



EMERGENCY ORDER NO. 2022-12

ORDER RELATING TO THE TEMPORARY WAIVER OF PERMITS AND FEES FOR CERTAIN FENCES ON RESIDENTIAL PROPERTY

WHEREAS, on September 23, 2022, Florida Governor Ron DeSantis issued Executive Order Number 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties; and

WHEREAS, on September 24, 2022, Governor DeSantis issued Executive Order Number 22-219, amending Executive Order Number 22-218 to declare a state of emergency in the entire State of Florida; and

WHEREAS, Florida Statutes Section 252.38(3)(a) gives authority to public subdivisions to declare and enact a state of local emergency for a period of up to seven (7) days and to take certain measures that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 25, 2022, the City Commission of the City of North Port, Florida adopted Ordinance No. 2022-30, declaring a state of local emergency due to Hurricane Ian; and

WHEREAS, Ordinance No. 2022-30 conferred on the City Manager or designee the power and authority set forth in Florida Statutes Section 252.38(3)(a); and

WHEREAS, pursuant to Florida Statutes Section 252.46, the City Manager has the power to issue emergency orders with the force of the law; and

WHEREAS, Section 1-19 of the Unified Land Development Code prohibits all work related to any structure located in, on, over, or adjacent to any lands located within the City without obtaining a permit; and

WHEREAS, a residential property owner must obtain a permit to erect, repair, and/or replace a fence on residential property; and

WHEREAS, waiving the permit requirement for certain fences on residential property is necessary for emergency management purposes and to ensure the health, safety, and welfare of the community.

THEREFORE, IN HIS EMERGENCY AUTHORITY, THE CITY MANAGER OF THE CITY OF NORTH PORT, FLORIDA ORDERS:

1. A property owner may repair and/or replace a fence erected on residential property without obtaining a permit or paying a fee when the repair and/or replacement is to a previously permitted fence that was damaged and/or destroyed by the impact of Hurricane Ian.
2. Every fence repaired and/or replaced pursuant to this order must comply with the same standards required when the previously permitted fence was erected.
3. This order does not suspend or waive any other regulations related to the erection of a fence on a residential lot.
4. To the extent this order conflicts with any provision of the Unified Land Development Code, this order controls.

This order is effective immediately. Unless otherwise terminated, this order expires simultaneously with the expiration of the state of local emergency.

ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF NORTH PORT, FLORIDA ON OCTOBER 18, 2022
AT 2:56 A.M./P.M. BY



A. JEROME FLETCHER II, ICMA-CM, MPA
CITY MANAGER