

**EXECUTIVE ORDER NO. 5 (NICOLE)**

AN EXECUTIVE ORDER OF THE EMERGENCY  
MANAGEMENT DIRECTOR OF THE CITY OF PORT  
ORANGE, VOLUSIA COUNTY, FLORIDA, ADOPTING  
VOLUSIA COUNTY'S CURFEW; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, on November 7, 2022, Governor Ron DeSantis issued Executive Order Number 22-253, declaring that a state of emergency exists in Volusia County, Florida; and

WHEREAS, the City Council of the City of Port Orange has declared a Local State of Emergency beginning November 8, 2022 at 4:30 p.m. pursuant to Resolution 22-42; and

WHEREAS, the Tropical Storm Nicole Storm Event may cause damage to public utilities, public buildings, public streets and roads, public drainage systems, potentially other public infrastructure, commercial and residential buildings and areas as well as causing life threatening conditions for the residents; and

WHEREAS, Volusia County has implemented a curfew by Ordinance No. 2022-38 dated November 8, 2022, attached hereto as Appendix A; and

WHEREAS, it is in the best interest of the public health and safety for residents to remain at home unless necessitated to leave in accordance with the exceptions below.

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

**SECTION 1.** The curfew established by Volusia County (Ordinance No. 2022-38) that takes effect on Wednesday, November 9, 2022 at 7 p.m. and ends on Thursday, November 10, 2022 at 7 a.m. is hereby adopted and will be enforced by the City.

This curfew shall not apply to regular members of 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 law enforcement personnel.

**SECTION 2.** Any person who knowingly violates this Executive Order 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 3.** This Executive Order shall become effective immediately.

Done and ordered at 11:00 a.m./p.m. this 9<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
Wayne Clark  
Emergency Management Director

APPENDIX A

ORDINANCE 2022-38

1  
2  
3 AN EMERGENCY ORDINANCE RELATING TO  
4 REGULATIONS DURING A STATE OF LOCAL  
5 EMERGENCY; PROVIDING FOR A CURFEW AND  
6 EXEMPTIONS; PROVIDING FOR THE TERRITORY  
7 EMBRACED; PROVIDING FOR PENALTIES FOR  
8 VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.  
9

10 WHEREAS, the County of Volusia, Florida, pursuant to Home Rule Power and Florida  
11 Statutes, Chapter 252, has declared a state of local emergency pursuant to County ordinance  
12 for Tropical Storm Nicole; and

13 WHEREAS, this emergency ordinance is in response to a hurricane or weather-related  
14 emergency of Tropical Storm Nicole; and

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

20 WHEREAS, the County Council finds and declares that in order to protect and  
21 safeguard the health, safety, and welfare of the people of Volusia County, the imposition of an  
22 emergency curfew pursuant to County ordinance is necessary;

23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA  
24 COUNTY, FLORIDA, AS FOLLOWS:

25  
26 SECTION I: A curfew within the incorporated and unincorporated areas of Volusia  
27 County shall take effect on Wednesday, November 9, 2022, at 7 p.m. and end on Thursday,  
28 November 10, 2022, at 7 a.m. This curfew shall not apply to regular members of the law  
29 enforcement bodies. Regular employees of local businesses, industries, or governmental

1 entities, while traveling to and from their jobs, and all emergency workers are exempt, provided  
2 they have identification if stopped by any law enforcement personnel.

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


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

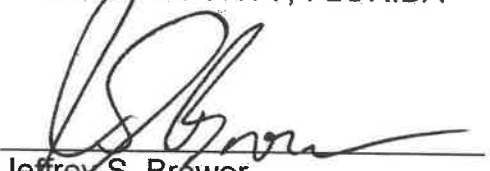
9 **SECTION IV:** This Emergency Ordinance shall take effect immediately unless  
10 rescinded prior to that time.

11 THE COUNTY CHAIR ON BEHALF OF THE COUNTY COUNCIL OF VOLUSIA  
12 COUNTY, FLORIDA, PURSUANT TO FLORIDA STATUTUE AND COUNTY THIS 8<sup>TH</sup> DAY  
13 OF NOVEMBER A.D., 2022.

14  
15  
16 ATTEST:

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

17  
18  
19  
20  
21   
22 George Recktenwald  
County Manager

  
Jeffrey S. Brower  
County Chair