

ORDINANCE NO. 528

AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA RECOGNIZING AND DECLARING AN URBAN SERVICE AREA PURSUANT TO CHAPTER 180, FLORIDA STATUTES; DEFINING THE BOUNDARIES THEREOF; RATIFYING THE HISTORICAL PROVISION OF SERVICES AND AUTHORIZING THE EXTENSION OF MUNICIPAL UTILITIES WITHIN THE DISTRICT; SETTING FORTH THE PURPOSE OF THE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND RECITING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Springfield, Florida (the "City") adopts this ordinance pursuant to the authority of the Florida Constitution, Chapters 166 and 180, Florida Statutes, and other provisions of applicable law; and

WHEREAS, the City has found, ascertained, determined and now declares the following:

(A) The City is part owner of an Advanced Wastewater Treatment facility (the "AWT") and as such is recognized by the Florida Department of Environmental Protection as a supplier of sewer collection and treatment services. The City is a recognized retail supplier of potable water services.

(B) The City possesses the technical and professional capacity to own, operate, maintain, and administer a sewer treatment and water supply system and is capable of providing other services set forth in Section 180.06, Florida Statutes.

(C) The City desires to avail itself of the provisions and benefits of Chapter 180, Florida Statutes, and to create a zone or area and prescribe reasonable regulations requiring all persons or corporations living or doing business within that area to connect, when available, with any sewer system or water and alternative water supply system, including but not limited to, reclaimed water, aquifer storage and recovery, and desalination systems.

(D) The City's sewer, water and other utility systems are capable of delivering water and wastewater utility services to areas outside the municipal limits of the City.

(E) The "Urban Service Area" as defined herein, presently lacks long-range capital improvements adequate to protect the health, safety, and welfare of the persons or corporations living or doing business therein in the following respects, among others:

(1) The cleaning and improving of bodies of water for sanitary purposes;

- (2) The regulation of the flow of streams for sanitary purposes;
- (3) The providing of water supply for domestic, municipal, or industrial uses;
- (4) The collection and disposal of sewage and other liquid wastes;
- (5) The construction of reservoirs, sewer systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, power distribution systems, purification works, collection systems, treatment and disposal works incidental to the regulation of water supply;
- (6) The construction, operation, and maintenance of disposal systems for domestic, municipal, and industrial uses; and/or the construction of such improvements, buildings, and facilities as may be required to properly and economically operate and maintain said works for paragraphs 1 through 6 enumerated herein.

(F) There exists a need for these services by the residential, commercial, and industrial community in the City and within the Urban Service Area as defined herein.

WHEREAS, the City began supplying potable water services within what is herein described as the City's Urban Service Area in the late 1980s; and

WHEREAS, the City began providing sewer collection and treatment services within what is herein described as the City's Urban Service Area in approximately 1996; and

WHEREAS, the City finds that it is in the best interests of the citizens of the City and persons and landowners residing, owning, and/or using lands within the Urban Service Area for the City to continue to provide the above-enumerated services; and

WHEREAS, it is in the best interests of the citizens of the City and for the orderly growth of the City in an efficient manner for their existing and future health, safety, and welfare that this Ordinance be adopted to recognize the historical practices of the City providing the above-enumerated services and to continue providing said services pursuant to the authority of Chapter 180, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Springfield as follows:

SECTION 1. Recognition and Creation of District. The City hereby declares there to have existed and hereby creates an Urban Service Area in which the City has in the past and intends to continue engage in all of the activities authorized by Section 180.06, Florida Statutes, less those activities dealing with collection and disposal of garbage and the construction of airports, hospitals, jails and golf courses. This Urban Service Area is declared to be a logical area expected to be annexed by the City as growth occurs. By declaring the existence of this Urban Service Area, the City proposes and intends to be the governing body regarding the services to be provided through the enactment of this Ordinance to the exclusion of the control of any other governing body. This declaration is necessary for promotion of the health, safety, and welfare of the public.

SECTION 2. District Boundaries. The boundary of the Urban Service Area shall consist of the area as more specifically described and depicted in the map attached hereto and incorporated herein as Exhibit "A". It is further recognized that future conditions may exist from time to time which would necessitate amending the boundary to include more or less area. Any such amendments shall be made by the City in accordance with Section 180.02, Florida Statutes.

SECTION 3. Purpose. The purpose of the creation of the Urban Service Area for the City and the surrounding areas are as follows:

- (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 services defined herein;

- (C) To provide for the efficient extension of municipal or urban services as the capabilities of the City permit and as the need for such services are apparent;
- (D) To identify an area that the City may eventually consider annexing into its corporate either by referendum or voluntary annexation procedures as set out in Chapter 171, Florida Statutes;
- (E) To clearly identify an area to the exclusion of other governmental entities for the provision of municipal or urban services in order to prevent duplication of services and to promote efficient service delivery;
- (F) To reaffirm the City's recognition as an urban growth center and as a supplier of sewer and water and other services.
- (G) To authorize the City to charge the full costs of extension or construction fees, rates or other charges as may be applicable under federal, state, or city laws, rules, and regulations.

SECTION 4. Connection Regulation.

- (A) All persons or corporations living or doing business within the Urban Service Area are required to connect to the City sewer and water system within 365 days of such services becoming available.
- (B) All such connections to the City's utility systems shall be governed by Chapter 82 of the Code of Ordinances of the City of Springfield and all other laws, rules, or regulations which may apply.
- (C) The City is authorized to prescribe further reasonable regulations regarding

all persons or corporations living or doing business within the Urban Service Area regarding their connection, when available, with any service or utility constructed, provided, operated, or to be constructed, provided, and operated under the provisions of Chapter 180, Florida Statutes.

- (D) The City expresses its intention to continue to work with the Board of County Commissioners of Bay County, Florida, to assure the maximum benefit of said services to the persons or corporations living or doing business within the Urban Service Area.

SECTION 5. Reservation. The City reserves the right to determine the manner, location, degree, and extent of any service utility extension within the Urban Service Area by subsequent ordinance or resolution adopted in accordance with the procedures set forth in Chapter 180, Florida Statutes.


SECTION 6. Ordinances in Conflict and Constitutionality. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

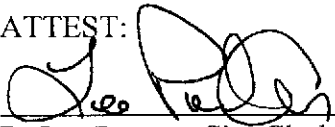
SECTION 7. Recording. A certified copy of this Ordinance shall be filed with the Clerk of Circuit Court of Bay County, Florida, and duly recorded in the public record of Bay County, Florida.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Springfield, Florida, this 5th day of July, 2016.

CITY OF SPRINGFIELD, FLORIDA

By: 
Ralph Hammond, Mayor

ATTEST: 
D. Lee Penton, City Clerk

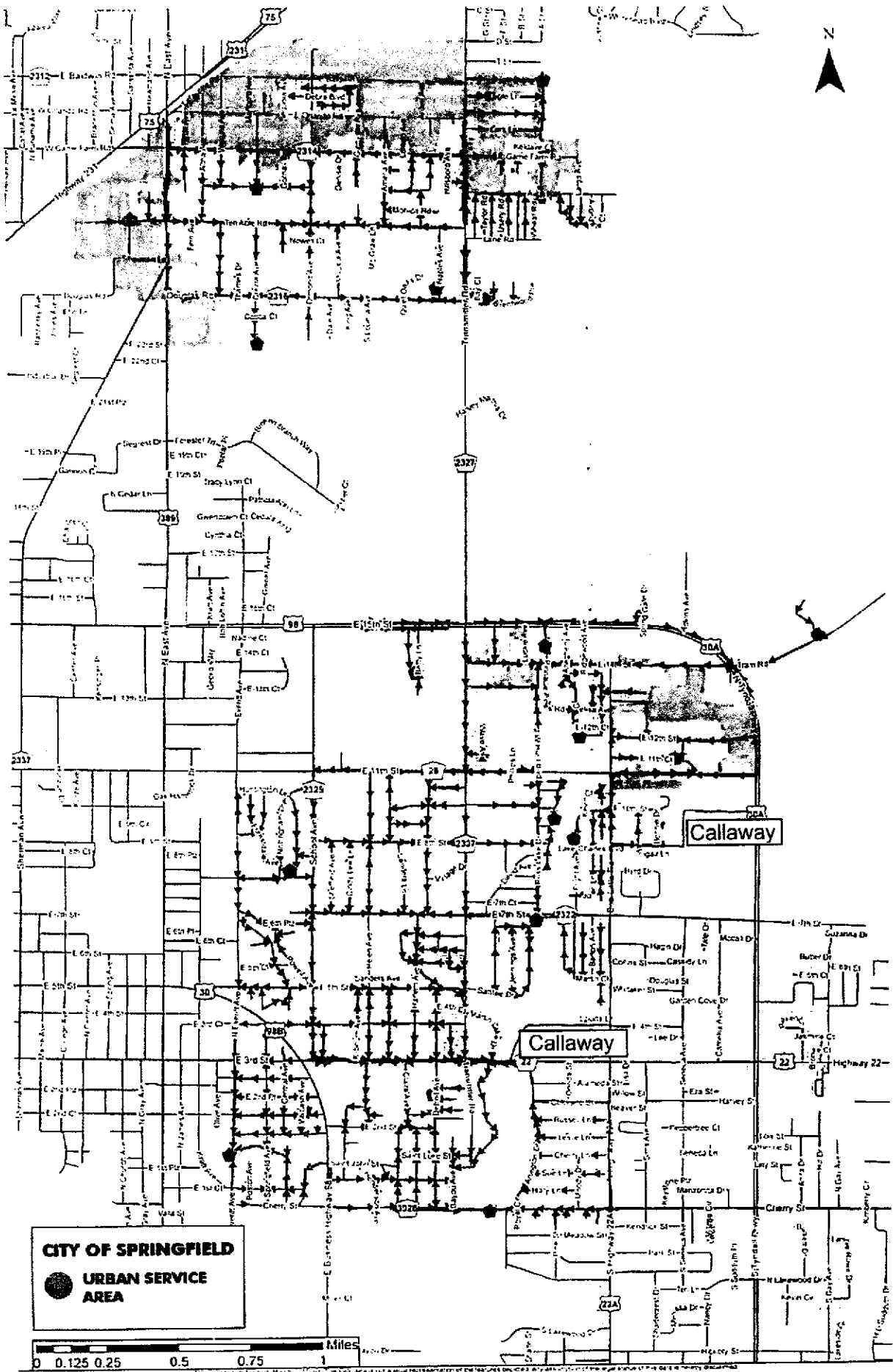


Exhibit A to Ord. 528