

ORDINANCE No. 05- 02

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH PROPOSING AN AMENDMENT TO THE CHARTER SUBJECT TO REFERENDUM, PROVIDING AUTHORITY; PROPOSED AMENDMENT- TOLLS REFERENDUM; SEVERABILITY; REPEALING CLAUSE AND REFERENDUM; 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, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. PROPOSED AMENDMENT – TOLLS REFERENDUM. The "Town of Fort Myers Beach Charter" adopted as Chapter 95-494, Laws of Florida is amended by adding:

Section 12.02 Tolls Referendum.—The council may impose road or bridge tolls only after approval by the electors, as provided by general law.

SECTION 3. SEVERABILITY. If any one of the provisions of this ordinance should be held contrary to any express provision of law or 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 4. 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or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.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 5. REFERENDUM; EFFECTIVE DATE. The Town Council shall submit the provisions of this ordinance to the vote of the electorate. Upon approval by a majority vote of the electorate voting in the referendum and certification of same by the canvassing board, such provisions shall be deemed adopted. The provision so adopted

shall be incorporated in the Town Charter and the charter so revised shall be filed with the Florida State Department.

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

Howard Rynearson	<u>Aye</u>
Don Massucco	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Garr Reynolds	<u>Aye</u>

DULY PASSED AND ENACTED this 28<sup>th</sup> day of February, 2005.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George By: Bill Thomas  
Marsha Segal-George, Town Clerk Bill Thomas, Mayor

Approved as to form by:

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