

ORDINANCE NO. 04-2020

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA DECLARING A STATE OF EMERGENCY IN THE TOWN OF LAKE PARK; PROVIDING FOR PENALTIES FOR FAILURE TO OBEY LAWFUL ORDERS OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Governor of the State of Florida and the Board of County Commissioners of Palm Beach County have declared states of emergency due to the outbreak of the Coronavirus Disease 2019 (COVID-19), a pandemic; and

WHEREAS, the Surgeon General and State of Health Officer have declared that a public health emergency exists; and

WHEREAS, the presence of COVID-19 in the County and Town has the capacity to pose a significant, imminent and dangerous threat to the public health, safety, and welfare of the residents and visitors of the Town, as well as the employees and appointed and elected officers who serve the Town; and

WHEREAS, this Ordinance constitutes an Emergency Ordinance pursuant to § 166.041 (3)(b), *Fla. Stat.*, and as such is not required to comply with the provisions of § 166.041 (3)(b), *Fla. Stat.*; and

WHEREAS, pursuant to Chapter 166, *Fla Stat.*, the Town Commission hereby declares and enacts a State of Local Emergency for a period of seven (7) days, thereby waiving the procedures and formalities otherwise required of the Town or State of Florida by laws pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety and welfare of the residents and visitors to the

Town, the employees and appointed and elected officers of the Town;

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;
9. Deployment of personnel

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

Section 1: The Whereas Clauses are incorporated herein.

Section 2. The Town Commission hereby declares that a State of Local Emergency exists within the Town of Lake Park. For definition purposes, a State of Local Emergency shall exist whenever there is an occurrence or threat thereof whether accidental, natural, or caused by man, in war or in peace, which results in or may result in substantial injury or harm to the population and/or substantial damage to or loss of property. The duration of the State of Local Emergency is limited to seven (7) days. The Town Manager is hereby authorized to extend this State of Local Emergency in seven (7) day increments.

Section 3. The Town Manager, or his designee is hereby empowered, authorized and directed to exercise such emergency powers, including but not limited to the

enactment of curfews, the adoption of administrative policies adjusting the compensation, work hours, etc. of employees to the extent he deems it to be necessary to reduce the vulnerability of the Town's residents, visitors, employees and appointed and elected officers due to the presence of COVID-19. These powers and the Town Manger's authority as enacted herein are in addition to any other existing powers expressly or implicitly conferred upon the Town Manager pursuant to Florida Statutes and any provisions of Town's Charter, and its laws and 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 upon its adoption and execution.

Upon First Reading this 18 day of March, 2020, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro who moved its approval. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>Absent</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS ___ DAY OF _____, 2020

Upon Second Reading this _____ day of _____, 2020, 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:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	_____	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	_____	_____
COMMISSIONER ERIN FLAHERTY	_____	_____
COMMISSIONER JOHN LINDEN	_____	_____
COMMISSIONER ROGER MICHAUD	_____	_____

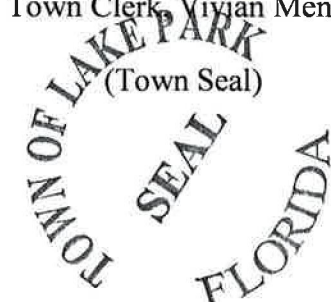
The Mayor thereupon declared **Ordinance No.** 04-2020 duly passed and adopted this 18 day of March, 2020.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

[Signature]
Town Clerk, Vivian Mendez



Approved as to form and legal sufficiency:

[Signature]
Town Attorney, Thomas J. Baird