CITY OF SANIBEL

PROCLAMATION NO. 20-061

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; EXTENDING TEMPORARY PROHIBITIONS ON ALCOHOL; EXTENDING TEMPORARILY PARKING FINES; EXTENDING TEMPORARY ALLOWANCE OF CERTAIN OUTDOOR DISPLAYS OF MERCHANDISE; CANCELLING CERTAIN PUBLIC MEETINGS; 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, since the majority of Florida moved into Phase 2 of the Recovery and the economy has substantially reopened, more people are coming into contact with one another, and there have been significant numbers of COVID-19 positive cases throughout the State of Florida and specifically in Lee County; 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, social distancing remains an important preventative measure in mitigating the spread of COVID-19, and temporarily continuing to limit the possession and use of alcohol in and around beach access points will continue to facilitate proper social distancing and safe behavior for those seeking to enjoy beach-related recreation; and

WHEREAS, temporarily elevated parking fines have been successful with preventing overcrowding of beaches and other areas, and temporarily continuing the elevated fines will continue to facilitate proper social distancing and safe behavior; and

WHEREAS, allowing retail establishments to continue to display merchandise outdoors will continue to help facilitate proper social distancing for those who are shopping; and

WHEREAS, the Historical Preservation Committee and the Vegetation Committee do not have any time-sensitive business that require such committees to meet at their regularly-scheduled meetings on September 3, 2020; 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 1, 2020 through September 8, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

SECTION 3. Extension of Temporary Prohibitions on Alcohol. The temporary prohibitions on alcohol in and around certain public beach access points, originally emplaced by Section 6 of Proclamation 20-036, are hereby extended through November 30, 2020.

SECTION 4. Extension of Temporary Parking Fines. The temporary parking fines originally emplaced by Section 6 of Proclamation 20-028, are hereby extended through November 30, 2020.

SECTION 5. Extension of Temporary Allowance of Certain Outdoor Displays of Merchandise. The temporary allowance of all retail establishments to display merchandise outdoors, originally authorized by Section 5 of Proclamation 20-036, is hereby extended through November 30, 2020.

SECTION 6. Cancellation of Certain Public Meetings. The September 3, 2020 scheduled meetings of the Historical Preservation Committee and the Vegetation Committee are hereby cancelled.

SECTION 7. 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 8. 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 12: 30 p.m.

APPROVED AS TO FORM: 9/1/2020

John D. Agnew, City Attorney Date