

**CITY OF SANIBEL
MAYORAL PROCLAMATION 22-13**

AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL RELATING TO THE DECLARED STATE OF LOCAL EMERGENCY PERTAINING TO HURRICANE IAN; REGULATING POOL AND SPA DEWATERING; TEMPORARILY WAIVING BUILDING PERMIT DEMOLITION FEES; TEMPORARILY WAIVING CERTAIN TEMPORARY STRUCTURE FEES; 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, including Section 22-53, which provides that such a proclamation may prohibit or restrict the movement of people in public places, the operation of business establishments and other places to or from which people may travel or at which they may congregate, and other activities, the control of which may be reasonably necessary to maintain order and protect lives 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, swimming pools and spas within City of Sanibel limits were inundated with saltwater, muck, and other debris; and

WHEREAS, dewatering of pools and spas without regulation has resulted in unlawful or improper discharge into waterbodies, adjacent properties, and into the City's stormwater system, causing damage to property and the environment, necessitating regulation to safeguard property and the environment; and

WHEREAS, waiver of fees related to demolition of buildings substantially damaged from Hurricane Ian or for temporary recreational vehicles or park trailers on residential lots of buildings substantially damaged from Hurricane Ian would provide relief for, and are in the best interests of, 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. Regulating Pool and Spa Dewatering. 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.

Penalties for violations of this regulation 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 2. Temporary Waiver of Building Permit Demolition Fee. The \$53.25 building permit demolition fee specified in Section 14-188, Sanibel Code, is hereby waived retroactively to November 7, 2022, for a period of six months, ending May 7, 2023.


SECTION 3. Temporary Waiver of Temporary Structure Fee for Recreational Vehicles and Park Trailers on Residential Lots. The \$431 temporary structure fee specified in Section 90-213, Sanibel Code, is hereby waived retroactively to November 12, 2022, for a period of six months, ending May 12, 2022, for recreational vehicles and park trailers on residential lots.

SECTION 4. 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:



Holly D. Smith, Mayor




Scotty Lynn Kelly, City Clerk

5:52 p.m.

a.m. / p.m.

APPROVED AS TO FORM:



John D. Agnew, City Attorney

12/06/22

Date