

ORDINANCE No. 97- 3

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH HAZARDOUS MATERIAL INCIDENT COST RECOVERY ORDINANCE, PROVIDING AUTHORITY; SHORT TITLE; INTENT AND PURPOSE; RULES OF CONSTRUCTION; DEFINITIONS; HAZARDOUS MATERIALS INCIDENTS-LIABILITY FOR COSTS; COLLECTION AND DISBURSEMENT OF FUNDS FOR COST RECOVERY; CONFLICT WITH OTHER LAWS; SEVERABILITY; REPEALING CLAUSE 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. Short Title.

This ordinance shall be known and may be cited as the "Town of Fort Myers Beach Hazardous Material Incident Cost Recovery Ordinance."

SECTION 3. Intent and Purpose.

This ordinance is intended to provide for recovery by the Town of Fort Myers Beach, its agencies or agents, the Lee County Sheriff's Office, other law enforcement agencies, and the Fort Myers Beach Fire Control District, of costs incurred in response and recovery efforts related to hazardous material incidents. In addition, it is intended to provide for cost recovery for damages to natural resources, and government-owned properties.

SECTION 4. Rules of Construction.

The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

- (1) In case of any difference of meaning or implication between the text of this ordinance and any caption, or heading, the text shall control.
- (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (3) Words used in the present tense shall include the future; the words in the singular number shall include the plural, and