

**EMERGENCY RESOLUTION OF THE TOWN OF  
FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 05-36**

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

WHEREAS, Chapter 252, Florida Statutes, and Ordinances 05-16, 05-17, 96-19 and 99-6 of the Town of Fort Myers Beach, Florida authorize 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 mandatory curfew of the Town; and

WHEREAS, there are various electrical power outages within the Town of Fort Myers Beach as a result of the impact of Hurricane Wilma, which pose significant threat to the public safety, health and welfare; and

WHEREAS, the Lee County Board of County Commissioners is considering the imposition of a County-wide curfew to take effect on Monday, October 24, 2005, until further notice; and

WHEREAS, the Town Council finds and declares that the following regulation is necessary to protect and safeguard the safety, health and welfare of the people of the Town of Fort Myers Beach.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Based upon the foregoing findings, it is in the best interest of the public health, safety, and welfare for a mandatory curfew to be imposed within the territorial limits of the Town of Fort Myers Beach in the event that Lee County imposes a county-wide mandatory curfew.

Section 2. The Town, through the undersigned, hereby exercises its authority to impose a mandatory curfew for the hours of the day and for the length of time that Lee County imposes a county-wide mandatory curfew. In the event that Lee County does not impose a county-wide mandatory curfew, this Resolution shall not be construed to independently impose a mandatory curfew.

Section 3. This resolution shall take effect immediately upon adoption and continue during the period of time, if any, that Lee County imposes a county-wide mandatory curfew.

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

Section 3. The Town expressly waives section 4, sub (2) of Ordinance 99-6 and any amendments thereto, relative to an automatic imposition of a curfew as a result of this declaration, except as provided by separate resolution.

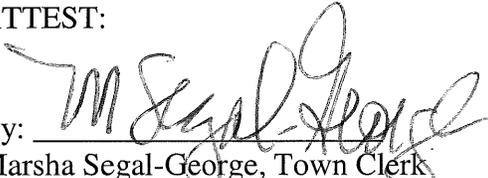
Section 4. This resolution shall take effect immediately upon adoption and continue for an additional period of seven (7) days, as provided by Florida Statute 252.38(3)(a)(5).

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

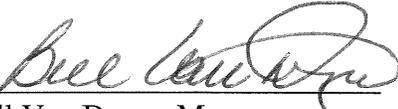
DULY PASSED AND ADOPTED this 24<sup>th</sup> day of October, 2005.

Ken Katcko	<u>AYE</u>
Garr Reynolds	<u>AYE</u>
Howard Rynearson	<u>ABSENT</u>
Bill Van Duzer	<u>AYE</u>
Don Massucco	<u>AYE</u>

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