

PROCLAMATION 2023-05
EXTENDING THE DECLARATION OF LOCAL STATE OF EMERGENCY
FOR HURRICANE IAN
(Extension No. 19)

A PROCLAMATION EXTENDING THE DECLARATION OF LOCAL EMERGENCY DECLARED BY THE HONORABLE MAYOR TERESA HEITMANN AND THEREAFTER EXTENDED BY CITY COUNCIL BY ADOPTION OF RESOLUTIONS 2022-14951, 2022-14952, AND 2022-14957 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 SECTION 14-34 OF THE CITY OF NAPLES CODE OF ORDINANCES AS AMENDED BY ORDINANCE 2022-14967, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 27, 2022, at 12:00 PM, 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 PM, 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 PM, 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 13, 2022 at 12:00 PM, 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 19, 2022, the City Council adopted Ordinance 2022-14967, which authorized the Mayor, or in her absence the Vice-Mayor, to extend the declared State of Local Emergency as required by Florida law and Section 14-34 of the City of Naples Code of Ordinances; and

WHEREAS, on October 20, 2022, the Vice-Mayor, in the Mayor's absence, issued a Proclamation declaring an extension of the local state of emergency to October 27, 2022 at 12:00 PM; and

WHEREAS, on November 2, 2022, the Mayor issued a Proclamation retroactively to October 27, 2022 extending the local state of emergency to November 3, 2022 at 12:00 PM; and

WHEREAS, on November 3, 2022, the Mayor issued a Proclamation extending the local state of emergency to November 10, 2022 at 12:00 PM; and

WHEREAS, on November 10, 2022, the Mayor issued a Proclamation extending the local state of emergency to November 17, 2022 at 12:00 PM; and

- WHEREAS,** on November 17, 2022, the Mayor issued a Proclamation extending the local state of emergency to November 24, 2022 at 12:00 PM; and
- WHEREAS,** on November 24, 2022, the Mayor issued a Proclamation extending the local state of emergency to December 1, 2022 at 12:00 PM; and
- WHEREAS,** on December 1, 2022, the Mayor issued a Proclamation extending the local state of emergency to December 8, 2022 at 12:00 PM; and
- WHEREAS,** on December 8, 2022, the Mayor issued a Proclamation extending the local state of emergency to December 15, 2022 at 12:00 PM; and
- WHEREAS,** on December 15, 2022, the Mayor issued a Proclamation extending the local state of emergency to December 22, 2022 at 12:00 PM; and
- WHEREAS,** on December 22, 2022, the Mayor issued a Proclamation extending the local state of emergency to December 29, 2022 at 12:00 PM; and
- WHEREAS,** on December 29, 2022, the Mayor issued a Proclamation extending the local state of emergency to January 5, 2023 at 12:00 PM; and
- WHEREAS,** on January 5, 2023, the Mayor issued a Proclamation extending the local state of emergency to January 12, 2023 at 12:00 PM; and
- WHEREAS,** on January 12, 2023, the Mayor issued a Proclamation extending the local state of emergency to January 19, 2023 at 12:00 PM; and
- WHEREAS,** on January 19, 2023, the Mayor issued a Proclamation extending the local state of emergency to January 26, 2023 at 12:00 PM; and
- WHEREAS,** on January 26, 2023, the Mayor issued a Proclamation extending the local state of emergency to February 2, 2023 at 12:00 PM; and
- WHEREAS,** Hurricane Ian has passed Naples, but its effects have been serious and widespread, and the Mayor has determined and declared 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 Ordinances¹ and Chapter 252, Florida Statutes;

¹ City of Naples Code Sec. 14-34. as amended by Ordinance 2022-14967 states:

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 may be declared by the mayor or in the mayor's absence the vice-mayor, and terminated by the mayor, the vice-mayor in the mayor's absence, or by a majority vote of the city council at a regular or special meeting, as needed and authorized by Florida law, including Chapter 252, Florida Statutes, as may be amended from time to time. A copy of any Emergency Orders issued by the mayor, or vice-mayor in the absence of the mayor, shall be provided to the City Council at or prior to the next regular or special meeting of City Council.

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 2ND DAY OF FEBRUARY 2023, AS FOLLOWS:

Section 1. Pursuant to Article II, Emergency Preparedness, of Chapter 14 of the Code of Ordinances of the City of Naples, the Declaration of Local Emergency as provided herein shall be extended for an additional seven (7) days as follows:

A. THAT, the above “Whereas” clauses are approved and are incorporated herein; and

B. THAT, the Mayor, hereby exercises her authority pursuant to the Naples City Charter and Section 14-34 of the City of Naples Code of Ordinances, as amended by Ordinance 2022-14967, and waives the procedures and formalities as provided in Chapter 252.38(3)(a)5, Florida Statutes; and

C. 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

D. THAT, the Mayor may continue to 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. A copy of any emergency orders shall be provided to the City Council at or prior to the next regular or special meeting of City Council.

Section 2. Under the powers vested in it pursuant to Chapter 252, Florida Statutes, it is resolved that during this declared Local Emergency:

A. THAT, 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.

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

5. THAT, the Mayor, or the Vice-Mayor in her absence, 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 in her absence the Vice-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 Proclamation extending the local state of emergency will take effect at 12:00 PM on February 2, 2023 and shall expire seven (7) days later unless extended (for periods not exceeding 7 days at a time) by proclamation by the Mayor or the Vice-Mayor in her absence or as otherwise permitted by Florida Law or the City of Naples Code of Ordinances.

PROCLAIMED AND DECLARED ON THIS 2ND DAY OF FEBRUARY, 2023.


Attest




Patricia E. Rambosk, City Clerk



Teresa Heitmann, Mayor

Approved as to form and legality:


/s/ Nancy Stuparich, Esq.
Vose Law Firm, City Attorney