

## **ORDINANCE NO. 2022-03**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 15 UTILITIES TO INCLUDE AN ADDITIONAL ARTICLE FOR EXPANSION OF PALM BEACH COUNTY'S WASTEWATER SYSTEM WITHIN THE CITY OF GREENACRES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Greenacres (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Palm Beach County has proposed expanding its wastewater utility system to real property within the City's municipal boundaries and surrounding, unincorporated real property generally located south of 10<sup>th</sup> Avenue North, east of Haverhill Road, west of Military Trail, and north of LWDD L-11 Canal ("Wastewater Expansion"); and

**WHEREAS**, the Wastewater Expansion shall be paid for by the benefitted real property owners through a special assessment to be assessed by Palm Beach County; and

**WHEREAS**, in accordance with Section 27-155 of the Palm Beach County Code of Ordinances, the City must pass an ordinance to request the Wastewater Expansion within the City's municipal boundaries, authorize Palm Beach County to be the service provider for said Expansion, and authorize Palm Beach County to fund said Expansion by special assessment; and

**WHEREAS**, due to the benefits obtained from utilizing wastewater systems, the City Council desires Palm Beach County to undertake the Wastewater Expansion, be the service provider for said Expansion, and to fund said Expansion by special assessment; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves a public purpose and is in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:**

**Section 1.** Findings. The foregoing recitals are hereby ratified and conformed as being true and correct and are hereby incorporated as findings of the City Council of the legislative intent of this ordinance.

**Section 2.** Chapter 15 Utilities of the City of Greenacres Code of Ordinances is hereby amended to add thereto a new Article IV Wastewater to read as follows (added language is underlined):

#### **ARTICLE IV. - WASTEWATER**

##### **DIVISION 1. – GENERALLY**

**Secs. 15-81 - 15- 90- Reserved.**

##### **DIVISION 2. IMPROVEMENTS**

###### **Sec. 15-91. Authorization.**

Palm Beach County is authorized to undertake wastewater improvement projects and to be the service provider for wastewater utilities within the boundaries of the City, as more specifically set forth in this Division.

###### **Sec. 15-92. Assessments.**

Projects undertaken pursuant to this Division may be funded by special assessments as determined by Palm Beach County and payable by the property owners within the improvement area, consistent with the Palm Beach County Code of Ordinances.

###### **Sec. 15-94. Assistance.**

In furtherance of the Projects identified in this Division, the City may provide financial or technical assistance. Any assistance to be provided by the City will be included in the Project details in Section 15-95.

###### **Sec. 15-95. Projects.**

Palm Beach County may undertake projects pursuant to this Division as identified in this Section.

(a) In the area south of 10<sup>th</sup> Avenue North, east of Haverhill Road, west of Military Trail, north of LWDD L-11 Canal, Palm Beach County is authorized to expand its wastewater system to include:

- 1) Installation of gravity sewer mains, manholes, service laterals, and related facilities.
- 2) If requested by Palm Beach County and approved by the City Manager or designee, technical assistance may be provided by the City to Palm Beach County. Other assistance may be authorized if requested by Palm Beach County and approved by Resolution of the City Council.

**Section 3.** Repeal of Conflicting Ordinances. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group or persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 5.** Inclusion in Code. It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Greenacres; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “section”, “article” or another word.

**Section 6.** Effective Date. This Ordinance shall take effect upon adoption.

**Passed on the first reading this 7<sup>th</sup> day of February, 2022.**

**PASSED AND ADOPTED on the second reading this 21<sup>st</sup> day of March, 2022.**

**Voted**

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**Joel Flores**  
**Mayor**

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**Paula Bousquet**  
**Deputy Mayor**

**Attest:**

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**Quintella Moorer, CMC**  
**City Clerk**

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**John Tharp**  
**Council Member, District I**

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**Peter A. Noble**  
**Council Member, District II**

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**Judith Dugo**  
**Council Member, District III**

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**Jonathan G. Pearce**  
**Council Member, District IV**

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia**  
**City Attorney**