

CITY OF ALTAMONTE SPRINGS, FLORIDA

**EMERGENCY EXECUTIVE ORDER NO. 2022-03
PROHIBITING REMOVAL OF OR TAMPERING WITH MANHOLES**

WHEREAS, pursuant to Chapter 252, *Florida Statutes*, constitutional home rule powers, and Chapter 16, *Altamonte Springs Code of Ordinances*, the City of Altamonte Springs has adopted the Altamonte Springs Comprehensive Emergency Management Plan; and

WHEREAS, on September 26, 2022, a Local State of Emergency was declared under the provisions of Chapter 16, *Altamonte Springs Code of Ordinances*, due to the serious threat to life and property within the City arising from and related to Hurricane Ian; and

WHEREAS, Sections 252.38(2) and 252.38(3)(a)(5), *Florida Statutes*, grants municipalities the authority to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a state of local emergency; and

WHEREAS, Chapter 16, *Altamonte Springs Code of Ordinances*, grants the City Manager, or designee, the authority to impose by Executive Order during a declared Local State of Emergency prohibitions against removing, tampering with, relocating, adjusting, or otherwise interfering with existing utility infrastructure, including manholes.

NOW, THEREFORE, BY THE AUTHORITY VESTED IN ME AS THE CITY MANAGER OF ALTAMONTE SPRINGS, FLORIDA, IT IS HEREBY ORDERED THAT, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ALTAMONTE SPRINGS, THE FOLLOWING EMERGENCY REGULATIONS ARE NECESSARY:

Section 1. Manhole Removal or Tampering Prohibition. Removing or tampering with manholes is strictly prohibited due to the public health and safety threat posed to the safe operation of storm and sanitary sewer systems during storm events or flooding; due to the hazardous driving conditions removing manholes pose for general vehicular traffic, storm response vehicles, emergency response vehicles, and rescue vehicles attempting to reach flooding victims who are stranded; and due to the dangers created for pedestrians resulting from the removal of storm or sanitary manholes.

Section 2. Penalties. Any person tampering with or removing manholes is guilty of violating Sections 877.09, and 812.14 Florida Statutes, which carry criminal penalties, as well as guilty of violating City Code of Ordinances Section 26-3. The City of Altamonte Springs will pursue all available legal recourse against persons found in violation of this Emergency Executive Order, including prosecution for violation of Sections 877.09 and 812.14, Florida Statutes, as well as all available remedies and penalties set forth in Section 26-4, City Code of Ordinances.

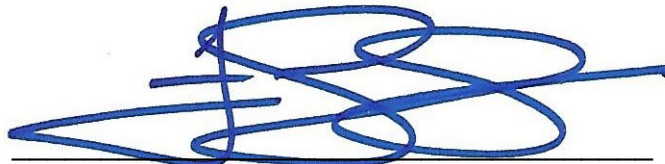
Section 3. Duration of Restrictions. These restrictions will remain in effect within the flooded areas of Altamonte Springs, Florida, or within the areas of the City as may be determined by the City Manager. These restrictions will remain in effect from the

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date of this Order for a period of seven (7) days and may be extended in seven (7) day increments by further Executive Order.

ORDERED this 4th day of October, 2022.



**FRANKLIN W. MARTZ, II, CITY MANAGER
CITY OF ALTAMONTE SPRINGS, FLORIDA**