ORDINANCE NO. 2019 - 05

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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 25½-31. Adoption of rules and regulations; Sec. 25½-32. Penalty; Sec. 25½-33. Other statutes or ordinances; Sec. 25½-34. Definitions; Sec. 25½-35. Severability; Sec. 25½-36. Institution of action by county relative to violations; Sec. 25½-37. Rules and regulations enumerated;

Sec. 25½-41. Adoption of rules and regulations; Sec. 25½-42. Article construction; Sec. 25½-43. Penalties; Sec. 25½-44. Civil remedies; Sec. 25½-45. Conflict/repealer; Sec. 25½-46. Rules and regulations of the Midpoint Memorial, Sanibel Causeway and Cape Coral

46 47 48 49 50	Toll Facilities; Sec. 25½-47. Waiver by board of county commissioners; Sec. 25½-57. Creation; Sec. 25½-58. Findings; Sec. 25½-59. Definitions; Sec. 25½-60. Board of supervisors; Sec. 25½-61. Powers of district; Sec. 25½-62. Expenditure and repayment plan; Sec. 25½-63. Availability of facilities; Sec. 25½-64. Responsibility for debt; Sec. 25½-65. Advisors; Sec. 25½-66. Budget; Sec. 25½-67. Collection of taxes; and Sec. 25½-68.		
51	Compliance with state law.		
52			
53	This repeal is not in	tended to affect	et the validity of these provisions as laws of Lee
54	County.		
55	e e unity.		
56	Section 2. Effect	ive Date.	
57			
58	This ordinance shall	become effecti	ve immediately upon adoption.
59	11110 02 0222		• •
60	PASSED on first reading this 9th day of January, 2019.		
61			
62	PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero,		
63	Florida this 23 rd day of January, 2019.		
64	11011du tino <u>=0 </u>		
65	Attest:		VILLAGE OF ESTERO, FLORIDA
66	Tittost.		
67			$()$ \wedge \wedge \wedge \wedge \wedge
68	By: Kathy Hall		By: James R. Boesch, Mayor
69	Kathy Hall, MMC, Villa	age Clerk	James R. Boesch, Mayor
70	,	C	
71			
72	Reviewed for legal sufficien	cy:	
73			
74	h d	1000	
75	By: /// Elline		
76	Burt Saunders, Esq., Village Attorney		
77			
78	Vote:	AYE	NAY
79	Mayor Boesch		
80	Vice Mayor Ribble	V	
81	Councilmember Batos	V	
82	Councilmember Errington		
83	Councilmember Levitan		
84	Councilmember McLain		
85	Councilmember Wilson		V V