

**AGENDA ITEM SUMMARY SHEET**  
**VILLAGE COUNCIL MEETING**  
**JANUARY 23, 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 third set of ordinances to come before the Council. First reading of the ordinances was held at the January 9, 2018 Council meeting.

**Recommended Action:**

Motion to approve second readings and adopt Ordinances No. 2019-02 through 2019-12.

**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

## ATTACHMENT 1

GRAY | ROBINSON  
ATTORNEYS AT LAW

1404 DEAN STREET  
SUITE 300  
FORT MYERS, FLORIDA 33901  
TEL 239-598-3601  
FAX 239-321-5334  
gray-robinson.com

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:** 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.

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/BIs 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;

Village Council  
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.

**ATTACHMENT 2**

**ORDINANCES NO. 2019-02 THROUGH 2019-12**

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2019 - 02**

4  
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, REPEALING**  
7 **LICENSES AND BUSINESS REGULATIONS**  
8 **PROVISIONS OF THE LEE COUNTY CODE**  
9 **PREVIOUSLY ADOPTED BY REFERENCE; AND**  
10 **PROVIDING AN EFFECTIVE DATE.**

11  
12 **WHEREAS**, the Village of Estero was incorporated by referendum held on November  
13 4, 2014; and

14  
15 **WHEREAS**, the Charter of the Village of Estero (“Charter”) at Section 11, “General  
16 Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all  
17 applicable lawful Lee County ordinances currently in place at the time of passage of the  
18 referendum, unless specifically referenced in the Charter, shall remain in place unless  
19 rescinded by the Village Council or unless they are in conflict with an ordinance, rule or  
20 regulation of the Village; and

21  
22 **WHEREAS**, the Village Council has determined that it is in the best interests and  
23 welfare of the Village and its residents to rescind certain provisions of the Lee County Code  
24 that fall into one of the following categories: non-ordinance provisions, provisions pre-empted  
25 to counties, provisions specifically related to county departments, officers, agencies or areas  
26 outside of Estero, provisions that would apply within Estero without the Village’s adoption of  
27 same.

28  
29 **NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Village Council of the  
30 Village of Estero, Florida:

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

33  
34 The following local business taxes and licensing requirements were established and amended  
35 by ordinances adopted by the Lee County Board of County Commissioners, pursuant to the  
36 provisions of Chapter 205, Florida Statutes, the “Local Business Tax Act” (the “Act”) and  
37 Chapter 125, Florida Statutes. The creation, amendment to, or termination of these taxes can  
38 only occur pursuant to the procedures outlined in the Act. The following sections were included  
39 in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their  
40 inclusion in the Lee County Code. To the extent authorized by law and without affecting the  
41 existence of the Lee County local business taxes and licensing requirements listed below and  
42 without affecting the ordinances adopted by the Lee County Board of County Commissioners  
43 that established or amended below, the following sections of the Code of Laws and Ordinances,  
44 of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village  
45 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. 22-  
53 95. Violation; Sec. 22-96. Qualification of the applicant; Sec. 22-97. Application procedure;  
54 Sec. 22-98. Exemptions from need to obtain licensure. Sec. 22-101. Purpose; Sec. 22-102.  
55 Definitions; Sec. 22-103. Register of transactions; Sec. 22-104. Disposal within five days of  
56 receipt prohibited; Sec. 22-105. Transcript of register to be made available to sheriff of Lee  
57 County; Sec. 22-106. Dealing with minors prohibited; Sec. 22-107. Arrangement of stock to  
58 facilitate inspection; Sec. 22-108. License required; Sec. 22-109. Penalty; Sec. 22-121.  
59 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 business;  
61 Sec. 22-132. Application; Sec. 22-133. Escort service business records; Sec. 22-134. Age  
62 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.

73  
74 **Section 2. Effective Date.**

75  
76 This ordinance shall become effective immediately upon adoption.

77  
78 **PASSED** on first reading this 9<sup>th</sup> day of January, 2019.

79  
80 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
81 Florida this 23<sup>rd</sup> day of January, 2019.

82  
83 Attest:

**VILLAGE OF ESTERO, FLORIDA**

84  
85  
86 By: \_\_\_\_\_  
87 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 \_\_\_\_\_

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2019 - 03**

4  
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, REPEALING**  
7 **MOTOR VEHICLE AND TRAFFIC PROVISIONS OF**  
8 **THE LEE COUNTY CODE PREVIOUSLY ADOPTED BY**  
9 **REFERENCE; AND PROVIDING AN EFFECTIVE**  
10 **DATE.**

11  
12 **WHEREAS**, the Village of Estero was incorporated by referendum held on November  
13 4, 2014; and

14  
15 **WHEREAS**, the Charter of the Village of Estero (“Charter”) at Section 11, “General  
16 Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all  
17 applicable lawful Lee County ordinances currently in place at the time of passage of the  
18 referendum, unless specifically referenced in the Charter, shall remain in place unless  
19 rescinded by the Village Council or unless they are in conflict with an ordinance, rule or  
20 regulation of the Village; and

21  
22 **WHEREAS**, the Village Council has determined that it is in the best interests and  
23 welfare of the Village and its residents to rescind certain provisions of the Lee County Code  
24 that fall into one of the following categories: non-ordinance provisions, provisions pre-empted  
25 to counties, provisions specifically related to county departments, officers, agencies or areas  
26 outside of Estero, provisions that would apply within Estero without the Village’s adoption of  
27 same.

28  
29 **NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Village Council of the  
30 Village of Estero, Florida:

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

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

37  
38 Lee County Code Sec. 24-1. Regulation of vehicular traffic on public beaches; Sec. 1-  
39 10.1. Restriction on the issuance of license plate or revalidation sticker for parking violations;  
40 Sec. 24-4. Creation of driver education safety trust fund; Sec. 24-5. Regulation of concrete  
41 trucks; Sec. 24-10. Definitions; Sec. 24-11. Use of golf carts upon designated county roads on  
42 Captiva Island; Sec. 24-15. Definitions; Sec. 24-16. Use of golf carts upon designated county  
43 roads on Pine Island; Sec. 24-17. Temporary restriction or termination of use of golf carts on  
44 designated roads; Sec. 24-18. Penalties and enforcement; Sec. 24-41. Definitions; Sec. 24-42.  
45 General prohibition; Sec. 24-43. Exceptions; Sec. 24-44. Liability; Sec. 24-45. Penalty; Sec.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**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 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. 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.

46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75

**Section 2. Effective Date.**

This ordinance shall become effective immediately upon adoption.

**PASSED** on first reading this 9<sup>th</sup> day of January, 2019.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 23<sup>rd</sup> day of January, 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	_____	_____

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2019 - 05**

4  
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, REPEALING PARKS**  
7 **AND RECREATION PROVISIONS OF THE LEE**  
8 **COUNTY CODE PREVIOUSLY ADOPTED BY**  
9 **REFERENCE; AND PROVIDING AN EFFECTIVE**  
10 **DATE.**

11  
12 **WHEREAS**, the Village of Estero was incorporated by referendum held on November  
13 4, 2014; and

14  
15 **WHEREAS**, the Charter of the Village of Estero (“Charter”) at Section 11, “General  
16 Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all  
17 applicable lawful Lee County ordinances currently in place at the time of passage of the  
18 referendum, unless specifically referenced in the Charter, shall remain in place unless  
19 rescinded by the Village Council or unless they are in conflict with an ordinance, rule or  
20 regulation of the Village; and

21  
22 **WHEREAS**, the Village Council has determined that it is in the best interests and  
23 welfare of the Village and its residents to rescind certain provisions of the Lee County Code  
24 that fall into one of the following categories: non-ordinance provisions, provisions pre-empted  
25 to counties, provisions specifically related to county departments, officers, agencies or areas  
26 outside of Estero, provisions that would apply within Estero without the Village’s adoption of  
27 same.

28  
29 **NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Village Council of the  
30 Village of Estero, Florida:

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

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

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

42  
43 Sec. 25½-41. Adoption of rules and regulations; Sec. 25½-42. Article construction;  
44 Sec. 25½-43. Penalties; Sec. 25½-44. Civil remedies; Sec. 25½-45. Conflict/repealer; Sec.  
45 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.

52

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

55

56 **Section 2. Effective Date.**

57

58 This ordinance shall become effective immediately upon adoption.

59

60 **PASSED** on first reading this 9<sup>th</sup> day of January, 2019.

61

62 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
63 Florida this 23<sup>rd</sup> day of January, 2019.

64

65 Attest:

**VILLAGE OF ESTERO, FLORIDA**

66

67

68 By: \_\_\_\_\_  
69 Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
James R. Boesch, Mayor

70

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	_____	_____



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**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 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. 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.

50  
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 9<sup>th</sup> day of January, 2019.

63  
64 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
65 Florida this 23<sup>rd</sup> day of January, 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	_____	_____



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 powers;  
48 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 8.  
56 - Cherry Estates Operation and Maintenance Special Improvement Municipal Services Benefit  
57 Unit; Subdivision 9. - Old Pelican Bay Channel/Canal Operation and Maintenance Special  
58 Improvement Municipal Services Benefit Unit; Subdivision 10. - University Landscaping  
59 Operation and Maintenance Special Improvement Unit; Subdivision 11. - Tanglewood  
60 Improvement Unit; Subdivision 12. - LeHigh Acres Streetlighting Unit; Subdivision 13. -  
61 Anchorage Way/Intracoastal Operation and Maintenance Municipal Service Benefit Unit;  
62 Subdivision 14. - Dewberry Lane Special Improvement Operation and Maintenance Municipal  
63 Service Benefit Unit; Subdivision 15. - Northeast Hurricane Bay Municipal Service Taxing  
64 Unit; Subdivision 16. - Upper Captiva Municipal Service Taxing Unit; Subdivision 17. - Mid-  
65 Metro Industrial Park Operation and Maintenance Special Improvement Unit; Subdivision 18.  
66 - Gasparilla Island Municipal Service Taxing Unit; Subdivision 19. - McGregor Isles Operation  
67 and Maintenance Special Improvement Unit; and Subdivision 20. - River Forest Streetlighting  
68 Operation and Maintenance Municipal Service Benefit Unit.  
69

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

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

81 This ordinance shall become effective immediately upon adoption.  
82

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

85 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
86 Florida this 23<sup>rd</sup> day of January, 2019.  
87  
88  
89  
90

91 Attest:

**VILLAGE OF ESTERO, FLORIDA**

92

93

94 By: \_\_\_\_\_  
95 Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
James R. Boesch, Mayor

96

97

98 Reviewed for legal sufficiency:

99

100

101 By: \_\_\_\_\_  
102 Burt Saunders, Esq., Village Attorney

103

104

105

106	Vote:	AYE	NAY
107	Mayor Boesch	_____	_____
108	Vice Mayor Ribble	_____	_____
109	Councilmember Batos	_____	_____
110	Councilmember Errington	_____	_____
111	Councilmember Levitan	_____	_____
112	Councilmember McLain	_____	_____
113	Councilmember Wilson	_____	_____

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2019 - 08**

4  
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, REPEALING**  
7 **ROADS AND BRIDGES PROVISIONS OF THE LEE**  
8 **COUNTY CODE PREVIOUSLY ADOPTED BY**  
9 **REFERENCE; AND PROVIDING AN EFFECTIVE**  
10 **DATE.**

11  
12 **WHEREAS**, the Village of Estero was incorporated by referendum held on November  
13 4, 2014; and

14  
15 **WHEREAS**, the Charter of the Village of Estero (“Charter”) at Section 11, “General  
16 Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all  
17 applicable lawful Lee County ordinances currently in place at the time of passage of the  
18 referendum, unless specifically referenced in the Charter, shall remain in place unless  
19 rescinded by the Village Council or unless they are in conflict with an ordinance, rule or  
20 regulation of the Village; and

21  
22 **WHEREAS**, the Village Council has determined that it is in the best interests and  
23 welfare of the Village and its residents to rescind certain provisions of the Lee County Code  
24 that fall into one of the following categories: non-ordinance provisions, provisions pre-empted  
25 to counties, provisions specifically related to county departments, officers, agencies or areas  
26 outside of Estero, provisions that would apply within Estero without the Village’s adoption of  
27 same.

28  
29 **NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Village Council of the  
30 Village of Estero, Florida:

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

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

37  
38 Lee County Code Sec. 28-3. Access and driveway standards for county roads lying  
39 within incorporated areas; Sec. 28-12. Definitions; Sec. 28-13. Special assessments authorized  
40 for construction, reconstruction, repair, etc., of roads, curbs, gutters, drainage facilities and  
41 sidewalks; Sec. 28-14. Public hearing on proposed improvements; adoption of resolution  
42 authorizing improvements; petition of property owners approving improvements; Sec. 28-15.  
43 Resolution levying assessment against benefited property; when assessments due and payable;  
44 Sec. 28-16. Assessment to constitute lien; legal action to enforce payment; Sec. 28-17. Special  
45 assessment road improvement fund; Sec. 28-18. Authority of board to accept partial or

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

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

62

63 **Section 2. Effective Date.**

64

65 This ordinance shall become effective immediately upon adoption.

66

67 **PASSED** on first reading this 9<sup>th</sup> day of January, 2019.

68

69 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
70 Florida this 23<sup>rd</sup> day of January, 2019.

71

72 Attest:

**VILLAGE OF ESTERO, FLORIDA**

73

74 By: \_\_\_\_\_  
75 Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
James R. Boesch, Mayor

76

77 Reviewed for legal sufficiency:

78

79 By: \_\_\_\_\_  
80 Burt Saunders, Esq., Village Attorney

81

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**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:





1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2019 - 10**

4  
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, REPEALING**  
7 **WATER AND SEWERS PROVISIONS OF THE LEE**  
8 **COUNTY CODE PREVIOUSLY ADOPTED BY**  
9 **REFERENCE; AND PROVIDING AN EFFECTIVE**  
10 **DATE.**

11  
12 **WHEREAS**, the Village of Estero was incorporated by referendum held on November  
13 4, 2014; and

14  
15 **WHEREAS**, the Charter of the Village of Estero (“Charter”) at Section 11, “General  
16 Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all  
17 applicable lawful Lee County ordinances currently in place at the time of passage of the  
18 referendum, unless specifically referenced in the Charter, shall remain in place unless  
19 rescinded by the Village Council or unless they are in conflict with an ordinance, rule or  
20 regulation of the Village; and

21  
22 **WHEREAS**, the Village Council has determined that it is in the best interests and  
23 welfare of the Village and its residents to rescind certain provisions of the Lee County Code  
24 that fall into one of the following categories: non-ordinance provisions, provisions pre-empted  
25 to counties, provisions specifically related to county departments, officers, agencies or areas  
26 outside of Estero, provisions that would apply within Estero without the Village’s adoption of  
27 same.

28  
29 **NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Village Council of the  
30 Village of Estero, Florida:

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

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

37  
38 Lee County Code Sec. 30-11. Connections with sewer systems; Sec. 30-12.  
39 Connections with sewer required; Sec. 30-12.1. Specific connections permitted; Sec. 30-13.  
40 Exceptions to connections; Sec. 30-14. Connections may be made by district; Sec. 30-15. Rates  
41 and connection fees; Sec. 30-16. Connection charges; Sec. 30-17. Unlawful connection; Sec.  
42 30-18. Unlawful construction; Sec. 30-19. Connecting old plumbing; Sec. 30-20. Sanitary  
43 requirements; Sec. 30-21. Disposal requirements; Sec. 30-22. Septic tank; Sec. 30-23.  
44 Maintenance of plumbing system; Sec. 30-24. Payment of fees and bills required; Sec. 30-25.  
45 Collection of sewer fees where owner has private water supply; Sec. 30-26. Failure to maintain

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**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 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. 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).



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**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 governmental and county purpose; Sec. 3-3. Financing airport projects; Sec. 3-4. Application of state laws

46 regarding issuance of bonds and levying taxes for airport purposes; Sec. 3-5. Lien on aircraft  
47 for landing fees and other charges; Sec. 3-26. [Port Authority] Created; Sec. 3-27. Board of  
48 county commissioners acting as port commissioners; expenses, quorum; Sec. 3-28. Separate  
49 port authority may be constituted; procedure; Sec. 3-29. General powers of port authority and  
50 board of port commissioners; Sec. 3-30. Joint undertakings with Charlotte County  
51 Development Commission; Sec. 4-11. Special hotel licenses for destination resort complexes;  
52 Sec. 4-24. Veterans of Foreign Wars, Post No. 2444; Sec. 4-25. Veterans of Foreign Wars,  
53 Post No. 2454; Sec. 4-26. Cape Coral Moose Lodge, No. 2199; Sec. 4-27. Columbus Home  
54 Association, Inc; Sec. 4-28. Timberlakes, Limited; Forest County Club; Sec. 6-1.  
55 Cockfighting, maintaining cockpits, etc., prohibited; Sec. 6-2. Budget and tax levy for care of  
56 stray animals; Sec. 6-13. Prohibited on paved county roads; Sec. 6-14. Prohibited in certain  
57 described areas of county; Sec. 6-15. Same—Impoundment; fees; care of animals; Sec. 6-16.  
58 Same—Notice to owner; sale of animal; Sec. 6-17. Same—Report of sale; disposition of  
59 proceeds; Sec. 6-18. Same—Sheriff's fees; Sec. 6-19. Penalty; Sec. 7-1. Estero Creek declared  
60 navigable stream; Sec. 9½-11. Civil service board created; composition; election, appointment  
61 of members; filling vacancies; Sec. 9½-12. Qualifications of board members; Sec. 9½-13.  
62 Provisions to encompass all classified members of sheriff's department; Sec. 9½-14. Civil  
63 service board to elect chairman and secretary; Sec. 9½-15. Provisions to become operative  
64 upon certification by sheriff that office is functioning under civil service rules; Sec. 9½-16.  
65 Power of civil service board; Sec. 9½-17. Employees to retain position and rank; Sec. 9½-18.  
66 Leaves of absence; Sec. 9½-19. Minimum standards and qualifications for original applicant  
67 for employment as deputy sheriff; Sec. 9½-20. Promotions, transfers, appointments; Sec. 9½-  
68 21. Practice and procedure of board with respect to investigations; Sec. 9½-22. Solicitations;  
69 use of influence, etc., to secure appointment, resignation, etc; Sec. 9½-23. Suspension,  
70 dismissal of employees; appeals; Sec. 9½-24. Use of public buildings and rooms by civil  
71 service board; Sec. 9½-25. Duty of sheriff to provide money in budget to enable board to carry  
72 out article provisions and to pay percentage of cost of health insurance coverage for retired  
73 members of sheriff's department; Sec. 9½-26. Employees not to be active in political  
74 campaigns; Sec. 9½-27. Severability of provisions; Sec. 10-1. Circuit judges; employment of  
75 secretaries by county authorized; Sec. 10-2. Additional filing fee established for use of legal  
76 aid society—By special act; Sec. 12-11. Short title; Sec. 12-12. Legislative findings; Sec. 12-  
77 13. Definitions; Sec. 12-14. Establishment of districts authorized; boundary requirements; Sec.  
78 12-15. Petition to be incorporated into district; preliminary report; Sec. 12-16. Public hearing  
79 on creation of district; action by county; Sec. 12-17. Election on question of creation of district;  
80 Sec. 12-18. Inspectors, clerks; ballots; polling places; Sec. 12-19. Canvass of votes; creation  
81 of district; publication of estoppel notice; effective upon notice; approval of bond issuance;  
82 Sec. 12-20. Jurisdiction of circuit court; Sec. 12-21. Composition of district as body corporate  
83 and politic; general powers; clerk and treasurer; Sec. 12-22. Preliminary expenses; Sec. 12-23.  
84 General powers of district board; Sec. 12-24. Issuance of bonds; Sec. 12-25. Certification of  
85 taxes levied for bonds to tax assessor; manner of assessment and collection; Sec. 12-26. Use  
86 of bond proceeds; Sec. 12-27. Publication of resolution authorizing bond issuance; actions  
87 opposing issuance; Sec. 12-28. Status of bonds as negotiable instruments; effect of  
88 irregularities; provisions to constitute contract; Sec. 12-29. Procedure for implementing  
89 construction or reconstruction of assessable improvements; Sec. 12-30. Issuance of certificates  
90 of indebtedness subsequent to assessment; Sec. 12-31. Covenants with holders of assessment



91 bonds; maturity of bonds; terms of bonds; status as negotiable instruments; Sec. 12-32. Tax  
92 exempt status of property, revenue, bonds; Sec. 12-33. Status of bonds as legal investments;  
93 eligibility as collateral security; Sec. 12-34. Use of bonds for payment for services rendered;  
94 Sec. 12-36. Special ad valorem maintenance tax; Sec. 12-37. Payment of tax revenues over to  
95 proper county officials; Sec. 12-38. Enforcement of contracts by bondholders; Sec. 12-39.  
96 Sales of property to districts by political subdivisions; Sec. 12-40. Establishment of  
97 departments, boards, etc., by districts; delegation of powers; Sec. 12-41. Exemption of district  
98 property from levy and sale; Sec. 12-42. Covenant by state not to impair rights; Sec. 12-52.  
99 District boundaries ratified and approved; Sec. 12-53. Provisions of Chapter 298, Florida  
100 Statutes, made applicable; Sec. 12-54. Installment taxes; collection; Sec. 12-55. Maintenance  
101 tax; Sec. 12-56. Enforcement of taxes; Sec. 12-57. When unpaid taxes delinquent; penalty;  
102 Sec. 12-58. Water deemed a common enemy; Sec. 12-69. Legislative finding; validation of  
103 district; Sec. 12-70. Definitions; Sec. 12-71. Boundaries of district; Sec. 12-72. Powers of the  
104 district; Sec. 12-73. Election of the district board; Sec. 12-74. Comprehensive beach and shore  
105 preservation program; Sec. 12-75. Benefit categories or zones; Sec. 12-76. Ad valorem taxes;  
106 Sec. 12-77. General obligation bonds; Sec. 12-78. Special assessments; Sec. 12-79. Issuance  
107 of certificates of indebtedness based on assessments for assessable improvements; assessment  
108 bonds; Sec. 12-80. Issuance of additional bonds; Sec. 12-81. Refunding bonds; Sec. 12-82.  
109 Additional power to contract; Sec. 12-88. District formation ratified, restated and approved;  
110 Sec. 12-89. Boundaries of the district; Sec. 12-90. Provisions of Chapter 298, Florida Statutes,  
111 made applicable; Sec. 12-91. Installment taxes; collection; Sec. 12-92. Maintenance tax; Sec.  
112 12-93. Enforcement of taxes; Sec. 12-94. When unpaid taxes delinquent; penalty; Sec. 12-95.  
113 Water deemed a common enemy; Sec. 12-96. Board of supervisors; qualifications; Sec. 12-  
114 106. District boundaries ratified and approved; Sec. 12-107. Extension of boundaries of the  
115 district; Sec. 12-108. Provisions of Chapter 298, Florida Statutes, made applicable; Sec. 12-  
116 108.1. Board of supervisors; election; terms; qualifications; vacancies; Sec. 12-109.  
117 Installment taxes; collection; Sec. 12-110. Maintenance tax; Sec. 12-111. Enforcement of  
118 taxes; Sec. 12-112. When unpaid taxes delinquent; penalty; Sec. 12-113. Water deemed a  
119 common enemy; Sec. 12-114. Interest rate on bonds issued by the district; Sec. 12-115.  
120 Quorum for landowners' meetings; Sec. 12-116. Reserved; Sec. 12-117. Additional powers of  
121 the district; Sec. 12-118. Unit development; powers of supervisors to designate units of district  
122 and adopt system of progressive drainage by units; plans of reclamation and financing  
123 assessments, etc., for each unit; Sec. 12-128. Created; described; Sec. 12-129. Legislative  
124 findings; Sec. 12-130. Definitions; Sec. 12-131. Board of supervisors constituted; election;  
125 terms; removals; vacancies; oath of office; compensation; Sec. 12-132. General powers of  
126 board of supervisors; Sec. 12-133. Power of board to let work by contract; Sec. 12-134.  
127 Division of district into sections; apportionment of costs to various sections; Sec. 12-135.  
128 Maintenance tax authorized; Sec. 12-136. Authority not to levy taxes; Sec. 12-137. Declaration  
129 that district is beneficial to lands in district; Sec. 12-138. Creation of maintenance and other  
130 funds; use of funds restricted; Sec. 12-139. Preparation of annual budget of maintenance  
131 requirements; contents of budget; notice and hearing; adoption of budget; resolution imposing  
132 tax; Sec. 12-140. Preparation of assessment list; certificate directing assessment of taxes; final  
133 approval of list; Sec. 12-141. Manner of assessing and collecting taxes; effect of irregularities;  
134 compensation of assessor; Sec. 12-142. Certain provisions of Florida Statutes not applicable;  
135 Sec. 12-143. Duties of various county officers in regard to assessments and collections; Sec.

136 12-144. Authority of board to purchase tax certificates; enforcement of liens; Sec. 12-145.  
137 Power of board to borrow money; Sec. 12-146. Election of officers of board; seal; Sec. 12-147.  
138 Quorum; time and place of meetings; Sec. 12-148. Appointment of treasurer; bond; duties;  
139 Sec. 12-149. Appointment of chief engineer; bond; Sec. 12-150. Uniform tax for preliminary  
140 expenses; Sec. 12-151. Taxes and assessments to constitute liens; dignity to other liens; Sec.  
141 12-152. Damaging district property; Sec. 12-153. Application of general drainage laws; Sec.  
142 12-154. Penalty for delinquent taxes; Sec. 12-155. Declaration that lands in district are wet in  
143 natural state, etc; Sec. 12-187. Effect of prior acts; Sec. 12-188. Creation of district; district to  
144 operate through a board of commissioners; Sec. 12-189. Effect of congressional "River and  
145 Harbor Act."; Sec. 12-190. Board of commissioners of district; Sec. 12-191. Officers of board  
146 of commissioners; quorum; required votes; special meetings; Sec. 12-192. Reimbursement for  
147 expenses incurred by board members; Sec. 12-193. Acquisition of right-of-way and other  
148 needed lands; Sec. 12-194. Condemnation proceedings; Sec. 12-195. Authority to issue bonds;  
149 Sec. 12-196. Power to borrow money; Sec. 12-197. Power to convey property; Sec. 12-198.  
150 Power to levy tax; Sec. 12-199. Tax assessment and collection procedure; Sec. 12-200.  
151 Construction, reconstruction, maintenance and operation of bridges over waterway; Sec. 12-  
152 201. Delegation of powers by district; Sec. 12-202. Power to furnish data to federal government  
153 and public; Sec. 12-203. General power to perform acts in furtherance of construction of  
154 waterway; Sec. 12-204. Power to perform administrative procedures in furtherance of  
155 objectives; power to contract; Sec. 12-205. Franchises and privileges to conduct services on  
156 property under control of district; Sec. 12-206. Land owned by district tax exempt; Sec. 12-  
157 207. Depositories for district funds; payment of funds out of district; Sec. 12-208. Annual  
158 statement to be published; Sec. 12-209. Agreements relating to bridge construction and  
159 alteration; Sec. 12-210. Annual audit; Sec. 12-211. Liberal construction; Sec. 13-1. Special  
160 elections to be conducted in accordance with state law; effect on budget; Sec. 13-2.  
161 Nominations for county commission to be at large; Sec. 13-3. Candidate for county  
162 commission to reside in district for which he is a candidate; Sec. 13-14. Supplies for  
163 registration and reregistration; opening of new registration books; Sec. 13-15. Registration or  
164 reregistration required; Sec. 13-16. Hours and dates registration books are to be open; Sec. 13-  
165 17. District registration officers may conduct registration or reregistration of voters; Sec. 13-  
166 21. Uniform election, etc., procedures for certain special districts; Sec. 14-16. Established;  
167 described; Sec. 14-17. Fire control board—Election; terms; compensation; Sec. 14-18. Same—  
168 Organization; acquisition of property and equipment; Sec. 14-19. Same—Power to make rules  
169 and regulations; Sec. 14-20. Budget; Sec. 14-21. Tax levy; Sec. 14-22. Assessment and  
170 collection of taxes; Sec. 14-23. Report on collection of taxes; Sec. 14-24. Warrants; Sec. 14-  
171 25. Bond of treasurer; Sec. 14-26. Reports of treasurer; Sec. 14-32. Established; described;  
172 Sec. 14-33. Fire control and rescue board—Appointments; terms; vacancies; Sec. 14-34.  
173 Same—Organization; acquisition of property and equipment; Sec. 14-35. Same—Power to  
174 make rules and regulations; Sec. 14-36. Budget; Sec. 14-37. Tax levy; Sec. 14-38. Assessment  
175 and collection of taxes; Sec. 14-39. Report on collection of taxes; Sec. 14-40. Warrants; Sec.  
176 14-41. Bond of treasurer; Sec. 14-42. Reports of treasurer; Sec. 14-48. Established; described;  
177 Sec. 14-49. Fire control board—Election; terms; compensation; Sec. 14-50. Same—  
178 Organization; acquisition of property and equipment; Sec. 14-51. Same—Power to make rules  
179 and regulations; Sec. 14-52. Budget; Sec. 14-53. Tax levy; Sec. 14-54. Assessment and  
180 collection of taxes; Sec. 14-55. Report on collection of taxes; Sec. 14-56. Warrants; Sec. 14-

181 57. Bond of treasurer; Sec. 14-58. Reports of treasurer; Sec. 14-64. Established; described;  
182 Sec. 14-65. Fire control board—Appointments; terms; vacancies; Sec. 14-66. Same—  
183 Organization; acquisition of property and equipment; Sec. 14-67. Same—Power to hire  
184 personnel; Sec. 14-68. Same—Power to borrow money; Sec. 14-69. Same—Power to make  
185 rules and regulations; Sec. 14-70. Budget; Sec. 14-71. Tax levy; Sec. 14-72. Assessment and  
186 collection of taxes; Sec. 14-73. Report on collection of taxes; Sec. 14-74. Warrants; Sec. 14-  
187 75. Bond of treasurer; Sec. 14-76. Reports of treasurer; Sec. 14-87. Establishment and  
188 maintenance declared county purpose; Sec. 14-88. Established; described; Sec. 14-89.  
189 Governing body established; Sec. 14-90. Power to acquire equipment; hire employees; Sec.  
190 14-91. Agreements with City of Fort Myers; Sec. 14-92. Financing of district; tax; Sec. 14-98.  
191 Established; described; Sec. 14-98.1. Expansion of boundaries; Sec. 14-99. Fire control and  
192 rescue board—Appointments; terms; vacancies; Sec. 14-100. Same—Organization;  
193 acquisition of property and equipment; Sec. 14-101. Same—Power to make rules and  
194 regulations; Sec. 14-102. Budget; Sec. 14-103. Tax levy; Sec. 14-104. Assessment and  
195 collection of taxes; Sec. 14-105. Report on collection of taxes; Sec. 14-106. Warrants; Sec. 14-  
196 107. Bond of treasurer; Sec. 14-108. Reports of treasurer; Sec. 14-114. Established; described;  
197 Sec. 14-115. Fire control board—Election; terms; compensation; Sec. 14-116. Same—  
198 Organization; acquisition of property and equipment; fiscal powers; Sec. 14-117. Same—  
199 Power to make rules and regulations; Sec. 14-118. Budget; Sec. 14-119. Tax levy; Sec. 14-  
200 120. Assessment and collection of taxes; Sec. 14-121. Report on collection of taxes; Sec. 14-  
201 122. Warrants; Sec. 14-123. Bond of treasurer; Sec. 14-124. Reports of treasurer; Sec. 14-130.  
202 Established; described; Sec. 14-131. Fire control board—Election of members; terms;  
203 vacancies; Sec. 14-132. Same—Organization; acquisition of property and equipment; Sec. 14-  
204 132.1. Same—Right to maintain ambulance service; Sec. 14-132.2. Same—Right to adopt  
205 fees; Sec. 14-133. Same—Power to make rules and regulations; Sec. 14-134. Budget; Sec. 14-  
206 135. Tax levy; Sec. 14-136. Assessment and collection of taxes; Sec. 14-136.1. Assessment  
207 for ambulance service; Sec. 14-137. Report on collection of taxes; Sec. 14-138. Warrants; Sec.  
208 14-139. Bond of treasurer; Sec. 14-140. Reports of treasurer; Sec. 14-141. Referendum  
209 required to dissolve district; Sec. 14-146. Established; described; Sec. 14-147. Fire control  
210 board—Appointments; terms; vacancies; election to board; Sec. 14-148. Same—Organization;  
211 fiscal powers; power to acquire property and equipment; Sec. 14-149. Same—Power to make  
212 rules and regulations; Sec. 14-150. Budget; Sec. 14-151. Tax levy; Sec. 14-152. Assessment  
213 and collection of taxes; Sec. 14-153. Report on collection of taxes; Sec. 14-154. Warrants; Sec.  
214 14-155. Bond of treasurer; Sec. 14-156. Reports of treasurer; Sec. 14-161. Definitions; Sec.  
215 14-162. District created; name; boundaries; Sec. 14-163. Conduct of business and affairs of  
216 board; elections; term of commissioners; employment of personnel; Sec. 14-164. Organization  
217 of board; election of officers; compensation, bond of commissioners; Sec. 14-165. Authority  
218 of board to levy taxes; rate of taxes; Sec. 14-165.1. Power of eminent domain; Sec. 14-166.  
219 Tax roll; protests; commission of property appraiser and tax collector; Sec. 14-167. Taxes to  
220 constitute lien; Sec. 14-168. Disposition, disbursement of proceeds and funds of district; Sec.  
221 14-169. Authority of board to borrow money and to issue revenue anticipation certificates;  
222 purchases of equipment; Sec. 14-170. Use of district funds; Sec. 14-171. Records of board  
223 meetings; adoption and effect of rules and regulations; annual report of board; filing of  
224 estimated budget; Sec. 14-172. Authority of board to enact fire prevention code; salaries of fire  
225 department personnel; other wages; Sec. 14-173. Dissolution of district; Sec. 14-174. Suits,

226 actions, proceedings against districts and commissioners; Sec. 14-175. Severability of  
227 provisions; Sec. 14-176. Repeal of conflicting provisions; Sec. 14-177. When division to take  
228 effect; Sec. 14-178. Referendum required to dissolve district; Sec. 14-180.1. Definitions; Sec.  
229 14-180.2. District created; boundaries; power to render service to adjoining areas; Sec. 14-  
230 180.3. Board of commissioners—Created; membership; terms; vacancies; Sec. 14-180.4.  
231 Same—Officers; compensation; bond; Sec. 14-180.5. Authority to levy tax; Sec. 14-180.6.  
232 Procedure for assessment and levy of tax; Sec. 14-180.7. Assessment to be a lien; Sec. 14-  
233 180.8. Deposit and disbursal of funds; Sec. 14-180.9. Fiscal powers of board; Sec. 14-180.10.  
234 Use of funds; Sec. 14-180.11. Records, regulations and fiscal procedures of board; Sec. 14-  
235 180.12. Right to enact fire prevention code; salaries of personnel; Sec. 14-180.21. Definitions;  
236 Sec. 14-180.22. District created; boundaries; power to render service to adjoining areas; Sec.  
237 14-180.23. Board of commissioners—Created; membership; terms; vacancies; Sec. 14-180.24.  
238 Same—Officers; compensation; bond; Sec. 14-180.25. Authority to levy tax; Sec. 14-180.26.  
239 Procedure for assessment and levy of tax; Sec. 14-180.27. Assessment to be a lien; Sec. 14-  
240 180.28. Deposit and disbursal of funds; Sec. 14-180.29. Fiscal powers of board; Sec. 14-  
241 180.30. Use of funds; Sec. 14-180.31. Records, regulations and fiscal procedures of board;  
242 Sec. 14-180.32. Right to enact fire prevention code; salaries; Sec. 14-180.41. Definitions; Sec.  
243 14-180.42. District created; boundaries; power to render service to adjoining areas; Sec. 14-  
244 180.43. Board of commissioners—Created; membership; terms; vacancies; Sec. 14-180.44.  
245 Same—Officers; compensation; bond; Sec. 14-180.45. Authority to levy tax; Sec. 14-180.46.  
246 Procedure for assessment and levy of tax; Sec. 14-180.47. Assessment to be a lien; Sec. 14-  
247 180.48. Deposit and disbursal of funds; Sec. 14-180.49. Fiscal powers of board; Sec. 14-  
248 180.50. Use of funds; Sec. 14-180.51. Records, regulations and fiscal procedures of board;  
249 Sec. 14-180.52. Right to enact fire prevention code; salaries; Sec. 14-180.61. Definitions; Sec.  
250 14-180.62. District created; boundaries; power to render service to adjoining areas; Sec. 14-  
251 180.63. Board of commissioners—Created; membership; terms; vacancies; Sec. 14-180.64.  
252 Same—Officers; compensation; bond; Sec. 14-180.65. Authority to levy tax; Sec. 14-180.66.  
253 Procedure for assessment and levy of tax; Sec. 14-180.67. Assessment to be a lien; Sec. 14-  
254 180.68. Deposit and disbursal of funds; Sec. 14-180.69. Fiscal powers of board; Sec. 14-  
255 180.70. Use of funds; Sec. 14-180.71. Records, regulations and fiscal procedures of board;  
256 Sec. 14-180.72. Right to enact fire prevention code; salaries of personnel; Sec. 14-180.81.  
257 Definitions; Sec. 14-180.82. District created; boundaries; power to render service to adjoining  
258 areas; Sec. 14-180.83. Board of commissioners—Created; membership; terms; vacancies; Sec.  
259 14-180.84. Same—Officers; compensation; bond; Sec. 14-180.85. Authority to levy tax; Sec.  
260 14-180.86. Procedures for assessment and levy of tax; Sec. 14-180.87. Assessment to be a lien;  
261 Sec. 14-180.88. Deposit and disbursal of funds; Sec. 14-180.89. Fiscal powers of board; Sec.  
262 14-180.90. Use of funds; Sec. 14-180.91. Records, regulations and fiscal procedures of board;  
263 Sec. 14-180.92. Right to enact fire prevention code; salaries of fire department; Sec. 14-180.94.  
264 Dissolution of prior district; distribution of funds or indebtedness; Sec. 14-180.101.  
265 Definitions; Sec. 14-180.102. District created; boundaries; power to render service to adjoining  
266 areas; Sec. 14-180.103. Board of commissioners—Created; membership; terms; vacancies;  
267 Sec. 14-180.104. Same—Officers; compensation; bond; Sec. 14-180.105. Authority to levy  
268 tax; Sec. 14-180.106. Procedure for assessment and levy of tax; Sec. 14-180.107. Assessment  
269 to be a lien; Sec. 14-180.108. Deposit and disbursal of funds; Sec. 14-180.109. Fiscal powers  
270 of board; Sec. 14-180.110. Use of funds; Sec. 14-180.111. Records, regulations and fiscal

271 procedures of board; Sec. 14-180.112. Right to enact fire prevention code; salaries of fire  
272 department; Sec. 14-180.121. Definitions; Sec. 14-180.122. District created; boundaries;  
273 power to render service to adjoining areas; Sec. 14-180.123. Board of commissioners—  
274 Created; membership; terms; vacancies; Sec. 14-180.124. Same—Officers; compensation;  
275 bond; Sec. 14-180.125. Authority to levy tax; Sec. 14-180.126. Procedure for assessment and  
276 levy of tax; Sec. 14-180.127. Assessment to be a lien; Sec. 14-180.128. Deposit and disbursal  
277 of funds; Sec. 14-180.129. Fiscal powers of board; Sec. 14-180.130. Use of funds; Sec. 14-  
278 180.131. Records, regulations and fiscal procedures of board; Sec. 14-180.132. Right to enact  
279 fire prevention code; salaries of fire department; Sec. 14-180.151. Definitions; Sec. 14-  
280 180.153. Board of commissioners—Created; membership; terms; vacancies; Sec. 14-180.154.  
281 Same—Officers; compensation; bond; Sec. 14-180.155. Authority to levy tax; Sec. 14-  
282 180.156. Procedure for assessment and levy of tax; Sec. 14-180.157. Assessment to be a lien;  
283 Sec. 14-180.158. Deposit and disbursal of funds; Sec. 14-180.159. Fiscal powers of board; Sec.  
284 14-180.160. Use of funds; Sec. 14-180.161. Records, regulations and fiscal procedures of  
285 board; Sec. 14-180.162. Rights to enact fire prevention code; salaries of fire department; Sec.  
286 14-180.176. Creation of the unit, purpose and boundaries; Sec. 14-180.177. The governing  
287 body; Sec. 14-180.178. The general powers; Sec. 14-180.179. Levying ad valorem taxes; Sec.  
288 14-180.180. Burnt Store Area Fire Protection Fund; Sec. 15-1. Killing and trapping of wild  
289 birds prohibited on Sanibel Island; exception; Sec. 15-2. Killing or hunting wild game on Pine  
290 Island prohibited; exceptions; Sec. 15-3. Reserved; Sec. 15-4. Limitation on size of mullet;  
291 Sec. 15-5. Managed game and fish refuge on Sanibel Island and Captiva Island; Sec. 15-6. Use  
292 of nets, seines, traps, etc., in Caloosahatchee River and its tributaries; Sec. 15-7. Use of nets,  
293 etc., for taking of herring or other menhaden-like fish restricted; Sec. 15-8. Use of nets in  
294 vicinity of Pine Island or within man-made canals prohibited; Sec. 15-9. Use of nets in man-  
295 made canals containing salt water prohibited; Sec. 15-9.1. Certain types of fishing in man-  
296 made saltwater canals prohibited—On Greater Pine Island; Sec. 15-9.2. Same—San Carlos  
297 Island; Estero Island, etc; Sec. 15-9.3. Same—Palmetto Point Subdivision; Sec. 15-20.  
298 Definitions; Sec. 15-21. Use of stop-nets prohibited; Sec. 15-22. Use of nets and seines in inlets  
299 or passes; Sec. 15-23. Time limit for placement of nets or seines; Sec. 15-24. Length of nets  
300 and seines restricted; Sec. 15-25. Sweeping, dragging nets and seines between inland and open  
301 waters; Sec. 15-26. Use of multiple nets between inland and open waters; Sec. 15-27. Use of  
302 nets and seines in relation to tide; Sec. 15-28. Restriction on bar measure when nets and seines  
303 are used between inland and open waters; Sec. 15-29. Restrictions on size of twine in inland  
304 waters; Sec. 15-30. Depth and width of net or seine restricted on inland waters; Sec. 15-31.  
305 Use of nets or seines in prohibited areas; use on beaches; Sec. 15-32. Responsibility of owners  
306 of net or seine; confiscation and destruction; Sec. 15-33. Exceptions; Sec. 15-34. Penalties;  
307 Sec. 16-1. Authority of division of corrections to sell canned goods to school lunchrooms, jails,  
308 stockades; Sec. 18-1. Authority of board of county commissioners to match federal and state  
309 funds for care and treatment of indigents; Sec. 18-12. Power of county commission to establish,  
310 operate, maintain public hospital and nursing home; power to accept assets of Lee Memorial,  
311 Inc; Sec. 18-13. Bond issuance authorized for amounts in excess of grants and donations;  
312 referendum required; Sec. 18-14. Requirements for issuance and sale of bonds; Sec. 18-15.  
313 Tax levy authorized; use of other public funds authorized; Sec. 18-16. Donations of money,  
314 personal property and real estate; Sec. 18-17. State and federal grants and loans; Sec. 18-18.  
315 Declaration of county purpose; Sec. 18-19. Eminent domain proceedings; Sec. 18-20. Election;

316 terms; qualification of board of hospital directors; Sec. 18-20.1. Election procedure for 1983  
317 and after; Sec. 18-21. Hospital board to make recommendations on bond election; calling  
318 election; Sec. 18-22. Status of hospital board as county agency; bond of board members; Sec.  
319 18-23. Power of hospital board to pay expenses in relation to formation of hospital, etc; Sec.  
320 18-24. Power of hospital board to establish medical staff, by-laws, etc., to govern such staff;  
321 Sec. 18-25. Hospital to be for use and benefit of county residents; treatment of patients unable  
322 to pay for care; nonresidents; patients subject to rules and regulations; Sec. 18-26. Adoption  
323 of bylaws, rules, regulations; election of officers; records and accounts; meetings; annual  
324 audits; Sec. 18-27. Payment of funds by hospital board; deposits; Sec. 18-28. Annual report of  
325 receipts and disbursements; recommendations for improvements and repairs; filing of  
326 operating budget; Sec. 18-29. Power of hospital board to borrow money; limitations; Sec. 18-  
327 30. Power of hospital board to hire or appoint chief executive officer for hospital management;  
328 Sec. 18-31. Provisions to be cumulative; Sec. 18-32. Power of board to contract, sue and be  
329 sued, enter into leases, etc; Sec. 18-33. Service of process on hospital board; Sec. 18-34. Power  
330 of board to provide for management, equipping, construction, alteration and addition of  
331 buildings; Sec. 18-36. Power of hospital board to accept gifts, bequests, conveyances; Sec. 18-  
332 37. Power of hospital board to perfect lien; Sec. 18-38. Power of nonprofit corporations  
333 operating a hospital to perfect lien; Sec. 19-1. Established; Sec. 19-2. Governing body; Sec.  
334 19-3. Powers of the board; Sec. 19-4. Organization of the board; Sec. 19-5. Duties of the board;  
335 Sec. 19-6. Salary of the board; Sec. 19-7. Audit; Sec. 19-8. Meetings; Sec. 19-9. Fiscal year;  
336 preparation of budget; hearings; Sec. 19-10. Eminent domain; Sec. 19-11. Tax levy; Sec. 19-  
337 12. Engineer as director; advertisement of contracts; Sec. 19-13. Penalty for damage to  
338 property; Sec. 19-14. Cooperation with individual, local, state and federal agencies; Sec. 19-  
339 15. Transfer of assets and liabilities; Sec. 20-1. Appointment; compensation, term of office;  
340 Sec. 20-2. Selection of prospective jurors; Sec. 20-3. Qualifications of prospective jurors; Sec.  
341 20-4. Certification and approval of lists; jury box; effect of irregularities; Sec. 20-5. Exemption  
342 from jury duty; procedures for claiming; Sec. 20-6. Employment of clerical help; Sec. 20-7.  
343 County to pay for commissioners' state commission; Sec. 21-11. Created; described; Sec. 21-  
344 12. Composition of board; election, term, compensation of members; Sec. 21-13. Election of  
345 officers of library board; Sec. 21-14. Annual budget proposal of library board; notice and  
346 hearing; adoption; limitation; Sec. 21-15. Tax levy; Sec. 21-16. Power of library board to  
347 purchase books, maintain facilities, etc.; negotiations and contracts with existing libraries; Sec.  
348 21-17. Manner of making payment for library board expenses; Sec. 21-18. Tax collections;  
349 Sec. 21-19. Bond of library board treasurer; Sec. 21-20. Semiannual and annual report of  
350 library board treasurer; Sec. 21-21. Liberal construction of provisions; Sec. 21-32. Board of  
351 trustees created; composition; appointments; powers and authority; Sec. 21-33. County  
352 commission to provide space for library; Sec. 21-34. Appropriations for the law library fund;  
353 Sec. 21-35. Additional appropriations; Sec. 21-36. Property of law library deemed as being  
354 held in charitable trust; Sec. 22-1. Regulation of junkyards; Sec. 22-2. Power to require  
355 franchise for operation of waterworks, sewerage plants, trash and garbage collections; terms  
356 of franchise; Sec. 22-46. Defined; Sec. 22-47. Permit required; Sec. 22-48. Application for  
357 permit; contents; accompanying documents; fee; Sec. 22-49. Bond required; Sec. 22-50.  
358 Issuance or denial of permit; Sec. 22-51. Term of permit; Sec. 22-52. Effect of other  
359 regulations; Sec. 22-53. Penalties; Sec. 23-1. Established; Sec. 23-2. Division of district into  
360 areas; Sec. 23-3. Board of commissioners; election; term of office; Sec. 23-4. Election; ballots;

361 Sec. 23-5. Powers of the board of commissioners; Sec. 23-6. Organization of the board; Sec.  
362 23-7. Salary of the board; Sec. 23-8. Audit; Sec. 23-9. Breeding places; Sec. 23-10. Meetings;  
363 Sec. 23-11. Fiscal year; preparation of budget; hearings; Sec. 23-12. Eminent domain; Sec. 23-  
364 13. Tax levy; Sec. 23-14. Engineer as director; advertisement of contracts; Sec. 23-15. Penalty  
365 for damage to property; Sec. 23-16. Dissolution of existing districts; Sec. 23-17. Transfer of  
366 assets and liabilities; Sec. 23-18. Books and records; Sec. 23-19. Purpose; Sec. 23-20.  
367 Responsibility and duties of health department; Sec. 23-21. Alternate plan; Sec. 23-22.  
368 Application of general law; Sec. 23-23. Liberal construction; Sec. 26-10. Power of board of  
369 county commissioners to deed real estate; prerequisites; Sec. 26-11. Acquisition and deeding  
370 of lands for purpose of erection of state institutions; manner of payment for lands purchased;  
371 Sec. 26-22. Acceptance by county required on all dedications; Sec. 26-23. Dedications not to  
372 be recorded prior to acceptance by county; Sec. 26-24. Form of acceptance; Sec. 26-25.  
373 Exceptions; Sec. 27-1. Petition requesting improvements required; Sec. 27-2. Authority of  
374 board of county commissioners to contribute to state and federal projects; Sec. 27-3. Power of  
375 board of county commissioners to take title to land for park and parkway purposes; tax levy;  
376 Sec. 27-4. Placement of funds of bond districts in county depositories authorized; Sec. 27-15.  
377 Definitions; Sec. 27-16. General powers, authority, etc; Sec. 27-17. Special powers; Sec. 27-  
378 23. Application; Sec. 27-24. Initiating resolution of board; enactment upon notice and public  
379 hearing or referendum; Sec. 27-25. Petition; contents; procedural requirements and adoption;  
380 Sec. 27-31. Board of county commissioners with advisory or operation committee; Sec. 27-37.  
381 Application; definitions; Sec. 27-38. Revenue sources; Sec. 27-39. Bonds; Sec. 27-40.  
382 Revenue certificates; Sec. 27-41. Provisions cumulative; Sec. 27-47. Purposes for which  
383 districts created; Sec. 27-48. Definitions; Sec. 27-49. Creation of district; Sec. 27-50.  
384 Validation proceedings; Sec. 27-51. Financing of improvements; Sec. 27-52. Construction of  
385 improvement; Sec. 27-53. Sewer service charges; Sec. 27-54. Water rates; Sec. 27-55. Levy of  
386 special assessments; Sec. 27-56. Additional powers of the board; Sec. 27-57. Remedies; Sec.  
387 27-58. Exemptions from taxation; Sec. 27-59. Miscellaneous; Sec. 27-60. Additional method;  
388 Sec. 28-1. Construction of fences along state rights-of-way permitted; Sec. 28-65. Uniform  
389 house numbering system; tax authorized; Sec. 29-1. Authority of school board to convey  
390 school land to county; reverter clause; Sec. 29-2. Authority of junior college board of trustees  
391 to make contribution to county for surplus property warehouse; Sec. 29-3. One-half of  
392 racetrack funds to be paid to board of public instruction; Sec. 29-4. When board of public  
393 instruction may dispense with competitive bidding; Sec. 29-5. Employment of district school  
394 superintendent; and Sec. 29-6. Authority of school board to acquire land, construct, enlarge,  
395 repair, etc., schools, school facilities, etc.; authority to issue revenue bonds.

396

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

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

401

402 **Section 2. Effective Date.**

403

404 This ordinance shall become effective immediately upon adoption.

405

406 **PASSED** on first reading this 9<sup>th</sup> day of January, 2019.

407

408 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
409 Florida this 23<sup>rd</sup> day of January, 2019.

410

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

412

413

414 By: \_\_\_\_\_ By: \_\_\_\_\_

415 Kathy Hall, MMC, Village Clerk

James R. Boesch, Mayor

416

417 Reviewed for legal sufficiency:

418

419

420 By: \_\_\_\_\_

421 Burt Saunders, Esq., Village Attorney

422

423 Vote: AYE NAY

424 Mayor Boesch \_\_\_\_\_

425 Vice Mayor Ribble \_\_\_\_\_

426 Councilmember Batos \_\_\_\_\_

427 Councilmember Errington \_\_\_\_\_

428 Councilmember Levitan \_\_\_\_\_

429 Councilmember McLain \_\_\_\_\_

430 Councilmember Wilson \_\_\_\_\_