

Ordinance No. 2025-4812

An ordinance of the City of Sanford, relating to emergency management and the City's Comprehensive Emergency Management Plan; substantially revising, amending and supplementing the provisions of Chapter 2, Article VII, Emergency Management, Division 2, Comprehensive Emergency Management Plan, of the *Code of Ordinances of the City of Sanford (City Code)*; providing for legislative findings and intent; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification and the correction of scrivener's errors and providing for an effective date.

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law; and is consistent with the provisions of Section 1.4 of the *Seminole County Home Rule Charter* pertaining to that document's relation to municipal ordinances, which provides that "[e]xcept as otherwise provided by this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict."; and

Whereas, the City Commission of the City of Sanford has deemed approval of this Ordinance to be in the best interest of the residents and citizens of the City of Sanford and to further the public health, safety and welfare; and

Whereas, the City Commission of the City of Sanford has complied with all procedural and substantive requirements of controlling law in enacting this Ordinance; and

Whereas, legislative coding is used in this Ordinance and the following coding may be used: underlined words shall constitute additions to the current text of the *City Code*, ~~strike throughs~~ shall constitute deletions to current text of the *City Code* and asterisks (***) indicate that current provisions of the *City Code* were not revised or amended.

Now Therefore, Be it enacted by the People of the City of Sanford:

Section 1. Legislative Findings And Intent.

The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Commission which, together with the agenda materials, memorandum and staff reports, to the extent that they exist, shall be maintained consistent with the maintenance schedule for ordinances, as public records of the City.

Section 2. Emergency Management; Comprehensive Emergency Management Plan. The provisions of Chapter 2, Article VII, Emergency Management, Division 2, Comprehensive Emergency Management Plan, of the *Code of Ordinances of the City of Sanford (City Code)*, are substantially revised, amended and supplemented to read as follows:

ARTICLE VII. EMERGENCY MANAGEMENT

DIVISION 2. COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Sec. 2-452. Applicability Of Provisions; Intent; Purpose; Definitions.

(a) All persons, officers, employees, contractors, vendors, boards, commissions, authorities and all other agencies of the City are subject to the provisions of this Division.

(b) The City shall comply with the provisions of F.S. Ch. 252, and other controlling law in all respects with regard to addressing emergency matters and the management of emergencies and shall coordinate its programs, plans and activities with the State government, the government of Seminole County and all other appropriate agencies and entities of government.

(c) With regard to the City enactment of any ordinance or the adoption of any other measure that deprives a person of a right, a liberty, or property, the City shall narrowly tailor such ordinance or measure and make specific findings with regard to how the ordinance or measure serves a compelling governmental interest through the least intrusive means.

(d) Each City emergency order shall automatically expire seven days after its issuance unless extended by a majority vote of the City Commission or as otherwise required by State law.

(e) The City shall engage in an ongoing disaster and emergency management planning and preparation educational program for the benefit of the citizens, property owners and businesses of the City.

(f) Upon the declaration of a disaster in accordance with the City Code, the primary mission of the City will be to protect lives and property, restore governmental services and clear public streets. Depending on the magnitude of the disaster and after accomplishment of the primary mission, resources may be available to the City that may not be available to a private property owner. Accordingly, the City has determined to establish a process by which the City may, in addition to addressing debris located on public property, evaluate and, if necessary, remove debris from along privately owned streets, roads, roadways, and other private property in the event of an immediate threat to life, public health, and safety after a significant disaster. While the City recognizes that, as a general proposition, the removal of debris from private property is the responsibility of the property owner, there are occasions when, because of the magnitude of the disaster and the threat posed to life, health, and safety, there may be a compelling need to remove debris from private streets, roads, and roadways and other private property as described in this Division.

(g) For the purposes of this Division, the term "debris" means scattered pieces of waste including, but not limited to, displaced, broken, or discarded building and construction materials, garbage, vegetative matter and spoiled or ruined household goods or materials.

(h) For the purposes of this Division, the term "private property" means all property that is not owned or controlled by a governmental entity.

Sec. 2-453 through Sec. 2-454.

Sec. 2-455. Emergency Orders And Rules Necessary For Emergency Management Purposes; Implementing Administrative Actions And Authority Of City Manager.

(a) An "emergency order" is an order or ordinance issued or enacted by the City in response to an emergency. Under the *City Charter*, the power to issue emergency orders is vested in the City Commission and the City Manager. To the extent that an emergency order is general in nature does not contain specific requirements, the City Manager may administratively implement such emergency orders by adoption of implementing rules. The City Commission or the City Manager, or designee, shall have the authority to, in accordance with the provisions of F.S. Ch. 120, make, amend, and rescind such emergency orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of F.S. §§ 252.31—252.90, which are not inconsistent with any emergency orders or rules adopted by any State agency exercising a power authorized by controlling law. Any emergency order issued which imposes a curfew restricting the travel or movement of persons during designated times shall allow persons to travel during the curfew to their places of employment to report for work and to return to their residences after their work has been concluded.

(b) All emergency orders and rules adopted by the City Commission or City Manager shall have full force and effect of law after adoption in accordance with the provisions of F.S. Ch. 120, when filed in the office of the City Clerk. Failure to file any such emergency order or

rule with the office of the City Clerk within three days after issuance voids the emergency order or rule.

(c) All existing laws, ordinances, and rules inconsistent with the provisions of F.S. §§ 252.31—252.90, or any emergency order or rule issued under the authority of F.S. §§ 252.31—252.90, shall be suspended during the period of time and to the extent that such conflict exists.

(d) To ensure the attainment of uniformity, insofar as practicable, in measures taken to aid emergency management, all action taken under F.S. §§ 252.31—252.90, and all emergency orders and rules made pursuant to such sections shall be taken or made with due consideration of the emergency orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such emergency orders, rules, actions, recommendations, and requests.

(e) Emergency ordinances, declarations, and emergency orders adopted by the City under the authority of F.S. §§ 252.31—252.90, including those enacted pursuant to F.S. § 166.041(3)(b), shall be available on a dedicated City webpage accessible through a conspicuous link on the homepage. The dedicated webpage shall identify the emergency ordinances, declarations, and emergency orders currently in effect and such other information that may assist the citizens, businesses and property owners of the City. The City shall provide the appropriate state agency or agencies and Seminole County with the link to the City's dedicated webpage.

(f) Without in any way limiting any provision of this Division, the City Manager, or designee, is hereby authorized to take all necessary actions relative to implementing the provisions of this Division and this Division shall not limit the administrative authority of the City

Manager to act under the authority of the *City Charter* and other controlling law with administrative assistance from the City Clerk and ~~an~~ legal assistance from the City Attorney under the authority vested in those positions under the provisions of the *City Charter*.

Sec. 2-461 through Sec. 2-463.

Sec. 2-464. Penalty.

Any person, firm or corporation who violates any provision of this Division shall be subject to the general enforcement and penalty provisions set forth in Section 1-7 and as may otherwise be authorized by controlling law ~~if such remedy is sought in an appropriate proceedings.~~

Sec. 2-465. City Commission; Powers.

(a) Given the exigency and danger that exists during a state of emergency, the City Commission may attend emergency briefings in person or by phone or other communications technology as may be authorized by controlling law. These briefings are intended to inform members of the City Commission on the status of emergency preparedness and rescue and clean-up efforts, and of any emergency issues that may have arisen. Emergency briefings will not involve any items that will later be presented to the City Commission to act on as a body and will only relate to emergency matters.

(b) The City Commission retains authority to act if a City Commission meeting is held during the state of emergency in such manner as may be permitted under controlling law. The City Commission may prospectively modify any emergency policies or approvals issued by the Mayor or City Manager under any provisions of State law, although any prior actions taken in reliance on such emergency policies or approvals remain effective and enforceable.

Sec. 2-466. City Attorney; Powers.

(a) The City Attorney may issue authoritative interpretations of any emergency management provision upon which the Mayor, City Commissioners, and City Manager, or designee, and their designees may rely.

(b) The City Attorney may issue cease and desist letters and institute any legal action or proceeding, as necessary and as authorized by the City Manager, in order to require compliance with the *City Code* and other controlling laws.

(c) The City Manager and the City Attorney may execute emergency documents on behalf of the Mayor and other City officials with their permission.

Sec. 2-467.

Sec. 2-468. Disaster-Generated Debris Removal; Generally.

(a) When the removal and disposal of disaster-generated debris is necessary, the City Manager, or designee, is authorized to designate a site for placement of a chipper and any other equipment needed for an efficient and effective operation. This applies both when the City is conducting the debris-removal and processing operations as well as when the operations are being conducted by a private party.

(b) The City Manager, or designee, shall set all conditions for the operation of the equipment at the designated sites.

(c) City employees may enter onto private property to secure items, if necessary, to protect life, safety and welfare, and will not be held liable for any damage caused while doing so. This authority to enter private property does not impose a duty on the City or its employees to do so or to otherwise inspect private property or secure items.

Sec. 2-469. Disaster-Generated Debris Removal On Private Roads And Private Property.

(a) Disaster-generated debris located on private roads and private property is the responsibility of the property owner whether an individual or individuals or an entity or organization. Property owners and communities must rely heavily on private contractors to collect, remove, and otherwise manage debris located on private property.

(b) The City may remove debris from private roadways when the property is located within the City's jurisdictional boundaries and when such debris is determined to pose an immediate threat to the health, safety, and welfare of the community. The City Manager shall determine whether there is an immediate threat to the public health, safety, and welfare sufficient to warrant removal of such debris by finding that any of the following conditions exist:

(1) There is a significant likelihood that emergency, rescue or law enforcement vehicles will be significantly hindered from rendering emergency services to residential and commercial property if the debris is allowed to remain in place without removal by City or its authorized contractor or agent.

(2) The type of debris is of such nature that it may reasonably cause disease, illness, or sickness that could injure or adversely affect the health, safety, or general welfare of those residing and working in the area if the debris is allowed to remain.

(3) The clearing is necessary to effectuate orderly and expeditious restoration of City-wide utility services including, but not limited to, power, water, sewer, and communications.

(4) The debris is dangerous or hazardous.

(5) The debris prevents garbage collection thereby creating a public

health hazard.

(6) The debris contains contaminants that have a reasonable likelihood of leeching into the soil or aquifer of the City or within a wellfield protection zone.

(7) The debris has a substantial negative impact in preventing or adversely affecting emergency repairs to buildings or property.

(8) The debris presents a reasonable danger of being transported by wind or water into the surrounding areas of the City and thereby increasing the cost of recovery and removal.

(9) The debris poses a significant likelihood of, if left overtime, producing mold which would be injurious to public health.

(10) The presence of the debris significantly adversely impacts the City's recovery efforts.

(11) The debris significantly interferes with drainage or water runoff to a significant hazard in the event of significant rainfall.

(12) The sheer volume of the debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner without removal by City or its authorized contractor or agent.

(13) The type, extent, and nature of the debris is of such nature that it would cause much greater damage if the debris was not removed immediately.

(14) Without limiting the generality of the other conditions set forth herein, commercial or other specific areas will be cleared if the City Manager finds that the clearance will aid the City's recovery operations or aid the health, safety, or welfare of the residents of the City.

~~The City may remove debris from private roads and private property when the following conditions are met:~~

~~(1) Disaster-generated debris located on private roads and private rights-of-way are determined to be an immediate threat to the public. The determination shall be made by:~~

~~a. The City Commission, Mayor, City Manager, or designee, or any other public entity with legal authority stating that disaster-generated debris on private roads and private rights-of-way within the City constitute an immediate threat to life, public health, and safety, or;~~

~~b. The City Manager, or designee, for operations and infrastructure, by providing documentation stating that the debris on private property poses an immediate threat to improved property and that its removal is cost effective.~~

~~c. The property is located within the City's jurisdictional boundaries.~~

~~(c) d. When reasonably possible, documentation is received from the property owner of the private roadway which documentation includes a right-of-entry, hold harmless and indemnification agreement, along with the applicable scope of work to be performed by the City.~~

~~(d) (e) Disaster-generated debris removal on private property, which is not a private roadway, shall be limited to clearance of the living, recreational and working areas of the property except for areas used for crops and livestock or unused areas and shall only occur when life safety issues are present on the private property.~~

Sec. 2-470. Emergencies And City Finances.

(a) With regard to any funds received from the State emergency preparedness and response fund or any related or similar State funding source, the ~~City department that applied for or is managing the funds, or such~~ City employee or employees as designated by the City Manager, shall develop a detailed spending plan for any grants, gifts, loans, funds, payments, services, equipment, supplies, or materials in aid of or for the purposes of emergency prevention, recovery, mitigation, preparedness, and management, other than emergency response. The plan must be submitted as soon as practicable, but not later than 30 days after initiation of any expenditures, and be resubmitted every 30 days as long as an emergency continues and funds continue to be disbursed.

(b) With regard to emergency response activities, including an emergency response that includes emergency protective measures or debris removal, the City's Finance Director is not required to provide a detailed spending plan in advance of expenditures, but must provide any notice that may be required by controlling Federal or State law ~~to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees~~ of all expenditures in aggregate categories incurred in the emergency response in the required timeframe ~~no later than 30 days after the expenditure is incurred~~, and a copy of any project worksheet submitted to the Federal Emergency Management Agency shall ~~must~~ be timely submitted to all agencies as may be required by controlling Federal or State law ~~to the same parties no later than seven days after it is submitted to the Federal Emergency Management Agency and shall~~ conduct the fiscal

activities in sound and generally accepted practices and principles considering the context of emergency operations.

Sec. 2-471. Indemnification And Hold Harmless; Private Roadways and Private Property.

Prior to removal of debris by the City or its contractor or agent as set forth in this Division on private roadways and private property, or clearance by the City or its contractor or agent of private property as provided in this Division the private property owner shall indemnify and hold harmless, to the maximum extent permitted by law, the Federal and State governments and the City and all officers, officials, employees and agents of the Federal and State governments and of the City for actions, of any type or nature, connected with the rendering of such service.

Sec. 2-472. Waiver.

With regard to eligibility for Federal funding, the Federal Emergency Management Agency may waive the requirement for the City to establish the criteria listed in this Division as a condition precedent to City action depending on the severity of the situation.

Sec. 2-473. Emergency Roadway Clearance.

Nothing in this Division precludes a first response or emergency action by the City to clear and push debris from all roadways, both public and private, necessary for the movement of emergency vehicles including police, fire, and ambulance within the first 70 hours after a disaster declaration.

Sec. 2-474. No City Obligation To Act On Private Property.

Nothing in this Division requires the City to remove debris from private property or private roadways except where the severity of the situation is of such magnitude or the debris is so widespread that it is determined by the City Commission or the City Manager to be a

significant immediate threat to the health, safety and welfare of the City and the removal of the debris is in the overriding public interest of the City to remove debris from such areas.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance.

Section 4. Savings.

The prior actions of the City of Sanford relating emergency management prior to the effective date of this Ordinance, and any and all related programs, activities, matters, procedures or processes, are hereby ratified and affirmed.

Section 5. Severability.

If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. Codification; Scrivener's Errors.

(a). The provisions of Section 2 of this Ordinance shall be codified as determined to be appropriate by the Code codifier and all other sections shall not be codified said codification to be in either the *City Code* or *Land Development Regulations* of the City in the discretion of the Code codifier.

(b). The sections of this Ordinance may be renumbered or re-lettered and the words of this Ordinance may be changed to section, article or some other appropriate word or phrase to accomplish codification in the absolute discretion of the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the authorization of the City Manager, or designee, without the need for a public hearing.

Section 8. Effective Date.

This ordinance shall become effective and be enacted immediately upon its passage and adoption.

Passed and adopted this 27th day of January, 2025.

Attest:

**City Commission of the City of Sanford,
Florida**

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

For use and reliance of the Sanford
City Commission only. Approved as to
form and legality.

William L. Colbert
City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

An ordinance of the City of Sanford, relating to emergency management and the City's Comprehensive Emergency Management Plan; substantially revising, amending and supplementing the provisions of Chapter 2, Article VII, Emergency Management, Division 2, Comprehensive Emergency Management Plan, of the Code of Ordinances of the City of Sanford (City Code); providing for legislative findings and intent; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification and the correction of scrivener's errors and providing for an effective date.

The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:

- a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The City must take appropriate actions to protect its citizens, property owners and residents during declared emergencies and disasters. The City Commission has over the years consistently acted to ensure that the City is well prepared and has enacted emergency management codes and ordinances in the past in the best interests of and to protect the citizens, property owners and residents of the City of Sanford and to further the general public health, safety and welfare.

In order to remove disaster related debris from private roadways in the City jurisdictional boundaries, the City Manager shall determine the debris posed an immediate threat to public health, safety, and welfare of the community. It is common, and generally accepted, prudent practice that documentation is received from the property owners of the private roadway which includes right-of-entry, hold harmless, and indemnification agreement along with the scope of work performed.

In the past, the City has adopted a resolution for each disaster, as required by the FEMA, which designates a person with the authority to pick up disaster related debris from private roadways. To be more efficient and streamline the process, it is being recommended that the City Commission revise the existing provisions of the *City Code* to provide this authority to the City Manager for all disasters. The City will still be required to write a letter for each disaster determining the debris was a public health, safety and welfare in the private roadways that could result in obstructed emergency access, public health risks, pest infestations, and economic impact. Having the *City Code* revised would save a step for adopting a resolution for each disaster, storm related event, or disaster declaration while, of course, leaving the ultimate policy making function with the City Commission.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

The City Commission funds the emergency management functions of City government and the City seeks Federal and State assistance, when made available, in order to serve and protect the citizens, property owners and businesses of the City. The City budget requests will recommend appropriate funding for the needed programs and practices necessary to address emergency management within the City. This Ordinance clarifies an array of matters set forth within the existing provisions of the *City Code*, but, most importantly, addresses the potential removal of debris from private property to ensure that the City is in an optimal position to receive funding from the Federal Emergency Management Agency (FEMA) and the State agency or agencies that may be part of that process; furthermore, ensures consistency with Seminole County government and the provisions of the *Seminole County Code*.

3. Estimate of direct compliance costs that businesses may reasonably incur:

Generally, the debris removal provisions of this Ordinance relate to residential properties and nothing in the Ordinance requires the City to remove debris from private property or private roadways except where the severity of the situation is of such magnitude or the debris is so widespread that it is determined by the City Commission or the City Manager to be a significant immediate threat to the health, safety and welfare of the City and the removal of the debris is in the overriding public interest of the City to remove debris from such areas. However, commercial or other specific areas will be cleared if the City Manager finds that the clearance will aid the City's recovery operations or aid the health, safety, or welfare of the residents of the City. Prior to removal of debris as provided in this Ordinance, the private property owner must indemnify and hold harmless, to the maximum extent permitted by law, the Federal and State governments and the City and all officers, officials, employees and agents of the Federal and State governments and of the City for actions, of any type or nature, connected with the rendering of such service. Also, if a property owner of the private roadway businesses would be required to provide, along with the aforementioned hold harmless and indemnification agreement, a right-of-entry grant. These actions could be deemed direct compliance costs.

4. Any new charge or fee imposed by the proposed ordinance:

None.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

None.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Do to the nature of emergency situations, it is impossible to ascertain the potential impacts.

7. Additional information

Reference to the City staff report/agenda memorandum and the public hearings on the proposed Ordinance may be of assistance.