

## RESOLUTION NUMBER 24-129

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUSPENDING DURING THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA THE REQUIREMENT FOR CONDOMINIUM ASSOCIATIONS TO NOTIFY THE TOWN MANAGER IF THEY SELF-PERFORM AN ENFORCEMENT PROGRAM FOR VIOLATIONS OF THE CODE OF CONDUCT FOR SHORT TERM RENTALS AS PROVIDED IN SECTION 10-198(7) OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES; WAIVING PAYMENT OF THE REQUIRED FEE FOR EACH BUILDING FOR WHICH AN OPT OUT EXEMPTION WOULD OTHERWISE BE REQUESTED; 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 service, 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**, on September 28, 2022, the Town of Fort Myers Beach, residents and businesses in the Town of Fort Myers Beach were devastated by Hurricane Ian, resulting in the loss of lives, destruction of houses, and catastrophic financial losses; and

**WHEREAS**, since the arrival of Hurricane Ian, the Town has renewed and operated under a Local State of Emergency due to the impacts of Hurricane Ian and ongoing recovery efforts; and

**WHEREAS**, on August 29, 2023, the Town and its residents and businesses incurred additional damage and loss due to the effect of Hurricane Idalia, resulting in a second Local State of Emergency, which also remains in effect due to impacts of the storm and ongoing recovery efforts; and

**WHEREAS**, Section 10-198(7) of the Town of Fort Myers Beach Code of Ordinances (“Code”) contains regulations allowing condominium associations to “opt out” and self-perform an enforcement program for code of conduct violations under Section 34-2393, unlike the methods and procedures in Section 34-2394, upon making application to the town manager or designee and paying the required fee for each building for which exemption is sought; and

**WHEREAS**, the Town Council has determined it is in the best interest of the health, safety and welfare of the Town, as part of and in furtherance of its recovery efforts, to waive and suspend the requirement for condominium associations to notify the town manager of their desire to “opt

out” and implement an alternative enforcement program for short term rentals in the buildings they manage on behalf of condominium owners; and

**WHEREAS**, passage of this Resolution will serve the interests and welfare of the residents of the Town of Fort Myers Beach in the Town’s comprehensive recovery and rebuilding efforts.

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

**Section 1.** The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

**Section 2.** The notice requirement in Section 10-198(7) to the town manager is hereby waived and suspended during the pendency of the Local State of Emergency for Hurricanes Ian and Idalia.

**Section 3.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

**ADOPTED** this 17<sup>th</sup> day of June 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

**FORT MYERS BEACH TOWN COUNCIL**

*Dan Allers*  
Dan Allers (Sep 19, 2024 16:14 EDT)  
Dan Allers, Mayor

**ATTEST:**

*Amy Baker*  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

*Nancy Stuparich*  
Nancy Stuparich (Sep 19, 2024 17:13 EDT)  
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 19<sup>th</sup> day of September 2024.