

**CITY OF SANIBEL**

**PROCLAMATION NO. 20-037**

**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 STATE OF LOCAL EMERGENCY; LIFTING TEMPORARY CLOSURE OF COMMUNITY PARK PLAYGROUND; CLARIFYING TARPON BAY BEACH IS INCLUDED AMONG PUBLIC BEACHES AND BEACH AREAS WHERE THE CONSUMPTION OR POSSESSION OF ALCOHOL IS TEMPORARILY PROHIBITED; 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;

**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 thereafter issued a series of Executive Orders emplacing certain statewide COVID-19 safety-related restrictions, including, without limitation, Executive Orders 20-68, 20-71, 20-72, 20-80, 20-82, 20-83, 20-86, 20-87, 20-91, 20-92, 20-103, and 20-111;

**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 thereafter the Mayor extended the State of Local Emergency for additional seven (7) day increments by each of the following: Proclamation and Resolution No. 20-014, Proclamation No. 20-017, Proclamation No. 20-019, Proclamation No. 20-020, Proclamation No. 20-021, Proclamation No. 20-022, Proclamation No. 20-026, Proclamation No. 20-027, Proclamation No. 20-029, Proclamation No. 20-035, and Proclamation No. 20-036 extending for seven (7) days the State of Local Emergency and extending certain other Mayoral Proclamations prohibiting and restricting certain activities;

**WHEREAS**, in addition to extending the State of Local Emergency, the Mayor of the City of Sanibel, with the support of the City Council, issued certain City-wide COVID-19 safety related restrictions within some of the above-referenced Proclamations, as well as within Proclamations Numbered 20-015, 20-016, 20-018, 20-023, 20-024, and 20-028;

**WHEREAS**, on April 29, 2020, 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;

**WHEREAS**, on May 18, 2020, the Governor of the State of Florida issued Executive Order No. 20-123 (Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery), which extended and modified Executive order 20-112 (as modified by Executive order 20-120);

**WHEREAS**, on May 22, 2020, the Governor of the State of Florida issued Executive Order No. 20-131 (Expanding Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery), which authorized organized youth activities to resume;

**WHEREAS**, at its June 2, 2020 meeting, the City Council voted unanimously in support of taking certain actions to further reopen the local economy on a gradual basis and consistent with the Governor’s phased approach, including the adoption of temporary prohibitions on the possession or consumption of any alcoholic beverages through Labor Day, Monday, September 7, 2020, as follows:

1. From 7:00 a.m. through 5:00 p.m., seven days a week, at all City-operated beaches and any associated parks or picnic areas with paid public parking (i.e., Bowman’s Beach, Blind Pass, Gulfside City Park (Algiers), Lighthouse Beach and Fishing Pier, Tarpon Bay Beach, and Trost Parking Lot), as well as the beach area at the northern terminus of Bailey Beach Road, and the picnic areas at the Sanibel Boat Ramp;
2. At any time by groups of ten or more, without a special events permit; and
3. Fines of \$500 per violation.

However, in Section 6 of Proclamation 20-036, Tarpon Bay Beach was inadvertently omitted from specific reference (although still included by virtue of the reference to “all City-Operated beaches and any associated parks or picnic areas with paid public parking”);

**WHEREAS**, on June 5, 2020, the Governor of the State of Florida issued Executive Order No. 20-139 (Phase 2: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery);

**WHEREAS**, the steps toward reopening need to continue to be measured, under a continued State of Local Emergency with reasonably-tailored protections;

**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”;

**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. Extension of Declared State of Local Emergency.** The State of Local Emergency is hereby extended for a period of seven (7) days, from June 9, 2020 through June 16, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

**SECTION 2. Lifting Closure of Community Park Playground.** The temporary closure of the City of Sanibel Community Park playground, located at 2231 Periwinkle Way, established by Proclamation 20-016, is hereby lifted.

**SECTION 3. Clarification Tarpon Bay Beach is Subject to the Temporary Prohibitions on Alcohol.** Section 6 of Proclamation 20-036, Temporary Prohibitions on Alcohol, is hereby clarified to include Tarpon Bay Beach.

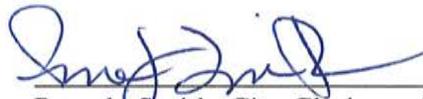
**SECTION 4. Necessary for Protection.** This Proclamation is an emergency measure necessary for the protection of the public health, safety, and welfare of the community, due to the serious threat of COVID-19.

**SECTION 5. Effective Date.** This Proclamation shall take effect immediately upon execution and shall remain in effect through the duration of this State of Local Emergency, 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

2:44 p.m.  
(Time)

**APPROVED AS TO FORM:**



John D. Agnew, City Attorney

6/9/20  
Date