

ORDINANCE No. 99-8

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH VIOLATIONS ORDINANCE PROVIDING AUTHORITY; GENERAL PENALTY; PUBLIC NUISANCE; REVOCATION OF A LICENSE; CIVIL RELIEF; SEVERABILITY; CONFLICTS AND EFFECTIVE DATE.

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

Section 1. 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 2. General penalty. Where no specific penalty is provided therefor, the violation of, or failure to comply with, any provision of an ordinance of the Town shall constitute an offense against the Town, and shall subject the offender to arrest under Florida Statutes Chapter 901.15 (1) (1997), and, upon conviction, to a fine of not to exceed five hundred dollars or imprisonment for a period of not to exceed sixty (60) days or to both such fine and imprisonment.

Section 3. Public nuisance. Any condition caused or permitted to exist in violation of any ordinance of the Town shall be deemed a public nuisance

and shall be subject to abatement by the Town. Each day that such condition continues shall be regarded as a new and separate offense.

Section 4. Revocation of a license. Not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Section 5. Civil relief. Additionally or alternatively, the Town may enforce the provisions of any ordinance by applying to a court of competent Jurisdiction for civil relief, either in law or equity, for a declaration of rights, injunctive relief, damages, or such other relief as may be proper. Upon proof of violation the court may provide such relief as it deems appropriate to prevent or abate the violation, or provide redress.

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. Conflicts. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive shall apply.

Section 8. Effective Date. This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member mul holland 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>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 1st day of July, 1999.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Raymond P. Murphy
Raymond P. Murphy, Mayor

Approved as to form by:
Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney