

ORDINANCE NO. 29-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING TITLE IX, "GENERAL REGULATIONS," CHAPTER 95 "EMERGENCY MANAGEMENT", SECTION 95.07 OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY CREATING SECTION 95.07, "ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS)"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

WHEREAS, on February 28, 2003, the President of the United States in Homeland Security Presidential Directive 5 (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), to provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the Florida Division of Emergency Management (FDEM) require jurisdictions receiving emergency management assistance to demonstrate compliance with the implementation of NIMS; and

WHEREAS, Section 252.38, Florida Statutes, requires municipalities that establish emergency management programs to comply with all state and federal requirements, including use of NIMS and the Incident Command System (ICS) as the operational framework for managing emergencies and disasters; and

WHEREAS, the City of Delray Beach recognizes that adoption of NIMS will enhance the City's capability to prevent, protect against, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, or complexity, and the ICS components of NIMS are already an integral part of various incident management activities throughout the county, including current emergency management training programs; and

WHEREAS, the City Commission finds it necessary and appropriate to codify the adoption and implementation of NIMS in compliance with HSPD-5 as a best practice in local governance and emergency response; and

WHEREAS, the City Commission finds adoption of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Title IX, "General Regulations," Chapter 95, "Emergency Management" of the Code of Ordinances of the City of Delray Beach is amended by creating Section 95.07, "Adoption of the National Incident Management System (NIMS)", of the Code of Ordinances of the City of Delray Beach, Florida, shall be amended read as follows:

**Sec. 95.07. – ~~RESERVED.~~ ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).**

- (A) The City of Delray Beach hereby adopts the National Incident Management System (NIMS) as the standard framework for managing all-hazard emergency incidents within the City. NIMS and the Incident Command System (ICS) shall be utilized in all preparedness, response, recovery, and mitigation operations, as applicable.
- (B) All City departments, divisions, and personnel with all-hazards emergency management responsibilities shall integrate NIMS principles into their planning, training, coordination, and execution of both emergency and non-emergency operations.
- (C) The Fire Rescue Department's Emergency Management Branch shall be responsible for coordinating citywide NIMS training, exercises, compliance tracking, and reporting to applicable local, state and federal authorities.
- (D) All personnel with assigned all-hazards emergency or disaster management roles must complete NIMS-compliant training as appropriate to their responsibilities, in accordance with FEMA's NIMS Training Program and guidance issued by the Florida Division of Emergency Management.
- (E) Adoption of NIMS under this section is required to maintain eligibility for federal and state funding opportunities related to emergency preparedness, response, and recovery.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

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Alexis Givings, City Clerk

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Thomas F. Carney, Jr., Mayor

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney