

**RESOLUTION NO. R22-784**

**A RESOLUTION OF THE CITY OF ANNA MARIA, FLORIDA, EXTENDING THE DECLARATION OF A STATE OF LOCAL EMERGENCY DUE TO THE EFFECTS OF HURRICANE IAN; PROVIDING THE CITY WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND CITY CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE**

**WHEREAS**, Section 252.38(3), Florida Statutes, authorizes the City of Anna Maria to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

**WHEREAS**, Chapter 2, Article VI of the City Code of the City of Anna Maria authorizes certain powers in the event of a local state of emergency; and

**WHEREAS**, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

**WHEREAS**, Hurricane Ian has caused serious and widespread damages to the City of Anna Maria; and

**WHEREAS**, City Code Section 2-259, "Power to Declare" provides that "[i]n the event of a state of emergency, when a quorum of the city commission is unable to meet, the official authority, as defined herein, is empowered to declare a local state of emergency whenever he or she shall determine that a natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action." Section 2-252, "Definitions" of the Anna Maria City Code provides that "*Official authority* means the mayor; or, in his or her absence, the chairman of the city commission; or, in the absence of each of the foregoing, the vice-chairman of the city commission; or, in the absence of each of the foregoing, a member of the city commission, in order of seniority; or, in the absence of each of the foregoing, the chief law enforcement officer;" and

**WHEREAS**, the City of Anna Maria must continue to take timely actions to protect public and private property and members of the public from the results of Hurricane Ian; and

**WHEREAS**, it is the recommendation of the Mayor that a state of local emergency be extended for the City of Anna Maria and that this Resolution extending the current declaration of a state of local emergency be adopted; and

**WHEREAS**, in the event a quorum of the City Commission cannot be convened, the Mayor, as the "official authority" under Sec. 2-252, shall declare an emergency in the City of Anna Maria.

**THEREFORE**, under the powers vested in it pursuant to Chapter 252, Florida Statutes, the City of Anna Maria does hereby extend the declaration of the existence of a state of local emergency in the City of Anna Maria, Florida, as identified above.

1. The Mayor (reference to whom shall also encompass the Chairman of the City Commission in the absence of the Mayor) is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Mayor to utilize all lawful authority granted to the City of Anna Maria by Federal, State, County, or City Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
2. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.
3. The Mayor may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the City of Anna Maria Code of Ordinances, to the extent necessary to accommodate the emergency.
4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the City hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
  - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
  - Entering into contracts;
  - Incurring obligations;
  - Employment of permanent and temporary workers;
  - Utilization of volunteer workers;
  - Rental of equipment;
  - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
  - Appropriation and expenditure of public funds
5. The Mayor shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Mayor shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.

**SECTION 2. State of Local Emergency – Chapter 2, Article VI, City of Anna Maria City Code.**

1. The Mayor may establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision 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.
2. The Mayor may prohibit the sale or distribution of any alcoholic beverage, with or without the payment or a consideration therefore.
3. The Mayor may prohibit the possession by any person in a public place of any portable container containing any alcoholic beverage.
4. The Mayor may close places of public assembly with designated exceptions.
5. The Mayor may prohibit the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to any operable motor-driven vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.
6. The Mayor may prohibit the possession in any public place of any portable container containing gasoline or any other flammable or combustible liquid.
7. The Mayor may utilize all available sources of the city government as reasonably necessary to cope with the disaster emergency, including emergency expenditures not to exceed \$10,000.00.
8. The Mayor may declare certain areas off limits.
9. The Mayor may make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
10. The Mayor may establish emergency operating centers and shelters in addition to or in place of those provided for in the city's or county's emergency plan.
11. The Mayor may declare that during an emergency it shall be unlawful and an offense against the city for any person to use the fresh water supplied by the county for any purpose other than cooking, drinking, bathing and sanitary purposes.
12. The Mayor may declare that during an emergency it shall be unlawful and an offense against the city for any person operating within the city to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price is that price at which similar merchandise, goods or services

were being sold during the 90 days immediately preceding the emergency or at a markup that is no larger a percentage over wholesale costs prior to the emergency.

13. The Mayor may confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be within 60 days and at a customary value charged for the item during the 90 days preceding the emergency.
14. On behalf of the city, the Mayor may call on the resources of the state, Federal Emergency Management Agency, or other political subdivisions of the state as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
15. The Mayor may limit the hours business establishments may remain open.

### **SECTION 3. Penalties for Violations.**

Any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense. In the alternative, pursuant to Section 2-271 of the Code of the City of Anna Maria, any person who refuses to comply with or who violates any section of this Resolution, or the emergency measures which may be made effective pursuant to this Resolution shall be punished according to law and, upon conviction of such offenses, shall be guilty of a second degree misdemeanor. Each day of continued non-compliance or violation shall constitute a separate offense. In addition, any licensee of the city found guilty of violating any provision of this article or the emergency measures which may be made effective pursuant to this article may have his license suspended or revoked by the city commission. Nothing contained in this section shall prevent the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to an equitable action for injunctive relief or any action at law for damage.

### **SECTION 4. Conflicts.**

Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

### **SECTION 5. Severability.**

If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

### **SECTION 6. Effective Date and Termination Date.**

This Resolution shall take effect immediately upon its adoption by the City Commission or by the Mayor in the absence of a quorum of the City Commission in accordance with the Charter and code of ordinances of the City of Anna Maria, and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.

**SECTION 7. Direction to Implement.**

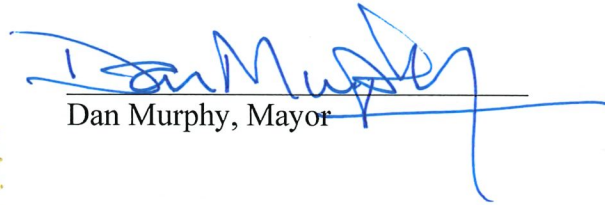
The Mayor is directed to implement this Resolution.

**DUE TO THE INABILITY TO CONVENE A QUORUM OF THE CITY COMMISSION, THIS RESOLUTION IS ADOPTED** this 1 day of October, 2022 by the Mayor of the City of Anna Maria based upon powers granted under Sec. 2-259 of the Code of Ordinances of the City of Anna Maria and under Florida Statutes, Section 252.38(3).



ATTEST:

  
LeAnne Addy, City Clerk

  
Dan Murphy, Mayor

Approved as to form and legality for  
the use and reliance of the City of  
Anna Maria only



Gretchen R. H. "Becky" Vose, City Attorney