

**CITY OF SANIBEL  
MAYORAL PROCLAMATION 22-15**

**AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL RELATING TO THE DECLARED STATE OF LOCAL EMERGENCY PERTAINING TO HURRICANE IAN; EXTENDING STATE OF LOCAL EMERGENCY; AMENDING CURFEW; EXTENDING CLOSURE OF PUBLIC BEACHES TO NON-RESIDENTS; EXTENDING POOL AND SPA DEWATERING REGULATIONS; PROVIDING PENALTIES FOR VIOLATIONS OF PROCLAMATION RESTRICTIONS; EXTENDING TEMPORARY WAIVER OF BUILDING DEMOLITION FEES AND CERTAIN TEMPORARY STRUCTURE FEES; PROVIDING TEMPORARY RECIPROCITY FOR CERTAIN CONTRACTORS LICENSED AND REGISTERED WITH LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on September 26, 2022, the City Council of the City of Sanibel passed Resolution No. 22-054, declaring a State of Local Emergency, based upon the severe threat to the health, safety, and welfare of the City posed by Hurricane Ian; and

**WHEREAS**, the City's declaration followed similar declarations of emergency by Governor Ron DeSantis, President Joseph Biden, Jr., and the Board of County Commissioners of Lee County; and

**WHEREAS**, on the morning of September 27, 2022, Lee County issued a mandatory evacuation order, which included the entirety of the territory within the municipal limits of the City of Sanibel; and

**WHEREAS**, on September 28, 2022, Hurricane Ian made landfall in Lee County as a Category 4 hurricane, causing catastrophic property damage and loss of life; and

**WHEREAS**, damages directly impacting the City of Sanibel include widespread damage and destruction of infrastructure, public property, and private property; and

**WHEREAS**, Chapter 22 of the Sanibel Code of Ordinances authorizes and empowers the Mayor to issue public proclamations declaring a State of Local Emergency; and, during a state of emergency, impose certain prohibitions and restrictions to protect lives, safety, and property; and

**WHEREAS**, the City Council Resolution No. 22-054 declared an initial State of Local Emergency for a 7-day term, which State of Local Emergency has been extended continuously by Mayoral Proclamations since the initial issuance; and

**WHEREAS**, extensions of the State of Local Emergency, curfew, and limited beach closures are necessary and appropriate to maintain order and protect lives based upon the severity of the impacts of Hurricane Ian and to safeguard property and the safety, health, and welfare throughout the City of Sanibel.

**WHEREAS**, dewatering of hurricane-compromised pools and spas without has resulted in unlawful or improper discharge into waterbodies, adjacent properties, and into

the City's stormwater system, causing damage to property and the environment, necessitating emergency regulation to safeguard property and the environment; and

**WHEREAS**, waiver of fees related to demolition of buildings substantially damaged from Hurricane Ian or for temporary recreational vehicles or park trailers on residential lots of buildings substantially damaged from Hurricane Ian are in the best interests of the City and would provide relief for those owners who suffered the most significant damages from Hurricane Ian; and

**WHEREAS**, based upon the significant need for contractor assistance in recovering from Hurricane Ian and limited administrative capacity of the City, it would benefit the City and its residents, property owners, and businesses to allow contractors licensed and registered with Lee County, Florida to apply and automatically be issued an identical license for the City of Sanibel, so long as they are active and current in their standing with Lee County.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor of the City of Sanibel, Florida:

**SECTION 1. Extending State of Local Emergency.** The State of Local Emergency is hereby extended an additional 7-day period.

**SECTION 2. Extending Curfew.** The 9:00 p.m. to 6:00 a.m. curfew detailed in Mayoral Proclamation 22-14 is hereby extended as follows:

There shall be a general curfew throughout the City of Sanibel between the hours of 9:00 p.m. and 6:00 a.m., during the City's current declared State of Local Emergency. The curfew during these hours includes the prohibition of any ingress or egress to and from the City of Sanibel—whether via the Sanibel Causeway or by watercraft, as well as the prohibition of pedestrian and vehicular movement within the city limits of the City of Sanibel, except for fire, police, city employees on duty, and other emergency services personnel explicitly authorized by the City of Sanibel. The only limit exception to this general curfew is for individuals completing a commute to or from the mainland outside of the curfew hours, so long as the individual has been issued a 2021 or a 2022 City of Sanibel Residential Hurricane Pass (reentry) and (a) has that reentry pass in their possession; and (b) also has in their possession a valid driver's license with the same name as is associated with the reentry pass. To best ensure only those with a proper purpose are on island, all individuals within the City of Sanibel's legal boundaries are required to have in their possession and produce on request a 2021 or 2022 Sanibel Hurricane Pass or a government-issued identification with a Sanibel address or otherwise be accompanied by an individual with such credentials. The territory embraced by the curfew includes all territory within the legal boundaries of the City of Sanibel, Florida.

**SECTION 3. Extending Closure of Public Beaches to Non-Residents.** The beach closure detailed in Mayoral Proclamation 22-14 is hereby extended as follows:

Based upon potentially dangerous storm-related debris on the beaches and in the waters adjacent to the beaches, all public beaches within the City of Sanibel are closed to

all those other than Sanibel residents. Sanibel residents are highly discouraged from accessing any public beaches or surrounding waters, unless actively engaged in an organized clean-up effort authorized by the City.

**SECTION 4. Extending Pool and Spa Dewatering Regulations.** The pool and spa dewatering regulations detailed in Mayoral Proclamation 22-14 are hereby extended as follows:

Dewatering of a pool or spa directly into a waterbody, into the City's stormwater system, or onto any third-party's property without the third party's consent is expressly prohibited.

**SECTION 5. Penalties.** Any person, firm, company, or corporation who refuses to comply with or violates Section 2 or 3 of this Proclamation shall be guilty of a misdemeanor of the second degree and upon conviction for such offense, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in jail, or both. Each non-compliance or violation, and each day thereof, shall constitute a separate offense.

Nothing contained herein shall prevent the City of Sanibel from taking such other lawful action in as is necessary to prevent or remedy any refusal to comply with, or violation of, this Proclamation or the emergency measures made effective according to this Proclamation. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.


**SECTION 6. Extending Temporary Waiver of Building Permit Demolition Fee and Certain Temporary Structure Fees.** The temporary fee waivers detailed in Mayoral Proclamation 22-14 are hereby extended as follows:

- a. The \$53.25 building permit demolition fee specified in Section 14-188, Sanibel Code, is hereby waived retroactively to November 7, 2022, for a period of six months, ending May 7, 2023; and
- b. The \$431 temporary structure fee specified in Section 90-213, Sanibel Code, is hereby waived retroactively to November 12, 2022, for a period of six months, ending May 12, 2023, for recreational vehicles and park trailers on residential lots.

**SECTION 7. Providing Temporary Reciprocity for Certain Contractors Licensed and Registered with Lee County, Florida.** Contractors licensed and registered with Lee County, Florida may apply and automatically be issued an identical license for the City of Sanibel good through June 30, 2022, so long as they are and remain active and current in their standing with Lee County through June 30, 2022.

**SECTION 8. Effective Date.** This Proclamation shall take effect immediately upon execution and shall remain in effect through the duration of this State of Local Emergency, unless modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

**AUTHENTICATION:**

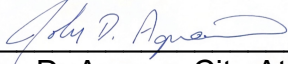
  
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Holly D. Smith, Mayor

  
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Scotty Lynn Kelly, City Clerk

6:01 p.m.

a.m. / p.m.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
John D. Agnew, City Attorney

12/19/22

\_\_\_\_\_  
Date