

ORDINANCE NO. 2023-09

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 15, UTILITIES, ARTICLE IV, WASTEWATER, DIVISION 2, IMPROVEMENTS, TO INCLUDE AN ADDITIONAL PROJECT AT SECTION 15-95 FOR EXPANSION OF PALM BEACH COUNTY'S WASTEWATER SYSTEM WITHIN THE CITY OF GREENACRES, WHICH PROJECT MAY BE FUNDED BY SPECIAL ASSESSMENTS DETERMINED BY PALM BEACH COUNTY; 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 generally located south of 10th Avenue North and west of Haverhill Road, and along Walker Avenue ("Wastewater Expansion"); and

WHEREAS, the Wastewater Expansion may be paid for by the benefitted real property owners through a special assessment to be determined and 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 authorize the Wastewater Expansion within the City's municipal boundaries, to authorize Palm Beach County to be the service provider for the Wastewater Expansion, and to 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, Article IV, Wastewater, Division 2, Improvements, of the City of Greenacres Code of Ordinances is hereby amended at section 15-95 as follows (added language is underlined):

ARTICLE IV. - WASTEWATER

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.

- (1) In the area south of 10th 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:
- a. Installation of gravity sewer mains, manholes, service laterals, and related facilities.
 - b. 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.
- (2) In the area south of 10th Avenue North, west of Haverhill Road, along Walker Avenue, Palm Beach County is authorized to expand its wastewater system to include:
- a. Installation of gravity sewer mains, manholes, service laterals, and related facilities.
 - b. 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 21st day of August 2023.

PASSED AND ADOPTED on the second reading this ___ day of _____ 2023.

Voted

Joel Flores
Mayor

_____ ()
John Tharp
Council Member, District I

Attest:

Quintella Moorer, CMC
City Clerk

_____ ()
Peter A. Noble
Deputy Mayor

_____ ()
Judith Dugo
Council Member, District III

_____ ()
Susy Diaz
Council Member, District IV

()
Paula Bousquet
Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney