



PUNTA GORDA UTILITY SERVICE AREA CODIFICATION

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Overlapping Authority

COUNTY

- Ch. 125 & 153, Fla. Stat.
- County may provide services except to any property already being furnished like facilities by any municipality unless city council consents

CITY

- Ch. 166 & 180, Fla. Stat.
- Area outside city limits
- By ordinance
- Not within another city
- Not more than 5 miles from corporate limits

FYI: Other utilities are subject to Public Service Commission rules and regulations



Overlapping Authority

- County is "authorized and empowered" under Chapter 153, Florida Statutes "to purchase and/or construct and improve, extend, enlarge, and reconstruct a water supply system or systems or sewage disposal system or systems, or both, within such county.
- It is lawful for any municipality to create a zone or area by ordinance and to prescribe reasonable regulations requiring all persons or corporations living or doing business within said area to connect, when available, with any sewerage or alternative water supply system.
- No statute resolving conflicts over jurisdiction; settled by interlocal agreement(s).



Punta Gorda Ord. No. 1363-03

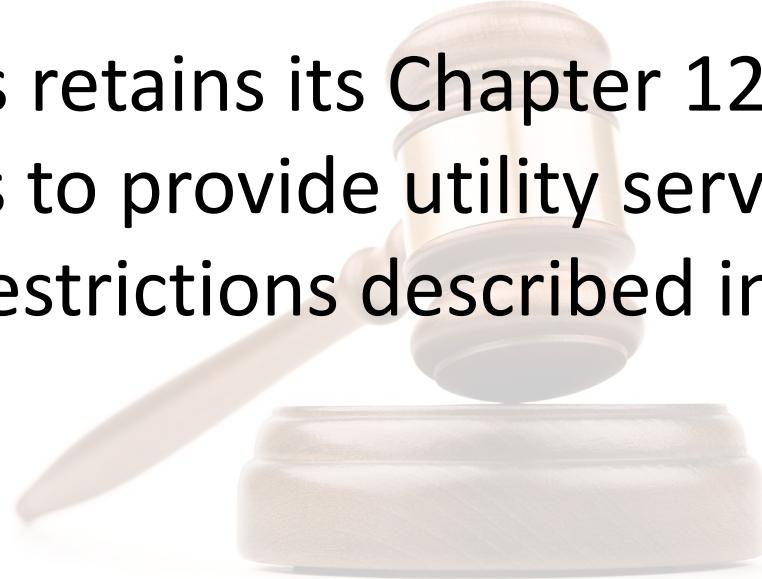
Section 1. Under the provisions of Chapter 180, F.S., there is hereby created an area outside the corporate limits of the City of Punta Gorda ~~wherein the City will be the exclusive provider of the~~ City may, subject to its discretion and in the best interest of ~~the~~ City, provide potable water 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 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. ...

Conclusion

1. When the city deleted "wherein the City will be the exclusive provider of "water and wastewater services" in its Utility Service Area, the city, through its conduct, was no longer assuming "the legal duty to provide reasonably adequate services for reasonable compensation to all of the public.

Conclusion

2. The county thus retains its Chapter 125 and 153 powers to provide utility services subject to the restrictions described in those chapters.



Discussion