

EMERGENCY ORDER¹

***Norton N. Bonaparte, Jr., ICMA-CM
City Manager
City of Sanford, Florida***

WHEREAS, on October 5, 2024, it was determined that showers and thunderstorms associated with an area of low pressure located over the southwestern Gulf of Mexico gradually became better organized, and the storm was identified as Tropical Storm Milton; and

WHEREAS, on October 5, 2024, Governor Ron DeSantis issued Executive Order 24-214, declaring a state of emergency for 35 counties across the State of Florida due to the dangers presented by then Tropical Storm Milton; and

WHEREAS, on October 6, 2024, Tropical Storm Milton continued to strengthen, and was forecast to undergo significant to rapid intensification as it moves eastward over the central and eastern Gulf of Mexico; and

WHEREAS, also on October 6, 2024, Governor DeSantis determined that an amendment to Executive Order 24-214 was necessary because recovery efforts and those affected by this disaster required the continued support of the State of Florida; and

WHEREAS, later on October 6, 2024 Tropical Storm Milton was officially named hurricane and a large amount of Florida was contained in the forecast cone issued by the National Hurricane Center – Atlantic, however wind, rain, and storm surge can extend well outside of the cone with a great deal of uncertainty as to the locations, scope of the affected area and impacts to specific areas; and

WHEREAS, today, October 7, 2024, Hurricane Milton strengthened into a Category 5 storm with 160 miles per hour sustained winds and is forecast to intensify further on its way to an expected landfall on Florida's Gulf Coast as the National Hurricane Center – Atlantic stated that Hurricane Milton hit the highest level of hurricane in the Saffir-Simpson Hurricane Wind Scale, and is forecast to top out by Monday night with 165 miles per hour as it skates among the warm waters of the Gulf of Mexico just north of Mexico's Yucatan peninsula, and then dial back some intensity as it shifts northeast toward Florida, but still strike as a major hurricane; and

WHEREAS, also Today, President Joseph R. Biden, Jr. declared that an emergency exists in the State of Florida and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from

Hurricane Milton beginning on October 5, 2024, and continuing and the President's action authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the *Stafford Act*, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe; and

WHEREAS, the National Hurricane Center – Atlantic's forecast indicates that Hurricane Milton will be at or near a catastrophic major hurricane upon landfall along the Florida West Coast, accompanied by life threatening storm surges and severe wind gusts for the Florida Gulf Coast; and

WHEREAS, there is an increasing risk of life-threatening storm surges and wind impacts for portions of the western Florida Peninsula beginning as soon as late Tuesday, October 8, 2024, and Wednesday, October 9, 2024; and

WHEREAS, current computer modeling shows rainfall predictions of 4 to 8 inches across the Florida Peninsula as Hurricane Milton moves through the State of Florida, with locally higher amounts in excess of 8 to 12 inches possible; and

WHEREAS, much of the State of Florida such as the City of Sanford has recorded above normal rainfall for this time of year; and

WHEREAS, this level of soil saturation will likely lead to a more rapid onset to flash, urban, and riverine flooding through next week and with water tables in the City of Sanford already nearing peak capacity, the incoming heavy rainfall will cause significant flooding of Lake Monroe/the St. Johns River of that may last for several weeks; and

WHEREAS, heavy rainfall, flash flooding, river flooding, erosion, and gusty winds will in all probability cause power outages due to downed trees and powerlines due to the already vulnerable State of Florida's vegetation; and

WHEREAS, the consequences of these impacts could damage the operational capability of critical infrastructure including major interstates and roadways, bridges, airports, schools, hospitals, and power grids; and

WHEREAS, the City Manager and City Commission are responsible to meet the dangers presented to the City of Sanford and its people by the Hurricane Milton emergency and to protect the citizens, businesses, and property owners of the City to the maximum possible extent; and

WHEREAS, the City of Sanford desires to adequately protect its citizens, businesses, and property owners from the hazards of Hurricane Milton as well as the

potential adverse situations and effects arising from Hurricane Milton; and

WHEREAS, Section 252.38 (3) (a), *Florida Statutes*, provides authority for local governments such as the City of Sanford to take actions in emergency situations and to waive the procedures and formalities otherwise required of the City by law pertaining to:

(1). Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the Federal and State emergency management agencies.

(2). Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.

(3). Establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.

(4). Assign and make available for duty the offices and agencies of the City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the political limits of the City.

(5). Waive the procedures and formalities otherwise required of the City by law pertaining to:

(a). Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

(b). Entering into contracts.

(c). Incurring obligations.

(d). Employment of permanent and temporary workers.

(e). Utilization of volunteer workers.

(f). Rental of equipment.

(g). Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

(h). Appropriation and expenditure of public funds.

; and

WHEREAS, further, Chapter 2, Article VII, Division 2 of the *Code of Ordinances of the City of Sanford (City Code)* sets forth the emergency management plans and programs of the City of Sanford which are consistent with the planning efforts of Seminole County as well as consistent with controlling State law; and

WHEREAS, In accordance with Section 252.38 (2), *Florida Statutes*, the City of Sanford has created the aforementioned municipal emergency management program in its *City Code* and shall coordinate its activities with those of the emergency management agency of Seminole County and the County's activities and programs.

NOW, THEREFORE, AS CITY MANAGER OF THE CITY OF SANFORD, IT IS ORDERED AS FOLLOWS:

(1). I, Norton Bonaparte, City Manager of the City of Sanford, do hereby find that the circumstances set forth above exist and that Hurricane Milton poses a serious threat to the lives and property of residents, businesses and property owners of the City and that a state of local emergency is hereby declared, effective immediately, pertaining to all territory within the legal boundaries and jurisdictional limits of the City.

(2). The Mayor and City Manager require the full and plenary powers and all requisite authority in order to take all actions necessary to address the emergency situations that may arise as a result of Hurricane Milton in accordance with the provisions of State law and all emergency management procedures that have been adopted by the City of Sanford.

(3). Without limiting the generality of the foregoing, a curfew is hereby contingently established, commencing on October 8, 2024, prohibiting the presence of the any person on the rights-of-way, streets or roads within the City Limits of the City of Sanford between the same hours imposed by the government of Seminole County, if a curfew is imposed by Seminole County, but, if a curfew is not imposed by Seminole County, a curfew shall not be imposed and in effect in the City of Sanford; provided, further, however, that Section 2-455 of the *City Code* shall control in that it states that ". . . 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

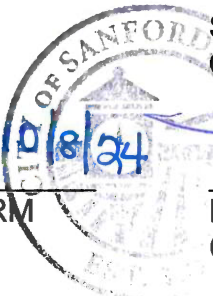
after their work has concluded” which provision is consistent with the provisions of Section 252.46 (4), *Florida Statutes*, which controls and states that any order of the City “. . . which imposes a curfew restricting the travel or movement of persons during designated times must nonetheless allow 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 concluded” and Section 252.359 (5). *Florida Statutes*, which controls and provides that a person or employer “. . . may enter or remain in the curfew area for the limited purpose of facilitating the transport or distribution of essentials and may provide service that exceeds otherwise applicable hours of service maximums to the extent authorized by a duly executed declaration of a state of emergency.” Notwithstanding the foregoing, the undersigned City Manager may rescind the enforcement of the contingent curfew at any time by advising the City’s Chief of Police and the City’s Fire Chief of such action at which time the Mayor and the Members of the City Commission shall also be notified.

(4). This Emergency Order shall become effective immediately upon its execution and shall automatically expire 7 days after issuance, but may be extended by a majority vote of the City Commission, as necessary, in 7-day increments for a total duration of not more than 42 days; provided, however, that the City shall act in accordance with the provisions of Section 15 of Executive Order 24-214 which expires 60 days from October 5, 2024, unless extended. This Emergency Order shall be presented to and discussed with the City Commission at its meeting of October 14, 2024.

IN WITNESS WHEREOF, I have hereunto
Set my hand and caused the Seal of the City of
Sanford, Florida, to be affixed this 7th day of
October, 2024.

Attest:

Traci Houchin, MMC, FCRM
City Clerk



Norton N. Bonaparte, Jr., ICMA-CM
City Manager

¹ Section 2-455 of the *City Code* provides as follow:

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 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 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. 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 with administrative assistance from the City Clerk an legal assistance from the City Attorney under the authority vested in those positions under the provisions of the City Charter..