

ORDINANCE NO. 2016-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO ADD A DEFINITION FOR DISASTER DEBRIS; AND BY CREATING A NEW SECTION 96.38, "DISASTER DEBRIS REMOVAL FROM GATED COMMUNITIES", FINDING THAT SAID DEBRIS CONSTITUTES A PUBLIC NUISANCE AND PROVIDING REQUIREMENTS FOR ITS REMOVAL FROM PRIVATE ROADS AND GATED COMMUNITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 96.01, "Definitions," of Chapter 96 of the Code of Ordinances of the City of Pompano Beach, Florida, is hereby amended to read as follows:

§ 96.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

...

DISASTER DEBRIS. As currently defined in FEMA publication 325, Public Assistance Debris Management Guide, or as may be amended in the future, shall mean

any material, both natural and man-made, generated by a disaster. For this definition, storm debris shall be considered synonymous.

...

SECTION 2. That Section 96.38, "Disaster Debris Removal From Gated Communities," of the City of Pompano Beach Code of Ordinances shall be created to read as follows:

§ 96.38 DISASTER DEBRIS REMOVAL FROM GATED COMMUNITIES.

(A) Disaster Debris is a hazard to the public and constitutes a Public Nuisance. Debris removal shall be conducted to address immediate threats to life, health and safety, and improved property, and to ensure economic recovery of the affected community.

(B) Right of Entry and Indemnification

(1) In order to facilitate the timely removal of Disaster Debris from private roads and gated communities, each property owner or association shall grant to the City the right of entry onto roads and streets to clear or collect Disaster Debris on or adjacent to the private road or street.

(2) In conjunction with the right of entry, each property owner adjacent to a private road or street or gated community association shall indemnify, save and hold harmless the United States Government, Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), the State of Florida, the City of Pompano Beach and their agents, officers, employees, volunteers, contractors and subcontractors, from any and all claims, losses, penalties, demands, judgments, and costs of suit, including, but not limited to, worker's compensation claims, and including attorney's fees and paralegal fees, for any expense, damage or liability incurred by any of them, whether for personal injury, property damage, direct or consequential damages, or economic loss, arising directly or indirectly on account of or in connection with the work performed by any of the above pertaining to any hazard or disaster mitigation, recovery or reconstruction management.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2016.

PASSED SECOND READING this _____ day of _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/ds
8/19/16
l:ord/ch96/2016-287