

1 VILLAGE OF ESTERO, FLORIDA

2
3 ORDINANCE NO. 2021 - 11

4
5 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6 VILLAGE OF ESTERO, FLORIDA, ADOPTING AND
7 ENACTING A NEW CODE FOR THE VILLAGE OF
8 ESTERO, FLORIDA; PROVIDING FOR THE REPEAL
9 OF CERTAIN ORDINANCES NOT INCLUDED
10 THEREIN; PROVIDING A PENALTY FOR THE
11 VIOLATION THEREOF; PROVIDING FOR THE
12 MANNER OF AMENDING SUCH CODE; AND
13 PROVIDING WHEN SUCH CODE AND THIS
14 ORDINANCE SHALL BECOME EFFECTIVE.
15

16 WHEREAS, The Village of Estero was incorporated on December 31, 2014; and
17

18 WHEREAS, The Village Charter included all applicable Lee County ordinances by
19 reference as "transitional" ordinances until the Village adopts its own code of ordinances; and
20

21 WHEREAS, these ordinances remain in place until rescinded by action of the Council;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

23 WHEREAS, the Village has prepared its Code of Ordinances for adoption and hereby
24 repeals and rescinds all previous ordinances; and
25

26 NOW THEREFORE, be it ordained by the Village Council of the Village of Estero,
27 Florida, that:
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29 **Section 1.** The Code entitled "Code of Ordinances of the Village of Estero, Florida,"
30 published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive,
31 is adopted.
32

33 **Section 2.** All ordinances of a general and permanent nature enacted on or before June
34 16, 2021, and not included in the Code or recognized and continued in force by reference
35 therein, are repealed.
36

37 **Section 3.** The repeal provided for in section 2 hereof shall not be construed to revive
38 any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed
39 by this ordinance.
40

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

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

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

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

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

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

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2021.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Derek Rooney, Village Attorney

Vote:	AYE	NAY
Mayor Errington	_____	_____
Vice Mayor McLain	_____	_____
Councilmember Ribble	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Boesch	_____	_____
Councilmember Ward	_____	_____
Councilmember Wilson	_____	_____