

CITY OF SANIBEL

PROCLAMATION NO. 20-036

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; ADOPTING THE STATE-APPROVED LEE COUNTY, FLORIDA SECOND AMENDED VACATION RENTAL STANDARDS, WITH ADDITIONAL CITY RESTRICTION; MODIFYING TEMPORARY RESTRICTIONS ON RENTALS AT HOTELS, MOTELS, AND TIMESHARES; LIFTING CERTAIN PUBLIC PARKING RESTRICTIONS; ALLOWING TEMPORARY DISPLAY OF OUTDOOR MERCHANDISE; TEMPORARILY PROHIBITING THE CONSUMPTION OR POSSESSION OF ALCOHOL AT CERTAIN PUBLIC BEACHES AND BEACH AREAS; REOPENING CITY RECREATION CENTER; LIFTING RESTRICTIONS ON SPECIAL EVENTS PERMITS FOR WEDDINGS; CANCELLING CERTAIN PUBLIC MEETINGS; 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, and Proclamation No. 20-035, 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;

2. Replacing the hotel, motel, and timeshare standards set forth in Section 2 of Proclamation No. 20-030 with the same standards set forth for vacation rentals detailed above.
- B. Removing the 50% occupancy restriction on hotels, motels, and timeshares set forth in Section 2(B) of Proclamation No. 20-028.
 - C. Lifting all remaining public parking restrictions, including for those with B and C parking stickers.
 - D. Allowing the temporary outdoor display of merchandise by retail establishments through Labor Day, Monday, September 7, 2020.
 - E. Adopting 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, 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.
 - F. Approving a Phase I Reopening the City of Sanibel Recreation Center, as proposed by City staff, effective June 15, 2020.
 - G. Lifting temporary restrictions on accepting special events permits for weddings only.

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 2, 2020 through June 9, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

SECTION 2. Adoption of Lee County, Florida Second Amended Vacation Rental Standards. The State-approved Lee County, Florida second amended vacation rental standards attached hereto as Exhibit A are hereby adopted and repeal and replace the vacation rental standards adopted in Section 1 of Proclamation No. 20-030, with the following additional restriction: to the extent reservations made prior to an area being designated as high-risk are honored (authorized per lines 3-4 of the first bullet point in Exhibit A), such vacation rental reservations made with guests from areas identified by the Governor as high risk, through Executive Orders (currently EO 20-82, identifying New York, New Jersey, Connecticut; and EO 20-86, identifying Louisiana), must be for periods longer than the quarantine period established in such Order(s); and guests occupying those vacation rentals must adhere to the quarantine restrictions.

SECTION 3. Modification of Temporary Restrictions on Accommodation Rentals at Hotels, Motels, and Timeshares. The standards set forth in Section 2 of Proclamation No. 20-030 are hereby repealed and replaced by the standards set forth for vacation rentals attached hereto as Exhibit A, as modified in Section 2 above of this Proclamation No. 20-036. Further, the 50% occupancy restriction set forth in Section 2(B) of Proclamation No. 20-028 is hereby repealed.

SECTION 4. Lifting Certain Public Parking Restrictions. All remaining public parking restrictions for those with B and C parking stickers issued by the City are hereby lifted.

SECTION 5. Allowing Temporary Outdoor Display of Merchandise. To facilitate proper social distancing at retail establishments, through Labor Day, Monday, September 7, 2020, all retail establishments are hereby permitted to temporarily display merchandise outdoors.

SECTION 6. Temporary Prohibitions on Alcohol. To facilitate proper social distancing and safe behavior in and around public beach access points, the following are temporary prohibitions on the possession or consumption of alcoholic beverages effective from Saturday, June 6, 2020 through Monday, September 7, 2020:

- A. From 7:00 a.m. through 5:00 p.m., seven days a week, possession or consumption of alcoholic beverages is prohibited 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, 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;

B. Possession or consumption of alcoholic beverages is prohibited at any time by groups of ten or more, without a special events permit; and

C. The fine for a violation of any of these temporary prohibitions is \$500 per violation.

SECTION 7. Reopening Recreation Center. The City of Sanibel Recreation Center is hereby authorized for a Phase I reopening, as proposed by City staff, effective June 15, 2020.


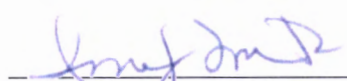
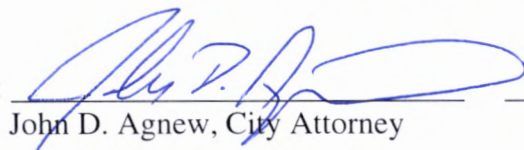
SECTION 8. Lifting Restriction on Special Events Permits for Weddings. The restrictions on acceptance or processing of special events permits for weddings is hereby lifted.

SECTION 9. Cancellation of Certain Public Meetings. The June 2020 scheduled meetings of the Historical Preservation Committee and the Vegetation Committee are hereby cancelled.

SECTION 10. 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 11. 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	7:11 p.m.
APPROVED AS TO FORM:	 John D. Agnew, City Attorney	6/2/20 Date