

29
ORDINANCE No. 02-~~29~~ ~~08~~

AN ORDINANCE AMENDING CHAPTER 14 OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY; CHANGING THE PERMITTED BEACH RAKING TIME BY AMENDING SEC. 14-6, BEACH RAKING AND WRACK LINE POLICY; CHANGING THE PERMITTED BEACH RAKING TIME BY AMENDING SEC. 14-78, ADDITIONAL REGULATIONS AFFECTING SEA TURTLE NESTING HABITAT; PROVIDING SEVERABILITY; AND ESTABLISHING AN 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, Chapters 163 and 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. CHANGING THE PERMITTED BEACH RAKING TIME BY AMENDING SEC. SEC. 14-6, "BEACH RAKING AND WRACK LINE POLICY." Subsection (c)(4)a. of Sec. 14-6 regarding permit conditions for mechanical beach raking is amended to read:

Sec. 14-6. Beach raking and wrack line policy.

(c) Any mechanical beach raking requires a permit from the town:

(4) The director shall attach site specific conditions to the permit relating to identifying, designating, and protecting that existing vegetation and other natural features which are not to be removed in accordance with this ordinance. These conditions are in addition to the following standard permit conditions for all mechanical beach raking permits:

a. During the sea turtle nesting season (May 1 through October 31), mechanical beach raking activities shall be confined to daylight hours and shall not begin before ~~8:00~~ 9:00 A.M. or before completion of daily

monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first (see requirements in § 14-78 74(b)).

SECTION 3. CHANGING THE PERMITTED BEACH RAKING TIME BY AMENDING SEC. SEC. 14-78, “ADDITIONAL REGULATIONS AFFECTING SEA TURTLE NESTING HABITAT.” Subsection (b)(2), “Mechanical beach raking,” of Sec. 14-78 is amended to read:

Sec. 14-78. Additional regulations affecting sea turtle nesting habitat.

(b) (2) Mechanical beach raking. All mechanical beach raking requires a town permit in accordance with § 14-6. During the nesting season, mechanical beach raking:

- a. must not occur before ~~8:00~~ 9:00 A.M. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first, and
- b. must not disturb any sea turtle or sea turtle nest and must avoid all staked sea turtle nests by a minimum of 10 feet.

SECTION 4. 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.

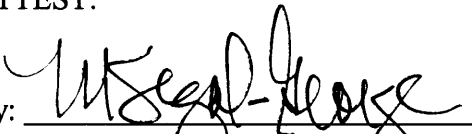
SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Bill Thomas and seconded by Council Member Bill Van Duzer and, upon being put to a vote, the result was as follows:

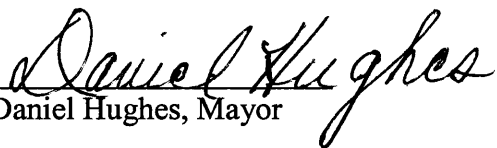
Howard Rynearson	<u>Aye</u>
Daniel Hughes	<u>Aye</u>
Bill Thomas	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>
Terry Cain	<u>Aye</u>

DULY PASSED AND ENACTED this day of September 23 , 2002.

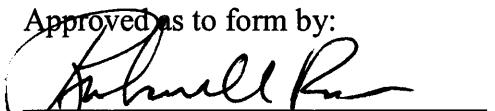
ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney