

Sec. 11-198. - Disaster debris removal from private communities.

- (a) *Intent and purpose.* In the event of a disaster, the primary mission of the county will be to protect lives and property, restore governmental services and clear public streets. However, depending on the magnitude of or type of the disaster, there may be, under certain circumstances, a need for the county to provide resources to private residential communities. The intent and purpose of this section is to establish a process by which the county may evaluate and, if necessary, remove debris from private residential communities in the event of an immediate threat to life, public health and safety after a significant disaster. While the county recognizes that, as a general proposition, the removal of debris from private residential communities is the responsibility of the private community, there are occasions when, because of the magnitude of the disaster and the threat posed to life, health, and safety, there may be a compelling need to remove debris from private residential communities as described in this section.
- (b) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly otherwise requires:

Debris means and shall include, but is not limited to, displaced, broken or discarded building and construction materials, garbage, vegetative matter and spoiled or ruined household goods or materials.

Private residential community means and includes private streets and roads within a private homeowners, condominium or residential community or serve residential property that are not owned or controlled by a governmental entity.

- (c) *Private Residential communities.* Subsequent to a disaster and the declaration of a state of emergency by the county, the county may remove debris from private residential communities when such debris is determined to pose an immediate threat to the health, safety and welfare of the community. The board of county commissioners shall determine whether there is an immediate threat to the public health, safety, and welfare sufficient to warrant removal of debris on private streets in private residential communities in accordance with any one of the following standards:
- (1) There is a significant likelihood that rescue vehicles will be significantly hindered from rendering emergency services to residential property should the debris be allowed to remain in place absent county removal.
 - (2) The type of debris is such that it may reasonably cause disease, illness, or sickness which could injure or adversely affect the health, safety, or general welfare of those residing in the area if it is allowed to remain.
 - (3) The clearing is necessary to effectuate orderly and expeditious restoration of county-wide utility services including, but not limited to, power, water, sewer and telephone.
 - (4) The debris removal is necessary to eliminate immediate threat or significant damage to

improved public and residential property.

- (5) The debris prevents garbage collection thereby creating a public health hazard.
 - (6) The debris contains contaminants which have a reasonable likelihood of leeching into the soil and/or aquifer or other water bodies of the county.
 - (7) The debris has a substantial negative impact in preventing or adversely affecting emergency repairs to residential buildings and/or property.
 - (8) The debris presents a reasonable danger of being transported by wind and/or water into the surrounding areas of the county and thereby increasing the cost of recovery and removal.
 - (9) The debris poses a significant likelihood of, if left over time, producing mold which would be injurious to public health.
 - (10) The presence of debris significantly, adversely impacts the county's recovery efforts.
 - (11) The debris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall and removal of the debris is required to eliminate immediate threats of significant damage to improved public and private property.
 - (12) The sheer volume of debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the county.
 - (13) The type, extent and nature of the debris is such that it would cause much greater damage if the debris was not removed immediately. Damage would include, but is not limited to, line of sight issues related to traffic.
 - (14) The clearing of the debris is necessary to ensure the economic recovery of the affected community to the benefit of the community-at-large.
- (d) *Indemnification and hold harmless.* Prior to removal of debris by the County from private residential communities and other private property in accordance with this section, the property owner, community associations, homeowner or condominium association and/or governance boards shall indemnify and hold harmless, to the maximum extent permitted by law, the federal, state and local government and all employees, officers and agents of the federal, state and local government connected with the rendering of such service.
- (e) *Commercial and other areas.* Commercial or other specific areas may be cleared, if in the opinion of the board of county commissioners, the clearance will aid the county's recovery operations or aid the health, safety, or welfare of the residents of the county and in the public interest. The indemnification and hold harmless provisions set forth in subsection (e) will be also applicable with respect to the property owners or associations for such commercial and other areas.
- (f) *County property.* As immediate threat of significant damage to county property or facilities shall be deemed to exist if the cost to remove the disaster-generated debris is less than the

cost of potential damage to the county property of facility, thereby being a cost-effective removal.

- (g) *Emergency roadway clearance.* Nothing in this section shall preclude a first response by the county to clear and push debris from all roadways, both public and private, as necessary for the movement of emergency vehicles, including police, fire and ambulance and other emergency responders, within a reasonable time after a disaster declaration.
- (h) *Private property.* Nothing shall require the county to remove debris from private property and from areas within private residential communities other than from the private streets and roadways necessary for access to the egress from the residence and communities, except where the severity of the situation is of such magnitude or the debris is so widespread that it is determined by the board of county commissioners to be a significant immediate threat to the health, safety and welfare of the county and in the overriding public interest of the county to remove debris from such other areas.
- (i) *Gated communities.* In the event of a hurricane warning, private residential communities must provide reasonable access for emergency vehicles and any debris removal vehicles and personnel. If the gates are unable to be opened for the emergency access, then the entrance gates are required to be secured in the open position to allow for access during the emergency event. This provision in no way obligates the county to remove any debris.

(Ord. No. 19-05, § 2, 6-4-19)