

ORDINANCE NO. 11-08

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE III IN THE CODE OF ORDINANCES, "OFFICERS AND EMPLOYEES;" AMENDING SECTION 2-42, "FINDING OF NECESSITY," BY ADDING TOWN CLERK AND PARKS AND RECREATION DEPARTMENTS; ADDING NEW SECTIONS 2-46 AND 2-47 RELATING TO CREATION OF TOWN CLERK AND PARKS AND RECREATION DEPARTMENTS; RENUMBERING SECTIONS 2-46 AND 2-47 TO 2-48 AND 2-49; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. Section 2-42 of the Town of Fort Myers Beach Code of Ordinances is hereby amended as follows:

Sec. 2-42. Finding of necessity.

The town council finds that the establishment of the town finance department, the public works department, and the community development department, the town clerk department, and the parks and recreation department, as set forth elsewhere in this article, is necessary for the efficient administration and operation of the town, as set forth in article IX, section 9.01 of the town Charter.

Section 2. A new Section 2-46 is hereby added to the Town of Fort Myers Beach Code of Ordinances as follows:

Sec. 2-46. Same—Town Clerk.

A department to be known as the town clerk department is hereby established. The town clerk shall be selected by the town manager. The town clerk will possess such qualifications as the town manager determines are necessary to efficiently direct the effective functioning of this department, shall perform the functions required in Section 7.01 of the town charter, and shall serve at the pleasure of the town manager.

Section 3. A new Section 2-47 is hereby added to the Town of Fort Myers Beach Code of Ordinances as follows:

Sec. 2-47. Same—Parks and Recreation.

A department to be known as the parks and recreation department is hereby established. The parks and recreation director shall be selected by the town manager. The parks and recreation director will possess such qualifications as the town manager determines are necessary to efficiently direct the effective functioning of this department and shall serve at the pleasure of the town manager.

Section 4. Current Section 2-46 of the Town of Fort Myers Beach Code of Ordinances is renumbered to be Section 2-48 as follows:

Sec. 2-468. Functions and duties of departments.

The town manager shall assign such functions and duties to each department hereunder as would in the normal course of business be performed by such department.

Section 5. Current Section 2-47 of the Town of Fort Myers Beach Code of ordinances is renumbered to be Section 2-49 as follows:

Sec. 2-479. Ordinance enforcement specialist.

The ordinance enforcement specialist shall be responsible for the enforcement of parking violations and violations occurring on public property of the following town ordinances:

- (1) Chapter 4, article IV, open containers.
- (2) Chapter 6, animals.
- (3) Chapter 14, article III, littering.
- (4) Chapter 18, article II, park regulations.
- (5) Chapter 20, article II, recyclable materials.
- (6) Chapter 28, article II, stopping, standing and parking.
- (7) Chapter 32, article III, live shellfish.
- (8) Chapter 32, article IV, night sleeping on beach.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

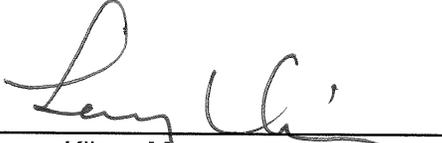
Section 7. Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member List and seconded by Council Member Mandel and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor aye
Joe Kosinski absent
Alan Mandel aye

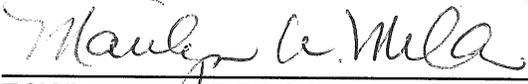
Bob Raymond, Vice Mayor aye
Jo List aye

DULY PASSED AND ADOPTED THIS 3rd DAY OF OCTOBER 2011, BY THE
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Larry Kiker, Mayor

ATTEST:
By: 
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: 
FOWLER WHITE BOGGS, Town Attorney