



# CITY OF OKEECHOBEE

55 SE THIRD AVENUE  
OKEECHOBEE, FL 34974

**NOVEMBER 8, 2022**

**2:00 PM**

## LIST OF EXHIBITS

***Mayor***

Dowling R. Watford, Jr.

***Council Members***

Noel Chandler

Monica Clark

Bob Jarriel

Bobby Keefe

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Exhibit 1

Ord 1269 Emergency Ord for Hurricane Nicole 11-07-2022

## ORDINANCE NO. 1269

AN EMERGENCY ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA, DESIGNATING THE POLICE ADMINISTRATIVE LIEUTENANT AS THE EMERGENCY MANAGEMENT OFFICIAL FOR THE CITY OF OKEECHOBEE; PROVIDING FOR THE ADMINISTRATIVE LIEUTENANT TO DECLARE A 72-HOUR STATE OF EMERGENCY WITHIN THE CITY OF OKEECHOBEE DUE TO THE PREDICTED PATH OF SUBTROPICAL STORM/HURRICANE NICOLE; PROVIDING FOR ACCEPTING THE RECOMMENDATION BY THE ADMINISTRATIVE LIEUTENANT TO EXTEND THE 72-HOUR DECLARATION; PROVIDING FOR DECLARATION TO CONTINUE FOR AN INDEFINITE PERIOD OF TIME AS DEEMED APPROPRIATE BY THE ADMINISTRATIVE LIEUTENANT; PROVIDING FOR AUTOMATIC EMERGENCY MEASURES; PROVIDING FOR DISCRETIONARY EMERGENCY MEASURES; PROVIDING FOR FILING DECLARATIONS AND MEASURES IN THE OFFICE OF THE CITY CLERK AND PUBLICATION TO NEWS MEDIA; PROVIDING FOR VIOLATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Okeechobee, Florida, a municipality under the laws of the State of Florida, is empowered by Florida Statute 870.043 to declare the existence of an emergency within the City when in the opinion of the Administrative Lieutenant, the person designated by Florida Statute 870.042 as the Emergency Management Official for the City of Okeechobee; that a situation exists that potentially constitutes an imminent threat to public safety, peace or order, and threat to public and private property or persons; and

**WHEREAS**, the City of Okeechobee has been included in a hurricane watch, and is predicted to be upgraded to a hurricane warning issued by the State of Florida Emergency Management Services and the National Weather Center, which designation declares that the City of Okeechobee could experience hurricane force winds within 48-hours of such designation; and

**WHEREAS**, the hurricane watch issued by virtue of Subtropical Storm/Hurricane Nicole, is predicted to be a storm with sustained winds in excess of 75 miles per hour; and is forecasted to have significant rain and weather-related impacts to the City of Okeechobee being approximately **Wednesday, November 9, 2022**. Such storm is capable of inflicting serious loss of property and/or lives; and

**WHEREAS**, the track of the storm is uncertain, but due to its projected path, is expected to cause sustained winds, rain, and potential for damage for a time period in excess of that 72-hour period permitted to be imposed by the Administrative Lieutenant; and

**WHEREAS**, the City Council is permitted to adopt ordinances on an emergency basis with one reading, by virtue of Florida Statute 166.041(3)(b), and has taken all reasonable steps to advertise to the general public that an Emergency Public Hearing will be held at **2:00 p.m.**, or as soon thereafter as possible, during an Emergency Meeting on **Tuesday, November 8, 2022**.

**NOW, THEREFORE**, in order to preserve the peace and order within the City; to monitor and prevent civil unrest, looting or other unlawful conduct; to permit repair of utility and municipal services, clean up and restoration of basic services; and to assist in the protection of life and property, the City Council, by a minimum of a two-thirds vote, adopts the following emergency Ordinance to be effective throughout the municipal boundaries:

1. THAT the Administrative Lieutenant is hereby designated the Emergency Management Official for the City of Okeechobee under Florida Statute 870.042, possessing the authority to enact a state of emergency within the municipal boundaries of the City, or parts thereof.
2. THAT the state of emergency shall commence immediately upon the declaration by the Administrative Lieutenant and shall terminate at the end of a period of 72-consecutive hours thereafter unless, prior to the end of such 72-hour period, the state of emergency is terminated by the Administrative Lieutenant, Governor of the State of Florida, or City Council as provided in Florida Statute 870.047.
3. THAT at the request and recommendation of the Administrative Lieutenant, the City Council hereby authorizes the extension of the state of emergency for a time period in excess of 72-hours if deemed necessary by the Administrative Lieutenant, and to continue for such time period until terminated by the Administrative Lieutenant, Governor of the State of Florida, or City Council.
4. THAT pursuant to Florida Statute 870.044, for the duration of any declared state of emergency or extension thereof, and effective immediately upon the declaration, the following acts shall be prohibited:

- a. The sale of, or offer to sell, with or without consideration, any ammunition or gun or other firearm of any size or description.
  - b. The intentional display, by or in any store or shop, of any ammunition or gun or other firearm of any size or description.
  - c. The intentional possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of their duty.
5. THAT pursuant to Florida Statute 870.045, the Administrative Lieutenant, in addition for the duration of the declaration or extension thereof, may enact in his discretion as necessary, all or any of the following additional emergency measures, in whole or in part, with such limitations and conditions as he may deem appropriate:
  - a. The establishment of curfews, including but not limited to, the prohibiting of or restricting pedestrian and vehicular movement, standing, and parking, except for the provisions of designated essential services such as fire, police, and hospital services, including the transportation of patients thereto, utility emergency repairs, and emergency calls by physicians.
  - b. Prohibiting the sale or distribution of any alcoholic beverage, with or without the payment or consideration, therefore.
  - c. Prohibiting the possession of any person in a public place of any portable container containing any alcoholic beverage.
  - d. The closing of places of public assemblage with designated exceptions.
  - e. Prohibit the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable substance or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.
  - f. Prohibit of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.
6. THAT pursuant to Florida Statute 870.048, it is declared that any violation of the declaration or of any emergency measure established, shall be punished as a misdemeanor of the first degree, punishable as provided in Florida Statutes 775.082 or 775.083, and enforced as deemed necessary by the Administrative Lieutenant, or his designee or Officers.
7. THAT any state of emergency or emergency measure declared or ordered and promulgated by virtue of the terms of Florida Statutes 870.041 through 870.045, the Administrative Lieutenant shall as promptly as practicable, file a copy in the Office of the City Clerk and deliver copies to appropriate news media for public and radio and television broadcast thereof. If practicable, such state of emergency declaration, emergency measure or extension thereof shall be published by other means such as by posting and loudspeakers.
8. THAT all ordinances or parts of ordinances in conflict herewith are hereby repealed.
9. THAT if any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.
10. THAT this Ordinance shall be effective immediately upon its adoption.

**INTRODUCED AND ADOPTED** at First Reading and **Emergency Public Hearing** on this 8<sup>th</sup> day of **November, 2022**, pursuant to Florida Statute 163.041(3)(b).

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Dowling R. Watford, Jr., Mayor

ATTEST:

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Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

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John J. Fumero, Esq., City Attorney