

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
JANUARY 9, 2019

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.

Recommended Action:

Motion to approve first reading of Ordinances No. 2019-02 through 2019-12 and schedule second reading/public hearing for January 23, 2019.

Financial Impacts:

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

Attachments:

1. Memorandum dated January 3, 2019 from Derek Rooney, Assistant Village Attorney
2. Ordinances No. 2019-02 through 2019-12

239-598-3601

DEREK.ROONEY@GRAY-ROBINSON.COM

MEMORANDUM

TO: Village Council
CC: Steve Sarkozy, Village Manager
FROM: Derek Rooney, Assistant Village Attorney
DATE: January 3, 2018
SUBJECT: Codification Repeal Round Three Ordinances

This memorandum addresses the third 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, 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 third set of eleven 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.

Ordinance No. 2019-02 Repealing Licenses and Business Regulations Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The code provisions referenced in this ordinance related to the establishment business tax receipts under the Local Business Tax Act. Local business taxes may be charged by local governments against any business located within the jurisdiction of the government. In order to establish a business tax regime a local government must create a nondiscriminatory business and occupational classification system adopted pursuant to the Act contained in Chapter 205, Florida Statutes. While the provisions and classification structure of the County's system were incorporated by reference into the Village's Code, the Village did does not have a properly adopted business tax system in place currently. If the Village Council is desirous of adopting such a system in the future a follow-up ordinance containing the classification system and rate structure could be brought forth at a later date in accordance with the Act's procedural and substantive requirements.

Village Council
January 3, 2018
Page 2

Additionally, the proposed ordinance also proposes to remove provisions of the Village Code relating to the licensing of certain businesses and occupations including sexual therapists, precious metals dealers, escort services and motor vehicle title lenders. Each of the forgoing licensing regimes were adopted and by their terms apply countywide. The local repeal of the code references is not intended by the Village to revoke any authority contained in County Code to continue to apply those provisions within the Village. The retention of the provisions in the Village Code is unnecessarily duplicative.

Ordinance No. 2019-03 Repealing Motor Vehicle and Traffic Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The proposed ordinance removes provisions from the Code relating irrelevant and duplicative provisions of the Lee County code relating to motor vehicles including the use of golf carts on public beaches (Estero has none) and on unincorporated Captiva and Pine Island, as well as regulations on beach parking on Captiva and Gasparilla Islands. The remaining provisions relate to anti-vehicle theft provisions which already apply countywide and would be unnecessarily duplicative if retained in the Village Code.

Ordinance No. 2019-04 Repealing Offenses and Miscellaneous Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate the establishment of specific prohibited local offenses of no application to the Village of Estero including sleeping on public beaches, and para-mutual wagering. The removal of these provisions will have no impact on the County Code.

Ordinance No. 2019-05 Repealing Parks and Recreation Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to administrative regulations relating to specific extra-territorial Lee County Parks. These provisions have specific applicability to Lee County.

Ordinance No. 2019-06 Repealing Public Buildings and Lands Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to the establishment of County Commission's authority to borrow and maintain specific County buildings and lands conservation programs. These provisions have specific applicability to Lee County.

Ordinance No. 2019-07 Repealing Public Improvements and Projects Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to the establishment of multiple special assessment zones in Lee County, known as Municipal Service Benefit and Taxing Units (“MSTU/BUs”). Unlike Community Development Districts, MSTU/BUs are not special districts, rather they are akin to internal accounting systems by which ad valorem or special assessment funds are raised within designated areas for designated purposes. MSTU/BUs may be established inside incorporated areas with the consent of the municipality. Although the intent of the proposed ordinance is to cleanup provisions of the Code with no applicability to the Village there are MSTU/BUs that presently exist within the Village. The proposed ordinance affirmatively ratifies and consents to Village MSTU/BUs continued existence and authority as part of the Lee County Code.

Ordinance No. 2019-08 Repealing Roads and Bridges Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance relate to the financing and operation of county road facilities, these provisions have no bearing on the Village and should be removed from its code. Other provisions of the Village Code relating to utilization of right-of-ways is retained.

Ordinance No. 2019-09 Repealing Tourist Development 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 a section of the Village Code relating to the County’s Tourist Development Tax. These provisions are Lee County specific as authorized by general law.

Ordinance No. 2019-10 Repealing Water and Sewer Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance related to the delivery of water and sewer improvements within specific improvement districts, including Fort Myers Beach, and other unincorporated areas of the County, as well as internal administrative regulations specific to Lee County Utilities. These code provisions have no relation to Village operations or authority and should be removed. Other provisions relating to the discharge of wastewater into county waters will be repealed but do not affect the applicability of such provisions to the Estero River or Estero Bay.

Ordinance No. 2019-11 Repealing Wells 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's regulations regarding the exploration, construction and use of wells. These provisions differ from the County's wellfield protection regulations which protect public potable water supplies. The retaining the existing language deals specifically with countywide regulation and should be removed. By the very terms of these provisions the County's well regulations apply to municipality unless superseded by municipal regulation. The removal of these provisions from the Code will not impact the Village.

Ordinance No. 2019-12 Repealing Non-Ordinance Provisions of the Lee County Code Previously Adopted by Reference; and Providing an Effective Date

The provisions referenced in this ordinance remove numerous miscellaneous provisions in the Village Code relating to a wide variety of Lee County and special district matters which are codified special acts not ordinances of the County. The vast majority of these items relate to internal County organization or the relationship between the County Commission and other constitutional offices; a non-exclusive list which is nonetheless illustrative of the scope of these provisions follows:

1. Power to borrow money from banking institutions;
2. Purchase of vehicles for use of commissioners; automobile allowance in lieu of purchase;
3. Power to purchase, rent, maintain uniforms for county employees; manner of payment;
4. General power of county to own, operate and regulate airports;
5. Minimum standards and qualifications for original applicant for employment as deputy sheriff;
6. [East County Water Control District];
7. [West Coast Inland Navigation District];
8. [Establishment of fire control districts and regulations];
9. Authority of board of county commissioners to match federal and state funds for care and treatment of indigents;

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January 3, 2018
Page 5

10. [Fort Myers Beach Library District];
11. Certification and approval of lists; jury box; effect of irregularities;
12. Responsibility and duties of health department;

Because these provisions are codified special acts and the Village does not have authority to override the will of the Legislature the removal of these provisions from the Code will not impact the Village or the County but will significantly reduce the amount of extraneous language in the Code.

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

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 02

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
LICENSES AND BUSINESS 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, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following local business taxes and licensing requirements were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to the provisions of Chapter 205, Florida Statutes, the “Local Business Tax Act” (the “Act”) and Chapter 125, Florida Statutes. The creation, amendment to, or termination of these taxes can only occur pursuant to the procedures outlined in the Act. 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. To the extent authorized by law and without affecting the existence of the Lee County local business taxes and licensing requirements listed below and without affecting the ordinances adopted by the Lee County Board of County Commissioners that established or amended below, the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero:

46 Lee County Code Sec. 22-13. Title; Sec. 22-14. Purpose and authority; Sec. 22-15.
47 Classification of taxes; Sec. 22-16. Flea markets; Sec. 22-17. Temporary or transitory
48 businesses; Sec. 22-18. Professionals at multiple locations; Sec. 22-19. Multiple occupations;
49 Sec. 22-20. Evidence of engaging in business; Sec. 22-21. Service fees and administrative
50 authority; Sec. 22-22. Prerequisite to business tax receipt issuance; Sec. 22-23. Due dates,
51 delinquency and penalties; Sec. 22-24. Conflict of laws. Sec. 22-91. Intent; Sec. 22-92.
52 Definitions; Sec. 22-93. Representation as sexual therapist; Sec. 22-94. Classification; Sec.
53 22-95. Violation; Sec. 22-96. Qualification of the applicant; Sec. 22-97. Application
54 procedure; Sec. 22-98. Exemptions from need to obtain licensure. Sec. 22-101. Purpose; Sec.
55 22-102. Definitions; Sec. 22-103. Register of transactions; Sec. 22-104. Disposal within five
56 days of receipt prohibited; Sec. 22-105. Transcript of register to be made available to sheriff
57 of Lee County; Sec. 22-106. Dealing with minors prohibited; Sec. 22-107. Arrangement of
58 stock to facilitate inspection; Sec. 22-108. License required; Sec. 22-109. Penalty; Sec. 22-
59 121. Statement of intent; Sec. 22-122. Definitions; Sec. 22-123. Enforcement; Sec. 22-124.
60 Penalties; Sec. 22-125. Severability; Sec. 22-131. Required to conduct escort service
61 business; Sec. 22-132. Application; Sec. 22-133. Escort service business records; Sec. 22-
62 134. Age limitations for permit; Sec. 22-135. Term; Sec. 22-136. Fee; Sec. 22-137. Permit
63 denial/revocation; Sec. 22-138. Permit not exclusive; Sec. 22-151. Required; Sec. 22-152.
64 Application; Sec. 22-153. Fee; Sec. 22-154. Age limitation for escort license; Sec. 22-155.
65 Escort license denial/revocation; Sec. 22-156. License not exclusive; Sec. 22-276. Title; Sec.
66 22-277. Definitions; Sec. 22-278. Conditions for engaging in motor vehicle title loan
67 transactions; Sec. 22-279. Maximum interest rate, prepayment, amount of loan; Sec. 22-280.
68 Transaction satisfaction and default; Sec. 22-281. Violations, penalties and enforcement; Sec.
69 22-282. Enforcement and penalties; Sec. 22-283. Transition period; Sec. 22-284. Area of
70 enforcement; Sec. 22-285. Means of enforcement; Sec. 22-321. Recitals; Sec. 22-322.
71 Definitions; Sec. 22-323. Temporary moratorium declared; Sec. 22-324. Additional
72 regulations; and Sec. 22-325. Geographical application.

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74 **Section 2. Effective Date.**

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76 This ordinance shall become effective immediately upon adoption.

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78 **PASSED** on first reading this 9th day of January, 2019.

79
80 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
81 Estero, Florida this ____ day of _____, 2019.

82
83 Attest:

VILLAGE OF ESTERO, FLORIDA

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86 By: _____
87 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

91 Reviewed for legal sufficiency:

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94 By: _____

95 Burt Saunders, Esq., Village Attorney

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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 _____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 03

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

Lee County Code Sec. 24-1. Regulation of vehicular traffic on public beaches; Sec. 1-10.1. Restriction on the issuance of license plate or revalidation sticker for parking violations; Sec. 24-4. Creation of driver education safety trust fund; Sec. 24-5. Regulation of concrete trucks; Sec. 24-10. Definitions; Sec. 24-11. Use of golf carts upon designated county roads on Captiva Island; Sec. 24-15. Definitions; Sec. 24-16. Use of golf carts upon designated county roads on Pine Island; Sec. 24-17. Temporary restriction or termination of use of golf carts on designated roads; Sec. 24-18. Penalties and enforcement; Sec. 24-41. Definitions; Sec. 24-42. General prohibition; Sec. 24-43. Exceptions; Sec. 24-44. Liability;

46 Sec. 24-45. Penalty; Sec. 24-46. Enforcement; Sec. 24-47. Public parking areas; Sec. 24-56.
47 Short title; Sec. 24-57. Findings of fact; Sec. 24-58. Definitions; Sec. 24-59. Parallel and
48 angle parking regulations; Sec. 24-60. Applicability; Sec. 24-61. Specific parking
49 prohibitions; Sec. 24-62. Areas for public parking; Sec. 24-63. Exceptions; Sec. 24-64.
50 Enforcement; Sec. 24-65. Liability; Sec. 24-66. Penalties; Sec. 24-77. Creation; Sec. 24-78.
51 Definitions; Sec. 24-79. Regulations; Sec. 24-80. Authorization; Sec. 24-81. Actions; Sec.
52 24-82. Implementation; and Sec. 24-83. Territory embraced.

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

56 **Section 2. Effective Date.**

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59 This ordinance shall become effective immediately upon adoption.

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61 **PASSED** on first reading this 9th day of January, 2019.

62
63 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
64 Estero, Florida this ____ day of _____, 2019.

65
66 Attest: **VILLAGE OF ESTERO, FLORIDA**

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

By: _____
James R. Boesch, Mayor

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73 Reviewed for legal sufficiency:

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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. 2019 - 04

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

Lee County Code Sec. 24½-2. Sleeping on public beaches; Sec. 24½-3. Unauthorized communications with hearing examiner related to zoning applications, appeals, etc.; Sec. 24½-4. Cardrooms in pari-mutuel wagering facilities;

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 9th day of January, 2019.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 2019.

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. 2019 - 05

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

Lee County Code Sec. 25½-31. Adoption of rules and regulations; Sec. 25½-32. Penalty; Sec. 25½-33. Other statutes or ordinances; Sec. 25½-34. Definitions; Sec. 25½-35. Severability; Sec. 25½-36. Institution of action by county relative to violations; Sec. 25½-37. Rules and regulations enumerated;

Sec. 25½-41. Adoption of rules and regulations; Sec. 25½-42. Article construction; Sec. 25½-43. Penalties; Sec. 25½-44. Civil remedies; Sec. 25½-45. Conflict/repealer; Sec. 25½-46. Rules and regulations of the Midpoint Memorial, Sanibel Causeway and Cape Coral

46 Toll Facilities; Sec. 25½-47. Waiver by board of county commissioners; Sec. 25½-57.
47 Creation; Sec. 25½-58. Findings; Sec. 25½-59. Definitions; Sec. 25½-60. Board of
48 supervisors; Sec. 25½-61. Powers of district; Sec. 25½-62. Expenditure and repayment plan;
49 Sec. 25½-63. Availability of facilities; Sec. 25½-64. Responsibility for debt; Sec. 25½-65.
50 Advisors; Sec. 25½-66. Budget; Sec. 25½-67. Collection of taxes; and Sec. 25½-68.
51 Compliance with state law.

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

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56 **Section 2. Effective Date.**

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58 This ordinance shall become effective immediately upon adoption.

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60 **PASSED** on first reading this 9th day of January, 2019.

61

62 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
63 Estero, Florida this ____ day of _____, 2019.

64

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

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

By: _____
James R. Boesch, Mayor

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72 Reviewed for legal sufficiency:

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

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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. 2019 - 06

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

Lee County Code Sec. 26-1. Construction, additions, etc., to county courthouse, other county buildings and landfills—General authority; Sec. 26-2. Same—Issuance of revenue bonds; Sec. 26-3. Same—Payment of principal and interest on bonds from racetrack funds and garbage franchise taxes; Sec. 26-4. Same—Inclusion of bond payments in annual budget; Sec. 26-5. Same—Bonds to be constituted negotiable instruments; Sec. 26-6. Same—Bonds to be constituted legal investments and securities; Sec. 26-7. Same—No referendum required for bond issuance; exception; Sec. 26-8. Same—Items included in cost of projects; Sec. 26-9. Same—Covenant with bondholders not to impair rights by subsequent ordinance; Sec. 26-10.

46 Power of board of county commissioners to deed real estate; prerequisites; Sec. 26-11.
47 Acquisition and deeding of lands for purpose of erection of state institutions; manner of
48 payment for lands purchased; Sec. 26-36. - Name; Sec. 26-37. - Creation of an advisory
49 committee.

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51 Sec. 26-38. - Objectives and duties; Sec. 26-39. - Program criteria; Sec. 26-40. -
52 Appointment and composition; Sec. 26-41. - Terms of members; Sec. 26-42. - Rules of
53 procedure; and Sec. 26-43. – Severability.

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

57
58 **Section 2. Effective Date.**

59
60 This ordinance shall become effective immediately upon adoption.

61
62 **PASSED** on first reading this 9th day of January, 2019.

63
64 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
65 Estero, Florida this ____ day of _____, 2019.

66
67 Attest: **VILLAGE OF ESTERO, FLORIDA**

68
69
70 By: _____ By: _____
71 Kathy Hall, MMC, Village Clerk James R. Boesch, Mayor

72
73
74 Reviewed for legal sufficiency:

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

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

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 07

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
PUBLIC IMPROVEMENTS AND PROJECTS
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, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following municipal service benefit and taxing units were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to Chapter 125, Florida Statutes. 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. To the extent authorized by law and without affecting the existence of the Lee County municipal service benefit or taxing units listed below and without affecting the ordinances adopted by the Lee County Board of County Commissioners that established or amended below, the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code chapter 27, Public Improvements and Projects, Sec. 27-61. Creation of the unit and boundaries.

46 Sec. 27-62. The governing body; Sec. 27-63. Types of services; Sec. 27-64. Power to
47 levy service charges; special assessments of taxes within the unit; Sec. 27-65. General
48 powers; and Sec. 27-66.

49
50 Property not subject to ad valorem taxation are hereby rescinded and repealed as
51 ordinances of the Village of Estero. Specific district provisions enumerated in Subdivision 1.
52 - Cherry/Blueberry Improvement Unit; Subdivision 2. - San Carlos Island Streetlighting Unit;
53 Subdivision 3. - County-Wide Municipal Service Taxing Unit; Subdivision 4. - Palm Beach
54 Boulevard Improvement Unit; Subdivision 5. - Whiskey Creek Club Estates; Subdivision 6. -
55 Corkscrew Road; Subdivision 7. - Winkler Safe Neighborhood District MSTU; Subdivision
56 8. - Cherry Estates Operation and Maintenance Special Improvement Municipal Services
57 Benefit Unit; Subdivision 9. - Old Pelican Bay Channel/Canal Operation and Maintenance
58 Special Improvement Municipal Services Benefit Unit; Subdivision 10. - University
59 Landscaping Operation and Maintenance Special Improvement Unit; Subdivision 11. -
60 Tanglewood Improvement Unit; Subdivision 12. - LeHigh Acres Streetlighting Unit;
61 Subdivision 13. - Anchorage Way/Intracoastal Operation and Maintenance Municipal
62 Service Benefit Unit; Subdivision 14. - Dewberry Lane Special Improvement Operation and
63 Maintenance Municipal Service Benefit Unit; Subdivision 15. - Northeast Hurricane Bay
64 Municipal Service Taxing Unit; Subdivision 16. - Upper Captiva Municipal Service Taxing
65 Unit; Subdivision 17. - Mid-Metro Industrial Park Operation and Maintenance Special
66 Improvement Unit; Subdivision 18. - Gasparilla Island Municipal Service Taxing Unit;
67 Subdivision 19. - McGregor Isles Operation and Maintenance Special Improvement Unit;
68 and Subdivision 20. - River Forest Streetlighting Operation and Maintenance Municipal
69 Service Benefit Unit.

70
71 The adoption of this Ordinance does not affect the validity or the establishment of any
72 existing municipal service benefit or taxing unit that exists and assess ad valorem or special
73 assessments within the Village upon the effective date of this Ordinance, or the validity of
74 such provisions within the Code of Laws and Ordinances of Lee County, Florida. Moreover,
75 the Village hereby ratifies, consents, and confirms the establishment, creation and existence
76 of all existing municipal service or benefit units within the Village of Estero established by
77 Lee County, including and consenting to all amendments thereto by Lee County consistent
78 with Section 125.01(1)(q), Florida Statutes.

79
80 **Section 2. Effective Date.**

81
82 This ordinance shall become effective immediately upon adoption.

83
84 **PASSED** on first reading this 9th day of January, 2019.

85
86 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
87 Estero, Florida this ____ day of _____, 2019.

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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. 2019 - 08

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

Lee County Code Sec. 28-3. Access and driveway standards for county roads lying within incorporated areas; Sec. 28-12. Definitions; Sec. 28-13. Special assessments authorized for construction, reconstruction, repair, etc., of roads, curbs, gutters, drainage facilities and sidewalks; Sec. 28-14. Public hearing on proposed improvements; adoption of resolution authorizing improvements; petition of property owners approving improvements; Sec. 28-15. Resolution levying assessment against benefited property; when assessments due and payable; Sec. 28-16. Assessment to constitute lien; legal action to enforce payment; Sec. 28-17. Special assessment road improvement fund; Sec. 28-18. Authority of board to accept

46 partial or installment payments; Sec. 28-19. Recording of resolutions; Sec. 28-20. Special
47 Acts, Chapter 65-1819 repealed; special assessments levied pursuant to said act to continue
48 in full force and effect; Sec. 28-21. Effect of article provisions upon assessments in process
49 of being levied and assessed on effective date of article; Sec. 28-22. Article provisions
50 deemed cumulative, supplemental and alternative; Sec. 28-66. Duties of the enhanced 9-1-1
51 emergency telephone system program manager; Sec. 28-67. Duties of Lee County citizens;
52 Sec. 28-81. Authority; Sec. 28-82. Tax imposed; Sec. 28-83. Effective period of tax; Sec. 28-
53 84. Disbursement of proceeds; Sec. 28-90.1. Authority; Sec. 28-90.2. Tax imposed; Sec. 28-
54 90.3. Effective period of tax; Sec. 28-90.4. Utilization of proceeds; Sec. 28-90.5. Affect upon
55 statutes and Ordinance No. 89-21; Sec. 28-90.6. Disbursement of proceeds; Sec. 28-91.
56 Definitions; Sec. 28-92. Acquisition and construction; Sec. 28-93. Tolls; Sec. 28-94. Issuance
57 of revenue bonds; Sec. 28-95. Refunding bonds; Sec. 28-96. Taxing power not pledged; Sec.
58 28-97. Trust funds; Sec. 28-98. Remedies of bondholders; Sec. 28-99. Alternative method;
59 and Sec. 28-121. Repealer.

60

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

63

64 **Section 2. Effective Date.**

65

66 This ordinance shall become effective immediately upon adoption.

67

68 **PASSED** on first reading this 9th day of January, 2019.

69

70 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
71 Estero, Florida this ____ day of _____, 2019.

72

73 Attest:

VILLAGE OF ESTERO, FLORIDA

74

75 By: _____
76 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

77

78 Reviewed for legal sufficiency:

79

80 By: _____
81 Burt Saunders, Esq., Village Attorney

82

83 Vote:	AYE	NAY
84 Mayor Boesch	_____	_____
85 Vice Mayor Ribble	_____	_____
86 Councilmember Batos	_____	_____
87 Councilmember Errington	_____	_____
88 Councilmember Levitan	_____	_____
89 Councilmember McLain	_____	_____
90 Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 09

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
TOURIST DEVELOPMENT 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, IT IS HEREBY ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Lee County Code Sections repealed.

The following local tax provisions were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to the provisions of Chapter 212, Florida Statutes, the “Florida Revenue Act of 1949” (the “Act”) and Chapter 125, Florida Statutes. The creation, amendment to, or termination of these taxes can only occur pursuant to the procedures outlined in the Act. 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. To the extent authorized by law and without affecting the existence of the Lee County local tourist taxes and without affecting the ordinances adopted by the Lee County Board of County Commissioners that established or amended below, the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero:

46 Lee County Sec. 29¼-1. Title; Sec. 29¼-2. Application; definitions; Sec. 29¼-3.
47 Taxable privileges; levy; rate; Sec. 29¼-4. Tourist development plan; Sec. 29¼-5. The Lee
48 County Tourist Development Council; Sec. 29¼-6. Local collection administration, audit and
49 enforcement of the tax; Sec. 29¼-7. Personal liability; Sec. 29¼-8. Refusal to collect tax;
50 Sec. 29¼-9. Severability; Sec. 29¼-10. Invalid or unconstitutional sections; and Sec. 29¼-11.
51 Conflicts of law.

52
53 The adoption of this Ordinance does not affect the validity or the establishment of any
54 local tourist taxes or the Lee County Tourist Development Plan, or the validity of such
55 provisions within the Code of Laws and Ordinances of Lee County, Florida.

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

58
59 This ordinance shall become effective immediately upon adoption.

60
61 **PASSED** on first reading this 9th day of January, 2019.

62
63 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
64 Estero, Florida this ____ day of _____, 2019.

65
66 Attest: **VILLAGE OF ESTERO, FLORIDA**

67
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

79	Vote:	AYE	NAY
80	Mayor Boesch	_____	_____
81	Vice Mayor Ribble	_____	_____
82	Councilmember Batos	_____	_____
83	Councilmember Errington	_____	_____
84	Councilmember Levitan	_____	_____
85	Councilmember McLain	_____	_____
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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 10

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

Lee County Code Sec. 30-11. Connections with sewer systems; Sec. 30-12. Connections with sewer required; Sec. 30-12.1. Specific connections permitted; Sec. 30-13. Exceptions to connections; Sec. 30-14. Connections may be made by district; Sec. 30-15. Rates and connection fees; Sec. 30-16. Connection charges; Sec. 30-17. Unlawful connection; Sec. 30-18. Unlawful construction; Sec. 30-19. Connecting old plumbing; Sec. 30-20. Sanitary requirements; Sec. 30-21. Disposal requirements; Sec. 30-22. Septic tank; Sec. 30-23. Maintenance of plumbing system; Sec. 30-24. Payment of fees and bills required; Sec. 30-25. Collection of sewer fees where owner has private water supply; Sec. 30-26.

46 Failure to maintain plumbing system; Sec. 30-27. No service free; Sec. 30-28. Separate
47 connections for each separate unit; Sec. 30-29. Penalties; Sec. 30-30. Repeal of conflicting
48 provisions; Sec. 30-41. Statutory authority; Sec. 30-42. Boundaries; Sec. 30-43. East Fort
49 Myers Sewer District dissolved; Sec. 30-44. Connections with sewer system; Sec. 30-45.
50 Connections with sewer required; Sec. 30-46. Exceptions to connections; Sec. 30-47.
51 Connections may be made by county; Sec. 30-48. Rates; connection fees; deposits; Sec. 30-
52 49. Reserved; Sec. 30-50. Unlawful connection; Sec. 30-50.1. Unlawful construction; Sec.
53 30-50.2. Connecting old plumbing; Sec. 30-50.3. Sanitary requirements; Sec. 30-50.4.
54 Disposal requirements; Sec. 30-50.5. Septic tank; Sec. 30-50.6. Maintenance of plumbing
55 system; Sec. 30-50.7. Payment of fees and bills required; Sec. 30-50.8. Collection of sewer
56 fees where owner has private water supply; Sec. 30-50.9. Failure to maintain plumbing
57 system; Sec. 30-50.10. No service free; Sec. 30-50.11. Separate connections for each separate
58 unit; Sec. 30-51. Authority of board—General; Sec. 30-52. Same—Assessment bonds; Sec.
59 30-53. Obligations payable from special assessment; Sec. 30-54. Obligations to constitute
60 negotiable instruments; Sec. 30-55. No referendum required; exception; Sec. 30-56. Cost of
61 improvements to include certain items; Sec. 30-57. Rights of holders not to be impaired, etc;
62 Sec. 30-58. City may issue obligations to refund; Sec. 30-59. Article to supplement board
63 authority; Sec. 30-60. Board to exercise county authority; Sec. 30-71. Connections with
64 sewer system where available; Sec. 30-72. Connections with sewer required after notice; Sec.
65 30-73. Exceptions to connections; Sec. 30-74. Connections may be made by county; Sec. 30-
66 75. Rates; connection fees; deposits; Sec. 30-77. Unlawful connection; Sec. 30-78. Unlawful
67 construction; Sec. 30-79. Connecting old plumbing; Sec. 30-80. Sanitary requirements; Sec.
68 30-81. Disposal requirements; Sec. 30-82. Septic tank; Sec. 30-83. Maintenance of plumbing
69 system required; Sec. 30-84. Payment of fees and bills required; Sec. 30-85. Collection of
70 sewer fees where owner has private water supply; Sec. 30-86. Failure to maintain plumbing
71 system; Sec. 30-87. No service free; Sec. 30-88. Penalties; Sec. 30-110. Rules and
72 regulations for water service; Sec. 30-111. Rules and regulations for sewer service; Sec. 30-
73 112. Penalty for violation of sections 30-110 and 30-111; Sec. 30-113. Penalty for violation
74 of related ordinances; Sec. 30-114. Conflicting ordinances, resolutions repealed; Sec. 30-115.
75 Severability; Sec. 30-116. Board may seek legal action; Sec. 30-117. Rates and connection
76 fees—Adopted; procedures for rate adjustment; annual review; Sec. 30-118. Same—Annual
77 notification to customers; Sec. 30-119. Same—Invalidation of inconsistent agreements; Sec.
78 30-131. Purpose; intent; Sec. 30-132. Definitions; Sec. 30-133. Other governing laws and
79 rules to remain in effect; Sec. 30-134. Wastewater discharges into surface waters of county;
80 prohibited acts; Sec. 30-135. County wastewater discharge permit—required; Sec. 30-136.
81 Same—Application; Sec. 30-137. Issuance of permit; Sec. 30-138. Suspension or revocation;
82 Sec. 30-139. Appeals; Sec. 30-140. Implementation; Sec. 30-141. Emergency discharges.
83
84 Sec. 30-142. Penalties for unlawful discharge of treated wastewater.
85 Sec. 30-143. Municipal option.
86 Sec. 30-155. Purposes.
87 Sec. 30-156. Affected area.
88 Sec. 30-157. Definitions.
89 Sec. 30-158. Responsibilities of Lee County Utilities.
90 Sec. 30-159. Responsibilities of customers.

- 91 Sec. 30-160. Enforcement.
- 92 Sec. 30-161. Petition to board of county commissioners.
- 93 Sec. 30-162. Acceptable plumbing standards.
- 94 Sec. 30-163. Severability.
- 95 Sec. 30-164. Repeal of inconsistent ordinances; and Sec. 30-165. Supplemental
- 96 authority.

97
 98 The adoption of this Ordinance does not affect the validity or the establishment of any
 99 existing water or sewer district, administrative regulations relating specifically to Lee County
 100 Utilities within the Village, the application of wastewater discharges into county waters with
 101 the Village including the Estero River and Estero Bay, or the validity of such provisions
 102 within the Code of Laws and Ordinances of Lee County, Florida.

103
 104 **Section 2. Effective Date.**

105
 106 This ordinance shall become effective immediately upon adoption.

107
 108 **PASSED** on first reading this 9th day of January, 2019.

109
 110 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
 111 Estero, Florida this ____ day of _____, 2019.

112
 113 Attest: **VILLAGE OF ESTERO, FLORIDA**

114
 115
 116 By: _____ By: _____
 117 Kathy Hall, MMC, Village Clerk James R. Boesch, Mayor

118
 119
 120 Reviewed for legal sufficiency:

121
 122
 123 By: _____
 124 Burt Saunders, Esq., Village Attorney

125

126	Vote:	AYE	NAY
127	Mayor Boesch	_____	_____
128	Vice Mayor Ribble	_____	_____
129	Councilmember Batos	_____	_____
130	Councilmember Errington	_____	_____
131	Councilmember Levitan	_____	_____
132	Councilmember McLain	_____	_____
133	Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 11

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

Lee County Code Sec. 32-15. - Purpose and short title; Sec. 32-16. - Adoption by reference: Florida Administrative Code relating to wells; Sec. 32-17. - Territorial scope; Sec. 32-18. – Definitions; Sec. 32-21. - General; Sec. 32-22. - Well classifications; Sec. 32-23. - Land use classifications; Sec. 32-25. - Well construction advisory board; Sec. 32-26. - Officers, quorum, and rules of procedure; Sec. 32-27. - Functions, powers and duties of the advisory board; Sec. 32-28. - Removal from membership; Sec. 32-29. - Terms of appointment; Sec. 32-30. - Advisory board disciplinary hearing procedures (See Appendix B for disciplinary action procedures flow chart).

45 Sec. 32-36. - Requirements for permit; Sec. 32-37. - Conditions for issuance of
46 permits; Sec. 32-38. - Permit fee; Sec. 32-39. - Reinspection fee; Sec. 32-40. - Submission of
47 subsurface data; Sec. 32-41. - Permit transfer or exchange; Sec. 32-42. - Authority granted by
48 the permit; Sec. 32-43. - Validity; Sec. 32-44. - Reworked wells; Sec. 32-45. - Cause for
49 denial, suspension or revocation; Sec. 32-46. - Notice of denial; Sec. 32-47. - Suspension and
50 revocation of permit; Sec. 32-48. - Identification of drilling rigs; Sec. 32-57. - Test wells;
51 Sec. 32-58. - Test well applications; Sec. 32-59. - Test well reports; Sec. 32-60. - Testing
52 procedure; Sec. 32-68. - Inspectors; Sec. 32-69. - Inspections; Sec. 32-81. - Scope; Sec. 32-
53 82. - Materials; Sec. 32-83. - Construction methods and procedures; Sec. 32-91. - Contractor
54 licensure requirements; Sec. 32-92. - License renewal; Sec. 32-93. - Specialty license; Sec.
55 32-94. - Licensed contractor responsibilities; Sec. 32-101. - Rules and regulations; Sec. 32-
56 102. - Limits of county liability; Sec. 32-112. - Penalties; and Sec. 32-113. - Conflicts.

57
58 This repeal is not intended to affect the validity of these provisions as laws of Lee
59 County.

60
61 **Section 2. Effective Date.**

62
63 This ordinance shall become effective immediately upon adoption.

64
65 **PASSED** on first reading this 9th day of January, 2019.

66
67 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
68 Estero, Florida this ____ day of _____, 2019.

69
70 Attest: **VILLAGE OF ESTERO, FLORIDA**

71
72
73 By: _____
74 Kathy Hall, MMC, Village Clerk

73 By: _____
74 James R. Boesch, Mayor

75
76 Reviewed for legal sufficiency:

77
78
79 By: _____
80 Burt Saunders, Esq., Village Attorney

81		82 AYE	82 NAY
83	Mayor Boesch	_____	_____
84	Vice Mayor Ribble	_____	_____
85	Councilmember Batos	_____	_____
86	Councilmember Errington	_____	_____
87	Councilmember Levitan	_____	_____
88	Councilmember McLain	_____	_____
89	Councilmember Wilson	_____	_____

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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 12

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

Sec. 1-3. Property appraiser entitled to fee for keeping special sewer district roll current; Sec. 1-9. Contractors' licensing investigators and code enforcement investigators authorized; issuance of citations; 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. 3-1. General power of county to own, operate and regulate airports; Sec. 3-2. Exercise of powers by county deemed for

46 governmental and county purpose; Sec. 3-3. Financing airport projects; Sec. 3-4. Application
47 of state laws regarding issuance of bonds and levying taxes for airport purposes; Sec. 3-5.
48 Lien on aircraft for landing fees and other charges; Sec. 3-26. [Port Authority] Created; Sec.
49 3-27. Board of county commissioners acting as port commissioners; expenses, quorum; Sec.
50 3-28. Separate port authority may be constituted; procedure; Sec. 3-29. General powers of
51 port authority and board of port commissioners; Sec. 3-30. Joint undertakings with Charlotte
52 County Development Commission; Sec. 4-11. Special hotel licenses for destination resort
53 complexes; Sec. 4-24. Veterans of Foreign Wars, Post No. 2444; Sec. 4-25. Veterans of
54 Foreign Wars, Post No. 2454; Sec. 4-26. Cape Coral Moose Lodge, No. 2199; Sec. 4-27.
55 Columbus Home Association, Inc; Sec. 4-28. Timberlakes, Limited; Forest County Club;
56 Sec. 6-1. Cockfighting, maintaining cockpits, etc., prohibited; Sec. 6-2. Budget and tax levy
57 for care of stray animals; Sec. 6-13. Prohibited on paved county roads; Sec. 6-14. Prohibited
58 in certain described areas of county; Sec. 6-15. Same—Impoundment; fees; care of animals;
59 Sec. 6-16. Same—Notice to owner; sale of animal; Sec. 6-17. Same—Report of sale;
60 disposition of proceeds; Sec. 6-18. Same—Sheriff's fees; Sec. 6-19. Penalty; Sec. 7-1. Estero
61 Creek declared navigable stream; Sec. 9½-11. Civil service board created; composition;
62 election, appointment of members; filling vacancies; Sec. 9½-12. Qualifications of board
63 members; Sec. 9½-13. Provisions to encompass all classified members of sheriff's
64 department; Sec. 9½-14. Civil service board to elect chairman and secretary; Sec. 9½-15.
65 Provisions to become operative upon certification by sheriff that office is functioning under
66 civil service rules; Sec. 9½-16. Power of civil service board; Sec. 9½-17. Employees to retain
67 position and rank; Sec. 9½-18. Leaves of absence; Sec. 9½-19. Minimum standards and
68 qualifications for original applicant for employment as deputy sheriff; Sec. 9½-20.
69 Promotions, transfers, appointments; Sec. 9½-21. Practice and procedure of board with
70 respect to investigations; Sec. 9½-22. Solicitations; use of influence, etc., to secure
71 appointment, resignation, etc; Sec. 9½-23. Suspension, dismissal of employees; appeals; Sec.
72 9½-24. Use of public buildings and rooms by civil service board; Sec. 9½-25. Duty of sheriff
73 to provide money in budget to enable board to carry out article provisions and to pay
74 percentage of cost of health insurance coverage for retired members of sheriff's department;
75 Sec. 9½-26. Employees not to be active in political campaigns; Sec. 9½-27. Severability of
76 provisions; Sec. 10-1. Circuit judges; employment of secretaries by county authorized; Sec.
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402 facilities, etc.; authority to issue revenue bonds.

403

404 All of the foregoing provisions were not "Lee County Ordinances" and they are
405 hereby rescinded and repealed as ordinances of the Village of Estero.

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

408

409 **Section 2. Effective Date.**

410

411 This ordinance shall become effective immediately upon adoption.

412

413 **PASSED** on first reading this 9th day of January, 2019.

414

415 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of
416 Estero, Florida this ____ day of _____, 2019.

417

418 Attest:

VILLAGE OF ESTERO, FLORIDA

419

420

421 By: _____
422 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

423

424 Reviewed for legal sufficiency:

425

426

427 By: _____
428 Burt Saunders, Esq., Village Attorney

429

430 Vote:	AYE	NAY
431 Mayor Boesch	_____	_____
432 Vice Mayor Ribble	_____	_____
433 Councilmember Batos	_____	_____
434 Councilmember Errington	_____	_____
435 Councilmember Levitan	_____	_____
436 Councilmember McLain	_____	_____
437 Councilmember Wilson	_____	_____