

TOWN OF FORT MYERS BEACH  
ORDINANCE NO. 96 -06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH  
FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS  
BEACH LIQUOR LICENSE RESTRICTION ORDINANCE  
PROVIDING AUTHORITY; TITLE AND CITATION; HOURS  
RESTRICTION; LOCATION RESTRICTION; PENALTIES;  
SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE  
DATE

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

**SECTION ONE: Authority**

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

**SECTION TWO: Title and Citation**

This ordinance shall be known and cited as the "TOWN OF FORT MYERS BEACH LIQUOR LICENSE RESTRICTION ORDINANCE."

**SECTION THREE: Hours Restriction**

No alcoholic beverage or intoxicating liquor of any kind shall be sold, consumed or served, or permitted to be served or consumed, in any place holding a license under the State Beverage Department of Florida within the Town of Fort Myers Beach, except during the hours of 7:00 a.m. and 2:00 a.m. of the following morning every day of the week, including Sundays.

**SECTION FOUR: Location Restriction**

The on-premise consumption of alcoholic beverages of any kind is prohibited within Five Hundred (500') feet of a church or school, unless a special permit allowing such on premise consumption is first obtained from the Town Council. The Five Hundred (500') feet requirement within which a special permit is required hereunder shall be measured by a straight-line from the main entrance of the establishment desiring to have on premise consumption of alcoholic beverages and the nearest property line of the church or school.

**SECTION FIVE: Penalties**

Any person who shall violate any section of this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500,00 or imprisonment in the county jail not to exceed sixty (60)

days, or both.

**SECTION SIX: Severability**

If any one of the provisions of this ordinance should be held contrary to any express provision of law of contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever beheld invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance , and in no way affect the validity of all other provisions of this ordinance.

**SECTION SEVEN: Repealing Clause**

All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**SECTION EIGHT: Effective Date**

This ordinance shall become effective September 30, 1996.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member CERECEDA and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 1st day of July , 1996.

ATTEST:

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: Anita T. Cereceda  
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney