

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2019 - 02**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, REPEALING  
LICENSES AND BUSINESS REGULATIONS  
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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.**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 local business taxes and licensing requirements were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to the provisions of Chapter 205, Florida Statutes, the "Local Business Tax Act" (the "Act") and Chapter 125, Florida Statutes. The creation, amendment to, or termination of these taxes can only occur pursuant to the procedures outlined in the Act. 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. To the extent authorized by law and without affecting the existence of the Lee County local business taxes and licensing requirements listed below and without affecting the ordinances adopted by the Lee County Board of County Commissioners that established or amended below, the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 22-13. Title; Sec. 22-14. Purpose and authority; Sec. 22-15. Classification of taxes; Sec. 22-16. Flea markets; Sec. 22-17. Temporary or transitory businesses; Sec. 22-18. Professionals at multiple locations; Sec. 22-19. Multiple occupations; Sec. 22-20. Evidence of engaging in business; Sec. 22-21. Service fees and administrative authority; Sec. 22-22. Prerequisite to business tax receipt issuance; Sec. 22-23. Due dates, delinquency and penalties; Sec. 22-24. Conflict of laws. Sec. 22-91. Intent; Sec. 22-92. Definitions; Sec. 22-93. Representation as sexual therapist; Sec. 22-94. Classification; Sec. 22-95. Violation; Sec. 22-96. Qualification of the applicant; Sec. 22-97. Application procedure; Sec. 22-98. Exemptions from need to obtain licensure. Sec. 22-101. Purpose; Sec. 22-102. Definitions; Sec. 22-103. Register of transactions; Sec. 22-104. Disposal within five days of receipt prohibited; Sec. 22-105. Transcript of register to be made available to sheriff of Lee County; Sec. 22-106. Dealing with minors prohibited; Sec. 22-107. Arrangement of stock to facilitate inspection; Sec. 22-108. License required; Sec. 22-109. Penalty; Sec. 22-121. Statement of intent; Sec. 22-122. Definitions; Sec. 22-123. Enforcement; Sec. 22-124. Penalties; Sec. 22-125. Severability; Sec. 22-131. Required to conduct escort service business; Sec. 22-132. Application; Sec. 22-133. Escort service business records; Sec. 22-134. Age limitations for permit; Sec. 22-135. Term; Sec. 22-136. Fee; Sec. 22-137. Permit denial/revocation; Sec. 22-138. Permit not exclusive; Sec. 22-151. Required; Sec. 22-152. Application; Sec. 22-153. Fee; Sec. 22-154. Age limitation for escort license; Sec. 22-155. Escort license denial/revocation; Sec. 22-156. License not exclusive; Sec. 22-276. Title; Sec. 22-277. Definitions; Sec. 22-278. Conditions for engaging in motor vehicle title loan transactions; Sec. 22-279. Maximum interest rate, prepayment, amount of loan; Sec. 22-280. Transaction satisfaction and default; Sec. 22-281. Violations, penalties and enforcement; Sec. 22-282. Enforcement and penalties; Sec. 22-283. Transition period; Sec. 22-284. Area of enforcement; Sec. 22-285. Means of enforcement; Sec. 22-321. Recitals; Sec. 22-322. Definitions; Sec. 22-323. Temporary moratorium declared; Sec. 22-324. Additional regulations; and Sec. 22-325. Geographical application.

**Section 2. Effective Date.**

This ordinance shall become effective immediately upon adoption.

**PASSED** on first reading this 9<sup>th</sup> day of January, 2019.


**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 23<sup>rd</sup> day of January, 2019.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

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

91 Reviewed for legal sufficiency:  
92  
93  
94 By:   
95 Burt Saunders, Esq., Village Attorney  
96

97	Vote:	AYE	NAY
98	Mayor Boesch	<u>✓</u>	<u>      </u>
99	Vice Mayor Ribble	<u>✓</u>	<u>      </u>
100	Councilmember Batos	<u>✓</u>	<u>      </u>
101	Councilmember Errington	<u>✓</u>	<u>      </u>
102	Councilmember Levitan	<u>✓</u>	<u>      </u>
103	Councilmember McLain	<u>✓</u>	<u>      </u>
104	Councilmember Wilson	<u>✓</u>	<u>      </u>