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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2021 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AND ENACTING A NEW CODE FOR THE VILLAGE OF ESTERO, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

**WHEREAS,** The Village of Estero was incorporated on December 31, 2014; and

**WHEREAS,** The Village Charter included all applicable Lee County ordinances by reference as “transitional” ordinances until the Village adopts its own code of ordinances; and

**WHEREAS,** these ordinances remain in place until rescinded by action of the Council; and

**WHEREAS,** the Village has prepared its Code of Ordinances for adoption and hereby repeals and rescinds all previous ordinances; and

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

**Section 1.** The Code entitled "Code of Ordinances of the Village of Estero, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted.

**Section 2.** All ordinances of a general and permanent nature enacted on or before June 16, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed.

**Section 3.** The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

**Section 4.** Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, a definite term of imprisonment not to exceed 60 days, or any combination thereof. Except as otherwise provided by law or ordinance:

46 (i) with respect to violations of this Code that are continuous with respect to time, each  
47 day that the violation continues is a separate offense; and with respect to violations that are not  
48 continuous with respect to time, each act constitutes a separate offense. The imposition of a  
49 penalty does not prevent suspension or revocation of a license, permit or franchise or other  
50 administrative sanctions.

51 Violations of the Code that are continuous with respect to time are a public nuisance  
52 and may be abated by injunctive or other equitable relief. The imposition of a penalty does not  
53 prevent injunctive or other equitable relief. The penalty provided by this section, unless another  
54 penalty is expressly provided, shall apply to the amendment of any Code section, whether or  
55 not such penalty is reenacted in the amendatory ordinance. Nothing in this section shall be  
56 construed to prohibit the Village from prosecuting any violation of the Code by means of a  
57 code enforcement system established pursuant to the authority of F.S. Ch. 162.

59 **Section 5.** Additions or amendments to the Code when passed in such form as to  
60 indicate the intention to make the same a part of the Code shall be deemed to be incorporated  
61 in the Code, so that reference to the Code includes the additions and amendment.

63 **Section 6.** Ordinances adopted after June 16, 2021, that amend or refer to ordinances  
64 that have been codified in the Code shall be construed as if they amend or refer to like  
65 provisions of the Code.

67 **Section 7.** This Ordinance shall take effect immediately upon adoption.

69 **PASSED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

71 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
72 Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

74 Attest: **VILLAGE OF ESTERO, FLORIDA**

76 By: \_\_\_\_\_ By: \_\_\_\_\_  
77 Carol Sacco, Village Clerk Katy Errington, Mayor

79 Reviewed for legal sufficiency:  
80  
81 By: \_\_\_\_\_  
82 Derek Rooney, Village Attorney

84	Vote:	AYE	NAY
85	Mayor Errington	_____	_____
86	Vice Mayor McLain	_____	_____
87	Councilmember Ribble	_____	_____
88	Councilmember Fiesel	_____	_____
89	Councilmember Boesch	_____	_____
90	Councilmember Ward	_____	_____
91	Councilmember Wilson	_____	_____