



## TOWN OF CUTLER BAY

### DECLARATION OF STATE OF EMERGENCY

A State of Emergency was declared by Governor Rick Scott of the State of Florida, Executive Order No. 17-235 (*Exhibit "A"*) effective at 11:00 AM on September 4, 2017 and by Mayor Carlos Gimenez of Miami-Dade County (*Exhibit "B"*) effective at 12:30 PM on September 5, 2017.

The five (5) day forecast from the National Hurricane Center predicts, that on Saturday, September 9, 2017, Hurricane Irma will be a major hurricane and will enter South Florida. Hurricane Irma poses a severe threat to the entire State of Florida, and the Town of Cutler Bay, and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of the Town.

As Town Manager of the Town of Cutler Bay, I, Rafael G. Casals, exercise the authority given me under Chapter 12, Article II, Sec. 12-23 (a) of the Town Code, declare a State of Emergency for the Town of Cutler Bay, and elect to adopt orders issued by the State of Florida and Miami-Dade County emergency management agencies, and will be in effect until further notice.

Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the Town (*Exhibit "C"*). I hereby direct all departments of the Town to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

Rafael G. Casals

Name

Rafael Casals

Signature

Town Manager

Title

September 6, 2017

Date

#### EXHIBITS

- Exhibit "A" – Governor Rick Scott Declaration of State of Emergency, Executive Order No. 17-235
- Exhibit "B" – Miami-Dade County Mayor Carlos Gimenez Declaration of Local State of Emergency
- Exhibit "C" – Town Code, Emergency Management, Chapter 12, Article II

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 17-235 (Emergency Management – Hurricane Irma)

**WHEREAS**, as of 11:00 a.m. on Monday, September 4, 2017, Hurricane Irma is a major hurricane located approximately 560 miles east of the Leeward Islands with maximum sustained winds of 120 mph;

**WHEREAS**, the five-day forecast from the National Hurricane Center predicts that, on Saturday, September 9, 2017, Hurricane Irma will be a major hurricane located somewhere north of Cuba and south of Andros Island in the Bahamas;

**WHEREAS**, current forecast models predict that Hurricane Irma will head into the Straits of Florida as a major hurricane;

**WHEREAS**, current forecast models predict that Hurricane Irma will make landfall somewhere in South Florida or Southwestern Florida as a major hurricane;

**WHEREAS**, current forecast models predict that Hurricane Irma will travel up the entire spine of Florida;

**WHEREAS**, Hurricane Irma poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;

**WHEREAS**, as Governor, I am responsible to meet the dangers presented to this state and its people by this emergency;

**NOW, THEREFORE, I, RICK SCOTT**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida



Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in every county in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)–(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-.933, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the

needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Designate Deputy State Coordinating Officers.

E. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

F. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to waive or deviate from the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may waive all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such waiver issued by the Executive Office of the Governor.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent,



hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or, (2) directed by the State Coordinating Officer. Any waiver of statutes, rules, ordinances, or orders shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire thirty days from the date of this Executive Order, unless extended in increments of no more than thirty days by the agency, and in no event shall remain in effect beyond the earlier of the date of expiration of this Order, as extended, or ninety (90) days from the date of issuance of this Order.

C. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision 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;
- 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.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Reverse the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive the hours of service requirements for such vehicles;

5) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and,

6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size



and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived herein or by supplemental order by the State Coordinating Officer;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

- 1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;
- 2) Waive the hours of service requirements for such vehicles;
- 3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to Chapter 207 Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;
- 4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag

certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

H. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to



the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

- A. Maintain an accurate and up-to-date list of all such closures; and,
- B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct

that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 7. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204 for a person 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 essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(5)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term "essentials", as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term "commodity", as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as "essential commodities"). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this



Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and,
- D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the date of this Order.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 4th day of September, 2017.

  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

FILED  
2017 SEP -4 PM 4:34  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA



**MIAMI-DADE COUNTY DECLARATION OF LOCAL STATE OF EMERGENCY**

WHEREAS, Chapter 252.38.(3)(a) Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law, and;

WHEREAS, Hurricane Irma may require extraordinary and immediate actions by Miami-Dade County in order to protect the public health, safety, and welfare;

THEREFORE, as County Mayor of Miami-Dade County, I hereby declare a State of Local Emergency that will continue for seven (7) days or if cancelled before that period of time. This Local State of Emergency includes all of Miami-Dade County.

Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the community. This specifically includes, but is not limited to, orders related to the items listed in 1.a-p attached. The Deputy Mayors, through the Director of the Office of Emergency Management, are hereby ordered to take whatever prudent actions are necessary to effectuate such orders and to otherwise protect the health, safety, and welfare of the community.

Enacted:

Signed: \_\_\_\_\_

  
COUNTY MAYORDate: 9-5-17Time: 12:30 p.m.

Witness: \_\_\_\_\_



Cancelled:

Signed: \_\_\_\_\_

COUNTY MAYOR

Date: \_\_\_\_\_

Time: \_\_\_\_:

Witness: \_\_\_\_\_

## Miami-Dade County Declaration of Local State of Emergency

**Action Options for State of Local Emergency**

- I. Executive Orders of the Mayor to include:
  - a) Employee Recall order: An order recalling Miami-Dade County employees from vacation, canceling days off, and mobilizing all personnel required for disaster response;
  - b) Authorize the Internal Services Department to suspend normal leasing and bid procedures to procure space, structures or other items under their normal authority for disaster response determined necessary by the Director;
  - c) Authorize procurement of supplies, equipment, and services without formal bidding procedures;
  - d) Evacuation Order: A mandatory order(s) directing the evacuation of appropriate area(s) of the County deemed to be in imminent danger from disaster;
  - e) Curfew: In the period before, or during and immediately after an event, an order imposing a general curfew applicable to the County as a whole, or to geographical area(s) of the County and during hours the Mayor deems necessary, and from time to time, to modify the hours the curfew will be in effect and what area(s) it applies to;
  - f) An order requiring any and all commercial establishments located in area(s) of imminent or actual danger to close and remain closed until further order;
  - g) An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are predominantly sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sales of alcoholic beverages, and in which such alcoholic beverages may be removed or made secure from seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, at the discretion of the Mayor, be allowed to remain open;
  - h) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of Miami-Dade County;
  - i) An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly attached to a gas powered vehicle;
  - j) An order requiring the closure of any or all establishments where firearms and/or ammunition are sold or otherwise dispensed; provided that with



## Miami-Dade County Declaration of Local State of Emergency

respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition, and in which such firearms or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than firearms and ammunition may, at the discretion of the Mayor, be allowed to remain open;

- k) An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;
- l) In addition to the provisions of Chapter 8A-5 of the Code of Miami-Dade County, orders to prevent price gouging for any essential commodity, dwelling unit, or storage facility;
- m) Orders requesting the conservation of water supplies; and
- n) Such other orders as are immediately necessary for the protection of life and property; provided, however, that any such orders shall, at the earliest practicable time, be presented to the Board for ratification or confirmation in accordance with this chapter;
- o) The Mayor shall cause any proclamation ordered by the Mayor or the Board pursuant to the authority in this chapter to be delivered to all news media within the County, and shall utilize whatever available means to give public notice of such proclamation.
- p) The Mayor is hereby authorized to cancel any or all meetings of Miami-Dade County boards, authorities, agencies, instrumentalities and councils.

## Chapter 12 - EMERGENCY MANAGEMENT<sup>11</sup>

Footnotes:

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**State Law reference**— Emergency management, F.S. ch. 252.

### ARTICLE I. - IN GENERAL

Secs. 12-1—12-18. - Reserved.

### ARTICLE II. - CIVIL EMERGENCIES

Sec. 12-19. - Definitions.

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

*Average retail price* means the price at retail for merchandise, goods or services at which similar merchandise, goods or services were being sold immediately preceding a declaration of public emergency.

*Emergency* means a condition which threatens or adversely affects the public health, safety, property, public peace, general welfare or security and which is or threatens to be beyond the control of those public and private agencies normally responsible for the management of such a condition, resulting from an act of imminent threatened act of war, riot, terrorism, mob or other acts of violence, from conflagration, explosion, hazardous materials incident or release, from a weather event such as a flood, hurricane or tornado, from a disruption in utility systems, or from any other cause, reason, condition or circumstance.

*Town manager* means the town manager designated in accordance with section 3.1 of the town Charter or the acting town manager designated in accordance with section 3.4 of the town Charter, and who has the powers delineated in sections 3.3 and 3.4 of the town Charter.

(Ord. No. 10-07, § 2(8B-1.1), 6-16-2010)

Sec. 12-20. - Applicability of provisions.

All officers, employees, contractors, vendors, boards, commissions, authorities and other agencies of the town are subject to the provisions of this article.

(Ord. No. 10-07, § 2(8B-1.2), 6-16-2010)

Sec. 12-21. - Emergency management structure.

- (a) The town manager shall perform the function of director of emergency management and shall implement, manage and report on all actions authorized and taken under the provisions of this article.



- (b) The town manager or the town manager's designee shall plan for the coordination of those actions necessary for the creation and maintenance of an effective emergency response capability to prepare for and manage emergency conditions.

(Ord. No. 10-07, § 2(8B-1.3), 6-16-2010)

Sec. 12-22. - Powers, duties and responsibilities.

The town manager, when acting as the director of emergency management, shall have the following powers, duties and responsibilities:

- (1) To declare a state of emergency pursuant to section 12-23; provided, however, that to the extent possible under the circumstances, the public announcement of such declaration shall be made by the mayor, together with the manager, and to promptly file with the town council a certificate showing such emergency and the necessity for such action.
- (2) To direct the creation, revision and the exercise of emergency response plans consistent with state and county emergency plans for the mitigation of, preparation for, response to, and recovery from emergencies, and to exercise all powers permitted by F.S. ch. 252.
- (3) To recommend a budget to the town council from the creation and maintenance of an emergency response capability as provided in this article.
- (4) To issue emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency.
- (5) To plan for and develop an emergency operations control center to include equipment, manning and operational procedures necessary to the management and control of emergency conditions, as well as procurement of necessary goods and services.
- (6) To develop and manage the town's emergency awareness public information program.
- (7) To apply for public assistance or other disaster relief funding.
- (8) To coordinate emergency management efforts with his counterparts in municipalities across the county, the county, state and nation.
- (9) To award contracts and expend necessary town funds for emergency relief and provide for the town council an itemized account of all expenditures. Further, this article shall constitute town council consent and approval of the town manager's contractual and purchasing authority hereunder as required pursuant to section 3.10 of the town Charter. The town council may, by resolution, establish procedures which apply to this subsection.

(Ord. No. 10-07, § 2(8B-1.4), 6-16-2010)

Sec. 12-23. - Declaration of a state of emergency.

- (a) The town manager shall have the sole authority to declare a state of emergency hereunder.
- (b) Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article and any emergency expenditures made hereunder pursuant to section 12-22(9) shall be confirmed by the town council by resolution no later than at the next regular meeting, or as reasonably as possible, unless the nature of the emergency renders a meeting of the town council impossible. Confirmation of the emergency declaration shall disclose the reasons for actions proposed and taken to manage the emergency, and other pertinent data relating to the emergency requiring the declaration.

- (c) Emergency ordinances, which may be enacted after the fact, authorized under section 4.4 of the town Charter and by this article may include, but are not limited to, the following subjects:
  - (1) Evacuation;
  - (2) Curfews, declaration of areas off limits;
  - (3) Suspension or regulation of the sale of, or offer to sell, with or without consideration, alcoholic beverages, ammunition, firearms, explosives, or combustibles;
  - (4) Prohibiting the sale of merchandise, goods or services at more than the average retail price;
  - (5) Water use restrictions;
  - (6) Suspension of local building regulations;
  - (7) Regulating the use of and rationing of fuel, ice, bottled water, and other essentials;
  - (8) Emergency appropriations procedures in compliance with section 4.4(5) of the town Charter.
- (d) A declaration of a state of emergency shall activate the emergency plans applicable to the town. A declaration of a state of emergency shall automatically invoke the emergency measures of F.S. § 870.044, if the emergency relates to overt acts of violence or the imminent threat of such violence.
- (e) A state of emergency, when declared, shall continue in effect from day-to-day until declared to be terminated by the town manager or town council in accordance with section 12-24.
- (f) Upon the declaration of a state of emergency, the town manager shall post a written notice of such declaration upon the main bulletin board in town hall, and shall, as promptly as practicable, file with the town clerk a notice of a declared state of emergency, or emergency measure declared or ordered and promulgated by virtue of state statutes. The town manager shall notify the local media if practicable and shall post the notice on the town's website as soon as practicable.
- (g) The town manager may issue orders pursuant to this article and may elect to adopt orders issued by county or state emergency management agencies.

(Ord. No. 10-07, § 2(8B-1.5), 6-16-2010)

#### Sec. 12-24. - Termination of a state of emergency.

A state of emergency shall be terminated by a vote of the town council if practicable or upon the certification of the town manager that the conditions leading to or causing the emergency no longer exist and the town's agencies and departments are able to manage the situation without extraordinary assistance; provided, however, section 4.4(4) of the town Charter is adhered to, which provision requires automatic repeal of the declaration and associated emergency ordinances by the 91st day from enactment; provided, additionally, that a state of emergency established under F.S. §§ 870.041—870.048 shall terminate at the end of a period of 72 consecutive hours after the declaration of the emergency, unless, prior to the end of the 72-hour period, the town manager or the town council has terminated such state of emergency. Any extension of the 72-hour time by the town manager must be confirmed by the town council by resolution at the next regular meeting, unless the nature of the emergency renders a meeting of the town council impossible. Notice of termination of the emergency declaration shall be made to the public by the town manager by the same means as the notice of the declaration of the state of emergency, as provided under section 12-23.

(Ord. No. 10-07, § 2(8B-1.6), 6-16-2010)

#### Sec. 12-25. - Police emergencies.

- (a) An emergency may be declared because of civil unrest, terrorist act or other 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 town 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 of control, including, but not limited to, curfew; blockage; proscription of the sale of firearms, other weapons or alcoholic beverages; explosives and combustibles; evacuation; and other similar actions. The town manager may issue a declaration of a state of emergency in accordance with this section 12-23.

- (b) The declaration of a state of emergency because of civil unrest, terrorism or other imminent threat to public peace, health, welfare, and property or order, shall authorize the issuance of emergency ordinances, as may be required and may, if applicable, require automatic emergency measures pursuant to F.S. § 870.044. In addition, additional discretionary emergency measures pursuant to F.S. § 870.045 may be issued.
- (c) A state of emergency may be declared because of fire and hazardous materials emergencies, utility emergencies, and weather emergencies when the chief of police, public works director, or designee, certifies to the town manager that an emergency condition exists.

(Ord. No. 10-07, § 2(8B-1.7), 6-16-2010)

Sec. 12-26. - Fire and hazardous materials emergencies.

- (a) An emergency may be declared because of fire or a hazardous materials incident emergency when the fire chief, or designee, certifies to the town manager that an actual or potential condition arising from fire, explosion, chemical spill or release, building collapse, or plane, train or other vehicle accident, requires extraordinary measures for control, including, but not limited to, calling out of off-duty personnel; assistance by outside agencies; evacuation; and other similar actions. The town manager may issue a declaration of a state of emergency in accordance with section 12-23.
- (b) The declaration of public emergency because of fire and hazardous material emergency shall authorize the issuance of emergency resolutions and other appropriate resolutions, as may be required.

(Ord. No. 10-07, § 2(8B-1.8), 6-16-2010)

Sec. 12-27. - Utility emergencies.

- (a) An emergency may be declared because of utility conditions when the public works director, or designee, or the authorized representative of the relevant utility certifies to the town manager the following:
  - (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 through or within the town;
  - (2) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, distribution, or storage of gas or electricity through or within the town; or
  - (3) Extraordinary actions to control and correct the situation are required, including, but not limited to, emergency purchase; calling out of off-duty personnel; assistance by outside agencies; and other similar actions.
- (b) The declaration of a state of emergency because of utility conditions shall authorize the issuance of emergency resolutions or orders, and other appropriate resolutions or orders, as may be required.

(Ord. No. 10-07, § 2(8B-1.9), 6-16-2010)

Sec. 12-28. - Weather emergencies.

- (a) An emergency may be declared because of weather conditions when the national weather service or a state, county or local emergency management agency informs the town 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, tornados, or other severe weather conditions and the results therefrom. The town manager may issue a declaration of a state of emergency in accordance with section 12-23.
- (b) The declaration of a public emergency because of weather conditions shall authorize the issuance of emergency resolutions and other appropriate resolutions, as may be required.

(Ord. No. 10-07, § 2(8B-1.10), 6-16-2010)

Sec. 12-29. - Suspension of local building regulations.

The town manager may authorize a suspension of local building regulations during and following a declared state of emergency when the building official certifies to the town manager that such action is necessary for the expeditious restoration of property damaged by an emergency event. 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 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 town manager.

(Ord. No. 10-07, § 2(8B-1.11), 6-16-2010)

Sec. 12-30. - Certification of emergency conditions.

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

(Ord. No. 10-07, § 2(8B-1.12), 6-16-2010)

Sec. 12-31. - Penalty.

Any person, firm or corporation who violates any provision of this article or orders issued hereunder, for which another penalty is not specifically provided herein or required by law shall, upon conviction, be subject to such fine or imprisonment or both as provided by section 1-16. Each day that a violation shall continue to exist shall constitute a separate offense.

(Ord. No. 10-07, § 2(8B-1.13), 6-16-2010)

Secs. 12-32—12-50. - Reserved.

ARTICLE III. - EMERGENCY SERVICES

DIVISION 1. - GENERALLY

Secs. 12-51—12-104. - Reserved.

DIVISION 2. - BURGLAR ALARM SYSTEMS



Sec. 12-105. - Purpose of regulations.

The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.

(Code 2005, § 21-276(1); Ord. No. 6-28, § 2(1), 11-15-2006; Ord. No. 07-28, § 2(1), 11-14-2007; Ord. No. 11-06, § 2(1), 8-17-2011)

Sec. 12-106. - Definitions.

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

*Alarm company* means any person licensed pursuant to F.S. ch. 489 to engage in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in, or on, any building, structure or facility.

*Alarm user* means any person or other entity that owns, possesses, controls, occupies, or manages any premises.

*Burglar alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles.

*False alarm* means a signal from a burglar alarm system that elicits a response by the police department when not an emergency or actual or threatened criminal activity requiring an immediate response, including a signal activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation is unknown.

*Premises* means the building or structure or portion of a building or structure upon which is installed or maintained a burglar alarm system.

(Code 2005, § 21-276(3); Ord. No. 6-28, § 2(2), 11-15-2006)

Sec. 12-107. - Permits required for installation or modification of burglar alarm systems.

All alarm companies installing or modifying burglar alarm systems which shall operate at any premises located within the town shall obtain a burglar alarm permit from the town. Only alarm companies may apply for, be issued, and perform the work authorized under the burglar alarm permit.

(Ord. No. 6-28, § 2(3), 11-15-2006; Ord. No. 07-28, § 2(3), 11-14-2007)

Sec. 12-108. - Registration of alarm system and fee.

- (a) *Registration of burglar alarm systems.* All burglar alarm systems which operate at any premises located within the town shall be registered with the town by the alarm user. The alarm user shall complete and submit to the town an annual registration for each burglar alarm system, together with the appropriate fee. A new registration fee shall be necessary upon a change in the alarm user. Failure to register a burglar alarm system after receiving a 30-day written warning from the town shall constitute a violation of this article.

- (b) *Forms.* Alarm system registration shall be made upon forms prescribed by the town manager. Each application shall include:
- (1) The name, address and telephone number of the applicant.
  - (2) The make and type of alarm system and date of original installation.
  - (3) Whether the premises on or in which the alarm system is located are residential or nonresidential.
  - (4) The name, address and telephone number of the alarm business or person which installed the alarm system.
  - (5) The name, address and telephone number of the alarm business(es) with which the applicant has a maintenance or service contract, if any, or a central station hookup.
  - (6) The names, addresses and telephone number of no less than three persons or entities to be contacted in the event of a false alarm.
  - (7) The signature of the applicant and date of application.
- (c) *Change in registration information.* In the event of a change in any of the information required as part of the annual registration, the alarm user shall notify the town of the change. An updated registration shall be filed with the town within ten days of any change.
- (d) *Annual registration fee.*
- (1) Effective January 1, 2011, there shall be an annual registration fee of \$25.00 for all alarm registrations. Each separate alarm system shall require a separate registration. The registration period will be for one year. Initial alarm registrations which are submitted after January shall pay a reduced initial alarm registration fee for the first year. The fee shall be reduced by \$2.00 for each month after January. Upon renewal for registration periods beginning on or after January 1, 2011, the fee will be as follows:
    - a. \$25.00 if the burglar alarm system has had a false alarm requiring police dispatch during the prior registration period; or
    - b. There shall be no fee if the burglar alarm system has not had a false alarm requiring police dispatch during the prior registration period.
  - (2) Renewal registration fees, if required, shall be paid by January 1 of each year. All existing alarm licenses scheduled to expire on October 31, 2010, shall be extended through December 31, 2010, and shall be subject to renewal as required by this section.

(Code 2005, § 21-276(4); Ord. No. 6-28, § 2(4), 11-15-2006; Ord. No. 07-28, § 2(4), 11-14-2007; Ord. No. 08-02, § 2, 1-16-2008; Ord. No. 10-13, § 2(4), 9-22-2010; Ord. No. 11-06, § 2(4), 8-17-2011)

Sec. 12-109. - Required equipment in a burglar alarm.

An alarm user shall not use a burglar alarm system unless that burglar alarm system is equipped with:

- (1) A backup power supply that will become effective in the event of power failure or outage; and
- (2) A device that automatically silences the alarm within 15 minutes after activation.

(Code 2005, § 21-276(5); Ord. No. 6-28, § 2(5), 11-15-2006)

Sec. 12-110. - False alarms prohibited.

It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. No burglar alarm user shall cause, allow, or permit the burglar alarm system to give a false alarm. The

police department shall notify the alarm user of each false alarm. Such notice shall be provided by posting a notice of violation on the premises or by mailing a notice of violation to the alarm user.

(Code 2005, § 21-276(6); Ord. No. 6-28, § 2(6), 11-15-2006)

Sec. 12-111. - Alarm verification calls required.

Except for panic or holdup type alarms, all residential or commercial intrusion/burglar alarms that have central monitoring must have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting the police department for dispatch. Alarm monitoring companies will make available to the police department, upon request, records providing proof that the monitoring company made the verification calls.

(Code 2005, § 21-276(7); Ord. No. 6-28, § 2(7), 11-15-2006)

Sec. 12-112. - Canceling false alarm calls.

It shall be a violation of this article for an alarm company to fail to notify the police department of the cancellation of a false alarm within ten minutes of being notified that the alarm is false by the alarm user or his authorized representative. However, the police department will not cite the alarm company for failure to meet the ten-minute criterion if notification of a false alarm is received before an officer arrives on the scene. Alarm companies will make available to the police department records providing proof that the police department was contacted within the ten-minute criterion. If a fire alarm system is connected to a burglar alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.

(Code 2005, § 21-276(8); Ord. No. 6-28, § 2(8), 11-15-2006)

Sec. 12-113. - Penalties.

- (a) Each violation of either section 12-107, 12-108, or 12-109 shall be punished as provided in chapter 8.
- (b) Each violation of section 12-110 shall be punished as provided in chapter 8.
- (c) Each violation of section 12-111 or 12-112 shall be punished as provided in chapter 8.
- (d) An alarm is not a false alarm if the alarm user proves that:
  - (1) An individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
  - (2) The burglar alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm company who conducted an on-site inspection and personally observed the damage to the system; or
  - (3) If the alarm user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by Florida Power and Light Company or other applicable provider.

Fines may be mitigated by the hearing officer after presentation of evidence by the alarm user indicating that mitigation is appropriate.

(Code 2005, § 21-276(9); Ord. No. 6-28, § 2(9), 11-15-2006)

Sec. 12-114. - Enforcement.



In addition to all remedies otherwise available, this article shall be enforced by the code enforcement provisions set forth in the Town Code.

(Code 2005, § 21-276(10); Ord. No. 6-28, § 2(10), 11-15-2006)

**From:** [Alexandra Ortiz](#)  
**To:** [Debra Eastman](#)  
**Cc:** [Rafael Casals](#); [Mauricio Melinu](#); [Erica Vera](#)  
**Subject:** Declaration State of Emergency-Town of Cutler Bay  
**Date:** Wednesday, September 06, 2017 12:51:00 PM  
**Attachments:** [Town of Cutler Bay Declaration of State of Emergency.pdf](#)

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Good Afternoon Debbie,

On behalf of the Town Manager, and per Chapter 12, Article II, Sec. 12-23 of the Town Code, please find attached the Town Manager's Declaration of State of Emergency for the Town of Cutler Bay with corresponding exhibits.

Please file accordingly, and post on the main bulletin board.

If I can be of further assistance, do not hesitate to contact me.

Thank you,

**From:** [Alexandra Ortiz](#)  
**To:** [garyalanruse \(garyalanruse@att.net\)](mailto:garyalanruse@garyalanruse@att.net)  
**Cc:** [Rafael Casals](#)  
**Subject:** Declaration State of Emergency-Town of Cutler Bay  
**Date:** Wednesday, September 06, 2017 12:53:00 PM  
**Attachments:** [Town of Cutler Bay Declaration of State of Emergency.pdf](#)

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Good Afternoon Gary,

On behalf of the Town Manager, and per Chapter 12, Article II, Sec. 12-23 of the Town Code, please find attached the Town Manager's Declaration of State of Emergency for the Town of Cutler Bay with corresponding exhibits.

If I can be of further assistance, do not hesitate to contact me.

Thank you,



**From:** [Alexandra Ortiz](#)  
**To:** ["anturias@hotmail.com"](mailto:anturias@hotmail.com)  
**Cc:** [Rafael Casals](#)  
**Subject:** Declaration State of Emergency-Town of Cutler Bay  
**Date:** Wednesday, September 06, 2017 12:54:00 PM  
**Attachments:** [Town of Cutler Bay Declaration of State of Emergency.pdf](#)

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Good Afternoon Christopher,

On behalf of the Town Manager, and per Chapter 12, Article II, Sec. 12-23 of the Town Code, please find attached the Town Manager's Declaration of State of Emergency for the Town of Cutler Bay with corresponding exhibits.

If I can be of further assistance, do not hesitate to contact me.

Thank you,

**From:** [Alexandra Ortiz](#)  
**To:** ["abuttermiamiherald@gmail.com"](mailto:abuttermiamiherald@gmail.com)  
**Cc:** [Rafael Casals](#)  
**Subject:** Declaration State of Emergency-Town of Cutler Bay  
**Date:** Wednesday, September 06, 2017 12:54:00 PM  
**Attachments:** [Town of Cutler Bay Declaration of State of Emergency.pdf](#)

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Good Afternoon Alex,

On behalf of the Town Manager, and per Chapter 12, Article II, Sec. 12-23 of the Town Code, please find attached the Town Manager's Declaration of State of Emergency for the Town of Cutler Bay with corresponding exhibits.

If I can be of further assistance, do not hesitate to contact me.

Thank you,



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**CUTLER BAY**

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**Declaration of State of Emergency-Town of Cutler Bay**

Post Date: 09/06/2017 4:00 PM

Dear Residents,

On behalf of the Town Manager, and per Chapter 12, Article II, Sec. 12-23 of the Town Code, the Town Manager has Declared a State of Emergency for the Town of Cutler Bay.

Please click [here](#) for the Declaration of State of Emergency.

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Free viewers are required for some of the attached documents.  
They can be downloaded by clicking on the icons below.

