

CITY OF SANIBEL

PROCLAMATION NO. 20-015

AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL IN CONNECTION WITH THE CITY'S STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); SUPPORTING THE GOVERNOR'S EXECUTIVE ORDER 20-71 PROHIBITION OF THE SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION; RESTRICTING THE FARMER'S MARKET FROM SELLING ANY NON-FOOD ITEMS; PROHIBITING THE RENTAL OF ANY PLACE OF PUBLIC ACCOMMODATION FOR LODGING OR "UNLIMITED RENTAL" FROM RENTING FOR A PERIOD OF LESS THAN SEVEN DAYS; 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 in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

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

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, on March 25, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution No. 20-014, extending the State of Local Emergency

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, Chapter 22 of the City's Code authorizes and empowers the Mayor to issue public proclamations during a state of emergency, imposing 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

WHEREAS, in the Sanibel City Council's March 25, 2020 special meeting, the Council expressed unanimous support for taking certain additional measures to encourage social distancing and discourage non-essential activity within City limits, in order to protect the lives and safety of the City's residents; and

WHEREAS, those additional measures included providing additional support for the Governor’s Executive Order 20-71 prohibition of alcohol sales for on-premises consumption (attached hereto as Exhibit A), restricting the Farmer’s Market from selling any non-food items, and prohibiting the rental of any place of public accommodation for lodging or “unlimited rental” from being rented for a period of less than seven days; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor of the City of Sanibel, Florida:

SECTION 1. Prohibition of Alcohol Sales for On-Premises Consumption. Consistent with the Governor’s Executive Order Number 20-71, vendors licensed to sell alcoholic beverages for consumption on premises are prohibited from selling alcoholic beverages by the drink or in sealed containers for consumption on the premises. “Sell” or “selling” for the purposes of this proclamation means provide—irrespective of monetary or other consideration provided or not provided in exchange for the alcoholic beverage. “Premises” for the purpose of this proclamation means not only the actual premises where the point of sale occurred but also any public or common areas within any resort, hotel, motel, or other place of public accommodation operated in common or connection with the actual premises where the point of sale occurred.

SECTION 2. Farmer’s Market Restrictions. The Farmer’s Market operated on City property is hereby restricted from selling any non-food items.

SECTION 3. Temporary Restrictions on Lodging Rentals. Effective immediately, any place of public accommodation for lodging, including any resort housing, inn, hotel, motel, or other establishment which provides lodging to transient guests, or any “unlimited rental” as defined by Sanibel Code Section 126-1075, is prohibited from making or accepting reservations for lodging rentals of less than seven consecutive days during the period of Saturday, March 28, 2020 through April 30, 2020, and is further ordered to cancel any reservations during this period of restriction which are for a duration of less than seven days. Nothing herein shall act to reduce the minimum duration restrictions of any place of public accommodation for lodging or any “limited rental” as defined by Sanibel Code Section 126-1075.

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.

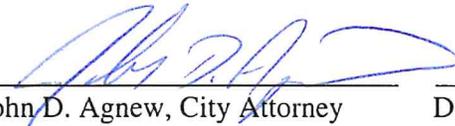
SECTION 5. Effective Date. This Proclamation shall take effect immediately upon execution and remain in effect unless extended, modified or terminated by written Proclamation of the Mayor of the City of Sanibel or by Resolution of City Council.



Kevin Ruane, Mayor

AUTHENTICATION: 

Anna Hicks, Deputy City Clerk 5 : 20 p.m.
(Time)

APPROVED AS TO FORM: 

John D. Agnew, City Attorney 3/25/20
Date