



MODEL PPDR MUNICIPAL ORDINANCE (COUNTY)

F-ROC Sample Policies

***Disclaimer:** The sample policies and language provided are for informational and reference purposes only. They are intended to act as a basis to help your organization develop your entity's plans, policies, and procedures. These samples may not fully align with your entity's specific legal, regulatory, or operational requirements. We strongly recommend that you consult with the appropriate department within your organization—such as Legal, Human Resources, or Procurement—to review, modify, and approve any language before implementation. Additionally, these sample policies are subject to updates, so we encourage you to check back periodically for new or revised materials.*

Sec. 7.1-10. Disaster-generated debris removal management plan; authority, priorities and limitations.

- (a) The county manager, or designee, shall have the authority, subject to the limitations of this section, to remove disaster-generated debris located within the county on county-owned property, county-owned roads, and private roads after the declaration of any state of emergency pursuant to this article. The removal of such disaster-generated debris is authorized only after a major disaster or a catastrophic disaster and upon the determination by the county manager, or designee, that such removal is reasonably necessary to eliminate immediate threats to life, public health, and safety; to eliminate immediate threats of significant damage to improved county-owned property; or to ensure economic recovery of the affected community to the benefit of the community at large.
- (1) An immediate threat to life, public health, and safety shall be deemed to exist if any one (1) of the following conditions is satisfied:
- a. There is a significant likelihood that rescue vehicles will be significantly hindered from rendering emergency services if the disaster-generated debris is allowed to remain in place;
 - b. The type of disaster-generated 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 and working in the area if it is allowed to remain;
 - c. The removal of the disaster-generated debris is necessary to effectuate orderly and expeditious restoration of county-wide utility services including, but not limited to, power, water, sewer, and telephone;
 - d. The disaster-generated debris is determined by the county building official or public health official to be dangerous or hazardous;
 - e. The disaster-generated debris prevents solid waste collection, thereby creating a public health and safety hazard;
 - f. The disaster-generated debris contains contaminants which have a reasonable likelihood of leeching into the soil and/or aquifer of the county;
 - g. The disaster-generated debris has a substantial negative impact upon public health and safety by preventing or adversely affecting emergency repairs to buildings and/or property;
 - h. The disaster-generated debris presents a reasonable danger of being transported by wind and/or water to neighboring properties, thereby increasing the cost of recovery and removal;
 - i. The disaster-generated debris is significantly likely to produce mold or may otherwise cause disease, illness, or sickness which could injure or adversely affect the health, safety, or general welfare of the public;
 - j. The presence of the disaster-generated debris significantly adversely impacts the county's recovery efforts;
 - k. The disaster-generated debris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall;
 - l. The sheer volume of the disaster-generated debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the county; or
 - m. The type, extent and nature of the disaster-generated debris is such that it would cause much greater damage if not removed immediately.

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- (2) An immediate threat of significant damage to improved county-owned property shall be deemed to exist if the cost to remove the disaster-generated debris is less than the cost of potential damage to the improved property, thereby being a cost effective removal.
- (b) Removal from county-owned property and county rights-of-way.
- (1) In removing disaster-generated debris from county-owned property and county rights-of-way, the highest priority shall initially be given to responding to immediate threats to life, public health, and safety; eliminating immediate threat of significant damage to county property or facilities; and pushing or removing disaster-generated debris from the county rights-of-way to permit safe passage.
- (2) The removal of disaster-generated debris in accordance with the priority set forth in subsection (b)(1) shall begin as soon as functionally feasible after the occurrence of a major disaster or catastrophic disaster. The primary operation of the county work forces will be to cut and toss disaster-generated debris, depositing it along the county rights-of-way, thereby creating access to the major arterial roadways to allow for expedited search and rescue efforts as well as recovery efforts. Upon completion of the cut and toss operation, county work forces will begin the removal of other disaster-generated debris. The owners of private property or those individuals otherwise in possession of private property that adjoins county rights-of-way may place disaster-generated debris in the county right-of-way in accordance with the requirements set forth in subsection (d). The community-at-large will be notified of the initial start date for removal of disaster-generated debris by county work forces and will subsequently be notified prior to the last removal pass by county work forces. After the last such removal pass, county residents will be responsible for the removal of any remaining disaster-generated debris which meets predisaster service collection requirements whether they be self-provided, provided through a private contractor, or provided through regular waste disposal services.
- (3) Upon the resumption of predisaster waste collection activities, county residents will be held accountable for the placement of any remaining disaster-generated debris along county rights-of-way and private roads, or on private property, which placement does not meet predisaster collection service standards and is found to be not in compliance with this article or with any other county regulation.
- (4) The removal of disaster-generated debris consisting of either hazardous trees or hazardous limbs on county-owned property and county rights-of-way is authorized only upon the satisfaction of each of the following conditions:
- a. The damage to the hazardous tree or hazardous limb was the result of the disaster; and
- b. The hazardous tree or hazardous limb is in danger of falling on a structure or other improvement, on a primary ingress or egress route, or on a county right-of-way.
- (c) Removal from private roads.
- (1) The authority for county work forces to enter upon a private road for utilization in the disaster-generated debris removal management plan shall be as provided in Section 252.36(d), Florida Statutes, or as may be thereafter amended, and shall in no way be deemed to be a trespass.
- (2) The removal by county work forces of disaster-generated debris from private roads shall be performed only upon the satisfaction of each of the following conditions:
- a. The disaster-generated debris removal management plan has been implemented in accordance with this section;
- b. A determination has been made by the county work forces that such removal is reasonably necessary to eliminate immediate threats to life, public health, and safety or to ensure economic recovery of the affected community to the benefit of the community-at-large; provided, however, that the highest priority shall initially be given to responding to immediate threats to life, public health, and safety; and

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- c. Any disaster-generated debris removed from a private property has been placed in or adjacent to the private road in accordance with the requirements of this section, unless such requirements have been waived by the county manager or his or her designee.
 - (3) Removal of hazardous trees or hazardous limbs. The removal of disaster-generated debris consisting of either hazardous trees or hazardous limbs overhanging or otherwise endangering a private road shall be deemed to be the responsibility of the adjacent private property owners, and the county work forces shall not be authorized to remove or to otherwise act upon such disaster-generated debris unless it is necessary to eliminate an immediate threat to the safety of county work forces.
 - (4) With regard to the implementation of its disaster-generated debris removal management plan, and subject to the restrictions and requirements of Section 768.28, Florida Statutes, the county shall indemnify and hold the federal government, its agencies and employees, harmless from any claims arising from or based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty on the part of any federal agency or any employee of the federal government in carrying out the provisions of the Stafford Act.
- (d) Responsibility of private property owners.
- (1) The owners of private property, or those individuals otherwise in possession of private property, shall be responsible for assuring that the placement of any disaster-generated debris in county rights-of-way or on private roads for removal by county work forces satisfies each of the following conditions:
 - a. The disaster-generated debris shall be neatly stacked, piled, or placed with its leading edge lying within the three-foot roadside shoulder area on either side of the travel lanes of the road.
 - b. The disaster-generated debris shall be separated into stacks or piles of the following types of debris:
 - 1. Putrescent debris and mixed common household items.
 - 2. Vegetative debris.
 - 3. Construction and demolition debris.
 - 4. White goods.
 - 5. Hazardous household waste and electronic waste.
 - c. The disaster-generated debris shall be placed so that it does not block the roadway, traffic signs and signals, or stormwater structures.
 - d. The disaster-generated debris shall be placed so that it is not under any power lines, not on top of any water meters, or not within three (3) feet of any power poles, fire hydrants, vehicles, mailboxes, or fences.
 - (2) Any damage to personal property by county work forces resulting from the placement of disaster-generated debris in a manner inconsistent with this section shall be the responsibility of the private property owner, or individual otherwise in possession of private property, who misplaced such debris.
 - (3) Any owners of private property, or any individuals otherwise in possession of private property, who stack, pile, or otherwise place anything for removal on county rights-of-way or on private roads which is deemed not to be disaster-generated debris, shall be responsible for removing such unauthorized debris no later than twenty-four (24) hours after notification of such removal requirement by a member of the county work forces. Any such owner or other individual who fails to timely comply with such removal requirement shall thereafter be responsible for any costs associated with the removal of such unauthorized debris by county work forces.

(Ord. No. 2011-25, § 5, 8-23-11)