

ORDINANCE 05- 13

AN ORDINANCE AMENDING ORDINANCE NO. 99-09 THE TOWN OF FORT MYERS BEACH TIMES SQUARE M.S.B.U. ORDINANCE; PROVIDING AUTHORITY; AMENDMENT TO SECTION 6. ADVISORY COUNCIL; 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. Section 6. Advisory Council Of Ordinance No. 99-09 The Town Of Fort Myers Beach Times Square M.S.B.U. is amended to read as follows:

SECTION 6. Advisory Council. There is hereby established an advisory council to the board of directors comprised of not less than five nor more than ~~nine~~ seven property owners or persons designated by a property owner as their agent (one each) of the district who shall not be salaried officials of the town. The number of members of this advisory council in existence upon the effective date of this Ordinance shall be reduced to seven (7) by attrition. Therefore, upon the resignation, disqualification, or death of a member, or expiration (if any) of a member's term, no person shall be added to the membership of advisory council until the total membership of this council is reduced to seven (7) persons. At that time, the normal process of selection of new members shall resume.

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 upon the ordinance establishing the Town Of Fort Myers Beach Times Square M.S.B.U. Ordinance 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 Rynearson and seconded by Council Member Van Duzer and, upon being put to a vote, the result was as follows:

Howard Rynearson	<u>Aye</u>
Don Massucco	<u>Aye</u>
Bill Thomas	<u>Absent</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Garr Reynolds	<u>Aye</u>

DULY PASSED AND ENACTED this 18th day of April, 2005.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk

By: Bill Van Duzer
W. H. "Bill" Van Duzer, Mayor

Approved as to form by:

Anne Dalton
Anne Dalton, Interim Town Attorney