

LEE COUNTY ORDINANCE NO. 96-08

A REVISER'S ORDINANCE AMENDING APPLICABILITY AND JURISDICTIONAL EFFECTIVENESS OF STATED LEE COUNTY ORDINANCES; PROVIDING THAT CERTAIN LEE COUNTY ORDINANCES SHALL BE APPLICABLE TO AND BE EFFECTIVE WITHIN THE TOWN LIMITS OF THE TOWN OF FORT MYERS BEACH, FLORIDA; AMENDING THOSE LEE COUNTY ORDINANCES TO PROVIDE APPLICABILITY TO AND EFFECTIVENESS WITHIN THE TOWN OF FORT MYERS BEACH RESPECTIVELY, TO-WIT: LEE COUNTY ORDINANCE NO. 75-09, AS AMENDED BY LEE COUNTY ORDINANCES NO. 76-09 AND 79-01, RELATING TO THE SALE, CONSUMPTION AND SERVICE OF ALCOHOLIC BEVERAGES AND THE EXPOSURE OF PRIVATE PARTS OR FEMALE BREASTS IN AN ESTABLISHMENT AT WHICH ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE OR CONSUMPTION ON THE PREMISES; LEE COUNTY ORDINANCE NO. 84-01, AS AMENDED BY LEE COUNTY ORDINANCES NO. 84-11 AND 93-06, RELATING TO THE PROHIBITION OF ANY PERSON FROM TRANSPORTING, CARRYING OR POSSESSING ALCOHOLIC BEVERAGES IN AN OPEN CONTAINER; LEE COUNTY ORDINANCE NO. 90-51, AS AMENDED BY LEE COUNTY ORDINANCES NO. 90-63 AND 91-16, RELATING TO VESSEL CONTROL AND WATER SAFETY, AREAS OF ENFORCEMENT, PROHIBITED WATER ACTIVITY AND PERSONAL WATERCRAFT RENTALS AND FLOATING VENDOR'S REGULATIONS; LEE COUNTY ORDINANCE NO. 90-03, AS AMENDED BY LEE COUNTY ORDINANCE 91-24, RELATING TO THE ESTABLISHMENT AND ENFORCEMENT OF THE WATER SHORTAGE PLAN; LEE COUNTY ORDINANCE 95-14, RELATING TO RECONSTRUCTION AND MITIGATION ACTIVITIES FOLLOWING A MAJOR OR CATASTROPHIC DISASTER; LEE COUNTY ORDINANCE NO. 88-24, RELATING TO MINIMUM STANDARDS OF HYGIENE FOR FOOD ESTABLISHMENTS AND FOOD VENDORS; LEE COUNTY ORDINANCE NO. 91-01, RELATING TO MANDATORY CONNECTION OF ON-SITE SEWAGE DISPOSAL SYSTEMS TO WASTEWATER COLLECTION SYSTEMS; LEE COUNTY ORDINANCE NO. 93-10, RELATING TO REMOVAL OF RECYCLABLE MATERIALS FROM COUNTY CONTAINERS FOR COLLECTION; LEE COUNTY ORDINANCE NO. 93-23, RELATING TO NUISANCE GRASSES AND WEEDS AND ENFORCING AUTHORITY; LEE

COUNTY ORDINANCE NO. 93-39, RELATING TO THE REGULATION AND DISPOSAL OF GARBAGE, REFUSE, TRASH, RUBBISH, LOST OR ABANDONED PROPERTY OR INOPERABLE VEHICLES, PROHIBITIONS ON DUMPING AND PROVIDING FOR REMOVAL; LEE COUNTY ORDINANCE NO. 95-08, AS AMENDED BY LEE COUNTY ORDINANCE NO. 95-19, RELATING TO GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL, CREATING MANDATORY SOLID WASTE COLLECTION AND DISPOSAL UNITS FOR SERVICE AREA, PROVIDING FOR RESIDENTIAL AND COMMERCIAL COLLECTION AND DISPOSAL, MANDATING SERVICES AND PAYMENT, LEVYING SPECIAL ASSESSMENTS AND COLLECTION; LEE COUNTY ORDINANCE NO. 95-10, AS AMENDED BY LEE COUNTY ORDINANCE NO. 95-20, RELATING TO LEE COUNTY GARBAGE AND SOLID WASTE DISPOSAL FACILITIES, CREATING A MUNICIPAL SERVICE BENEFIT UNIT WITHIN LEE COUNTY FOR COMMERCIAL SOLID WASTE SERVICE CUSTOMER DISPOSAL FACILITIES COSTS, ESTABLISHING THE GOVERNING BODY WITH POWERS AND DUTIES, LEVYING CERTAIN SPECIAL ASSESSMENTS FOR COSTS OF LEE COUNTY SOLID WASTE DISPOSAL FACILITIES FROM COMMERCIAL SOLID WASTE SERVICE PROPERTIES; LEE COUNTY ORDINANCE NO. 91-07, REGULATING SOLID WASTE TRANSPORTATION, REGULATION AND ENFORCEMENT; LEE COUNTY ORDINANCE NO. 88-54, RELATING TO ESCORT SERVICE BUSINESSES, DISCLOSURES AND PERMIT; LEE COUNTY ORDINANCE NO. 85-07, AS AMENDED BY LEE COUNTY ORDINANCE 88-17, RELATING TO THE LICENSING OF TRANSIENT MERCHANTS, PROHIBITIONS, PERMIT CRITERIA, REVIEW BOARD CREATION AND INVESTIGATION, CURRENT COMMERCIAL USE OF RIGHTS-OF-WAY; LEE COUNTY ORDINANCE NO. 94-32, RELATING TO THE SALE OF FIREWORKS, PROHIBITING FIREWORKS FROM BEING DISTRIBUTED, STORED OR SOLD AT ROADSIDE STANDS, PROVIDING FOR OUTDOOR DISPLAYS; LEE COUNTY ORDINANCE NO. 95-13, RELATING TO PERSONAL WATERCRAFT RENTAL VENDOR AND PARASAILING LICENSE, RELATING TO THE UNLICENSED RENTAL OF PERSONAL WATERCRAFT OR PARASAILING, PROVIDING FOR FEES, LICENSE AND LICENSE CONDITIONS, AREAS AND MEANS OF ENFORCEMENT; LEE COUNTY ORDINANCE

91-29, RELATING TO UNIFORM TRAFFIC CONTROL, COUNTY PARKING REGULATIONS, PROHIBITED VEHICULAR ACTIVITIES IN SPECIFIED PLACES, DISABLED PERSONS PARKING, POSTING OF SIGNS, VIOLATIONS AND ENFORCEMENT; LEE COUNTY ORDINANCE NO. 94-27, PERTAINING TO THE TOWING OF VEHICLES PARKED ON PRIVATE PROPERTY, TOWING AND REMOVAL OF VEHICLES FROM PRIVATE PROPERTY WITHOUT CONSENT OF THE OWNER, REGULATION OF SERVICE RATES AND INSURANCE REGULATIONS; LEE COUNTY ORDINANCE NO. 93-15, AS AMENDED BY ORDINANCE 94-17, RELATING TO NOISE CONTROL, PROVIDING FOR CRITERIA FOR MAXIMUM PERMISSIBLE SOUND LEVELS, RELATING TO SPECIFIC PROHIBITIONS DURING CERTAIN HOURS FOR SOUNDS FROM RADIOS, TELEVISIONS, LOUDSPEAKERS, SOUND AMPLIFIERS AND OTHER MECHANICAL DEVICES OR INSTRUMENTS WHICH ARE PLAINLY AUDIBLE AND CRITERIA THEREFOR; LEE COUNTY ORDINANCE NO. 85-04, RELATING TO SLEEPING ON PUBLIC BEACHES, TERRITORIAL SCOPE, ENFORCEMENT AND REGULATION; LEE COUNTY ORDINANCE NO. 91-26, RELATING TO SPECIAL EVENTS AND REGULATING OUTDOOR ENTERTAINMENT EVENTS, LICENSING AND COMPLAINTS; LEE COUNTY ORDINANCE NO. 91-11, RELATING TO THE LEE COUNTY WELL CODE, PERMITTING CRITERIA, CONSTRUCTION, REPAIR AND PLUGGING OF WATER WELLS, ESTABLISHING A WELL CONSTRUCTION ADVISORY BOARD, TESTING AND ABANDONMENT OF WATER WELLS AND LICENSES; LEE COUNTY ORDINANCE NO. 95-18, RELATING TO SEXUALLY ORIENTED BUSINESS REGULATIONS, RELATING TO CLASSIFICATION OF BUSINESSES, PERMIT CRITERIA, ESTABLISHING PERMIT FEES AND INSPECTION OF SEXUALLY ORIENTED BUSINESSES, JUDICIAL REVIEW, PROHIBITING BACK ROOM LINGERIE MODELING, PROHIBITIONS REGARDING MINORS, ADVERTISING REGULATIONS, HOURS OF OPERATION, EXEMPTIONS AND PENALTIES, PROHIBITING STRADDLE DANCING AND OTHER SEXUAL ACTIVITIES AT SEXUALLY ORIENTED BUSINESSES, NOTICE REQUIREMENTS AND PENALTIES; PROVIDING FOR ORDINANCE FINDINGS, INTENT, SEVERABILITY, EFFECTIVE DATE AND SUNSET TERMINATION.

WHEREAS, Lee County has duly adopted county ordinances for the public's health, welfare, safety and benefit that apply to the unincorporated area of the county; and

WHEREAS, the area presently encompassed within the corporate limits of the Town of Fort Myers Beach was subject to said ordinances prior to the incorporation of the Town's area pursuant to Chapter 95-494, Laws of Florida (1995); and

WHEREAS, the Town presently has limited administrative and fiscal resources by which to implement and enforce as town ordinances those prior legislative acts of the county, found to be necessary to protect the public health, safety and welfare; and

WHEREAS, F.S. §165.093 provides that a county is to provide that assistance which is reasonably necessary in the formation and implementation of new municipalities; and

WHEREAS, the Town has requested and consented to the County amending said ordinances to continue county ordinance applicability and jurisdiction within the Town limits in order to provide necessary public health, safety and welfare legislation to the Town citizens as citizens of Lee County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY FLORIDA:

SECTION ONE: FINDINGS.

The above referenced statements in the preamble are hereby confirmed and incorporated herein as if set out further in this section at length. There is hereby found to be a public need to amend those county ordinances as provided herein to provide

continued applicability and effectiveness of same within the Town limits of the Town of Fort Myers Beach, Florida, as said town is legally described and set forth in Chapter 95-494, Laws of Florida, (1995).

SECTION TWO: INTENT.

It is the intent of the Lee County Board of County Commissioners to amend each and every ordinance as set out in the following sections to set forth and provide for ordinance applicability, effectiveness and enforcement within the town limits of the Town of Fort Myers Beach as such is described in Chapter 95-494, Laws of Florida (1995), to the same extent and in the same manner as if such Town area was within the unincorporated area of Lee County. Upon adoption of this ordinance, all such stated county ordinances will be applicable to, effective and enforceable within the Town limits for the period as further provided for herein.

SECTION THREE: GENERAL AMENDMENT

The Lee County ordinances as stated by number, style and general subject description set forth in the following sections are hereby amended to extend the ordinance coverage, applicability, effectiveness and enforcement to the Town of Fort Myers Beach, Florida, as created by Chapter 95-494, laws of Florida.

SECTION FOUR:

Lee County Ordinance No. 75-9, an ordinance prohibiting the exposure of private parts or female breasts in an establishment at which alcoholic beverages are offered for sale for consumption on the premises; prohibiting the use of any device or covering which simulates private parts or female breasts in an establishment at which alcoholic

beverages are offered for sale for consumption on the premises; prohibiting any person owning, maintaining, or operating an establishment at which alcoholic beverages are offered for sale for consumption on the premises from suffering or permitting, on the premises of said establishment, the exposure of private parts or female breasts or the use of any device or covering which simulates private parts or female breasts; legislative authorization; providing for penalties;

As amended by Lee County Ordinance No. 76-09, entitled an ordinance establishing and regulating the hours for the sale, consumption, service or permitting to be served, of alcoholic beverages and intoxicating liquors within the unincorporated areas of lee county by places holding a license under the state beverage department of Florida; providing that no alcoholic beverages or intoxicating liquors of any kind may be sold, consumed, served, or permitted to be served or consumed during the week hours (to include Sundays) of 2:00 a.m. and 7:00 a.m of the same day; providing for the prohibition of the on-premise consumption of alcoholic beverages of any kind within five hundred (500') feet of a church or school unless a special permit is first obtained; providing a standard to measure the five hundred (500') feet distance requirement; providing for the repeal of any ordinance or resolution in conflict herewith; repealing a 2,500 feet distance requirement from a church or school; providing for civil and criminal penalties; and

As amended by Lee County Ordinance No. 79-1, entitled an ordinance amending Lee County Ordinance No. 76-9; relating to the sale, consumption and service of alcoholic beverages; relating to special permits for on-premise consumption of alcoholic

beverages and prohibition of same within 500 feet of a church or school and providing for measurement criteria for said distances; amending the measurement requirement to provide same on a straight-line from the main entrance of on-premise consumption establishment to the property line of church or school; are hereby amended to include the Town of Fort Myers Beach and to be effective therein. SECTION FIVE:

Lee County Ordinance No. 84-1, an ordinance to prohibit any person from drinking or consuming alcoholic beverages on a semi-public parking lot or public way, parking lot, or beach and to prohibit the transporting, carrying, or possession of alcoholic beverages, except in the original package and with the seal unbroken, on a semi-public parking lot or public way, parking lot, or beach in the unincorporated area of Lee County; providing for exemption; providing for penalty;

As amended by Lee County Ordinance No. 84-11, an ordinance amending Lee County Ordinance No. 84-01 relating to drinking alcoholic beverages or possessing alcoholic beverages in public; amending definition of alcoholic beverage; providing exemptions; and

As amended by Lee County Ordinance No. 93-06, an ordinance amending Lee County Ordinance No. 84-01 relating to the prohibition of any person from transporting, carrying or possessing alcoholic beverages in an open container; providing that open container of alcoholic beverage while operating a vehicle shall be punishable, under F.S. Sec. 316.1936 as a non-criminal moving traffic violation; amending penalty section, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION SIX:

Lee County Ordinance No. 90-51, an ordinance relating to vessel control and water safety; providing for title, purpose and authority; providing for definitions; providing for areas of enforcement and means of enforcement; providing for vessel regulation including speed, careful and prudent operation required, areas of prohibited water activity, areas of special management and regulations for operation of personal watercraft; providing for regulations for personal watercraft rentals; providing for procedures to designate areas; providing exemptions; providing for penalty; providing for repealer, conflicts,

As amended by Lee County Ordinance No. 90-63, an ordinance amending Lee County vessel control and water safety Ordinance No. 90-51, so as to clarify certain section of the ordinance and readopt Section Six F. Relating to prohibited personal watercraft activity within waters of the Captiva Island shoreline; providing for amendments to Section Three C, Definition of Floating Vendor; Section Five, Means of Enforcement; Section Six C, Areas of Prohibited Water Activity; Section Six F, Areas of Prohibited Personal Watercraft Activity; and Section Nine C, Exemption for Commercial Vessels; and

As amended by Lee County Ordinance No. 91-16, an ordinance amending Lee County Vessel Control and Water Safety Ordinance No. 90-51, as amended, so as to clarify regulations for personal watercraft rentals and to regulate personal watercraft floating vendors; providing for amendments to Section Three, Definitions and Section Seven, Regulations and Locations for Personal Watercraft Rentals, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.



#### SECTION SEVEN:

Lee County Ordinance No. 90-03, an ordinance providing for local enforcement of the water shortage plan of the South Florida Water Management District; providing definitions; providing for application of ordinance; providing for enforcement and penalties;

As amended by Lee County Ordinance 91-24, which establishes local enforcement of the water shortage plan of the South Florida Water Management District; providing for a title; providing for amendments to definitions; creating permanent water restrictions, providing for amendments to declaration of water shortage, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.

#### SECTION EIGHT:

Lee County Ordinance No. 95-14, an ordinance repealing and replacing Lee County Ordinance No. 90-61 to better manage recovery, reconstruction and mitigation activities following a major or catastrophic disaster within the unincorporated areas of Lee County, Florida; providing for the purpose and intent of the ordinance; providing for jurisdiction; providing definitions; providing for the creation, composition, duties and responsibilities, duration, and chair of a disaster advisory council; providing for the creation, duration, duties and responsibilities of a post-disaster recovery task force and certain members thereof; providing for the composition and duties of an emergency review board; providing priorities for post-disaster redevelopment; providing priorities for essential services and facilities restoration; providing debris clearance, removal and disposal strategies; providing for determination of damage; providing for implementation

of a build back policy; providing for a declaration of an initial building moratorium and establishing related moratoria pertaining to building permit inspections, development orders and site plans providing provisions for moratoria; providing for emergency repairs; providing for an emergency permitting system; providing policies for economic redevelopment; providing guidelines for acquiring damaged property; providing for authority; and providing penalties is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

#### SECTION NINE:

Lee County Ordinance 88-24, an ordinance repealing and replacing Ordinance No. 74-11, relating to minimum standards of hygiene for food establishments and food vendors, stating the purpose of the ordinance, adopting sections of the Florida Administrative Code, setting forth definitions and permit requirements providing for non-transferability of permits, approval of plans, providing for a food hygiene certification program, providing for inspections, approval, revocation of permits, closing of establishments, control of unsafe food and drink, mobile and roadside food vendors; establishing a hearing review board; providing for appeal from orders, enforcement and penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

#### SECTION TEN:

Lee County Ordinance 91-01, an ordinance providing for the mandatory connection of on-site sewage disposal systems to publicly owned or investor-owned wastewater collection systems after notice that such a system is available; providing for

definitions; providing for an administrative waiver of the mandatory connection, providing for penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION ELEVEN:

Lee County Ordinance No. 93-10, an ordinance relating to removal of recyclable materials from county containers for collection; providing for definitions; providing for prohibitions; providing for penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWELVE:

Lee County Ordinance No. 93-23, an ordinance repealing and replacing Lee County Ordinance No. 86-05, as amended by Lee County Ordinance No. 88-42, relating to nuisance grasses and weeds; providing for repealer, providing for short title and territorial scope; providing for definitions, providing for nuisance declared; providing for prohibitions; providing for designation of investigating and enforcing authority; providing for procedures for implementation; providing for budget of funds; providing for civil remedies; and providing for conflict, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION THIRTEEN:

Lee County Ordinance No. 93-39, an ordinance amending and restating Lee County Ordinance No. 88-43, governing the regulation and disposal of garbage, refuse, trash, rubbish, lost or abandoned property or inoperable vehicles by prohibiting the

dumping of such material on private property; providing for removal of accumulations of refuse, trash, rubbish, lost or abandoned property or inoperable vehicles; amending the definition of nuisance accumulation; providing for a definition of inoperable vehicle; providing for prosecution before a hearing examiner; and providing for penalties, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION FOURTEEN:

Lee County Ordinance No. 95-08, as amended by Lee County Ordinance No. 95-19, an ordinance amending and restating Lee County Ordinance No. 86-14, as amended, relating to garbage and solid waste collection and disposal for Lee County; creating certain municipal service benefit units within Lee County to be known as mandatory solid waste collection and disposal units for service area; providing for the purpose of disposing of solid waste within their boundaries; establishing the governing body with powers and duties; providing for residential and commercial collection and disposal; mandating services and payment for same; levying special assessments and collection; prohibiting unlawful disposal; and penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION FIFTEEN:

Lee County Ordinance No. 95-10, as amended by Lee County Ordinance No. 95-20, an ordinance relating to Lee County Garbage and solid waste disposal facilities; creating a municipal service benefit unit within Lee County for commercial solid waste service customer disposal facilities costs; establishing the governing body with powers

and duties; levying certain special assessments for costs of Lee County solid waste disposal facilities from commercial solid waste service properties; providing for penalties, severability, supplemental authority, repeal of provisions of inconsistent ordinances, and effective date, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION SIXTEEN:

Lee County Ordinance No. 91-07, an ordinance regulating solid waste transportation within Lee County, Florida, providing for purpose and authority; providing for definitions; providing for regulation and enforcement; and providing for penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION SEVENTEEN:

Lee County Ordinance No. 88-54, an ordinance relating to escort service businesses, providing for definitions, providing for county permit to conduct business, providing for disclosure of escort service business records, providing for age limitation, providing for county license to be employed as an escort; and providing for penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION EIGHTEEN:

Lee County Ordinance No. 85-07, an ordinance relating to the licensing of transient merchants within Lee County; providing definitions; providing prohibition; providing exemptions; providing for a permit; providing for the content of applications; providing for a fee; permit not transferable; bond required; providing for service of process; background investigation required; creating the licensing review board;

providing for issuance or denial; providing for revocation of permit and criteria; providing one year duration of permit; requiring the display of permits; providing enforcement; and providing a penalty;

As amended by Lee County Ordinance No. 88-17, an ordinance amending the transient merchant ordinance, to provide for proper reference to the current commercial use of rights-of-way Ordinance, No. 88-11, as may be amended or replaced; to provide for conflict, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.

#### SECTION NINETEEN:

Lee County Ordinance No. 94-32, an ordinance amending and restating Lee County Ordinance No. 94-16, relating to fireworks and sparklers; providing a short title, applicability and purpose; providing for sale of fireworks; providing for definitions; prohibiting fireworks from being distributed, stored or sold at roadside stands; providing for outdoor display of fireworks, providing for pyrotechnic displays before a proximate ordinance; providing for penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

#### SECTION TWENTY:

Lee County Ordinance No. 95-13, an ordinance creating a personal watercraft rental vendor and parasailing license ordinance; providing for title, purpose and authority; providing definitions; prohibiting unlicensed rental of personal watercraft or parasailing; providing for application and regulatory fee; providing for annual license fee; providing for renewal and display of license; providing for conditions of licensing use by personal

watercraft vendors or parasailing operators; providing for transferability of the vendor license and a grandfather clause; providing for insurance, regulatory penalties and exemptions; providing for areas of enforcement and means of enforcement, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWENTY-ONE:

Lee County Ordinance No. 91-29, an ordinance relating to uniform traffic control enacting county parking regulations; providing for title; providing for definitions; providing for prohibited stopping, standing and/or parking in specified places; providing for parallel and angle parking regulations; providing for parking for certain purposes prohibited; providing for disabled persons parking; providing for posting of no parking signs in certain designated areas; providing for violations, enforcement, penalties; providing exercise of police power; establishing criteria in issuance of summons; providing for application; providing non-liability of county; providing for inclusion in the code; repealing Lee County ordinances 81-36, 86-03 and 90-20, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWENTY-TWO:

Lee County Ordinance No. 94-27, an ordinance of Lee County, Florida, pertaining to the towing of vehicles parked on private property; relating to the towing and removal of vehicles from private property without the consent of the registered owner or other person in control of the vehicle; providing for supplemental authority to F.S. §715.07, regulation of maximum service rates and minimum insurance regulations; definitions, intent and non-solicitation; and penalty, is hereby amended to include the Town of Fort

Myers Beach and to be effective therein.

SECTION TWENTY-THREE:

Lee County Ordinance No. 93-15, an ordinance amending and restating in its entirety the Lee County Noise Control Ordinance No. 82-32, as amended, so as to provide clarification and provide for various amendments; amending Section Three, Definitions; amending Section Six, Exceptions, to clarify that the sheriff's department may charge individuals with breach of the peace; adding Section Eight, Enforcement, to empower the sheriff's department with the enforcement of the ordinance; and amending Section Nine, Penalties;

As amended by Lee County Ordinance No. 94-17, an ordinance amending the Lee County Noise Control Lee County Ordinance No. 93-15, so as to revise the criteria for maximum permissible sound levels; to provide specific prohibitions during certain hours from sounds emanating from radios, televisions, loudspeakers, sound amplifiers and other mechanical devices or instruments which are plainly audible; and set forth criteria for plainly audible sound, are hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWENTY-FOUR:

Lee County Ordinance No. 85-04, an ordinance relating to sleeping on public beaches; providing territorial scope; providing for means of enforcement; providing for legislative intent; providing for regulation of sleeping on beaches being prohibited except between certain times; and providing for penalty, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.



SECTION TWENTY-FIVE:

Lee County Ordinance No. 91-26, an ordinance creating the Lee County special events ordinance regulating outdoor entertainment events; providing for repealer; defining outdoor entertainment events; establishing license requirements and application procedures; requiring proof of insurance and proof of a bond; providing for the filing of complaints; providing for revocation of licenses; providing for enforcement, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWENTY-SIX:

Lee County Ordinance No. 91-11, an ordinance repealing Ordinance No. 87-7 and restating and establishing the Lee County Well Code; relating to administration, permitting standards, construction, repair, and plugging of water wells; establishing a well construction advisory board; providing permitting procedures; providing regulations relating to test wells, testing reports and inspections, water well permits, construction and abandonment of water wells; providing for licensing; providing for supplemental regulations; providing for specialty licenses; providing for penalties, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWENTY-SEVEN:

Lee County Ordinance No. 95-18, an ordinance of the Board of County Commissioners of Lee County, Florida, to be entitled the "Lee County Sexually Oriented Businesses Regulation Ordinance; providing for purpose and intent; providing for applicability to the unincorporated areas of Lee County, Florida; providing for definitions; providing for classification of sexually oriented businesses; providing for the requirement

of a permit for operating sexually oriented businesses; providing for investigation of applications for permits; providing procedures for the issuance or denial of permits; providing for an annual permit fee; providing for inspection of the premises of sexually oriented businesses; providing for expiration of permits; providing for suspension of permits; providing for revocation of permits; providing for judicial review of permit denial, suspension or revocation; providing for restrictions regarding the transfer of permits; prohibiting back room lingerie modeling; providing for prohibitions regarding minors and sexually oriented businesses; providing for advertising regulations; providing for hours of operation; prohibiting "straddle dancing" and other sexual activities at sexually oriented businesses; providing for exemptions; providing for criminal penalties and additional equitable and injunctive relief; providing for consent by permittees to the provisions of this ordinance and to county, federal, state and municipal regulations; providing for immunity from prosecution; providing for notice requirements under this ordinance; and providing for severability, is hereby amended to include the Town of Fort Myers Beach and to be effective therein.

SECTION TWENTY-EIGHT: SEVERABILITY

The provisions of this ordinance are severable and it is the legislative intention to confer upon the whole or any part of the ordinance the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION TWENTY-NINE:    CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Lee County ordinance or Florida Law or Statute, the more restrictive will apply.

SECTION THIRTY:    CODIFICATION, INCLUSION IN CODE AND  
SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Lee County Code; and that sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

SECTION THIRTY-ONE:    SUNSET PROVISION/REPEALER

This Reviser's Ordinance amendment specifically amending existing Lee County Ordinances to provide applicability to the Town of Fort Myers Beach, Florida, shall be deemed repealed and of no further force or effect as of October 1, 1996. This provision shall not affect the continued applicability or effectiveness of said county ordinances to the unincorporated area of Lee County, and said ordinances shall remain in full force and effect as to unincorporated Lee County.

SECTION THIRTY-TWO:    EFFECTIVE DATE

This ordinance shall take effect immediately upon "filing" \$125.66 as revised with the Secretary of State of Florida.

The foregoing Ordinance was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner John Manning and, being put to a vote, the vote was as follows:

JOHN E. MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN E. ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 3rd day of April, 1996.

CHARLIE GREEN, CLERK  
LEE COUNTY, FLORIDA

By: Deputy Clerk  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS

By: Chairman  
Chairman

LEE COUNTY ATTORNEY'S OFFICE  
APPROVED AS TO FORM:

By: James Hager  
County Attorney

**Charlie Green**  
Clerk Of Circuit Court  
Lee County, Florida

STATE OF FLORIDA

COUNTY OF LEE

I, Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk to the Board of County Commissioners, Lee County, Florida, do hereby certify that acknowledgment has been received from the Department of State advising that Ordinance No. 96-08 was filed in that office on the 10th day of April, 1996. Said Ordinance was adopted by the Board of Lee County Commissioners at their meeting held on the 3rd day of April, 1996, and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 12th day of April, 1996.

CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By

*Wilma C. Pope*  
Deputy Clerk