

ORDINANCE 20-15

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 18-31. OF CHAPTER 18 OF THE DUNEDIN CODE OF ORDINANCES TO CORRECT A SCRIVENER'S ERROR IN THE DEFINITION FOR VOLUNTEER; AMENDING SECTION 18-114. TO PROVIDE FOR THE CITY MANAGER OR DESIGNEE, IN THE ABSENCE OF THE MAYOR, VICE-MAYOR OR QUORUM OF THE CITY COMMISSION, THE RECOMMENDATION, PROMULGATION AND REPORTING OF REASONABLE REGULATIONS FOR PROTECTION AND LIFE SAFETY DURING CIVIL EMERGENCIES; AMENDING SECTION 18-114. TO MODIFY THE REGULATIONS FOR PROTECTION OF LIFE AND PROPERTY; AMENDING SECTION 18-118. TO ESTABLISH REGULATIONS FOR PRICE GOUGING DURING A STATE OF EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, on July 24, 2018 the Dunedin City Commission adopted Resolution 18-11 to establish an Ordinance Review Committee; and

WHEREAS, the Ordinance Review Committee held ten (10) meetings between October 1, 2018 and December 11, 2019 to review and discuss twenty-three (23) Chapters of the Code of Ordinances; and

WHEREAS, the recommendations regarding proposed amendments to the Dunedin Code of Ordinances were submitted to the City Commission with the ORC Report; and

WHEREAS, certain recommendations of the Ordinance Review Committee have been found meritorious by the City Commission; and

WHEREAS, the City Commission has received input from the public at two public hearings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the definition of *Volunteer* in Section 18-31. of Chapter 18 of the Code of Ordinances is amended to read as follows:

Volunteer means contributing a service, equipment, supplies or facilities to the civil preparedness organization without remuneration or without a formal agreement or contract for hire.

Section 2. That Section 18-114. of Chapter 18 of the Code of Ordinances is amended to read as follows:

Sec. 18-114. – Regulations for protection of life and property.

During any period when a natural or manmade disaster is probable or imminent, the city manager may recommend and, in the absence of the mayor, the vice-mayor or a quorum of the city commission, promulgate such reasonable regulations as the City Manager or designee deems necessary to protect life and property and preserve critical resources. The regulations may include, but shall not be limited to, the following:

- (1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the mass movement of persons from critical areas of the city.
- (2) Regulations prohibiting or restricting the movement of persons from areas deemed to be hazardous.
- (3) Recommend the evacuation of all or part of the population from any stricken or threatened area within the city if the City Manager or designee deems this action necessary for the preservation of life or other disaster mitigation, response or recovery.
- (4) Prescribe routes, modes of transportation and destination in connection with evacuation.
- (5) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.
- (6) Order a general curfew applicable to such geographical areas of the city or to the city as a whole as the city manager deems advisable, which curfew shall be applicable during such hours of the day or night as the city manager deems necessary in the interest of the public safety and welfare.
- (7) Order the closing of all establishments selling alcoholic beverages.
- (8) Order the closing of all private clubs or their portions wherein the consumption of alcoholic beverages are permitted.
- (9) Order the discontinuance of the selling, distributing or giving away of gasoline or other liquid, flammable or combustible products in any plastic or metal consumer-use containers meeting the requirements of the Florida Fire Prevention Code other than a gasoline tank properly affixed to a motor vehicle or generator.

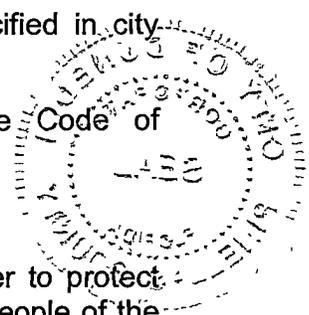
- (10) Order the closing of gasoline stations or other establishments, the chief activity of which is the sale, distribution or dispensing of liquid, flammable or combustible products.
- (11) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- (12) Order the closing of any or all establishments or their portions, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.
- (13) Issue such other orders as are imminently necessary for the protection of life and property.

If the City Manager or designee has promulgated regulations, the city manager shall report these regulations to the city commission; and the city commission shall by resolution adopt, amend or revoke the regulations. When fewer than four commissioners may be assembled for the purpose of a special meeting and it is necessary to provide for legally enforceable regulations on an emergency basis, the provisions as specified in city Charter § 3.09, Disaster Emergencies, shall be followed.

Section 3. That Section 18-118. of Chapter 18 of the Code of Ordinances be created to read as follows:

Sec. 18-118. – Price gouging during a state of emergency.

- (a) The city commission finds and declares that in order to protect and safeguard the safety, health and welfare of the people of the city, the emergency regulations contained in this section are necessary.
- (b) It is hereby ordained and declared to be unlawful for any licensee of the city to charge more than the normal average retail price for any merchandise sold during a state of local emergency. The “average retail price,” as used in this section, is defined to be that price at which similar merchandise was being sold during the 90 days immediately preceding the state of local emergency, or at a markup, which is a larger percentage over wholesale cost than was being added to wholesale cost, prior to a state of local emergency.
- (c) It is hereby ordained and declared to be unlawful for any person to impose unconscionable prices for the rental or dwelling unit or self-storage facility during a state of local emergency. It is prima facie evidence that a price is unconscionable if the amount charged represents a gross disparity between the price of the rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at



which a dwelling or unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately prior to a declaration of a state of emergency, unless the increase in the amount charged is attributable to additional costs incurred in connection with the rental or lease of any dwelling unit or self-storage facility, or regional, national or international market trends.

- (d) In addition to the penalties set forth in section 1-15, the city or the city water system is authorized to shut off the water supply to violators of this section.

Section 4. That this Ordinance shall become effective upon final passage.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of July, 2020.



Julie Ward Bujalski

Julie Ward Bujalski
Mayor

Rebecca C Schlichter

Rebecca Schlichter
City Clerk

READ FIRST TIME AND PASSED: June 18, 2020
READ SECOND TIME AND ADOPTED: July 02, 2020