

RESOLUTION NO. 25-327

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING DURING THE AMERICAN SAND SCULPTING CHAMPIONSHIPS FROM 10:00 AM THURSDAY, NOVEMBER 20, 2025 TO 5 PM MONDAY, NOVEMBER 24, 2025: 1) OPEN CONTAINERS OF ALCOHOL IN PUBLIC AREAS AS PROVIDED IN ORDINANCE 16-03 SECTION 22-(G); 2) WAIVING THE STANDARD VEHICLE PERMIT FEE FOR VEHICLES ON THE SAND; 3) DIRECTING NON-ENFORCEMENT OF THE NOISE ORDINANCE; 4) WAIVING PARKING FEES AT PALM AVENUE BEACH ACCESS PARKING LOT FOR A STAGING AREA (APPROXIMATELY 15 SPACES) PENDING ALL REQUIRED SAFETY APPROVALS; 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 (“Town”) 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 received a special event application from a partnership of the Fort Myers Beach Chamber of Commerce, the DiamondHead Beach Resort and The Sand Lovers, LLC (“Applicant”) for producing the 35th Annual American Sand Sculpting Championship from 10:00 AM Thursday, November 20, 2025 to 5:00 PM Monday, November 24, 2025; and

WHEREAS, Chapter 22 entitled “Special Events” of the Town of Fort Myers Beach Code of Ordinances requires certain types of special events and waivers of open container, fees, and enforcement of the Town’s noise ordinance to be approved by the Fort Myers Beach Town Council prior to the event; and

WHEREAS, the Applicant has requested within their special event application the following requests:

1. Open containers of alcohol in public areas as provide in Ordinance 16-03 Section 22-(G)
2. Waiving the standard vehicle permit fee for vehicles on the sand
3. Directing non-enforcement of the noise ordinance
4. Waiving parking fees at Palm Avenue Beach Access for a staging area (approximately 15 spaces); and

WHEREAS, adoption of this Resolution is in the best interest of the Town of Fort Myers Beach.

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

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

Section 2. The Town Council of the Town of Fort Myers Beach hereby approves the requests included within the special event application submitted to the Town by the Applicant. A copy of the Special Event Application is attached to this Resolution as Exhibit A.

Section 3. This resolution will take effect immediately.

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

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

ADOPTED this 17th day of November 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Nov 20, 2025 17:15:56 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Nov 21, 2025 09:04:34 EST)

Amy Baker, Town Clerk

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

Vose Law Firm
Vose Law Firm (Nov 20, 2025 22:07:49 EST)

Vose Law Firm, Town Attorneys

This Resolution was filed in the Office of the Town Clerk on Nov 21, 2025.