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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 18

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
COURTS 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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, 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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero: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. 10-27. Authority for [Imposition and Collection of an Additional Surcharge and Court Costs] article and repealer; Sec. 10-28. Collection of additional surcharge and court costs; Sec. 10-29. Establishment of funding accounts; Sec. 10-30. Vesting the board of county commissioners with authority to provide for awards of grants and appropriations; and Sec. 10-31. Modification.

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

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Section 4. 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 Saunders
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Boesch	<u>✓</u>	<u> </u>
Vice Mayor Ribble	<u>✓</u>	<u> </u>
Councilmember Batos	<u>✓</u>	<u> </u>
Councilmember Errington	<u>✓</u>	<u> </u>
Councilmember Levitan	<u>✓</u>	<u> </u>
Councilmember McLain	<u>✓</u>	<u> </u>
Councilmember Wilson	<u>✓</u>	<u> </u>