

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA  
CREATING AN AREA OUTSIDE THE CORPORATE LIMITS OF  
THE CITY WHEREIN PROVISION WILL BE MADE TO PROVIDE  
POTABLE WATER SUPPLY FOR DOMESTIC, MUNICIPAL AND/OR  
INDUSTRIAL USES INDICATING RESERVOIRS, PIPELINES  
AND DISTRIBUTION SYSTEMS.

WHEREAS, by Chapter 180, F.S., the City may extend and execute all of  
its corporate powers applicable for the accomplishment of municipal public  
works outside its corporate limits; and

WHEREAS, in the event the City desires to avail itself of the provisions  
or benefits of said statute, it is lawful to create a zone or area by ordinance  
and to prescribe reasonable regulations therein; and

WHEREAS, the area or zone created may extend up to five miles from the  
corporate limits of City; and

WHEREAS, with the expiration of an interlocal agreement with Charlotte  
County for the provision of potable water, the City is desirous of creating  
a zone outside its corporate limits wherein the City will make provision for  
potable water for domestic, municipal and/or industrial uses including  
reservoirs, pipelines and distribution systems under certain conditions;

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PUNTA GORDA, FLORIDA:

Section 1. Under the provisions of Chapter 180, Florida Statutes, there  
is hereby created an area outside the corporate limits of the City wherein  
provision will be made to provide a potable water supply for domestic,  
municipal and/or industrial uses including reservoirs, pipelines and distribution  
as follows, to wit:

Commence at the intersection of the Southern boundary of Section 7  
T42 S R23 E, with the waters of Charlotte Harbor, thence east along  
the southern boundaries of Section 7 and 8 T42 R23 E to the southeast  
corner of Section 8, thence run north along the east boundaries of  
Sections 8 and 5, T42 S R23 E to the northeast corner of Section 5,  
thence run east along the north boundary of Section 4 to the northeast  
corner of Section 4, thence run north along the east boundaries of  
Sections 33 and 28, T41 S R23 E to its intersection with the southerly  
R/W of Alta Vista Drive, thence east along said R/W to its intersection  
with the easterly R/W of Padula St., thence north along said R/W line  
to its intersection with SR 768, thence west along the northerly R/W  
of SR 768 to its intersection with SR 765A, thence northerly along  
the east R/W of SR 765A to the south boundary of Section 22, T41 S,  
R23 E, thence run north along the westerly boundary of Section 22  
to its intersection with the westerly R/W of Interstate 75, thence  
north along said westerly R/W to its intersection with the southerly  
R/W of SR 35, thence east along said southerly R/W to its intersection  
with the west boundary of Section 3, T41 S, R23 E, thence south along  
said west boundary to the southwest corner of the northwest 1/4 of  
Section 3, T41 S, R23 E, thence east along the south boundary of said  
northwest 1/4 to the southeast corner of the northeast 1/4 of Section  
3, T41 S, R23 E, thence north along the east boundary of said  
northeast 1/4 to the southeast corner of Section 34, TWP 40S, R23 E,  
thence north along the east boundary of Section 34 to the southwest  
corner of the northwest 1/4 of Section 35, TWP 40S, R23 E, thence  
east along the south boundary of said 1/4 to the southeast corner of  
the northeast 1/4 of Section 35 TWP 40S, R23 E, thence north along

the east boundary of said 1/4 section to the southwest corner of Section 25, TWP 40S, R23 E, thence east along the southerly boundary of Section 25 to the southeast corner of Section 30, TWP 40S, R23 E, thence northerly along the westerly boundaries of Sections 30 and 19, TWP 40S, R23 E to its intersection with the mean high waterline of Shell Creek, thence meander westerly along the mean high waterline of Shell Creek to its intersection with the waters of the Peace River, thence run along the easterly shore of the Peace River and the eastshore of Charlotte Harbor to the point of beginning.

Section 2. Within the above described portion of Charlotte County, the City hereby establishes the following rules governing the provision of potable water.

a. The City agrees to take all reasonable and diligent actions necessary to supply a sufficient quantity of potable water, as that term may from time to time be defined by the statutes and regulations of the State of Florida, to meet the needs of present users both within the corporate limits of the City, and the above described portion of Charlotte County without the corporate limits of the City and to allow new connections to the system to whatever extent will not injure or jeopardize those persons whose premises are now and shall be connected to said system. It shall be considered that injury or jeopardy shall not occur unless and until the number of new water connections added hereafter shall exceed the demand equivalent of 18 single family homes served by 3/4" water services connected to any 2" main or systems of mains for every single source of water feed thereto from a 4" or larger main. Further, a maximum number of such connections per feed to a 1-1/2" main shall be 9, and to a 1" main shall be 4. In addition upon evidence of a major deviation from currently projected systems supply demand, the City Director of Public Works and/or City Engineer shall make such evidence known and shall recommend suitable amendments to the City's agreement.

b. All improvements to the distribution system shall comply with "construction specifications and standard details" used by the City for distribution systems in new subdivisions and all plans therefor shall be presented to the City Council of the City for certification of such compliance and for approval prior to the commencement of any construction. If sufficient surplus water is available the City will certify the additional distribution lines for construction. If not, such construction will be delayed until such time as the City certifies the required water to be available.

c. All components of the water distribution system within said area shall become, be and remain the property of the City.

d. The City shall administer, manage and maintain all of the distribution facilities created hereunder and charge all water users a rate or fee

which shall not normally be more than a verifiable fifty percent (50%) greater rate charged for similar use within the corporate limits of the City, except any impact fees which are to be expended for the expansion of potable water system capacity, shall not exceed those charged within the corporate limits of the City.

e. Fire hydrant installation and maintenance outside the City limits shall be conditioned upon the following provisions:

- (1). The cost of hydrant installation shall be borne by any land developer, fire protection district, special assessment district, or other agency requesting such installation.
- (2). Reasonable assurance shall be provided to the City that future annual hydrant maintenance fees required by ordinance will be paid by some responsible organization or governmental body.
- (3). The City agrees that when County fire hydrants are properly installed, and during the period that maintenance fees are paid up, the City will maintain such hydrants and will provide water thereto for fire fighting only, but the City assumes no governmental liability for the operations or effectiveness of any County area fire fighting organization, nor for water service interruptions or hydrant failures caused by circumstances beyond the City's control.
- (4). Unless specifically permitted by formal City Council action fire hydrants may be installed only on water lines having the following sizes and capacities or greater, depending on adjacent property zoning or use:

<u>Property Zoning or Use</u>	<u>Minimum Line Internal Diameter</u>	<u>Minimum Line Flow Capacity</u>
Single Family Residential	6"	500 gpm @ 20 psi residual pressure
Multi-Family Residential	8"	1000 gpm @ 20 psi residual pressure
Industrial and Multi-Family over 2 stories	12"	1500 gpm @ 20 psi residual pressure

- (5). The City shall cause all fire installed hydrants to be sealed. Affected residents are required to immediately report to the City any breakage of such seals for any purpose, when known.

(6). The City shall inspect all fire hydrants on at least a monthly basis and, where broken seals are reported, affected residents are required to agree to diligently investigate the cause thereof and, if possible, to prevent reoccurrence of the same.

(7). Fire fighting organizations will be required that as to any fire hydrant installed pursuant to this ordinance, they shall cause the average flow to be measured, report the results thereof to the City, and require all personnel using such hydrants for fire fighting or other purposes to record and report the time such hydrant remains open. The fire fighting organization will also agree that it will pay or cause the payment to the City of any amount due for the water used at current City rate for such use.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section. 4. This ordinance shall take effect upon its passage and publication as required by law.

Adopted in regular session of the City Council of the City of Punta Gorda, Florida, this 15th day of August, 1984.

CITY OF PUNTA GORDA, FLORIDA

By C. Anna Brucke  
Mayor

ATTEST:

Mary Lou Hillenburg  
City Clerk

1st Reading and Public Hearing: 08-01-84  
2nd reading: 08-15-84

APPROVED AS TO FORM:

D. Michael Roy  
City Attorney

Mary L.

**DAILY HERALD-NEWS**  
(Published Daily except Sundays)  
Punta Gorda, Charlotte County, Florida

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

BEFORE THE UNDERSIGNED AUTHORITY personally appeared Dorothy McLaughlin who on oath says that she is A. Clark, of DAILY HERALD-NEWS, a daily newspaper published in Punta Gorda in Charlotte County, Florida; that the attached copy of advertisement, being a notice of PUBLIC HEARING.....

in the Daily Herald-News was published  
in said newspaper in the issues of .....

..... July 16, 26, ..... A.D. 1984 .....

Affant further says that the said *Day in Hernando* is a newspaper published in Punta Gorda, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, each day except Sunday and has been entered as second-class mail matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year next preceding the first publication of the aforesaid copy of *Advent in Semester*; and Affant further says that she has neither paid nor remitted any personal, firm or corporation, any discount, rebate, commission or reward for the purpose of securing this aforesaid publication in the said newspaper.

Allen further says that the Salad Day Herald is a newspaper published at Punta Gorda, in Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, each day except Sunday and has been offered as a classified newspaper for publication in Charlotte County, Florida, and that he has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

4-May Lee Hilleberg  
City Clerk  
City of Punta Gorda  
Published July 16, 1964.

Dorothy M. Saenger

SWORN TO AND SUBSCRIBED before me  
this 17<sup>th</sup> day of July, A.D. 19<sup>0</sup>8<sup>v</sup>

Notary Public  
(SEAL) NOTARY PUBLIC STATE OF FLORIDA AT LARGE

Affiant further says that the said *Day in Hernando* is a newspaper published in Punta Gorda, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, each day except Sunday and has been entered as second-class mail matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year next preceding the first publication of the aforesaid copy of *Advent in Semester*; and affiant further says that she has neither paid nor remitted any personal, firm or corporation, any discount, rebate, commission or reward for the purpose of securing this aforesaid publication in the said newspaper.

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA  
CREATING AN AREA OUTSIDE THE CORPORATE LIMITS OF  
THE CITY WHEREIN PROVISION WILL BE MADE TO PROVIDE  
FOR WASTEWATER COLLECTION AND DISPOSAL; DESCRIBING  
THE TERRITORY TO BE INCLUDED IN THE AREA; REQUIRING  
CITY APPROVAL FOR THE CONSTRUCTION OF WASTEWATER  
FACILITIES

WHEREAS, by Chapter 180, F.S., the City may extend and execute all of its corporate powers applicable for the accomplishment of municipal public works outside its corporate limits; and

WHEREAS, in the event that the City desires to avail itself of the provisions and benefits of said statute, it is lawful to create a zone or area by ordinance and to prescribe reasonable regulations therein; and

WHEREAS, if created, the area or zone may extend up to five miles from the corporate limits of City; and

WHEREAS, upon mutually agreed termination of an interlocal agreement with Charlotte County for the provision of wastewater collection and disposal, the City is desirous of creating an area outside its corporate limits for provision of the same;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PUNTA GORDA, FLORIDA:

Section 1. Under the provisions of Chapter 180, Florida Statutes, there is hereby created an area outside the corporate limits of City wherein provision will be made to provide a wastewater collection and disposal system as follows, to wit:

Commence at the intersection of the Southern boundary of Section 7 T42 S R23 E, with the waters of Charlotte Harbor, thence east along the southern boundaries of Section 7 and 8 T42 R23 E to the southeast corner of Section 8, thence run north along the east boundaries of Section 8 and 5, T42 S R23 E to the northeast corner of Section 5, thence run east along the north boundary of Section 4 to the northeast corner of Section 4, thence run north along the east boundaries of Section 33 and 28, T41 S R23 E to its intersection with the southerly R/W of Alta Vista Drive, thence east along said R/W to its intersection with the easterly R/W of Padula St., thence north along said R/W line to its intersection with SR 768, thence west along the northerly R/W of SR 768 to its intersection with SR 765A, thence northerly along the east R/W of SR 765A to the south boundary of Section 22, T41, S, R23 E, thence run north along the westerly boundary of Section 22 to its intersection with the westerly R/W of Interstate 75, thence north along said westerly R/W to its intersection with the southerly R/W of SR 35, thence east along said southerly R/W to its intersection with the west boundary of Section 3, T41, S, R23, thence south along said west boundary to the southwest corner of the northwest 1/4 of Section 3, T41 S, R23 E, thence east along the south boundary of said northwest 1/4 to the southeast corner of the northeast 1/4 of Section 3, T41 S, R23 E, thence north along the east boundary of said northeast 1/4 to the southeast corner of Section 34, TWP 40S, R23 E, thence north along the east boundary of Section 34 to the southwest corner of the northwest 1/4 of Section 35, TWP 40S, R23 E, thence east along the south boundary of said 1/4 to the southeast corner of the northeast 1/4 of Section 35 TWP 40S, R 23 E, thence north along the east boundary of said 1/4 section to the southwest corner of Section 25, TWP 40S, R23 E, thence east along the southerly boundary of Section 25 to the southeast corner of Section 30, TWP 40S, R23 E, thence northerly along the westerly boundaries of Sections 30 and 19,

TWP 40S, R23 E to its intersection with the mean high waterline of Shell Creek, thence meander westerly along the mean high waterline of Shell Creek to its intersection with the waters of the Peace River, thence run along the easterly shore of the Peace River and the eastshore of Charlotte Harbor to the point of beginning.

Section 2. Within the above described portion of Charlotte County, the City hereby establishes the following rules governing the provision of wastewater collection and disposal:

- a. The City agrees to take all reasonable and diligent actions necessary to develop sufficient wastewater collection and disposal facilities, as that term may from time to time be defined by the statutes and regulations of the State of Florida, to meet the needs of present users both within the corporate limits of the City, and the above described portion of Charlotte County without the corporate limits of the City and to allow new connections to the system to whatever extent will not injure or jeopardize those persons whose premises are now and shall be connected to said system.
- b. All improvements to the collection and disposal system shall comply with "construction specifications and standard details" used by the City for collection and disposal systems in new subdivisions and all plans therefor shall be presented to the City Council of the City for certification of such compliance and for approval prior to the commencement of any construction. If sufficient wastewater treatment facilities are available the City will certify the additional collection and disposal lines for construction. If not, such construction will be delayed until such time as the City certifies the required treatment facilities to be available.
- c. All components of the wastewater collection and disposal system within said area shall become, be and remain the property of the City.
- d. The City shall administer, manage and maintain all of the collection and disposal facilities created hereunder and charge all users thereof a rate or fee which shall not normally be more than a verifiable fifty percent (50%) greater rate charged for similar use within the corporate limits of City, except any impact fees which are to be expended for the expansion of wastewater system capacity, shall not exceed the rate charged within the corporate limits of City.
- e. The City reserves the right to regulate the use of sewers and septic tanks within the above described portion of Charlotte County and to prohibit the use and maintenance of outhouses, privies or other unsanitary structures or appliances and to control, to the extent feasible, sources of agriculturally and silviculturally related, mine related and construction activity related sources of pollution.

f. To acquire by purchase, gift or the exercise of the right of eminent domain such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, installation, erection or operation and maintenance of any wastewater collection and disposal system and to hold and dispose of all real and personal property under its control. Provided, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits stated above.

g. To exercise exclusive jurisdiction, control and supervision over any wastewater collection and disposal system or any part thereof owned, operated and maintained by the City, and to make and enforce such rules and regulations for the maintenance and operation of any wastewater collection and disposal system be, in the judgment of the governing body, necessary or desirable for the efficient operation of any such system or improvements in accomplishing the purposes stated herein.

h. To restrain, enjoin or otherwise prevent the violation of this ordinance or of any resolution, rule or regulation adopted pursuant to the powers granted hereunder.

i. To contract with other private or public corporations or persons to provide or receive sewage disposal, collection or treatment.

j. To prescribe methods of pretreatment of industrial waste not amenable to treatment with domestic wastewater before accepting such waste for treatment, and to refuse to accept such industrial waste when not sufficiently pretreated as may be prescribed and by proper resolution to prescribe penalties for the refusal of any person or corporation to so pretreat such industrial waste.

k. To require and enforce the use of its facilities whenever and wherever they are accessible.

l. To sell or otherwise dispose of the effluence, sludge or other by-products as a result of wastewater treatment.

m. To accomplish construction by holding hearings, advertising for construction bids and letting contracts for all or any part or parts of the construction of any sewer system to the lowest responsible bidder or bidders or rejecting any and all bids at its discretion, provided that the district may purchase supplies, material and equipment, as well as expend for construction work, in an amount not to exceed Twenty-Five Hundred Dollars (\$2,500) total cost of each transaction without advertising or receiving bids.

n. To construct and operate connecting, intersecting or outlet sewers

and sewer mains and pipes in, along or under any streets, alleys, highways or other public places or ways within the County necessary for the purposes of that stated herein.

o. Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds or other obligations issued under the provisions of this ordinance to enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any county, district, authority or political subdivision, private operation, partnership, association or individual providing for or relating to the treatment, collection and disposal of sewage and any other matters relevant thereto or otherwise necessary to effect the purposes of this ordinance and to receive and accept from any federal agency grants or loans for or in aid of the planning, construction, reconstruction or financing of any sewer system and to receive and accept aid or contributions or loans from any other source of either money, property, labor or other things of value to be held, used and applied only for the purpose for which such grants, contributions or loans may be made.

p. No wastewater treatment plant or other facilities for the collection, disposal and treatment of wastewater shall be constructed within the above described portion of Charlotte County unless the City Council shall give its consent thereto and approve the plans and specifications therefor.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon its adoption and publication as required by law.

Adopted in regular session of the City Council of the City of Punta Gorda, Florida, this 7th day of November, 1984.

CITY OF PUNTA GORDA, FLORIDA

By Cadene Bunker  
Mayor

ATTEST:

Mary Lou Hilenburg  
City Clerk

1st reading: 10-17-84  
P.H. & 2nd reading: 11-07-84

APPROVED AS TO FORM:

Michael Ross  
City Attorney

Distribution:

Water Collector

Copy.

Printed 10/18/84

*Mary L.*  
**DAILY HERALD-NEWS**  
(Published Daily except Sundays)  
Punta Gorda, Charlotte County, Florida

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

BEFORE THE UNDERSIGNED AUTHORITY personally appeared  
Dorothy McLaughlin who on oath says that she is...a. clack.....of  
DAILY HERALD-NEWS, a daily newspaper published in Punta Gorda in  
Charlotte County, Florida; that the attached copy of advertisement, being  
a notice of.....PUBLIC HEARING.....

.....  
.....  
in the Daily Herald-News was published  
in said newspaper in the issues of .....

.....  
.....  
October 22, November 1,..... A.D. 1984.....

.....  
.....  
Alfred Turner says that the said Daily Herald-News is a newspaper published in Punta Gorda, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, each day except Sunday and has been entered as second-class mail matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement, and that further says that he has neither paid nor promised any premium or compensation and deserves, receive, compensation or refund for the purpose of securing the advertisement for publication in the said newspaper.

**NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY notified that the Punta Gorda City Commission will hold a Public Meeting on Wednesday, November 7, 1984 at 9:00 A.M. or as soon thereafter as may be heard to consider the adoption of an ordinance bearing the following title: "An Ordinance of the City of Punta Gorda, Florida creating an area outside the corporate limits of the City where provision will be made to provide for wastewater collection and disposal, describing the territory to be included in the area requiring City approval for the construction of wastewater facilities."

An ordinance of the City of Punta Gorda, Florida creating an area outside the corporate limits of the City where provision will be made to provide for wastewater collection and disposal, describing the territory to be included in the area requiring City approval for the construction of wastewater facilities.

Said hearing will be held in Council Chambers at 320 W. Main Avenue.

Any person desiring to be heard on this matter may appear at the above time and place.

NOTE: It is intended to be made of any decision made at this hearing a verbatim record of the proceedings may be made.

Alfred Turner  
Daily Herald-News  
Punta Gorda  
October 22, November 1, 1984

*Dorothy McLaughlin*  
SWORN TO AND SUBSCRIBED before me  
this *10th* day of *October*, A.D. 1984.

*Shadell M. McLaughlin*  
(SEAL) Notary Public  
NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES SEPT 18 1985  
CO-LED THRU GENERAL INS. UNDERWRITERS