

ORDINANCE No. 99- 5

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 21, TOWN OF FORT MYERS BEACH ANIMAL CONTROL ORDINANCE; PROVIDING AUTHORITY; AMENDMENT TO CHAPTER 21 SECTION THREE: DEFINITIONS, D. ANIMAL ROAMING AT LARGE; ADDING SECTION, 21 SECTION TWELVE: NUISANCE ANIMALS, SUB SECTION D.; 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 21 SECTION THREE: Definitions, D. ANIMAL ROAMING AT LARGE to read as follows:

21. SECTION THREE: Definitions

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

D. ANIMAL ROAMING AT LARGE - any ~~animal~~ dog not under the restraint, confinement or control by ~~by , whether by voice or~~ leash, of the owner or owner's agent.

SECTION 3. Adding Chapter 21 SECTION TWELVE: Nuisance Animals, sub section D to read as follows:

21. SECTION TWELVE: Nuisance Animals

D. Any person owning, harboring or in charge of any dog, who allows such dog to defecate on any public beach, right-of-way, or other public property, or upon any private property without the permission of the owner of the property, shall immediately remove or cause to be removed such feces deposited by such animal and immediately dispose of the same in a sanitary manner. During the time that the dog is on the leash, the person shall carry the necessary equipment to remove such feces in a safe and sanitary manner.

SECTION 4. 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 5. 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 6. 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 Mal Holland and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda
Daniel Hughes
John Mulholland
Garr Reynolds
Ray Murphy

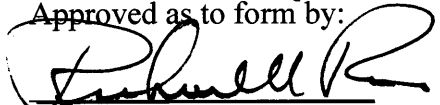
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DULY PASSED AND ENACTED this 3rd day of May, 1999.

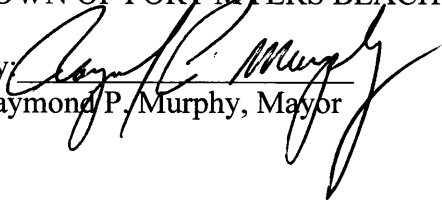
ATTEST:

By: 
Marsha Segal-George, Town Clerk

Approved as to form by:


Richard V.S. Roosa, Town Attorney

TOWN OF FORT MYERS BEACH

By: 
Raymond P. Murphy, Mayor