

ORDINANCE No. 18-18

AN ORDINANCE AMENDING REGULATIONS IN CHAPTER 2, OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE WHICH IS TITLED "ADMINISTRATION;" ARTICLE V, CODE ENFORCEMENT; DIVISION 2. SPECIAL MAGISTRATE; AMENDING SECTION 2-421, CREATION OF POSITION OF SPECIAL MAGISTRATE; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. ADOPTION OF AMENDMENTS TO CHAPTER 2 OF THE LAND DEVELOPMENT CODE. Chapter 2 of the Town of Fort Myers Beach land development code, titled "ADMINISTRATION" is hereby amended. Entirely new language is indicated with underlining. Language being repealed from the existing code is indicated with ~~strike-throughs~~. Existing language being retained is either omitted entirely or is shown without underlining or strike-throughs. This ordinance amends the following sections of Chapter 2:

Division 2. Special Magistrate

Sec. 2-421. Creation of position of special magistrate.

The position of special magistrate is hereby created pursuant to F.S. ch.162 for the intent and purpose set forth in this code. ~~Special magistrate will include the officer(s) appointed by the Town Council, including but not limited to any special magistrates pro tempore, with the power set forth in § 2-420 and § 2-426 of this chapter.~~

Special magistrates shall be appointed by the Town Council. If the special magistrate serves other local governments as a special magistrate, the special magistrate shall be appointed to serve in an ex-officio capacity. Such service to other local governments does not create duties inconsistent with serving as a special magistrate to the Town of Fort Myers Beach. A special magistrate's term of appointment shall be limited to two years. A special magistrate may be reappointed by the Town Council. If a special magistrate is unable to hear a case due to a voting conflict or conflict of interest, the case may be assigned to another special magistrate, who shall also serve in an ex-officio capacity.

SECTION 2. 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 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 shall affect the validity of all other provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

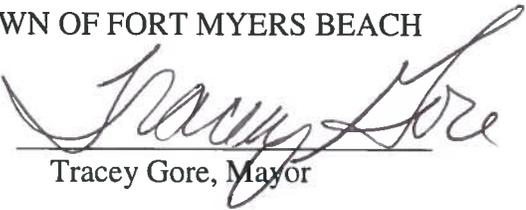
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Cereceda and seconded by Vice Mayor Shamp, and upon being put to a roll call vote, the result was as follows:

Tracey Gore, Mayor	aye	Joanne Shamp, Vice Mayor	aye
Anita Cereceda, Council Member	aye	Dennis Boback, Council Member	aye
Bruce Butcher, Council Member	aye		

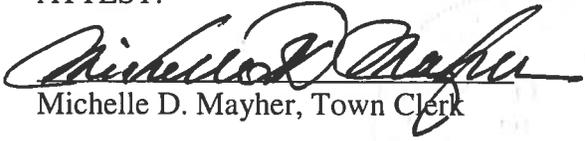
ADOPTED this 19th day of November 2018 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

By:


Tracey Gore, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM. *only*


Peterson Law Group, Town Attorney