

ORDINANCE NO. 08-2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 1, SECTION 2-32, ENTITLED "MAYOR AND VICE MAYOR" PERTAINING TO THE DECLARATION OF A STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Fla. Stat.; and

WHEREAS, § 870.042, Fla. Stat. authorizes the governing body of any municipality within the State of Florida to designate, by duly adopted Ordinance, a city official who shall be empowered to declare that a state of emergency exists within the boundaries of a municipality and to exercise the powers set forth in § 252.32, Fla. Stat. and § 870.042(2), Fla. Stat.; and

WHEREAS, the town manager has recommended to the Town Commission that it amend Chapter 2, Article II, Division 1, Section 2-32 of the Town Code of Ordinances (Code) entitled "Mayor and Vice Mayor" to authorize the Mayor, Vice Mayor, or Commissioners of the Town, under specific circumstances, with the power to declare a state of emergency in the Town, and to exercise the emergency powers set forth in § 252.32, Fla. Stat. and § 870.042(2), Fla. Stat.; and

WHEREAS, the Town Commission has reviewed the recommendations of the town manager and has determined that the amendment of the Town Code would further the public's health, safety and general welfare of the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA:**

Section 1. The whereas clauses are incorporated herein as true and correct, and are the legislative findings of the Town Commission.

Section 2. Chapter 2, Article II, Division I, Section 2-32(a) of the Town Code of Ordinances entitled "Mayor and vice mayor" is hereby amended as follows:

(a) *Powers and duties.* The mayor shall preside at meetings of the town commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the town official designated to represent the town in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

(b) *Vice mayor.* The vice mayor shall act as mayor during the absence or disability of the mayor.

(c) *Voting.* The mayor shall be entitled to vote on all matters properly coming before the commission.

(d) *State of emergency.* The Mayor, or in the absence of the Mayor and the vice mayor the first available member of the Town Commission is authorized to take the following actions:

(1). To declare that a state of emergency exists within the boundaries of the Town of Lake Park, and to exercise the emergency powers conferred in F.S. Sections 252.32 and 870.042(2); and

(2). If the Mayor, or in the absence of the Mayor and the vice mayor of the Town the first available member of the Town Commission believes that there is a clear and present

danger of a riot or other general public disorder, widespread disobedience of the law, substantial injury to persons or property due to the exigent circumstances of an emergency event within the geographical limits of the Town, to declare a state of emergency within the boundaries of the Town to expedite access to local resources needed to cope with the incident; and

(3). To take temporary emergency measures in matters of extreme necessity involving matters of public health or safety; and

(4). To issue an evacuation order of the Town should the circumstances call for such an order.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 2 day of July, 2014, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>Absent</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 6 DAY OF July, 2014

Upon Second Reading this 16 day of July, 2014, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 08-2014 duly passed and adopted this 16 day of July, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
TOWN CLERK, VIVIAN MENDEZ
(Town Seal)
TOWN OF LAKE PARK
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird