

CITY OF SANIBEL

ORDINANCE NO. 20-003

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 22-CIVIL EMERGENCIES, ARTICLE II – DISASTER PREPAREDNESS, DIVISION 2 – STATE OF EMERGENCY; AMENDING SECTION 22-57, TERMINATION OF PROCLAMATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 252.38, Florida Statutes, provides that a municipality may declare a state of local emergency in 7-day increments, which may be terminated sooner or extended in increments of up to 7 days; and

WHEREAS, Section 22-57 of the Sanibel Code provides that an emergency proclamation issued under a state of local emergency expires five days after its last imposition, unless sooner terminated (or extended); and

WHEREAS, the city council desires that the Sanibel Code more closely mirror the applicable Florida statutes pertaining to emergency declarations and related proclamations, for the purposes of efficiency and to eliminate potential inconsistencies in their respective application or interpretation; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Sanibel, Florida:

SECTION 1. SANIBEL CODE OF ORDINANCE CHAPTER 22 – CIVIL EMERGENCIES, ARTICLE II – DISASTER PREPAREDNESS, DIVISION 2 – STATE OF EMERGENCY, SECTION 22-57 – TERMINATION OF PROCLAMATIONS, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Sec. 22-57. - Termination of proclamation.

Any proclamation issued under this article shall expire ~~five~~seven days after its last imposition or upon the expiration of the then-existing state of local emergency, as may be extended, whichever is later, unless sooner terminated in writing under the same procedures set forth in section 22-47 for proclamations.

SECTION 2. Codification. This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment. The City Clerk is hereby authorized and directed to instruct as part of the

codification that all section numbers amended by this Ordinance are updated and corrected throughout the Code of Ordinances in the event such section numbers are referenced.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 5. Effective Date. This ordinance shall be effective immediately upon adoption.

DULY PASSED AND ORDAINED by the Council of the City of Sanibel, Florida, this 6th day of October, 2020.

First Reading: September 14, 2020
Publication Notice: September 21, 2020
Second Reading: October 6, 2020

AUTHENTICATION:

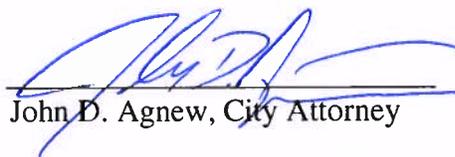


Kevin Ruane, Mayor



Pamela Smith, City Clerk

APPROVED AS TO FORM:

 10/9/20

John D. Agnew, City Attorney Date

Vote of Council Members:

Ruane yea
Denham yea
Johnson yea
Maughan yea
Smith yea

Date Filed with City Clerk: October 06, 2020