officials in the order named in subsection 8 4(b)-to the city council~~. Pursuant to section 8-4, a declaration of emergency may then be issued.
- (b) Declaration of a public emergency because of weather conditions shall authorize the exercise of emergency powers provided in section 8-4.

Sec. 8-13. Debris and hazard removal.

A declaration of local emergency under this chapter shall implement the process by which the city assumes responsibility during and following any period of a declared state of local emergency to enter onto roadways in private or gated communities or on private property for collection and removal of event-generated debris located in the rights-of-way and/or utility easements or on private property when it is determined on a case-by-case basis by the director of emergency management that the removal of such debris from private property may be in the public interest when

it is required to eliminate or lessen an immediate threat to life, public health and safety, to reduce a threat of additional damage to improved property, or to promote economic recovery of the community at large. Prior to such entry, the owner(s) of said roadways in private or gated communities, or the authorized representative(s) of the private or gated community, shall agree in writing to indemnify, when reasonable to do so, and hold harmless the city, county, and state from liability associated with or arising out of entry onto private roadways and/or utility easements and the collection and removal of event-generated debris under this section. If the owners or authorized representative(s) of private property cannot be immediately contacted in order to obtain a written agreement for entry, the city shall complete the minimal task required on the private property in order to correct any immediate threat to life, public health and safety.

Sec. 8-14. Suspension of local building regulations.

The city 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 city manager that such action is necessary for the expeditious restoration of property damaged by the emergency event. 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 city manager. The city manager shall communicate to the city council the need to suspend local building regulations to the ~~officials, in the order named in subsection 8-4(b).~~ city council. The city council shall confirm the suspension ~~pursuant to section 8-4 at their next regular meeting.~~

Sec. 8-15. Certification of emergency conditions.

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

Sec. 8-16. Prohibition on price gouging.

- (a) Upon declaration of an emergency pursuant to section 8-4, and during the duration of such emergency, it shall be prima facie evidence that an unlawful method of competition and an unfair and deceptive trade act or practice has occurred if any individual or business entity doing business in the city charges more than the average retail price for any consumer good and such price exceeds the average price at which the same or similar consumer good was readily obtainable in the city during the 30 days immediately prior to a declaration of a state of emergency; or the charges represent a gross disparity between the price of the consumer good or dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately prior to a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or national or international market trends; or for a person or his agent or business entity or its employee to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any consumer good including, but not limited to, supplies, services, provisions or equipment that is necessary for consumption or use as a direct result of the emergency.
- (b) This section does not prevent the seller of consumer goods from charging an amount in excess of the average retail price if such higher price is the direct result of, and limited to, any increased costs due to the transportation of the consumer good during the state of emergency or any increased cost for the consumer goods from the manufacturer, distributor or wholesaler to the seller. In such instances, only the actual cost increase per item from the manufacturer, distributor or wholesaler can be added to the average retail price.
- (c) A price increase approved by an appropriate government agency shall not be in violation of this section.

Sec. 8-17. Portable generators.

The use and operation of a portable auxiliary electrical generator is prohibited within or on the following areas:

- (1) Within five feet of any opening (includes, but is not limited to, doors and windows) into a building or structure;
- (2) Within garages, enclosed or partially enclosed areas, or under eaves or other overhangs;

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- (3) On roofs or roof areas, balconies, ingress/egress areas and discharge ways, including but not limited to walkways, stairways and stairwells.
- (4) The generator shall be operated in a safe manner and in accordance with NFPA 70, the National Electric Code and all other applicable laws, regulations and city ordinances.

Sec. 8-18. Penalty for violation of emergency declaration, order or rule.

Any violation of an emergency declaration, order or rule issued pursuant to F.S. ch. 252 shall be punishable as provided in F.S. ch. 252.

Sec. 8-19. Emergency housing.

Sec. 8-19.1. Declaration of housing emergency.

- (a) *Activation.* Upon declaration of a state of local emergency pursuant to section 8-4 above, and during the pendency thereof, the city council, as a part of the original declaration or at any time during the duration of a declared state of local emergency, may declare a state of housing emergency for all or any part of the City of Edgewater.
- (b) *Areas embraced.* Any declaration of housing emergency under this section must define the boundaries of all areas subject to the terms of this section 8-19.
- (c) *Termination.*
 - (1) A declaration of housing emergency survives the termination of any state of local emergency declared under section 8-4 and may only terminate, in whole or in part, by formal action of the city council.
 - (2) *Partial termination.* On its own initiative or upon petition by the governing body of a municipality, and based on findings regarding the status of housing stock in the areas being considered, the city council may amend the housing emergency declaration resolution to expand or contract the areas embraced.
 - (3) The status of the housing emergency shall be evaluated 90 days after its declaration and every 90 days thereafter as long as the housing emergency declaration is in effect to determine if formal action by the city council is warranted to amend or terminate the declaration.
- (d) *Effect of a housing emergency declaration.* Upon the declaration of a housing emergency, the provisions of section 8-19 become applicable in all the areas embraced by the housing emergency declaration. If a disaster housing plan is adopted as a part of the city's comprehensive emergency management plan, all actions pursuant to section 8-19 shall be consistent with that disaster housing plan.

Sec. 8-19.2. Regulatory provisions.

- (a) *Definitions.*

Community sites means option for temporary housing when extensive construction and building of an entire community, including such things as building roads; laying water, sewer, electrical, and telecommunications lines; and arranging for public transportation, police, fire, and emergency medical services, is involved.

Essential services means services necessary to a basic standard of living and the general welfare of society. Services may include, but not limited to the following: electrical services, gas services, and water and wastewater treatment services.

Owner-builder means owners of property when acting as their own contractor and providing direct, onsite supervision themselves when building or improving single-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease.

Pre-fabricated dwelling means a unit that is factory built or built on site from modular parts and generally does not have wheels (for example, "Katrina" cottage).

Recreational vehicle means a vehicle built on a single chassis, 400 square feet or less, designed to be self-propelled or permanently towable by a light duty truck, and designed as temporary living quarters for recreational, camping, travel, or seasonal use.

Temporary housing means temporary accommodations for individuals or families whose homes are made uninhabitable by an emergency or a major disaster that meets the physical accessibility needs of the household and includes essential utilities, access to areas for food preparation, and bath facilities in a context that allows a family to live together with a reasonable amount of privacy for a period generally up to 18 months.

Temporary housing unit means manufactured housing, recreational vehicle, travel trailer, or pre-fabricated dwelling.

Wrap-around services means the delivery of infrastructure and additional essential services to address disaster-related needs of affected residents living in community sites. These services go beyond the physical need for housing or political subdivision of a state and typically include basic social services and access to utilities, transportation, grocery stores, and medical and employment facilities.

(b) *Single-family or two-family residential parcels.* Upon the activation of a housing emergency declaration and subject to the conditions contained in this section, temporary housing units may be used as temporary housing by individuals who have been displaced from their private, primary residence that is deemed uninhabitable due to damage from a disaster, given the following conditions. Such primary residence is defined as a parcel normally designated by the applicable future land use plan map and/or by the applicable zoning map as being a detached, single-family residential parcel or parcel allowing a duplex (two-family) residence.

- (1) A permit for a temporary housing unit must be obtained through the building department.
- (2) The permit for a temporary housing unit shall be issued for no more than 18 months. Permit extensions may be allowed as warranted.
- (3) A maximum of one temporary housing unit (or two in the case of a two-family residence) will be allowed on an existing home site provided:
 - a. The home located on the site has been declared uninhabitable by the city building official or designee.
 - b. The water service and wastewater service must be properly connected to a functioning water service and sanitary sewer system or septic system in accordance with codes in effect at the time. However, if connection to a functioning service is not feasible, other water and wastewater services may be utilized subject to Volusia County Health Department approval.
 - c. Setback requirements will be waived during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any adjacent public right-of-way or onto any adjacent property.
 - d. Electrical service must be available on site and have a proper connection for a temporary housing unit.
 - e. Only a licensed contractor or an owner-builder will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.
- (4) The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than 18 months after the date of the issuance of the temporary housing building permit, unless an appropriate extension of the temporary permit has been granted.

(c) *Multi-family residences and non-residential parcels.* Upon the activation of a housing emergency declaration and subject to the conditions contained in this section, temporary housing units may be used as temporary housing regardless of the property's zoning and/or comprehensive future land use designation, exclusive of detached, single-family residential and two-family residential properties, given the following conditions:

- (1) A permit for a temporary housing unit must be obtained through the building department.
- (2) The permit for a temporary housing unit shall be issued for no more than 18 months. Permit extensions may be allowed as warranted.
- (3) A functioning public water and wastewater services shall be utilized if feasible. However, if connection to functioning public services is not feasible, other water and wastewater services may be utilized subject to Volusia County Health Department approval.

- (4) Electrical service must be available on site and have a proper connection for a temporary housing unit.
 - (5) Only a licensed contractor will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.
 - (6) Setback requirements will be waived during the duration that the temporary housing unit is permitted. However, the temporary housing unit cannot extend into any adjacent public right-of-way or onto any adjacent property.
 - (7) The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than 18 months after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.
- (d) *Community sites.* Upon the activation of a housing emergency declaration and subject to the conditions contained in this section, temporary housing units may be used as temporary housing in a community site regardless of the property's zoning and/or comprehensive future land use designation, exclusive of detached, single-family residential properties, subject to the following conditions:
- (1) Authorization from the city manager must be provided before arranging for the establishment of temporary housing in a group setting.
 - (2) The community site may be, but is not limited to, an existing mobile home park with available pads, a recreation site, or vacant land that can accommodate temporary housing that may be built from the ground up as a community site.
 - (3) A concept plan for the community site shall be approved by the development services, planning and zoning division prior to the issuance of permits for locating temporary housing units on the community site.
 - (4) Permits must be obtained for the temporary housing units through the building department.
 - (5) The permit for a temporary housing unit shall be issued for no more than 18 months. Permit extensions may be allowed as warranted.
 - (6) Functioning public water and wastewater services shall be utilized if feasible. If connection to functioning public services is not feasible, other water and wastewater services may be utilized subject to Volusia County Health Department approval.
 - (7) Minimum setbacks shall be in compliance with the host parcel's zoning designation.
 - (8) If no pavement is in place, all vehicular drives and parking areas shall at least be surfaced with shell, gravel or similar material to control dust.
 - (9) The use of a temporary housing unit in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease no later than 18 months after the date of the issuance of the applicable building permit, unless an appropriate extension of the building permit has been granted.

Sec. 8-19.3. Implementation through comprehensive plan.

The City of Edgewater Comprehensive Plan shall be reviewed and amended as necessary to facilitate the implementation of the requirements of section 8-19.2.

Sec. 8-19.4. Areas embraced.

Pursuant to Section 2.01 of the City of Edgewater Charter, the ordinance from which sections 8-19—8-19.3 are derived shall be effective in the incorporated areas of the City of Edgewater.