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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2016 - 12

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AUTHORIZING LEE COUNTY TO LEVY SPECIAL ASSESSMENTS WITHIN VILLAGE BOUNDARIES FOR MUNICIPAL SOLID WASTE DISPOSAL PURSUANT TO §125.01(1)(Q), FLORIDA STATUTES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council is the governing body in and for the Village of Estero; and

WHEREAS, on September 7, 2016, the Village and Lee County, Florida, acting by and through its Board of County Commissioners, entered into an *Agreement for Municipal Solid Waste Collection, Billing, Customer Services and Disposal* (hereinafter "CBD Agreement") and *Agreement for A Municipal Solid Waste Disposal Facilities Assessment* (hereinafter the "MSW Assessment Agreement"); and

WHEREAS, pursuant to the CBD Agreement, the County provides the Village with solid waste collection, billing and disposal services for newly constructed residential and multi-family units, including prefabricated units, and disposal for commercial buildings within the Village limits; and

WHEREAS, pursuant to the MSW Agreement, the County and Village agreed to the establishment of Municipal Solid Waste Disposal Facilities Assessment (hereinafter the "Program") to provide a mechanism for payment of certain costs for the disposal of municipal solid waste through the County's Solid Waste and Resource Recovery System; and

WHEREAS, pursuant to Section IV, B, 1, of the MSW Assessment Agreement and Section 125.01(1)(q), Florida Statutes, the Village hereby consents to, ratifies, and authorizes the County to levy the special assessments within Village boundaries under the Program outlined in the above referenced agreements.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Authorization.

Pursuant to § 125.01(1)(q), Florida Statutes, the Village hereby consents to, ratifies, and authorizes Lee County to levy the special assessments within Village boundaries under the Program.

46 The authority hereby authorized shall be exercised in accordance with the terms of the
47 Agreements referenced above and shall be for the term of the Agreement beginning on
48 September 7, 2016 until September 30, 2020.

49
50 **Section 2. Severability.**

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52 If any part, section, subsection, or other portion of this Ordinance or any application
53 thereof to any person or circumstance is declared void, unconstitutional or invalid for any
54 reason, such part, section, subsection, or other portion of the prescribed application thereof,
55 shall be severable, and the remaining provisions of this Ordinance, and all applications thereof
56 not having been declared void, unconstitutional or invalid, shall remain in full force and effect.
57 The Village declares that no invalid or prescribed provision or application was an inducement
58 to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless
59 of the invalid or prescribed provision application.

60
61 **Section 3. Scrivener's Errors.**

62
63 Sections of this Ordinance may be renumbered or relettered, and typographical errors
64 which do not affect the intent may be authorized by the Village Manager, or the Village
65 Manager's designee, without need of Public Hearing, by filing a corrected or recodified copy
66 of same with the Village Clerk.

67
68 **Section 4. Conflict of Law.**

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70 In the event that any provision in this Ordinance is found to be contrary to any other
71 existing Village Ordinance covering the same subject matter, then in said event the more
72 restrictive shall apply.

73
74 **Section 5. Effective Date.**

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76 This ordinance shall take effect immediately upon adoption.

77
78 **PASSED** on first reading this 7th day of September, 2016.

79
80 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
81 Florida this 21st day of September, 2016.

82
83 Attest:

VILLAGE OF ESTERO, FLORIDA

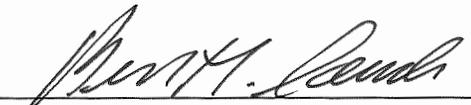
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85
86 By: Kathy Hall
87 Kathy Hall, MMC, Village Clerk

88
89
90 By: Nicholas Batos
Nicholas Batos, Mayor

91 Reviewed for legal sufficiency:

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93

94 By: 

95 Burt Saunders, Esq., Village Attorney

96

97

98 Vote: AYE NAY

99 Mayor Batos _____

100 Vice Mayor Levitan _____

101 Councilmember Boesch _____

102 Councilmember Brown _____

103 Councilmember Errington _____

104 Councilmember Ribble _____

105 Councilmember Wilson _____