## Chapter 8B EMERGENCY MANAGEMENT [[1]](#BK_7D4EF68CAEF0AB76F42834E487F86D87)

[Sec. 8B-1. Establishment.](#BK_F8923D65D251A820E56684BEE3004014)

[Sec. 8B-2. Definitions.](#BK_D663A0BF8B1C9CD7B519258F700669D4)

[Sec. 8B-3. Territorial limits for performance of functions.](#BK_0D3CD05358A1EAF2239E43E1B5FF7CCB)

[Sec. 8B-4. Powers of the Board of County Commissioners.](#BK_463B95DEAF6AD04FA72C061DCF269008)

[Sec. 8B-5. Procedure for adoption of ordinances and regulations during disasters or emergencies.](#BK_1FA7A2FBB4D6EECBF3DE9FE1A1611708)

[Sec. 8B-6. Powers of the Mayor.](#BK_8E92F55ECCD127E7EBA0DE93E06600DD)

[Sec. 8B-7. Duties of the County Manager.](#BK_DB033AE523A31AEED1EDDC5D0AD0D261)

[Sec. 8B-8. Duties of the Director of the Office of Emergency Management.](#BK_45FD4BC1A8D8A41F46475298BCF6BA31)

[Sec. 8B-9. County Department Preparedness Contingency Plans.](#BK_28B5EEDBF0180B3B0DAFF0DE702EE866)

[Sec. 8B-10. Evacuation of Residential Health Care Facilities (RHCFs).](#BK_94EBAC6E5310E3FD75D3EF0F2692F287)

[Sec. 8B-11. Volunteer and Disaster Assistance Employees.](#BK_D9EB7089EC0915C08626F5F6FE0D3690)

[Sec. 8B-12. Penalties.](#BK_FFAF009432078ACB5DAA9C810106A71B)

[Sec. 8B-13. Emergency Operations Center Management.](#BK_A37FF7D3E711929018BD1BAB8AE18AA5)

[Sec. 8B-14 Municipal/Divisional Emergency Operations Centers.](#BK_B777C8C2E2D9D970C713BA736EE7396C)

[Sec. 8B-15. Planning related to Special Facilities.](#BK_B091B6D157ED5EFB11CE4B1F876D9544)

[Sec. 8B-16. Planning related to gas stations.](#BK_7EEB77F47F931F4E198CFB1736593C8F)

[Sec. 8B-17 Planning related to food stores.](#BK_0FD2176FD1CFD66228D31E7F896A85AB)

[Sec. 8B-18. Requirement To Secure Loose Materials.](#BK_D2FB71AFD7A4493860251335FF6DC3D2)

Sec. 8B-1. Establishment.

Pursuant to F.S. 252, there is hereby established the Miami-Dade County Office of Emergency Management, the operation of which shall be the responsibility of the County Manager. The duties of the Office of Emergency Management shall be to provide for the effective direction, control and coordination of Miami-Dade County government disaster management services, functional units, and personnel, and provide collaboration with other governments and the private sector, in compliance with the Miami-Dade County Comprehensive Emergency Management Plan.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-2. Definitions.

When used in [Chapter 8B](../level2/PTIIICOOR_CH8BEMMA.docx#PTIIICOOR_CH8BEMMA) the following terms shall have the meanings set forth below:

(1) The Board of County Commissioners is the elected legislative body representing all residents of Miami-Dade County and shall herein be referred to as the "Board".

(2) The County Manager is the Chief Administrative Officer of Miami-Dade County and shall herein be referred to as the "Manager".

(3) The Director of the Office of Emergency Management is the Miami-Dade County official who will execute the Comprehensive Emergency Management Plan in Miami-Dade County and shall herein be referred to as the "Director".

(4) Disaster shall be defined as any natural or man-made incident that disrupts or damages the social or economic systems or infrastructure of the community and which is so severe that a Local State of Emergency is declared.

(5) Emergency shall be defined as any incident, natural or manmade, that disrupts or threatens to disrupt, the social or economic systems or infrastructure of the community in such a manner as to warrant a response action but does not warrant the declaration of Local State of Emergency.

(6) The Executive Mayor is the elected Chief Executive Officer of Miami-Dade County and shall herein be referred to as the "Mayor".

(7) The Plan refers to the Comprehensive Emergency Management Plan written by the Miami-Dade County Office of Emergency Management pursuant to Florida Statutes § 252.38. The Plan establishes the framework through which Miami-Dade County prepares for, responds to, recovers from, and mitigates the impacts of a wide variety of disasters that could adversely affect the health, safety and/or general welfare of the residents of Miami-Dade County. The Plan provides guidance to Miami-Dade County and local officials on procedures, organization, and responsibilities, as well as provides for an integrated and coordinated local, State and federal response. The Plan establishes a method of operation that spans the direction and control of an emergency from initial monitoring through post-disaster response, recovery, and mitigation.

(8) Residential Health Care Facilities (RHCFs) are defined as hospitals, ambulatory surgical centers, and long-term care facilities pursuant to Florida Statutes § 395.002 and § 400.0060.

(9) The State of Florida shall herein be referred to as the "State".

(10) The Miami-Dade County Office of Emergency Management shall herein be referred to as the "Office of Emergency Management".

(11) The "Miami-Dade Emergency Operations Center (EOC)" shall be defined as the pre-established, secured, and protected facility from which Miami-Dade County coordinates, monitors, and directs countywide emergency response and recovery activities during a threat of, or an actual disaster.

(12) "Activation of the EOC" shall be defined as the alert, notification, or mobilization of appropriate department, agency or organizational representatives to the EOC in order to initiate the Plan so as to functionally prepare, mitigate, respond and recover from an incident or disaster.

(13) "Lead Agency" shall be defined as the department, agency or organization assigned primary responsibility by the Director to manage and coordinate a specific function pursuant to the Plan. Lead agencies are designated on the basis of their having the most authorities, resources, capabilities, or expertise relative to the accomplishment of the specific function. Lead Agencies will be responsible for maintenance of sections of the Plan related to their assigned function.

(14) "Essential employee" shall be defined as a Miami-Dade County employee whose job function(s) is critical to the performance of the employee's department or agency's mission during disaster situations within Miami-Dade County. As such, the absence or non-performance of the employee's job function negatively impacts the department or agency from providing its mission(s) prescribed in the Plan.

(15) "Non-essential employee" shall be defined as a Miami-Dade County employee whose job function(s) is not critical to the performance of the employee's department or agency's mission during disaster situations within Miami-Dade County. As such, the absence or non-performance of the employee's job function does not negatively impact the department or agency from providing its mission(s) prescribed in the Plan.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-3. Territorial limits for performance of functions.

The Office of Emergency Management shall perform civil defense, mitigation, preparedness, disaster response, and recovery functions within the territorial limits of Miami-Dade County including incorporated municipalities, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of Chapter 252, Florida Statutes, and in accordance with State and Miami-Dade County comprehensive emergency management planning.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-4. Powers of the Board of County Commissioners.

The Board accepts all powers vested in the Office of Emergency Management as created by and defined in Chapter 252, Florida Statutes.

(1) *Conduct of Board business in event of a disaster or emergency:* If, due to a disaster or emergency as defined herein, it becomes impossible to conduct the affairs of Miami-Dade County government at regular or usual places, the Board, as the legislative body of Miami-Dade County, may meet upon the call of the Chairperson at any place within the territorial limits of Miami-Dade County. If relocation is required due to the effects of a disaster or emergency, the affairs of the Board shall be lawfully conducted at temporary location(s) until normal facilities can be restored. This section does not in any way dismiss the Board's responsibilities under the Florida State Open Government Sunshine Act, as amended. All reasonable attempts must be made to comply with the requirements of Florida Statutes 286.011.

(2) *Termination of a Local State of Emergency:* If a Local State of Emergency has been declared by the Mayor or the Chairperson of the Board of County Commissioners in the absence of the Mayor or the Manager in the absence of the Mayor and the Chairperson of the Board of County Commissioners and exceeds thirty (30) days, the Board can terminate the Declaration of a Local State of Emergency by a two-thirds (2/3) majority vote of those present.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-5. Procedure for adoption of ordinances and regulations during disasters or emergencies.

Upon affirmation by the Mayor or the Chairperson of the Board of County Commissioners in the absence of the Mayor or the Manager in absence of the Mayor and the Chairperson of the Board of County Commissioners that a disaster or emergency exists which will affect the health, safety or welfare of the citizens of Miami-Dade County, any such ordinance or regulation adopted and promulgated because of such disaster or emergency shall become enforceable immediately upon promulgation. A copy shall be filed with the Clerk of the Circuit Court as Clerk of the Miami-Dade County Commission within twenty-four (24) hours of its promulgation. Upon failure to file the ordinance or regulation within twenty-four (24) hours, such ordinance or regulation shall not be deemed to have been adopted because of a disaster or emergency and shall have no effect until filed in the Office of the Clerk of the Circuit Court as Clerk of the Miami-Dade County Commission within a period of fifteen (15) days as heretofore provided.

(Ord. No. 99-51, §§ 2, 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-6. Powers of the Mayor.

Pursuant to the Code and Florida State law, and to execute the policies and purposes of this Chapter, the Mayor, the Chairperson of the Board of County Commissioners in the absence of the Mayor or the Manager in the absence of the Mayor and the Chairperson of the Board of County Commissioners is authorized to:

(1) Declare a Local State of Emergency: The Mayor or the Chairperson of the Board of County Commissioners in the absence of the Mayor may declare a Local State of Emergency for a period of up to thirty (30) days for any or all areas of Miami-Dade County in response to the imminent threat of, or an occurring emergency or disaster. The Mayor or the Chairperson of the Board of County Commissioners in the absence of the Mayor or the Manager in the absence of the Mayor and the Chairperson of the Board of County Commissioners must present to the Board and file with the Office of the County Manager an affidavit stating the reasons for the Declaration:

(a) If the Declaration is to exceed thirty (30) days the Mayor, or the the Chairperson of the Board of County Commissioners in the absence of the Mayor or the Manager in the absence of the Mayor and the Chairperson of the Board of County Commissioners, shall present to the Board an additional affidavit stating the reasons for the extension.

(b) A Local State of Emergency may be terminated by executive order once conditions that prompted the declaration are no longer a threat.

(2) Ensure the coordination Local, State, or Federal agencies, and private entities to facilitate disaster or emergency operations.

(3) The Mayor shall be the official representative of Miami-Dade County and speak on behalf of its actions in response to disasters or emergencies.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-7. Duties of the County Manager.

The Manager shall be responsible for the overall emergency management function in Miami-Dade County, and keep the Mayor and the Board advised of any actions.

(1) The Manager may mobilize any or all functional parts of Miami-Dade County government, take special actions and put in place all appropriate regulations that will protect the lives and property of the citizens of Miami-Dade County.

(2) Once a Local State of Emergency has been declared, the Manager is authorized by the Mayor and the Board to order any or all of the following actions:

(a) Employee Recall Order: An order recalling Miami-Dade County employees from vacation, canceling days off, and mobilizing all personnel required for disaster response;

(b) Authorize the Department of Procurement to suspend normal leasing and bid procedures to procure space, structures or other items under their normal authority for disaster response determined necessary;

(c) Authorize procurement of supplies, equipment, and services without formal bidding procedures;

(d) Evacuation Order: A mandatory order(s) directing the evacuation of appropriate area(s) of Miami-Dade County deemed to be in imminent danger from disaster;

(e) Curfew: In the period before, or during and immediately after an event, an order imposing a general curfew applicable to Miami-Dade County as a whole, or to geographical area(s) of Miami-Dade County and during hours the Manager deems necessary, and from time to time, to modify the hours the curfew will be in effect and what area(s) it applies to;

(f) An order requiring any or all commercial establishments located in area(s) of imminent or actual danger to close and remain closed until further order;

(g) An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are predominantly sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sales of alcoholic beverages, and in which such alcoholic beverages may be removed or made secure from seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, at the discretion of the Manager, be allowed to remain open;

(h) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of Miami-Dade County;

(i) An order requiring the closure of any or all establishments where firearms and/or ammunition are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition, and in which such firearms or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than firearms and ammunition may, at the discretion of the Manager, be allowed to remain open;

**Note—**Florida Statutes § 790.33, as amended, preempts and declares null and void all local ordinances, administrative regulations and rules in the field of firearms and ammunition, with limited exceptions set forth in § 790.33, as amended.

(j) An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly attached to a gas powered vehicle;

(k) An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

(l) In addition to the provisions of [Section 8A-5](../level3/PTIIICOOR_CH8ABURE_ARTIINGE.docx#PTIIICOOR_CH8ABURE_ARTIINGE_S8A-5PRPRGODUDESTEM) of the Code of Miami-Dade County, orders to prevent price gouging for any essential commodity, dwelling unit, or storage facility;

(m) Orders requesting the conservation of water supplies;

(n) The Manager shall cause any proclamation ordered by the Mayor or the Board pursuant to the authority of this chapter to be delivered to all news media within Miami-Dade County, and shall utilize whatever available means to give public notice of such proclamation.

(o) Such other orders as are immediately necessary for the protection of life and property; provided, however that any such orders shall, at the earliest practicable time, be presented to the Board for ratification or confirmation in accordance with this chapter.

(3) Appoint a Director of the Office of Emergency Management.

(4) The Manager will require all Miami-Dade County department and agency directors to develop emergency operations plans, establish staff members who will carry out these plans, represent their agencies during a disaster or emergency, and will make available to the Office of Emergency Management twenty-four (24) hour contact information and a system of notification of key employees.

(a) The directors of all Miami-Dade County departments and agencies that are required to report to and function in the EOC as outlined in the Plan, will appoint no less than six (6) staff members who will form the pool of that department's or agency's representatives that will be assigned to report to the EOC upon activation to represent their department or agency or serve as lead agency for a specific function.

(b) The directors of all Miami-Dade County departments and agencies will designate each staff member as essential or non-essential as defined in [§ 8B-2](../level2/PTIIICOOR_CH8BEMMA.docx#PTIIICOOR_CH8BEMMA_S8B-2DE) (14-15). The function and responsibilities of "essential" staff will be outlined in the department's or agency's preparedness plan pursuant to [§ 8B-9](../level2/PTIIICOOR_CH8BEMMA.docx#PTIIICOOR_CH8BEMMA_S8B-9CODEPRCOPL) (1). The directors shall submit a list of all "non-essential" staff members to the Office of Emergency Management each May. These "non-essential" staff members will serve in the Disaster Assistance Employee program.

(5) The Manager or designee shall present an annual emergency preparedness report to the Board and the Mayor. This report, to be presented in writing, shall ensure that the Board and the Mayor are informed on the status of the ability of Miami-Dade County to prepare for, respond to, and manage disasters and emergencies. This report is pursuant to the Citizens' Bill of Rights, Section 10 of the Miami-Dade County Home Rule Charter and F.S. 252.

(6) During training or exercises requiring the participation of any or all Miami-Dade County departments or agencies, it shall be the responsibility of the Manager to ensure appropriate participation by said departments in support of the Plan.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-8. Duties of the Director of the Office of Emergency Management.

The Director shall be responsible for the organization, administration and operation of the Office of Emergency Management, subject to the direction and control by the Manager. The Director shall coordinate the activities, services and programs for emergency management and disaster response within Miami-Dade County and shall maintain liaison with other emergency management organizations.

(1) The Director or designee shall prepare a Comprehensive Emergency Management Plan and program for the emergency management of Miami-Dade County pursuant to F.S. 252, including, but not limited to elements addressing mitigation activities, preparedness, responses to disasters and emergencies, and recovery operations and submit the Plan and program to the Director of the Division of Emergency Management. State of Florida for review and certification for consistency with the State Comprehensive Emergency Management Plan and compliance with Federal emergency management mandates.

(2) The Director or designee shall monitor and advise the Mayor and Manager of any and all threats, emergencies or disasters that pose a risk to the lives and safety of the residents of Miami-Dade County, proposing solutions for their decision on how best to protect people and property from imminent danger, or from further damage.

(3) The Director or designee shall procure supplies and equipment, institute training programs, public preparedness information and education programs, manage and coordinate disaster drills and exercises in accordance with the Plan.

(4) Provision of Shelter.

(a) Public Shelter Manager: In cases of national emergency, or local disaster or emergency as defined herein, the Director or designee, may appoint Shelter Managers, who shall open public shelters; take charge of all stocks of food, water and other supplies stored in said shelter; admit the public according to Miami-Dade County's sheltering plan; and take whatever control measures are necessary for the protection and safety of the occupants.

(b) In the event any of the aforementioned public shelters are not available or no longer suitable for use as a shelter for whatever reason, the Director or designee may cause to be opened any publicly owned building within Miami-Dade County for such use as deemed necessary by the Director or designee.

(c) Shelter Managers are authorized to use reasonable restraint against those who refuse to cooperate with the routine of shelter living under emergency conditions. Refusal to carry out the orders of the Shelter Manager and appointed staff shall be deemed an offense punishable by a fine of not more than five-hundred dollars ($500.00) or imprisonment in Miami-Dade County jail of not more than sixty (60) days or by both such fine and imprisonment.

(5) The Director or designee shall, in consultation with all municipalities, concerned agencies, public utilities and state offices, develop an evacuation plan for Miami-Dade County. This plan should be usable for any or all types of emergencies or disasters. It should coordinate the efforts of all local entities allowing for rapid execution in the face of a sudden disaster.

(6) The Director is authorized by the Board to enter into mutual aid agreements in collaboration with other public and private agencies within the State for reciprocal disaster aid and assistance in the event of a disaster or emergency too great to be dealt with unassisted.

(Ord. No. 99-51, §§ 1, 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-9. County Department Preparedness Contingency Plans.

To facilitate emergency preparedness planning for Miami-Dade County, as required by Florida Statute 252.38(1)(a), all Miami-Dade County departments, authorities, independent agencies, and constitutional officers shall prepare and periodically revise emergency preparedness contingency plans pursuant to directions and guidelines from the Office of Emergency Management. These emergency preparedness contingency plans must identify a baseline of preparedness for a full range of hazard-risks and potential emergencies and must establish a comprehensive and effective program that maintains the continuity of essential departmental functions during any emergency or other situation that disrupts normal operations. Miami-Dade County shall ensure that such contingency plans are consistent with the Plan.

(1) These emergency preparedness contingency plans shall be submitted to the Office of Emergency Management by the last day of March each year in an Office of Emergency Management-approved format and shall address the following areas:

(a) A departmental or agency risk assessment and vulnerability analysis;

(b) Preparedness and mitigation activities including procedures for employees who perform pre-event activities or shut down critical operations;

(c) Operational procedures of the departmental or agency operations center or command post;

(d) Direction and control including authorities and responsibilities of key personnel and the chain-of-command;

(e) Communications (primary and back-up) systems that will be used to keep employees, on-duty and off-duty, informed of departmental response activities, to coordinate employees in order to carry out departmental missions, to keep in contact with customers and suppliers, and to coordinate with the Miami-Dade EOC;

(f) Life safety procedures including employee alert and notification, assembly and accountability, evacuation procedures, employee/family preparedness and welfare;

(g) Protection of facilities, equipment, supplies, and vital records;

(h) Recovery and restoration of services including employee support, critical asset repair/replacement, and the continuity of operations;

(i) Operating procedures for documenting departmental or agency emergency personnel, equipment, services, and materials expenditures and for their recovery or reimbursement from appropriate local, state, and federal sources;

(j) Public information;

(k) Administration and logistics.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-10. Evacuation of Residential Health Care Facilities (RHCFs).

All licensed residential health care facilities (RHCFs) in Miami-Dade County will be required to participate in the Miami-Dade County RHCF program incorporated into the Plan under the guidance of the Office of Emergency Management.

(1) RHCFs located in hurricane evacuation zones and that house stretcher bound patients/residents must coordinate aforesaid patients' evacuation according to the Miami-Dade County Stretcher Bound Patient Evacuation Protocol, referred to in the Plan.

(2) RHCFs are required to take part in an annual disaster drill coordinated by the Office of Emergency Management.

(3) All companies licensed by Miami-Dade County to provide nonemergency medical transportation service are required to participate in the evacuation of RHCFs as instructed by the Office of Emergency Management.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-11. Volunteer and Disaster Assistance Employees.

(1) The recruitment, training and use of individuals as volunteer, Disaster Assistance Employees and auxiliary emergency preparedness personnel is hereby authorized, and the Director or designee may recruit, train and assign these personnel in accordance with the Plan and as required by the exigencies of a disaster when these personnel are used.

(2) The Director or designee shall mandate training of county employees, activation and assignment of Disaster Assestance Employees as required by the exigencies of a disaster.

(3) No individual receiving instruction as a volunteer activated to assist under the provisions of this chapter, who is not already a Miami-Dade County employee, shall be entitled to receive any benefits, compensation or status as a Miami-Dade County employee.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-12. Penalties.

It is unlawful for anyone to fail or refuse to obey any such order issued by the Mayor, the Board, the Manager, or the Director or their designee pursuant to this chapter. Anyone convicted of a violation of this section is punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one hundred and eighty (180) days, or both.

(Ord. No. 99-51, § 3, 5-25-99; Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-13. Emergency Operations Center Management.

(1) The Director or designee will activate the Miami-Dade EOC in anticipation of, or in response to, a disaster. Pursuant to [8B-7](../level2/PTIIICOOR_CH8BEMMA.docx#PTIIICOOR_CH8BEMMA_S8B-7DUCOMA)(4)(a), assigned departmental or agency staff members will respond to the EOC when activated. Department directors will ensure that the Office of Emergency Management is maintained with accurate 24-hour contact information for each of these staff members and ensure that appropriate staff report to the EOC in a timely manner, upon activation. The Office of Emergency Management will assist directors to train the staff representatives in their role and function.

(2) The Director or designee is responsible for the constant readiness of the Miami-Dade EOC and the alert and notification of all representatives for the activation of the Miami-Dade EOC.

(3) In accordance with the Plan, private agencies or organizations may be required by the Director to serve in the Miami-Dade EOC and provide a representative to the Miami-Dade EOC. These agencies or organizations will appoint no less than six (6) staff members who will form the pool of that agency's or organization's representatives that will be assigned to report to the EOC upon activation to represent their agency or organization or serve as lead agency for a specific function. Agency or organization directors will ensure that the Office of Emergency Management is maintained with accurate 24-hour contact information for each of these staff members and ensure that appropriate staff report to the EOC in a timely manner, upon activation. The Office of Emergency Management will assist directors to train the staff representatives in their role and function.

(Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-14 Municipal/Divisional Emergency Operations Centers.

(1) In accordance with the Plan, all incorporated municipalities within the boundaries of Miami-Dade County will be organized into divisions, determined by the Office Emergency Management.

(2) One municipality within each division will be designated by the Director as a Divisional Emergency Operations Center and will be required to send a representative to the Miami-Dade EOC upon activation.

(3) When requested by the Director, each Divisional EOC will activate their municipal EOC facility, send a trained representative to the Miami-Dade EOC, and take whatever actions are necessary to mitigate the effects of, assist in the response to, or recovery from, a disaster.

(4) Once Divisional EOCs have been activated by the Director, their subordinate municipalities are required to make requests in accordance with the Plan.

(Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-15. Planning related to Special Facilities.

(1) Special facilities are those institutions or organizations whose populations are dependent upon the institution for transportation.

(2) Special facilities are required to have a plan in place to be self sufficient in an emergency that would require evacuation of their facility due to a natural or technological disaster.

(3) These institutions include, but are not limited to assisted living facilities, schools (public and private), day care centers, elderly centers or other organizations.

(4) The Plan will include provisions to allow these institutions to incorporate within their plans the use of reception centers, alert and notification and family reunification services.

(Ord. No. 03-178, § 1, 7-22-03)

Sec. 8B-16. Planning related to gas stations.

1. This Section shall apply to gas stations located within incorporated or unincorporated Miami-Dade County. Gas station shall be defined in [Section 33-1](../level3/PTIIICOOR_CH33ZO_ARTIINGE.docx#PTIIICOOR_CH33ZO_ARTIINGE_S33-1DE)(51) of this Code.

2. Gas stations are required to create and implement a plan in place to provide for the uninterrupted operation of all fuel pumps within twenty-four hours following the declaration of a local state of emergency pursuant to this Chapter (the "Gas Station Emergency Plan").

3. The Gas Station Emergency Plan shall document the gas station's ability to provide uninterrupted services not later than July 1, 2006 and shall provide, at a minimum:

(a) An alternate source of power to operate the pumps during periods of electrical outage (the "Alternate Source"). The Alternate Source shall be sufficient to operate all pumps during normal business hours and may involve one or more temporary or permanent fuel operated generators.

(b) In the event that the Alternate Source requires the installation of permanent equipment, a schedule showing the purchase or lease of the equipment and providing installation not later than August 1, 2006.

(c) In the event that the Alternate Source requires construction or otherwise the obtaining of a building permit, a schedule for obtaining a permit not later than July 1, 2006 and a certificate of occupancy not later than September 1, 2006.

(d) In the event that the Alternate Source requires the delivery of generators from off-site facilities, evidence of the availability of such generators to the gas station, and for delivery to the site of those generators in reasonably foreseeable disaster conditions.

(e) A maintenance plan for any and all equipment related to the Alternate Source.

(f) Plans for the recall of gas station personnel essential to the task of dispensing essential fuel supplies.

(g) Identification of the owner, manager or person having operational control of the gas station and, if different, emergency contact personnel charged with implementing the Plan.

4. Each owner of a gas station shall deliver the required Gas Station Emergency Plan to the Director not later than July 1, 2006. For gas stations which are not in possession of a certificate of use and occupancy as of the effective date of this Section, the required Gas Station Emergency Plan shall be delivered to the Director not later than 90 days following the date of such certificate and shall provide for implementation within 180 days of submission of the plan.

5. The Director shall review each Gas Station Emergency Plan to determine in his or her discretion whether such plan complies with the requirement of this ordinance and otherwise provides for the protection of public safety by allowing for the distribution of fuel during disaster conditions.

6. The Director shall reject any Gas Station Emergency Plan within thirty (30) days of its submission by notifying the person identified in the plan. The Director shall wherever possible identify the reasons for rejection and provide an opportunity to cure. Failure to notify a rejection shall be deemed approval of the plan.

7. Gas stations shall at all times abide by the provisions of the approved Gas Station Emergency Plan, including any and all deadlines set forth in the approved schedule. The Gas Station Emergency Plan shall be in effect for a period of five (5) years and shall be binding on all subsequent owners and operators of the gas station. A new Emergency Gas Station Plan shall be submitted for approval not later than sixty (60) days prior to the expiration of the plan in effect.

8. In the event of any material change with respect to any of the provisions of the Gas Station Emergency Plan the revisions shall be communicated to the Director in writing, for the Director's approval, wherever possible in advance of the proposed change and in no event later than sixty (60) days following the adoption of the change.

9. Failure to abide by the provisions of this Section shall be punishable by civil fine in the manner established by [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code, with each day of violation constituting a separate offense. The provisions of this Chapter shall also be enforceable through injunctive relief as a means of protection of the public interest through the exercise of the County's police power, and through any other means available at law. To insure compliance, an inspection process and review standards, including provisions for providing expedited post-disaster inspections, shall be set forth in an administrative order to be considered for adoption by this Board within ninety (90) days from the effective date of this ordinance. The Building Official for Miami-Dade County shall adopt standard drawings, permit application and process to assist in the implementation of the requirements of this section.

10. The Director shall be entitled, in his or her discretion, to exempt a gas station from the requirements of this Section based upon criteria to be applied uniformly and approved by resolution of this Board. The criteria may include size, volume and location of the gas station. The County Manager shall make recommendations to this Board for a grant, low interest or interest free program to defray the additional costs of implementing this program by qualified recipients and for identification and registration of all affected gas stations. The recommendation shall identify funding including any available from the State of Florida, FEMA or other federal sources. The criteria for exemption and the recommendations required in this subsection shall be set forth in an administrative order to be considered for adoption by this Board within ninety (90) days from the effective date of this ordinance. The County Manager shall also provide to the Board within ninety (90) days from the effective date of this Section proposed legislative measures to defray the costs of building permits required by Miami-Dade County to implement the provisions of this Section.

11. This Section shall preempt and supersede any inconsistent municipal ordinance to the same effect.

12. Nothing in this Section shall be interpreted to curtail, impede or otherwise affect the discretionary authority of the County in the exercise of its police power, administrative or regulatory functions.

(Ord. No. 06-40, § 1, 3-23-06)

Sec. 8B-17 Planning related to food stores.

1. This Section shall apply to food stores located within incorporated or unincorporated Miami-Dade County. For purposes of this Section a food store shall be any business establishment containing more than forty thousand (40,000) square feet of floor area, which sells food supplies at retail to the public including supermarkets and grocery stores. Food stores shall not include restaurants, coffee shops, delicatessens, bakeries or similar establishments which exclusively serve prepared or cooked foods. Food supplies shall mean canned and non-perishable foods and water.

2. Food stores are required to create and implement a plan to provide for the retail sale of food supplies to the public within twenty-four (24) hours following the declaration of a local state of emergency pursuant to this Chapter (the "Food Store Emergency Plan").

3. The Food Store Emergency Plan shall document the food store's ability to provide for the retail sale of food supplies on an uninterrupted basis not later than August 1, 2006 and shall provide, at a minimum:

(a) An alternate source of power (the "Alternate Source") shall be sufficient to provide lighting and ventilation as necessary to open the food store to the general public during normal business hours and sell food supplies.

(b) In the event that the Alternate Source requires the installation of permanent equipment, a schedule showing the purchase or lease of the equipment and providing installation not later than August 1, 2006.

(c) In the event that the Alternate Source requires construction or otherwise the obtaining of a building permit, a schedule for obtaining a permit not later than July 1, 2006 and a certificate of occupancy not later than August 1, 2006.

(d) A maintenance plan for any and all equipment related to the Alternate Source.

(e) Plans for the recall of food store personnel essential to the task of dispensing food supplies.

(f) Identification of the owner, manager or person having operational control of the food store and, if different, emergency contact personnel charged with implementing the plan. The plan shall also include provisions for use of alternate personnel in the event that primary personnel is affected by the natural disaster. The plan shall also demonstrate sensitivity to the needs of employees and other personnel who may be adversely affected including, where appropriate, provisions for emergency transportation.

4. Each owner of a food store shall deliver the required Food Store Emergency Plan to the Director not later than July 1, 2006. For food stores which are not in possession of a certificate of use and occupancy as of the effective date of this Section, the required Food Store Emergency Plan shall be delivered to the Director not later than 90 days following the date of such certificate and shall provide for implementation within 180 days of submission of the plan.

5. The Director shall review each Food Store Emergency Plan to determine in his or her discretion whether such plan complies with the requirement of this ordinance and otherwise provides for the protection of public safety by allowing for the distribution of food during disaster conditions.

6. The Director shall reject any Food Store Emergency Plan within thirty (30) days of its submission by notifying the person identified in the plan. The Director shall wherever possible identify the reasons for rejection and provide an opportunity to cure. Failure to notify a rejection shall be deemed approval of the plan.

7. Food stores shall at all times abide by the provisions of the approved Food Store Emergency Plan, including any and all deadlines set forth in the approved schedule. The Food Store Emergency Plan shall be in effect for a period of five (5) years and shall be binding on all subsequent owners and operators of the food store. A new Emergency Food Store Plan shall be submitted for approval not later than sixty (60) days prior to the expiration of the plan in effect.

8. In the event of any material change with respect to any of the provisions of the Food Store Emergency Plan the revisions shall be communicated to the Director in writing, for the Director's approval, wherever possible in advance of the proposed change and in no event later than sixty (60) days following the adoption of the change.

9. Failure to abide by the provisions of this Section shall be punishable by civil fine in the manner established by [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code, with each day of violation constituting a separate offense. The provisions of this Chapter shall also be enforceable through injunctive relief as a means of protection of the public interest through the exercise of the County's police power, and through any other means available at law.

10. The Director shall be entitled, in his or her discretion, to exempt a food store from the requirements of this Section based upon criteria to be applied uniformly and approved by resolution of this Board. The criteria may include size, volume and location of the food store. The Building Official for Miami-Dade County shall adopt standard drawings, permit application and process to assist in the implementation of the requirements of this Section. The County Manager shall also provide to the Board within ninety (90) days from the effective date of this Section proposed legislative measures to defray the costs of building permits required by Miami-Dade County to implement the provisions of this Section.

11. This Section shall preempt and supersede any inconsistent municipal ordinance to the same effect.

12. Nothing in this Section shall be interpreted to curtail, impede or otherwise affect the discretionary authority of the County in the exercise of its police power, administrative or regulatory functions.

(Ord. No. 06-41, § 1, 3-23-06)

Sec. 8B-18. Requirement To Secure Loose Materials.

(1) *Definitions:*

(A) *Severe weather advisory:* a tropical storm warning, hurricane watch or hurricane warning.

(B) *Severe weather event:* a tropical storm or hurricane.

(C) *Loose Object:* any object contained in any outdoor location of any residential, commercial, and industrial property in incorporated and unincorporated Miami-Dade County that may become windborne during a severe weather event including but not limited to outdoor furniture such as chairs and tables, display racks, bicycles, toys, loose debris, bulky waste, gardening supplies, household items, and business or industrial supplies or materials. Loose objects that are covered by the requirements of County Code [Section 8-16](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-16SPHUIN) relating to Building Code requirements for maintenance of construction sites shall not be governed by this Section and will be governed by [Section 8-16](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-16SPHUIN) of the County Code.

(2) *Requirement To Secure Loose Objects When Severe Weather Advisory Is Issued*

When a severe weather advisory is issued for Miami-Dade County, or any portion thereof, any loose object as defined herein shall be secured by either: (a) storage of such loose object in a building or structure or (b) bracing, bundling or fastening such loose object to a fixed structure or otherwise in a manner sufficient to prevent such loose object from becoming windborne during a severe weather event or in such manner determined by the County or municipal official charged with enforcing this requirement that will prevent such loose object from being windborne during a severe weather event.

(3) *Enforcement; Penalties*

(A) Failure to abide by the provisions of this Section shall be punishable by civil fine in the manner established by [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code, with each day of violation constituting a separate offense. The provisions of this Chapter shall also be enforceable through injunctive relief as a means of protection of the public interest through the exercise of the County's police power, and through any other means available at law.

(B) This Section shall preempt and supersede any inconsistent municipal ordinance to the same effect.

(C) Nothing in this Section shall be interpreted to curtail, impede or otherwise affect the discretionary authority of the County in the exercise of its police power, administrative or regulatory functions.

(Ord. No. 06-123, § 1, 9-12-06)

FOOTNOTE(S):

--- (**1**) ---

**Cross reference—** Provision of shelter, § 2-2.1. [(Back)](#BK_FF508E7D70A039F4B03976456CCFCCB9)

**State Law reference—** Emergency management, F.S. ch. 252. [(Back)](#BK_FF508E7D70A039F4B03976456CCFCCB9)

**Editor's note—** Ord. No. 99-51, § 3, adopted May 25, 1999, amended chapter 8B, §§ 8B-1—8B-12, in its entirety. Former chapter 8B pertained to Civil Defense and derived from Ord. No. 68-79, §§ 3—6, 8, adopted Dec. 17, 1968. Amendments to Ord. No. 99-51 will be shown in parenthetical history notes following amended sections. [(Back)](#BK_FF508E7D70A039F4B03976456CCFCCB9)