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CHARLOTTE COUNTY EMERGENCY ORDER NO. 2017-070

**AN ORDER PROHIBITING THE SALE OF ALCOHOL AND
IMPLEMENTING A CURFEW DURING THE DECLARED STATE OF
EMERGENCY FOR HURRICANE IRMA**

WHEREAS, the Governor of the State of Florida issued Executive Order 17-235, dated September 4, 2017, declaring a state of emergency for the entire State of Florida; and

WHEREAS, the Executive Order 17-235, in accordance with Section 252.38, Florida Statutes authorizes political subdivisions to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida issued a Resolution declaring a state of local emergency, dated September 5, 2017; and

WHEREAS, the Resolution, in accordance with Chapter 252, Florida Statutes and Chapter 2-1 of the Charlotte County Code of Ordinances, authorizes the County to take all necessary action and issue any necessary orders to protect human life and property; and

WHEREAS, the Sheriff is further authorized pursuant to Chapter 870 Florida Statutes to establish curfews and prohibit the sale and distribution of alcohol; and

WHEREAS, all such orders when filed with the Clerk of Court have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of such conflict pursuant to Section 252.46(2), Florida Statutes; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor punishable by a fine of up to \$500.00 for each offense and by a term of imprisonment of up to sixty (60) days for each offense, in accordance with Section 252.50, Florida Statutes; and

WHEREAS, the National Hurricane Center advises that Hurricane Irma has the potential to cause catastrophic damage to the County's infrastructure and will cause significant debris to impede roadways; and

WHEREAS, the County's Emergency Management Director and the Charlotte County Sheriff have recommended the imposition of a curfew within the geographic boundaries of Charlotte County until the Local State of Emergency is lifted in order to ensure the protection of life and property; and

NOW THEREFORE, it is hereby ordered:

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4236 PAGE 747 PAGE: 1 OF 3
INSTR # 2551196 Doc Type: RESO
Recorded: 9/12/2017 at 1:12 PM
Rec. Fee: RECORDING \$27.00
Cashier By: CRYSTALH

Section 1. The sale of alcoholic beverages is prohibited within the geographic boundaries of Charlotte County effective immediately until this Emergency Order is rescinded or the Resolution declaring a State of Local Emergency is lifted; and

Section 2. There is hereby implemented a curfew within the geographic boundaries of Charlotte County daily from 9 p.m. until 6 a.m. beginning on September 9, 2017 and continuing until this Emergency Order is rescinded or the Resolution Declaring a Local State of Emergency is lifted. This curfew does not apply to law enforcement personnel; federal, state and local firefighting, emergency medical and emergency management personnel; County employees detailed to work on the emergency, Salvation Army and Red Cross personnel and volunteers; National Guard personnel; electric utility personnel; water and wastewater utility personnel; communications utility personnel; individuals involved in medical emergencies; employees or agency volunteers of non-governmental organizations officially participating in the emergency response effort assigned to work as a direct result of this emergency and others specifically authorized by the County's Emergency Management Director.

Section 3. The Sheriff of Charlotte County and other Law Enforcement forces (including under mutual aid request, all law enforcement officers of the State and/or military and National Guard personnel) are hereby authorized and directed to enforce this emergency curfew.

Section 4. This Emergency Order will take effect immediately and will be filed with the Clerk of Courts of Charlotte County in accordance with Section 252.46(2), Florida Statutes as soon as said offices reopen after the emergency.

DONE AND ORDERED in Charlotte County, Florida, this 9th day of September, 2017.

[THIS SPACE INTENTIONALLY LEFT BLANK]

William Prumell
William Prumell (or his designee)
Charlotte County Sheriff

Raymond Sandrock
Raymond Sandrock
Administrator (or his designee)

Gerard Mallet
Gerard Mallet, Emergency
Management Director

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, Count Attorney
LR17-0573

ATTEST:
Roger D. Eaton, Clerk of the
Circuit Court and Ex-officio
Clerk of the Board of County
Commissioners

By: Michelle DiBernardino
Deputy Clerk

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RESOLUTION
NUMBER 2017-215

AN EMERGENCY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, EXTENDING A STATE OF LOCAL EMERGENCY AND PROVIDING FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO HURRICANE IRMA.

RECITALS

WHEREAS, based on the recommendation of the Public Safety Emergency Manager, and the County Administrator in preparation for the imminent impact of Hurricane Irma on Charlotte County, the Board of County Commissioners of Charlotte County, Florida issued a Resolution declaring a state of local emergency, dated September 5, 2017; and

WHEREAS, the County suffered damage from the storm and the County is actively engaged in disposing of debris from public rights of ways, removing debris from dunes and dune walkovers; and

WHEREAS, extending the declaration of state of local emergency facilitates the County's ability to effectively respond to emergency conditions along the beaches and roadways and to otherwise implement emergency protective measures to mitigate future losses.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and Chapter 2-1 of the Charlotte County Code of Ordinances, it is hereby proclaimed that:

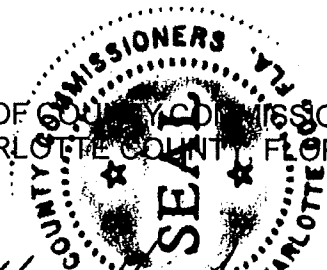
Section 1. The state of local emergency declared on September 5, 2017, is hereby extended for 7 days from the effective date of this Resolution, unless terminated or modified earlier or extended in accordance with law.

Section 2. All emergency powers authorized by the Resolution of September 5, 2017, declaring a state of local emergency, are hereby retained and continued for the duration of this Resolution.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4236 PAGE 745 PAGE: 1 OF 2
INSTR # 2551195 Doc Type: RESO
Recorded: 9/12/2017 at 1:12 PM
Rec. Fee: RECORDING \$18.50
Cashier By: CRYSTALH

PASSED AND DULY ADOPTED this 12th day of September, 2017.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA



By: William Truex
William Truex, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: Michelle DiBerardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR17-0573