

ORDINANCE No. 97- 13

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH PROPOSING AN AMENDMENT TO THE CHARTER SUBJECT TO REFERENDUM, IMPOSING A 3% UTILITY TAX FOR THE PURCHASE OF REAL PROPERTY; PROVIDING AUTHORITY; PROPOSED AMENDMENT; 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. The "Town of Fort Myers Beach Charter" adopted as Chapter 95-494, Laws of Florida is amended by addition of paragraph (c) to Section 11.03 Council action on the budget.— as follows:

(c) The council may impose, within the Town of Fort Myers Beach, a utility tax of three percent upon the purchase of electricity. This revenue shall be collected for and shall be used only for the acquisition of real estate within the Town.

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or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.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 may 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 provision 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 Murphy and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>NO</u>
Ted FitzSimons	<u>absent</u>
William (Rusty) Isler	<u>yes</u>
Garr Reynolds	<u>yes</u>
Ray Murphy	<u>yes</u>

DULY PASSED AND ENACTED this 8th day of September, 1997.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

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

Approved as to form by:

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