

**CITY OF HOLMES BEACH
EMERGENCY ORDINANCE NO 24-01**

AN EMERGENCY ORDINANCE OF THE CITY OF HOLMES BEACH, FLORIDA, ESTABLISHING A MORATORIUM ON THE USE OF PRIVATE PROPERTY AS VACATION RENTALS AND THE ABEYANCE OF THE REVIEW, ISSUANCE, AND RENEWAL OF VACATION RENTAL CERTIFICATES ISSUED PURSUANT TO CHAPTER 4 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR FINDINGS OF FACT; AND PROVIDING FOR THE ESTABLISHMENT OF A MORATORIUM.

WHEREAS, the City of Holmes Beach is located on Anna Maria Island, which is a barrier island, located in Manatee County, Florida; and

WHEREAS, Section 3.10 of the City's Charter authorizes the Board of Commissioners to adopt emergency ordinances when a public emergency affects the health, safety, and welfare of the public; and

WHEREAS, Chapter 252, Fla. Stat., et. seq., otherwise known as the "State Emergency Management Act", was enacted to reduce the vulnerability of the people and property in the State of Florida due to natural and other disasters, and to allow for the effective and efficient response, recovery, and mitigation due to same; and

WHEREAS, Section 252.46, Fla. Stat. allows for emergency ordinances, declarations, and orders to be adopted by political subdivisions of the state and Section 252.38, Fla. Stat. authorizes municipalities to create municipal emergency management programs to be coordinated with the county emergency management agency and specifically authorizes political subdivisions of the state to "provide for the health and safety of persons and property"; and

WHEREAS, on September 23, 2024, Governor DeSantis issued Executive Order 24-208 declaring a state of emergency due to what is now known as Hurricane Helene. The Executive Order states that in accordance with Section 252.38(3), Fla. Stat. "each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the 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"; and

WHEREAS, on September 24, 2024, pursuant to § 252.38, Fla. Stat. and Manatee County's Disaster Emergency Management Powers Ordinance, codified as Art. II, Chapter 2-13 of the Manatee County Code of Ordinances, declared a state of emergency via Resolution 24-193 waiving procedures and formalities otherwise required of a political subdivision to include "performance of

public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community”, which order has been extended; and

WHEREAS, on September 24, 2024, pursuant to § 252.38, Fla. Stat. and Section 18-1 of the City’s Code of Ordinances, the Mayor issued an Order declaring a local state of emergency which waived the procedures and formalities otherwise required by law pertaining to the “performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community”, which order has been extended; and

WHEREAS, Chapter 18 of the City’s Code of Ordinances authorizes the Mayor to declare a State of Emergency and provides for the establishment of the City’s Recovery Management Organization (the “RMO”) and Recovery Plan. The decision-making body of the RMO comprised of the Mayor, the Superintendent of Public Works, the City Attorney, and department leaders, and is responsible for implementing the Recovery Plan. The Director of the RMO is the Mayor, and the Deputy Director is the Superintendent of Public Works; and

WHEREAS, Section 18-8 of the City’s Code of Ordinances authorizes the RMO, after the declaration of an emergency, to exercise all powers and procedures identified in Chapter 18, which includes the issuance of temporary regulations; and

WHEREAS, the temporary regulations are effective, subject to the review of the Board of Commissioners, for ninety (90) days from the date of the declaration of the emergency; and

WHEREAS, Section 18-9 provides that in the judgment of the Director that the temporary action is reasonably justifiable for the protection of the health, safety, and welfare of the public, and a moratorium may be issued for entitlements related to use, development, or occupancy of private property; and

WHEREAS, on October 2, 2024, the Director and Deputy Director of the RMO, in conjunction with the decision-making board, issued a Notice of Moratorium of the Use of Vacation Rentals, which is subject to the review of the Board of Commissioners at the earliest possible time; and

WHEREAS, Hurricane Helene caused approximately twelve (12) and fifteen (15) feet of storm surge that has had devastating impacts on the City of Holmes Beach that caused every ground level home to experience between one (1) and five (5) feet of water intrusion. Though not an exhaustive list, but by way of example, Helene has caused failures and damage to pool safety fences, pool alarms, and land lines; issues with access to potable water; limitations to vehicular access to homes due to excessive amounts of debris in yards and rights-of-way; issues with residents being unable to leave their homes due to sand and debris intrusion and limited to no access to the roadways by vehicles, including emergency vehicles; the closure of the beaches which are littered with

dangerous debris to include rebar, ocean buoys, buried seawalls, and buried debris, to include signage; and the displacement and burial of street signs and other debris in the City's roadways; and

WHEREAS, the City is required to inspect, assess, and photograph each structure. The City has already experienced electrical and structural fires to private property, and there is still a high risk of more until the properties are all inspected. There is limited local staff that can conduct these inspections, and the State Fire Marshal has issued Emergency Order 21-01 suspending regulations to allow local fire departments to assist in conducting these inspections to ensure safe and swift recovery efforts; and

WHEREAS, the Board of Commissioners desires to ensure efficient and effective recovery efforts that conform with the Recovery Plan and allow for the safe return of the City's residents, business owners, and visitors; and

WHEREAS, in order to safely move forward with recovery efforts, and provide for the protection of health, safety, and welfare of the public, the Board of Commissioners, upon consultation with the City's RMO, finds that limited ingress and egress to the community, as well as limiting the access of non-residents, City personnel, business owners and operators, employees, contractors, relief workers, and others who are essential to the recovery efforts of the City is imperative and reasonably justified; and

WHEREAS, the Board of Commissioners finds that issuing a moratorium on the entitlement to the use of private property as vacation rentals, and abating the review, issuance, and renewal of vacation rental certificates under Chapter 4 of the City's Code of Ordinances for a limited time services to reduce the number of members of the public in the City to allow for safer, quicker, more effective, and efficient recovery efforts, and is otherwise in the best interest of the City, its residents, and citizens and is otherwise in the best interest of the public's health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COMMISSION OF THE CITY OF HOLMES BEACH, FLORIDA ON THIS 2ND DAY OF OCTOBER 2024.

SECTION 1. Findings of Facts. The above-referenced "whereas" clauses are adopted and incorporated herein as findings of fact.

SECTION 2. Enactment of Moratorium. The City of Holmes Beach hereby establishes a moratorium on the use and occupancy of private property used as vacation rentals in an effort to limit the number of members of the public on the island to mitigate hazardous conditions and to assist in recovery efforts due to the devastation of both life and property caused by Hurricane Helene, which have been determined to be reasonably justified for the health, safety, and welfare of the public.

This moratorium includes the use of properties currently holding vacation rental certificates, and holds in abeyance the review, renewal, and issuance of vacation rental certificates pursuant to Chapter 4 of the City's Code of Ordinances, and other applicable law. This moratorium is in effect immediately and applies to all private property within the jurisdictional boundaries of the City of Holmes Beach.

SECTION 3. Duration. This moratorium will be in effect immediately upon passage for a period of forty-five (45) days, unless otherwise extended, modified, replaced, or terminated by the Board of Commissioners pursuant to the City's Charter.

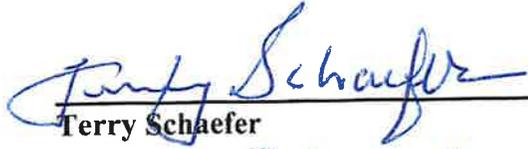
SECTION 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 5. Conflicting Ordinances. Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

SECTION 6. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 2nd day of October 2024. This ordinance was noticed and passed pursuant to Section 3.10 of the City's Charter as an Emergency Ordinance.

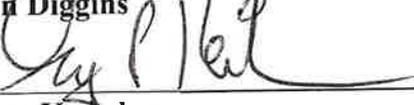
(Signatures – Next Page)


Terry Schaefer

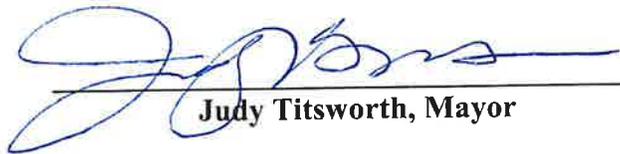
Absent
Carol Soustek


Pat Morton


Dan Diggins


Greg Kerschner

APPROVED BY ME THIS 2nd DAY OF OCTOBER 2024.


Judy Titsworth, Mayor

ATTEST: 
Stacey Johnston, MMC, City Clerk