

EMERGENCY/EXECUTIVE ORDER NO. 2020-04

AN EXECUTIVE ORDER OF THE CITY OF MARCO ISLAND, FLORIDA, MANDATING CERTAIN PROTOCOLS WITH RESPECT TO BEACHES AND PARKING DURING COVID-19 STATE OF EMERGENCY; PROVIDING FOR ENFORCEMENT AND TEMPORARY INCREASE IN PENALTIES FOR VIOLATIONS

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person, which may result in serious illness or death, and which constitutes a clear and present danger to the health, welfare and safety of the citizens of Marco Island; and

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency as a result of COVID-19, and on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19, which has been supplemented by subsequent Executive Orders all relating to the threat of COVID-19, which Orders are incorporated herein; and

WHEREAS, on March 16, 2020, the Marco Island City Council declared a State of Emergency due to COVID-19 and in accordance with Chapter 10 of the City Code; and

WHEREAS, Florida Statutes Sec. 252.38 provides that "Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state;" and

WHEREAS, Florida Statutes Sec. 252.46 provides in relevant part that "In accordance with the provisions of Chapter 120, the political subdivisions of the state...are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes..." so long as such powers are not in conflict with the State; and

WHEREAS, on May 13, 2020, the City Manager and Council Chair discussed concerns regarding members of the public failing to practice proper CDC guidance protocols regarding appropriate "social distancing" on beaches and problems with illegal parking and its effect on beach crowding; and

WHEREAS, the City believes that the following protocols are necessary for the health, safety and welfare of the City residents and the general public.


NOW THEREFORE, IT IS ORDERED BY THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

1. The City of Marco Island adopts Governor DeSantis' Executive Orders and Florida Department of Health Advisories. Individuals should refrain from participation in social or recreational gatherings of more than ten (10) people. Where voluntary compliance cannot be achieved, the City of Marco Island will fine individuals who violate social distancing on Marco Island beaches at \$200.00.
2. Chapter 50, Sec. 50-44(a)(13) of the City of Marco Island Municipal Code allows the police chief or any police officer to remove a vehicle that is parked upon any public street or other property open to the public for the purposes of vehicular travel or parking which has been declared a temporary or no parking zone due to a state of emergency proclamation issued by the City of Marco Island.
3. Chapter 50, Sec. 50-45 of the City of Marco Island Municipal Code identifies all municipal parking violations fees shall be \$95.00. This emergency order temporarily increases parking violation fines to \$200.00 where there are designated "no parking" signs.
4. Chapter 54, Sec. 54-36 addresses use and conduct on the beach. Fines for littering, glass containers, animals on the beach, and any other violation of this code will be temporarily increased to \$200.
5. Chapter 54, Sec. 54-37 addresses vessel regulation and speeds limits for boats and jet skis. Violations of the speed limit or operating a motorized vessel in an unauthorized area will incur a fine. Fines will be temporarily increased to \$200.
6. The Emergency Order is an emergency measure necessary for the protection of public health, safety, and welfare of the City and the community, due to the serious threat of COVID-19.
7. The Emergency Order shall take effect immediately and shall remain in effect unless terminated by a subsequent Order.

ADOPTED BY THE CHAIR OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND
this 10 day of August, 2020.

CITY OF MARCO ISLAND

By: *Erik Brechnitz*
Erik Brechnitz, Chair

By: 
Laura M. Litzan, City Clerk