

TOWN OF FORT MYERS BEACH  
ORDINANCE NO. -96-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH ALCOHOLIC BEVERAGE ESTABLISHMENT EXPOSURE PROHIBITION ORDINANCE; PROVIDING AUTHORITY; TITLE AND CITATION; OWNER'S RESPONSIBILITY, PROHIBITION OF EXPOSURE OF BODY PARTS; FEMALE PERSON'S RESPONSIBILITY, PROHIBITION OF EXPOSURE OF BODY PARTS; EVERY PERSON'S RESPONSIBILITY, PROHIBITION OF EXPOSURE OF BODY PARTS; EXCLUSION FROM PROHIBITION; 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 ALCOHOLIC BEVERAGE ESTABLISHMENT EXPOSURE PROHIBITION ORDINANCE."

SECTION THREE: Owner's Responsibility, Prohibition of Exposure of Body Parts

A. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the Town of Fort Myers Beach, at which alcoholic beverages are offered for sale for consumption on the premises:

(1) to suffer or permit any female person, while on the premises of said commercial establishment, to expose to the public view that area of the human female breast at or below the areola thereof.

(2) to suffer or permit any female person, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast at or below the areola thereof.

(3) to suffer or permit any person, while on the premises of said commercial establishment to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage.

(4) to suffer or permit any person, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.

**SECTION FOUR: Female Person's Responsibility, Prohibition of Exposure of Body Parts**

It shall be unlawful for any female person, while on the premises of a commercial establishment located within the Town of Fort Myers Beach, at which alcoholic beverages are offered for sale for consumption on the premises to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

**SECTION FIVE: Every Person's Responsibility, Prohibition of Exposure of Body Parts**

It shall be unlawful for any person, while on the premises of a commercial establishment located within the Town of Fort Myers Beach at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

**SECTION SIX: Exclusion from Prohibition**

It shall not be a violation of this ordinance for a mother to breast feed her infant child.

**SECTION SEVEN: 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 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 FITZSIMONS and seconded by Council Member Murphy 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 3rd day of June, 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

Notice of Public Hearing

Pursuant to Chapter 95-494, Laws of Florida, notice is hereby given of a Public Hearing of the Town of Fort Myers Beach.

The Fort Myers Beach Town Council will hold a public hearing on June 3, 1996 at Town Hall, 2523 Estero Blvd Drive, Fort Myers Beach, Florida at 6:30 P.M. to consider the following ordinance on second reading, to be entitled: AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH ALCOHOLIC BEVERAGE ESTABLISHMENT EXPOSURE PROHIBITION ORDINANCE; PROVIDING AUTHORITY ; TITLE AND CITATION; OWNER'S RESPONSIBILITY, PROHIBITION OF EXPOSURE OF BODY PARTS ; FEMALE PERSON'S RESPONSIBILITY, PROHIBITION OF EXPOSURE OF BODY PARTS; EVERY PERSON'S RESPONSIBILITY, PROHIBITION OF EXPOSURE OF BODY PARTS; EXCLUSION FROM PROHIBITION; PENALTIES ; SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE DATE.

The proposed ordinance is on file and may be inspected at the Fort Myers Beach Public Library, 2755 Estero Boulevard, Fort Myers Beach, Florida, or Town Hall. All interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision of the body with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings to be made, which record includes the testimony and evidence upon which the appeal is to be based.

Attest

Marsha Segal-George, Town Manager

*faxed 5-21*