

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 95-5

A RESOLUTION ESTABLISHING AN EMERGENCY; FINDING OF NO CONFLICT WITH CERTAIN COUNTY ORDINANCES; PROVIDING INTENT OF ADOPTION; AND AN EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers beach, Florida will assume all governmental, corporate and proprietary powers provided Florida municipalities by law as of December 31,1995; and,

WHEREAS, the Laws of Florida, Chapter 95-494, directs the council adopt resolutions required to effect the transition of governmental powers and duties with Lee county after December 31, 1995; and,

WHEREAS, Article VIII, Section 1., of the Florida Constitution grants the power of self-government to counties along with authority to enact ordinances, effective within municipalities, if not in conflict with a municipal ordinance; and,

WHEREAS, the Florida Attorney General, in A.G.O. 73-477, gave the opinion that a county could adopt an ordinance applicable throughout the county, when such ordinance deals with a subject that is not purely local in nature and is susceptible to countywide regulation.

NOW, THEREFORE IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION 1. Establishing an emergency. This resolution is necessary to meet a public emergency affecting life, health, property, and the public peace and is therefore exempt from notice requirements.

SECTION 2. Finding of no conflict with certain county ordinances. It is the finding of the Town Council of the Town of Fort Myers Beach that the following Lee County Ordinances, having been adopted prior to the incorporation of the Town, were intended to apply to the territorial boundaries of the Town of Fort Myers Beach, deal with a subject that is not purely local in nature, and are not in conflict with a municipal ordinance:

A. LEE COUNTY ORDINANCE NO. 75-9, AN ORDINANCE PROHIBITING THE EXPOSURE OF PRIVATE PARTS OR FEMALE BREASTS IN AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES; PROHIBITING THE USE OF ANY DEVICE OR COVERING WHICH SIMULATES PRIVATE PARTS OR FEMALE BREASTS IN AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES; PROHIBITING ANY PERSON OWNING, MAINTAINING, OR OPERATING AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE FOR CONSUMPTION ON THE PREMISES FROM SUFFERING OR PERMITTING, ON THE PREMISES OF SAID ESTABLISHMENT, THE EXPOSURE OF PRIVATE PARTS OR FEMALE BREASTS OR THE USE OF ANY DEVICE OR COVERING WHICH SIMULATES PRIVATE PARTS OR FEMALE BREASTS; LEGISLATIVE AUTHORIZATION; PROVIDING FOR PENALTIES,

as amended by: LEE COUNTY ORDINANCE NO. 76-09, AN ORDINANCE ENTITLED: AN ORDINANCE ESTABLISHING AND REGULATING THE HOURS FOR THE SALE, CONSUMPTION, SERVICE OR PERMITTING TO BE SERVED, OF ALCOHOLIC BEVERAGES AND INTOXICATING LIQUORS WITHIN THE UNINCORPORATED AREAS OF LEE COUNTY BY PLACES HOLDING A LICENSE UNDER THE STATE BEVERAGE DEPARTMENT OF FLORIDA; PROVIDING THAT NO ALCOHOLIC BEVERAGES OR INTOXICATING LIQUORS OF ANY KIND MAY BE SOLD, CONSUMED, SERVED, OR PERMITTED TO BE SERVED OR CONSUMED DURING THE WEEK HOURS (TO INCLUDE SUNDAYS) OF 2:00 A.M. AND 7:00 A.M OF THE SAME DAY; PROVIDING FOR THE PROHIBITION OF THE ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES OF ANY KIND WITHIN FIVE HUNDRED (500') FEET OF A CHURCH OR SCHOOL UNLESS A SPECIAL PERMIT IS FIRST OBTAINED; PROVIDING A STANDARD TO MEASURE THE FIVE HUNDRED (500') FEET DISTANCE REQUIREMENT; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT HEREWITH, REPEALING A 2,500 FEET DISTANCE REQUIREMENT; FORM A CHURCH OR SCHOOL; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES.

and as amended by: LEE COUNTY ORDINANCE NO. 79-1, AN ORDINANCE ENTITLED: AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 76-9; RELATING TO THE SALE, CONSUMPTION AND SERVICE OF ALCOHOLIC BEVERAGES; RELATING TO SPECIAL PERMITS FOR ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES AND PROHIBITION OF SAME WITHIN 500 FEET OF

A CHURCH OR SCHOOL AND PROVIDING FOR MEASUREMENT CRITERIA FOR SAID DISTANCES; AMENDING THE MEASUREMENT REQUIREMENT TO PROVIDE SAME ON A STRAIGHT-LINE FROM THE MAIN ENTRANCE OF ON-PREMISE CONSUMPTION ESTABLISHMENT TO THE PROPERTY LINE OF CHURCH OR SCHOOL.

B. LEE COUNTY ORDINANCE NO. 84-1, AN ORDINANCE TO PROHIBIT ANY PERSON FROM DRINKING OR CONSUMING ALCOHOLIC BEVERAGES ON A SEMI-PUBLIC PARKING LOT OR PUBLIC WAY, PARKING LOT, OR BEACH AND TO PROHIBIT THE TRANSPORTING, CARRYING, OR POSSESSION OF ALCOHOLIC BEVERAGES, EXCEPT IN THE ORIGINAL PACKAGE AND WITH THE SEAL UNBROKEN, ON A SEMI-PUBLIC PARKING LOT OR PUBLIC WAY, PARKING LOT, OR BEACH IN THE UNINCORPORATED AREA OF LEE COUNTY; PROVIDING FOR EXEMPTION; PROVIDING FOR PENALTY.

as amended by: LEE COUNTY ORDINANCE NO. 84-11, AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO 84-01 RELATING TO DRINKING ALCOHOLIC BEVERAGES OR POSSESSING ALCOHOLIC BEVERAGES IN PUBLIC; AMENDING DEFINITION OF ALCOHOLIC BEVERAGE; PROVIDING EXEMPTIONS;

and as amended by: LEE COUNTY ORDINANCE NO. 93-06, AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO 84-01 RELATING TO THE PROHIBITION OF ANY PERSON FROM TRANSPORTING, CARRYING OR POSSESSING ALCOHOLIC BEVERAGES IN AN OPEN CONTAINER; PROVIDING THAT OPEN CONTAINER OF ALCOHOLIC BEVERAGE WHILE OPERATING A VEHICLE SHALL BE PUNISHABLE, UNDER F.S. SEC. 316.1936 AS A NON-CRIMINAL MOVING TRAFFIC VIOLATION; AMENDING PENALTY SECTION.

C. LEE COUNTY ORDINANCE NO. 88-49, AN ORDINANCE PROVIDING FOR ANIMAL CONTROL IN LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS: PROVIDING FOR ESTABLISHMENT OF A COUNTY POUND; PROVIDING FOR ANIMAL CONTROL ENFORCEMENT AGENCY; PROVIDING FOR PROHIBITIONS AGAINST CRUELTY TO ANIMALS; PROVIDING FOR ADOPTION BY REFERENCE, FLORIDA STATE STATUTES RELATING TO ANIMAL CONTROL, ANIMAL WELFARE AND/OR ANIMAL CRUELTY, MALICIOUSLY HARMING OR KILLING ANIMALS, POISONING ANIMALS, FIGHTING OR BAITING OF ANIMALS, STERILIZATION OF DOGS AND/OR CATS RELEASED FROM ANIMAL SHELTER FACILITY, NUISANCE ANIMALS, CONCEALMENT OF ANIMALS, PROHIBITING ANIMALS FROM ROAMING AT LARGE, FAILURE TO EXERCISE CONTROL OVER VICIOUS ANIMALS, FAILING TO CONFINE FEMALE DOGS AND CATS IN SEASON; PROHIBITING OPPOSING AN ANIMAL CONTROL OFFICER, DAMAGING ANIMAL SHELTER FACILITY, RELEASING ANIMALS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS, REDEMPTION AND DISPOSITION OF UNWANTED AND IMPOUNDED ANIMALS, IMPOUNDING FEES; REPORTING OF PERSONS BITTEN OR SCRATCHED BY ANIMALS AND THE QUARANTINE OF ANIMALS FOR RABIES OBSERVATION; PROHIBITING THE KILLING OR REMOVAL FROM LEE COUNTY OF RABID ANIMALS; PROVIDING FOR THE SURRENDER OF THE CARCASSES OF RABID ANIMALS; PROVIDING FOR LICENSING AND FOR VACCINATION AGAINST RABIES AND EXCEPTIONS TO VACCINATION REQUIREMENTS, INSPECTION OF COMMERCIAL ANIMAL ESTABLISHMENTS, DISPOSAL OF BODIES OF DEAD OWNED ANIMALS, SETTING RESTRICTIONS ON CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR TREATMENT OF ANIMALS IN A HUMANE MANNER; PROVIDING FOR REPEAL OF COUNTY ORDINANCE 76-8.

D. LEE COUNTY ORDINANCE NO. 90-51, AN ORDINANCE RELATING TO VESSEL CONTROL AND WATER SAFETY; PROVIDING FOR TITLE, PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR AREAS OF ENFORCEMENT AND MEANS OF ENFORCEMENT; PROVIDING FOR VESSEL REGULATION INCLUDING SPEED, CAREFUL AND PRUDENT OPERATION REQUIRED, AREAS OF PROHIBITED WATER ACTIVITY, AREAS OF SPECIAL MANAGEMENT AND REGULATIONS FOR OPERATION OF PERSONAL WATERCRAFT; PROVIDING FOR REGULATIONS FOR PERSONAL WATERCRAFT RENTALS; PROVIDING FOR PROCEDURES TO DESIGNATE AREAS; PROVIDING EXEMPTIONS; PROVIDING FOR PENALTY; PROVIDING FOR REPEALER, CONFLICTS.

as amended by: LEE COUNTY ORDINANCE NO. 90-63, AN ORDINANCE AMENDING LEE COUNTY VESSEL CONTROL AND WATER SAFETY ORDINANCE NO. 90-51, SO AS TO CLARIFY CERTAIN SECTION OF THE ORDINANCE AND READOPT SECTION SIX F. RELATING TO PROHIBITED PERSONAL WATERCRAFT ACTIVITY WITHIN WATERS OF THE CAPTIVA ISLAND SHORELINE; PROVIDING FOR AMENDMENTS TO SECTION THREE C: DEFINITION OF FLOATING VENDOR, SECTION FIVE: MEANS OF ENFORCEMENT, SECTION SIX C: AREAS OF PROHIBITED WATER ACTIVITY, SECTION SIX F: AREAS OF PROHIBITED PERSONAL WATERCRAFT ACTIVITY AND SECTION NINE C: EXEMPTION FOR COMMERCIAL VESSELS.

and as amended by: LEE COUNTY ORDINANCE NO. 91-16, AN ORDINANCE AMENDING LEE COUNTY VESSEL CONTROL AND WATER SAFETY ORDINANCE NO. 90-51, AS AMENDED, SO AS TO CLARIFY REGULATIONS FOR PERSONAL WATERCRAFT RENTALS AND TO REGULATE PERSONAL WATERCRAFT FLOATING VENDORS; PROVIDING FOR AMENDMENTS TO SECTION THREE: DEFINITIONS AND SECTION SEVEN: REGULATIONS AND LOCATIONS FOR PERSONAL WATERCRAFT RENTALS.

E. ORDINANCE NO. 90-03, AN ORDINANCE OF LEE COUNTY, FLORIDA, PROVIDING FOR LOCAL ENFORCEMENT OF THE WATER SHORTAGE PLAN OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR ENFORCEMENT AND PENALTIES;

as amended by: ORDINANCE 91-24, AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NUMBER 90-03, WHICH ESTABLISHES LOCAL ENFORCEMENT OF THE WATER SHORTAGE PLAN OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING FOR A TITLE; PROVIDING FOR AMENDMENTS TO DEFINITIONS; CREATING PERMANENT WATER RESTRICTIONS, PROVIDING FOR AMENDMENTS TO DECLARATION OF WATER SHORTAGE.

F. ORDINANCE NO. 95-14, AN ORDINANCE REPEALING AND REPLACING LEE COUNTY ORDINANCE NO. 90-61 TO BETTER MANAGE RECOVERY, RECONSTRUCTION AND MITIGATION ACTIVITIES FOLLOWING A MAJOR OR CATASTROPHIC DISASTER WITHIN THE UNINCORPORATED AREAS OF LEE COUNTY, FLORIDA; PROVIDING FOR THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING FOR JURISDICTION; PROVIDING DEFINITIONS; PROVIDING FOR THE CREATION, COMPOSITION, DUTIES AND RESPONSIBILITIES, DURATION, AND CHAIR OF A DISASTER ADVISORY COUNCIL; PROVIDING FOR THE CREATION, DURATION, DUTIES AND

RESPONSIBILITIES OF A POST-DISASTER RECOVERY TASK FORCE AND CERTAIN MEMBERS THEREOF; PROVIDING FOR THE COMPOSITION AND DUTIES OF AN EMERGENCY REVIEW BOARD; PROVIDING PRIORITIES FOR POST-DISASTER REDEVELOPMENT; PROVIDING PRIORITIES FOR ESSENTIAL SERVICES AND FACILITIES RESTORATION; PROVIDING DEBRIS CLEARANCE, REMOVAL AND DISPOSAL STRATEGIES; PROVIDING FOR DETERMINATION OF DAMAGE; PROVIDING FOR IMPLEMENTATION OF A BUILDBACK POLICY; PROVIDING FOR A DECLARATION OF AN INITIAL BUILDING MORATORIUM AND ESTABLISHING RELATED MORATORIA PERTAINING TO BUILDING PERMIT INSPECTIONS, DEVELOPMENT ORDERS AND SITE PLANS PROVIDING PROVISIONS FOR MORATORIA; PROVIDING FOR EMERGENCY REPAIRS; PROVIDING FOR AN EMERGENCY PERMITTING SYSTEM; PROVIDING POLICIES FOR ECONOMIC REDEVELOPMENT; PROVIDING GUIDELINES FOR ACQUIRING DAMAGED PROPERTY; PROVIDING FOR AUTHORITY; PROVIDING PENALTIES.

G. ORDINANCE 88-24, AN ORDINANCE OF LEE COUNTY, FLORIDA, REPEALING AND REPLACING ORDINANCE NUMBER 74-11, RELATING TO MINIMUM STANDARDS OF HYGIENE FOR FOOD ESTABLISHMENTS AND FOOD VENDORS, STATING THE PURPOSE OF THE ORDINANCE, ADOPTING SECTIONS OF THE FLORIDA ADMINISTRATIVE CODE, SETTING FORTH DEFINITIONS AND PERMIT REQUIREMENTS PROVIDING FOR NON-TRANSFERABILITY OF PERMITS, APPROVAL OF PLANS, PROVIDING FOR A FOOD HYGIENE CERTIFICATION PROGRAM, PROVIDING FOR INSPECTIONS, APPROVAL, REVOCATION OF PERMITS, CLOSING OF ESTABLISHMENTS, CONTROL OF UNSAFE FOOD AND DRINK, MOBILE AND ROADSIDE FOOD VENDORS. ESTABLISHING A HEARING REVIEW BOARD; PROVIDING FOR APPEAL FROM ORDERS, ENFORCEMENT, PENALTIES.

H. ORDINANCE NO. 72-4, AN ORDINANCE REGULATING CERTAIN REMOVALS AND SANITARY DISPOSITIONS OF TRASH, GARBAGE, RUBBISH AND THE CONTENTS OF SEPTIC TANKS WITHIN THE UNINCORPORATED AREA OF LEE COUNTY; PROVIDING DEFINITIONS; REQUIRING ALL COMMERCIAL ESTABLISHMENTS TO DISPOSE OF TRASH, GARBAGE, AND RUBBISH THROUGH THE SERVICES OF A FRANCHISED COLLECTOR; PROVIDING FOR EXCEPTION FOR THOSE WITH PROPER EQUIPMENT AND SPECIAL PERMIT FROM THE BOARD OF COUNTY COMMISSIONERS; REQUIRING THAT THE CONTENTS FROM SEPTIC TANKS BE DISPOSED OF AT DESIGNATED SITES; PROHIBITING THE COLLECTION OR REMOVAL OF GARBAGE AND WASTE FOR OTHERS WITHOUT A FRANCHISE; PROVIDING A PENALTY.

I. ORDINANCE 91-01, AN ORDINANCE OF LEE COUNTY, FLORIDA, TO PROVIDE FOR THE MANDATORY CONNECTION OF ON-SITE SEWAGE DISPOSAL SYSTEMS TO PUBLICLY OWNED OR INVESTOR-OWNED WASTEWATER COLLECTION SYSTEMS AFTER NOTICE THAT SUCH A SYSTEM IS AVAILABLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN ADMINISTRATIVE WAIVER OF THE MANDATORY CONNECTION, PROVIDING FOR PENALTIES.

J. ORDINANCE NO. 93-10, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RELATING TO REMOVAL OF RECYCLABLE MATERIALS FROM COUNTY CONTAINERS FOR COLLECTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR PENALTIES.

K. ORDINANCE NO. 93-23, AN ORDINANCE REPEALING AND REPLACING LEE COUNTY ORDINANCE NO. 86-5, AS AMENDED BY LEE COUNTY ORDINANCE NO. 88-42, RELATING TO NUISANCE GRASSES AND WEEDS; PROVIDING FOR REPEALER, PROVIDING FOR SHORT TITLE AND TERRITORIAL SCOPE; PROVIDING FOR DEFINITIONS, PROVIDING FOR NUISANCE DECLARED; PROVIDING FOR PROHIBITIONS; PROVIDING FOR DESIGNATION OF INVESTIGATING AND ENFORCING AUTHORITY; PROVIDING FOR PROCEDURES FOR IMPLEMENTATION; PROVIDING FOR BUDGET OF FUNDS; PROVIDING FOR CIVIL REMEDIES; PROVIDING FOR CONFLICT.

L. ORDINANCE NO. 93-39, AN ORDINANCE AMENDING AND RESTATING LEE COUNTY ORDINANCE NO. 88-43, GOVERNING THE REGULATION AND DISPOSAL OF GARBAGE, REFUSE, TRASH, RUBBISH, LOST OR ABANDONED PROPERTY OR INOPERABLE VEHICLES BY: PROHIBITING THE DUMPING OF SUCH MATERIAL ON PRIVATE PROPERTY; PROVIDING FOR REMOVAL OF ACCUMULATIONS OF REFUSE, TRASH, RUBBISH, LOST OR ABANDONED PROPERTY OR INOPERABLE VEHICLES; AMENDING THE DEFINITION OF NUISANCE ACCUMULATION; PROVIDING FOR A DEFINITION OF INOPERABLE VEHICLE; PROVIDING FOR PROSECUTION BEFORE A HEARING EXAMINER; PROVIDING FOR PENALTIES.

M. ORDINANCE NO. 88-40, AN ORDINANCE RELATING T CONSTRUCTION SITE CLEAN-UP AND CONSTRUCTION, DEBRIS DISPOSAL; PROVIDING FOR DEFINITIONS; PROVIDING FOR LIMIT ON TYPE OF SERVICE; PROVIDING FOR COUNTY PERMIT TO CONDUCT BUSINESS; CREATING A COUNTY PERMIT FOR CONSTRUCTION SITE CLEAN-UP BUSINESSES; REQUIRING GENERAL CONTRACTOR USE OF FRANCHISE HAULER OR LICENSED CONSTRUCTION SITE CLEAN-UP BUSINESS FOR CONSTRUCTION DEBRIS CLEAN-UP AND DISPOSAL; PROVIDING FOR PENALTIES FOR UNLAWFUL DISPOSAL.

N. ORDINANCE NO. 95-08, AN ORDINANCE OF LEE COUNTY, FLORIDA, AMENDING AND RESTATING LEE COUNTY ORDINANCE NO. 86-14, AS AMENDED, RELATING TO GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL FOR LEE COUNTY; CREATING CERTAIN MUNICIPAL SERVICE BENEFIT UNITS WITHIN LEE COUNTY TO BE KNOWN AS MANDATORY SOLID WASTE COLLECTION AND DISPOSAL UNITS FOR SERVICE AREA; PROVIDING FOR THE PURPOSE OF DISPOSING OF SOLID WASTE WITHIN THEIR BOUNDARIES; ESTABLISHING THE GOVERNING BODY WITH POWERS AND DUTIES; PROVIDING FOR RESIDENTIAL AND COMMERCIAL COLLECTION AND DISPOSAL; MANDATING SERVICES AND PAYMENT FOR SAME; LEVYING SPECIAL ASSESSMENTS AND COLLECTION; PROHIBITING UNLAWFUL DISPOSAL; PENALTIES.

O. ORDINANCE NO. 89-20, AN ORDINANCE RELATING TO THE DISPOSAL OF DOMESTIC SLUDGE; PROVIDING FOR PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR A HAULER'S PERMIT; PROVIDING FOR INCORPORATION OF STATE REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR KEEPING OF LOGS; PROVIDING FOR PENALTIES.

P. ORDINANCE NO. 91-07, AN ORDINANCE REGULATING SOLID WASTE TRANSPORTATION WITHIN LEE COUNTY, FLORIDA, PROVIDING FOR PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATION AND ENFORCEMENT; PROVIDING FOR PENALTIES.

Q. ORDINANCE NO. 90-57, AN ORDINANCE RELATING TO CONVENIENCE STORE SECURITY; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS FOR CONVENIENCE STORE SECURITY; PROVIDING FOR TRAINING OF EMPLOYEES; PROVIDING PENALTIES.

R. ORDINANCE NO. 88-54, AN ORDINANCE RELATING TO ESCORT SERVICE BUSINESSES, PROVIDING FOR DEFINITIONS, PROVIDING FOR COUNTY PERMIT TO CONDUCT BUSINESS, PROVIDING FOR DISCLOSURE OF ESCORT SERVICE BUSINESS RECORDS, PROVIDING FOR AGE LIMITATION, PROVIDING FOR COUNTY LICENSE TO BE EMPLOYED AS AN ESCORT, PROVIDING FOR PENALTIES.

S. ORDINANCE NO. 85-07, AN ORDINANCE RELATING TO THE LICENSING OF TRANSIENT MERCHANTS WITHIN LEE COUNTY; PROVIDING DEFINITIONS; PROVIDING PROHIBITION; PROVIDING EXEMPTIONS; PROVIDING FOR A PERMIT; PROVIDING FOR THE CONTENT OF APPLICATIONS; PROVIDING FOR A FEE; PERMIT NOT TRANSFERABLE; BOND REQUIRED; PROVIDING FOR SERVICE OF PROCESS; BACKGROUND INVESTIGATION REQUIRED; CREATING THE LICENSING REVIEW BOARD; PROVIDING FOR ISSUANCE OR DENIAL; PROVIDING FOR REVOCATION OF PERMIT AND CRITERIA; PROVIDING ONE YEAR DURATION OF PERMIT; REQUIRING THE DISPLAY OF PERMITS; PROVIDING ENFORCEMENT; PROVIDING A PENALTY.

as amended by: ORDINANCE NO. 88-17, AN ORDINANCE AMENDING ORDINANCE #85-7, THE TRANSIENT MERCHANT ORDINANCE, TO PROVIDE FOR PROPER REFERENCE TO THE CURRENT COMMERCIAL USE OF RIGHTS-OR-WAY ORDINANCE, #88-11, AS MAY BE AMENDED OR REPLACED; TO PROVIDE FOR CONFLICT.

T. ORDINANCE NO. 94-32, AN ORDINANCE AMENDING AND RESTATING THE LEE COUNTY FIREWORKS AND SPARKLERS ORDINANCE NO. 94-16; PROVIDING A SHORT TITLE, APPLICABILITY AND PURPOSE; PROVIDING FOR SALE OF FIREWORKS; PROVIDING FOR DEFINITIONS; PROHIBITING FIREWORKS FROM BEING DISTRIBUTED, STORED OR SOLD AT ROADSIDE STANDS; PROVIDING FOR OUTDOOR DISPLAY OF FIREWORKS, PROVIDING FOR PYROTECHNIC DISPLAYS BEFORE A PROXIMATE ORDINANCE; PROVIDING FOR PENALTIES.

U. ORDINANCE NO. 95-13, AN ORDINANCE CREATING A PERSONAL WATERCRAFT RENTAL VENDOR AND PARASAILING LICENSE ORDINANCE; PROVIDING FOR TITLE, PURPOSE AND AUTHORITY; PROVIDING DEFINITIONS; PROHIBITING UNLICENSED RENTAL OF PERSONAL WATERCRAFT OR PARASAILING; PROVIDING FOR APPLICATION AND REGULATORY FEE; PROVIDING FOR ANNUAL LICENSE FEE; PROVIDING FOR RENEWAL AND DISPLAY OF LICENSE; PROVIDING FOR CONDITIONS OF LICENSING USE BY PERSONAL WATERCRAFT VENDORS OR PARASAILING OPERATORS; PROVIDING FOR TRANSFERABILITY OF THE VENDOR LICENSE AND A GRANDFATHER CLAUSE; PROVIDING FOR INSURANCE, REGULATORY PENALTIES AND EXEMPTIONS; PROVIDING FOR AREAS OF ENFORCEMENT AND MEANS OF ENFORCEMENT.

V. ORDINANCE NO. 71-03, AN ORDINANCE REQUIRING THE DRIVERS OF ALL MOTOR SCOOTERS AND MOTORCYCLES AND OTHER TWO WHEELED MOTOR DRIVEN VEHICLES TO ADEQUATELY EQUIP AND MAINTAIN FUNCTIONAL HEAD AND TAIL LAMPS ON SAID VEHICLES AND TO DISPLAY LIGHTED HEAD AND TAIL LAMPS

DURING BOTH DAYLIGHT AND NIGHT-TIME HOURS WHILE SAID VEHICLE IS BEING OPERATED WITHIN THE UNINCORPORATED AREA OF LEE COUNTY, FLORIDA; PROVIDING PENALTIES.

W. ORDINANCE NO. 91-29, AN ORDINANCE RELATING TO UNIFORM TRAFFIC CONTROL ENACTING COUNTY PARKING REGULATIONS; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED STOPPING, STANDING AND/OR PARKING IN SPECIFIED PLACES; PROVIDING FOR PARALLEL AND ANGLE PARKING REGULATIONS; PROVIDING FOR PARKING FOR CERTAIN PURPOSES PROHIBITED; PROVIDING FOR DISABLED PERSONS PARKING; PROVIDING FOR POSTING OF NO PARKING SIGNS IN CERTAIN DESIGNATED AREAS; PROVIDING FOR VIOLATIONS, ENFORCEMENT, PENALTIES; PROVIDING EXERCISE OF POLICE POWER; ESTABLISHING CRITERIA IN ISSUANCE OF SUMMONS; PROVIDING FOR APPLICATION; PROVIDING NONLIABILITY OF COUNTY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING LEE COUNTY ORDINANCES 81-36, 86-03 AND 90-20.

X. ORDINANCE NO. 94-27, AN ORDINANCE OF LEE COUNTY, FLORIDA, PERTAINING TO THE TOWING OF VEHICLES PARKED ON PRIVATE PROPERTY; RELATING TO THE TOWING AND REMOVAL OF VEHICLES FROM PRIVATE PROPERTY WITHOUT THE CONSENT OF THE REGISTERED OWNER OR OTHER PERSON IN CONTROL OF THE VEHICLE; PROVIDING FOR SUPPLEMENTAL AUTHORITY TO f.s. 715.07, REGULATION OF MAXIMUM SERVICE RATES AND MINIMUM INSURANCE REGULATIONS; DEFINITIONS, INTENT AND NON-SOLICITATION; PENALTY.

Y. ORDINANCE NO. 93-15, AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY THE LEE COUNTY NOISE CONTROL ORDINANCE NUMBER 82-32, AS AMENDED, SO AS TO PROVIDE CLARIFICATION AND PROVIDE FOR VARIOUS AMENDMENTS; AMENDING SECTION THREE, DEFINITIONS; AMENDING SECTION SIX, EXCEPTIONS, TO CLARIFY THAT THE SHERIFF'S DEPARTMENT MAY CHARGE INDIVIDUALS WITH BREACH OF THE PEACE; ADDING SECTION EIGHT, ENFORCEMENT, TO EMPOWER THE SHERIFF'S DEPARTMENT WITH THE ENFORCEMENT OF THE ORDINANCE; AMENDING SECTION NINE, PENALTIES.

as amended by: ORDINANCE NO. 94-17, AN ORDINANCE AMENDING THE LEE COUNTY NOISE CONTROL ORDINANCE NO. 93-15, SO AS TO REVISE THE CRITERIA FOR MAXIMUM PERMISSIBLE SOUND LEVELS; TO PROVIDE SPECIFIC PROHIBITIONS DURING CERTAIN HOURS FROM SOUNDS EMANATING FROM RADIOS, TELEVISIONS, LOUDSPEAKERS, SOUND AMPLIFIERS AND OTHER MECHANICAL DEVICES OR INSTRUMENTS WHICH ARE PLAINLY AUDIBLE; SETS FORTH CRITERIA FOR PLAINLY AUDIBLE SOUND.

Z. ORDINANCE 85-04, AN ORDINANCE RELATING TO SLEEPING ON PUBLIC BEACHES; PROVIDING TERRITORIAL SCOPE; PROVIDING FOR MEANS OF ENFORCEMENT; PROVIDING FOR LEGISLATIVE INTENT; PROVIDING FOR REGULATION OF SLEEPING ON BEACHES BEING PROHIBITED EXCEPT BETWEEN CERTAIN TIMES; PROVIDING FOR PENALTY.

AA. ORDINANCE NO. 90-56, AN ORDINANCE REGULATING CERTAIN ACTIVITIES IN PUBLIC PARKS AND PARK LITTORAL WATERS WITHIN LEE COUNTY; PROVIDING FOR INTENT AND PURPOSE; PROVIDING TITLE AND

CITATION; SETTING FORTH APPLICABILITY AND DEFINITIONS; PROVIDING, FOR THOSE PERSONS USING OR IMPACTING PARK PROPERTY, RULES CONCERNING USE AND PROTECTION OF PARK PROPERTY, SANITATION AND POLLUTION, VEHICLE REGULATION, BATHING AND SWIMMING, OPERATION OF VESSELS, FISHING, HUNTING AND FIREARMS, PICNICKING AND CAMPING, PROHIBITED PERSONAL BEHAVIOR, PROHIBITED COMMERCIAL ACTIVITIES, AND DISTRIBUTION OF NONCOMMERCIAL INFORMATION; PROVIDING FOR AUTHORIZATION TO SELL AND CONSUME CERTAIN ALCOHOLIC BEVERAGES AT THE CIVIC CENTER, TERRY PARK, AND THE LEE COUNTY STADIUM COMPLEXES; PROVIDING FOR A PARK OPERATING POLICY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCES 75-2, 75-18, 78=3, 83-27, AND 86-29.

BB. ORDINANCE NO. 91-26, AN ORDINANCE CREATING THE LEE COUNTY SPECIAL EVENTS ORDINANCE REGULATING OUTDOOR ENTERTAINMENT EVENTS; PROVIDING FOR REPEALER; DEFINING OUTDOOR ENTERTAINMENT EVENTS; ESTABLISHING LICENSE REQUIREMENTS AND APPLICATION PROCEDURES; REQUIRING PROOF OF INSURANCE AND PROOF OF A BOND; PROVIDING FOR THE FILING OF COMPLAINTS; PROVIDING FOR REVOCATION OF LICENSES; PROVIDING FOR ENFORCEMENT.

CC. ORDINANCE NO. 95-09, AN ORDINANCE AMENDING LEE COUNTY ORDINANCE 90-56; PROVIDING FOR AUTHORIZATION TO SELL AND CONSUME ALCOHOLIC BEVERAGES WITHIN LEE COUNTY FACILITIES AND PUBLIC PARKS; PROVIDING FOR CONFLICT, INCLUSION IN CODE.

DD. ORDINANCE NO. 91-11, AN ORDINANCE REPEALING ORDINANCE NUMBER 87-7 AND RESTATING AND ESTABLISHING THE LEE COUNTY WELL CODE; RELATING TO ADMINISTRATION, PERMITTING STANDARDS, CONSTRUCTION, REPAIR, AND PLUGGING OF WATER WELLS; ESTABLISHING A WELL CONSTRUCTION ADVISORY BOARD; PROVIDING PERMITTING PROCEDURES; PROVIDING REGULATIONS RELATING TO TEST WELLS, TESTING REPORTS AND INSPECTIONS, WATER WELL PERMITS, CONSTRUCTION AND ABANDONMENT OF WATER WELLS; PROVIDING FOR LICENSING; PROVIDING FOR SUPPLEMENTAL REGULATIONS; PROVIDING FOR SPECIALTY LICENSES; PROVIDING FOR PENALTIES.

EE. ORDINANCE NO. 95-18, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, TO BE ENTITLED THE "LEE COUNTY SEXUALLY ORIENTED BUSINESSES REGULATION ORDINANCE"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY TO THE UNINCORPORATED AREAS OF LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLASSIFICATION OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR THE REQUIREMENT OF A PERMIT FOR OPERATING SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR INVESTIGATION OF APPLICATIONS FOR PERMITS; PROVIDING PROCEDURES FOR THE ISSUANCE OR DENIAL OF PERMITS; PROVIDING FOR AN ANNUAL PERMIT FEE; PROVIDING FOR INSPECTION OF THE PREMISES OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR EXPIRATION OF PERMITS; PROVIDING FOR SUSPENSION OF PERMITS; PROVIDING FOR REVOCATION OF PERMITS; PROVIDING FOR JUDICIAL REVIEW OF PERMIT DENIAL, SUSPENSION OR REVOCATION; PROVIDING FOR RESTRICTIONS REGARDING THE TRANSFER OF PERMITS;

PROHIBITING BACK ROOM LINGERIE MODELING; PROVIDING FOR PROHIBITIONS REGARDING MINORS AND SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR ADVERTISING REGULATIONS; PROVIDING FOR HOURS OF OPERATION; PROHIBITING "STRADDLE DANCING" AND OTHER SEXUAL ACTIVITIES AT SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CRIMINAL PENALTIES AND ADDITIONAL EQUITABLE AND INJUNCTIVE RELIEF; PROVIDING FOR CONSENT BY PERMITTEES TO THE PROVISIONS OF THIS ORDINANCE AND TO COUNTY, FEDERAL, STATE AND MUNICIPAL REGULATIONS; PROVIDING FOR IMMUNITY FROM PROSECUTION; PROVIDING FOR NOTICE REQUIREMENTS UNDER THIS ORDINANCE; PROVIDING FOR SEVERABILITY.

SECTION 3. Intent of the adoption. This is not an exclusive list and it is the intent of this resolution to provide for the protection of life, health, property, and the public peace by maintaining the existing level of protection and security within the Town of Fort Myers Beach, and hereby authorizes the Lee County Sheriff's Office to enforce all ordinances adopted by the Town of Fort Myers Beach.

SECTION 4. Effective Date. This resolution shall be effective immediately.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Ted FitzSimons and seconded by Council Member Garr 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 ADOPTED this 28th day of December, 1995.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
William A. Mills, Town Clerk

By: 
Anita T. Cereceda, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney