

TOWN OF FORT MYERS BEACH
ORDINANCE NO. 96-15

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH
FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS
BEACH TWO WHEELED MOTOR DRIVEN VEHICLE
ORDINANCE PROVIDING AUTHORITY; TITLE AND
CITATION; EQUIPMENT REQUIREMENT; REQUIREMENTS
DURING OPERATION; 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 Two Wheeled Motor Driven Vehicle Ordinance"

SECTION THREE: Equipment Requirement

That any person operating a motor scooter, motorcycle, or other two wheeled motor driven vehicle upon the roads or streets within the Town of Fort Myers Beach, Florida shall be required to have said vehicle equipped with at least one, and not more than two functional head lamps and with at least one tail lamp mounted on the rear which, when lighted, shall emit a red light plainly visible to the rear, and such other necessary safety equipment and devices as are required by the laws of the State of Florida as to the operation of such vehicles, all of which shall be maintained in good operational condition at all times.

SECTION FOUR: Requirements During Operation

It shall be unlawful for any person to operate any motor scooter, motorcycle, or other two wheeled motor driven vehicle within the Town of Fort Myers Beach, Florida either daytime or night-time hours unless said vehicle is displaying lighted head and tail lamps during the course of such operation.

SECTION FIVE: Penalties

Violation of this Ordinance shall constitute a misdemeanor and shall be punishable as prescribed by law.

SECTION SIX: 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 SEVEN: 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 EIGHT: 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 Cereceda 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>aye</u>
Garr Reynolds	<u> </u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 5th day of August, 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