

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 28, 2018

Agenda Item:

Ordinances Repealing Inapplicable Lee County-only Regulations

Description:

At the July 25, 2018 Council workshop, Assistant Village Attorney Derek Rooney provided an explanation of the re-codification process that will span over a period of several months. This is the second set of ordinances to come before the Council. First reading of the ordinances was held at the November 7, 2018 Council meeting.

Action Requested:

Motion to adopt Ordinances No. 2018-26 through 2018-35.

Financial Impacts:

Approximately \$190 per ordinance for advertising second reading/hearing of the ordinances.

Attachments:

1. Memorandum from Derek Rooney, Assistant Village Attorney
2. Ordinances No. 2018-26 through 2018-35

ATTACHMENT 1

GRAY | ROBINSON
ATTORNEYS AT LAW

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FORT MYERS, FLORIDA 33901
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WEST PALM BEACH

239-598-3601

DEREK.ROONEY@GRAY-ROBINSON.COM

MEMORANDUM

TO: Village Council
CC: Steve Sarkozy, Village Manager
FROM: Derek Rooney, Assistant Village Attorney
DATE: November 2, 2018
SUBJECT: Codification Repeal Round Two Ordinances

This memorandum addresses the second set of ordinances for identified as part of the effort to localize the current Village Code adopted from Lee County at the time of incorporation. Re-codification involves the review of the Lee County code to eliminate irrelevant sections, incorporate changes made by the Council since incorporation, and identify areas of regulation where the Village may wish to adopt a different policy direction. The result will be a single comprehensive set of regulations, easily accessible by the public under our arrangement with Municode for continuing codification services. This second set of ten ordinances identified by Municode involve only inapplicable County-only regulations and are intended to remove references to these provisions from the Village Code. These ordinances will **not** make any amendments to the Village's land development code nor will they have any effect on those provisions under the Lee County Code. Because of concerns raised about the effect of these ordinances when previously scheduled for first reading I have prepared the following comments to clarify the purpose and intent of each repealer ordinance.

Ordinance No. 2018-26 Repealing Emergencies Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The code provisions referenced in this ordinance establish relate to declarations of emergency and emergency powers. The Village adopted its own emergency powers ordinance pursuant recently with Ordinance 2018-08 which also repealed duplicative provisions of the Code carried over from Lee County. The provisions of the Code to be repealed as a result of this ordinance deal specifically with barrier island access issues relating to Sanibel and Capitva islands as well as disaster price gouging. The provisions relating to price gouging by their very terms only apply to unincorporated Lee County and are not presently enforceable by the Village. Because the anti-gouging provisions are already duplicative of Section 501.160, Florida Statutes,

Village Council
November 2, 2018
Page 2

which similarly sets a 30 day price control for emergencies it is recommended that these provisions be repealed in their entirety rather than amended for Village use.

Ordinance No. 2018-27 Repealing Fire Control Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The proposed ordinance removes provisions from the Code relating to the Tice and San Carlos, Estero, Bayshore, Alva, Fort Myers Shores, and Maravilla fire control municipal service benefit units, as well as the County's open burn ban authority. Lee County no longer operates fire control MSBU's as most services are provided by the various fire control districts within the County.

With regards to the open ban of fire provisions, the current Lee County code in effect applies to both incorporated and unincorporated areas of the County, the repeal of the duplicative references in the Village Code will have no effect on the County's ability to ban open fires when conditions necessitate.

Ordinance No. 2018-28 Repealing Dunbar Enterprise Zone Development Agency Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to the creation Dunbar Enterprise Zone Development Agency. The removal of these provisions will have no impact on the County Code, moreover the Dunbar Agency no longer is operation.

Ordinance No. 2018-29 Repealing County Administrative Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to internal administrative functions and powers of the County, the Commissioners, and County employees. Provisions to be removed from the Village Code include the process for initiation of Charter amendments, Commissioner use of County vehicles, recognition programs and budgetary policy. These provisions have specific applicability to Lee County and conflict with the Village's own policies.

Ordinance No. 2018-30 Repealing County Sheriff Designated Chief Correctional Officer of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance address the appointment of the Lee County Sheriff as chief correctional officer. AThe Florida Constitution and state law establishes this as a function of county government and therefore its provision within the Village Code is unnecessary and should be removed in its entirety.

Ordinance No. 2018-31 Repealing Social Services Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate back to early initiatives of Lee County to coordinate with social service providers and welfare agencies. These provisions have already been superseded by other sections of the Lee County Code and similarly serve no purpose in the Village Code and should be removed.

Ordinance No. 2018-32 Repealing Fish and Wildlife Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to the Gasparilla Island Bird and Wildlife Sanctuary, these provisions have no bearing on the Village and should be removed from its code.

Ordinance No. 2018-33 Repealing Food and Food Establishments Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to the health, safety and general welfare of the public in relation to food establishments and vendors. Specifically, these provisions address the permitting and licensing of food establishments or vendors within the County in coordination with the County Health Department. These provisions in the Lee County Code have jurisdiction within the Village and therefore do not need to be unnecessarily retained in the Village Code.

Ordinance No. 2018-34 Repealing Health and Sanitation Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance related to the removal of several sections of the Village Code which relate to County health and sanitation issues including special assessments for solid waste collection, health department fee assessments, and the creation of prior municipal service benefit units. It should be noted that numerous provisions of the Chapter 17 the overall Health and Safety provisions of the Village Code will remain in place including the requirements for mandatory sewer hookups, nuisance accumulation and lot mowing. Additionally, the Village has adopted several interlocal agreements with Lee County to provide for the continuation of waste collection and other services, those interlocals will not be affected by this ordinance.

It is further anticipated that additional amendments to Chapter 17 will be forthcoming localizing provisions of the code to the Village and cross-referencing with subsequently adopted Village resolutions and interlocal agreements.

GRAYROBINSON
PROFESSIONAL ASSOCIATION

Village Council
November 2, 2018
Page 4

Ordinance No. 2018-35 Repealing Housing Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance remove references in the Village Code to the Lee County Housing Finance Authority. The removal of these references will have no effect on Authority or its financial commitments.

If you have any questions regarding the existing regulations or ordinances in question, please feel free to contact me directly.

ATTACHMENT 2

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 26

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
EMERGENCIES PROVISIONS OF THE LEE COUNTY
CODE PREVIOUSLY ADOPTED BY REFERENCE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 13½-21. Definitions; Sec. 13½-22. Traffic attempting to gain access prior to a hurricane strike; Sec. 13½-23. Enforcement; Sec. 13½-71. Purpose and intent of the article; Sec. 13½-72. Definitions; Sec. 13½-73. Essential commodities survey; Sec. 13½-74. Offenses and penalties; Sec. 13½-75. Territory embraced; and Sec. 13½-76. Average cost of essential commodities.

This repeal is not intended to affect the validity of these provisions as laws of Lee County.

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Section 2. Effective Date.

This ordinance shall become effective immediately upon adoption.

PASSED on first reading this 7th day of November, 2018.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 28th day of November, 2018.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Boesch	_____	_____
Vice Mayor Ribble	_____	_____
Councilmember Batos	_____	_____
Councilmember Errington	_____	_____
Councilmember Levitan	_____	_____
Councilmember McLain	_____	_____
Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 27

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING FIRE
CONTROL PROVISIONS OF THE LEE COUNTY CODE
PREVIOUSLY ADOPTED BY REFERENCE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 13½-21. Definitions; Sec. 13½-22. Traffic attempting to gain access prior to a hurricane strike; Sec. 13½-23. Enforcement; Sec. 13½-71. Purpose and intent of the article; Sec. 13½-72. Definitions; Sec. 13½-73. Essential commodities survey; Sec. 13½-74. Offenses and penalties; Sec. 13½-75. Territory embraced; Sec. 13½-76. Average cost of essential commodities; Sec. 14-231. Construction and definitions; Sec. 14-232. Territorial scope; Sec. 14-233. Enforcement - Civil; Sec. 14-234. Same - Criminal; Sec. 14-235. Fire protection standards for developments located outside of established fire districts; Sec. 14-236. Hold-harmless agreement required; Sec. 14-270. Creation of the unit and boundaries; Sec. 14-271. The governing body; Sec. 14-272. Type of services; Sec. 14-273. Power to levy service

46 charges, special assessments or taxes within the unit; Sec. 14-274. General powers; Sec. 14-
47 280. Creation of the municipal service taxing and benefit unit; boundaries; Sec. 14-281.
48 Governing body; Sec. 14-282. Purpose; Sec. 14-283. Levy of taxes, service charges and special
49 assessments within the unit; Sec. 14-284. General powers; Sec. 14-451. Purpose and intent;
50 Sec. 14-452. Applicable; Sec. 14-453. Notice; Sec. 14-454. Enforcement; Sec. 14-455.
51 Violations; Sec. 14-456. Severability; Sec. 14-457. Suspension of prohibitions; and Sec. 14-
52 458. Sunset provision.

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54 This repeal is not intended to affect the validity of these provisions as laws of Lee
55 County.

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57 **Section 2. Effective Date.**

58

59 This ordinance shall become effective immediately upon adoption.

60

61 **PASSED** on first reading this 7th day of November, 2018.

62

63 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
64 Florida this 28th day of November, 2018.

65

66 Attest:

VILLAGE OF ESTERO, FLORIDA

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68

69 By: _____
70 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

71

72

73 Reviewed for legal sufficiency:

74

75

76 By: _____
77 Burt Saunders, Esq., Village Attorney

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79 Vote:	AYE	NAY
80 Mayor Boesch	_____	_____
81 Vice Mayor Ribble	_____	_____
82 Councilmember Batos	_____	_____
83 Councilmember Errington	_____	_____
84 Councilmember Levitan	_____	_____
85 Councilmember McLain	_____	_____
86 Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 28

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
DUNBAR ENTERPRISE ZONE DEVELOPMENT
AGENCY PROVISIONS OF THE LEE COUNTY CODE
PREVIOUSLY ADOPTED BY REFERENCE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 1-10.6. Dunbar Enterprise Zone Development Agency.

This repeal is not intended to affect the validity of these provisions as laws of Lee County.

Section 2. Effective Date.

This ordinance shall become effective immediately upon adoption.

46 **PASSED** on first reading this 7th day of November, 2018.

47

48 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
49 Florida this 28th day of November, 2018.

50

51 Attest: **VILLAGE OF ESTERO, FLORIDA**

52

53

54 By: _____ By: _____
55 Kathy Hall, MMC, Village Clerk James R. Boesch, Mayor

56

57

58 Reviewed for legal sufficiency:

59

60

61 By: _____
62 Burt Saunders, Esq., Village Attorney

63

64	Vote:	AYE	NAY
65	Mayor Boesch	_____	_____
66	Vice Mayor Ribble	_____	_____
67	Councilmember Batos	_____	_____
68	Councilmember Errington	_____	_____
69	Councilmember Levitan	_____	_____
70	Councilmember McLain	_____	_____
71	Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 29

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
COUNTY ADMINISTRATIVE PROVISIONS OF THE
LEE COUNTY CODE PREVIOUSLY ADOPTED BY
REFERENCE; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 1-4. County branch offices; Sec. 1-8. Reimbursement of expenses incurred at county-sponsored functions; Sec. 1-10.3. Investment of surplus public funds; Sec. 1-10.8. Petitions for proposed initiative ordinances or amendments to the Home Rule Charter; Sec. 1-10.11. Bonds for county commissioners and officers; Sec. 1-11. Power to borrow money generally; limitations; Sec. 1-12. Power to borrow money from banking institutions; Sec. 1-13. Purchase of vehicles for use of commissioners; automobile allowance in lieu of purchase; Sec. 1-14. Power to purchase, rent, maintain uniforms for county employees; manner of payment; Sec. 1-15. Budget for entertainment purposes authorized; Sec. 1-17. Power to lease, acquire new or previously purchased or leased property; Sec. 1-172. Types of recognition and

46 incentives; Sec. 1-173. Employee suggestion review committee; Sec. 1-174. Time limit for
47 consideration of suggestions; Sec. 1-175. Eligibility; Sec. 1-176. Appeal; Sec. 1-177.
48 Severability.

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50 This repeal is not intended to affect the validity of these provisions as laws of Lee
51 County.

52
53 **Section 2. Effective Date.**

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55 This ordinance shall become effective immediately upon adoption.

56
57 **PASSED** on first reading this 7th day of November, 2018.

58
59 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
60 Florida this 28th day of November, 2018.

61 Attest: **VILLAGE OF ESTERO, FLORIDA**

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65 By: _____
66 Kathy Hall, MMC, Village Clerk

65 By: _____
66 James R. Boesch, Mayor

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69 Reviewed for legal sufficiency:

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72 By: _____
73 Burt Saunders, Esq., Village Attorney

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75	Vote:	AYE	NAY
76	Mayor Boesch	_____	_____
77	Vice Mayor Ribble	_____	_____
78	Councilmember Batos	_____	_____
79	Councilmember Errington	_____	_____
80	Councilmember Levitan	_____	_____
81	Councilmember McLain	_____	_____
82	Councilmember Wilson	_____	_____

1 VILLAGE OF ESTERO, FLORIDA

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3 ORDINANCE NO. 2018 - 30

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5 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6 VILLAGE OF ESTERO, FLORIDA, REPEALING
7 COUNTY SHERIFF DESIGNATED CHIEF
8 CORRECTIONAL OFFICER PROVISIONS OF THE LEE
9 COUNTY CODE PREVIOUSLY ADOPTED BY
10 REFERENCE; AND PROVIDING AN EFFECTIVE
11 DATE.

12
13 WHEREAS, the Village of Estero was incorporated by referendum held on November
14 4, 2014; and

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16 WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General
17 Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all
18 applicable lawful Lee County ordinances currently in place at the time of passage of the
19 referendum, unless specifically referenced in the Charter, shall remain in place unless
20 rescinded by the Village Council or unless they are in conflict with an ordinance, rule or
21 regulation of the Village; and

22
23 WHEREAS, the Village Council has determined that it is in the best interests and
24 welfare of the Village and its residents to rescind certain provisions of the Lee County Code
25 that fall into one of the following categories: non-ordinance provisions, provisions pre-empted
26 to counties, provisions specifically related to county departments, officers, agencies or areas
27 outside of Estero, provisions that would apply within Estero without the Village’s adoption of
28 same.

29 NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the
30 Village of Estero, Florida:

31
32 **Section 1. Lee County Code Sections repealed.**

33
34 The following sections were included in the Code of Laws and Ordinances, of the Village of
35 Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby
36 rescinded and repealed as ordinances of the Village of Estero:

37
38 Lee County Code Sec. 1-10.5. County sheriff designated chief correctional officer.

39
40 This repeal is not intended to affect the validity of these provisions as laws of Lee
41 County.

42
43 **Section 2. Effective Date.**

44
45 This ordinance shall become effective immediately upon adoption.

46 **PASSED** on first reading this 7th day of November, 2018.

47

48 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
49 Florida this 28th day of November, 2018.

50

51 Attest: **VILLAGE OF ESTERO, FLORIDA**

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53

54 By: _____ By: _____
55 Kathy Hall, MMC, Village Clerk James R. Boesch, Mayor

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58 Reviewed for legal sufficiency:

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61 By: _____
62 Burt Saunders, Esq., Village Attorney

63

64	Vote:	AYE	NAY
65	Mayor Boesch	_____	_____
66	Vice Mayor Ribble	_____	_____
67	Councilmember Batos	_____	_____
68	Councilmember Errington	_____	_____
69	Councilmember Levitan	_____	_____
70	Councilmember McLain	_____	_____
71	Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 31

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
SOCIAL SERVICES PROVISIONS OF THE LEE
COUNTY CODE PREVIOUSLY ADOPTED BY
REFERENCE; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 1-1. Support of activities, programs, services, etc., for elderly citizens; Sec. 1-2. Promulgation of rules and regulations for administration of welfare funds; recipients to execute lien; enforcement of welfare lien; Sec. 1-51. Definition; Sec. 1-52. Services must constitute public purpose; Sec. 1-53. Disbursement of funds; Sec. 1-54. Scope of agreement; Sec. 1-55. Information on organization; Sec. 1-56. Agreement to be written; and Sec. 1-57. Liability.

45 This repeal is not intended to affect the validity of these provisions as laws of Lee
46 County.

47
48 **Section 2. Effective Date.**

49 This ordinance shall become effective immediately upon adoption.

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51
52 **PASSED** on first reading this 7th day of November, 2018.

53
54 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
55 Florida this 28th day of November, 2018.

56
57 Attest: **VILLAGE OF ESTERO, FLORIDA**

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60 By: _____
61 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

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64 Reviewed for legal sufficiency:

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67 By: _____
68 Burt Saunders, Esq., Village Attorney

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70 Vote: AYE NAY
71 Mayor Boesch _____ _____
72 Vice Mayor Ribble _____ _____
73 Councilmember Batos _____ _____
74 Councilmember Errington _____ _____
75 Councilmember Levitan _____ _____
76 Councilmember McLain _____ _____
77 Councilmember Wilson _____ _____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 32

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING FISH
AND WILDLIFE PROVISIONS OF THE LEE COUNTY
CODE PREVIOUSLY ADOPTED BY REFERENCE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 15-10. Gasparilla Island Bird and Wildlife Sanctuary.

This repeal is not intended to affect the validity of these provisions as laws of Lee County.

Section 2. Effective Date.

This ordinance shall become effective immediately upon adoption.

46 **PASSED** on first reading this 7th day of November, 2018.

47

48 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
49 Florida this 28th day of November, 2018.

50

51 Attest: **VILLAGE OF ESTERO, FLORIDA**

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54 By: _____ By: _____

55 Kathy Hall, MMC, Village Clerk

James R. Boesch, Mayor

56

57

58 Reviewed for legal sufficiency:

59

60

61 By: _____

62 Burt Saunders, Esq., Village Attorney

63

64 Vote: AYE NAY

65 Mayor Boesch _____

66 Vice Mayor Ribble _____

67 Councilmember Batos _____

68 Councilmember Errington _____

69 Councilmember Levitan _____

70 Councilmember McLain _____

71 Councilmember Wilson _____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 33

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING FOOD
AND FOOD ESTABLISHMENTS PROVISIONS OF THE
LEE COUNTY CODE PREVIOUSLY ADOPTED BY
REFERENCE; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Sec. 16-11. Purpose; Sec. 16-12. Certain provisions of Florida Administrative Code adopted; conflicts; Sec. 16-13. Definitions; Sec. 16-14. Permit—Required; Sec. 16-15. Same—Not transferable; Sec. 16-16. Approval of plans; Sec. 16-17. Food hygiene certification training; Sec. 16-18. Inspections; revocation of permits; Sec. 16-19. Power to close; Sec. 16-20. Control of unsafe food and drink; Sec. 16-21. Mobile, vessel, roadside, and temporary food vendors; Sec. 16-22. Enforcement; Sec. 16-23. Appeals; Sec. 16-24. Appeal review board; Sec. 16-25. Penalties and remedies; and Sec. 16-26. Fees.

45 This repeal is not intended to affect the validity of these provisions as laws of Lee
46 County.

47
48 **Section 2. Effective Date.**

49 This ordinance shall become effective immediately upon adoption.
50

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53 **PASSED** on first reading this 7th day of November, 2018.
54

55 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
56 Florida this 28th day of November, 2018.
57

58 Attest: **VILLAGE OF ESTERO, FLORIDA**

59
60
61 By: _____
62 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

63
64
65 Reviewed for legal sufficiency:

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67
68 By: _____
69 Burt Saunders, Esq., Village Attorney
70

71	Vote:	AYE	NAY
72	Mayor Boesch	_____	_____
73	Vice Mayor Ribble	_____	_____
74	Councilmember Batos	_____	_____
75	Councilmember Errington	_____	_____
76	Councilmember Levitan	_____	_____
77	Councilmember McLain	_____	_____
78	Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 34

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
HEALTH AND SANITATION PROVISIONS OF THE
LEE COUNTY CODE PREVIOUSLY ADOPTED BY
REFERENCE; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 17-1. Authority of board of county commissioners to charge fees for certain services; annual accounting by health department; disposition of fees; Sec. 17-4. Removal of recyclable materials from county containers; Sec. 17-82. Statement of county intent; Sec. 17-83. Definitions; Sec. 17-84. Creation of the unit, purpose and boundaries; Sec. 17-85. Governing body; Sec. 17-86. General powers; Sec. 17-87. Description of service; Sec. 17-88. Special assessment payment/property owner responsibility; Sec. 17-89. Outer islands service area; Sec. 17-90. Gasparilla Island; Sec. 17-91. Special assessments; Sec. 17-92. Certification of special assessment roll for collection; Sec. 17-93. Collection of the annual solid waste collection and disposal assessment; Sec. 17-94. Scope of annual special assessments and

46 assessment delinquencies; Sec. 17-95. Government property; Sec. 17-96. Levy and collection
47 of service charges levied as special assessments; Sec. 17-97. Correction of errors and
48 omissions; Sec. 17-98. Failure to include property on annual special assessment roll; Sec. 17-
49 99. Enforcement of delinquent annual collection special assessments; Sec. 17-100.
50 Responsibilities of contractor and property owner for garbage and solid waste collection; Sec.
51 17-101. Container spaces; Sec. 17-102. Unlawful collection or disposal of solid waste and
52 recyclables; Sec. 17-103. Abatement of public nuisance; Sec. 17-104. Enforcement action; Sec.
53 17-105. Conflicts of laws; Sec. 17-106. Severability; Sec. 17-107. Supplemental authority;
54 Sec. 17-108. Effective date; Sec. 17-120.42. Statement of county intent; Sec. 17-120.43.
55 Definitions; Sec. 17-120.44. Creation of the units, purpose and boundaries; Sec. 17-120.45.
56 Governing body; Sec. 17-120.46. General powers; Sec. 17-120.47. Annual solid waste disposal
57 facilities special assessment; Sec. 17-120.48. Certification of special assessment roll for
58 collection; Sec. 17-120.49. Collection of annual solid waste collection and disposal
59 assessment; Sec. 17-120.50. Scope of annual special assessments and assessment
60 delinquencies; Sec. 17-120.51. Annual solid waste disposal facilities MSTU ad valorem tax;
61 Sec. 17-120.52. Correction of errors and omissions; Sec. 17-120.53. Failure to include property
62 on annual special assessment roll or MSTU ad valorem tax roll; Sec. 17-120.54. Enforcement
63 of delinquent annual collection special assessments; Sec. 17-120.55. Enforcement of
64 delinquent MSTU ad valorem taxes; Sec. 17-120.56. Gasparilla Island; Sec. 17-120.57.
65 Severability; Sec. 17-120.58. Repeal of inconsistent ordinance provisions; Sec. 17-120.59.
66 Supplemental authority; Sec. 17-120.60. Effective date; Sec. 17-151. Short title; Sec. 17-152.
67 Authority; Sec. 17-154. Intent and purpose; Sec. 17-155. Rules of construction; Sec. 17-156.
68 Definitions; Sec. 17-157. Hazardous materials incidents; liability for costs; Sec. 17-158.
69 Collection and disbursement of funds for cost recovery; Sec. 17-159. Conflict with other laws;
70 Sec. 17-171. Purpose and authority; Sec. 17-172. Definitions; Sec. 17-173. Regulation and
71 enforcement; Sec. 17-174. Penalties; Sec. 17-175. Municipal option; Sec. 17-231. Short title;
72 Sec. 17-232. Authority; Sec. 17-233. Scope; Sec. 17-234. Intent and purpose; Sec. 17-235.
73 Rules of construction; Sec. 17-236. Adoption by reference: Florida Administrative Code
74 relating to hazardous waste, universal waste, and used oil; Sec. 17-237. Hazardous waste
75 requirements; Sec. 17-238. Used oil requirements; Sec. 17-239. Universal waste requirements;
76 Sec. 17-240. Enforcement; Sec. 17-241. Civil remedies; Sec. 17-242. Penalties; Sec. 17-243.
77 Conflict of law; Sec. 17-281. Purpose and scope; Sec. 17-282. Definitions; Sec. 17-283.
78 Business recycling requirements; Sec. 17-284. Multifamily recycling requirements; Sec. 17-
79 285. Construction and demolition debris recycling requirements; Sec. 17-286. Procedure for
80 adopting changes to fees and penalties; Sec. 17-287. Conflicts of laws; Sec. 17-288.
81 Severability; Sec. 17-300. Title; Sec. 17-301. Legislative findings; Sec. 17-302. Purpose and
82 intent; Sec. 17-303. Applicability; Sec. 17-304. Definitions; Sec. 17-305. Payment limitations
83 on transactions; exemptions; Sec. 17-306. Restricted regulated metal property; proof of
84 ownership required; Sec. 17-307. Electronic transaction records required; Sec. 17-308.
85 Enforcement; Sec. 17-309. Penalties—Civil/criminal; Sec. 17-310. Conflicts of law; and Sec.
86 17-311. Severability.

87
88 This repeal is not intended to affect the validity of interlocal agreements adopted by
89 Estero Resolution Numbers 2015-79 and 2015-80.

91 This repeal is not intended to affect the validity of these provisions as laws of Lee
92 County.

93
94 **Section 2. Effective Date.**

95
96 This ordinance shall become effective immediately upon adoption.

97
98 **PASSED** on first reading this 7th day of November, 2018.

99
100 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
101 Florida this 28th day of November, 2018.

102
103 Attest: **VILLAGE OF ESTERO, FLORIDA**

104
105
106 By: _____
107 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

108
109
110 Reviewed for legal sufficiency:

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112
113 By: _____
114 Burt Saunders, Esq., Village Attorney

115	Vote:	AYE	NAY
116	Mayor Boesch	_____	_____
117	Vice Mayor Ribble	_____	_____
118	Councilmember Batos	_____	_____
119	Councilmember Errington	_____	_____
120	Councilmember Levitan	_____	_____
121	Councilmember McLain	_____	_____
122	Councilmember Wilson	_____	_____
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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 35

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
HOUSING PROVISIONS OF THE LEE COUNTY CODE
PREVIOUSLY ADOPTED BY REFERENCE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014; and

WHEREAS, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village’s adoption of same.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 18½-21. Short title; Sec. 18½-22. Findings; Sec. 18½-23. Created; purpose; Sec. 18½-24. Powers; Sec. 18½-25. Interim provisions; Sec. 18½-26. Obligations of authority not to be construed as debts of county; Sec. 18½-70. Title; Sec. 18½-71. Definitions; Sec. 18½-72. Purpose and objectives; Sec. 18½-73. Establishment of the local housing assistance program; Sec. 18½-74. Designation of responsibility for implementation of the local housing assistance program; Sec. 18½-75. Local housing assistance plan; Sec. 18½-76. Local affordable housing trust fund; Sec. 18½-77. Affordable housing committee; Sec. 18½-78. Severability; and Sec. 18½-79. Effective date.

46 This repeal is not intended to affect the validity of these provisions as laws of Lee
47 County.

48
49 **Section 2. Effective Date.**

50 This ordinance shall become effective immediately upon adoption.

51
52
53 **PASSED** on first reading this 7th day of November, 2018.

54
55 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
56 Florida this 28th day of November, 2018.

57
58 Attest: **VILLAGE OF ESTERO, FLORIDA**

59
60
61 By: _____
62 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

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64
65 Reviewed for legal sufficiency:

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67
68 By: _____
69 Burt Saunders, Esq., Village Attorney

70
71 Vote: AYE NAY
72 Mayor Boesch _____ _____
73 Vice Mayor Ribble _____ _____
74 Councilmember Batos _____ _____
75 Councilmember Errington _____ _____
76 Councilmember Levitan _____ _____
77 Councilmember McLain _____ _____
78 Councilmember Wilson _____ _____