

**CITY OF SANIBEL
MAYORAL PROCLAMATION 23-08**

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 CLOSURE OF PUBLIC BEACH PARKING; EXTENDING POOL AND SPA DEWATERING REGULATIONS; PROVIDING PENALTIES FOR VIOLATIONS OF PROCLAMATION RESTRICTIONS; EXTENDING TEMPORARY RECIPROCITY FOR CERTAIN CONTRACTORS LICENSED AND REGISTERED WITH LEE COUNTY, FLORIDA; EXTENDING TEMPORARY WAIVER OF CERTAIN VEGETATION PERMITS; AUTHORIZING PLACEMENT OF TEMPORARY STORAGE UNITS; 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, based upon the severity of the impacts of Hurricane Ian, extensions of the State of Local Emergency, certain beach parking closures, and pool and spa dewatering regulations are necessary and appropriate to maintain order and to safeguard property and the safety, health, and welfare throughout the City of Sanibel; and

WHEREAS, extensions of contractor licensing reciprocity with Lee County and waiver of certain vegetative permits are in the best interests of the City and would provide

relief for those owners who suffered the most significant damages from Hurricane Ian.

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. Amending and Closure of Public Beach Parking. The existing beach parking closure is hereby amended and extended as follows:

Based upon potentially dangerous storm-related conditions or debris on certain beaches and in the waters adjacent to the beaches, all public beach parking within the City of Sanibel is closed, other than the following:

- Trost Parking Lot on Tarpon Bay Road, which serves the Tarpon Bay Rd. Beach access area
 - Parking by City of Sanibel beach parking permit and paid hourly parking (\$5/hr)
 - 76 general parking spaces
 - Restrooms are available at the parking lot and beach access area
- Blind Pass Beach Park.
 - Parking by City of Sanibel beach parking permit and paid hourly parking (\$5/hr)
 - 23 general parking spaces and 6 spaces for A or B City of Sanibel beach parking permits
 - Portable toilets are available at the parking lot and beach access area
- The following locations will be open for patrons with a City of Sanibel A or B beach parking permit:
 - East Gulf at Colony beach access – 2 spaces (A permit)
 - Beach Road beach access – no defined parking stops but approximately 13 spaces (A or B permit)
 - Nerita Street beach access – no defined parking stops but approximately 6 spaces (A or B permit)
 - Bock Peace Park (located north end of Dixie Beach Blvd) – 6 spaces (A or B permit)
 - Bayview Park (located north end of Bailey Road) – 10 spaces (A or B permit)

- Sanctuary Overlook – 2 spaces (A or B permit)

Parking in public beach parking areas that are closed are subject to fines of \$150.00 (Sec. 66-85(c), Sanibel Code). Individuals visiting any public beaches or surrounding waters should do so with extreme caution, as dangerous storm-related debris may be present on or under the surface of the sand and water. Additionally, individuals are encouraged to monitor updates provided by the Florida Department of Health - Lee County, concerning precautionary swim advisories and Healthy Beaches reports.

SECTION 3. 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 4. Penalties. Any person, firm, company, or corporation who 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 5. 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 6. 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.

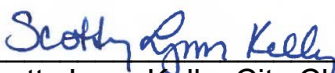
SECTION 7. Authorizing Placement of Temporary Storage Units. Effective from this Proclamation through August 6, 2023, properties with one or more dwelling units damaged by Hurricane Ian which have not yet completed necessary repairs are authorized, without a permit, to place up to two temporary storage units on a developed portion of their property, so long as the storage units are no longer than 16 feet nor any taller nor wider than eight feet.

SECTION 8. 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.

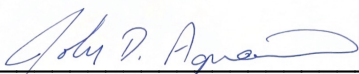
AUTHENTICATION:



Holly D. Smith, Mayor

 5:19 p.m.

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

APPROVED AS TO FORM:  2/13/23

John D. Agnew, City Attorney Date