

**CITY OF SANIBEL
MAYORAL PROCLAMATION 23-05**

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; EXTENDING CURFEW; EXTENDING CLOSURE OF PUBLIC BEACH PARKING; 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; EXTENDING TEMPORARY RECIPROCITY FOR CERTAIN CONTRACTORS LICENSED AND REGISTERED WITH LEE COUNTY, FLORIDA; EXTENDING TEMPORARY WAIVER OF CERTAIN VEGETATION PERMITS; EXTENDING LIMITED AUTHORIZATION FOR OUTDOOR DISPLAY OF MERCHANDISE; 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, beach parking closures, and pool and spa dewatering regulations 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, extensions of contractor licensing reciprocity with Lee County, and for the waiver of fees related to demolition of buildings substantially damaged from Hurricane Ian, waiver of fees for temporary recreational vehicles or park trailers on residential lots of buildings substantially damaged from Hurricane Ian, waiver of certain vegetative permits, and waiver of certain displays of outdoor merchandise 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

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 existing curfew hereby extended as follows:

There shall be a general curfew throughout the City of Sanibel between the hours of 12:00 a.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 limited 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. All vehicular traffic on island should expect routine checkpoints and traffic stops to ensure compliance with this restriction. 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 Beach Parking. The existing beach parking closure 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 beach parking within the City of Sanibel is closed. Additionally, all individuals 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 existing pool and spa dewatering regulations 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. To avoid prohibited runoff, the speed of dewatering shall be at a rate slow

enough to allow all water to percolate down through the owner's property on which the pool or spa is being dewatered. Silt fences with sorbent booms or socks are recommended to help facilitate proper dewatering.

SECTION 5. Penalties. Any person, firm, company, or corporation who violates Section 2, 3, or 4 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 existing temporary fee waivers are hereby extended as follows:

- a. The \$53.25 building permit demolition fee specified in Section 14-188, Sanibel Code, and the \$281.00 per structure development permit fee specified in Section 90-127, Sanibel Code, for demolition of a structure, are waived for the period of November 7, 2022, through May 7, 2023; and
- b. The \$431 temporary structure fee specified in Section 90-213, Sanibel Code, is waived for the period of November 12, 2022, through May 12, 2023, for recreational vehicles and park trailers on residential lots.

SECTION 7. Extending Temporary Reciprocity for Certain Contractors Licensed and Registered with Lee County, Florida. The existing temporary reciprocity for certain contractors licensed and registered with Lee County, Florida is hereby extended as follows:

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, 2023, so long as they are and remain active and current in their standing with Lee County through June 30, 2023.

SECTION 8. Extending Waiver of Certain Vegetation Permits. The existing temporary waiver for certain vegetation permits is hereby extended as follows:

Consistent with the "Sanibel Natural Resources Department — Vegetation Recovery Tips and Permitting Post Hurricane Ian" document dated 10/21/2022, the requirement for a vegetation permit to remove, prune or trim any native tree, as required in Section 122-145 and Section 12-146(5) of the Land Development Code are hereby waived to the extent that the following activities do not require a vegetation permit during this state of local

emergency:

- (a) Removal of vegetation debris on private property, seaward of the CCCL, or within a mangrove fringe;
- (b) Removal of dead native plants OR live and dead exotic plants;
- (c) Removal of downed native or exotic plants or those leaning at an angle greater than 30 degrees; or
- (d) Restoration trimming and/or corrective pruning of hurricane damaged native or exotic vegetation (excluding mangroves or vegetation seaward of the CCCL). For native species, trimming may exceed 25% of the total leaf surface area but must be the minimum necessary to safely address the damage.

SECTION 9. Extending Limited Authorization for Outdoor Display of Merchandise. The limited authorization for outdoor display of merchandise is hereby extended as follows:

Restrictions imposed by Sections 110-46(4) or 126-1022(a), Sanibel Code, prohibiting the outdoor display of merchandise for commercial purposes, are hereby waived for the duration of this Proclamation for any commercial business that possessed a valid Sanibel Business Tax Receipt (BTR) as of September 28, 2022, so long as that business continues to maintain a current Sanibel BTR. Further, multiple qualifying businesses may aggregate their outdoor displays in the location of another qualifying business (the "host business"), with express permission from the host business and necessary approvals, if any, from any applicable landlord or governing association of the host business.

SECTION 10. Effective Date. This Proclamation shall be effective immediately 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:



Holly D. Smith, Mayor

 7:18 p.m.

Scotty Lynn Kelly, City Clerk a.m. / p.m.

APPROVED AS TO FORM: 

John D. Agnew, City Attorney

1/23/23

Date