Town of Fort Myers Beach

PERSONAL WATERCRAFT VENDOR LICENSE APPLICATION

LDC Sec. 27-49 (Ordinance 14-07)

Official Use Only:

License #**BCH** _____

Zone _____

Property Address: _____

Property Owner's Name: _____ Strap Number: _____

Business Name: _____ Contact Person: _____

Business Owner Home Address: _____

Business Owner Local Address: _____

Business Owner Mailing Address: _____

Business Owner Phone Number: _____ Site Phone Number: _____

Sales Tax Number: _____

Description of Activities (please be specific): _____

_____

Description of the vessels to be used by the business, include model, year, manufacturer, color and Florida Vessel registration numbers:

Model	Year	Color	Registration

ADDITIONAL INFORMATION / SUBMITTAL REQUIREMENTS

A. Application fee $170. (After October 1, add $25 late processing fee).
B. Letter of Authorization from the Property Owner, if different from Applicant.
C. Operating Area Diagram, attach photographs or drawings that clearly indicate:
   - ☐ Location
   - ☐ Buoy lane
   - ☐ 500' markers (idle speed zone)
   - ☐ Approximate mooring locations
   - ☐ Night time storage locations
   - ☐ Table/podium/booth and storage boxes
D. Fire Safety Inspection Report from the Fort Myers Beach Fire Prevention Team. (Email prevention@fmbfire.org for appointment)
E. Copy of Public Liability Insurance.
F. Copy of Lee County Business Tax Receipt.
G. Evidence of CPR certifications for all staff.
H. Copy of valid Application to Collect and/or Report Tax in Florida (DR-1) for the previous year.
I. Evidence that tax payments have been made at least quarterly during the previous year.
J. Evacuation Plan depicting how operator/applicant will evacuate and secure their business site upon (1) hours' notice from the Town or issuance of a Tropical Storm or Hurricane Warning.

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LICENSE CONDITIONS, RULES AND REGULATIONS

Sec. 27-49 Regulations and locations for personal watercraft rentals.

1) The operations office shall be located at a land-based site; and,
   a) The land-based site shall have direct access to the beach. Direct access shall not include public rights-of-way, county-owned or town-owned beach accesses, or any residentially zoned land that must be traversed to gain beach access. That direct access will be used for all necessary business-related beach access that is customary in the course and operation of the personal watercraft business at the particular licensed land-based site; and,
   b) All business transactions such as the exchange of consideration or remuneration for the rental, leasing, bailment, or any other type of transaction between the commercial rental operator and customer shall occur on the land-based site for which the business tax receipt is issued; and,
   c) The personal watercraft shall only be rented or operated on the littoral waters offshore of the land-based site for which the business tax receipt is issued until the personal watercraft travels beyond the 500 feet offshore slow speed limit.
   d) The business must provide the town with a list of those PAL vendors who are permitted to pick up customers at the PWVL location, provided, however, that such activity may take place only for customers who have made a prior reservation and appointment for such pick up.
   e) PAL and PWVL businesses are prohibited from soliciting customers at any location other than the property boundaries of their land-based site.
   f) A business must have and maintain a telephone and an operable marine radio at its land-based operations office.
2) A business may not knowingly lease, hire, or rent a personal watercraft to any person who is under 18 years of age (see also F.S. § 327.54)). No person under the age of 14 may operate any personal watercraft.
3) During the sea turtle nesting season (May 1 through October 31), personal watercraft may not be moved across the beach unless:
   a) any state permits that may be required for this activity have been issued;
   b) such movement begins only after 9:00 AM, or after completion of daily monitoring for turtle nesting activity by a FWCC-authorized marine turtle permit holder, whichever occurs first; and
   c) the movement does not disturb any sea turtle or sea turtle nest (see also § 14-74(c)).
4) Businesses may not allow their personal watercraft to be used above slow speed within 500 feet of swimmers, waders, or people floating in/on the water.
5) Personal watercraft rental businesses shall have a motorized chase vessel with an operational marine radio in good running condition that meets all United States Coast Guard safety requirements kept at the personal watercraft launching site during all hours of the business operation. The chase vessel may be a personal watercraft reserved for this purpose.
6) Each personal watercraft must be registered in the name of the business and have a Florida vessel registration number affixed thereon.
7) Identification markings shall be placed on each personal flotation device worn by operators of the personal watercraft which distinguishes the business from other businesses engaged in the rental of personal watercraft. Said marking shall also be located where the personal watercraft are launched. The identification marking, which will be assigned to the business by the town upon issuance of the PWVL, shall be not less than 9" by 5" in size and of a contrasting color to the personal flotation device.
8) Personal watercraft may be moored in the water during the operating hours of the business, or on the beach during operating hours in accordance with the following: Personal watercraft must be set back 15 feet landward from the edge of wet sand. Between the hours of 9:00 PM and 7:00 AM, all personal watercraft and associated equipment, including but not limited to mooring lines, must be removed from the beach and placed behind the dune line.

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9) If there is no dune line and the beach is wide, personal watercraft and associated equipment must be moved to a point that is at least 200 feet from the water line at all times.
   a) If there is no dune line and the beach is less than 200 feet wide, personal watercraft and associated equipment must be moved to the adjacent permanent structure and landward of any seawall.
   b) Where compliance with the foregoing provision would cause an undue hardship, the town manager may designate a different storage location after determining the minimum changes from the requirements of this subsection.
10) In order to adequately monitor the operation of the personal watercraft, one employee per five personal watercraft actually rented must be located so as to observe the operation of the vessel by the party renting the personal watercraft.
11) Fuel tanks may not be stored on the beach but may be stored at the business location provided all applicable federal, state, and local fire, safety, and environmental regulations are met.
12) Fueling of personal watercraft on the beach or in the water shall require a spillproof nozzle or other acceptable device designed for prevention of fuel overflow. Any spillage of fuel onto the beach or into the water is a violation of this code.
13) Except in locations which have permanent 500-foot markers, the personal watercraft vendor shall place temporary markers in the water not less than 500 feet seaward from the beach to which the personal watercraft are to be launched during each day of personal watercraft operations. All such markers shall be removed each day by the personal watercraft vendor no later than a half hour after sunset. The personal watercraft vendor must instruct each personal watercraft operator:
   a) To travel at slow speed until past said markers;
   b) To maintain a distance of not less than 500 feet from the shoreline while operating the personal watercraft;
   c) To travel at slow speed when returning to the shore; and
   d) To not travel within environmentally sensitive areas (within the 1000-foot territorial limits of the town) except with an eco-tour operator or guide associated with a business with a valid PWVL permit.
14) Each operator shall provide a buoy lane consisting of 6 buoys, with a minimum width of 15 feet and a maximum of 75 feet.
15) Each PWVL (jet ski) operator is limited to 8 rentals per location plus one chase vehicle. When 6 or more rentals are in use, the chase vehicle must be manned and in the water. An operator may request a variance to allow additional rentals per location by using the standards and procedures in LDC Chapter 34.
16) *Safe handling instructions.*
   a) Each patron shall receive standardized rules provided by the operator translated in four languages. All owners, operators, PWVL license holders, and employees will obey the same standardized rules. Such rules are included in § 27-58.
   b) If the FWCC adopts safe handling instructions in accordance with F.S. § 327.39(6)(b), operators must comply with those regulations, which shall be deemed as equivalent to complying with the previous subsection, provided the state instructions are translated into the same four languages.
17) Operators must also comply with all other applicable boating and personal watercraft provisions of state law such as those found in F.S. § 327.39.
18) No person shall offer for rent, lease, or bailment for consideration, a personal watercraft within the Town of Fort Myers Beach except from a personal watercraft rental business which fully complies with the regulations set forth in this code and this chapter.
19) No person shall conduct any personal watercraft rental business within the Town of Fort Myers Beach except from a business holding a valid PWVL and which fully conforms to the terms of this chapter.

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20) No person shall offer for rent, lease, or bailment for consideration a personal watercraft which is not registered in the name of the business and which does not have a valid Florida vessel registration number affixed thereon.

Sec. 27-51. Additional rules applying to both PWVL and PAL businesses.

(1) Businesses holding a valid PWVL or PAL must meet the following requirements:
Other boating regulations. All businesses and their vessels are required to comply with the town's Vessel Control and Water Safety Ordinance (Ordinance 96-26 as amended) and with Florida Statutes Chapter 327.

(3) Structures on the beach. During its regular business hours only, a business may place one free-standing structure on the beach at its land-based site to conduct business with the public.
   a. This structure may be a table, podium, booth, or storage box.
   b. The total horizontal dimension of this structure may not exceed a horizontal dimension of 4 feet by 6 feet, except for any awning, umbrella, or integral roof whose sole purpose is to provide shade.
   c. This structure must be portable and never be left on the beach before or after regular business hours.
   d. No portion of any flag, sign, booth, or equipment may extend to or be located within 15' of the wet sand.

(4) ***Signs on the beach.*** This structure may contain a maximum of three identification or promotional signs painted on or mounted flat against the structure, no one of which can exceed 8 square feet as measured in accordance with § 30-91.
   a. Any rate charts or state-mandated informational signs smaller than 2 square each shall not be counted as part of the signage limitation above.
   b. No signs or other advertising for the business are permitted on the beach other than the signage permitted on a table, podium, booth, or storage box.

(5) ***Signs off the beach.*** A business may also have one portable sandwich-board sign displayed at its land-based site during regular business hours if such signs are otherwise permitted by ch. 30 of this code at that site. However, any such sign:
   a. must be placed indoors after business hours;
   b. must not be illuminated; and
   c. must not be placed on the beach at any time.

(f) Licensed PWVL and PAL businesses may not rent paddleboards, kayaks and other non-motorized watercraft from their land-based location. Paddle craft vendors at resorts are required to ensure that all renters of non-motorized watercraft adhere to all applicable water safety regulations.

The undersigned applicant agrees to comply with the Town of Fort Myers Beach Land Development Code LDC Sec. 27-47 Personal Watercraft and Parasailing (Ordinance 14-07), Sec. 34-3151 Water Oriented Rental Establishments, Sec. 27-51 (c) (3) Structures on the Beach, Fort Myers Beach Vessel Control Ordinance 96-26, and other applicable laws.

Signature (owner/authorized agent)_____

Typed or printed name _____ Date _____