

CITY OF PUNTA GORDA

ORDINANCE NO. 1860-16

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING SECTION 1 OF ORDINANCE NO. 1363-03 ADOPTED DECEMBER 3, 2003, CREATING AN AREA OUTSIDE THE CORPORATE LIMITS OF THE CITY OF PUNTA GORDA WHEREIN THE CITY MAY PROVIDE A POTABLE WATER SUPPLY AND DISTRIBUTION AND WASTEWATER COLLECTION, TREATMENT AND DISPOSAL FOR DOMESTIC, MUNICIPAL AND INDUSTRIAL USES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1984 the City of Punta Gorda, pursuant to Chapter 180, Florida Statutes, adopted Ordinance Nos. 759-84 and 775-84, creating an area outside its city limits for the provision of water and wastewater services; and

WHEREAS, the City of Punta Gorda adopted Ordinance No. 1363-03 on December 3, 2003, for the purpose of updating and incorporating the provisions of the 1984 ordinances into a single ordinance with a revised service area; and

WHEREAS, the City of Punta Gorda desires to amend the ordinance to require an agreement to annex into the City before water and sewer services would be provided to real property outside the City's boundaries but within its Utility Service Area.

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

I. Section 1 of Ordinance 1363-03, adopted on December 3, 2003, is hereby amended to read as follows: *[additions are underlined, deletions are struck through]*

Section 1. Under the provisions of Chapter 180, F.S., there is hereby created an area outside the corporate limits of the City of Punta Gorda ~~wherein the City will be the exclusive provider of the City may, subject to its discretion and in the best interest of the City, provide~~ potable water supply, treatment and distribution, and wastewater collection, transmission, treatment and disposal for domestic, municipal and industrial uses, said area being described in Exhibits 'A' and 'B' attached hereto and incorporated herein to Ordinance No. 1363-03. Said area and the ~~area within the~~ corporate limits of the City of Punta Gorda shall be considered the 'Utility Service Area' for water and wastewater service provided by the City of Punta Gorda. ~~Prior to providing any utility services to real property within the 'Utility Service Area', but outside of the territorial limits of the City, the City shall have the right to require the property owner applying for utility service to enter into an agreement to annex into the City if the subject property is~~

contiguous to the City and is reasonably compact at the time of application. If, at the time of application the subject real property is not contiguous to the City, or is contiguous but not reasonably compact, the City shall have the right to require the property owner applying for utility service to enter into an agreement to annex into the City when the subject property becomes contiguous to the City and reasonably compact. The terms 'contiguous' and 'reasonably compact' shall be as defined in Section 171.031, Florida Statutes, as the same may from time to time be amended.

II. All other provisions of Ordinance No. 1363-03, adopted December 3, 2003, a copy of which is attached hereto and incorporated herein as Exhibit "A", hereby remain in full force and effect.

III. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

IV. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

V. This ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this
2 day of November, 2016.

Rachel Keesling
RACHEL KEESLING, Mayor

ATTEST:

Karen Smith
KAREN SMITH, City Clerk

APPROVED AS TO FORM:

David M. Levin
DAVID M. LEVIN, City Attorney

1ST READING: Nov. 19, 2003

PUBLIC HEARING: Nov. 19, 2003

2ND READING: DEC. 3, 2003

ADOPTED: DEC. 3, 2003

CITY OF PUNTA GORDA

ORDINANCE NO. 1363-03

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA,
CREATING AN AREA OUTSIDE THE CORPORATE LIMITS OF
THE CITY OF PUNTA GORDA WHEREIN THE CITY WILL BE
THE EXCLUSIVE PROVIDER OF POTABLE WATER SUPPLY
AND DISTRIBUTION AND WASTEWATER COLLECTION,
TREATMENT AND DISPOSAL FOR DOMESTIC, MUNICIPAL
AND INDUSTRIAL USES; DESCRIBING THE TERRITORY
TO BE INCLUDED IN THE AREA; ESTABLISHING
POLICIES FOR THE OPERATION OF THE SYSTEMS;
PROVIDING FOR CONFLICT AND SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE



WHEREAS, in 1984 the City of Punta Gorda, pursuant to Chapter 180, F.S., adopted ordinance Nos. 759-84 and 775-84, creating an area outside its City limits for the provision of water and wastewater services; and

WHEREAS, a review of Ordinance Nos. 759-84 and 775-84, reveal that they are outdated and the description of the service area outside of the City limits is in need of revision; and

WHEREAS, adopting a new ordinance updating and incorporating the provisions of those ordinances into a single ordinance with a revised service area is suggested;

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

Section 1. Under the provisions of Chapter 180, F.S., there is hereby created an area outside the corporate limits of the City of Punta Gorda wherein the City will be the exclusive provider of potable water supply, treatment and distribution, and wastewater collection, transmission, treatment and disposal for domestic, municipal and industrial uses, said area being described in Exhibits "A" and "B" attached hereto and incorporated herein. Said area and the corporate limits of the City of Punta Gorda shall be considered the "Utility Service Area" for water and wastewater service provided by the City of Punta Gorda.

Section 2. Within the described portion of Charlotte County, the City hereby establishes the following rules governing the provision of potable water, hereinafter referred to as "water system".

- a. The City shall, subject to its discretion and in the best interest of utility ratepayers, take reasonable and diligent actions necessary to develop sufficient water supply, treatment and distribution facilities, as these terms may from time to time be defined by 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 described portion of Charlotte County outside 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 water system.

- b. All extensions and improvements of such water system shall be in accordance with such policies as may be adopted by the City Council from time to time by Resolution.
- c. All components of the water system within public rights-of-way up to the City owned meter within the described portion of Charlotte County shall become and remain the property of the City. Such facilities on private property may be accepted when determined to be in the best interest of the City water system.
- d. The City shall administer, manage and maintain all of the water system created hereunder and shall charge all users thereof a rate as set forth by City ordinance.
- e. The City may acquire by purchase, gift, or exercise of the right of eminent domain such lands and rights and interests therein, and to acquire such real property as it may deem necessary in connection with the construction, improvement, operation and maintenance of the water system and to hold and dispose of all real property.
- f. The City shall exercise jurisdiction, control and supervision over the water system and shall make and enforce such rules and regulations necessary and desirable for the efficient management and operation of the water system.
- g. The City may contract with private or public entities or with individuals to provide or receive water.
- h. The City may require and enforce the use of the water system whenever and wherever the water system is available for service.
- i. The City may establish special assessments by ordinance to specially benefited properties within the described portion of Charlotte County to accomplish construction, extension, or improvements to the water system.
- j. No water treatment plant or other facility for the distribution of water shall be constructed within the described portion of Charlotte County unless the City Council or its designee shall give its consent thereto and approve the plans and specifications therefor.

Section 3. Within the described portion of Charlotte County, the City hereby establishes the following rules governing the provision of wastewater collection, transmission, treatment, and disposal, hereinafter referred to as "wastewater system".

- a. The City shall, subject to its discretion and in the best interest of utility ratepayers, take reasonable and diligent actions necessary to develop sufficient wastewater collection, transmission, treatment and disposal facilities, as these terms 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 described portion of Charlotte County outside 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 wastewater system.
- b. All extensions and improvements of such wastewater system shall be in accordance with such policies as may be adopted by the City Council from time to time by Resolution.
- c. All components of the wastewater system within the public rights-of-way within the above described portion of Charlotte County shall become and remain the property of the City. Such facilities on private property may be accepted when determined to be in the best interest of the wastewater system.
- d. The City shall administer, manage and maintain all of the wastewater system created hereunder and charge all users thereof a rate as set forth by City ordinance.
- e. The City reserves the right to regulate the use of sewers and septic tanks within the described portion of Charlotte County and to prohibit the use and maintenance of outhouses or other unsanitary structures and to control, to the extent feasible, wastewater pollution from domestic, and industrial sources.
- f. The City may acquire by purchase, gift or exercise of the right of eminent domain such lands and rights and interests therein, and to acquire such real property as it may deem necessary in connection with the construction, improvement, operation and maintenance of the wastewater system and to hold and dispose of all real property.
- g. The City shall exercise jurisdiction, control and supervision over the wastewater system and shall make and enforce such rules and regulations necessary and desirable for the efficient management and operation of the wastewater system.

- h. The City may contract with private or public corporations or persons to provide or receive wastewater, effluent or residuals.
- i. The City may prescribe methods of pretreatment required for industrial wastewater which is not amenable to treatment process utilized for domestic wastewater before accepting such wastewater for treatment, and to refuse such wastewater when not sufficiently pretreated, and may by proper resolution, prescribe penalties to sources of wastewater when required methods of pretreatment have not been performed.
- j. The City may require and enforce the use of the wastewater system whenever and wherever the wastewater system is available for service.
- k. The City may establish special assessments by ordinance to specially benefited properties within the described portion of Charlotte County to accomplish construction, extension or improvements to the wastewater system.
- l. No wastewater treatment plant or wastewater system shall be constructed within the described portion of Charlotte County unless the City Council or its designee shall give its consent thereto and approve the plans and specifications therefor.

Section 4. Any project in which the majority of the developed area of the project is within the area described in Exhibits "A" and "B" shall be served in accordance with the foregoing. The determination of whether the majority of the project is within the service area shall be made by the City Manager or his designee.

Section 5. The City may restrain, enjoin or otherwise prevent the violation of this ordinance or of any resolution, rule or regulation adopted pursuant to the powers granted or reserved hereunder.

Section 6. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

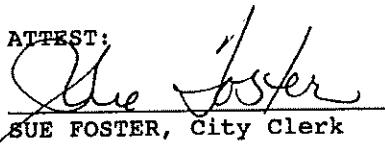
Section 7. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. This ordinance shall take effect immediately upon its adoption.

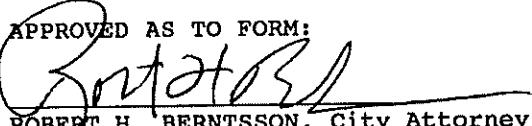
ADOPTED in regular session of the City Council of the City of
Punta Gorda, Florida this 3rd day of December, 2003.


STEPHEN M. FABIAN, JR., Mayor

ATTEST:


SUE FOSTER, City Clerk

APPROVED AS TO FORM:


ROBERT H. BERNTSSON, City Attorney

12/3/03
Date

City of Punta Gorda Utility Service Area

Those lands lying south and east of the Peace River and south of Shell Creek in Charlotte County more particularly described as inclusive of the following land sections; Township 40, south Range 23 east, Sections 24,25,26,27,32,33,34,35,36; Township 41 south, Range 23 east, Sections 2,3,4,5,6,7,8,9,10,11,14,15,16,17,18,19,20,21,22,23,27,28,29,30,north half of 32, north half of 33, Township 41 south, Range 22 east, Sections 1,10,11,12,13,14,15,22,23,24,25

EXHIBIT "A"

City of Punta Gorda

Utility Service Area

