

CITY OF SANIBEL

PROCLAMATION NO. 20-028

AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL RELATING TO THE DECLARED STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); TEMPORARILY RESTRICTING RENTALS AT CERTAIN PUBLIC LODGING ESTABLISHMENTS; EXTENDING CERTAIN PAID PUBLIC BEACH PARKING RESTRICTIONS; STRONGLY ENCOURAGING THE WEARING OF FACE MASKS; INCREASING THE FINES FOR PARKING VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 252.38(3)(a)(5), Florida Statutes, provides authority to a political subdivision of the State of Florida to declare a State of Local Emergency for a period of seven (7) days in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida; and

WHEREAS, on March 18, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution Number 20-011, declaring a State of Local Emergency for the City of Sanibel for a period of seven (7) days, resulting from the outbreak of COVID-19; and

WHEREAS, on March 25, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution No. 20-014, extending for seven (7) days the State of Local Emergency and ratifying the Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on March 31, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-017, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 7, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-019, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 14, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-020, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 21, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-021, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 28, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-022, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on April 29, 2020, after finding national and state efforts to limit the spread of COVID-19 to have been successful in “flattening the curve” of new cases of COVID-19 and deaths resulting therefrom, the Governor of the State of Florida issued Executive Order Number 20-112 (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery), which outlines a path to safely and strategically reopen Florida; and

WHEREAS, Executive Order 20-112 moved 64 of Florida’s 67 counties into Phase 1 of the Governor’s reopen plan, with Palm Beach, Broward, and Miami-Dade Counties being omitted because such counties remained at that time “hot spots” of substantial community spread of COVID-19 (although Palm Beach County moved to Phase 1 on May 11, 2020); and

WHEREAS, Executive Order 20-112 also extended Executive Orders 20-80 (Airport Screening and Isolation) and Executive Order 20-82 (Isolation of Individuals Travelling to Florida), because the New York Tri-State Area (Connecticut, New Jersey, and New York) and Louisiana remained at that time “hot spots” of substantial community spread of COVID-19; and

WHEREAS, Executive Order 20-112 also extended Executive Order 20-87 (Vacation Rental Closure), which, among other things, prohibits rentals for periods of less than 30 days of “vacation rentals,” which are defined by Section 509.242(1)(c), Florida Statutes, to mean “any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, or two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project” but excludes from such prohibition hotels, motels, inns, resorts, non-transient public lodging establishments, or time-share projects; and

WHEREAS, on April 29, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-023, supporting and adopting Governor DeSantis’ Executive Order 20-112; and

WHEREAS, on May 5, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-026, extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities; and

WHEREAS, on May 12, 2020, the Mayor of the City of Sanibel issued Proclamation No. 20-027, extending for seven (7) days the State of Local Emergency; and

WHEREAS, because national, state, and local efforts to limit the spread of COVID-19 have had success in “flattening the curve” of new cases of COVID-19 and deaths resulting therefrom, and consistent with Sanibel being in Phase 1 of Governor DeSantis’ reopen plan, changes are warranted for termination or modification of certain City-imposed emergency-related prohibitions and restrictions, while recognizing still-existent dangers provide a reasonable basis

for the establishment or extension of certain other City-imposed emergency-related prohibitions and restrictions; and

WHEREAS, on May 12, 2020, the City Council met for a special set public meeting to discuss COVID-19, including consideration of temporary restrictions and prohibitions related to the declared State of Local Emergency; and

WHEREAS, City Council voted in support of taking certain actions to reopen the local economy on a gradual basis and consistent with the Governor’s phased approach, including the following:

- A. Allowing the current restrictions on accommodations rentals to expire, subject to emplacing a lessened restriction on vacation rentals which closely follows the Governor’s restriction thereon, and allowing new rentals at hotels, motels, and timeshares under restricted occupancy and conditions intended to mitigate any community spread of COVID-19; and
- B. Extending certain public beach parking restrictions for an additional temporary duration; and
- C. Strongly encouraging the wearing of face masks by employees of places of public accommodation and by all members of the public who cannot properly socially distance; and
- D. Raising parking fines to \$200, as a result of the significant volume of parking violations particularly in and around beach access points.

WHEREAS, Section 252.38(3), Florida Statutes, provides certain emergency powers to political subdivisions, including “taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community”; and

WHEREAS, Chapter 22 of the City’s Code 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 and safety, including Section 22-53, which provides that such a proclamation may prohibit or restrict the “operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives”; and

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

SECTION 1. Expiration of current restrictions on accommodations rentals. The temporary restrictions on accommodations rentals at public lodging establishments emplaced by Proclamation 20-016 (as extended by 20-020 and 20-023) and Proclamation 20-018 (as extended by 20-023) shall expire, as written, at 11:59 p.m. May 15, 2020.

SECTION 2. Temporary restrictions on accommodation rentals at hotels, motels, and timeshares. Effective 12:00 a.m. May 16, 2020, the “public lodging establishments” identified in Attachment A hereto, which include all 37 “hotels,” “motels,” and “timeshare projects” on Sanibel (as such terms are defined in Section 509.242, Florida Statutes), are subject to the following temporary restrictions, which shall remain in temporary effect until modified or terminated by written Proclamation of the Mayor or by Resolution of City Council:

- A. Occupancy is limited to 50% of the units within the public lodging establishment; and
- B. No reservations or check-ins are permitted from anyone that resides in or is travelling from an area identified by the Governor of Florida to be a “hot spot” of substantial community spread of COVID-19, including Louisiana, the New York Tri-State Area (Connecticut, New Jersey, and New York), Miami-Dade County, Florida, and Broward County, Florida; and
- C. All places of public accommodation are strongly encouraged to follow the guidelines set forth by the Sanibel-Captiva Chamber of Commerce, which can be found under SANCAP SAFE RESOURCES at: <https://members.sanibel-captiva.org/>; and
- D. Notwithstanding the aforementioned restrictions, nothing in this section restricts or otherwise affects the ability of the owner of a rental unit from personally staying at his or her own property.

SECTION 3. Temporary restrictions on accommodations rentals at vacation rentals. Effective 12:00 a.m. May 16, 2020, the “public lodging establishments” on Sanibel which are “vacation rentals” (as such terms are defined in Section 509.242, Florida Statutes), including all “limited rentals” and “unlimited rentals” (as such terms are defined by Sanibel Code Section 126-1075), but not including the hotels, motels, and timeshare projects identified in Attachment A hereto, are subject to a temporary rental restriction of a minimum duration of 30 days, which shall remain in temporary effect until modified or terminated by written Proclamation of the Mayor or by Resolution of City Council. For the purposes of this section, the rental restriction is applicable to anyone who is not an owner of the unit. Notwithstanding the aforementioned restriction, nothing in this section affects the ability of the owner of a rental unit from personally staying at his or her own property.

SECTION 4. Paid public beach parking restrictions. The paid public beach parking restrictions currently in place as extended by Proclamation 20-023, which thereunder are due to expire on May 15, 2020, are hereby extended to May 31, 2020, after which such restrictions will expire and public beach parking will reopen.

SECTION 5. Wearing of face masks. Effective immediately, and until further notice, the wearing of face masks by all employees of retail shops, restaurants, and other places of public

accommodation who interact with members of the public, as well as by all people in any public areas where proper social distancing is not feasible or otherwise occurring is strongly encouraged.

SECTION 6. Parking fines. Effective 12:00 a.m. May 16, 2020, fines for all parking violations are temporarily raised to \$200.00.

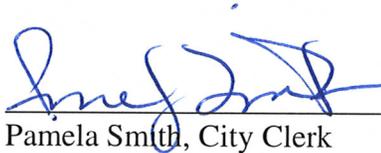
SECTION 7. Necessary for Protection. This Proclamation is an emergency measure necessary for the protection of the public health, safety, and welfare of the community, due to the serious threat of COVID-19.

SECTION 8. Effective Date. This Proclamation shall take effect immediately upon execution and shall remain in effect unless extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

AUTHENTICATION:



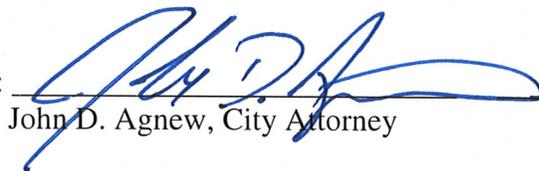
Kevin Ruane, Mayor



Pamela Smith, City Clerk

3:38 p.m.
(Time)

APPROVED AS TO FORM:



John D. Agnew, City Attorney

5/13/20
Date

Schedule of Hotel/Motel Classifications (which also includes Timeshares), as Classified by the Florida Department of Revenue (DOR Code 39)

DOR Code	DOR Description	Owner d/b/a	Owner Name	Street		Site City	Site ZIP
				Number	Site Street Name		
39	HOTELS, MOTELS	Anchor Inn & Cottages	ANCHOR INN OF SANIBEL LLC	1245	PERIWINKLE WAY	SANIBEL	33957
39	HOTELS, MOTELS	Beach Road Villas	WAGER DAVID K +	764	BEACH RD	SANIBEL	33957
39	HOTELS, MOTELS	Beachview Cottages	BEACHVIEW COTTAGES OF SANIBEL	3325	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Blue Dolphin Cottages	BLUE DOLPHIN INC	4227	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Caribe Beach Resort	CARIBE BEACH RESORT	2669	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Casa Ybel Resort	CASA YBEL BEACH + RACQUET CLUB	2255	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Casa Ybel Resort	CASA YBEL BEACH + RACQUET CLUB	2255	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Castaways Cottages	CASTAWAYS BAY AND BEACH COTTAG	6460	SANIBEL CAPTIVA RD	SANIBEL	33957
39	HOTELS, MOTELS	Castaways Cottages	CASTAWAYS BAY AND BEACH COTTAG	6486	SANIBEL CAPTIVA RD	SANIBEL	33957
39	HOTELS, MOTELS	Driftwood Inn	BALLIET SEAN A & JENNIFER M	711	DONAX ST	SANIBEL	33957
39	HOTELS, MOTELS	Gulf Breeze Cottages	HUTCHINGS VENTURES LC	1081	SHELL BASKET LN	SANIBEL	33957
39	HOTELS, MOTELS	Hurricane House Resort	HURRICANE HOUSE CONDOMINIUM AS	2939	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Island Inn	ISLAND INN CO	3111	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Kona Kai Hotel	RODENBURG FAMILY LLC	1539	PERIWINKLE WAY	SANIBEL	33957
39	HOTELS, MOTELS	Lighthouse Resort & Club	LIGHTHOUSE RESORT + CLUB LTD	210	PERIWINKLE WAY	SANIBEL	33957
39	HOTELS, MOTELS	Mitchell's Sandcastles	WEST GULF WATERFRONT PROP LLC	3951	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Mitchell's Sandcastles & Forty-Fifteen Resorts	WEST GULF WATERFRONT PROP LLC	4015	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Parrot Nest Cottages	PAPARONE PAMELA A	1237	ANHINGA LN	SANIBEL	33957
39	HOTELS, MOTELS	Sanibel Beach Club	SANIBEL BEACH CLUB ASSOC	626	NERITA ST	SANIBEL	33957
39	HOTELS, MOTELS	Sanibel Beach Club II	SANIBEL BEACH CLUB II SOUTH	205	PERIWINKLE WAY	SANIBEL	33957
39	HOTELS, MOTELS	Sanibel Cottages Resort	SANIBEL COTTAGES	2341	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Sanibel Inn	BRE/SANIBEL INN OWNER LLC	937	EAST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Sanibel Island Beach Resort	SANIBEL ISLAND HOSPITALITY LLC	1231	MIDDLE GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Seahorse Cottages	PAPARONE PAMELA A	1223	BUTTONWOOD LN	SANIBEL	33957
39	HOTELS, MOTELS	Seaside Inn	BRE/SEASIDE INN OWNER LLC	541	EAST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Shalimar Cottages & Motel	SHELLMAR REAL ESTATE HOLDINGS	2823	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Shell Island Beach Club	SHELL ISLAND BEACH CLUB	255	PERIWINKLE WAY	SANIBEL	33957
39	HOTELS, MOTELS	Song of the Sea	BRE/SONG OF THE SEA OWNER LLC	863	EAST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Sunset Beach Inn	BRE/SANIBEL BEACH OWNER LLC	3287	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Sunshine Island Inn	SUNSHINE ISLAND INN LLC	642	EAST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Surfrider Beach Club	SURFRIDER BEACH CLUB ASSOC	555	EAST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Tarpon Tale Inn	TARPON TALE LLC	367	PERIWINKLE WAY	SANIBEL	33957
39	HOTELS, MOTELS	Tortuga Beach Club	TORTUGA BEACH CLUB	959	EAST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	Tropical Winds Motel & Cottages	TRADEWINDS OF SANIBEL LLC	4819	TRADEWINDS DR	SANIBEL	33957
39	HOTELS, MOTELS	Waterside Inn on the Beach	WATERSIDE INN HOLDINGS LLC	3033	WEST GULF DR	SANIBEL	33957
39	HOTELS, MOTELS	West End Paradise	FORD DARWIN +	1389	TAHITI DR	SANIBEL	33957
39	HOTELS, MOTELS	West Wind Inn	WEST WIND ASSOC OF SANIBEL LLC	3345	WEST GULF DR	SANIBEL	33957

ATTACHMENT A