

**EMERGENCY RESOLUTION OF THE TOWN OF  
FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 05-35**

WHEREAS, the State of Florida has issued an Executive Order recognizing the danger posed to this area by Hurricane Wilma; and,

WHEREAS, Hurricane Wilma has the potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, and posing significant threat to the public safety, health and welfare; and

WHEREAS, the Town Council of the Town of Fort Myers Beach has been advised by local emergency personnel that there is a significant probability that Hurricane Wilma will make landfall near or in Lee County, Florida; and

WHEREAS, Chapter 252, Florida Statutes, and Town of Fort Myers Beach Ordinance 05-16 and Ordinance 96-19 authorizes the Town of Fort Myers Beach to exercise various emergency procedures in the interest of public safety, health, and welfare, including but not limited to ordering a temporary moratorium in issuance of building permits and development order work unrelated to rebuilding or repairing disaster damaged structures in the Town; and

WHEREAS, pursuant to the aforesaid emergency procedures, the Town of Fort Myers Beach, Florida declared a state of local emergency within its borders, due to the approach of Hurricane Wilma; and

WHEREAS, section 10(c) of Ordinance 05-16 provides that an initial building moratorium is automatically in effect in the Town of Fort Myers Beach for a period of seventy-two (72) hours, effective upon the finding by the Town Council of the Town of Fort Myers Beach of the existence of a state of local emergency in accordance with Florida Statute; and

WHEREAS, section 11 of Ordinance 05-16 provides that the aforesaid initial building moratorium automatically expires at the end of seventy-two (72) hours, and a new development moratorium becomes immediately effective for a period of thirty (30) days thereafter, unless modified by the Town Council;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Based upon the forgoing findings, the Town Council hereby states that the initial building moratorium will remain in effect for an additional period of seventy-two (72) hours from the time of adoption of this Resolution and that the additional moratoria as set forth in Ordinance 05-16 and Ordinance 96-19 will become immediately effective thereafter as set forth in specificity therein. The Town Council finds that this action is in the best interests of the public health, safety, and welfare for all persons within the territorial boundaries of Fort Myers Beach, Florida.

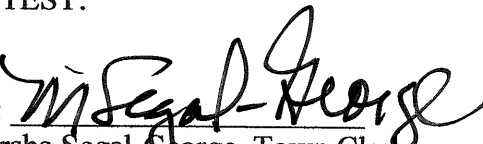
Section 2. This resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council present after reasonable notice.


DULY PASSED AND ADOPTED this 23<sup>rd</sup> day of October, 2005.

Ken Katcko	AYE
Garr Reynolds	AYE
Howard Rynearson	ABSENT
Bill Van Duzer	AYE
Don Massucco	AYE

ATTEST:

By:   
Marsha Segal-George, Town Clerk

Town of Fort Myers Beach

By:   
Bill Van Duzer, Mayor

Town of Fort Myers Beach

By:   
Anne Dalton, Town Attorney