

ORDINANCE NO. 24-20

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 19 OF THE CITY’S CODE OF ORDINANCES, ENTITLED “UTILITIES;” AMENDING ARTICLE III, ENTITLED “WATER AND WASTEWATER SYSTEMS;” BY SPECIFICALLY AMENDING SECTION 19-142, ENTITLED “EXTENSIONS OUTSIDE MUNICIPAL BOUNDARIES;” PROVIDING FOR THE CONDITIONAL APPROVAL OF CERTAIN PROSPECTIVE UTILITY CUSTOMERS LOCATED OUTSIDE OF THE CITY’S BOUNDARIES SEEKING WATER OR WASTEWATER SERVICES FROM THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 23, 2019, the City Commission adopted Ordinance No. 19-4-2 (“Ordinance”), thereby providing for the extension of the City’s water and wastewater system to a service area located outside of the City in accordance with Ch. 180, F.S.; and

WHEREAS, in accordance with the Ordinance and past practice of the City, the City currently provides a number of utility customers located in Southwest Ranches and the Town of Davie with water or wastewater service; and

WHEREAS, the City has not expressly defined a service area within the Town of Davie (“Town”); however the City has historically served a number of residential properties within the United Ranches community, and the parties are in the process of memorializing and confirming this prior service pursuant to an interlocal agreement in accordance with Ch. 180, F.S.; and

WHEREAS, the City Commission seeks to limit the service provided to certain types of uses located outside of its municipal boundaries; and

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, the City Commission finds that this ordinance is in the best interest of the citizens, residents, and business establishments in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1. RECITALS ADOPTED. That each of the above-stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereon.

Section 2. CHAPTER 19 OF CITY CODE AMENDED. That Article III, entitled “Water and Wastewater Systems” of Chapter 19, entitled “Utilities” of the City of Cooper City Code of Ordinances, is hereby amended by specifically amending Section 19-142, entitled “Extensions outside municipal boundaries,” to read, as follows:

Sec. 19-142. - Extensions outside municipal boundaries.

(a) Owners, builders or developers being potential consumers of the City's water ~~and~~/or wastewater service, wherein the subject property lies outside the municipal boundaries of the City, may apply to the City for the extension of water distribution and sewage collection mains to said property.

(b) ~~The City shall not extend water distribution and/or sewage collection services outside of the limits of the municipal boundaries, unless the subject property is located within the City's service area and the distribution and/or collection is approved by the City Commission. The City shall not expand, reconnect or increase water distribution or sewage collection services (including service levels or capacities), to any property located outside of the City's municipal boundaries, regardless of whether the property is currently or has previously been connected to the City's utility system, without approval by the City Commission.~~

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

(c) For any properties not located within the City's corporate limits which receive water distribution ~~and~~/or sewage collection services from the City, the City shall institute a surcharge of 25 percent upon all charges, or such other amount as authorized by general or special law and Section 19-101 of this Code, as may be amended from time to time. Any surcharge or other charges imposed consistent with this section shall continue to apply to any properties not within the City's corporate limits which were connected to the City's utility system prior to September 13, 2006.

(d) Notwithstanding any contrary provision of this Code, the City shall not provide, expand, reconnect or increase water distribution or sewer collection service to any property located outside of its boundaries when the City Commission has determined that the proposed uses on such property are contrary to the best interests of the City or adverse to the health, safety and welfare of the City's residents.

(e) Every approval by the City Commission for connection, reconnection, or expansion of water distribution or sewage collection services to a property located outside of the City's boundaries shall be conditioned upon and specifically limited to the approved use and capacity.

Section 3. It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional

or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this __ day of _____, 2024.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN, MMC
City Clerk

ROLL CALL
Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.