

CITY OF PORT ST. JOE, FLORIDA

EMERGENCY ORDINANCE NO.: 572

AN EMERGENCY ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA; RECOGNIZING THE NATIONAL, STATE AND LOCAL STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC; ALLOWING THE USE OF THE CITY BOAT RAMP AND ASSOCIATED PARKING AREA LOCATED AT FRANK PATE PARK TO PERMANENT GULF COUNTY RESIDENTS ONLY; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR EFFECTIVE DATE AND SUNSET DATE.

WHEREAS, the State of Florida is currently in a declared Public Health Emergency as a result of the Covid-19 Pandemic since the Governor issued Executive Order 20-51 on March 1, 2020; and

WHEREAS, the State of Florida is currently under a declared State of Emergency as a result of the Covid-19 Pandemic since the Governor issued Executive Order 20-52 on March 9, 2020; and

WHEREAS, the Gulf County Board of County Commissioners declared a Local State of Emergency on March 18, 2020; and

WHEREAS, the Governor's declaration of a State of Emergency authorizes in accordance with Section 252.38 Florida Statutes each political subdivision within the State to waive the procedures and formalities required by law pertaining to, among other things, the performance of public work and taking whatever action necessary to ensure the health, safety and welfare of the community; and

WHEREAS, Section 166.041 Florida Statutes provides municipalities with a mechanism to enact emergency ordinances without following the procedures normally required for the enacting of ordinances; and

WHEREAS, the City of Port St. Joe has determined that gatherings at the public boat ramp and parking areas located at Frank Pate Park constitutes a threat to the public's health, safety and welfare and may lead to the spread of the Covid-19 Virus and that the enactment of this emergency ordinance limiting the use of said boat ramp and associated parking area to the permanent residents of Gulf County, Florida is necessary to help prevent the spread of the Covid-19 Virus; and

NOW THEREFORE, pursuant to the powers conferred by Section 252.38 and Section 166.041 Florida Statutes, be it enacted by the City Commission of the City of Port St. Joe, Florida that:

1. The use of the Frank Pate Park boat ramp and associated parking area are hereby open to permanent Gulf County, Florida residents only.

2. Permanent Gulf County, Florida residency can be established by a Florida driver's license or identification card, Passport or other government issued identification showing a Gulf County address and the person's name and image.
3. All vehicles and their respective trailers utilizing the Boat Ramp must have Florida License Plates and the plates must be registered to a Gulf County address.
4. This Emergency Ordinance shall be enforced by the Port St. Joe Police Department pursuant to Section 252.47.
5. A violation of this Emergency Ordinance shall constitute a criminal offense and shall be punishable as provided in Section 252.50 Florida Statutes.
6. Severability.

If any portion of this Ordinance is determined by any Court with Competent jurisdiction to be invalid that portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court of competent jurisdiction determines that the Ordinance, or any part thereof, cannot be legally applied to any individuals(s), group(s), entity(ies), property(ies), or circumstances(s) such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

It is the intent of the Board of City Commissioners of Port St. Joe, Florida that if any section, subsection., sentence, clause, or provision, of this Ordinance is held invalid. The remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

7. Any ordinances, resolutions, orders, or proclamations in conflict herewith are hereby repealed to the extent of any conflict.
8. Effective Date: This Emergency Ordinance shall become effective April 21, 2020 and will remain in effect until further action of the City Commission, but shall automatically sunset upon expiration of the current State of Emergency declared by the State of Florida and Gulf County due to the Covid-19 Pandemic.

**THIS ORDINANCE ADOPTED** this the 21st day of April 2020.


**BOARD OF CITY COMMISSIONERS  
PORT ST. JOE, FLORIDA**

BY:   
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REX BUZZETT  
Mayor-Commissioner

ATTEST:

BY:   
CHARLOTTE M. PIERCE  
City Clerk

APPROVED AS TO FORM:

BY:   
CLINTON T. MCCAHILL  
City Attorney