

PROCLAMATION NO. 2022-01
DECLARATION OF LOCAL STATE OF EMERGENCY
FOR HURRICANE IAN

PROCLAMATION OF THE MAYOR OF THE CITY OF NAPLES, FLORIDA, IN ACCORDANCE WITH ARTICLE II, EMERGENCY PREPAREDNESS, OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY FOR ALL TERRITORY WITHIN THE INCORPORATED BOUNDARIES OF THE CITY OF NAPLES.

WHEREAS, Hurricane Ian has the imminent potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial, residential, or other buildings and areas, and poses a serious threat to the health, safety, and welfare of the public; and

WHEREAS on September 23, 2022, the Governor of the State of Florida issued Executive Order 22-218, declaring a State of Emergency for 24 counties in the potential path of Tropical Depression 9, which is now named Hurricane Ian, and on September 24, 2022, amended that Executive Order with Executive Order 22-219, making the Declaration of State of Emergency effective throughout the State of Florida; and

WHEREAS, on September 25, 2022, the Collier County Commission declared a State of Emergency in Collier County due to the current and predicted path of Hurricane Ian; and

WHEREAS, pursuant to City of Naples code section 14-34¹ the City through the Mayor is designated and empowered to declare a state of emergency whenever the Mayor determines that a natural disaster has occurred or that the occurrence or threat thereof is imminent; and

WHEREAS, the City of Naples is following the general action and direction of Collier County including the declaration of a state of emergency and the waiving of procedure and formalities otherwise required of political subdivisions by law pertaining to:

1. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Rental of equipment;
6. Utilization of volunteer workers;
7. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
8. Appropriation and expenditure of public funds;

¹ City of Naples Code Sec. 14-34. Declaration and termination of state of emergency.

A state of emergency shall commence upon the declaration thereof by the mayor or in the mayor's absence the vice-mayor and shall terminate at the end of a period of 72 consecutive hours thereafter unless, prior to the end of such 72-hour period, the mayor or in the mayor's absence the vice-mayor, the governor, or the city council shall have terminated such state of emergency. Any extension of the 72-hour time limit must be accomplished by request from the mayor or in the mayor's absence the vice-mayor and the concurrence of the city council by duly enacted ordinance or resolution in regular or special session.

NOW, THEREFORE, IT IS PROCLAIMED BY THE MAYOR OF THE CITY OF NAPLES, FLORIDA, IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ON THIS 27th DAY OF SEPTEMBER 2022, EFFECTIVE AT 12:00 PM:

1. **THAT, Hurricane Ian poses an imminent and serious threat to the lives and property of residents of the City of Naples, that a State of Local Emergency be and is hereby declared, effective immediately for all territory in the incorporated areas of the City of Naples, and that the Federal Emergency Management Agency and any other state agency is hereby requested and authorized to provide emergency assistance as may be deemed necessary without any further requests; and**
2. **THAT, the Mayor hereby exercises her authority pursuant to the Naples City Charter and the City of Naples Code of Ordinances, and waives the procedures and formalities as provided in Chapter 252.38(3)(a)5, Florida Statutes; and**
3. **THAT, the Mayor hereby declares that during an emergency it will be unlawful and an offense against the City for any person operating within the City to charge more than the normal average retail price for any merchandise, goods, or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods, or services were being sold during the 30 days immediately preceding the emergency or at a mark-up which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency; and**
4. **THAT, the Mayor may issue emergency orders pursuant to the Naples City Charter, Naples Code of Ordinances, or state and federal law; and**
5. **THAT, this Proclamation will expire on the date that Collier County's Proclamation declaring a state of emergency for Tropical Storm/Hurricane Ian is repealed or expires, or 72 hours from this Proclamation, whichever occurs first; or to the extent it should be extended in accordance with federal or state law, or by ordinance or resolution under City of Naples ordinances and Charter.**


Teresa Heitmann, Mayor

Attest:


Patricia L. Rambosk, City Clerk

Approved as to form and legality:



City Attorney

