

**Agenda Item 5.A**  
**Meeting of 10/13/22**

**RESOLUTION 2022-14957**  
**EXTENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY**  
**FOR HURRICANE IAN**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, EXTENDING THE DECLARATION OF LOCAL EMERGENCY DECLARED BY THE HONORABLE MAYOR TERESA HEITMANN AND PRIOR CITY COUNCIL RESOLUTIONS 2022-14951 AND 2022-14952 IN ACCORDANCE WITH ARTICLE II, EMERGENCY PREPAREDNESS, OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, AND ACCORDING TO POWERS GRANTED UNDER CHAPTER 252, FLORIDA STATUTES, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** on September 27, 2022, at 12:00 P.M., the Honorable Mayor Teresa Heitmann, in accordance with Article II, Emergency Preparedness, of Chapter 14 of the Code of Ordinances of the City of Naples, Florida, issued a Proclamation Declaring a State of Emergency for Hurricane Ian which was effective for 72 hours; and

**WHEREAS,** on September 30, 2022, at 12:00 P.M., the City Council, in accordance with Article II, Emergency Preparedness, of Chapter 14 of the Code of Ordinances of the City of Naples, Florida, issued a Proclamation Declaring a State of Emergency for Hurricane Ian which was effective for seven (7) days; and

**WHEREAS,** on October 6, 2022 at 12:00 P.M., the City Council, in accordance with Article II, Emergency Preparedness, of Chapter 14 of the Code of Ordinances of the City of Naples, Florida, issued a Proclamation Declaring a State of Emergency for Hurricane Ian which was effective for seven (7) days; and

**WHEREAS,** Hurricane Ian has passed Naples, but its effects have been serious and widespread, and the Mayor has requested, and the City Council has concurred, that it is in the best interest of the residents and property owners of the City of Naples to extend the Declaration of Local Emergency for an additional seven (7) days, and utilize the powers granted under Chapter 14 of the Code of Ordinances<sup>1</sup> and Chapter 252, Florida Statutes;

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<sup>1</sup> 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ON THIS 13TH DAY OF OCTOBER 2022, EFFECTIVE AT 12:00 P.M.:**

**Section 1. Pursuant to Article II, Emergency Preparedness, of Chapter 14 of the Code of Ordinances of the City of Naples, the City Council extends the Declaration of Local Emergency for an additional seven (7) days and resolves:**

- A. THAT, the above "Whereas" clauses are approved and are incorporated herein; and**
  
- B. THAT, the City Council hereby exercises its 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**
  
- C. THAT, the City Council 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**
  
- D. THAT, the Mayor may issue emergency orders, including curfews as may be needed or desirable, pursuant to the Naples City Charter, Naples Code of Ordinances, state and federal law.**

**Section 2. Under the powers vested in it pursuant to Chapter 252, Florida Statutes, the City of Naples resolves that during this declared Local Emergency:**

- A. THAT, the Mayor (reference to whom shall also encompass the Vice-Mayor in the absence of the Mayor) is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This resolution further authorizes the Mayor to utilize all lawful authority granted to the City of Naples by Federal, State, County, or City Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.**
  
- B. THAT, all existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.**

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C. That the Mayor, or Vice-Mayor in the absence of the Mayor, or City Council may: waive meeting notice requirements; suspend Code Enforcement; toll or extend the time noticing and deadlines for submittal and final action on applications (including but not limited to city permits, development applications, etc.), licensing, rates/fees, the use of public or private property and lots in suitable areas for parking of vehicles and temporary storage of inoperable vehicles, the temporary use, placement and location of portable dumpsters and temporary storage units (e.g., pods) and similar temporary uses, temporary suspension of rental period duration limitations where appropriate to accommodate temporary habitation and accommodations needed for temporary housing and emergency response, parking and temporary habitation of recreational vehicles and trailers for temporary use during repairs to dwelling units with appropriate and suitable sewer, water and electrical service, uses on public property and private property, including property owned by churches and not for profit corporations for distribution of goods, services and parking, temporary habitation and overnight accommodations, that may otherwise be required or prohibited under the City of Naples Code of Ordinances, to the extent and duration necessary to accommodate the existing emergency.

D. **THAT**, pursuant to Section 252.38(3)(a)(5), Florida Statutes, the City hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:

- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- Curfew Orders
- Entering into contracts;
- Incurring obligations;
- Employment of permanent and temporary workers;
- Utilization of volunteer workers;
- Rental of equipment;
- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- Appropriation and expenditure of public funds

E. **THAT**, the Mayor and City Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Mayor and City Manager shall abide by the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements" for federal awards, codified at 2 C.F.R. §§200.317 through 200.326, and other applicable requirements.

**Section 3. Effective date and expiration date.**

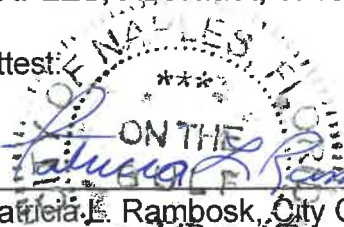

This resolution will take effect at 12:00 P.M. on October 13, 2022 and shall expire seven (7) days later unless extended (for periods not exceeding 7 days at a time) by resolution of the

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City Council or as otherwise permitted by Florida Law or the City of Naples Code of Ordinances.

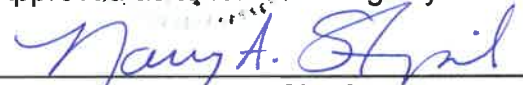
**PASSED IN OPEN AND SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 13TH DAY OF OCTOBER, 2022.**

Attest:

 ON THE  
  
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Patricia E. Rambosk, City Clerk

  
\_\_\_\_\_  
Teresa Lee Heitmann, Mayor

Approved as to form and legality:

  
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Nancy A. Stuparich, City Attorney

Date filed with City Clerk: 10-13-22