

**CITY OF MARATHON, FLORIDA
RESOLUTION 2017-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA GRANTING THE MAYOR, OR IN HIS OR HER ABSENCE OR INABILITY TO ACT, THE VICE-MAYOR, OR IN HIS OR HER ABSENCE OR INABILITY TO ACT, THE MAYOR'S DESIGNEE, THE AUTHORITY TO DECLARE A STATE OF EMERGENCY AND EXERCISE ALL POWERS AS AUTHORIZED BY CHAPTER 252, FLORIDA STATUTES; RESCINDING RESOLUTION NO. 00-08-35; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marathon, Florida, (the "City") desires to ensure that the City will be able to properly function and provide essential services to the residents of the City in the event of a natural, technological, or civil emergency; and

WHEREAS, the City Council of the City of Marathon desires by this Resolution to authorize the Mayor, or in his or her absence or inability to act, the Vice Mayor, or in his or her absence or inability to act, the Mayor's designee, the authority to declare a state of emergency in the event of a natural, technological, or civil emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. **Authorizing the Declaration of a State of Emergency.** Pursuant to Chapter 252, Florida Statutes, whenever there shall occur within the City a natural, technological, or civil emergency, or the imminent threat of one that requires immediate and expeditious action, the Mayor, or in his or her absence or inability to act, the Vice Mayor, or in his or her absence or inability to act, the Mayor's designee, is designated and empowered to declare a state of emergency. The state of emergency shall be declared by the Mayor, or in his absence or inability to act, the Vice Mayor, or in his or her absence or inability to act, the Mayor's designee, by means of a proclamation.

The state of emergency shall continue until the Mayor, or in his or her absence or inability to act, the Vice Mayor, or in his or her absence or inability to act, the Mayor's designee finds that the threat or danger no longer exists. In the alternative, the City Council at an emergency or regularly scheduled meeting may terminate the state of emergency by proclamation or resolution. In no event, shall any declared state of emergency exceed seven (7) days, unless extended by the Mayor, Vice Mayor, Mayor's designee, or City Council in accordance with the procedures set forth above. Any such extensions shall be in seven (7) day increments.

Section 2. **Proclamation Declaring a State of Emergency.** The proclamation declaring a state of emergency shall provide the following:

- a) The nature of the emergency.
- b) Designate by appropriate boundaries, the area or areas affected.
- c) The conditions which have brought the emergency about or which make possible its termination.

- d) Recite additional matter as is deemed necessary to carry out the emergency powers prescribed herein.

Section 3. Powers During State of Emergency. Upon the declaration of a state of emergency, the Mayor, or in his or her absence or inability to act, the Vice Mayor, or in his or her absence or inability to act, the Mayor's designee, is authorized to exercise all of the powers necessary to protect the health, safety and welfare of the City and its residents, as set forth in Section 252.38, Florida Statutes, as may be amended from time to time.

Section 4. Effect of State of Emergency. During a state of emergency:

- a) All laws of the City and state shall remain in full force and effect except as otherwise provided in this resolution.
- b) Nothing in this resolution shall be interpreted or construed to limit the authority of the Mayor or City Council to declare or terminate a state of emergency and take any action authorized by law when sitting in an emergency or regularly scheduled meeting.
- c) It shall be unlawful to violate any order that is issued during a declared state of emergency, when said order is issued for the purposes of protecting life and property.

Section 5. Rescission of Resolution No. 00-08-35. Resolution No. 00-08-35 is hereby rescinded and shall be of no further force or effect.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 19th DAY OF DECEMBER 2017.

THE CITY OF MARATHON, FLORIDA



Michelle Coldiron, Mayor

AYES: Cook, Senmartin, Zieg, Bartus
NOES: None
ABSENT: Coldiron
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk
(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



David Migut, City Attorney