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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2021 - 11

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, ADOPTING AND
ENACTING A NEW CODE FOR THE VILLAGE OF
ESTERO, FLORIDA; PROVIDING FOR THE REPEAL
OF CERTAIN ORDINANCES NOT INCLUDED
THEREIN; PROVIDING A PENALTY FOR THE
VIOLATION THEREOF; PROVIDING FOR THE
MANNER OF AMENDING SUCH CODE; AND
PROVIDING WHEN SUCH CODE AND THIS
ORDINANCE SHALL BECOME EFFECTIVE.**

WHEREAS, The Village of Estero was incorporated on December 31, 2014; and

WHEREAS, The Village Charter included all applicable Lee County ordinances by reference as "transitional" ordinances until the Village adopts its own code of ordinances; and

WHEREAS, these ordinances remain in place until rescinded by action of the Council;
and

WHEREAS, the Village has prepared its Code of Ordinances for adoption and hereby repeals and rescinds all previous ordinances; and

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

Section 1. The Code entitled "Code of Ordinances of the Village of Estero, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 16, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, a definite term of imprisonment not to exceed 60 days, or any combination thereof. Except as otherwise provided by law or ordinance:

(i) with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense; and with respect to violations that are not continuous with respect to time, each act constitutes a separate offense. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

Violations of the Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive or other equitable relief. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. Nothing in this section shall be construed to prohibit the Village from prosecuting any violation of the Code by means of a code enforcement system established pursuant to the authority of F.S. Ch. 162.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendment.

Section 6. Ordinances adopted after June 16, 2021, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 17th day of November, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 1st day of December, 2021.

Attest:

By:

Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By:

Katy Errington, Mayor

Reviewed for legal sufficiency:

By:

Derek Rooney, Village Attorney

Vote:

AYE

NAY

Mayor Errington

X

Vice Mayor McLain

X

Councilmember Ribble

X

Councilmember Fiesel

X

Councilmember Boesch

X

Councilmember Ward

X

Councilmember Wilson

X
