

ORDINANCE No. 97- 11

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, TO BE KNOWN AS THE TOWN OF FORT MYERS BEACH REMOVAL OF NUISANCE ACCUMULATIONS ORDINANCE; PROVIDING AUTHORITY; TITLE AND CITATION; PURPOSE, INTENT AND SCOPE; DEFINITIONS; NUISANCE; ACCUMULATIONS ON PRIVATE PROPERTY; PENALTIES; SEVERABILITY; CONFLICTS 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. TITLE AND CITATION. This Ordinance shall be known and may be cited as the Town of Fort Myers Beach Removal of Nuisance Accumulations Ordinance.

SECTION 3. PURPOSE, INTENT AND SCOPE. The purpose of this ordinance is to provide an effective procedure to promptly notify landowners of the existence of nuisance accumulations of abandoned or lost personal property, trash, rubbish, refuse, or garbage located on their personal property. This ordinance is intended to direct and provide for the removal of nuisance accumulations on private property in a timely manner to preserve the health, safety and welfare of the citizens of Fort Myers Beach and to preserve and enhance the aesthetic value of the Town.

SECTION 4. DEFINITIONS. For purposes of this ordinance, the terms listed below shall have the following meanings unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense include the future, words in the plural include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

(1) LOST PROPERTY - means all tangible personal property which:

- (a) Does not have an identifiable owner: and
- (b) Is in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner: and
- (c) Has been mislaid on private property.

(2) GARBAGE - means any accumulation of animal, fruit or vegetable waste resulting from the preparation, use, cooking, processing, handling, sale, consumption, serving or storage of meats, fish, fowl, fruits, vegetables other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or