

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 - 09

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REPEALING
TOURIST DEVELOPMENT 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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 tax provisions were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to the provisions of Chapter 212, Florida Statutes, the "Florida Revenue Act of 1949" (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 tourist taxes 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amended below, the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero: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 Sec. 29¼-1. Title; Sec. 29¼-2. Application; definitions; Sec. 29¼-3. Taxable privileges; levy; rate; Sec. 29¼-4. Tourist development plan; Sec. 29¼-5. The Lee County Tourist Development Council; Sec. 29¼-6. Local collection administration, audit and enforcement of the tax; Sec. 29¼-7. Personal liability; Sec. 29¼-8. Refusal to collect tax; Sec. 29¼-9. Severability; Sec. 29¼-10. Invalid or unconstitutional sections; and Sec. 29¼-11. Conflicts of law.

The adoption of this Ordinance does not affect the validity or the establishment of any local tourist taxes or the Lee County Tourist Development Plan, or the validity of such provisions within the Code of Laws and Ordinances of Lee County, Florida.

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	✓	_____
Vice Mayor Ribble	✓	_____
Councilmember Batos	✓	_____
Councilmember Errington	✓	_____
Councilmember Levitan	✓	_____
Councilmember McLain	✓	_____
Councilmember Wilson	✓	_____