

ORDINANCE NO.: 590

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA RELATING TO THE CITY'S WATER AND SEWER UTILITY SYSTEM; RATIFYING, CONFIRMING AND DESCRIBING THE BOUNDARIES OF THE CITY'S UTILITY SERVICE AREA; SETTING FORTH REQUIREMENTS AND REGULATIONS FOR THE PROVISION OF WATER AND/OR SEWER SERVICE WITHIN THE UTILITY SERVICE AREA IN ACCORDANCE WITH CHAPTER 180, FLORIDA STATUTES; PROVIDING FOR REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC MEETINGS; PROVIDING FOR CODIFICATION AND EFFECTIVE DATE.

BE IT ENACTED by the people of the City of Port St. Joe, Florida, as follows:

SECTION 1. SHORT TITLE. This Ordinance shall be known and cited as the City of Port St. Joe Utility Service Area Ordinance.

SECTION 2. AUTHORITY. This Ordinance is enacted pursuant to Article VIII, § 2(b), Florida Constitution, Section 166.021 and Chapter 180, Florida Statutes, and other applicable general and special laws (collectively, the Act”).

SECTION 3. LEGISLATIVE FINDINGS. The Board of City Commissioners of Port St. Joe, Florida hereby finds, determines, and declares the following:

1. The Board is authorized by the Act to acquire, construct, improve, extend, maintain, own and operate water and wastewater utility systems and facilities.
2. In accordance therewith, the City owns and operates a water and wastewater utility system (the “System”) by which it provides central utility services to residential and commercial customers within the City and parts of unincorporated Gulf County (the “County”).
3. In 2005, the City determined to expand its City limits through the annexation of a development called Windmark Beach, and in furtherance thereof the City and the County entered into the "Interlocal Agreement between Gulf County, Florida and the City of Port St. Joe related to Annexation of the 'Windmark Beach Area'" dated November 30th, 2005, pursuant to Section 163.01, Florida Statutes. Such Interlocal Agreement, together with the amendment thereto dated September 17, 2013 and the “Water Systems Agreement and Conveyance” between the City and the County dated June 21, 2008 and recorded at Book 461, Page 219 of the Public Records of Gulf County, Florida are referred to collectively herein as the "Interlocal Agreement"
4. The Interlocal Agreement set forth the terms by which the City acquired ownership of certain water systems owned by the County and located in the unincorporated area outside of City limits known as the White City, Highland View, and Beaches water systems (collectively, the "County System").

12. To protect the health, safety and welfare of its citizens, it is necessary and appropriate that the Board of City Commissioners coordinate and regulate the provision of water and sewer infrastructure that is necessary for development within its Utility Service Area.

13. To protect the health, safety, and welfare of its citizens and customers, it is necessary and appropriate that the City operate its existing water and sewer facilities as cost effectively, safely and efficiently as possible.

14. To accomplish these goals, the City deems it necessary to enact this Utility Service Area Ordinance.

SECTION 4. CREATION OF UTILITY SERVICE AREA.

1. The City hereby ratifies and confirms creation of its Utility Service Area in which the City provides water and sewer utility services, and in which the City may elect to provide, now or in the future, such other services as may be authorized by the Act and in particular Section 180.06, Florida Statutes. By acquiring the County System and the territory served or capable of being served thereby, the City proposed and intended to be the sole provider of water and sewer utility services therein, to the exclusion of the control of any other public or private utility provider. This declaration is necessary for promotion of the health, safety, and welfare of the public.

2. The City's acquisition of the County System and establishment of the Utility Service Area served and continue to serve the following purposes:

a. To provide for long-range capital improvements for the betterment of the health, safety, and welfare of the public as part of the long-range planning activities within the City.

b. To clearly identify an area for long-range capital improvements of the water and wastewater facilities contemplated herein.

c. To provide for the efficient extension of municipal services as the capabilities of the City permit and as the need for such services are apparent.

d. To clearly identify an area to the exclusion of other governmental entities for the provision of water and wastewater utility services in order to prevent duplication of services and to promote efficient service delivery.

e. To reaffirm the City's recognition as an urban growth center and as a regional supplier of water, sewer and other municipal and utility services.

SECTION 5. DISTRICT BOUNDARIES. The boundaries of the Utility Service Area, consisting of all areas within the City's incorporated boundaries as well as all territory and service area rights acquired from the County through the Interlocal Agreement, as more specifically

described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, are hereby ratified and confirmed. Any future amendments to such boundaries shall be effectuated by City ordinance in accordance with Section 180.02, Florida Statutes.

SECTION 6. REQUIREMENTS AND REGULATIONS FOR THE PROVISION OF WATER AND/OR SEWER SERVICE WITHIN THE UTILITY SERVICE AREA.

1. The City requirements and regulations regarding the provision of water and/or sewer service to current and future customers, currently codified in Chapter 70 of the Code of Ordinances, City of Port St. Joe, Florida, are hereby ratified and confirmed and, except as may be provided therein or herein, shall apply throughout the Utility Service Area. Such requirements and regulations may be amended by City ordinance adopted from time to time, provided any such amendments shall be in accordance with the Act, Chapter 403, Florida Statutes, and other applicable provisions of law, and any applicable bond covenants.

2. The City is authorized to prescribe further regulations from time to time, consistent with Chapter 180, Florida Statutes, which may include reasonable regulations requiring all persons or corporations living or doing business within the Utility Service Area to connect, when available, with the City's utility facilities; provided, however, that the City shall not adopt any rate surcharge authorized by Section 180.191, Florida Statutes, for System customers outside the boundaries of the City to the extent such surcharge is inconsistent with the Interlocal Agreement.

SECTION 7. RESERVATION. The City reserves the right to determine the manner, location, degree, and extent of any service utility extension or improvements within the Utility Service Area by subsequent ordinance or resolution adopted in accordance with the procedures set forth in Chapter 180, Florida Statutes.

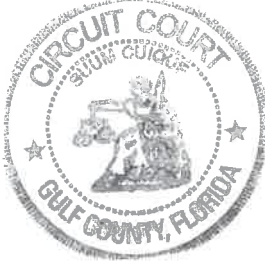
SECTION 8. OTHER UTILITIES OF SIMILAR CHARACTER PROHIBITED. No person or entity other than the City of Port St. Joe and/or its designees shall provide water or wastewater services (other than bottles of water) to any person or location within the City's Utility Service Area without the City's express written permission. No person or entity other than the City and/or its designee shall construct or use within the established rights of way for the purpose of providing water and/or wastewater service to land located within the City's Utility Service Area.

SECTION 9. SEVERABILITY; MODIFICATION. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. The text of this Ordinance may be amended between first reading and enactment, to the extent authorized by Florida law, to reflect modifications that may arise from consideration at public meetings.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

THIS ORDINANCE ADOPTED this 21st day of June, 2021.

**BOARD OF CITY COMMISSIONERS
PORT ST. JOE, FLORIDA**






REX BUZZETT
MAYOR-COMMISSIONER

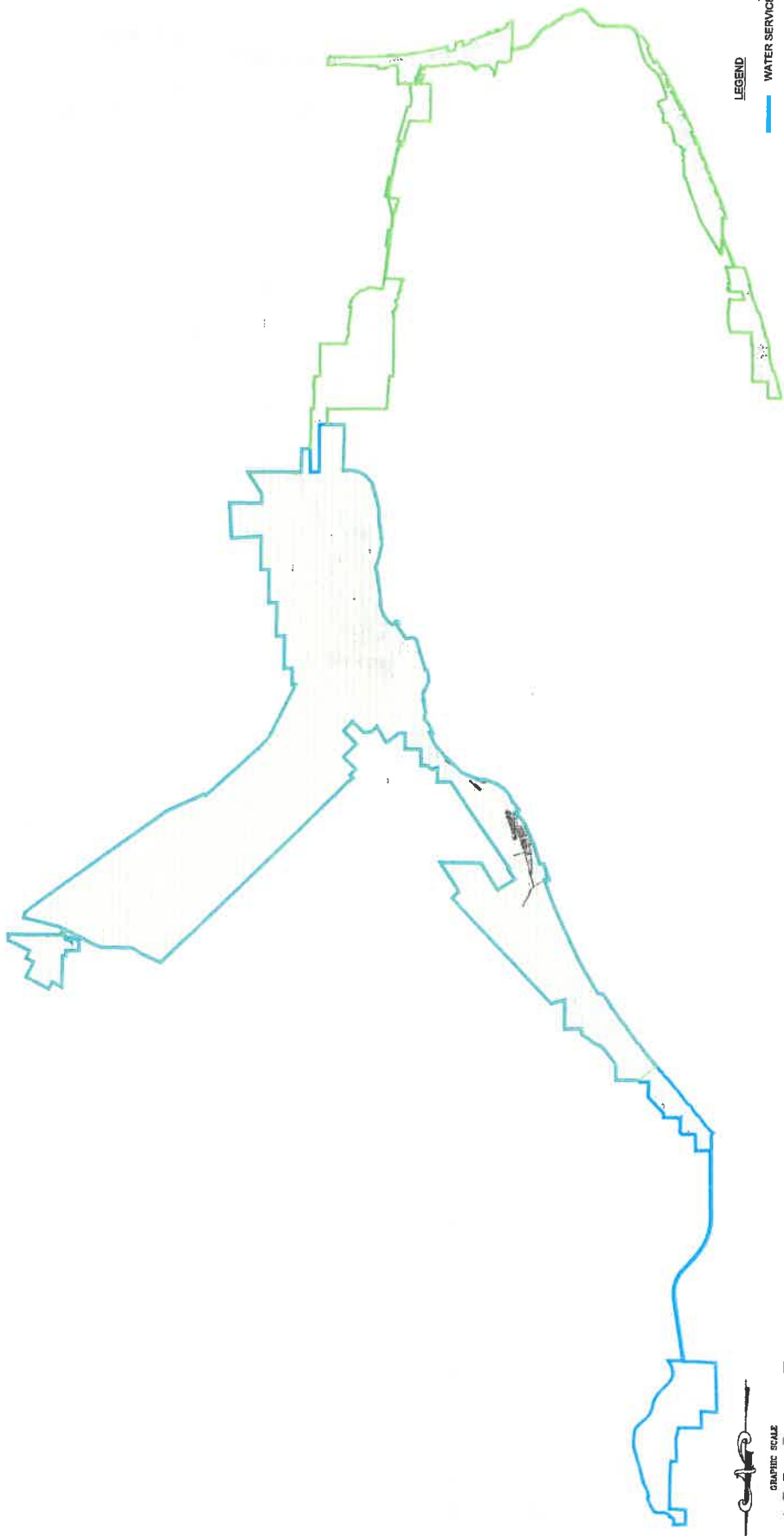
ATTEST:



CHARLOTTE M. PIERCE
CITY CLERK

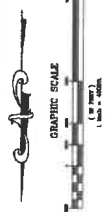
Approved on TO Form


Clinton T. McClahill
City Attorney



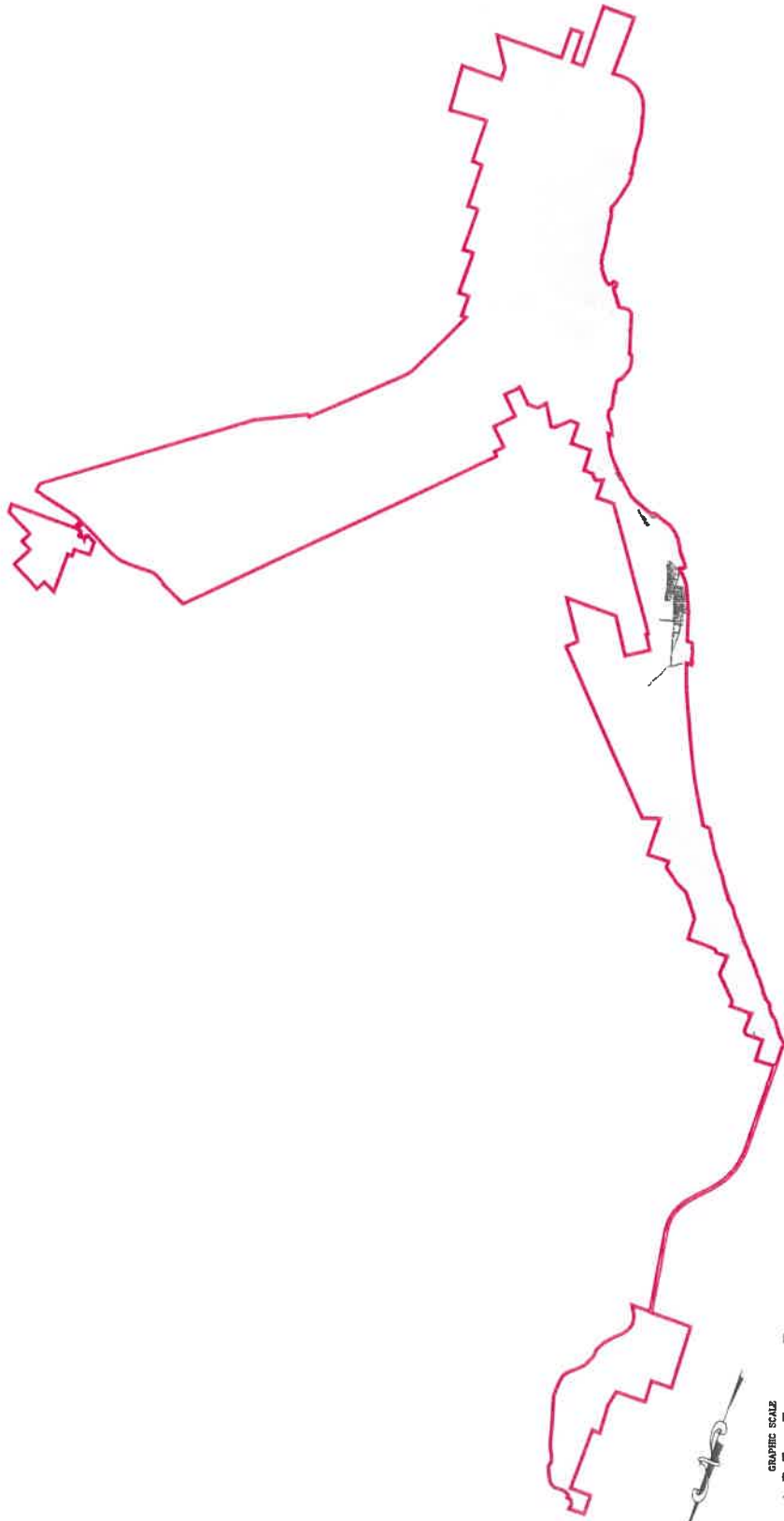
LEGEND

- WATER SERVICE AREA
- SEWER SERVICE AREA
- WATER & SEWER SERVICE AREA



GRAPHIC SCALE
1" = 100'

Ex.(A) Water Service Area



GRAPHIC SCALE
1 inch = 1 mile