

TOWN OF FORT MYERS BEACH
ORDINANCE NO. 97-5

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH
FLORIDA, TO BE KNOWN AS THE TOWN OF FORT
MYERS BEACH PARKS AND RECREATION ORDINANCE
PROVIDING AUTHORITY; TITLE AND CITATION;
PURPOSE; APPLICATION; DEFINITIONS; CARE OF
BUILDINGS AND OTHER PROPERTY; PICNICKING AND
CAMPING; SERVICE FEES CONCESSIONS;
CONCESSIONS, VENDING AND PEDDLING;
ADVERTISING AND COMMERCIAL SIGNS; ANIMALS;
REGULATED BEHAVIOR; INTOXICATING BEVERAGES
ILLEGAL SUBSTANCES; PARKING; TRAFFIC; VESSEL
CONTROL; SANITATION; PARK RULES AND OPERATING
POLICY; EXPULSION; PENALTY; EFFECT; CONFLICT;
SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE
DATE

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as
follows:

SECTION ONE: 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 TWO: Title and Citation

This ordinance shall be known and cited as the Town of Fort
Myers Beach Parks and Recreation Ordinance.

SECTION THREE: PURPOSE

The purpose of this Ordinance is to efficiently utilize Town
parks for recreation purposes, preserve park resources, and
provide for the protection and safety of lives and property on
and within the parks and recreation facilities under the
jurisdiction and control of the Town of Fort Myers Beach,
Florida.

SECTION FOUR: APPLICATION

These rules and regulations shall apply to all persons on
any part of the property comprising the parks and adjacent
littoral waters presently or hereinafter under the jurisdiction
and control of the Town of Fort Myers Beach, Florida.

SECTION FIVE: DEFINITIONS

The following terms when used in this Chapter shall have the
meanings ascribed to them in this section:

A. BATHING BEACH BATHING AREA OR SWIMMING AREA Any beach or pool designated as such in any park, including the actual sand beach, if any, and the adjoining land and Littoral waters used for bathing and swimming

B. IDLE SPEED "Idle speed" means the lowest speed at which a vessel can operate and maintain steering control. The actual speed will depend upon the design of the vessel and on the vessel's load, wind direction and speed, and the sea conditions. Generally , it will be between 1 and 3 miles per hour for outboard and inboard/outboard vessels, between 2 and 5 miles per hour for fixed shaft/rudder vessels, and the minimum speed merely necessary to effectively traverse breaking water for personal watercraft. For a non-motor propelled vessel, idle speed means that speed necessary for steerageway.

C. PARKS The term all "Parks" operated and maintained by the Town are defined to mean, parks, wayside parks, parkways, preserves and open spaces, playgrounds, recreation facilities and fields, museums, auditoriums, ranges and buildings, lakes, streams, canals, lagoons, waterways, pools, causeways, bridges, roadways, marinas, piers, and abutting lands and adjacent littoral waters, which are used for recreational purposes, or as parks, and the pertinent rights-of-way presently under or hereinafter acquired and placed under the jurisdiction, control and administration of the Town, and all public service facilities located on grounds, buildings, and structures in the Town which are under the control of or assigned for upkeep, maintenance or operation by the Town.

D. PARKING AREAS Any designated part of a park road or area contiguous thereto set apart for the standing or stationing of any vehicle.

E. PARK PROPERTY The term "park property" when used hereinafter is defined to cover all property, real or personal, in or on parks.

F. PARK ROADS All surfaced areas designated for vehicular traffic; all other surfaced or cleared areas are classified as a form of trail or path.

G. PERSON The word "person" includes natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, including any trustee, receiver, assignee, or similar representative thereof, corporations and all other groups and combinations.

H. SUPERVISOR "Supervisor" is a person immediately in charge of any park or recreation area and its activities, and to whom all park or recreation attendants of such area are responsible.

I. TOWN MANAGER "Town Manager" is the Town Manager of the Town of Fort Myers Beach or a designee.

J. VEHICLE "Vehicle" is any wheeled conveyance, whether motor powered, animal-drawn, or self propelled. The term shall include any trailer in tow, of any size, kind or description. An exception is made for baby carriages, invalid wheelchairs, and vehicles in the service of the Town parks.

K. VESSEL Any motorized, wind driven, or paddle-propelled means of water related transportation within a Town park or upon park littoral waters. The term specifically includes, but is not limited to, personal watercraft, commonly known as jet skis. The term shall not include rafts, floats or floatation devices whether of canvas, rubber, styrofoam, or other substances intended or capable of assisting in the floatation of a person on or in the water.

SECTION SIX: CARE OF BUILDINGS AND OTHER PROPERTY

A. GENERAL RULES No person shall willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with, any park building, bridge, public rest room and washroom facility, table, bench, fireplace or other cooking facility, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof or equipment thereon, park sign, notice or placard whether temporary or permanent, monument, stake, post, or other boundary marker, or other structure or equipment, facility or park property or appurtenance whatsoever, either real or personal.

B. REST ROOMS AND WASHROOMS All persons are expected to cooperate in maintaining rest rooms and washroom facilities. A person over the age of six (6) years shall only use the rest room and washrooms designated for that persons gender.

C. USE OF TOWN RECREATION CENTERS AND COMMUNITY BUILDING Buildings located in town parks shall not be used unless permission has been granted by the Town manager pursuant to the rules and regulations adopted by the Town Council. Buildings are to be used for the purpose of civic meetings, social gatherings, public functions and recreational activities. Except on an emergency basis, buildings may not be used for the purpose of conducting church worship services or other functions of this nature. Buildings are to be rented for a fee as established by the Town Council in the administrative code to cover cost of maintenance and administration.

D. REMOVAL OF NATURAL OBJECTS No person shall dig or move with the intent to remove, or remove from any park area, any beach sand, whether submerged or not, or any soil, rocks, stones, trees, shrubs, or plants, downed timber or other wood or materials, or make any excavation by tools, equipment, blasting

or other means or agency, or construct or erect any building or structure of whatever kind whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder by the Town manager.

E. PROTECTION OF VEGETATION No person shall cut, carve or injure the bark, limbs or branches or mutilate trees in any way, or pick the flowers or seeds of any tree, plant or shrub, nor shall any person dig in or otherwise disturb grass areas, or any other way injure or impair the natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any tree or plant, or attach any rope, wire or other contrivance thereto, whether permanent or temporary in character or in use.

No person shall transplant or remove any tree or plant or part thereof, or collect or remove flowers, except that scientists or students of botany may procure from the Town Manager special permission to collect plant specimens.

No person shall tie or hitch a horse or any other animal to any tree or plant.

F. CLIMBING TREES. ETC. No person shall climb any tree or walk, or stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

G. FIRE CONTROL No person shall build or attempt to build any fire or fire against or adjacent to any park building or other structure, tree or any park property whatever or against or near the property of others. Fires are authorized only in fireplaces, grills, or specially designated areas where fires might otherwise be provided for and under such regulations as set forth by the Town manager. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

H. PROTECTION AND PRESERVATION OF WILDLIFE No person shall take, molest, harm, frighten, kill, trap, hunt, chase, tease, shoot, or throw missiles at any animal, wild animal, mammal or echinoderms such as starfish and sand dollars, nor shall any person remove or have in their possession the young of any wild animal, or the eggs or nests, or young of any reptile or birds. Further it is prohibited to take live shellfish from Park property without proper authorization from the State of Florida. No person shall give or offer, or attempt to give to any animal, or wild animal, any food item, tobacco, alcohol, foreign object or other known noxious substances.

I. FIREARMS No person shall use, carry, or possess firearms of any description, or air-rifles, spring-guns, bow and

arrows, sling or any other form of weapon potentially injurious or harmful to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden without special permission from Town Manager.

J. BATHING AND SWIMMING Bathing and swimming is done at the risk of the park user. No person, regardless of age or manner of dress, shall swim, bathe or wade in any park waters or waterways designated as "no swimming areas." Swimming activities shall comply with such regulations as to the hours of the day and safety limitations or such use as set by the Town Manager. Areas where swimming is permitted will be designated by official signs and markings.

No person shall frequent any park, waters or bathing beach for the purpose of swimming or bathing, or congregate there, except between such hours of the day as may be designated by the Town manager for such purposes for each individual area.

In each and every bathing area, all persons shall be so covered with a bathing suit so as to prevent any indecent exposure of the person. No person shall dress or undress on any beach or in any vehicle, toilet or other place in any park area, except at such bathing houses or structures as may be provided and maintained by the park for the purpose. No person in a park shall fail to abide by the instructions of any lifeguard or attendant on duty pertaining to safety, the playing of games, fishing from the beaches or other waterfront areas, and other rules and regulations as indicated. Swimmers are cautioned that lifeguards may not always be present.

No person shall bring glass containers to any beach or bathing area.

K. FISHING AUTHORIZATION Fishing is authorized in park waters in accordance with Florida law, the rules of the Florida Department of Natural Resources and the Florida Game & Fresh Water Fish Commission, and provisions of local ordinance except as follows:

(a-1) SPECIFIC PROHIBITIONS. No person shall fish off-shore from any type of vessel or from the beach within 200 of any "swimming only" exclusion area. Nor shall any person fish in any area where bathing is permitted, specifically designated as a "no fishing" area. Fishing with nets, spears, snatch hooks and gigs is prohibited at all times. No person shall take live shellfish from park property without proper authorization from the State of Florida.

(a-2) COMMERCE PROHIBITED. No person on park property shall engage in commercial fishing, or the buying or selling of fin fish or shellfish caught in any waters.

SECTION SEVEN: PICNICKING AND CAMPING

A. PICNIC AREAS. No person shall picnic or lunch in a place other than designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

B. AVAILABILITY. No person shall violate the regulation that use of the individual fireplaces together with tables and benches, generally follows the rule of "first come, first served."

C. NON-EXCLUSIVE. No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded. This prohibition does not apply to rented or reserved facilities,

D. DUTY OF PICNICKER. No person shall leave a picnic area before a fire, if any, is completely extinguished and before all trash and refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

E. CAMPING. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, except in designated camping areas, nor shall any person leave in a park, after closing hours, any movable structure or vehicle to be used or that could be used for such purpose, except by special written permit granted by the Town manager.

F. GAMES. No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, and soccer is prohibited except on the fields and courts or areas provided therefor. Roller-skating and skateboarding shall be confined to those areas specifically designated for such activity.

G. HORSEBACK RIDING. No person shall ride a horse except on designated trails where permitted, horses shall be thoroughly trained and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

SECTION EIGHT: SERVICE FEES/CONCESSIONS

The Town Council may by Resolution establish reasonable fees for the use of any park facility or authorize the procurement of park concessionaires.

SECTION NINE: CONCESSIONS, VENDING. AND PEDDLING

No person shall operate a concession, or expose or offer for sale any service, article or thing; nor shall any person station or place on park property any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire or other person engaging in such activities as authorized by the Town Manager. All properly authorized activities under this section are subject to reasonable regulation by the Town manager.

SECTION TEN: ADVERTISING AND COMMERCIAL SIGNS

No person shall announce, advertise, or call the public attention in any way to any article or service for sale or hire. No person shall paste, glue, tack or otherwise post any commercial sign, placard, advertisement, or inscription whatever; nor shall any person erect or cause to be erected any commercial sign whatever on any public lands or highways or roads adjacent to a park. No person shall distribute any handbills or circulars, except by special written permit issue by the Town manager.

SECTION ELEVEN: ANIMALS

OMITTED

SECTION TWELVE: REGULATED BEHAVIOR

A. SLEEPING - Except for authorized campers in designated camping areas, no person shall sleep overnight in any area of a Town park, including beaches, lawns, fields and wooded areas

B. FIREWORKS AND EXPLOSIVES - No person shall bring, possess, set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highways adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

C. RESERVATION OF FACILITIES - No person shall occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the Town Manager for the use of specific persons or groups of persons. Nor shall any person occupy an area

designated and set aside for the use of the handicapped,- except for those persons attending said handicapped persons.

D. ALMS No person shall solicit alms or contributions for any purpose, whether public or private, without the express written permission of the Town Manager.

E. FIRES No person shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Town manager. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within an park area or on any highway, road or street abutting or contiguous thereto.

F. SMOKING No person shall smoke within the confines of those recreation centers and community buildings designated by the Town manager.

G. CLOSED AREA No person shall enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

H. GAMES OF CHANCE No person shall gamble, or participate in or abet any game of chance.

I. SURF OR SKI No person shall surf or ski at any public beach not designated specifically for that purpose. Body surfing is permitted.

J. SIGNS No person shall carry on or engage in any activity which is expressly prohibited by a posted sign.

K. LOITERING AND BOISTEROUSNESS No person shall sleep or protractedly lounge on park seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

L. EXHIBIT PERMITS No person shall fail to produce and exhibit any permit from the Town manager that he claims to have upon request of any authorized person who shall desire to inspect the same.

M. INTERFERENCE WITH PERMITTEES No person shall disturb or interfere with any person or party occupying any area, or participating in any activity, under the authority of a permit

SECTION THIRTEEN: INTOXICATING BEVERAGES/ILLEGAL SUBSTANCES

A. GENERAL PROHIBITION No person shall possess, consume, use, sell or distribute alcoholic or intoxicating beverages, illegal substances in any park. Further, no person shall enter or remain in any park under the influence of alcohol, other intoxicants, or illegal substances.

A person under a written contract with the Town may sell, serve and/or permit to be sold or served beer and wine at events designated by the Town, and persons may consume said beer and wine sold therein on the premises only without violating the provisions of this section. Notwithstanding, the foregoing, the Town Council is hereby authorized to designate by resolution for a one-time event any recreation facility wherein the sale and consumption of alcoholic beverages may be allowed when the private group making application for the resolution must secure a permit or license authorized by Chapter 561, Florida Statutes. The Town Manager may place restriction or limitation.

SECTION FOURTEEN: PARKING

A. **PARKING SPACE** The Department shall provide and mark off individual parking spaces to be used by patrons of park facilities. No person shall park any vehicle in any place other than that provided for by the Department nor shall such person park in the provided parking area except while such person is using park facilities. Parking shall be within the delineated area of one parking space.

B. **NIGHT PARKING** No person shall leave a vehicle standing or parked at night without lights clearly visible for at least 50 feet from both front and rear on any driveway or road area except when properly parked in a clearly designated parking area.

C. **DOUBLE-PARKING** No person shall double-park any vehicle on any road or parkway unless so directed by a park official or police officer.

SECTION FIFTEEN: TRAFFIC

A. **VEHICLE USE** No vehicle shall be operated on park property or on any area other than that area specifically designated for the use of such vehicle. Motor vehicles are prohibited on all beaches in Lee Town. Violations of any of the provisions in this section shall result in the offending vehicle to be removed at owner's risk and expense and to other penalties as provided by law.

B. **STATE MOTOR VEHICLE LAWS APPLY** No person shall fail to comply with all applicable provisions of the State Motor Vehicle Traffic Laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this and other ordinances.

C. **ENFORCEMENT OF TRAFFIC REGULATIONS** No person shall fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or

roads immediately adjacent thereto in accordance with the provisions of these or other applicable regulations.

D. OBEY TRAFFIC SIGNS No person shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control of vehicles.

E. SPEED OF VEHICLES No person shall ride or drive a vehicle at a rate of fifteen 15 miles an hour. except

F. OPERATION CONFINED TO ROADS No person shall drive any vehicle on any area except the paved or graded park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Town manager.

G. REPAIRS OR WASH VEHICLES No person shall repair or wash vehicles, except to make minor repairs in the event of a breakdown.

H. BICYCLES CONFINED TO ROADS No person shall ride a bicycle on other than a paved vehicular road or a path designated for that purpose.

I. BICYCLES OPERATION No person shall ride a bicycle other than on the right-hand side of the road, as close to the edge thereof conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

J. BICYCLES RIDER PROHIBITED No person shall ride any other person on a bicycle which is designed for use by only one person.

K. BICYCLES DESIGNATED RACKS No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

L. BICYCLES IMMOBILE No person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

M. BICYCLES NIGHT OPERATION No person shall ride a bicycle on any road between 20 minutes after sunset and before 20 minutes before sunrise without an attached headlight plainly visible a least two hundred (200) feet in front of and without a red tail light or red reflector plainly visible from at least thirty (30) feet from the rear of, such bicycle.

SECTION SIXTEEN: VESSEL CONTROL

(1) Operation in "Swimming only" Vessel Exclusion Areas. No person shall operate any vessel within 500 feet of a park beach on littoral water area adjacent thereto designated by posting as a "swimming Only" vessel exclusion area. Official patrol rescue craft, other official craft, and craft operating under emergency conditions shall be exempted from the provisions of this article while performing their official duties or operating in an emergency.

(2) Operation of Vessels Outside "Swimming Only" Vessel Areas. For areas not posted as "Swimming Only" exclusion areas, no person shall operate a vessel at a speed in excess of idle speed in any waters within 500 feet of a park beach or park marina, dock, pier, mooring, or similar park vessel landing facility.

(3) Vessel Operation and Safety. Every person operating any vessel on park littoral waters shall do so in a careful and prudent manner, taking into consideration the weather conditions and range of visibility, water turbulence, proximity to fishermen, bathers, water-skiers and other vessels, and all other attendant circumstances so as not to endanger the life, limb or property of any person. Operators shall comply with all Federal and State Laws and Local Ordinances providing for rules of the road and operation, and safety of vessels. Failure to operate a vessel in a careful and prudent manner as required by this provision shall constitute careless boating in violation of this Ordinance.

(4) Launching/Retrieval of Vessels. No person shall launch or retrieve a vessel from any park property which is not designated specifically for that purpose.

(5) Public Docks. No person shall use the public docks for dockage or other purpose without first making arrangements for such accommodation with the Town manager or his/her designee, who shall assign space and collect reasonable rental charges in conformity with established regulations and fees.

(6) Prohibition During closed Hours. No person shall launch, retrieve, dock or operate any vessel within a park or littoral waters after the park is closed.

SECTION SEVENTEEN: SANITATION

A. POLLUTION OF WATERS No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, marsh, swamp, stream, bay, gulf or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid.

B. REFUSE: AND TRASH No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes,

cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such materials shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds' thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such materials shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

SECTION EIGHTEEN: PARK RULES AND OPERATING POLICY

A. GENERAL RULES All persons having entered on or into any part of any park within the Town shall be governed by this ordinance, the reasonable rules and regulations approved by the Town Council and issued and published by the Town Manager and by orders, directions and instructions of the Town Manager implementing this Ordinance or the approved rules.

B. HOURS Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information

C. CLOSED AREAS Any section or part of any park may be declared closed to the public by the Town manager at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise). Parks may be closed entirely or for certain uses, as the Town manager shall find reasonably necessary to protect the public health, welfare and safety.

D. A PERMIT SHALL BE OBTAINED FROM THE TOWN MANAGER

APPLICATION A person seeking issuance of a permit hereunder shall file an application with the Town manager. The application shall state:

(a-1) The name and address of the applicant;

(a-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

(a-3) The day, hours and purpose for which the permit is desired;

(a-4) The park or portion thereof for which such permit is desired;

(a-5) An estimate of the anticipated attendance;

(a-6) Any other information which the Town manager shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

STANDARDS FOR ISSUANCE The Town Manager may issue a permit unless it is determined that there is reasonable probability:

(b-1) That the proposed activity or use of the park will interfere with or detract from the general public enjoyment of the park;

(b-2) That the proposed activity and use will interfere with or detract from the promotion of public health, welfare, safety and recreation;

(b-3) That the proposed activity or use is anticipated to incite violence, crime or disorderly conduct.

(b-4) That the proposed activity will entail unusual extraordinary or burdensome expense or police operation by the Town or by any City within which the park is located, given the nature of the proposed activity for which the permit is desired.

(b-5) That the facilities desired have been reserved for other use at the day and hour required in the application.

The Town manager may place reasonable conditions on permits issued and/or may refer the permit application to the Town Council for its approval in lieu of issuance or rejection of a permit hereunder.

E. EFFECT OF PERMIT A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

F. LIABILITY OF PERMITTEE The person or persons to whom a permit is issued shall be liable for any loss, damage or injure sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. Proof of insurance shall be required for ,vents when the Town manager decides it is necessary.

G. REVOCATION The Town Manager shall have the authority to revoke a permit upon finding of violation of any rule or ordinance or upon good cause shown.

SECTION NINETEEN: EXPULSION

Any person violating any of the provisions of this Ordinance shall be subject to expulsion from the park.

SECTION TWENTY: PENALTY

Violation of the provisions of this Ordinance or failure to comply with any of the requirements herein, shall, upon conviction thereof, be punished by a fine not to exceed \$500 or imprisonment in jail not to exceed 60 days or both, as provided

by law, and in addition shall pay all costs and expenses incurred by the Town in prosecuting the case.

SECTION TWENTY ONE: EFFECT

The provisions of this Ordinance, except as set forth herein, shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided for herein. This Ordinance shall not be construed as repealing or superseding any other Ordinance or law except as specifically provided below.

SECTION TWENTY TWO: CONFLICT

In the event that any provision in this Ordinance is found to be contrary to any other existing Town Ordinance covering the same subject matter, then in said event the more restrictive shall apply.

SECTION TWENTY THREE: 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 TWENTY FOUR: Repealing Clause

All ordinances or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

SECTION TWENTY FIVE: 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 FitzSimons and seconded by Council Member Murphy and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>no</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 7th day of April , 1997.

ATTEST:

By:

Marsha Segal-George
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By:

Anita T. Cereceda
Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney