

EXECUTIVE ORDER NO. 11

AN EXECUTIVE ORDER OF THE EMERGENCY
MANAGEMENT DIRECTOR OF THE CITY OF PORT
ORANGE, VOLUSIA COUNTY, FLORIDA, ORDERING THE
REMOVAL OF DISASTER DEBRIS FROM PUBLIC AND
PRIVATE RIGHTS OF WAY; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis issued Executive Order Number 22-219 on September 24, 2022, declaring that a state of emergency exists in every county in the State of Florida; and

WHEREAS, the City Council of the City of Port Orange declared a Local State of Emergency beginning September 26, 2022 at 3:30 p.m. pursuant to Resolution 22-31; and

WHEREAS, Hurricane Ian has caused widespread property damage to public and private property, and resulted in a significant amount of debris in need of collection and disposal; and

WHEREAS, large amounts of disaster debris in the rights-of-way create public health and safety concerns; and

WHEREAS, there is a significant likelihood that rescue vehicles will be significantly hindered from rendering emergency services to residential and commercial property should the debris be allowed to remain in place; and

WHEREAS, the type of debris is such that it may immediately cause disease, illness, or sickness which could injure or adversely affect the life, public health, and safety of those residing and working in the area if it is allowed to remain; and

WHEREAS, the debris becomes a fire hazard which is susceptible to igniting and causing damage to property and risking the safety of the public; and

WHEREAS, the debris is substantially likely to harbor vermin and reptiles that are poisonous and are an immediate threat to life, public health and safety; and

WHEREAS, the debris poses a significant likelihood of producing mold which would be immediately injurious to public health; and

WHEREAS, the debris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall; and

WHEREAS, the debris has a substantial negative impact in preventing or adversely affecting emergency repairs to buildings and/or property; and

WHEREAS, the debris presents a substantial danger of being transported by wind and/or water into the surrounding areas of the city and thereby increasing the cost of recovery and removal; and

WHEREAS, the presence of the debris significantly adversely impacts the City's recovery efforts; and

WHEREAS, the sheer volume of the debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the City and it would benefit the community at large to remove the debris; and

WHEREAS, the Volusia County Health Department issued a letter on October 3, 2022, finding that the debris should be removed since it presents a potential immediate concern to life, public health and/or public safety; and

WHEREAS, the Emergency Management Director (the City Manager) has determined that it is in the best interests of the citizens of the City of Port Orange to remove the disaster debris expeditiously; and

WHEREAS, the Emergency Management Director (the City Manager) pursuant to City of Port Orange Code of Ordinances, Chapter 26, Article IV, Section 26-92 (1) (2) (6) (7) (9) (10) (11) (12) (13) & (14) has determined that it is in the best interests of the citizens of the City of Port Orange to remove the disaster debris from private rights-of-way expeditiously.

NOW, THEREFORE, be it ordered by the Emergency Management Director of the City of Port Orange, Volusia County, Florida, as follows:

SECTION 1. Large amounts of disaster debris scattered throughout the City presents an immediate threat to public health and safety. The debris acts as an impediment to essential public services such as Fire and Rescue by blocking access to fire hydrants and obstructing the view of house numbers. There is a significant likelihood that rescue vehicles will be significantly hindered from rendering emergency services to residential and commercial property should the debris be allowed to remain in place. The type of debris is such that it may immediately cause disease, illness, or sickness which could injure or adversely affect the life, public health, and safety of those residing and working in the area if it is allowed to remain. The debris is substantially likely to harbor vermin and reptiles that are poisonous and are an immediate threat to life, public health and safety. The debris poses a significant likelihood of producing mold which would be immediately injurious to public health. The debris also presents a risk of becoming airborne and causing more damage and potential injury during a subsequent storm. The debris becomes a fire hazard which is susceptible to igniting and causing damage to property and risking the safety of the public. The debris obstructs drainage ways and canals, which may lead to flooding. The debris significantly interferes with drainage or water runoff, so as to be a significant hazard in the event of significant rainfall. The debris has a substantial negative impact in preventing or adversely affecting emergency repairs

to buildings and/or property. The debris presents a substantial danger of being transported by wind and/or water into the surrounding areas of the city and thereby increasing the cost of recovery and removal. The presence of the debris significantly adversely impacts the City's recovery efforts. Finally, the sheer volume of the debris is such that it is impractical and unreasonable to remove in an orderly and efficient manner absent action by the City and it would benefit the community at large to remove the debris.

SECTION 2. The City, by and through its employees and/or contractors, shall be responsible for clearing disaster related debris from both private and public roads within the City of Port Orange in a timely fashion.

SECTION 3. Prior to the collection and disposal of disaster debris along private rights-of-way by City employees and/or the City's contractor(s), the private property owner shall be required to authorize entry onto the property, disclose any applicable insurance, and indemnify and hold harmless the federal, state, and local government and all employees and contractors thereof, for liability that may arise in connection with the removal of disaster debris from said property.

SECTION 4. This Executive Order shall become effective immediately.

Done and ordered at 3:13 a.m./p.m. this 11 day of October, 2022.



Wayne Clark
Emergency Management Director