

CITY OF SANIBEL

PROCLAMATION NO. 20-016

AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL IN CONNECTION WITH THE CITY'S STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); TEMPORARILY PROHIBITING THE RENTAL OF ANY "UNLIMITED RENTAL" OR OTHER PLACE OF PUBLIC ACCOMMODATION FOR LODGING; TEMPORARILY CLOSING THE COMMUNITY PARK PLAYGROUND; TEMPORARILY CLOSING CERTAIN PUBLIC PARKING; 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 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 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 the State of Local Emergency; and

WHEREAS, the number of confirmed COVID-19 cases continues to rise throughout the country, the State of Florida, and Lee County, with at least two cases now confirmed within the City; 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, Chapter 22 of the City's Code authorizes and empowers the Mayor to issue public proclamations during a state of emergency, imposing 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

WHEREAS, in the Sanibel City Council's March 27, 2020 special meeting, the Council unanimously passed a motion to take certain additional measures to limit

community spread of COVID-19, encourage social distancing and discourage non-essential activity within City limits, in order to protect the lives and safety of the City's residents; and

WHEREAS, such motion approved a temporary prohibition on the rental of any "unlimited rental" or other place of public accommodation for lodging from the period of March 28, 2020 through April 24, 2020; and

WHEREAS, the Mayor also finds it necessary and appropriate to close the Community Park playground and certain additional public parking lots, in order to mitigate community spread of COVID-19; and

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

SECTION 1. Temporary Restrictions on Accommodation Rentals. All "unlimited rentals" as such term is defined by Sanibel Code Section 126-1075 (whether a single family home, condominium, timeshare or otherwise), and any other place of public accommodation for lodging, including any resort housing, inn, hotel, motel, or other establishment which provides lodging to transient guests, are hereby ordered to cancel all existing reservations and refrain from accepting new guests or making new reservations for stays for the booking period commencing 12:01 a.m. Saturday, March 28, 2020 through 11:59 p.m. April 24, 2020. Any guests of such accommodations who are checked in as of Friday, March 27, 2020 are permitted to remain for the duration of their stay. This prohibition does not affect the ability of an owner of a condominium, timeshare or any other property which is periodically rented to third parties from staying in his or her own property for some or all of the restricted period. This prohibition supersedes and replaces the accommodation restrictions previously emplaced by Proclamation 20-015.

SECTION 2. Temporary Closure of Community Park Playground. Effective immediately, the City of Sanibel Community Park playground, located at 2221 Periwinkle Way, is temporarily closed until further notice. The remainder of the Park remains open.

SECTION 3. Temporary Closure of Public Parking. Effective March 28, 2020, the following public parking lots are temporarily closed until further notice: Community Park parking lot, Pond Apple Park Trailhead and Chamber Visitor Center parking lot, Recreation Center parking lot, and Roadside Park parking lot.

SECTION 4. 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 5. Effective Date. This Proclamation shall take effect immediately upon execution and remain in effect unless extended, modified or terminated by written Proclamation of the Mayor of the City of Sanibel or by Resolution of City Council.



Kevin Ruane, Mayor

AUTHENTICATION:



Anna Hicks Deputy City Clerk 4:00 p.m.
(Time)

APPROVED AS TO FORM:



John D. Agnew, City Attorney

3/27/20
Date