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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 11

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, REPEALING
WELLS 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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero: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. 32-15. - Purpose and short title; Sec. 32-16. - Adoption by reference: Florida Administrative Code relating to wells; Sec. 32-17. - Territorial scope; Sec. 32-18. - Definitions; Sec. 32-21. - General; Sec. 32-22. - Well classifications; Sec. 32-23. - Land use classifications; Sec. 32-25. - Well construction advisory board; Sec. 32-26. - Officers, quorum, and rules of procedure; Sec. 32-27. - Functions, powers and duties of the advisory board; Sec. 32-28. - Removal from membership; Sec. 32-29. - Terms of appointment; Sec. 32-30. - Advisory board disciplinary hearing procedures (See Appendix B for disciplinary action procedures flow chart).

45 Sec. 32-36. - Requirements for permit; Sec. 32-37. - Conditions for issuance of permits;
46 Sec. 32-38. - Permit fee; Sec. 32-39. - Reinspection fee; Sec. 32-40. - Submission of subsurface
47 data; Sec. 32-41. - Permit transfer or exchange; Sec. 32-42. - Authority granted by the permit;
48 Sec. 32-43. - Validity; Sec. 32-44. - Reworked wells; Sec. 32-45. - Cause for denial, suspension
49 or revocation; Sec. 32-46. - Notice of denial; Sec. 32-47. - Suspension and revocation of
50 permit; Sec. 32-48. - Identification of drilling rigs; Sec. 32-57. - Test wells; Sec. 32-58. - Test
51 well applications; Sec. 32-59. - Test well reports; Sec. 32-60. - Testing procedure; Sec. 32-68.
52 - Inspectors; Sec. 32-69. - Inspections; Sec. 32-81. - Scope; Sec. 32-82. - Materials; Sec. 32-
53 83. - Construction methods and procedures; Sec. 32-91. - Contractor licensure requirements;
54 Sec. 32-92. - License renewal; Sec. 32-93. - Specialty license; Sec. 32-94. - Licensed contractor
55 responsibilities; Sec. 32-101. - Rules and regulations; Sec. 32-102. - Limits of county liability;
56 Sec. 32-112. - Penalties; and Sec. 32-113. - Conflicts.

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58 This repeal is not intended to affect the validity of these provisions as laws of Lee
59 County.

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61 **Section 2. Effective Date.**

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63 This ordinance shall become effective immediately upon adoption.

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

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

69
70 Attest:

VILLAGE OF ESTERO, FLORIDA

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72
73 By: Kathy Hall
74 Kathy Hall, MMC, Village Clerk

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

75
76 Reviewed for legal sufficiency:

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78
79 By: Burt Saunders
80 Burt Saunders, Esq., Village Attorney

81			
82	Vote:	AYE	NAY
83	Mayor Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
84	Vice Mayor Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
85	Councilmember Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
86	Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
87	Councilmember Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
88	Councilmember McLain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
89	Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>