

INSTR # 3456695, 3 pages, recorded 10/11/2024 @ 4:23 PM
Re-recorded to add execution date.
CJA
DEC

CHARLOTTE COUNTY EMERGENCY ORDER NO. 2024-174

AN ORDER AMENDING CHARLOTTE COUNTY EMERGENCY ORDER NO. 2024-173 TO AMEND THE TIME PERIOD OF THE PROHIBITION ON THE SALE OF ALCOHOL AND CURFEW IN UNINCORPORATED CHARLOTTE COUNTY AND IN COUNTY BARRIER ISLANDS DURING THE DECLARED STATE OF EMERGENCY FOR HURRICANE MILTON

WHEREAS, Governor Ron DeSantis issued Executive Order (EO) No. 24-214 on October 5, 2024, declaring a state of emergency for 35 counties in the Florida Peninsula due to the threat of Hurricane (a/k/a Tropical Storm) Milton; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida issued a Resolution declaring a state of local emergency, dated October 6, 2024; 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, these Executive Orders, in accordance with Section 252.38, Florida Statutes, authorize political subdivisions to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; 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 in accordance with Section 252.50, Florida Statutes; and

WHEREAS, Hurricane Milton caused catastrophic damage to the County's infrastructure, significant debris impedes roadways, and flooding continues to affect certain geographic areas in unincorporated Charlotte County; and

WHEREAS, the County's Emergency Management Director and Sheriff recommend amending the scope of County Emergency Order No. 2024-173, which imposed on October 10, 2024, a 9 p.m. through 6 a.m. prohibition on the sale of alcohol and curfew within unincorporated Charlotte County until the Local State of Emergency is lifted or County Emergency Order No. 2024-173 is rescinded; and

WHEREAS, it is in the best interest of the health and welfare of Charlotte County residents and visitors to amend County Emergency Order No. 2024-173 to amend the time scope to 12:01 a.m. through 6:00 a.m. within unincorporated Charlotte County; and

WHEREAS, due to the catastrophic conditions on the barrier islands, the 9:00 p.m. through 6 a.m. prohibition on the sale of alcohol and curfew on Manasota Key, Little Gasparilla Island, Don Pedro Island and Boca Grande must continue in force.

MIN

NOW THEREFORE, it is hereby ordered:

Section 1. County Emergency Order No. 2024-173 is not rescinded but is amended as described herein.

Section 2. Subject to Section 3 below, the sale of alcoholic beverages is prohibited, and a curfew is imposed, within the geographic boundaries of unincorporated Charlotte County daily from 12:01 a.m. until 6:00 a.m. beginning on October 11, 2024, and continuing until this Emergency Order is rescinded, amended or the Resolution declaring a State of Local Emergency is lifted.

Section 3. Due to the catastrophic conditions on the County's barrier islands, the sale of alcoholic beverages is prohibited, and a curfew is imposed, on Manasota Key, Little Gasparilla Island, Don Pedro Island and Boca Grande from 9:00 p.m. until 6:00 a.m. beginning on October 11, 2024, and continuing until this Emergency Order is rescinded, amended or the Resolution declaring a State of Local Emergency is lifted.

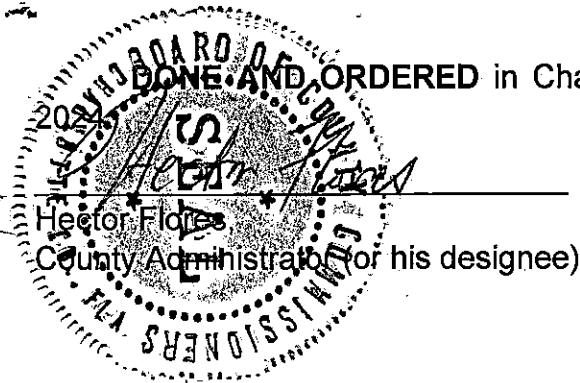
Section 4. The provisions of this amended emergency order do not apply to law enforcement personnel; federal, state and local firefighting, emergency medical and emergency management personnel; County employees detailed to work on the emergency, Salvation Army and Red Cross personnel and volunteers; 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, to individuals traveling to their places of employment to report to work and to return to their residences (in accordance with Section 252.46(4), Florida Statutes) and others specifically authorized by the County's Emergency Management Director.

Section 5. 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 6. This Emergency Order will take effect upon filing with the Clerk of Courts of Charlotte County in accordance with Section 252.46(2), Florida Statutes.

Section 7. Pursuant to Section 252.46(3), Florida Statutes, this Order as well as all local state emergency orders shall be available on a dedicated worldwide page accessible through a conspicuous link on the County's website homepage.

--CONTINUED--



DONE AND ORDERED in Charlotte County, Florida, this 11 day of October,

Hector Flores
County Administrator (or his designee)

Patrick Fuller

Patrick Fuller,
Emergency Management Director

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton

Janette S. Knowlton, County Attorney
LR24-0907 (By Thomas M. David, Deputy County Attorney)

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

By: Michelle Beaudin
Deputy Clerk