

TOWN OF FORT MYERS BEACH  
ORDINANCE NO. 96 -12

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH  
FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS  
BEACH COMMERCIAL WASTE DISPOSAL ORDINANCE  
PROVIDING AUTHORITY; TITLE AND CITATION;  
DEFINITIONS; UNLAWFUL DISPOSAL; SEPTIC TANK  
CONTENTS; FRANCHISE REQUIRED; VIOLATIONS;  
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 Commercial Waste Disposal Ordinance"

SECTION THREE: Definitions

For the purpose of this Ordinance the following terms,  
phrases, words and their derivations shall have the meaning  
given herein. When not inconsistent with the context, words used in  
the present tense include the future, words in the plural include  
the singular and words in the singular include the plural. The  
words "shall" and "will" are mandatory and not discretionary.

A. Commercial Establishment shall mean and refer to all commercial  
establishments including but not limited to and without regard to  
whether they are profit or non-profit organizations all retail  
and/or wholesale establishments, motels, hotels, apartments,  
condominiums, mobile home parks, travel trailer parks. stores.  
office buildings, restaurants, service stations and garages.  
laundries and cleaning establishments, industrial establishments,  
public or private institutions of all types, all other businesses  
required to obtain occupational licenses.

B. Garbage shall mean every waste accumulation of animal or  
vegetable matter which attends the preparation, use, cooking,  
processing, handling or storage of meats, fish, fowl, fruits,  
vegetables, or other matter which is subject to decomposition,  
decay, putrefaction or the generation of noxious or offensive  
gasses or odors or which during or after decay, may serve as

breeding or feeding materials for flies, insects, animals and rodents.

C. Rubbish shall mean every waste accumulation of any kind other than "garbage" which is usually attendant to commercial establishments and the premises upon which said establishment is located, such as but not necessarily limited to paper, cardboard, sweepings, plastic, dust, rags, bottles, cans, or other waste material of any kind.

D. Refuse shall mean a combination of or mixture of rubbish and garbage.

E. Mobile Home Park shall mean a site containing two or more mobile home spaces and/or mobile homes rented for periods of not less than 30 days.

F. Trailer Park shall mean a site containing two or more mobile home spaces and/or mobile homes rented for periods of not less than 30 days.

#### SECTION FOUR. Unlawful Disposal

It shall be unlawful for the owners and/or operators of commercial establishments, as herein defined, to dispose of accumulations of garbage, trash, or rubbish by any other means than through the services of an authorized collector franchised by the Town; provided, however, that any such owner or operator who has a vehicle approved by the Board of county Commissioners may on application to said Board of County Commissioners, be granted a special permit, subject to such reasonable regulations as said Board may impose to use said vehicle for the purpose of removing his own garbage, rubbish or refuse. Owners or operators utilizing the services of an authorized collector pursuant to the requirements of this Ordinance shall pay to the subject collector for such services such uniform fees and charges as are approved by the Town Council.

#### SECTION FIVE. Septic Tank Contents

It shall be unlawful to dispose of the contents from septic tanks other than at a site designated by the Board of County Commissioners of Lee County, Florida, and subject to such rules and restrictions as said Board or the State of Florida may provide.

#### SECTION SIX. Franchise Required

It shall be unlawful for any person to collect, remove or dispose of trash, garbage and rubbish for others in the Town, without first obtaining a franchise from the Town.

SECTION SEVEN. Violations

Violations of this Ordinance shall constitute a misdemeanor and shall be punishable as prescribed by law.

SECTION EIGHT: 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 be held 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 NINE: 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 TEN: 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 MURPHY 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>      </u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 29th 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