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2
3 **ORDINANCE 2014-15**

4 **AN EMERGENCY ORDINANCE OF THE COUNTY**
5 **COUNCIL, COUNTY OF VOLUSIA, FLORIDA,**
6 **RELATING TO OUTDOOR ENTERTAINMENT**
7 **EVENT PERMITTING AND ITINERANT MERCHANT**
8 **LICENSING; DELAYING THE EFFECTIVE DATE OF**
9 **ORDINANCE 2014-13 UNTIL DECEMBER 31, 2014;**
10 **RATIFYING OUTDOOR ENTERTAINMENT EVENT**
11 **PERMITS AND ITINERANT MERCHANT HOST**
12 **LICENSES AND MERCHANT LICENSES ISSUED**
13 **WITHIN THE UNINCORPORATED AREA**
14 **IDENTIFIED IN THE ISBA WITH THE CITY OF**
15 **ORMOND BEACH ADOPTED BY ORDINANCE**
16 **2014-12; PROVIDING FOR SEVERABILITY; AND**
17 **PROVIDING AN EFFECTIVE DATE.**

18 WHEREAS, in accordance with the Interlocal Service Boundary Act,
19 chapter 171, part II, Florida Statutes, the city commission of the City of Ormond
20 Beach approved Resolution No. 2010-131 (Initiating Resolution) on September 7,
21 2010, and the county council of the County of Volusia approved Resolution No.
22 2010-05 (Responding Resolution) on October 7, 2010, identifying certain issues
23 along the North U.S. 1 corridor; and

24 WHEREAS, the city and county met since the approval of the resolutions
25 to discuss the issues, and negotiated and agreed upon an Interlocal Service
26 Boundary Agreement (ISBA); and

27 WHEREAS, the city adopted the ISBA on August 19, 2014; and

28 WHEREAS, the county council adopted the ISBA on August 21, 2014 by
29 Ordinance 2014-12; and

30 WHEREAS, the county council also approved an amendment to the Code
31 of Ordinances of the County of Volusia to codify transfers of regulatory powers

1 related to outdoor entertainment event permitting and itinerant merchant
2 licensing in areas identified in interlocal service boundary agreements; and

3 WHEREAS, the ISBA between the county and the city was recorded in
4 Official Records of Volusia County at Book 7026 Page 876 on August 28, 2014,
5 pursuant to section 163.01 (11), Florida Statutes; and

6 WHEREAS, after the August 28, 2014 effective date of the ISBA between
7 the county and the city, both jurisdictions identified a need for a transition period
8 for implementing several transfers of regulatory authority; and

9 WHEREAS, the county is the destination for several annual national
10 events which require extensive permitting and licensing, including Biketoberfest
11 scheduled for October 16 – 19, 2014; and

12 WHEREAS, planning and permitting for the annual Biketoberfest begins
13 several weeks in advance of the event, and requires timely processing of all
14 permit and license applications to ensure an orderly and safe event for county
15 residents and thousands of visitors; and

16 WHEREAS, the annual Biketoberfest is an important contributor to the
17 travel and tourism industry in the county and a safe, efficiently-run event is
18 crucial to its continued success; and

19 WHEREAS, in recognition of the importance of a safe and efficiently-run
20 Biketoberfest, and to ensure continuous service to county residents and visitors,
21 the county has agreed to review and issue outdoor entertainment event permits
22 and itinerant merchant host licenses and merchant licenses on behalf of the city
23 in the unincorporated areas identified in the ISBA until December 31, 2014; and

1 WHEREAS, the city has agreed to provide city staff to accompany county
2 staff in performance of the day-to-day duties involved in outdoor entertainment
3 event permitting and itinerant merchant licensing to learn about the process.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF**
5 **VOLUSIA COUNTY, FLORIDA THAT:**

6
7 **SECTION I.** The above stated WHEREAS clauses are hereby
8 incorporated by reference as if fully stated herein and adopted as findings of fact.

9 **SECTION II.** Based on the foregoing findings of facts and pursuant
10 to the authority in section 125.66(3), Florida Statutes, the council hereby declares
11 that an emergency exists and that immediate enactment of this ordinance is
12 necessary.

13 **SECTION III.** The effective date of Ordinance 2014-13 adopted by
14 the council on August 21, 2014 is hereby delayed until December 31, 2014.

15 **SECTION IV.** The council hereby ratifies the outdoor entertainment
16 event permits and itinerant merchant host licenses and merchant licenses issued
17 by the county between August 28, 2014 and October 20, 2014 in the
18 unincorporated areas identified in the ISBA. All such permits and licenses shall
19 remain in effect until September 30, 2015 and shall be enforced by the City of
20 Ormond Beach after December 31, 2014.


21 **SECTION V.** **SEVERABILITY** - Should any word, phrase, sentence,
22 subsection or section be held by a court of competent jurisdiction to be illegal,
23 void, unenforceable, or unconstitutional, then that word, phrase, sentence,
24 subsection or section so held shall be severed from this ordinance and all other
25 words, phrases, sentences, subsections, or sections shall remain in full force and
26 effect.

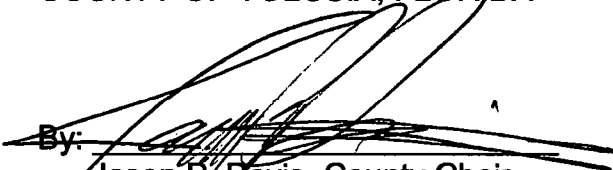
1 **SECTION VI.** EFFECTIVE DATE - This emergency ordinance is
2 enacted pursuant to section 125.66(3) by four-fifths vote of the county council
3 and shall take effect immediately and a certified copy of this ordinance shall be
4 filed with the Department of State by the County Manager as soon as is
5 practicable after enactment by the County Council. Additionally, pursuant to
6 Section 125.66(3), Florida Statutes, a copy of this ordinance shall be transmitted
7 to the Department of State by the County Manager by e-mail.

8
9 ADOPTED THIS 16TH DAY OF OCTOBER, 2014.

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

17 ATTEST:

18 
19
20
21
22 James T. Dinneen, County Manager

By: 
Jason P. Davis, County Chair

