

**CITY OF SANIBEL
PROCLAMATION AND RESOLUTION NO. 17-068**

A PROCLAMATION AND RESOLUTION RELATING TO THE STATE OF LOCAL EMERGENCY DECLARED BY THE CITY OF SANIBEL; PROVIDING FOR PROHIBITION ON SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES, EXCEPT ON ONE'S OWN RESIDENTIAL PREMISES, AT ALL TIMES WHEN THE DECLARED MANDATORY EVACUATION OF THE CITY OF SANIBEL IS EFFECTIVE; PROVIDING PENALTIES; PROVIDING FOR AREA EMBRACED; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Rick Scott signed Executive Order 17-235, in response to the anticipated landfall of Hurricane Irma on Florida's coast and has declared a State of Emergency, pursuant to Chapter 252, Florida Statutes; and

WHEREAS, the Sanibel City Council has declared a State of Local Emergency by adoption of a Proclamation and Resolution No. 17-064 at Council's September 6, 2017 Emergency Meeting; and

WHEREAS, under a State of Local Emergency, Section 252.38(3), Florida Statutes, provides authority for a political subdivision such as the City of Sanibel to waive the procedures and formalities otherwise required of a political subdivision in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the City of Sanibel has adopted emergency regulations as set forth in the City Code; and

WHEREAS, the City has declared a mandatory evacuation for the City of Sanibel commencing Friday, September 8, 2017 at 9:00 A.M.

WHEREAS, the Sanibel City Council finds and declares that the following regulations are necessary to protect and safeguard the safety, health and welfare of the people of Sanibel;

NOW, THEREFORE, BE IT PROCLAIMED AND RESOLVED by the City Council of the City of Sanibel, Florida:

SECTION 1. PROHIBITION ON SALE, POSSESSION AND CONSUMPTION OF ALCOHOL

The possession or consumption of any alcoholic beverage, other than on one's own residential premises, together with the transfer, transportation, sale or purchase of any alcoholic beverage within the City of Sanibel is hereby prohibited at all times when the declared mandatory evacuation declared by the City of Sanibel through Sanibel Resolution 17-065 is effective. Such prohibition may be terminated by the Mayor of the City of Sanibel, in writing, or by Resolution of City Council.

SECTION 2. PENALTIES

A. Any person, firm, company or corporation who refuses to comply with or violates any section of this Proclamation and Resolution, or the emergency measures which may be made effective pursuant to this Proclamation and Resolution, 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.

B. Nothing contained herein shall prevent the City of Sanibel from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to

comply with, or violation of, this Proclamation and Resolution or the emergency measures which may be made effective according to this Proclamation and Resolution. 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 3. TERRITORY EMBRACED

All territory within the legal boundaries of the City of Sanibel, Florida, shall be embraced by the provisions of this Proclamation and Resolution.

SECTION 5. EFFECTIVE DATE

This Proclamation and Resolution shall become effective immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Sanibel, Florida this 7th day of September, 2017.

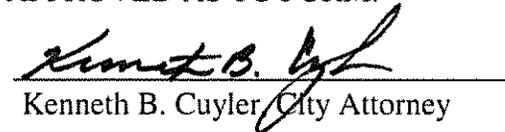
AUTHENTICATION:



Kevin Ruane, Mayor


Pamela Smith, City Clerk

APPROVED AS TO FORM:


Kenneth B. Cuyler, City Attorney

Date: 9/7/17

Vote of Council Members:

Ruane yea
Denham yea
Goss yea
Jennings excused
Maughan yea

Date filed with City Clerk: September 7, 2017