

ORDINANCE No. 99- 2

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 76, TOWN OF FORT MYERS BEACH VESSEL CONTROL AND WATER SAFETY ORDINANCE; BY ADDING SECTION 6.1 VESSELS PROHIBITED IN BACK BAY AREA; PROVIDING AUTHORITY; AMENDMENT TO CHAPTER 76 ADDING SECTION 6.1 VESSELS PROHIBITED IN BACK BAY AREA; SEVERABILITY; EFFECT OF ORDINANCE 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 76 by adding SECTION 6.1, Vessels Prohibited In Back Bay Area, of the "Town of Fort Myers Beach Vessel Control and Water Safety Ordinance" to read as follows:

SECTION 6.1, Vessels Prohibited In Back Bay Area

No owner, operator or person in command of any power vessel propelled by use of propellers, fans or blades and the movement of air (commonly known as an air-boat) shall be permitted to operate the vessel within the Town limits of the back bay area described as lying between the mainland and Estero Island south of the northern boundary of the Matanzas Pass Wilderness Preserve to the waters north of the bridge at Big Carlos Pass.

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. Effect of Ordinance. The provisions of this Ordinance shall be deemed cumulative and supplemental and shall have no legal effect except as expressly provided.

SECTION 5. 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 Mulholland and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Daniel Hughes	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 22 day of February, 1999.

ATTEST:

By: Marsha Segal-George
Marsha Segal-George, Town Clerk
Approved as to form by:
Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: Ray C. Murphy
Ray Murphy, Mayor