

ORDINANCE NO. 15-05

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, ADOPTING AN ADMINISTRATIVE CODE; AMENDING PART II, CHAPTER 2, ADMINISTRATION, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES, TOWN OF FORT MYERS BEACH, FLORIDA; INCORPORATING PRIOR ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR MODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council ("the Council") is the governing body in and for the Town of Fort Myers Beach, a municipal corporation in the State of Florida; and

WHEREAS, Chapter 166, Florida Statutes, authorizes the Town to adopt such ordinances as necessary to provided for the general health, safety, and welfare of its residents and visitors to Fort Myers Beach; and

WHEREAS, the Council desires to establish an administrative code for the purposes of providing for the duties, powers, and responsibilities of Town government and setting forth the adopted policies of the Town Council into a single repository for the benefit of the Council, its staff, and the residents, businesses, and visitors of the Town..

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

**SECTION 1: PART II, CHAPTER 2, ARTICLE I**

Sections 2-1 thru 2-2 of the Code of Ordinances of Fort Myers Beach, Florida are hereby created as follows:

Sec. 2-1. – Administrative Code adopted.

The Administrative Code of the Town of Fort Myers Beach, providing for the organization of the Town government as well as the fees, forms, and policies of the Town Council, as adopted June 15, 2015 shall be located at Town Hall and published online.

Sec. 2-3. – Amendments.

- (1) *Amendments.* Subsequent amendments or revisions to the Administrative Code shall be adopted by resolution of the Town Council.
- (2) *Amendment Review.* Prior to the adoption of any amendments, the Town Council shall review the proposed amendments and make findings that the proposed fees, forms, or policies to be adopted are consistent with the Laws of the State of Florida, the Charter and Code of Ordinances of the Town.

## **SECTION 2: INCORPORATION OF PRIOR ACTIONS**

The Town Council hereby adopts into its Administrative Code all prior resolutions, fees, forms, policies and interpretations of the Council not otherwise codified. Failure of the Town to incorporate such prior actions into the Administrative Code shall not invalidate their effect provided those actions were discoverable and previously made a part of the official records of the Town.

## **SECTION 3: CODIFICATION AND SCRIVENER'S ERRORS**

The Town Council intends that this Ordinance be made part of the Code of Ordinances, Town of Fort Myers Beach, Florida; and that sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the Town Manager without the need for a public hearing.

## **SECTION 4: CONFLICTS OF LAW AND SEVERABILITY**

*Conflicts of Law.* 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 requirements will apply.

*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 thereof.

## **SECTION 5: MODIFICATION**

It is the intent of the Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications will be incorporated into the final version of this Ordinance

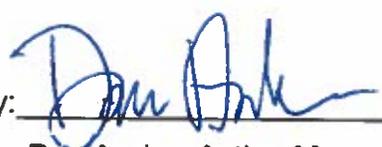
## **SECTION 6: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon motion of Councilmember Hosafros and seconded by Councilmember Stockton and upon being the result was as follows:

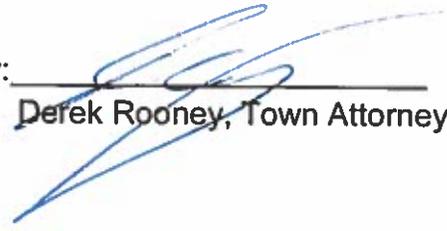
Anita Cereceda, Mayor	absent	Dan Andre, Vice Mayor	aye
Rexann Hosafros	aye	Alan Mandel	aye
Summer Stockton	aye		

DULY PASSED AND ADOPTED THIS 3rd DAY OF AUGUST 2015, BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By:   
Dan Andre, Acting Mayor

ATTEST:  
By:   
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency

By:   
Derek Rooney, Town Attorney