

## **ORDINANCE 2021-2185**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING SECTION 102-111 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR AMENDMENTS TO THE UTILITY AREA OR ZONE WITHIN WHICH THE CONNECTION TO CERTAIN CITY UTILITIES MAY BE REQUIRED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake City, Florida (hereinafter the “City”), in compliance with section 180.02, Florida Statutes, has previously created an area or zone in which connection to any city sewer system constructed therein may be required (hereinafter the “utility zone”); and

**WHEREAS**, the utility zone was created to encompass a five-mile radius from the intersection of the centerlines of U.S. Highway 90 (Duval Street) and U.S. Highway 441 (Marion Avenue); and

**WHEREAS**, the city administration has recommended that the utility zone be enlarged to encompass all that land located within an area extending up to five (5) miles from the corporate limits of the city; and

**WHEREAS**, the City Council finds that it is in the best interests of the City to enlarge the utility zone as recommended by the city administration and permitted pursuant to section 180.02, Florida Statutes.

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA AS FOLLOWS:**

**Section 1.** The above recitals are true and accurate and adopted and incorporated herein.

**Section 2.** That section 102-111 of the Code of the City of Lake City, Florida, is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

**Sec. 102-111. - Use of public sewers.**

(a) *Placement of animal excrement or other objectionable waste.* It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, any human or animal excrement, garbage, or other objectionable waste.

(b) *Discharge of polluted waters.* It shall be unlawful to discharge to any natural outlet within the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) *Private sewage disposal systems.* Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) *Installation of sanitary facilities.* The owner of any buildings or properties, used for human occupancy, employment, recreation or other purposes, situated within the city, abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city is hereby required at his expense to install sanitary facilities in accordance with the city plumbing and building codes and connect such facilities directly with the proper public sewer, in accordance with the provisions of this article, within 24 months after the date of the official notice of availability of service; provided, however, that such public sewer is within 100 feet of the property line.

(e) *Service availability charges.* Every building located upon land within the city abutting a sewer lateral of the city sewer system, or any land within the city so abutting, within or upon which plumbing fixtures are installed shall have a connection to the city sewer system. The owner of every building located upon land within the city abutting a sewer lateral of the city sewer system within which plumbing fixtures are installed shall pay monthly sewer service availability charges, as provided for in article II of this chapter, whether connected or not connected to the city sewer system. Every building connected to the city water supply and distribution system, presently or hereafter located upon land outside the city, abutting a sewer lateral of the city sewer system, or any land outside the city so abutting, within or upon which plumbing fixtures are installed, shall have a connection to the city sewer system within 24 months of the official notice of the availability of service. The owner or occupant of every building connected to the water and distribution system of the city, presently or hereafter located upon land outside the city abutting a sewer lateral of the city sewer system within which plumbing fixtures are installed, shall be charged and pay the applicable monthly sewer service availability charges as provided for in article II of this chapter, whether connected or not connected to the city sewer system. Any owner or occupant failing to connect to the city sewer system or to pay the monthly sewer service availability charges as provided for in article II of this chapter shall not be permitted to connect to the water supply and distribution system of the city, and the water services to any owner or occupant of any building outside the city presently connected to the water and supply distribution system of the city, failing to comply with the provisions of this section, shall be discontinued and terminated. If the water service to any owner or

occupant of a building outside the city is terminated as provided in this section, water service shall not be reinstated until such owner or occupant has paid the monthly sewer service availability charges provided for in article II of this chapter from the date of termination to the date water services are restored, together with an additional service charge of \$5.00. Any owner or occupant not connected to the city sewer system upon whom sewer service availability charges are imposed under this section shall be required to pay only one-half of the applicable monthly sewer service availability charges for the first 24 months after official notice of the availability of service. For the 25th month and every month thereafter, the owner shall be charged and pay the full amount of the applicable sewer service availability charge.

(f) *Creation of area or zone.* Pursuant to the provisions of F.S. § 180.02(3), there is hereby created the following described area or zone in which connection to any city sewer system or alternative water supply system constructed therein may be required: All lands located within an area extending up to five (5) miles from outside the corporate limits of the city within a five-mile radius of the intersection of the centerlines of U.S. Highway 90 (Duval Street) and U.S. Highway 441 (Marion Avenue), except any portion thereof which is excluded there from under the provisions of F.S. § 180.06, by reason of being now actually served with a similar utility system by any private company as provided by and defined in F.S. §§ 180.05 and 180.06.

(g) *Connection required when available.* All persons or corporations living or doing business within the area created by subsection (f) of this section shall connect, when available, to any sewer system constructed, erected or operated by the city.

(h) *Regulations and charges.* All connections to the city sewer system or any other city utility system within the area created by subsection (f) of this section shall be in accordance with and subject to prevailing regulations and ordinances of the city applicable to similar connections.

(i) *For plat or subdivision approval.* No plat or subdivision of land within the city shall be approved until the subdivider or owner shall comply with the following:

- (1) Install sewer laterals to each separate lot which connect with the city sewage collection and disposal system.
- (2) Install water mains and laterals to each separate lot which connect with the city water supply and distribution system.

**Section 3.** Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given

effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**Section 4.** Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

**Section 5.** Codification. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and the sections may be renumbered in order to accomplish such intentions.

**Section 6.** This ordinance shall take effect immediately upon its adoption.

**PASSED** upon first reading this \_\_\_\_ day of \_\_\_\_\_ 2021.

**NOTICE PUBLISHED** on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**PASSED AND ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND  
LEGALITY:

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Frederick L. Koberlein, Jr.,  
City Attorney