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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 21

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
DRAINAGE AND WATER CONTROL 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero: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. 12-187. Effect of prior acts; Sec. 12-188. Creation of district [West Coast Inland Navigation District]; district to operate through a board of commissioners; Sec. 12-189. Effect of congressional "River and Harbor Act."; Sec. 12-190. Board of commissioners of district; Sec. 12-191. Officers of board of commissioners; quorum; required votes; special meetings; Sec. 12-192. Reimbursement for expenses incurred by board members; Sec. 12-193. Acquisition of right-of-way and other needed lands; Sec. 12-194. Condemnation proceedings; Sec. 12-195. Authority to issue bonds; Sec. 12-196. Power to borrow money; Sec. 12-197. Power to convey property; Sec. 12-198. Power to levy tax; Sec.

12-199. Tax assessment and collection procedure; Sec. 12-200. Construction, reconstruction, maintenance and operation of bridges over waterway; Sec. 12-201. Delegation of powers by district; Sec. 12-202. Power to furnish data to federal government and public; Sec. 12-203. General power to perform acts in furtherance of construction of waterway; Sec. 12-204. Power to perform administrative procedures in furtherance of objectives; power to contract; Sec. 12-205. Franchises and privileges to conduct services on property under control of district; Sec. 12-206. Land owned by district tax exempt; Sec. 12-207. Depositories for district funds; payment of funds out of district; Sec. 12-208. Annual statement to be published; Sec. 12-209. Agreements relating to bridge construction and alteration; Sec. 12-210. Annual audit; Sec. 12-211. Liberal construction; Sec. 12-261. Short title, purpose and territorial scope; Sec. 12-262. Definitions; Sec. 12-263. Permanent water restrictions, declaration of water shortage, and water shortage emergency; Sec. 12-264. Enforcement and penalties; Sec. 12-265. Water service provided by public and private utilities; Sec. 12-266. Florida Administrative Codes incorporated by reference; Sec. 12-267. Conflict; Secs. 12-268—12-280. Reserved. Sec. 12-281. Authority; Sec. 12-282. Findings and determinations; Sec. 12-283. Definitions; Sec. 12-284. Establishment of water conservation utility; Sec. 12-285. Operating budget; Sec. 12-286. Required levels of rates for utility fees and assessments; Sec. 12-287. Imposition of utility fees; Sec. 12-288. Establishing area of operation, benefit areas and utility fees; Sec. 12-289. Rate schedule; Sec. 12-290. Assessments; Sec. 12-291. Establishing benefit areas for assessments; Sec. 12-292. Credits against utility fees and assessments; Sec. 12-293. Notice requirements for resolutions establishing or modifying area of operation, benefit areas and setting or modifying rates; Sec. 12-294. Billing and payment of utility fee or assessments; penalties; adjustments; Sec. 12-295. Adjustment of utility fee and assessments; correction; Sec. 12-296. Fees-in-lieu-of and availability charges; Sec. 12-297. Establishment of funds; Sec. 12-298. Issuance of bonds; and Sec. 12-299. Petition to courts.

The adoption of this Ordinance does not affect the validity or the establishment or powers of the West Coast Inland Navigation District, the Lee County Water Conservation Ordinance, Lee County's stormwater and water conservation utility, or the validity of any continuing provisions of the Code of Laws and Ordinances of Lee County, Florida.

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 28th day of November, 2018.

Attest:

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

VILLAGE OF ESTERO, FLORIDA

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

91 Reviewed for legal sufficiency:

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By: 
Burt Saunders, Esq., Village Attorney

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Vote:	AYE	NAY
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Mayor Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Vice Mayor Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Councilmember Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Councilmember Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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103

Councilmember McLain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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104

Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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