

ORDINANCE No. 97- 2

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE BY ADDING A CHAPTER TO BE NUMBERED 28, PROVIDING AUTHORITY; AMENDMENT; TITLE AND CITATION; DEFINITIONS; AREA OF ENFORCEMENT; MEANS OF ENFORCEMENT; REGULATIONS AND LOCATIONS FOR PARASAIL ACTIVITIES; UNLICENSED PARASAILING PROHIBITED; PAL APPLICATION; REGULATORY FEE; PAL RENEWAL; DISPLAY OF PAL; CONDITIONS OF PAL USE; TRANSFERABILITY OF PAL: GRANDFATHER CLAUSE; INSURANCE; PENALTY; 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. That the Town of Fort Myers Beach Land Development Code is hereby amended to add CHAPTER 28, to read as follows:

28-1 -- 28-43 Reserved.

28-44 Title and Citation

This ordinance shall be known and cited as the Town of Fort Myers Beach Parasailing Ordinance.

28-45 Definitions

For the purposes of this Ordinance, the following terms, phrases, words and 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 number include the singular number, and the words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Bather" means any person who is in the same water as a vessel, whether said person is swimming, wading or engaged in any other activity in the water.

B. "Beach" means the soft sand portion of land lying seaward of a seawall or line of permanent vegetation and seaward of the mean high water line.