



TOWN OF CUTLER BAY

DECLARATION OF STATE OF EMERGENCY

A State of Emergency was declared by Governor Ron DeSantis of the State of Florida, Executive Order No. 19-190 (*Exhibit "A"*) effective at 11:00 AM on August 29, 2019 and by Mayor Carlos A. Gimenez of Miami-Dade County (*Exhibit "B"*) effective at 10:46 AM on August 30, 2019.

As of the August 30th, 2:00 PM National Hurricane Center forecast, Hurricane Dorian is expected to make landfall by Monday, September 2, 2019. South Florida will be experiencing tropical storm force winds as early as Sunday evening. Hurricane Dorian 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


Signature

Town Manager
Title

August 30, 2019
Date

EXHIBITS

- Exhibit "A" – Governor Ron DeSantis Declaration of State of Emergency, Executive Order No. 19-190
- Exhibit "B" – Miami-Dade County Mayor Carlos A. Gimenez's 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 19-190

(Emergency Management – Amendment of Executive Order 19-189 – Hurricane Dorian)

WHEREAS, on Wednesday, August 28, 2019, I issued Executive Order 19-189 declaring a state of emergency in 26 counties as a result of the severe threat posed by Hurricane Dorian; and

WHEREAS, as of 11:00 a.m. on Thursday, August 29, 2019, the National Hurricane Center reported Hurricane Dorian has strengthened in intensity, with maximum sustained winds of 85 mph, and is forecast to be a major hurricane as it travels over Atlantic waters; and

WHEREAS, the National Hurricane Center forecasts a potential landfall on Florida on Sunday or Monday with impacts possibly covering the entire peninsula and portions of the Northwest Florida; and

WHEREAS, there is an increasing risk of dangerous storm surge, rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity throughout Florida, now including the Gulf Coast and Northwest Florida counties; and

WHEREAS, the threat posed by Hurricane Dorian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida.

NOW, THEREFORE, I, RON DESANTIS, 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. The state of emergency declared in Executive Order 19-189 is amended to include all 67 counties.


Section 2. Pursuant to section 161.111, Florida Statutes, I declare a shore erosion emergency in all coastal counties covered by Executive Order 19-189, as amended by this Executive Order. I authorize the Department of Environmental Protection to expend available funds, during this state of emergency, to respond to and alleviate coastal erosion caused by Hurricane Dorian.

Section 3. 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, he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery and mitigation plans necessary to cope with this emergency.

Section 4. Except as amended herein, Executive Order 19-189 is ratified and reaffirmed.



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 29th day of August, 2019.


 GOVERNOR RON DESANTIS

ATTEST:


 SECRETARY OF STATE

FILED
 2019 AUG 29 PM 2:53
 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, on August 28, 2018, the Governor of Florida issued Executive Order Number 19-189 declaring a state of emergency for a number of Florida counties, including Miami-Dade County, because of the threat posed by Tropical Storm Dorian;

WHEREAS, the threat posed by Tropical Storm Dorian 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 MAYOR

Date: 8/30/19

Time: 10:45 AM

Witness: _____

Cancelled:

Signed: _____

COUNTY MAYOR

Date: 8/30/19

Time: 10:46 AM

Witness: 

Miami-Dade County Declaration of Local State of Emergency

Action Options for State of Local Emergency

1. 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.

CODE OF ORDINANCES TOWN OF CUTLER BAY, FLORIDA
Published in 2016 by Order of the Town Council

CHAPTER 12 – EMERGENCY MANAGEMENT

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.