

ORDINANCE 00 - 09

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH SOLID WASTE DISPOSAL FACILITIES ASSESSMENT OR TAXING PROGRAM; PROVIDING AUTHORITY; TITLE AND CITATION; CONSENT TO ESTABLISHMENT, INCLUSION OF TOWN PROPERTY; TERM OF CONSENT; SEVERABILITY; REPEALING CLAUSE; AND EFFECTIVE DATE.

WHEREAS, the Town and Lee County desire to jointly accomplish certain public health, welfare and safety objectives relating to the disposal of their respective solid waste; and,

WHEREAS, Chapter 125, Chapter 163 and Chapter 166, Florida Statutes, authorize municipalities and counties to enter into intergovernmental relationships for the purpose of providing municipal services, to include the creation by a county of special assessment units within the municipality with the municipality's specific consent;

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 Solid Waste Disposal Facilities Assessment or Taxing Program, Ordinance"

SECTION THREE: Consent to Establishment, Inclusion of Town Property. The Town Council of the Town of Fort Myers Beach hereby consents to the establishment, by Lee County, of a Municipal Service Benefit Unit to be known as the "Municipal Solid Waste Disposal Facilities Benefit Program, MSBU". The Town Council further consents to the inclusion in said MSBU properties located within the jurisdictional boundaries of the Town of Fort Myers Beach as described in Chapter 95-494, Laws of Florida, Article II.

SECTION FOUR: Term of Consent. The term for which the foregoing consent is given shall not exceed the terms and conditions as set out in that certain Interlocal Agreement between the Town and the County which is attached hereto and made a part hereof as Exhibit A.

SECTION FIVE: 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 SIX: 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 SEVEN: Effective Date. This ordinance shall become effective and the foregoing consent shall be effective immediately upon its adoption.

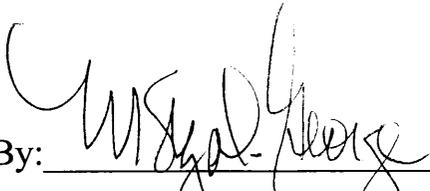
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Murphy and seconded by Council Member Cereceda and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>

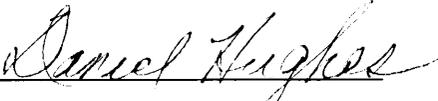
DULY PASSED AND ENACTED this 19th day of June, 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 

Marsha Segal-George, Town Clerk

By: 

Daniel Hughes, Mayor

Approved as to form by:



Richard V.S. Roosa, Town Attorney