

ORDINANCE 2022-28

AN EMERGENCY ORDINANCE RELATING TO
REGULATIONS DURING A STATE OF LOCAL
EMERGENCY; PROVIDING FOR A CURFEW AND
EXEMPTIONS; PROVIDING FOR THE TERRITORY
EMBRACED; PROVIDING FOR PENALTIES FOR
VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County Council of the County of Volusia, Florida, pursuant to Home Rule Power and Florida Statutes, Chapter 252, has declared a state of local emergency pursuant to County ordinance;

WHEREAS, Florida Statutes, Chapter 252.38, provides authority for a political subdivision such as Volusia County to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to taking whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the County Chair acting pursuant to County ordinance on behalf of the County Council executed County Ordinance 2022-27 that authorized a curfew within the incorporated and unincorporated areas of Volusia County to take effect on: 1) Wednesday, September 28, 2022 at 8 p.m. and end on Thursday, September 29, 2022 at 7 a.m.; and 2) Thursday, September 29, 2022 at 8 p.m. and end on Friday, September 30, 2022 at 7 a.m; and

WHEREAS, due to the impacts of Hurricane Ian on Volusia County causing extremely hazardous conditions and challenges to public safety and law enforcement personnel, a further curfew is necessary for public safety; and

WHEREAS, County Ordinance 2022-27 is hereby rescinded; and

WHEREAS, the County Council finds and declares that in order to protect and safeguard the health, safety, and welfare of the people of Volusia County, the imposition of an emergency curfew pursuant to County ordinance is necessary and a quorum of the County Council is not currently possible due to weather conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY CHAIR ON BEHALF OF THE COUNTY COUNCIL OF VOLUSIA COUNTY AS AUTHORIZED BY THE CODE OF ORDINANCES, FLORIDA, AS FOLLOWS:

SECTION I: A curfew within the incorporated and unincorporated areas of Volusia County shall be in effect from 10 a.m. on September 29, 2022, until 7 A.M. on Friday, September 30, 2022. This curfew shall not apply to regular members of the law enforcement bodies. Regular employees of local businesses, industries, or governmental entities, while traveling to and from their jobs, and all emergency workers are exempt, provided they have identification if stopped by any law enforcement personnel.

SECTION II: All territory within the legal boundaries of Volusia County, Florida, including all unincorporated and incorporated areas, shall be embraced by the provisions of this Ordinance.

SECTION III: Any person who knowingly violates this Ordinance shall, upon conviction, be subject to a fine not exceeding \$500.00, or imprisonment in the County jail for a period of up to sixty (60) days, or by both such fine and imprisonment.

SECTION IV: This Emergency Ordinance shall take effect immediately unless rescinded prior to that time.

THE COUNTY CHAIR ON BEHALF OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, PURSUANT TO FLORIDA STATUTUE AND COUNTY THIS 29th DAY OF SEPTEMBER A.D., 2022.

ATTEST:

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

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3
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5 George Recktenwald
6 County Manager

for Jeffrey S. Brower
County Chair

Send upon verbal direction of
the Chair in light of weather
conditions.
MA