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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018 - 34

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
HEALTH AND SANITATION 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby are hereby rescinded and repealed as ordinances of the Village of Estero: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 Code Sec. 17-1. Authority of board of county commissioners to charge fees for certain services; annual accounting by health department; disposition of fees; Sec. 17-4. Removal of recyclable materials from county containers; Sec. 17-82. Statement of county intent; Sec. 17-83. Definitions; Sec. 17-84. Creation of the unit, purpose and boundaries; Sec. 17-85. Governing body; Sec. 17-86. General powers; Sec. 17-87. Description of service; Sec. 17-88. Special assessment payment/property owner responsibility; Sec. 17-89. Outer islands service area; Sec. 17-90. Gasparilla Island; Sec. 17-91. Special assessments; Sec. 17-92. Certification of special assessment roll for collection; Sec. 17-93. Collection of the annual solid waste collection and disposal assessment; Sec. 17-94. Scope of annual special assessments and

assessment delinquencies; Sec. 17-95. Government property; Sec. 17-96. Levy and collection of service charges levied as special assessments; Sec. 17-97. Correction of errors and omissions; Sec. 17-98. Failure to include property on annual special assessment roll; Sec. 17-99. Enforcement of delinquent annual collection special assessments; Sec. 17-100. Responsibilities of contractor and property owner for garbage and solid waste collection; Sec. 17-101. Container spaces; Sec. 17-102. Unlawful collection or disposal of solid waste and recyclables; Sec. 17-103. Abatement of public nuisance; Sec. 17-104. Enforcement action; Sec. 17-105. Conflicts of laws; Sec. 17-106. Severability; Sec. 17-107. Supplemental authority; Sec. 17-108. Effective date; Sec. 17-120.42. Statement of county intent; Sec. 17-120.43. Definitions; Sec. 17-120.44. Creation of the units, purpose and boundaries; Sec. 17-120.45. Governing body; Sec. 17-120.46. General powers; Sec. 17-120.47. Annual solid waste disposal facilities special assessment; Sec. 17-120.48. Certification of special assessment roll for collection; Sec. 17-120.49. Collection of annual solid waste collection and disposal assessment; Sec. 17-120.50. Scope of annual special assessments and assessment delinquencies; Sec. 17-120.51. Annual solid waste disposal facilities MSTU ad valorem tax; Sec. 17-120.52. Correction of errors and omissions; Sec. 17-120.53. Failure to include property on annual special assessment roll or MSTU ad valorem tax roll; Sec. 17-120.54. Enforcement of delinquent annual collection special assessments; Sec. 17-120.55. Enforcement of delinquent MSTU ad valorem taxes; Sec. 17-120.56. Gasparilla Island; Sec. 17-120.57. Severability; Sec. 17-120.58. Repeal of inconsistent ordinance provisions; Sec. 17-120.59. Supplemental authority; Sec. 17-120.60. Effective date; Sec. 17-151. Short title; Sec. 17-152. Authority; Sec. 17-154. Intent and purpose; Sec. 17-155. Rules of construction; Sec. 17-156. Definitions; Sec. 17-157. Hazardous materials incidents; liability for costs; Sec. 17-158. Collection and disbursement of funds for cost recovery; Sec. 17-159. Conflict with other laws; Sec. 17-171. Purpose and authority; Sec. 17-172. Definitions; Sec. 17-173. Regulation and enforcement; Sec. 17-174. Penalties; Sec. 17-175. Municipal option; Sec. 17-231. Short title; Sec. 17-232. Authority; Sec. 17-233. Scope; Sec. 17-234. Intent and purpose; Sec. 17-235. Rules of construction; Sec. 17-236. Adoption by reference: Florida Administrative Code relating to hazardous waste, universal waste, and used oil; Sec. 17-237. Hazardous waste requirements; Sec. 17-238. Used oil requirements; Sec. 17-239. Universal waste requirements; Sec. 17-240. Enforcement; Sec. 17-241. Civil remedies; Sec. 17-242. Penalties; Sec. 17-243. Conflict of law; Sec. 17-281. Purpose and scope; Sec. 17-282. Definitions; Sec. 17-283. Business recycling requirements; Sec. 17-284. Multifamily recycling requirements; Sec. 17-285. Construction and demolition debris recycling requirements; Sec. 17-286. Procedure for adopting changes to fees and penalties; Sec. 17-287. Conflicts of laws; Sec. 17-288. Severability; Sec. 17-300. Title; Sec. 17-301. Legislative findings; Sec. 17-302. Purpose and intent; Sec. 17-303. Applicability; Sec. 17-304. Definitions; Sec. 17-305. Payment limitations on transactions; exemptions; Sec. 17-306. Restricted regulated metal property; proof of ownership required; Sec. 17-307. Electronic transaction records required; Sec. 17-308. Enforcement; Sec. 17-309. Penalties—Civil/criminal; Sec. 17-310. Conflicts of law; and Sec. 17-311. Severability.

This repeal is not intended to affect the validity of interlocal agreements adopted by Estero Resolution Numbers 2015-79 and 2015-80.

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 7th day of November, 2018.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 28th day of November, 2018.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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

Reviewed for legal sufficiency:

By: Burt 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"/>