

ORDINANCE NO. 2025-16

**AN ORDINANCE OF THE VILLAGE OF ESTERO,
FLORIDA, CREATING § 26-1 AND AMENDING § 26-19 OF
THE VILLAGE CODE RELATED TO SPECIAL
ASSESSMENTS; MAKING RELATED FINDINGS;
PROVIDING FOR SEVERABILITY, CODIFICATION, AND
AN EFFECTIVE DATE.**

WHEREAS, on September 9th 2020, the Village Council of the Village of Estero adopted Ordinance 2020-06 related to special assessments for infrastructure projects; and

WHEREAS, however, there are several statutory options for Florida local governments to set and assess special assessments for infrastructure projects without need for a locally-adopted code; and

WHEREAS, since the Village has several pending utility-related projects designed to specially benefit certain neighborhoods/properties of the Village, the Village Attorney has reviewed the Village's code provisions related to special assessments and has recommended adoption of the revisions set forth in this Ordinance; and

WHEREAS, the Village Council finds that it is in the best interests of the Village of Estero, its citizens, visitors, businesses, and property owners, to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Village Council of the Village of Estero, Florida, that:

Section 1. Section 26-1 of the Village Code is hereby created to read as follows:

Sec. 26-1. – Scope of chapter.

This chapter is intended to be supplemental to the provisions of Florida law related to special assessments. The village reserves the right to use any applicable statutory method for developing and assessing a special assessment. The village's use of statutory provisions as opposed to the provisions of this chapter shall not result in the invalidity of any such assessment.

Section 2. The definition of "Equalizing board" in § 26-19 of the Village Code is hereby amended to read as follows:

Equalizing board means the village council, as required by Florida Statutes § 170.08.

Section 3. For purposes of codification of any existing section of the Estero Village Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Estero Village Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Village's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the **3rd day of December, 2025**, by the Village Council of the Village of Estero, Florida.

ADOPTED ON SECOND AND FINAL READING on the **17th day of December, 2025**, by the Village Council of the Village of Estero, Florida.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Joanne Ribble, Mayor

By: _____
Carol Sacco, CMC, Village Clerk