

RESOLUTION NO. 2020-74

A RESOLUTION EXTENDING A STATE OF LOCAL EMERGENCY FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING APRIL 8, 2020; ESTABLISHING A CITY-WIDE DAILY CURFEW BETWEEN 10 P.M. AND 5 A.M.; PROVIDING EXCEPTIONS TO THE CURFEW; AUTHORIZING LIMITED FOOD PANTRY OPERATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in response to the recent Coronavirus Disease 2019 (COVID-19) outbreak, the Governor has declared a public health emergency in the State of Florida (Governor Executive Order Number 20-51); and

WHEREAS, COVID-19 continues to be a threat to the public health of an unknown duration; and

WHEREAS, the City's Comprehensive Emergency Management Plan, adopted pursuant to Ch. 252, Florida Statutes, and City Resolution No. 19-131, provides that the Mayor may declare a local state of emergency for increments of seven days subject to City Commission approval and endorsement; and

WHEREAS, Section 2-3(b), City Code, provides for disaster emergency measures which may be taken during a proclaimed state of local emergency; and

WHEREAS, Sub-Part A Section 16 of the City Charter authorizes the Mayor, in times of public danger or emergency, to exercise such powers and duties as are conferred by the City Commission; and

WHEREAS, due to COVID-19 the Mayor previously issued a Declaration of a Local State of Emergency on March 13, 2020, and an Amended Declaration of a Local State of Emergency and Executive Order on March 17, 2020, for a seven day period; and

WHEREAS, the City Commission by Resolution Nos. 2020-69 (adopted March 17, 2020) and 2020-70 (adopted March 24, 2020) affirmed, endorsed, and extended the Local State of

Emergency for additional seven day periods, the latter of which ends at midnight on April 1, 2020; and

WHEREAS, an extension of the Local State of Emergency is necessary to protect the health and welfare of the citizens in the City due to COVID-19, and the Mayor and City Commission desire to extend the Local State of Emergency for an additional seven day period ending at midnight, April 8, 2020; and

WHEREAS, to further combat the spread of COVID-19 within the City, the Mayor and City Commission desire to implement a limited curfew on a daily basis from 10:00 p.m. to 5:00 a.m., during the declared Local State of Emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Local State of Emergency as described in the recitals above is hereby reconfirmed and extended to midnight April 8, 2020. During this extension, emergency measures may be exercised as necessary as set forth in Section 2-3, City Code, and the Mayor shall have authority to execute executive orders as necessary to aid in their appropriate implementation.

SECTION 2. The Local State of Emergency shall remain in effect until midnight on April 8, 2020, unless sooner terminated or extended by order of the Mayor or action of City Commission.

SECTION 3. Curfew Requirements. Effective April 2, 2020, at 10:00 p.m., a general curfew is hereby established throughout the City from 10:00 p.m. to 5:00 a.m., during the declared Local State of Emergency, unless earlier terminated by order of the Mayor or action of City Commission. The curfew shall include but not be limited to the prohibition of pedestrian and vehicular movement, standing, and parking. The following exceptions shall apply:

(A) Provision of essential state, county, and city emergency services such as fire-rescue, police, and hospital services including the transportation of patients thereto, and related government services;

(B) Utility emergency repairs;

(C) Emergency calls by physicians;

(D) Food delivery and third-party food delivery services;

(E) Walking of dogs, provided that individuals conduct all such activities in compliance with all measures advised by the CDC, including but not limited to social distancing; and

(F) Essential work duties that cannot be performed from home, and travel to and from work by employees.

SECTION 4. Food Pantries. While the Local State of Emergency is in effect, the following entities may operate Food Pantries consistent with the provisions of Section 11.5 of the City's Land Development Code ("LDC"):

(A) The Daytona Beach Housing Authority, at any facility owned, operated, or leased by the Housing Authority;

(B) Existing houses of worship from within their premises; and

(C) Other 501(c)(3) charitable organizations subject to conditions imposed by the City Manager to protect the health, safety, and welfare of the residents and visitors of the City.

Such entities shall abide by the restrictions of any federal, state or local emergency order, as applicable, including the Governor's Executive Order No. 20-71, and all measures advised by the CDC including but not limited to social distancing.

Provisions of the LDC prohibiting Food Pantries in certain zoning districts are hereby suspended to the extent in conflict herewith, during the Local State of Emergency.

SECTION 5. Restrictions on Business Operations. During the Local State of Emergency, all retail and commercial businesses shall adopt and maintain reasonable measures to ensure sanitation and cleanliness of premises and items that may come into contact with employees and the public, and such establishments shall take reasonable action to ensure that people adhere to the CDC's social distancing guidelines.

SECTION 6. This order does not affect or limit the operations of the City, Volusia County, any public utility, Volusia County School District, or any state or federal office or facility, except that such entities shall abide by the restrictions of any county, state or federal emergency order, as applicable.

SECTION 7. It is the intent of this Resolution to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. However, if voluntary compliance is not achieved, then in that event and as a last resort, a violation of this Order may be prosecuted pursuant Section 252.50, Fla. Stat., and the Code of The City of Daytona Beach, as a second-degree misdemeanor punishable as provided in section 775.082 or 775.083, Fla. Stat.

SECTION 8. Nothing in this Resolution shall operate to alter the authority granted to the Mayor to issue executive orders further extending the Local State of Emergency as conferred by City Res. No. 2020-70.

SECTION 9. This Resolution shall take effect immediately upon its adoption.

DERRICK L. HENRY, Mayor

ATTEST:

LETITIA LAMAGNA
City Clerk

Adopted: March 31, 2020