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MEMORANDUM

TO: Village Council
CC: Steve Sarkozy, Village Manager
FROM: Derek Rooney, Assistant Village Attorney
DATE: September 24, 2019
SUBJECT: Codification Round Four Ordinances

This memorandum addresses the fourth set of ordinances identified as part of the effort to localize the current Village Code adopted from Lee County at the time of incorporation. As a refresher, re-codification involves the review of the Code to eliminate irrelevant sections, localize language from “Lee County” to “Estero”, and incorporate changes made by the Council since incorporation. The recodification process also presents the Village with an opportunity to identify areas of regulation where the Village Council may wish to adopt a different policy direction.

The result will be a single comprehensive set of regulations, easily accessible by the public online under our arrangement with Municode for continuing codification services. This fourth round of seven 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. With the exception of the two ordinances repealing unnecessary or duplicative regulations, the remaining ordinances under consideration are intended to localize (mainly change the name from Lee County to Estero) existing regulations and do not include substantive changes.

Ordinance No. 2019-14 Amending Gas Franchise Provisions

The provisions referenced in this ordinance relate to the establishment authority to regulate the provision of natural gas utilities within Village right-of-ways. Franchises establish the rights and a fee for the utilization of public right-of-ways.

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Ordinance No. 2019-15 Repealing Solid Waste Provisions

The code provisions referenced in this ordinance relate to Lee County specific solid waste codes including solid waste MSBUs and hazardous material incident clean-ups. The provisions relating to Village solid waste collection are still provided under contract with Lee County while the hazardous material clean-up provision's authority is already provided for by Chapter 252, Florida Statutes, and the state Division of Emergency Management. Similarly, the special assessment districts are otherwise inapplicable to the Village.

Ordinance No. 2019-16 Repealing Lobbyist Provisions

The proposed ordinance removes remaining lobbyist registration requirements previously repealed in part by the Village Council pursuant to Ordinance 15-03. Additionally, the Council has discussed adopting a Village specific ethics ordinance in the future which may address lobbying issues after further policy formulation.

Ordinance No. 2019-17 Amending Mobile Home Provisions

Florida law requires that permits be issued to licensed contractors, except where property owners obtain permits in their own name and only where they occupy a property for their own use. However, mobile home permits can only be issued to licensed mobile home installation contractors. The provisions referenced in this ordinance relate the establishment of a move-on permit for mobile homes.

Ordinance No. 2019-18 Amending Motor Vehicles and Traffic Provisions

The provisions referenced in this ordinance relate to the regulation of parking and towing within the Village. The proposed ordinance localizes such provisions and provides for their enforcement by the Lee County Sherriff's Office. The Ordinance also removes the prior fee schedule so that a separate fee resolution may be subsequently required.

Ordinance No. 2019-19 Amending Special Events Permitting Provisions

The provisions referenced in this ordinance localize and relate to the procedures for obtaining and limitations on conducting special events within the Village.

Ordinance No. 2019-20 Amending Noise Control Provisions

The provisions referenced in this ordinance relate to noise regulation within the Village. The ordinance retains the existing regulations but localizes to the Village with one substantive change proposed to address recent and post-Irma concerns relating to the running of residential emergency electrical generators.

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