

ORDINANCE No. 97- 16

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH PROVIDING REGULATION FOR THE PROTECTION OF THE PUBLIC OF THE OPERATORS OF TOW TRUCKS AND STORAGE FACILITIES; PROVIDING AUTHORITY; TITLE AND CITATION; DEFINITIONS; INTENT; MAXIMUM RATES; UNLICENSED OPERATORS PROHIBITED; TOWN TOWING LICENSE. APPLICATION; REGULATORY FEE; DISPLAY OF TOWN TOWING LICENSE; CONDITIONS OF TOWN TOWING LICENSE USE; INSURANCE; RECORDS; AUTHORIZATION; ENFORCEMENT AND PENALTY; SEVERABILITY; REPEALING CLAUSE AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH 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 Towing of Parked Vehicles Ordinance"

SECTION THREE: Definitions

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The words "shall" and "will" are mandatory and not discretionary.

A. "Owner" shall mean that person who owns the real property from which a vehicle is to be towed, to include the lessee of the real property or any person authorized by the owner or lessee or in control of the property which allows such person to have vehicles removed as provided in F.S. Section 715.07.

B. "Person" shall mean any natural person, firm, partnership, association, corporation or other entity of any kind whatsoever.

C. "Recover" shall mean to take possession of a vehicle and its contents and to exercise control, supervision and responsibility.

D. "Remove" shall mean to change the location of a motor vehicle by towing it from private Property without the consent of the registered owner or other legally authorized person in control of the vehicle.