

LEE COUNTY ORDINANCE NO. 23-19

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF LEE COUNTY, FLORIDA, AND TO READOPT AND REENACT THE LAND DEVELOPMENT CODE OF LEE COUNTY, FLORIDA; PROVIDING FOR CODIFICATION OF THE GENERAL AND PERMANENT ORDINANCES OF LEE COUNTY THAT WERE ADOPTED BY THE COUNTY THROUGH ORDINANCE NO. 21-17 (EXCLUDING LEE PLAN AMENDMENTS); 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; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Code of Ordinances was published in 1974 by Order of the County Commission, which is the official recodification of all Lee County regulations, including a recodification of the Land Development Code, and has been amended and codified through Ordinance No. 21-17 (excluding Lee Plan Amendments); and,

WHEREAS, the Lee County Land Development Code is the official recodification of all Lee County land use regulations, with the exception of the Lee Plan, which was adopted and codified by the Lee County Board of County Commissioner on April 20, 1994, and has been codified through Ordinance No. 22-07 (excluding Lee Plan Amendments); and,

WHEREAS, the County Attorney's Office and MuniCode Services completed a thorough review and legal analysis of County Ordinances to ensure a legally accurate, up-to-date Code that conforms to State statutes and consistency with State law in order to recodify the Lee County Ordinances and the Land Development Code; and,

WHEREAS, the Codification of Ordinances is an essential part of the governmental function. It provides Lee County and its citizens with a body of current, enforceable regulations, in a way that makes the law easy to use and reference; and,

WHEREAS, all future Lee County Ordinances will be incorporated into this Code; and,

WHEREAS, the adoption of this codification must occur through adoption of an Ordinance at a public meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

SECTION ONE: The Code entitled "Code of Ordinances of Lee County, Florida," published by Municode, consisting of chapters 1 through 30, each inclusive, and recodification of the Land Development Code are adopted.

SECTION TWO: All ordinances of a general and permanent nature enacted on or before November 1, 2022, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION THREE: The repeal provided for in Section Two 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 FOUR: PENALTY

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: (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 (ii) with respect to violations that are not continuous with respect to time, each act constitutes a separate offense. 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. In addition to the penalty prescribed above, the County may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION FIVE: 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 amendments.

SECTION SIX: Ordinances adopted after November 1, 2022, 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 SEVEN: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

SECTION EIGHT: SEVERABILITY

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION NINE: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

SECTION TEN: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION ELEVEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Greenwell made a motion to adopt the foregoing ordinance, seconded by Commissioner Ruane. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 1st day of August 2023.

ATTEST:
KEVIN KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office