

ORDINANCE NO. 06 - ⁰⁹_____

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE III OF THE CODE OF ORDINANCES TO AMEND TITLE, TO AMEND SECTION 18-62 DEFINITIONS; AMEND SECTION 18-65 (A) CONNECTIONS; AMENDING SECTION 18-96 RATES; SECURITY DEPOSITS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marco Island adopted Ordinance Number 03-20 on the 5th day of January, 2004; and

WHEREAS, Ordinance Number 03-04 was codified as Chapter 18, Article III "Conservation Regulations" providing for the regulation and operation of a water, wastewater, and reuse water utility system for the Marco Island Urban Service Area; and,

WHEREAS, it is in the best interest of the utility operations and the community to amend Chapter 18, Article III to apply certain provisions of Chapter 18, Article III to privately owned utilities operating within the corporate limits of the City of Marco Island.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA.

Section 1. That the Title of Chapter 18, Article III shall read Conservation Regulations Utility Operation and Regulations.

Section 2. That Section 18-62 Definitions be amended by adding:

Public Wastewater System means a central sanitary sewer collection system owned and operated by the City of Marco Island or owned and operated by a private utility company that has a franchise granted by the Collier County Water and Wastewater Authority to provide and operate a sewer collection and transmission system within the legal boundaries of the City of Marco Island.

Section 3. That Section 18-65 (a) Connections is amended as follows:

The owner of each lot or parcel of land within the city's exclusive urban service area or legal boundaries, upon which lot or parcel of land any improvement is now situated or shall hereafter be situated, shall connect or cause such improvement to be connected with the public water, wastewater, and/or reclaimed water facilities ~~of the city~~ and use such facilities within 90 days following notification to do so ~~by the city~~. All such connections shall be made in

accordance with the Utilities Department Manual of Standards and Specifications.

Section 4. That Section 18-96 Rates; Security Deposits be amended by adding:

(g) Bulk or wholesale water, wastewater, or reclaimed water agreements and rate structure. Agreements and/or rate structures may provide for the provision or receipt of bulk or wholesale water, wastewater, or reclaimed water services to or from private utilities, governments, or private entities.

Section 5. All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extend of such conflict.

Section 6. In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive shall apply. If any phrase or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section 7. This ordinance shall become effective immediately upon adoption.

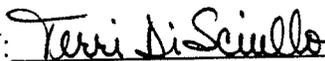
Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 7 day of August 2006.

Attest:



Laura Litzan, City Clerk

CITY OF MARCO ISLAND

BY: 

Terri DiSciullo, Chairwoman

Approved as to form
and legal sufficiency:



Richard D. Yovanovich
City Attorney