

ORDINANCE NO. 423-H

AN ORDINANCE AMENDING CITY CODE CHAPTER 2, ARTICLE VIII, DIVISION 2 TO ALLOW FOR THE CLOSURE OF PLACES OF PUBLIC ASSEMBLAGE, SUBJECT TO DESIGNATED EXCEPTIONS, DURING A STATE OF LOCAL EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG ORDAINS THE FOLLOWING:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, (“*City Council*”) hereby makes the following findings:

- (a) Novel Coronavirus Disease 2019 (“*COVID-19*”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.
- (b) St. Petersburg City Code chapter 2, article VIII, division 2 (the “*Emergency Code*”) authorizes declaration of state of local emergency for public health issues like COVID-19. But it does not provide the Mayor with authority to close places of public assemblage during a state of local emergency to prevent the spread of epidemics like COVID-19.
- (c) The Emergency Code should be amended to provide the Mayor with the authority to order such closures during a state of local emergency subject to designated exceptions.
- (d) The Emergency Code should also be amended to clarify that the list of exceptions available to the Mayor includes exceptions established for public health purposes.
- (e) Enacting these amendments through an emergency ordinance pursuant to Florida Statutes section 166.041(3)(b) serves a valid municipal purpose.

SECTION 2—FORMATTING CONVENTIONS: With respect to each amendment of City Code set forth in this ordinance, unless otherwise indicated, additions are indicated by underlining, deletions are indicated by ~~striketrough text~~, and unchanged paragraphs omitted for brevity are indicated by three ellipsis dots centered on a separate line.

SECTION 3—PUBLIC ASSEMBLAGE: City Code section 2-427 is hereby amended as follows:

Sec. 2-427. - Emergency powers to be exercised with specificity.

- (a) *Exercise of powers authorized by this section.* The Mayor may exercise an emergency power authorized by this section only pursuant to an order providing reasonable notice of the specific conduct that will be required or prohibited pursuant to the exercise of that power.
  
- (b) *Exceptions.* In invoking any emergency power authorized by this section, the Mayor may provide exceptions for certain activities, which may include any or all of the following: (i) compliance or assistance with an evacuation order; (ii) travel to a designated emergency shelter; (iii) provision of designated, essential services, such as fire, police, or utility repair; (iv) provision of medical services, including the transportation of patients to a health care facility and emergency calls by physicians; and (v) travel for the purpose of obtaining goods or services necessary to sustain the well-being of a person or that person's family or household. The Mayor may also provide any exception appropriate for public health purposes.

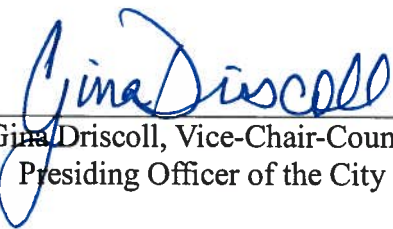
- . . .
- (h) Public assemblage. The Mayor may close places of public assemblage with designated exceptions.

SECTION 4—SEVERABILITY: The provisions of this ordinance are intended to be severable, and a determination that any portion of this ordinance is invalid should not affect the validity of the remaining portions of this ordinance.

SECTION 5—EFFECTIVE DATE: In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and

until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Adopted by St. Petersburg City Council as an Emergency Ordinance on the 12<sup>th</sup> day of March 2020.

  
Gina Driscoll, Vice-Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:   
Chan Srinivasa, City Clerk



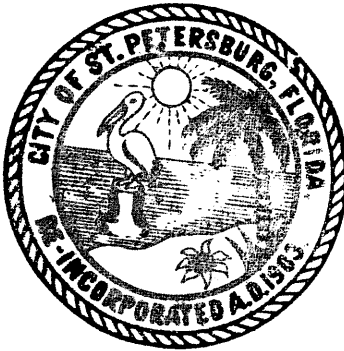
**MEMORANDUM**

**TO:** Ed Montanari, City Council Chair, and Members of City Council  
**THROUGH:** Chan Srinivasa, City Clerk  
**CC:** Jacqueline M. Kovilaritch, City Attorney  
**FROM:** Rick Kriseman, Mayor  
**SUBJECT:** **No-veto notice for ordinance 423-H, concerning closure of places of public assemblage during a state of local emergency**

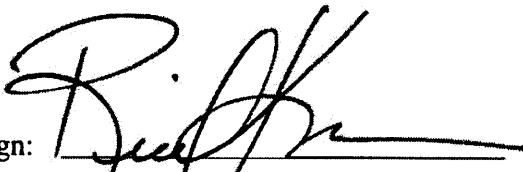
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This memorandum serves as notice to City Council that I will not veto ordinance 423-H, concerning an amendment of City Code chapter 2, article VIII, division 2 to allow for the closure of places of public assemblage, subject to designated exceptions, during a state of local emergency (the “**Ordinance**”). Therefore, pursuant to City Charter subsection 3.05(d) and Ordinance section 5, the Ordinance will become effective immediately upon filing of this notice with the City Clerk.

After the City Clerk’s Office has acknowledged the date and time at which this notice was filed in the space provided for such acknowledgment below, a copy of the notice bearing such acknowledgment should be provided to each person identified in the To: or CC: lines above as notice of the effectiveness of the Ordinance.



(SEAL)

Sign:   
Rick Kriseman, Mayor

Filed with the City Clerk’s Office:  
Sign:   
Name: Chan Srinivasa  
Title: City Clerk  
Date: 3/12/20  
Time: 5:51 pm