

Sec. 27-51. Additional rules applying to both PWVL and PAL businesses.

(a) Businesses holding a valid PWVL or PAL shall be situated together with their vessels where appropriate upon a site authorized by the remainder of this code plus the provisions of this chapter to have such business and shall not:

(1) be located within 500 feet of any other business offering personal watercraft for rent or lease or parasailing activities, except for businesses that are co-located ~~in accordance with § 27-54(e); or~~

(2) be located on any beach or land north of or beyond an imaginary line extending from the Sanibel Lighthouse and Bowditch Point on Estero Island; or inland of the Big Carlos Pass Bridge.

Sec. 27-53. PWVL and PAL renewals.

(a) Except as provided in this chapter, upon application the town manager may renew the PWVL or PAL of any applicant who:

(1) Held a valid PWVL or PAL and operated the personal watercraft rental or parasailing activity business during the previous year. The following evidence of such operation shall be accepted if provided separately for the specific business location and the specific license (PWVL or PAL) for which the renewal is requested:

a. Copy of a valid *Application to Collect and/or Report Tax in Florida* (DR-1) for the previous year, and

b. Evidence that tax payments have been made at least quarterly during the previous year in accordance with that specific application; and

(2) Has provided the town with new or updated information, documents, and fees listed in this chapter and continues to meet the other regulations set forth in this code; and

(3) Pays a late processing fee of \$25 for any renewal application filed after October 1.

(b) Upon application, the town manager may renew any PWVL or PAL suspended under this

chapter, but any remaining term of suspension shall be applied to the renewed license, and during said term the PWVL or PAL confers no rights to offer the rental of any personal watercraft or to operate any parasailing activity.

(c) Any PWVL or PAL not renewed by October 15th shall be void and of no further use or effect whatsoever. No business deemed to be a nonconforming use in accordance with the provisions of this chapter or other provisions of this code, which fails to renew its license in a timely manner, shall again be issued a license except in conformity with the regulations then in effect.

Sec. 27-54. Display of PWVL and PAL licenses.

Any business offering the rental of personal watercraft or parasailing activities shall display the PWVL or PAL in plain sight at the location from which the rental of personal watercraft is offered or at the parasail activities operation's office.

Sec. 27-55. Transferability of PWVL and PAL licenses; ~~grandfather clause.~~ Nonconforming locations

(a) **Transferability.** Provided that this chapter has been complied with, the PWVL or PAL is transferable if:

(1) The location of the business complies with the minimum separation requirements of this chapter, or is ~~"grandfathered in"~~ nonconforming under subsection (b) or (c) below; and

(2) The new business owner files an amended application with the town providing the information required in this chapter; and

(3) Transferability of PALs to new conforming locations may only be allowed when licenses fall below 6. If there are 6 5 or fewer PALs issued, then a license at a nonconforming location can move that license to a conforming location and surrender the nonconforming location which still results in 6 or fewer total licenses.

(4) Transferability of PWVLs to new conforming locations may only be allowed when licenses fall below 10. If there are 10 9 or fewer PWVLs issued, then a license at a nonconforming location can move that license to a conforming location and surrender the nonconforming location which still results in 10 or fewer total licenses.

(b) **Nonconforming PWVLs.** Personal watercraft vendors ~~that have established or commenced with a business at their existing~~ that have established or commenced with a business at their existing locations ~~that was in existence~~ that was in existence on or before December 2, 1996, ~~and which are in conformity with that conformed to~~ and which are in conformity with that conformed to the location requirements ~~of this code that existed before that date~~, but which ~~may or may does~~ may or may does not comply with the location requirements set forth in this chapter and the remainder of this code may continue to operate as a nonconforming use after December 2, 1996, unless terminated for failure to obtain the PWVL as required by this chapter, voluntary discontinuation of business for a period of 30 days or more, or revocation of the PWVL permit.

(c) **Nonconforming PALs.** Parasail operators ~~that have established or commenced with a~~ business ~~at their existing~~ locations ~~that was in existence~~ on or before January 21, 1997, ~~and which are in conformity with that conformed to~~ the location requirements ~~of this code that existed before that date~~, but which ~~may or may does~~ not comply with the location requirements of this code, but which may or may not comply with the location requirements set forth in this chapter, may continue to operate as a nonconforming use after January 21, 1997, unless terminated for failure to obtain the PAL as required by this chapter, voluntary discontinuation of business for a period of 30 days or more, or revocation of the PAL permit.

Sec. 27-56. Insurance.

(a) No person shall operate a personal watercraft or parasailing activity business unless covered by a comprehensive general liability insurance policy insuring the public against bodily injury or property damage resulting from or incidental to the operation, use, or rental of personal watercraft or parasailing activity. At a minimum, the policy shall provide coverage of not less than \$500,000 per occurrence and \$1,000,000 per aggregate. The policy shall list the Town of Fort Myers Beach as an additional insured, and shall provide that coverage not be canceled or materially altered except after 30 days' written notice has been received by the town, and be written through insurers licensed and authorized to do business in the State of Florida. The town shall also require a copy of the declaration page of the operator's insurance policy with a listing of all insured watercraft by serial number.

(b) Evidence of said coverage is subject to acceptance and approval by the town manager prior to issuance of PWVL or PAL.

(c) Coverage shall remain in full force during the entire time that the PWVL or PAL is valid and outstanding. Failure to provide such proof shall render the PWVL or PAL null and void, and of no further use and effect. The holder's subsequent application for a new PWVL or PAL shall be subject to the regulations for a new business and shall lose the nonconforming status afforded under this chapter.

Sec. 27-57. Penalty.

~~Violation of the provisions of this chapter, or failure to comply with any of the requirements, shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any provision shall upon conviction thereof be fined \$150 for the first violation; \$300 for the second and third violation; and the town shall consider license revocation for more than three violations of this chapter, and in addition the violator shall pay all costs and expenses involved in the case.~~

The town manager or their designee is authorized to pursue any one or a combination of the enforcement mechanisms provided in this code (for example, § 1-5, or article V of ch. 2) for any violation of this article. Violation of the provisions of this chapter, or failure to comply with any of the requirements, shall constitute a civil infraction and the town shall consider license

revocation for more than three violations of this chapter. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this