

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
October 3, 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. The first set of ordinances, those repealing inapplicable provisions of the Lee County code, number 31, and will be adopted in three groups; this is the first group.

Action Requested:

Motion to approve first reading of Ordinances No. 2018-12 through 2018-21 and schedule second reading/public hearing for October 17, 2018.

Financial Impacts:

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

Attachments:

1. September 25, 2018 Memorandum from Derek Rooney, Assistant Village Attorney
1. Ordinances No. 2018-12 through 2018-21

ATTACHMENT 1

GRAY | ROBINSON
ATTORNEYS AT LAW

BOCA RATON
FORT LAUDERDALE
FORT MYERS
GAINESVILLE
JACKSONVILLE
KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA
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: September 25, 2018
SUBJECT: Codification Repeal Round One Ordinances

At the first meeting in October the Council will be considering a series of ordinances for consideration. These ordinances are part of the effort to localize the current Village Code adopted from Lee County at the time of incorporation (change references from County to Village, etc.). The process of 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.

The first set of ordinances for consideration were identified by Municode as 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. 2018-12 An Ordinance Repealing Personnel Provisions of the Lee County Code Previously Adopted by Reference:

The code provisions referenced in this ordinance establish a personnel policy for Lee County and other County constitutional officers. The Village has its own personnel policy and the retention of provisions relating to the County or other County constitutional officers such as the Sheriff have no application to the Village and should be repealed. The Village adopted its own personnel policy pursuant to Resolutions 2016-09 and 2016-36.

Ordinance No. 2018-13 An Ordinance Repealing Purchasing and Finance Provisions of the Lee County Code Previously Adopted by Reference

The provisioned referenced in this ordinance established the basis of the County's procurement regulations as well as regulations relating to the County's investment policies, sexual predator registration fees, the participation of small disadvantaged business enterprises in county contracts, and the designation of a recovery zone under the American Recovery and Reinvestment Act of 2009 ("ARRA"). Other provisions regarding public art and public borrowing from the prior draft have been removed from this ordinance for consideration at a future date. With regard to the elements being removed by this ordinance it should be noted first that the Village has adopted its own procurement code and is currently developing extensive procurement policies. Retaining these provisions of Lee County in the Village Code creates a potential for confusion. Additionally, the provisions relating to sexual predator registration fees, participation by small disadvantaged business and the designation of Lee County as a recovery zone will not be effected by the Village's local code clean-up and will remain in effect throughout the County including in the Village of Estero.

Ordinance No. 2018-14 An Ordinance Repealing Telecommunications Network Ordinance Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance established a microwave communication corridor to protect the County's public safety communications network county-wide and declared interfering structures a nuisance requiring a special conditional permitting process whereby structures within the corridor are to be reviewed. These provisions serve no purpose in the Village Code and their removal will not affect Lee County or its communication network.

Ordinance No. 2018-15 An Ordinance of Repealing Airports and Aircraft Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance established the Lee County Port Authority and regulations relating to the use of Page Field and RSW. These provisions serve no purpose in the Village Code and their repeal will not impact Page Field, RSW, or the Port Authority.

Ordinance No. 2018-16 An Ordinance Repealing Ambulance and Rescue Services Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance established the local regulatory scheme authorized pursuant to Chapter 401, Florida Statutes, for the issuance of certificates of public convenience and necessity from Lee County for medical transport services. 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. 2018-17 An Ordinance Repealing Building and Land Use Regulations Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance related to the reinstatement of certain Lee County building permits which expired between 2006 and 2011 as well as the establishment of a Lee County Construction Industry Licensing Board. The provisions relating to permits have to do with active permits caught in the transition and adoption of the 2004 Edition of the Florida Building Code. Because the time to seek reinstatement under program has expired this provision is already outdated in the Lee County Code and similarly serves no purpose in the Village Code and should be removed.

The second portion of this ordinance would remove references to the Lee County Construction Industry Licensing Board. Local licensing boards have the authority under Chapter 489, Florida Statute, similar to the state licensing board, to hear complaints, investigate, and discipline registered construction contractors. Without a local board complaints against contractors are generally made to the state licensing board. The current Lee County board does not have jurisdiction in the Village as the terms of the regulations only apply to the unincorporated portions of the County, for that reason the applicable provisions should be removed from the Village Code. Most municipalities do not have local boards (only Cape Coral, Punta Gorda, and Sanibel have local boards in SWFL) choosing to rely on the state board or local code enforcement proceedings as the former may also utilize the provisions of Chapter 489. If the Village Council would like to create a local licensing board in the future the benefits and requirements can be brought forth at a future workshop.

Ordinance No. 2018-18 An Ordinance Repealing Courts Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance related to the costs of funding certain items relating to the state court system in Lee County, including the provision of staffing for judges, the legal aid program, the local law library, and other alternative court programs. These provisions have no bearing on the Village and should be removed from its code.

Ordinance No. 2018-19 An Ordinance Repealing Discrimination Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance relate to the establishment of a discrimination complaint process before the Lee County Hearing Examiner as well as the creation of a human relations officer and review board by Lee County to address issues of local fair housing, public accommodation, and services. Technically, nothing in the Lee County code prevents this procedure from continuing within the Village as it is not limited to unincorporated areas of the County, however the provisions themselves have no place within the Village Code as they relate to boards and procedures not implemented within the Village.

Ordinance No. 2018-20 An Ordinance Repealing Development District Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance related to the removal of several sections of the Village Code which describe numerous community development districts (“CDD”) established by Lee County. Concerns have been raised that by removing such provisions from the Village Code the existence of these CDDs may be in jeopardy. While the concern is understandable, the proposed ordinance will have no impact on the existence of any CDD.

First, the ordinance specifically limits its effect to only repeal the language from the Village Code and expressly states that such repeal shall have no effect on the CDDs or the provisions of the Lee County Code. It is important to note that there is no legal requirement that CDDs be included in a local government code. CDDs are independent special districts which can be created by local act but counties specifically are required pursuant to Section 125.68, Florida Statutes, to place most ordinances adopted into their code and as a result numerous CDDs, created by local ordinance have been included in the County Code. This requirement of state law is the only reason the CDDs are listed in the County Code. There is no similar codification requirement for municipalities. Because the provisions are unnecessarily duplicative and serve no purpose in the Village Code they should be removed. However, as a precautionary measure in addition to the existing savings clause I have added a provision to the ordinance ratifying all CDDs created by the County in the Village.

Additionally, the creation, amendment to, or termination of a CDD can only occur pursuant to the procedures under Chapter 190, Florida Statutes, which governs community development districts. Generally, CDDs can only be dissolved pursuant to Section 190.046 for (1) inactivity, (2) merger with a local government or other district, or (3) dissolved by the creating entity. Only the third circumstance would be implicated here and in such a case the authority to dissolve the CDD must be district initiated and put before the County, not the Village, as described below, pursuant to Section 190.046(10):

“If a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the general-purpose local governmental entity that established the district or, if the district was established by rule of the Florida Land and Water Adjudicatory Commission, the district may be dissolved by repeal of such rule of the commission.”

Given the forgoing and in consultation with Municode and the Florida Department of Economic Opportunity, it is my opinion that the proposed ordinance in no way limits, conflicts, or otherwise impacts any of the described CDDs detailed in the Code of Laws and Ordinances of Lee County.

Ordinance No. 2018-21 An Ordinance Repealing Drainage and Water Control Provisions of the Lee County Code Previously Adopted by Reference

The provisions referenced in this ordinance remove references in the Village Code to the West Coast Inland Navigation District and provisions of Lee County water regulation, specifically, the Lee County Water Conservation Ordinance and Lee County's stormwater management and conservation program. Similar to the other ordinances discussed herein, these changes are specific to the Village's codification efforts and have no effect on the validity of either the West Coast Inland Navigation District or Lee County's water regulation efforts. The former has been codified in the Lee County code for reference but the actual authority for the Navigation District comes from special acts of the Legislature and Chapter 374, Florida Statutes, neither of which cannot be amended by the Village's ordinance.

With regards to the local water regulations, the proposed ordinance does not repeal the county programs or their applicability, if any, to the Village of Estero. The Village does not currently have stormwater management utility and is currently working on a stormwater management plan. If in the future should the Village wishes to develop a conservation and stormwater utility program it will adopt its own regulatory and assessment regime. In the interim it is recommended that these inapplicable carry-over provisions be removed to make room for the Village's own programs.

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 - 12

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
PERSONNEL 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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 1-5, Compensation to laid-off or terminated employees; Sec. 1-6, Guidelines for provision of legal counsel for officers and employees; Sec. 1-7, Moving expenses for county personnel; Sec. 1-10.10, Lee County Tax Collector employee buyout plan that were in place at the time of the incorporation of the Village of Estero, Sec. 1-342. Short title; Sec. 1-343. Voluntary separation incentive pay; Sec. 1-344. Administrative code; Sec. 1-345. Voluntary separation incentive pay; Sec. 1-346. Payments; Sec. 9½-40. Irrevocable trust; Sec. 9½-41. Trustee; Sec. 9½-42. Invest and manage; and Sec. 9½-43. Contributions and accumulating assets.

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

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

49 This Ordinance shall become effective immediately upon adoption.

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52 **PASSED** on first reading this ____ day of ____, 2018.

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

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

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

By: _____
James R. Boesch, Mayor

62
63
64 Reviewed for legal sufficiency:

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66
67 By: _____
68 Burt Saunders, Esq., Village Attorney

69			
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 - 13

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
PURCHASING AND FINANCE 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 1-10.2. Method for county selection of services within the scope of the practices of architecture, professional engineering, landscape architecture or land surveying; Sec. 1-27. Definitions; Sec. 1-28. Qualification as a local contractor/vendor; Sec. 1-29. Reciprocity and by interlocal agreement; Sec. 1-30. Application of the local contractor/vendor preference; Sec. 1-31. Administrative procedures; Sec. 1-32. Supplemental authority; Sec. 1-191. General policy; Sec. 1-192. Definitions; Sec. 1-193. Determination of disadvantage; Sec. 1-194. Application of article provisions; Sec. 1-195. Incentive programs; Sec. 1-196. Reports of contracts, subcontracts with non-DBE's; Sec. 1-197. Transfer of

46 ownership, permanent change in management, etc., of certified DBE's; Sec. 1-198.
47 Compliance by county; Sec. 1-199. County to adopt rules for implementation of division;
48 Sec. 1-200. Sunset review and sundown provisions; Sec. 1-201. Severability; Sec. 1-211.
49 Establishment; application; Sec. 1-212. Administrative procedure; Sec. 1-213. Small
50 disadvantaged business enterprise council; Sec. 1-214. Annual goals; Sec. 1-215. Goals in
51 excess of annual goals; Sec. 1-216. "Good faith" efforts at compliance; Sec. 1-221.
52 Described; Sec. 1-222. Utilization; approval; Sec. 1-223. Rejection of award; Sec. 1-224.
53 Purpose; identification standards; Sec. 1-316. Definitions; Sec. 1-317. Fee schedule; Sec. 1-
54 318. Disposition of fees; annual monitoring report; Sec. 1-319. Penalties.; Sec. 1-321.
55 Confirmation of existing financial procedures; Sec. 1-322. Confirmation and approval of
56 certain specified actions by circuit court's finance division; Sec. 1-323. Investment authority
57 of clerk of circuit court's finance division - Generally; Sec. 1-324. Same - S.E.C.-registered
58 money market mutual funds; Sec. 1-325. Same—Investment companies and trusts; Sec. 1-
59 326. Same—State municipal securities and domestic bankers' acceptances; Sec. 1-327. Other
60 investment procedures; Sec. 1-328. Change in authorized signatures; Sec. 1-450. Findings;
61 Sec. 1-451. Designation of recovery zone; Sec. 1-452. Issuance of recovery zone bonds; Sec.
62 1-453. Recovery zone economic development bonds—Eligible activities/projects; Sec. 1-
63 454. Recovery zone facility bonds—Eligible activities/projects; and Sec. 1-455. Project
64 process.

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66 This repeal is not intended to affect the validity of these provisions as ordinances or
67 laws of Lee County. Additionally, nothing contained herein is intended to affect the
68 designation of Lee County as recovery zone under the American Recovery and Reinvestment
69 Act of 2009 or any bonds issued pursuant to that Act.

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71 **Section 2. Effective Date.**

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73 This ordinance shall become effective immediately upon adoption.

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75 **PASSED** on first reading this ____ day of ____, 2018.

76

77 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
78 Estero, Florida this ____ day of ____, 2018.

79

80 Attest:

VILLAGE OF ESTERO, FLORIDA

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83 By: _____
84 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

85

86 Reviewed for legal sufficiency:

87

88

89 By: _____
90 Burt Saunders, Esq., Village Attorney

	Vote:	AYE	NAY
92	Mayor Boesch	_____	_____
93	Vice Mayor Ribble	_____	_____
94	Councilmember Batos	_____	_____
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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 14

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
TELECOMMUNICATIONS NETWORK ORDINANCE
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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 1-401. Short title; Sec. 1-402. Intent; Sec. 1-403. Nuisance; Sec. 1-404. Review procedure; Sec. 1-405. Appeals from application denial; Sec. 1-406. Remedies and penalties; Sec. 1-407. Conflicts of law; Sec. 1-408. Severability; and Sec. 1-409. Microwave Corridor Plan Overlay - Exhibit A.

This repeal is not intended to affect the validity of these provisions as ordinances or 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 ____ day of _____, 2018.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 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 - 15

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
AIRPORTS AND AIRCRAFT 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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 3-36. Creation - Lee County Port Authority; Sec. 3-37. Same - Board of port commissioners; Sec. 3-38. Properties, facilities, systems, personnel and material subject to Lee County Port Authority; Sec. 3-39. Creation of special management committee for Lee County airports; Sec. 3-40. Bond obligations of Lee County; Sec. 3-41. Transfer of Lee County airports' real and personal properties and facilities; Sec. 3-42. Adoption of port authority policy manual; Sec. 3-43. Repeal; Sec. 3-44. Severability; Sec. 3-45. Effective date; Sec. 3-51. [Airport Rules and Regulations] Short title, purpose and applicability; Sec. 3-52. Rules of construction; Sec. 3-53. Rules and regulations.

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

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49 **Section 2. Effective Date.**

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51 This ordinance shall become effective immediately upon adoption.

52

53 **PASSED** on first reading this ____ day of _____, 2018.

54

55 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
56 Estero, Florida this ____ day of _____, 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:

66

67

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

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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 - 16

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
AMBULANCE AND RESCUE 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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 5-1. Short title, purpose and territorial scope; Sec. 5-2. Definitions; Sec. 5-16. Requirement for certificate; Sec. 5-17. Classification of certificates; Sec. 5-18. Procedure for obtaining certificate; Sec. 5-19. Performance criteria for evaluating COPCN application; Sec. 5-20. Review of application; Sec. 5-21. Requirements for board approval in granting certificate; Sec. 5-22. Rights and duties granted by certificate; Sec. 5-23. Renewal of certificate; Sec. 5-24. Modification, suspension or revocation of certificate; Sec. 5-25. Transfer or assignment of certificates; Sec. 5-26. Revocation, alteration or suspension grounds; Sec. 5-36. General operating regulations; Sec. 5-37. Central place of business; Sec.

46 5-38. Records to be kept; Sec. 5-39. Rates; Sec. 5-40. Insurance; Sec. 5-41. Conduct of crew
47 members; Sec. 5-42. Passengers; Sec. 5-43. Obedience to traffic laws, ordinances or
48 regulations; Sec. 5-44. Violations; Sec. 5-45. Uniformity of application; Sec. 5-46. Authority
49 of enforce; Sec. 5-47. Penalties; Sec. 5-48. Civil remedies; and Sec. 5-49. Conflict.
50

51 This repeal is not intended to affect the validity of these provisions as ordinances or
52 laws of Lee County. Additionally, the removal of these provisions by the Village from its
53 Code of Laws and Ordinances will have no effect on the prior issuance of any Certificate of
54 Public Convenience and Necessity by Lee County pursuant to Florida law.
55

56 **Section 2. Effective Date.**
57

58 This ordinance shall become effective immediately upon adoption.
59

60 **PASSED** on first reading this ____ day of _____, 2018.
61

62 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
63 Estero, Florida this ____ day of _____, 2018.
64

65 Attest:

VILLAGE OF ESTERO, FLORIDA

66
67
68 By: _____
69 Kathy Hall, MMC, Village Clerk
70

By: _____
James R. Boesch, Mayor
71

72 Reviewed for legal sufficiency:
73
74

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

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

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 17

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
BUILDING AND LAND USE REGULATIONS
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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 8-1. Expired commercial and residential building permits; Sec. 8-2. Reinstatement of residential dwelling unit building permits; Sec. 8-3. Purpose; Sec. 8-4. Reinstatement of commercial building permits; Sec. 8-5. Conflicts of law; Sec. 8-6. Severability; Sec. 8-7. Effective date; Sec. 8-83. [Lee County Construction Licensing Board] Short title; Sec. 8-84. Applicability; Sec. 8-85. Exemptions; Sec. 8-86. Creation of construction licensing board; Sec. 8-87. Definitions; Sec. 8-88. Certificates of competency and licensure requirements; Sec. 8-89. Violations and penalties; Sec. 8-90. Disciplinary

45 proceedings; Sec. 8-91. Action against unlicensed contractors; citation procedure; Sec. 8-92.
46 Disciplinary action reporting requirements; and Sec. 8-93. Conflicts of law.

47
48 This repeal is not intended to affect the validity of these provisions as ordinance or
49 laws of Lee County.

50
51 **Section 2. Effective Date.**

52
53 This ordinance shall become effective immediately upon adoption.

54
55 **PASSED** on first reading this ____ day of _____, 2018.

56
57 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
58 Estero, Florida this ____ day of _____, 2018.

59
60 Attest: **VILLAGE OF ESTERO, FLORIDA**

61
62
63 By: _____
64 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

65
66
67 Reviewed for legal sufficiency:

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

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

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 18

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
COURTS 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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 10-27. Authority for [Imposition and Collection of an Additional Surcharge and Court Costs] article and repealer; Sec. 10-28. Collection of additional surcharge and court costs; Sec. 10-29. Establishment of funding accounts; Sec. 10-30. Vesting the board of county commissioners with authority to provide for awards of grants and appropriations; and Sec. 10-31. Modification.

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

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Section 4. Effective Date.

This ordinance shall become effective immediately upon adoption.

PASSED on first reading this ____ day of _____, 2018.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 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 - 19

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
DISCRIMINATION 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 preempted 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 11½-1. Purpose; Sec. 11½-2. Definitions; Sec. 11½-3. Unlawful discriminatory practices, generally; Sec. 11½-4. Investigation procedures—Human relations officer; Sec. 11½-5. Same - Hearing examiner; Sec. 11½-6. Same—Human relations review board; Sec. 11½-7. Procedural rules; Sec. 11½-8. Enforcement powers of the board; Sec. 11½-9. Exclusivity; Sec. 11½-10. Limitations and exceptions; Sec. 11½-11. Civil remedies; Sec. 11½-26. Lee county policy on fair housing; Sec. 11½-27. Purposes and intent; Sec. 11½-28. Definitions; Sec. 11½-29. Discrimination in the sale or rental of housing and other prohibited practices; Sec. 11½-30. Discrimination in the provision of brokerage

46 services; Sec. 11½-31. Discrimination in the financing of housing or in residential real estate
47 transactions; Sec. 11½-32. Exemptions; Sec. 11½-33. Housing for older persons; Sec. 11½-
48 34. Private enforcement; Sec. 11½-35. Intervention by the county attorney; Sec. 11½-35.1.
49 Additional unlawful practices; Sec. 11½-36. Prohibited practices; AND Sec. 11½-37.
50 Exemption.

51

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

54

55 **Section 2. Effective Date.**

56

57 This ordinance shall become effective immediately upon adoption.

58

59 **PASSED** on first reading this ____ day of _____, 2018.

60

61 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
62 Estero, Florida this ____ day of _____, 2018.

63

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

65

66

67 By: _____
68 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

69

70

71 Reviewed for legal sufficiency:

72

73

74 By: _____
75 Burt Saunders, Esq., Village Attorney

76

77 Vote: AYE NAY

78 Mayor Boesch _____

79 Vice Mayor Ribble _____

80 Councilmember Batos _____

81 Councilmember Errington _____

82 Councilmember Levitan _____

83 Councilmember McLain _____

84 Councilmember Wilson _____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 20

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
DEVELOPMENT DISTRICT 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 preempted 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 are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 11¼-21. Authority for article; Sec. 11¼-22. Establishment of the River Ridge Community Development District; Sec. 11¼-23. Governance; Sec. 11¼-24. Ordinance No. 98-07 amendment; Secs. 11¼-25—11¼-30. Reserved; Sec. 11¼-31. Authority for article; Sec. 11¼-32. Establishment of the Bay Creek Community Development District; Sec. 11¼-33. Authorization for the exercise of optional powers; Sec. 11¼-34. District name; Sec. 11¼-35. Statutory provisions governing district; Sec. 11¼-41. District name; Sec. 11¼-42. Authority for article; Sec. 11¼-43. Establishment of community development district; Sec. 11¼-44. Statutory provisions governing district; Sec. 11¼-51.

46 District name; Sec. 11¼-52. Authority for article; Sec. 11¼-53. Establishment of community
47 development district; Sec. 11¼-54. Statutory provisions governing district; Sec. 11¼-55.
48 Authorization for exercise of optional powers; Sec. 11¼-61. District name; Sec. 11¼-62.
49 Authority for article; Sec. 11¼-63. Establishment of community development district; Sec.
50 11¼-64. Designation of initial board members; Sec. 11¼-65. Statutory provisions governing
51 district; Sec. 11¼-66. Authorization to modify boundaries; Sec. 11¼-71. District name and
52 legal description; Sec. 11¼-72. Authority for article; Sec. 11¼-73. Establishment of
53 community development district; Sec. 11¼-74. Designation of initial members of the board
54 of supervisors; Sec. 11¼-75. Initial powers of the community development district; Sec.
55 11¼-76. Statutory provisions governing the community development district; Sec. 11¼-77.
56 Additional conditions imposed on the community development district; Sec. 11¼-91. District
57 name; Sec. 11¼-92. Authority for ordinance; Sec. 11¼-93. Establishment of community
58 development district; Sec. 11¼-94. Designation of initial board members; Sec. 11¼-95.
59 Statutory provisions governing district; Sec. 11¼-96. Notice to subsequent property owners;
60 Sec. 11¼-97. Authorization for exercise of special powers; Sec. 11¼-111. District name and
61 legal description; Sec. 11¼-112. Authority for ordinance; Sec. 11¼-113. Establishment of
62 community development district; Sec. 11¼-114. Designation of initial members of the board
63 of supervisors; Sec. 11¼-115. Initial powers of the community development district; Sec.
64 11¼-116. Statutory provisions governing the community development district; Sec. 11¼-117.
65 Additional conditions imposed on the community development district; Sec. 11¼-121.
66 District name and legal description; Sec. 11¼-122. Authority for article; Sec. 11¼-123.
67 Establishment of community development district; Sec. 11¼-124. Designation of initial
68 members of the board of supervisors; Sec. 11¼-125. Initial powers of the community
69 development district; Sec. 11¼-126. Statutory provisions governing the community
70 development district; Sec. 11¼-127. Additional conditions imposed on the community
71 development district; Sec. 11¼-128. Authorization for exercise of optional (special) powers;
72 Sec. 11¼-129. Authorization to modify boundaries; Sec. 11¼-131. District name; Sec. 11¼-
73 132. Authority for article; Sec. 11¼-133. Establishment of community development district;
74 Sec. 11¼-134. Designation of initial board members; Sec. 11¼-135. Statutory provisions
75 governing district; Sec. 11¼-136. Notice to subsequent purchasers; Sec. 11¼-137.
76 Authorization for exercise of optional powers; Sec. 11¼-141. District name; Sec. 11¼-142.
77 Authority for article; Sec. 11¼-143. Establishment of community development district; Sec.
78 11¼-144. Designation of initial board members; Sec. 11¼-145. Statutory provisions
79 governing district; Sec. 11¼-146. Notice to subsequent purchasers; Sec. 11¼-151. District
80 name; Sec. 11¼-152. Authority for article; Sec. 11¼-153. Establishment of community
81 development district; Sec. 11¼-154. Designation of initial board members; Sec. 11¼-155.
82 Statutory provisions governing district; Sec. 11¼-156. Notice to subsequent purchasers; Sec.
83 11¼-171. District name; Sec. 11¼-172. Authority; Sec. 11¼-173. Establishment of
84 community development district; Sec. 11¼-174. Designation of initial board members; Sec.
85 11¼-175. Statutory provisions governing district; Sec. 11¼-176. Authorization for exercise
86 of special powers; Sec. 11¼-177. Notice to subsequent purchasers; Sec. 11¼-191. District
87 name and legal description; Sec. 11¼-192. Authority; Sec. 11¼-193. Establishment of
88 community development district; Sec. 11¼-194. Designation of initial members of the board
89 of supervisors; Sec. 11¼-195. Initial powers of the community development district; Sec.
90 11¼-196. Statutory provisions governing the community development district; Sec. 11¼-197.

91 Additional conditions imposed on the community development district; Sec. 11¼-201.
92 District name and legal description; Sec. 11¼-202. Authority for article; Sec. 11¼-203.
93 Establishment of community development district; Sec. 11¼-204. Designation of initial
94 members of the board of supervisors; Sec. 11¼-205. Initial powers of the community
95 development district; Sec. 11¼-206. Statutory provisions governing the community
96 development district; Sec. 11¼-207. Additional conditions imposed on the community
97 development district; Sec. 11¼-208. Authorization for exercise of optional (special) powers;
98 Sec. 11¼-211. District name and legal description; Sec. 11¼-212. Authority for article; Sec.
99 11¼-213. Establishment of community development district; Sec. 11¼-214. Designation of
100 initial members of the board of supervisors; Sec. 11¼-215. Initial powers of the community
101 development district; Sec. 11¼-216. Statutory provisions governing the community
102 development district; Sec. 11¼-217. Additional conditions imposed on the community
103 development district; Sec. 11¼-231. District name; Sec. 11¼-232. Authority for article; Sec.
104 11¼-233. Establishment of community development district; Sec. 11¼-234. Designation of
105 initial board members; Sec. 11¼-235. Statutory provisions governing district; Sec. 11¼-236.
106 Notice to subsequent purchasers; Sec. 11¼-251. District name; Sec. 11¼-252. Authority for
107 article; Sec. 11¼-253. Establishment of community development district; Sec. 11¼-254.
108 Designation of initial board members; Sec. 11¼-255. Statutory provisions governing district;
109 Sec. 11¼-256. Notice to subsequent purchasers; Sec. 11¼-261. District name; Sec. 11¼-262.
110 Authority for article; Sec. 11¼-263. Establishment of community development district; Sec.
111 11¼-264. Designation of initial board members; Sec. 11¼-265. Statutory provisions
112 governing district; Sec. 11¼-266. Notice to subsequent purchasers; Sec. 11¼-271. District
113 name; Sec. 11¼-272. Authority for article; Sec. 11¼-273. Establishment of community
114 development district; Sec. 11¼-274. Designation of initial board members; Sec. 11¼-275.
115 Statutory provisions governing district; Sec. 11¼-276. Notice to subsequent purchasers; Sec.
116 11¼-281. District name; Sec. 11¼-282. Authority for article; Sec. 11¼-283. Establishment of
117 community development district; Sec. 11¼-284. Designation of initial board members; Sec.
118 11¼-285. Statutory provisions governing district; Sec. 11¼-286. Notice to subsequent
119 purchasers; Sec. 11¼-291. District name; Sec. 11¼-292. Authority for article; Sec. 11¼-293.
120 Establishment of community development district; Sec. 11¼-294. Designation of initial
121 board members; Sec. 11¼-295. Statutory provisions governing district; Sec. 11¼-296. Notice
122 to subsequent purchasers; Sec. 11¼-301. District name; Sec. 11¼-302. Authority for article;
123 Sec. 11¼-303. Establishment of community development district; Sec. 11¼-304. Designation
124 of initial board members; Sec. 11¼-305. Statutory provisions governing district; Sec. 11¼-
125 306. Notice to subsequent purchasers; Sec. 11¼-311. District name; Sec. 11¼-312. Authority
126 for article; Sec. 11¼-313. Establishment of community development district; Sec. 11¼-314.
127 Designation of initial board members; Sec. 11¼-315. Statutory provisions governing district;
128 Sec. 11¼-316. Notice to subsequent purchasers; Sec. 11¼-321. District name; Sec. 11¼-322.
129 Authority for article; Sec. 11¼-323. Authorization for exercise of special powers; Sec. 11¼-
130 324. Establishment of community development district; Sec. 11¼-325. Designation of initial
131 board members; Sec. 11¼-326. Statutory provisions governing district; Sec. 11¼-327. Notice
132 to subsequent purchasers; Sec. 11¼-330. Short title; Sec. 11¼-332. Name; Sec. 11¼-333.
133 Location; Sec. 11¼-334. Ownership; Sec. 11¼-335. General goals of development; Sec.
134 11¼-336. General plan of development; Sec. 11¼-337. Interpretation of community plan;
135 Sec. 11¼-338. Permitted variations; Sec. 11¼-339. Reserve area; Sec. 11¼-340.

136 Fractionalization of tracts; Sec. 11¼-341. General; Sec. 11¼-342. Specific definitions; Sec.
137 11¼-343. General conditions and procedures; Sec. 11¼-344. Procedures for area master plan
138 approval; Sec. 11¼-345. Procedures for final plan and plat approvals; Sec. 11¼-346.
139 Procedures for parcel plan approval; Sec. 11¼-347. Procedures for site plan approval; Sec.
140 11¼-348. Purpose; Sec. 11¼-349. Creation of a Uniform Community Development District;
141 Sec. 11¼-350. Water system; Sec. 11¼-351. Sewer system; Sec. 11¼-352. Surface water
142 management; Sec. 11¼-353. Utilities; Sec. 11¼-354. Energy; Sec. 11¼-355. Streets; Sec.
143 11¼-356. Purpose; Sec. 11¼-357. Agricultural uses; Sec. 11¼-358. Alcoholic beverages;
144 Sec. 11¼-359. Animals in residential areas; Sec. 11¼-360. Cluster developments; Sec. 11¼-
145 361. Essential infrastructure facilities; Sec. 11¼-362. Excavations; Sec. 11¼-363. Fences,
146 walls and hedges; Sec. 11¼-364. Guest houses; Sec. 11¼-365. Major recreational equipment
147 and commercial vehicles in residential areas; Sec. 11¼-366. Model units; Sec. 11¼-367. Oil
148 and gas resources; Sec. 11¼-368. Setbacks; Sec. 11¼-368.1. Unaddressed uses; Sec. 11¼-
149 368.2. Zero lot line development; Sec. 11¼-369. Purpose; Sec. 11¼-370. Designation of use;
150 Sec. 11¼-371. Conservation Area District; Sec. 11¼-372. Golf Course District; Sec. 11¼-
151 373. Residential districts (general); Sec. 11¼-374. Commercial districts (general); Sec. 11¼-
152 374.1. Utility District and Park/Utility District; Sec. 11¼-375. Purpose; Sec. 11¼-376.
153 Landscaping; Sec. 11¼-377. Signs; Sec. 11¼-378. Administration; Sec. 11¼-379. Appeals
154 from decision of administrative official; Sec. 11¼-380. Fees; and Sec. 11¼-381. Civil and
155 criminal enforcement.

156

157 The adoption of this Ordinance does not affect the validity or the establishment of any
158 community development district or other special district, or the validity of these provisions
159 within the Code of Laws and Ordinances of Lee County, Florida.

160

161 **Section 2. Ratification.**

162

163 The Village hereby ratifies the creation and existence of all community development
164 districts within the Village of Estero created by the Lee County.

165

166 **Section 3. Effective Date.**

167

168 This Ordinance shall become effective immediately upon its adoption.

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172 **[SIGNATURE PAGE FOLLOWS]**

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181 **PASSED** on first reading this ____ day of _____, 2018.

182

183 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
184 Estero, Florida this ____ day of _____, 2018.

185

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

187

188

189 By: _____ By: _____
190 Kathy Hall, MMC, Village Clerk James R. Boesch, Mayor

191

192

193 Reviewed for legal sufficiency:

194

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196 By: _____
197 Burt Saunders, Esq., Village Attorney

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200	Vote:	AYE	NAY
201	Mayor Boesch	_____	_____
202	Vice Mayor Ribble	_____	_____
203	Councilmember Batos	_____	_____
204	Councilmember Errington	_____	_____
205	Councilmember Levitan	_____	_____
206	Councilmember McLain	_____	_____
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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 21

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REPEALING DRAINAGE AND WATER 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 rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 12-187. Effect of prior acts; Sec. 12-188. Creation of district [West Coast Inland Navigation District]; district to operate through a board of commissioners; Sec. 12-189. Effect of congressional "River and Harbor Act."; Sec. 12-190. Board of commissioners of district; Sec. 12-191. Officers of board of commissioners; quorum; required votes; special meetings; Sec. 12-192. Reimbursement for expenses incurred by board members; Sec. 12-193. Acquisition of right-of-way and other needed lands; Sec. 12-194. Condemnation proceedings; Sec. 12-195. Authority to issue bonds; Sec. 12-196. Power to borrow money; Sec. 12-197. Power to convey property; Sec. 12-198. Power to levy

46 tax; Sec. 12-199. Tax assessment and collection procedure; Sec. 12-200. Construction,
47 reconstruction, maintenance and operation of bridges over waterway; Sec. 12-201.
48 Delegation of powers by district; Sec. 12-202. Power to furnish data to federal government
49 and public; Sec. 12-203. General power to perform acts in furtherance of construction of
50 waterway; Sec. 12-204. Power to perform administrative procedures in furtherance of
51 objectives; power to contract; Sec. 12-205. Franchises and privileges to conduct services on
52 property under control of district; Sec. 12-206. Land owned by district tax exempt; Sec. 12-
53 207. Depositories for district funds; payment of funds out of district; Sec. 12-208. Annual
54 statement to be published; Sec. 12-209. Agreements relating to bridge construction and
55 alteration; Sec. 12-210. Annual audit; Sec. 12-211. Liberal construction; Sec. 12-261. Short
56 title, purpose and territorial scope; Sec. 12-262. Definitions; Sec. 12-263. Permanent water
57 restrictions, declaration of water shortage, and water shortage emergency; Sec. 12-264.
58 Enforcement and penalties; Sec. 12-265. Water service provided by public and private
59 utilities; Sec. 12-266. Florida Administrative Codes incorporated by reference; Sec. 12-267.
60 Conflict; Secs. 12-268—12-280. Reserved. Sec. 12-281. Authority; Sec. 12-282. Findings
61 and determinations; Sec. 12-283. Definitions; Sec. 12-284. Establishment of water
62 conservation utility; Sec. 12-285. Operating budget; Sec. 12-286. Required levels of rates for
63 utility fees and assessments; Sec. 12-287. Imposition of utility fees; Sec. 12-288. Establishing
64 area of operation, benefit areas and utility fees; Sec. 12-289. Rate schedule; Sec. 12-290.
65 Assessments; Sec. 12-291. Establishing benefit areas for assessments; Sec. 12-292. Credits
66 against utility fees and assessments; Sec. 12-293. Notice requirements for resolutions
67 establishing or modifying area of operation, benefit areas and setting or modifying rates; Sec.
68 12-294. Billing and payment of utility fee or assessments; penalties; adjustments; Sec. 12-
69 295. Adjustment of utility fee and assessments; correction; Sec. 12-296. Fees-in-lieu-of and
70 availability charges; Sec. 12-297. Establishment of funds; Sec. 12-298. Issuance of bonds;
71 and Sec. 12-299. Petition to courts.

72

73 The adoption of this Ordinance does not affect the validity or the establishment or
74 powers of the West Coast Inland Navigation District, the Lee County Water Conservation
75 Ordinance, Lee County’s stormwater and water conservation utility, or the validity of any
76 continuing provisions of the Code of Laws and Ordinances of Lee County, Florida.

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78 **Section 2. Effective Date.**

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80 This ordinance shall become effective immediately upon adoption.

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82 **PASSED** on first reading this ____ day of _____, 2018.

83

84 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
85 Estero, Florida this ____ day of _____, 2018.

86

87 Attest:

VILLAGE OF ESTERO, FLORIDA

88

89 By: _____
90 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

91 Reviewed for legal sufficiency:

92

93

94 By: _____

95 Burt Saunders, Esq., Village Attorney

96

97 Vote: AYE NAY

98 Mayor Boesch _____

99 Vice Mayor Ribble _____

100 Councilmember Batos _____

101 Councilmember Errington _____

102 Councilmember Levitan _____

103 Councilmember McLain _____

104 Councilmember Wilson _____