

ORDINANCE No. 98-11

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 77, TOWN OF FORT MYERS BEACH PARKS AND RECREATION ORDINANCE; SECTION FIVE. DEFINITIONS; PROVIDING AUTHORITY; AMENDMENT TO CHAPTER 77 SECTION FIVE. DEFINITIONS, SUBSECTION C. PARKS; PROVIDING SEVERABILITY; 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. Amendment to Chapter 77 SECTION FIVE. Definitions, subsection C. PARKS, of the "Town of Fort Myers Beach Parks and Recreation Ordinance" is hereby amended to read as follows:

77. SECTION FIVE: DEFINITIONS

The following terms when used in this Chapter shall have the meanings ascribed to them in this section:

C. PARKS The term all "Parks" operated and maintained by the Town are defined to mean, parks, wayside parks, parkways, preserves and open spaces, including the beaches and coastal area between the property held in private ownership and the territorial boundaries of the Town of Fort Myers Beach, playgrounds, recreation facilities and fields, museums, auditoriums, ranges and buildings, lakes, streams, canals, lagoons, waterways, pools, causeways, bridges, roadways, marinas, piers, and abutting lands and adjacent littoral waters, which are used for recreational purposes, or as parks, and the pertinent rights-of-way presently under or hereinafter acquired and placed under the jurisdiction, control and administration of the Town, and all public service facilities located on grounds, buildings, and structures in the Town which are under the control of or assigned for upkeep, maintenance or operation by the Town.

SECTION 3. Severability. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 4. 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 murphy and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda aye

Daniel Hughes aye

John Mulholland aye

Garr Reynolds aye

Ray Murphy aye

DULY PASSED AND ENACTED this 19 day of Oct, 1998.

ATTEST:

TOWN OF FORT MYERS BEACH

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

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

 Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney