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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2018 - 27**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, REPEALING FIRE  
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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.**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of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 13½-21. Definitions; Sec. 13½-22. Traffic attempting to gain access prior to a hurricane strike; Sec. 13½-23. Enforcement; Sec. 13½-71. Purpose and intent of the article; Sec. 13½-72. Definitions; Sec. 13½-73. Essential commodities survey; Sec. 13½-74. Offenses and penalties; Sec. 13½-75. Territory embraced; Sec. 13½-76. Average cost of essential commodities; Sec. 14-231. Construction and definitions; Sec. 14-232. Territorial scope; Sec. 14-233. Enforcement - Civil; Sec. 14-234. Same - Criminal; Sec. 14-235. Fire protection standards for developments located outside of established fire districts; Sec. 14-236. Hold-harmless agreement required; Sec. 14-270. Creation of the unit and boundaries; Sec. 14-271. The governing body; Sec. 14-272. Type of services; Sec. 14-273. Power to levy service

charges, special assessments or taxes within the unit; Sec. 14-274. General powers; Sec. 14-280. Creation of the municipal service taxing and benefit unit; boundaries; Sec. 14-281. Governing body; Sec. 14-282. Purpose; Sec. 14-283. Levy of taxes, service charges and special assessments within the unit; Sec. 14-284. General powers; Sec. 14-451. Purpose and intent; Sec. 14-452. Applicable; Sec. 14-453. Notice; Sec. 14-454. Enforcement; Sec. 14-455. Violations; Sec. 14-456. Severability; Sec. 14-457. Suspension of prohibitions; and Sec. 14-458. Sunset provision.

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

**Section 2. Effective Date.**

This ordinance shall become effective immediately upon adoption.

**PASSED** on first reading this 7<sup>th</sup> day of November, 2018.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 28<sup>th</sup> day of November, 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	✓	_____
Vice Mayor Ribble	✓	_____
Councilmember Batos	✓	_____
Councilmember Errington	✓	_____
Councilmember Levitan	✓	_____
Councilmember McLain	✓	_____
Councilmember Wilson	✓	_____