CITY OF SANIBEL

PROCLAMATION NO. 20-079

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); EXTENDING THE DECLARED STATE OF LOCAL EMERGENCY; TERMINATING CERTAIN EMERGENCY-RELATED RESTRICTIONS AND PROHIBITIONS; AMENDING AND REAFFIRMING FACE COVERING MANDATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person, has no known immunization or cure, and may result in serious illness or death; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19 and enacting the powers of political subdivisions to exercise its powers under Section 252.38, Florida Statutes; 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, resulting from the outbreak of COVID-19; and

WHEREAS, the State of Local Emergency has been extended by Proclamation each week since the initial declaration, because the still-existent dangers from COVID-19 constitute a clear and present threat to the lives, health, welfare, and safety of the people of the City of Sanibel; and

WHEREAS, on April 29, 2020, the Governor of Florida issued Executive Order 20-112, (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery); and

WHEREAS, on June 3, 2020, the Governor of Florida issued Executive Order 20-139 Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery); and

WHEREAS, on September 25, 2020, the Governor of Florida issued Executive Order 20-244: Phase 3: Right to Work; Business Certainty; Suspension of Fines); and

WHEREAS, Executive Order 20-244 suspends all COVID-19-related individual fines and penalties, which has the effect of nullifying the following two COVID-19-releated restrictions: Section 6 of Proclamation 20-028 (as extended by Proclamation 20-061), related to parking; and Section 6 of Proclamation 20-036 (as extended by Proclamation 20-061), related to possession and

use of alcohol; and has the effect of altering Section 3 of Proclamation 20-040 (as amended by Section 3 of Proclamation 20-041), related to wearing of a face covering; and

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, pursuant to Section 252.46, Florida Statutes, municipalities have the power to issue emergency orders with the force of law; 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. Findings. The above recitals are adopted as legislative findings.

SECTION 2. Extension of Declared State of Local Emergency. The State of Local Emergency is hereby extended for a period of seven (7) days, from September 29, 2020 through October 6, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

SECTION 3. Terminating Certain Emergency-Related Prohibitions and Restrictions. The following temporary emergency-related prohibitions and restrictions are hereby terminated: Section 6 of Proclamation 20-028 (as extended by Proclamation 20-061), related to parking; Section 6 of Proclamation 20-036 (as extended by Proclamation 20-061), related to possession and use of alcohol; and

SECTION 4. Amending and Reaffirming Face Covering Mandate. Section 7 of the temporary emergency-related face covering mandate emplaced by Section 3 of Proclamation 20-040 (as amended by Section 3 of Proclamation 20-041) is hereby amended to strike the language reading "Violations shall be subject to fines of $50 per violation." The remainder of the referenced face covering mandate is hereby reaffirmed and shall remain in force and effect as stated therein and throughout the duration of this 7-day State of Local Emergency, except as extended, modified or terminated by the written proclamation of the Mayor or by Resolution of City Council.

SECTION 5. 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 6. **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:

Kevin Ruane, Mayor

Pamela Smith, City Clerk 9:26 a.m.

APPROVED AS TO FORM: _____ 9/29/20

John D. Agnew, City Attorney Date