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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 16

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
AMBULANCE AND RESCUE SERVICES PROVISIONS
OF THE LEE COUNTY CODE PREVIOUSLY ADOPTED
BY REFERENCE; AND PROVIDING AN EFFECTIVE
DATE.**

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

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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

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

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

Section 1. Lee County Code Sections repealed.

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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero:

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

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

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

Section 2. Effective Date.

This ordinance shall become effective immediately upon adoption.

PASSED on first reading this 3rd day of October, 2018.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 17th day of October, 2018.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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

Reviewed for legal sufficiency:

By: Burt H. Saunders
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember McLain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>