

RESOLUTION NUMBER 09-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA REGARDING DESIGNATION OF TOWN CODE ENFORCEMENT PERSONNEL TO ADMINISTER THE PROVISIONS OF CHAPTER 705, FLORIDA STATUTES, REGARDING LOST OR ABANDONED PROPERTY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town has been experiencing a significant problem with unauthorized boats in the Town mooring field, which include derelict, non-operational and trespassing vessels as well as abandoned or lost vessels; and

WHEREAS, allowing such vessels to remain in the Town's mooring field may lead to violation of the Town's submerged land lease with the State of Florida; and

WHEREAS, Section 705.1015, Florida Statutes, permits the Town Council to designate the employees of the Town whose duty it is to ensure code compliance or enforce codes and ordinances to administer the provisions of Chapter 705 which pertain to lost or abandoned maritime property;

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Fort Myers Beach for the Town Council designate the employees of the Town whose duty it is to ensure code compliance or enforce codes and ordinances to administer the provisions of Chapter 705 which pertain to lost or abandoned property within the Town mooring field and in related Town waters;

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.

Section 2. Direction to the Town Manager. The Town Council instructs the Town Manager to direct Town code enforcement officers to administer the provisions of Chapter 705, Florida Statutes, which pertain to lost or abandoned property, with the understanding that such designation shall not provide such Town employees with the authority to bear arms or make arrests.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted upon a motion by Councilmember Babcock and seconded by Councilmember List. Upon being put to a vote, the result was as follows:


Larry Kiker, Mayor: aye
Herb Acken, Vice Mayor: nay
Tom Babcock, Councilmember: aye
Jo List, Councilmember: aye
Bob Raymond, Councilmember: aye

ADOPTED ON THIS 15th DAY OF January, 2009

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Larry Kiker Mayor

Approved as to legal sufficiency: ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle Mayher, Town Clerk