

ORDINANCE No. 98- 4

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH ESTABLISHING THE TOWN OF FORT MYERS BEACH NEIGHBORHOOD IMPROVEMENT MAINTENANCE DISTRICTS ORDINANCE; PROVIDING AUTHORITY; PURPOSE; TITLE AND CITATION; FORMATION OF DISTRICTS; DUTIES OF ADVISORY COUNCIL; DUTIES OF THE BOARD OF DIRECTORS; SEVERABILITY; AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapters 166 and 170, Florida Statutes, and other applicable provisions of law.

SECTION 2. Purpose. These provisions are adopted pursuant to and in furtherance of the purposes of Section 170, Florida Statutes.

SECTION 3. Title And Citation. This Ordinance shall be known and may be cited as the Town of Fort Myers Beach Neighborhood Improvement Maintenance Districts Ordinance.

SECTION 4. Formation of districts. The Town of Fort Myers Beach hereby authorizes the formation of neighborhood improvement maintenance districts. Such districts must be established by a separate ordinance for each district which ordinance:

- (a) Specifies the boundaries, size, and name of the district.
- (b) Authorizes the use of special assessments to support district services pursuant to the provisions of s. 170.201
- (c) Designates the Town Council as the board of directors of the district.
- (d) Establishes an advisory council to the board of directors comprised of property owners of the district.

SECTION 5. Duties of Advisory Council. The advisory council shall perform such duties as may be prescribed by the town council and shall submit within the time period specified by the town council, acting as the board of directors, a report on the district's activities and a proposed

budget to accomplish its objectives. In formulating a plan for services the advisory board shall consult in public session with the appropriate staff or consultants of the town.

SECTION 6. Duties of the Board of Directors. When the board may determine to defray the whole or any part of the expense of maintenance thereof by special assessments, said board shall so declare by resolution stating the nature of the proposed service, the portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general fund of the town; and said resolution shall also designate the lands upon which the special assessments shall be levied, and in describing said lands it shall be sufficient to describe them as "all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for." Such resolution shall also state the total estimated cost. Such estimated cost may include the cost of services, the cost of all labor and materials, the cost of all financing charges, administrative expense, and such other expense as may be necessary or incident to the providing the services herein authorized.

SECTION 7. Severability If an 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 8. Effective Date. This ordinance shall become effective immediately upon its adoption.

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

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 20th day of April, 1998.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George

Marsha Segal-George, Town Clerk
Approved as to form by:

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

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