

ORDINANCE No. 97- 8

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH VESSEL CONTROL AND WATER SAFETY ORDINANCE, PROVIDING AUTHORITY; AMENDMENT TO DEFINITION OF FLOATING VENDOR; AMENDMENT TO AREA OF ENFORCEMENT; 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 SECTION 3. Definitions, of the "Town of Fort Myers Beach Vessel Control and Water Safety Ordinance" is hereby amended to read as follows:

CHAPTER 76. SECTION 3. 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.

C. "Floating Vendor" means a vessel represented as a place of business a professional or other commercial enterprise which is used to solicit conduct or canvass for the sale or rental of any merchandise, services, goods or property of any kind or character. This term does not include the following types of vessels:

1. A vessel which in and of itself is rented;
2. Any parasail operation using self contained operational equipment so that launching or landing does not occur on land;
3. A vessel maintained in a permanent location over privately owned or leased submerged bottom lands; or,
4. A vessel used for hire (i.e., charter boat, dive boat, dinner cruise boat, tour boat, water taxi, etc.) which is not used in any parasail operation.