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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2019 - 12

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at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and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 Lee County Code Sections repealed.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and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby rescinded and repealed as ordinances of the Village of Estero:

Sec. 1-3. Property appraiser entitled to fee for keeping special sewer district roll current; Sec. 1-9. Contractors' licensing investigators and code enforcement investigators authorized; issuance of citations; Sec. 1-11. Power to borrow money generally; limitations; Sec. 1-12. Power to borrow money from banking institutions; Sec. 1-13. Purchase of vehicles for use of commissioners; automobile allowance in lieu of purchase; Sec. 1-14. Power to purchase, rent, maintain uniforms for county employees; manner of payment; Sec. 1-15. Budget for entertainment purposes authorized; Sec. 3-1. General power of county to own, operate and regulate airports; Sec. 3-2. Exercise of powers by county deemed for governmental and county purpose; Sec. 3-3. Financing airport projects; Sec. 3-4. Application of state laws

46 regarding issuance of bonds and levying taxes for airport purposes; Sec. 3-5. Lien on aircraft
47 for landing fees and other charges; Sec. 3-26. [Port Authority] Created; Sec. 3-27. Board of
48 county commissioners acting as port commissioners; expenses, quorum; Sec. 3-28. Separate
49 port authority may be constituted; procedure; Sec. 3-29. General powers of port authority and
50 board of port commissioners; Sec. 3-30. Joint undertakings with Charlotte County
51 Development Commission; Sec. 4-11. Special hotel licenses for destination resort complexes;
52 Sec. 4-24. Veterans of Foreign Wars, Post No. 2444; Sec. 4-25. Veterans of Foreign Wars,
53 Post No. 2454; Sec. 4-26. Cape Coral Moose Lodge, No. 2199; Sec. 4-27. Columbus Home
54 Association, Inc; Sec. 4-28. Timberlakes, Limited; Forest County Club; Sec. 6-1.
55 Cockfighting, maintaining cockpits, etc., prohibited; Sec. 6-2. Budget and tax levy for care of
56 stray animals; Sec. 6-13. Prohibited on paved county roads; Sec. 6-14. Prohibited in certain
57 described areas of county; Sec. 6-15. Same—Impoundment; fees; care of animals; Sec. 6-16.
58 Same—Notice to owner; sale of animal; Sec. 6-17. Same—Report of sale; disposition of
59 proceeds; Sec. 6-18. Same—Sheriff's fees; Sec. 6-19. Penalty; Sec. 7-1. Estero Creek declared
60 navigable stream; Sec. 9½-11. Civil service board created; composition; election, appointment
61 of members; filling vacancies; Sec. 9½-12. Qualifications of board members; Sec. 9½-13.
62 Provisions to encompass all classified members of sheriff's department; Sec. 9½-14. Civil
63 service board to elect chairman and secretary; Sec. 9½-15. Provisions to become operative
64 upon certification by sheriff that office is functioning under civil service rules; Sec. 9½-16.
65 Power of civil service board; Sec. 9½-17. Employees to retain position and rank; Sec. 9½-18.
66 Leaves of absence; Sec. 9½-19. Minimum standards and qualifications for original applicant
67 for employment as deputy sheriff; Sec. 9½-20. Promotions, transfers, appointments; Sec. 9½-
68 21. Practice and procedure of board with respect to investigations; Sec. 9½-22. Solicitations;
69 use of influence, etc., to secure appointment, resignation, etc; Sec. 9½-23. Suspension,
70 dismissal of employees; appeals; Sec. 9½-24. Use of public buildings and rooms by civil
71 service board; Sec. 9½-25. Duty of sheriff to provide money in budget to enable board to carry
72 out article provisions and to pay percentage of cost of health insurance coverage for retired
73 members of sheriff's department; Sec. 9½-26. Employees not to be active in political
74 campaigns; Sec. 9½-27. Severability of provisions; Sec. 10-1. Circuit judges; employment of
75 secretaries by county authorized; Sec. 10-2. Additional filing fee established for use of legal
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80 Sec. 12-18. Inspectors, clerks; ballots; polling places; Sec. 12-19. Canvass of votes; creation
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89 construction or reconstruction of assessable improvements; Sec. 12-30. Issuance of certificates
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terms; qualification of board of hospital directors; Sec. 18-20.1. Election procedure for 1983 and after; Sec. 18-21. Hospital board to make recommendations on bond election; calling election; Sec. 18-22. Status of hospital board as county agency; bond of board members; Sec. 18-23. Power of hospital board to pay expenses in relation to formation of hospital, etc; Sec. 18-24. Power of hospital board to establish medical staff, by-laws, etc., to govern such staff; Sec. 18-25. Hospital to be for use and benefit of county residents; treatment of patients unable to pay for care; nonresidents; patients subject to rules and regulations; Sec. 18-26. Adoption of bylaws, rules, regulations; election of officers; records and accounts; meetings; annual audits; Sec. 18-27. Payment of funds by hospital board; deposits; Sec. 18-28. Annual report of receipts and disbursements; recommendations for improvements and repairs; filing of operating budget; Sec. 18-29. Power of hospital board to borrow money; limitations; Sec. 18-30. Power of hospital board to hire or appoint chief executive officer for hospital management; Sec. 18-31. Provisions to be cumulative; Sec. 18-32. Power of board to contract, sue and be sued, enter into leases, etc; Sec. 18-33. Service of process on hospital board; Sec. 18-34. Power of board to provide for management, equipping, construction, alteration and addition of buildings; Sec. 18-36. Power of hospital board to accept gifts, bequests, conveyances; Sec. 18-37. Power of hospital board to perfect lien; Sec. 18-38. Power of nonprofit corporations operating a hospital to perfect lien; Sec. 19-1. Established; Sec. 19-2. Governing body; Sec. 19-3. Powers of the board; Sec. 19-4. Organization of the board; Sec. 19-5. Duties of the board; Sec. 19-6. Salary of the board; Sec. 19-7. Audit; Sec. 19-8. Meetings; Sec. 19-9. Fiscal year; preparation of budget; hearings; Sec. 19-10. Eminent domain; Sec. 19-11. Tax levy; Sec. 19-12. Engineer as director; advertisement of contracts; Sec. 19-13. Penalty for damage to property; Sec. 19-14. Cooperation with individual, local, state and federal agencies; Sec. 19-15. Transfer of assets and liabilities; Sec. 20-1. Appointment; compensation, term of office; Sec. 20-2. Selection of prospective jurors; Sec. 20-3. Qualifications of prospective jurors; Sec. 20-4. Certification and approval of lists; jury box; effect of irregularities; Sec. 20-5. Exemption from jury duty; procedures for claiming; Sec. 20-6. Employment of clerical help; Sec. 20-7. County to pay for commissioners' state commission; Sec. 21-11. Created; described; Sec. 21-12. Composition of board; election, term, compensation of members; Sec. 21-13. Election of officers of library board; Sec. 21-14. Annual budget proposal of library board; notice and hearing; adoption; limitation; Sec. 21-15. Tax levy; Sec. 21-16. Power of library board to purchase books, maintain facilities, etc.; negotiations and contracts with existing libraries; Sec. 21-17. Manner of making payment for library board expenses; Sec. 21-18. Tax collections; Sec. 21-19. Bond of library board treasurer; Sec. 21-20. Semiannual and annual report of library board treasurer; Sec. 21-21. Liberal construction of provisions; Sec. 21-32. Board of trustees created; composition; appointments; powers and authority; Sec. 21-33. County commission to provide space for library; Sec. 21-34. Appropriations for the law library fund; Sec. 21-35. Additional appropriations; Sec. 21-36. Property of law library deemed as being held in charitable trust; Sec. 22-1. Regulation of junkyards; Sec. 22-2. Power to require franchise for operation of waterworks, sewerage plants, trash and garbage collections; terms of franchise; Sec. 22-46. Defined; Sec. 22-47. Permit required; Sec. 22-48. Application for permit; contents; accompanying documents; fee; Sec. 22-49. Bond required; Sec. 22-50. Issuance or denial of permit; Sec. 22-51. Term of permit; Sec. 22-52. Effect of other regulations; Sec. 22-53. Penalties; Sec. 23-1. Established; Sec. 23-2. Division of district into areas; Sec. 23-3. Board of commissioners; election; term of office; Sec. 23-4. Election; ballots;

361 Sec. 23-5. Powers of the board of commissioners; Sec. 23-6. Organization of the board; Sec.
362 23-7. Salary of the board; Sec. 23-8. Audit; Sec. 23-9. Breeding places; Sec. 23-10. Meetings;
363 Sec. 23-11. Fiscal year; preparation of budget; hearings; Sec. 23-12. Eminent domain; Sec. 23-
364 13. Tax levy; Sec. 23-14. Engineer as director; advertisement of contracts; Sec. 23-15. Penalty
365 for damage to property; Sec. 23-16. Dissolution of existing districts; Sec. 23-17. Transfer of
366 assets and liabilities; Sec. 23-18. Books and records; Sec. 23-19. Purpose; Sec. 23-20.
367 Responsibility and duties of health department; Sec. 23-21. Alternate plan; Sec. 23-22.
368 Application of general law; Sec. 23-23. Liberal construction; Sec. 26-10. Power of board of
369 county commissioners to deed real estate; prerequisites; Sec. 26-11. Acquisition and deeding
370 of lands for purpose of erection of state institutions; manner of payment for lands purchased;
371 Sec. 26-22. Acceptance by county required on all dedications; Sec. 26-23. Dedications not to
372 be recorded prior to acceptance by county; Sec. 26-24. Form of acceptance; Sec. 26-25.
373 Exceptions; Sec. 27-1. Petition requesting improvements required; Sec. 27-2. Authority of
374 board of county commissioners to contribute to state and federal projects; Sec. 27-3. Power of
375 board of county commissioners to take title to land for park and parkway purposes; tax levy;
376 Sec. 27-4. Placement of funds of bond districts in county depositories authorized; Sec. 27-15.
377 Definitions; Sec. 27-16. General powers, authority, etc; Sec. 27-17. Special powers; Sec. 27-
378 23. Application; Sec. 27-24. Initiating resolution of board; enactment upon notice and public
379 hearing or referendum; Sec. 27-25. Petition; contents; procedural requirements and adoption;
380 Sec. 27-31. Board of county commissioners with advisory or operation committee; Sec. 27-37.
381 Application; definitions; Sec. 27-38. Revenue sources; Sec. 27-39. Bonds; Sec. 27-40.
382 Revenue certificates; Sec. 27-41. Provisions cumulative; Sec. 27-47. Purposes for which
383 districts created; Sec. 27-48. Definitions; Sec. 27-49. Creation of district; Sec. 27-50.
384 Validation proceedings; Sec. 27-51. Financing of improvements; Sec. 27-52. Construction of
385 improvement; Sec. 27-53. Sewer service charges; Sec. 27-54. Water rates; Sec. 27-55. Levy of
386 special assessments; Sec. 27-56. Additional powers of the board; Sec. 27-57. Remedies; Sec.
387 27-58. Exemptions from taxation; Sec. 27-59. Miscellaneous; Sec. 27-60. Additional method;
388 Sec. 28-1. Construction of fences along state rights-of-way permitted; Sec. 28-65. Uniform
389 house numbering system; tax authorized; Sec. 29-1. Authority of school board to convey
390 school land to county; reverter clause; Sec. 29-2. Authority of junior college board of trustees
391 to make contribution to county for surplus property warehouse; Sec. 29-3. One-half of
392 racetrack funds to be paid to board of public instruction; Sec. 29-4. When board of public
393 instruction may dispense with competitive bidding; Sec. 29-5. Employment of district school
394 superintendent; and Sec. 29-6. Authority of school board to acquire land, construct, enlarge,
395 repair, etc., schools, school facilities, etc.; authority to issue revenue bonds.

396
397 All of the foregoing provisions were not "Lee County Ordinances" and they are hereby
398 rescinded and repealed as ordinances of the Village of Estero.

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

401
402 **Section 2. Effective Date.**

403
404 This ordinance shall become effective immediately upon adoption.
405

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

407

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

410

411 Attest:

VILLAGE OF ESTERO, FLORIDA

412

413

414 By: Kathy Hall
415 Kathy Hall, MMC, Village Clerk

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

416

417 Reviewed for legal sufficiency:

418

419

420 By: Burt Saunders
421 Burt Saunders, Esq., Village Attorney

422

423 Vote:	AYE	NAY
424 Mayor Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
425 Vice Mayor Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
426 Councilmember Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
427 Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
428 Councilmember Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
429 Councilmember McLain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
430 Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>