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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 10

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
WATER AND SEWERS 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero: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. 30-11. Connections with sewer systems; Sec. 30-12. Connections with sewer required; Sec. 30-12.1. Specific connections permitted; Sec. 30-13. Exceptions to connections; Sec. 30-14. Connections may be made by district; Sec. 30-15. Rates and connection fees; Sec. 30-16. Connection charges; Sec. 30-17. Unlawful connection; Sec. 30-18. Unlawful construction; Sec. 30-19. Connecting old plumbing; Sec. 30-20. Sanitary requirements; Sec. 30-21. Disposal requirements; Sec. 30-22. Septic tank; Sec. 30-23. Maintenance of plumbing system; Sec. 30-24. Payment of fees and bills required; Sec. 30-25. Collection of sewer fees where owner has private water supply; Sec. 30-26. Failure to maintain

46 plumbing system; Sec. 30-27. No service free; Sec. 30-28. Separate connections for each
47 separate unit; Sec. 30-29. Penalties; Sec. 30-30. Repeal of conflicting provisions; Sec. 30-41.
48 Statutory authority; Sec. 30-42. Boundaries; Sec. 30-43. East Fort Myers Sewer District
49 dissolved; Sec. 30-44. Connections with sewer system; Sec. 30-45. Connections with sewer
50 required; Sec. 30-46. Exceptions to connections; Sec. 30-47. Connections may be made by
51 county; Sec. 30-48. Rates; connection fees; deposits; Sec. 30-49. Reserved; Sec. 30-50.
52 Unlawful connection; Sec. 30-50.1. Unlawful construction; Sec. 30-50.2. Connecting old
53 plumbing; Sec. 30-50.3. Sanitary requirements; Sec. 30-50.4. Disposal requirements; Sec. 30-
54 50.5. Septic tank; Sec. 30-50.6. Maintenance of plumbing system; Sec. 30-50.7. Payment of
55 fees and bills required; Sec. 30-50.8. Collection of sewer fees where owner has private water
56 supply; Sec. 30-50.9. Failure to maintain plumbing system; Sec. 30-50.10. No service free;
57 Sec. 30-50.11. Separate connections for each separate unit; Sec. 30-51. Authority of board—
58 General; Sec. 30-52. Same—Assessment bonds; Sec. 30-53. Obligations payable from special
59 assessment; Sec. 30-54. Obligations to constitute negotiable instruments; Sec. 30-55. No
60 referendum required; exception; Sec. 30-56. Cost of improvements to include certain items;
61 Sec. 30-57. Rights of holders not to be impaired, etc; Sec. 30-58. City may issue obligations to
62 refund; Sec. 30-59. Article to supplement board authority; Sec. 30-60. Board to exercise county
63 authority; Sec. 30-71. Connections with sewer system where available; Sec. 30-72.
64 Connections with sewer required after notice; Sec. 30-73. Exceptions to connections; Sec. 30-
65 74. Connections may be made by county; Sec. 30-75. Rates; connection fees; deposits; Sec.
66 30-77. Unlawful connection; Sec. 30-78. Unlawful construction; Sec. 30-79. Connecting old
67 plumbing; Sec. 30-80. Sanitary requirements; Sec. 30-81. Disposal requirements; Sec. 30-82.
68 Septic tank; Sec. 30-83. Maintenance of plumbing system required; Sec. 30-84. Payment of
69 fees and bills required; Sec. 30-85. Collection of sewer fees where owner has private water
70 supply; Sec. 30-86. Failure to maintain plumbing system; Sec. 30-87. No service free; Sec. 30-
71 88. Penalties; Sec. 30-110. Rules and regulations for water service; Sec. 30-111. Rules and
72 regulations for sewer service; Sec. 30-112. Penalty for violation of sections 30-110 and 30-
73 111; Sec. 30-113. Penalty for violation of related ordinances; Sec. 30-114. Conflicting
74 ordinances, resolutions repealed; Sec. 30-115. Severability; Sec. 30-116. Board may seek legal
75 action; Sec. 30-117. Rates and connection fees—Adopted; procedures for rate adjustment;
76 annual review; Sec. 30-118. Same—Annual notification to customers; Sec. 30-119. Same—
77 Invalidation of inconsistent agreements; Sec. 30-131. Purpose; intent; Sec. 30-132.
78 Definitions; Sec. 30-133. Other governing laws and rules to remain in effect; Sec. 30-134.
79 Wastewater discharges into surface waters of county; prohibited acts; Sec. 30-135. County
80 wastewater discharge permit—required; Sec. 30-136. Same—Application; Sec. 30-137.
81 Issuance of permit; Sec. 30-138. Suspension or revocation; Sec. 30-139. Appeals; Sec. 30-140.
82 Implementation; Sec. 30-141. Emergency discharges.

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84 Sec. 30-142. Penalties for unlawful discharge of treated wastewater.

85 Sec. 30-143. Municipal option.

86 Sec. 30-155. Purposes.

87 Sec. 30-156. Affected area.

88 Sec. 30-157. Definitions.

89 Sec. 30-158. Responsibilities of Lee County Utilities.

90 Sec. 30-159. Responsibilities of customers.

91 Sec. 30-160. Enforcement.
92 Sec. 30-161. Petition to board of county commissioners.
93 Sec. 30-162. Acceptable plumbing standards.
94 Sec. 30-163. Severability.
95 Sec. 30-164. Repeal of inconsistent ordinances; and Sec. 30-165. Supplemental
96 authority.
97

98 The adoption of this Ordinance does not affect the validity or the establishment of any
99 existing water or sewer district, administrative regulations relating specifically to Lee County
100 Utilities within the Village, the application of wastewater discharges into county waters with
101 the Village including the Estero River and Estero Bay, or the validity of such provisions within
102 the Code of Laws and Ordinances of Lee County, Florida.
103

104 **Section 2. Effective Date.**
105

106 This ordinance shall become effective immediately upon adoption.
107

108 **PASSED** on first reading this 9th day of January, 2019.
109

110 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
111 Florida this 23rd day of January, 2019.
112

113 Attest:

VILLAGE OF ESTERO, FLORIDA

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116 By: Kathy Hall
117 Kathy Hall, MMC, Village Clerk
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119

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

120 Reviewed for legal sufficiency:
121

122
123 By: Burt Saunders
124 Burt Saunders, Esq., Village Attorney
125

126	Vote:	AYE	NAY
127	Mayor Boesch	<u>✓</u>	_____
128	Vice Mayor Ribble	<u>✓</u>	_____
129	Councilmember Batos	<u>✓</u>	_____
130	Councilmember Errington	<u>✓</u>	_____
131	Councilmember Levitan	<u>✓</u>	_____
132	Councilmember McLain	<u>✓</u>	_____
133	Councilmember Wilson	<u>✓</u>	_____