

ORDINANCE NO. 2010- 1

AN ORDINANCE OF COLUMBIA COUNTY, FLORIDA REGULATING THE CONSTRUCTION, USE AND PROVISION OF WATER AND WASTEWATER FACILITIES AND SERVICES WITHIN THE UNINCORPORATED AREAS OF COLUMBIA COUNTY, FLORIDA, DESIGNATES A SHORT TITLE, STATES THE COUNTY'S JURISDICTION, STATES THE COUNTY'S AUTHORITY TO ACT, MAKES CERTAIN FINDINGS, DESIGNATES CERTAIN UNINCORPORATED AREAS OF THE COUNTY AS EXCLUSIVE COUNTY WATER AND WASTEWATER SERVICE AREAS AND OTHER AREAS AS DESIGNATED WATER AND WASTEWATER SERVICE AREAS, PROHIBITS WATER AND WASTEWATER CONSTRUCTION AND SERVICE BY OTHER (NONCOUNTY) WATER AND WASTEWATER UTILITIES IN THE EXCLUSIVE COUNTY WATER AND WASTEWATER SERVICE AREAS, PROHIBITS WATER AND WASTEWATER CONSTRUCTION AND SERVICE BY OTHER (NONCOUNTY) WATER AND WASTEWATER UTILITIES IN THE DESIGNATED WATER AND WASTEWATER SERVICE AREAS WITHOUT THE COUNTY'S PRIOR WRITTEN CONSENT, REQUIRES MANDATORY CONNECTION PURSUANT TO COUNTY ORDINANCE 2010-2, CONTAINS A SEVERABILITY CLAUSE, RESERVES POWERS TO THE COUNTY, SETS FORTH ENFORCEMENT AND PENALTY PROVISIONS AND PROVIDES AN EFFECTIVE DATE.

RECEIVED
COLUMBIA COUNTY
CLERK'S OFFICE
JAN 14 2010

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, as follows:

SECTION 1. SHORT TITLE. This Ordinance shall be known and cited as the Columbia County Water and Wastewater Service Area Ordinance.

SECTION 2. JURISDICTION. This Ordinance shall apply in the unincorporated areas of Columbia County, Florida, as such area exists on the date this Ordinance is enacted.

SECTION 3. AUTHORITY. Pursuant to Article VIII, §1(f), Florida Constitution, and §125.01(1)(k), Florida Statutes, and other applicable general and special laws, excluding

specifically Chapter 153, Florida Statutes, the Board of County Commissioners is authorized to provide, regulate, purchase, construct, improve, extend, enlarge and reconstruct water and wastewater facilities; and to operate, manage and control water and wastewater facilities within the County.

SECTION 4. FINDINGS. The Board of County Commissioners of Columbia County, Florida finds, determines and declares the following:

1. The County is projected to experience large population increases within the next twenty years.

2. As the population increases, the demand for central water and wastewater services will also increase.

3. To protect the health, safety and welfare of its citizens, it is necessary and appropriate that the Board of County Commissioners coordinate and regulate the provision of water and wastewater infrastructure that is necessary for development within the unincorporated areas of the County. To that end the County currently plans to construct water and wastewater systems serving the area known as the Ellisville area. Additional plans for water and wastewater system construction are under consideration and are anticipated in the future.

4. To protect the health, safety and welfare of its citizens, it is also necessary and appropriate that the County operate its existing and future water and wastewater facilities as cost-effectively and efficiently as possible and that it effectively and efficiently coordinate its services with such other water and wastewater services providers in the unincorporated areas of the County as are necessary and appropriate to provide competent, safe and efficient and economical water and wastewater services to the citizens of the County.

5. To accomplish these goals, the County deems it necessary to enact this water and

wastewater service area regulatory ordinance.

SECTION 5. CREATION OF SERVICE AREA. There is hereby created the Columbia County Water and Wastewater Service Area (hereinafter referred to as the Service Area) consisting of all unincorporated areas of the County as such areas exist on the date this Ordinance is enacted. The Service Area consists of areas hereby designated as either Exclusive Service Area or Designated Service Area.

SECTION 6. SERVICE AREA BOUNDARIES.

1. The Board of County Commissioners hereby establishes the County's Exclusive Service Area consisting of the area described in Exhibit "A" attached hereto and incorporated into this Ordinance exclusive of: (a) those areas certified for water and/or wastewater service by the Florida Public Service Commission (FPSC) prior to the date that this Ordinance was enacted, for as long as such certification remains in effect, (b) those areas certificated for water and/or wastewater service by the Board of County Commissioners on the date this Ordinance is enacted, for as long as such certification remains in effect, (c) those areas currently being provided water and/or wastewater services by municipalities on the date this Ordinance is enacted, for as long as such services are provided, (d) those areas served or scheduled to be served with water and/or wastewater services within community development districts by such districts as have been lawfully created prior to the enactment of this Ordinance, and (e) those areas served or to be served with water and/or wastewater services by a municipality pursuant to a territorial agreement between the County and a municipality for so long as the agreement remains in effect. The Board of County Commissioners may enlarge or reduce the County's Exclusive Service Area by resolution(s). The County shall, and is obligated to, provide water and/or wastewater service to all persons and entities who request such service within the Exclusive Service Area in

accordance with applicable County ordinances and rules and regulations.

2. The Board of County Commissioners hereby establishes the County's Designated Service Area consisting of the Service Area described in Section 5, less (a) the County's Exclusive Service Area, (b) those areas certified for water and/or wastewater service by the Florida Public Service Commission (FPSC) prior to the date that this Ordinance was enacted, for as long as such certification remains in effect, (c) those areas certificated for water and/or wastewater service by the Board of County Commissioners on the date this Ordinance is enacted, for as long as such certification remains in effect, (d) those areas currently being provided water and/or wastewater services by municipalities on the date this Ordinance is enacted, for as long as such services are provided, (e) those areas served or scheduled to be served with water and/or wastewater services within community development districts by such districts as have been lawfully created prior to the enactment of this Ordinance, and (f) those areas served or to be served with water and/or wastewater services by a municipality pursuant to a territorial agreement between the County and a municipality for so long as the agreement remains in effect. The Board of County Commissioners may enlarge or reduce the County's Designated Service Area by resolution(s)

SECTION 7. OTHER UTILITIES OF SIMILAR CHARACTER PROHIBITED.

1. No person or entity other than the County and/or its designees shall provide water or wastewater services (other than bottled water) to any person or location within the County's Exclusive Service Area or Designated Service Area without the County's express written permission. No person or entity other than the County and/or its designee shall construct or use water and/or wastewater transmission lines, pipes, mains, pumping stations or the like on or within established rights of way for the purpose of providing water and/or wastewater service to

land located within the County's Exclusive Service Area or Designated Service Area. These prohibitions shall not be deemed to prohibit private water wells and/or septic tanks for individual structures if mandatory connection is not required under Ordinance [to come 1/5/10], as amended from time to time.

2. When cost effective and in the best interests of the County's citizens, the County may (a) issue a franchise to another water and/or wastewater utility that meets County standards set forth in Ordinance [private utility regulatory ordinance] to operate within portions of the County's Designated Water and Wastewater Service Area or (b) enter a territorial agreement with a municipality or municipalities providing for such entity or entities to provide water and/or wastewater service within portions of the County's Designated Water and Wastewater Service Area.

SECTION 8. COMPREHENSIVE PLAN.

Nothing contained in this Ordinance shall be construed to allow the County or its designees to provide water and/or wastewater service to any area within the County's Exclusive Service Area or Designated Service Areas if providing such service(s) would be inconsistent with the County's Comprehensive Plan.

SECTION 9. CONNECTION TO WATER AND WASTEWATER SYSTEMS.

Mandatory connection to County water and wastewater facilities shall be required in accord with the provisions of County Ordinance [to come 1/5/10], as amended from time to time.

SECTION 10. SEVERABILITY.

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.

SECTION 11. FLORIDA PUBLIC SERVICE COMMISSION.

Nothing contained in this Ordinance is intended to affect or amend the existing service territories of water and wastewater utilities previously regulated by the Florida Public Service Commission pursuant to Chapter 367, Florida Statutes, now regulated by the County pursuant to [private utility regulatory ordinance].

SECTION 12. COLUMBIA COUNTY UTILITY AUTHORITY MATTERS.

Nothing contained in this Ordinance is intended to affect or amend the existing service territories of water and wastewater utilities regulated by the Board of County Commissioners pursuant to Columbia County Ordinance [private utility regulatory ordinance], as amended, nor shall this Ordinance be construed to affect the powers of the Board of County Commissioners with regard to processing and conducting certification proceedings for new utilities or for extensions of existing water and/or wastewater service territories located outside of the County's Exclusive Service Area.

SECTION 13. CODE ENFORCEMENT. This Ordinance may be enforced by any method prescribed by law, including injunctive relief and the provisions of Chapter 162, Florida Statutes and ordinances enacted thereunder.

SECTION 14. PENALTIES. Any person or entity violating any of the provisions of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violation shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction the violator shall be punished for each violation by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate

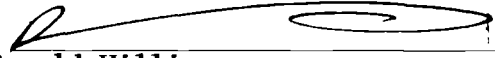
occurrence that violates this Ordinance shall be deemed a separate offense. Each day that an offense or violation of this Ordinance continues shall be deemed a separate offense.

SECTION 15. EFFECTIVE DATE.


This Ordinance shall take effect upon a certified copy thereof being filed with the Florida Department of State.

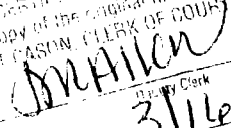
PASSED AND ENACTED by the Board of County Commissioners of Columbia County, State of Florida, this 11th day of March, 2010.

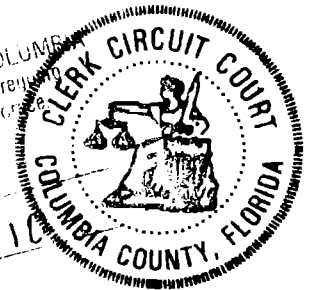
BOARD OF COUNTY COMMISSIONERS
OF COLUMBIA COUNTY, FLORIDA

BY: 
Ronald Williams, Chairman

ATTEST: P. DeWitt Cason, CLERK

BY: 
Clerk

STATE OF FLORIDA, COUNTY OF COLUMBIA
I HEREBY CERTIFY that the above and foregoing
is a true copy of the original filed in this case
P. DEWITT CASON, CLERK OF COURTS
By: 
Date: 3/16/10



EXHIBIT

“A”

