



City of North Port

ORDINANCE NO. 2024-40

AN EMERGENCY ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY CAUSED BY THE THREAT POSED BY POTENTIAL TROPICAL CYCLONE NINE , GRANTING THE CITY MANAGER OR DESIGNEE THE AUTHORITY TO TAKE ACTIONS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 252.38(3)(a), AND SUSPENDING STANDARD PROCEDURES AND FORMALITIES FOR THOSE MATTERS IDENTIFIED IN FLORIDA STATUTES SECTION 252.38(3)(a)5, INCLUDING BUT NOT LIMITED TO THE PROCUREMENT OF GOODS AND SERVICES NECESSARY TO ADDRESS THE DECLARED EMERGENCY; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR DURATION.

WHEREAS, Florida Statutes Section 252.38(3)(a) gives authority to public subdivisions to declare and enact a state of local emergency for a period of up to seven (7) days and to take certain measures that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 23, 2024, pursuant to Florida Statutes Chapter 252, Governor Ron DeSantis issued Executive Order number 24-208, declaring a state of emergency in numerous counties, including Sarasota County; directing the Division of Emergency Management to execute the State's Comprehensive Emergency Management Plan; and authorizing each political subdivision within the State of Florida, pursuant to Florida Statutes Section 252.38(3)(a), to waive certain procedures and formalities otherwise required by law that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 24, 2024, Sarasota County declared a state of emergency related to the threat of the Potential Tropical Cyclone Nine; and

WHEREAS, highly conducive environmental conditions are forecast to organize and develop Potential Tropical Cyclone Nine into a tropical depression or tropical storm over the next few days, with further development and strengthening expected; and

WHEREAS, Potential Tropical Cyclone Nine is expected to have a vast areal extent, and its impact will likely extend well beyond its center, with a significant threat of storm surge, coastal flooding and erosion, heavy rainfall and flash floodings, and damaging winds to the Florida Gulf Coast; and

WHEREAS, due to the impacts from Hurricane Debby, the water tables and riverine levels across the area remain above normal, and the additional incoming rainfall may cause additional flooding for an extended period; and

WHEREAS, Potential Tropical Cyclone Nine poses an immediate danger to the public health, safety, or welfare to the City of North Port, Florida, and its residents, constituting an emergency which warrant the adoption of this ordinance; and

WHEREAS, pursuant to the City Charter of the City of North Port, Florida, Section 7.02, the City Commission of the City of North Port, Florida has by a vote of at least four (4) Commissioners deemed the adoption of this ordinance as necessary for the public health, safety, and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this is an emergency ordinance.

SECTION 2 – DECLARATION OF EMERGENCY AND EMERGENCY PROCEDURES

- 2.01 The City Commission of the City of North Port, Florida hereby declares a state of local emergency due to Potential Tropical Cyclone Nine, an emergency affecting the City.
- 2.02 The City Commission of the City of North Port, Florida hereby authorizes the City Manager or the City Manager's designee the power and authority set forth in Florida Statutes Section 252.38(3)(a), and to take any and all action deemed necessary during this state of emergency.
- 2.03 The City Commission of the City of North Port, Florida hereby determines that this emergency necessitates the waiver of the standard procedures and formalities required by law pertaining to those matters identified in Florida Statutes Section 252.38(3)(a)5, including but not limited to the City Manager's procurement of goods and services requiring emergency action, notwithstanding the provisions of Chapter 2, Code of the City of North Port, Florida. Procurements should be made with the greatest degree of competition that circumstances will permit.
- 2.04 The City Manager or the City Manager's designee may extend this state of local emergency in seven-day increments.

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – EFFECTIVE DATE

5.01 This ordinance takes effect immediately upon adoption.

SECTION 6 – DURATION

6.01 This ordinance shall remain in effect until it expires by operation of law or until the emergency conditions no longer exist as determined by the City Manager or the City Manager’s designee.

READ IN ITS ENTIRETY in public session on September 24, 2024.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, in public session on September 24, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY