ORDINANCE NO. 22-04

AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA; AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT MEADE, FLORIDA RELATED TO UTILITY SYSTEM SERVICE; PROVIDING FINDINGS; MODIFYING SECTIONS 24-4, 24-31, AND 24-157 OF THE CODE OF ORDINANCES OF THE CITY OF FORT MEADE; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CITY OF FORT MEADE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FORT MEADE, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City hereby makes and declares the following findings and statements of legislative intent:

(1) The City owns, operates, and manages a water system, a sewer(wastewater) system, and an electric distribution system both within and without the City limits pursuant to its governmental powers.

(2) As a municipal utility, the City has the exclusive prerogative, authority and duty to own, operate, manage, repair, replace, extend, and control the City's various utility systems.

(3) The City has previously determined that to be able to finance, permit, construct, extend, operate, repair, and manage all of its utility systems, as well as to enforce the rules, regulations, and payment of rates to each of its various utility systems, it (the City) must operate these systems in a coordinated, integrated fashion.

(4) If the City fails to ensure that all of its utility systems are operated, managed, and controlled in a unified, integrated, and coordinated fashion, then that failure can lead to the creation of public nuisances, financial insolvency, operational inefficiencies, discriminatory cost recovery, and other threats to the public health, safety, and welfare.

(5) The City has determined that development at urban level densities should be served by a central potable water and wastewater supply.

(6) Recently, the City has faced groundwater supply shortages imposed by the Southwest Florida Water Management District pursuant to Chapter 373, Florida Statutes.

(7) The City has also incurred bonded indebtedness to expand and maintain its central water and wastewater systems.

(8) The City's bond covenants, and its City Code prohibits free service.

(9) Failure to require those seeking city utility services, including water and wastewater utility service, to annex into the City as a condition of receiving these services will harm the financial feasibility of the City's operation of its water, wastewater, and reclaimed water systems.

(10) For these and other reasons, it is necessary for the City to safeguard the public health, safety, and welfare of its inhabitants and customers by providing an adequate water and wastewater services to all existing and future customers within its water and wastewater service area by requiring annexation as a condition of the delivery of these services together to those within the unincorporated portion of the City's water and wastewater service area, to thus eliminate public hazards of contaminated wells or over pumped wells, conserve water supplies by requiring water customers to also receive wastewater service to increase the supply of reclaimed water, all of which shall strengthen the financial security of the City's central water and wastewater systems.

(11) Towards those ends, the City has determined pursuant to its home rule powers, its charter, various special acts, general laws, and other legal precedent to adopt this ordinance.

SECTION 2. MODIFICATION TO SECTION 24-4, THE CODE OF ORDINANCES, CITY OF FORT MEADE, FLORIDA. Section § 24-4 of the Code of Ordinances of the City of Fort Meade, Florida, entitled "Adoption of Wastewater System Rates", is modified to read as follows:

"24-4. - Extension of services—Generally.

(a) In accordance with the powers granted to municipalities by Chapter 180, Florida Statutes, the City of Fort Meade Utility Service Area shall be all that area which lies within five (5) miles of the corporate limits provided said area shall not include any area with the corporate limits of any other incorporated city or village and any area which is currently served by a private utility system. The City of Fort Meade Utility Service Area may expand from time to time upon the annexation of additional properties by the city or upon cessation of service by a private utility system within five (5) miles of the corporate limits of the city, provided such area shall not include any area within the corporate limits of any other incorporated city or village. The initial utility service area is designated on Exhibit "A" attached hereto and made a part hereof.

(b) Utility services shall be extended within the utility service area at the sole discretion of the city. Whenever economically feasible and deemed to be in the best interest of the utility system, such extension of services shall be

accomplished and financed as more fully set forth in the Code of Ordinances and the Land Development Regulations of the City of Fort Meade, Florida.

(c) The city shall reserve the right at all times to refuse extension of the utility system when such extension is not economically feasible, for noncompliance with the policies, rules and regulations established by this chapter or with any duly adopted city resolution or ordinance, or for any other cause whereby such extension will not benefit or may be detrimental to the best interest of the utility system.

(d) In accordance with Chapter 180, Florida Statutes, all persons or corporations living or doing business within the City of Fort Meade Utility Service Area shall be required to connect, when available, with the city utility system and shall be subject to all rules, regulations and rates provided by this chapter, the Code of Ordinances, and the Land Development Regulations of the City of Fort Meade, Florida.

(e) No one may connect to any City utility system without (1) making written application to the City for such utility system service, (2) paying applicable impact fees, and (3) in the case of those requesting sewer(wastewater) service from the City, securing the signature of the owner of said property, who shall be a co-applicant and be equally liable for any unpaid charges and fees."

(f) Service outside city; annexation required. Central Water and Wastewater Service may be provided to property located outside of the city which is subject to an agreement to annex whenever annexation is permitted by law, which agreement shall be recorded in the public records, and which shall constitute an application to annex the property.

SECTION 3. MODIFICATION OF SECTION 24-68, THE CODE OF ORDINANCES, CITY OF FORT MEADE, FLORIDA. Section § 24-68 of the Code of Ordinances of the City of Fort Meade, Florida, is created to read as follows:

"**Sec. 24-68. - Outside city limits.**

(a) So long as the property to be served is in the process of being annexed or is subject to an agreement in which the property owner has applied for voluntary annexation into the city, the water system of the city may be expanded by the extension of water mains outside the present city limits where it is determined feasible both economically and from a design and engineering standpoint. An extension outside the city limits will be considered only after the person or persons requesting service have first furnished a complete engineering layout that meets city requirements and that has been approved by the city commission in the same manner as extensions to developments that are within the city limits.

(b) Should the extension be determined feasible, the person or persons requesting service or extension may have such mains and facilities constructed and tied into the city system in accordance with city standards and specifications

or they may contract with the city for such construction.

(c) The total cost of constructing and tying into the city mains shall be paid in full by the person or persons requesting service or extension and no refunds of any nature shall be made by the city, unless the property owner and the city have entered into a written agreement which provides an alternative financial mechanism for defraying the cost of extension.

SECTION 4. MODIFICATION OF SECTION 24-69, THE CODE OF ORDINANCES, CITY OF FORT MEADE, FLORIDA. Section § 24-69 of the Code of Ordinances of the City of Fort Meade, Florida, entitled "City may reject wastes, require pretreatment", is amended to read as follows:

"**Sec. 24-69. - Sewer mains outside city limits.**

(a) So long as the property to be served is in the process of being annexed or is subject to an agreement in which the property owner has applied for voluntary annexation into the city, the sewer system of the city may be expanded by the extension of sewer mains within the city limits when determined feasible from an economical and engineering standpoint.

(b) The person or persons requesting sewer service shall first furnish a complete and approved engineering layout of the area to be served. The engineering section of the sewer department shall determine the required layout and size of all sewer mains.

(c) If the service or extension is determined feasible then the cost of constructing such mains and facilities shall be distributed as follows: The person or persons requesting service shall enter into a contract with the city for such construction and shall pay fifty (50) percent of the total cost of construction and the city shall pay the remaining fifty (50) percent of the cost."

SECTION 5. LIBERAL CONSTRUCTION. In the interpretation and application of this Ordinance, all provisions shall be considered as a minimum requirement, liberally construed in favor of the City, and deemed neither to limit nor repeal any other powers granted under state law. This Ordinance is cumulative and supplemental to existing City laws, ordinances, rules and regulations. Where this Ordinance and the provisions contained herein conflict or overlap with any other City law, ordinance, rule or regulation, whichever imposes the more stringent restriction shall prevail.

SECTION 6. CONFLICTS; EFFECT OF THIS ORDINANCE UPON CHAPTER 24, CODE OF ORDINANCES. Except as expressly amended by this Ordinance, Chapter 24, Code of Ordinances of the City of Fort Meade, Florida, shall remain unchanged, and are hereby ratified and confirmed.

SECTION 7. SEVERABILITY. It is hereby declared to be the intent of the City Commission that if any section, subsection, clause, phrase or provision

of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect upon June 1, 2022.

PASSED ON FIRST READING this ____ day of April 2022.
PASSED ON SECOND READING this ____ day of May 2022.

CITY OF FORT MEADE, FLORIDA

_____
Robert Elliot, Mayor

ATTEST:

_____
Melissa Cannon, Deputy City Clerk

APPROVED:

_____
Jan Bagnall, City Manager

APPROVED AS TO FORM AND LEGALITY:

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Thomas A. Cloud, Esquire
City Attorney