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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 33

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING FOOD
AND FOOD ESTABLISHMENTS 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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, IT IS HEREBY 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 Lee County Code Sections repealed.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of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero: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 Sec. 16-11. Purpose; Sec. 16-12. Certain provisions of Florida Administrative Code adopted; conflicts; Sec. 16-13. Definitions; Sec. 16-14. Permit—Required; Sec. 16-15. Same—Not transferable; Sec. 16-16. Approval of plans; Sec. 16-17. Food hygiene certification training; Sec. 16-18. Inspections; revocation of permits; Sec. 16-19. Power to close; Sec. 16-20. Control of unsafe food and drink; Sec. 16-21. Mobile, vessel, roadside, and temporary food vendors; Sec. 16-22. Enforcement; Sec. 16-23. Appeals; Sec. 16-24. Appeal review board; Sec. 16-25. Penalties and remedies; and Sec. 16-26. Fees.

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

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48 **Section 2. Effective Date.**
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50 This ordinance shall become effective immediately upon adoption.

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52 **PASSED** on first reading this 7th day of November, 2018.
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54 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
55 Florida this 28th day of November, 2018.
56

57 Attest:

VILLAGE OF ESTERO, FLORIDA

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60 By: Kathy Hall
61 Kathy Hall, MMC, Village Clerk
62

By: James R. Boesch, Mayor
James R. Boesch, Mayor
63

64 Reviewed for legal sufficiency:

65
66
67 By: Burt H. Saunders
68 Burt Saunders, Esq., Village Attorney
69

70 Vote:	AYE	NAY
71 Mayor Boesch	<u>✓</u>	<u> </u>
72 Vice Mayor Ribble	<u>✓</u>	<u> </u>
73 Councilmember Batos	<u>✓</u>	<u> </u>
74 Councilmember Errington	<u>✓</u>	<u> </u>
75 Councilmember Levitan	<u>✓</u>	<u> </u>
76 Councilmember McLain	<u>✓</u>	<u> </u>
77 Councilmember Wilson	<u>✓</u>	<u> </u>