

ORDINANCE No. 04-14

AN ORDINANCE ESTABLISHING AN EMERGENCY; AMENDING THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 65, TOWN OF FORT MYERS BEACH RECOVERY FROM DISASTER ORDINANCE; SECTION EIGHT. ESSENTIAL SERVICE AND FACILITY RESTORATION PRIORITIES; PROVIDING AUTHORITY; ESTABLISHING AN EMERGENCY; AMENDMENT TO CHAPTER 65, SECTION EIGHT. ESSENTIAL SERVICE AND FACILITY RESTORATION PRIORITIES BY ADDING SUBPARAGRAPH D. PROCEDURES THAT WILL GOVERN THE RETURN OF THE EVACUEES TO THEIR HOME; PROVIDING SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers Beach, Florida was established under the Laws of Florida, Chapter 95-494 which provides in Section 10.02 Adoption of ordinances, sub-section (b) To meet a public emergency affecting life, health, property, or the public peace, the council, by a two-thirds vote of those present as required by general law, may adopt an emergency ordinance without complying with the requirements of notice expressed in the foregoing paragraph. An emergency ordinance may not levy taxes; grant, renew, or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money. An emergency ordinance shall become effective upon adoption and automatically stand repealed as of the 61st day following the date on which it was adopted. This shall not prevent reenactment of such an ordinance under regular procedures.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Establishing An Emergency. It is the finding of the Town Council that to meet a public emergency affecting life, health, property, or the public peace, an emergency exists justifying the need to adopt this ordinance.

SECTION 3. Amendment. CHAPTER 65. SECTION EIGHT. Essential Service and Facility Restoration Priorities, of the "Town of Fort Myers Recovery From Disaster Ordinance" is amended by adding as follows:

65. SECTION EIGHT. Essential Service and Facility Restoration Priorities

A. The following priorities will govern power and communication service restoration once damaged electrical transmission systems, substations and distribution systems are restored:

1. Priority # 1- Emergency response and recovery facilities having no emergency power or telephone service (community emergency operations or command centers, response/recovery centers); medical facilities having no emergency power; repairing emergency

communication centers and facilities; and designated facilities providing emergency food, water and ice.

2. Priority # 2- Water treatment and pumping facilities, special care centers, nursing home facilities having no emergency power, law enforcement and fire stations having no emergency power, staging areas and distribution centers requiring emergency power.

3. Priority # 3- Wastewater treatment plants and lift stations, general telephone service, solid waste facilities, medical facilities having emergency power, nursing homes having emergency power, law enforcement and fire stations having emergency power, public shelters still housing evacuees and the homeless, adult congregate living facilities, facilities serving as disaster application centers for federal disaster relief, and public and private facilities necessary for resource management and distribution activities (government facilities handling emergency purchasing, designated grocery store/restaurant outlets).

4. Priority # 4- Community areas receiving minor damage, and other government facilities.

5. Priority # 5- Community areas receiving major damage.

6. Priority # 6- Community areas receiving catastrophic damage.

B. The following procedures will govern restoration of water service:

1. Valve off major leak areas.

2. Work with private franchises providing service to determine extent of damaged facilities and reestablish service.

3. Identify highly damaged areas.

4. Assess and provide service to meet critical customer needs (i.e., emergency response and recovery facilities, hospitals, nursing homes, emergency public shelters, kidney dialysis patient facilities, and other identified emergency response facilities).

5. Establish emergency water sites as necessary.

6. Establish priorities and repair damaged facilities in the following order: treatment plants, trunk mains, distribution mains, service connections.

7. Re-pressurize area water systems as necessary.

8. Establish area water potability.

C. The following procedures will govern wastewater service restoration:

1. Assess damages to system (wastewater treatment plants, lift stations, electrical support systems, to include evaluating the need to take lift stations off line in flooded evacuated areas to avoid damage to property when power is restored).

2. Work with private franchises providing service to determine extent of damaged facilities and reestablish service.

3. Coordinate recovery operations in determining and repairing any damages to wastewater treatment plants.

4. Determine need and provide emergency service to emergency response and recovery facilities and hospitals.

5. Repair damaged facilities in the following sequence: treatment plants first, then lift stations starting with those closest to the treatment plants.

6. Reestablish wastewater service to franchise areas as power and water service are restored.

D. Procedures that will govern the return of the evacuees to their home:

Upon the satisfactory restoration of the water supply to fight fires; an operational sewer system and after assessment of the structural damage, properly identified residents, property owners and business owners, will be permitted on island.

SECTION 4. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

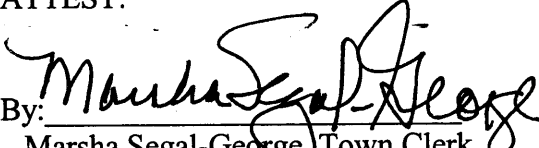
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Howard Rynearson and seconded by Council Member Don Massucco and, upon being put to a vote, the result was as follows:


Howard Rynearson	aye
Don Massucco	aye
Bill Thomas	aye
W. H. "Bill" Van Duzer	aye
Garr Reynolds	nay

DULY PASSED AND ENACTED this 10th day of September, 2004.

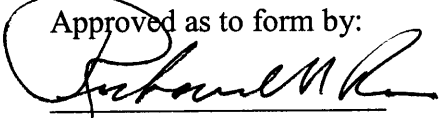
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Bill Thomas, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney