

ORDINANCE NO. 06-2005

AN ORDINANCE OF THE TOWN OF LAKE PARK, FLORIDA DECLARING A STATE OF LOCAL EMERGENCY IN THE TOWN OF LAKE PARK, FLORIDA, IN ACCORDANCE WITH CHAPTER 252.38 OF THE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252.38(3)(a)(5), Florida Statutes, provides the authority for political subdivisions to declare and enact a State of Local Emergency for a period of seven (7) days, thereby waiving temporarily the procedures and formalities otherwise required of local governments by law pertaining to:

1. Performance of public work and taking whatever action is necessary to insure 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;
8. Appropriation and expenditure of public funds;

WHEREAS, the Governor of the State of Florida and the Board of County Commissioners of Palm Beach County have previously declared the existence of a State of Emergency in Palm Beach County; and

WHEREAS, Hurricane ~~Frances~~ <sup>Katarina</sup> ~~has and Hurricane Ivan~~ may pose significant, imminent and dangerous threats to the health, safety, and welfare of the residents, businesses, and visitors of Lake Park, Florida, as well as their real and personal property.

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

**Section 1.** The Town Commission hereby finds that it is necessary and appropriate to declare a State of Local Emergency because of the occurrence of Hurricane Frances and the possibility of impacts from Hurricane Ivan which has and may include substantial injury or harm to the residents, businesses and visitors of the Town of Lake Park, Florida.

**Section 2.** The Town Commission hereby declares that a State of Local Emergency exists within the Town of Lake Park, Florida. In accordance with Florida Statutes, the duration of the State of Local Emergency is limited to seven (7) days, but may be extended by the Town Commission in seven (7) day increments.

**Section 3.** The Town Manager, or his designee is hereby empowered, authorized and directed to exercise, on behalf of the Town Commission, such emergency powers necessary to reduce the vulnerability of residents, businesses and visitors in the Town of Lake Park to damage, injury and property, as well as any other

powers expressly or implicitly conferred pursuant to Chapter 252, Florida Statutes and any other provision of law or Town ordinance.

**Section 4.** If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

**Section 5.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall become effective immediately and shall expire within seven (7) days, or if extended, then at such time as any additional seven (7) day increments shall expire.

Upon First Reading this 24 day of August, 2005 the foregoing ORDINANCE was offered by Vice Mayor Garretson who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

MAYOR PAUL CASTRO	<u>X</u>	AYE	_____	NAY
VICE MAYOR PAUL GARRETSON	<u>X</u>		_____	
COMMISSIONER CHUCK BALIUS	<u>X</u>		_____	
COMMISSIONER ED DALY	<u>X</u>		_____	
COMMISSIONER JEFF CAREY	<u>X</u>		_____	

*Second Reading waived.*

~~Upon Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the foregoing ORDINANCE was offered by \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_, and being put to a vote, the result was as follows:~~

MAYOR PAUL CASTRO	_____	AYE	_____	NAY
VICE MAYOR PAUL GARRETSON	_____		_____	
COMMISSIONER CHUCK BALIUS	_____		_____	
COMMISSIONER ED DALY	_____		_____	
COMMISSIONER JEFF CAREY	_____		_____	

~~The Mayor thereupon declared Ordinance No. \_\_\_\_\_ duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005.~~

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*  
Mayor Paul Castro

ATTEST:  
*Stephanie Thomas*  
Stephanie Thomas  
Town Clerk

Approved as to form and legal sufficiency:  
*Thomas J. Baird*  
Thomas J. Baird, Town Attorney

