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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 08

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
ROADS AND BRIDGES 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero: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. 28-3. Access and driveway standards for county roads lying within incorporated areas; Sec. 28-12. Definitions; Sec. 28-13. Special assessments authorized for construction, reconstruction, repair, etc., of roads, curbs, gutters, drainage facilities and sidewalks; Sec. 28-14. Public hearing on proposed improvements; adoption of resolution authorizing improvements; petition of property owners approving improvements; Sec. 28-15. Resolution levying assessment against benefited property; when assessments due and payable; Sec. 28-16. Assessment to constitute lien; legal action to enforce payment; Sec. 28-17. Special assessment road improvement fund; Sec. 28-18. Authority of board to accept partial or

installment payments; Sec. 28-19. Recording of resolutions; Sec. 28-20. Special Acts, Chapter 65-1819 repealed; special assessments levied pursuant to said act to continue in full force and effect; Sec. 28-21. Effect of article provisions upon assessments in process of being levied and assessed on effective date of article; Sec. 28-22. Article provisions deemed cumulative, supplemental and alternative; Sec. 28-66. Duties of the enhanced 9-1-1 emergency telephone system program manager; Sec. 28-67. Duties of Lee County citizens; Sec. 28-81. Authority; Sec. 28-82. Tax imposed; Sec. 28-83. Effective period of tax; Sec. 28-84. Disbursement of proceeds; Sec. 28-90.1. Authority; Sec. 28-90.2. Tax imposed; Sec. 28-90.3. Effective period of tax; Sec. 28-90.4. Utilization of proceeds; Sec. 28-90.5. Affect upon statutes and Ordinance No. 89-21; Sec. 28-90.6. Disbursement of proceeds; Sec. 28-91. Definitions; Sec. 28-92. Acquisition and construction; Sec. 28-93. Tolls; Sec. 28-94. Issuance of revenue bonds; Sec. 28-95. Refunding bonds; Sec. 28-96. Taxing power not pledged; Sec. 28-97. Trust funds; Sec. 28-98. Remedies of bondholders; Sec. 28-99. Alternative method; and Sec. 28-121. Repealer.

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 9th day of January, 2019.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 23rd 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

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"/>