

**CITY OF MARCO ISLAND**  
**ORDINANCE 2003- 13**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA DECLARING AN URBAN SERVICE AREA; DEFINING THE BOUNDARIES OF THE URBAN SERVICE AREA TO INCLUDE THE AREA LYING WITHIN THE CITY AND CERTAIN AREA LYING IN ADJACENT UNINCORPORATED COLLIER COUNTY; PROVIDING FOR FUTURE AMENDMENTS TO THE URBAN LAND SERVICE AREA BOUNDARIES; PROVIDING FOR FUTURE REGULATION OF THE URBAN SERVICE AREA; ESTABLISHING THE PURPOSE OF THE URBAN SERVICE AREA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 180, Florida Statutes, empowers municipalities with certain powers and authority to control and regulate municipal public works; and

**WHEREAS**, Section 180.02, Florida Statutes, allows a municipality to execute all powers granted under Chapter 180, Florida Statutes, within its corporate limits; and

**WHEREAS**, Chapter 180, Florida Statutes, also permits a municipality to execute all of its corporate powers for the accomplishment of the purposes of said Chapter outside of its corporate limits, as provided in said Chapter, and as may be desirable or necessary for the promotion of the public health, safety, and welfare or for the accomplishment of the purposes of said Chapter; and

**WHEREAS**, Chapter 180, Florida Statutes, specifically enables a municipality desiring to avail itself of the provisions or benefits of said Chapter to create a zone or area and to prescribe reasonable regulations requiring all persons or corporations living or doing business within said area to connect, when available, with any sewerage system or alternative water supply system; and

**WHEREAS**, the City of Marco Island desires to avail itself of the provisions and benefits of Chapter 180, Florida Statutes, and to engage in certain activities authorized under Chapter 180, Florida Statutes, within the area defined herein.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, THAT:

**SECTION 1. FINDINGS.**

It is hereby ascertained, determined and declared that:

(A) The City of Marco Island, Florida, is actively engaged in the attempt to acquire all potable and non-potable water supply, treatment, storage and distribution systems and wastewater collection, transmission, treatment, disposal, reuse and reclaimed water systems located in the City and adjacent unincorporated areas of Collier County and owned by Florida Water Services Corporation (“FWSC”), together with any future extensions or expansions thereof (the “FWSC System”).

(B) The City of Marco Island, Florida, possesses and/or will contract for the technical and professional capacity to own, operate, maintain and administer the FWSC System and is capable of providing other services set forth in Section 180.06, Florida Statutes.

(C) The City of Marco Island desires to avail itself of the provisions and benefits of Chapter 180, Florida Statutes, and to create a zone or area and prescribe reasonable regulations requiring all persons or entities living or doing business within said area to connect, when available, with any water, wastewater, or re-use water system or alternative water supply system, including but not limited to reclaimed water; aquifer storage and recovery, and desalination systems.

(D) The service area created includes the property lying within the corporate boundaries of the City and areas in adjacent unincorporated areas of Collier County currently served directly by the FWSC System. The Key Marco (CDD) area, a certificated area, is served potable water by the County pursuant to a bulk purchase agreement with FWSC. The service area also includes adjacent areas currently with systems owned and operated by Collier County, including parts of the Goodland Area, that may be provided by the City upon the execution of an interlocal agreement(s) between the City and Collier County. The areas lying beyond the corporate limits of the City are described on Exhibit “A” and shall be generally referred to herein as “Adjacent Service Area.” This Ordinance does not amend any boundary of any utility service area, nor affect any utility service agreement. The City shall not provide any utility service listed in subsection (A), above, into any Collier County Water-Sewer District area except to the extent authorized by the County.

(E) The service area described herein presently lacks long-range capital improvements adequate to protect the health, safety and welfare of the persons or corporations, living or doing business therein in the following respects, among others:

(1) The cleaning or environmental improvement of bodies of water for sanitary purposes;

(2) The providing of a water supply for domestic, municipal or industrial uses;

(3) The collection and disposal of sewage including wastewater reuse and other liquid wastes;

(4) The construction of reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells; siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works incidental;

(5) The construction of such other buildings and facilities as may be required to properly and economically operate and maintain the foregoing facilities and utility systems for the fulfillment of the purposes of Chapter 180, Florida Statutes.

(F) There exists a need for the provision and enhancement of the services and facilities described in subsection (E) above to the residents, landowners and other persons and entities living in and conducting business within the City and in the Adjacent Service Area.

(G) It is in the best interest of the citizens of the City of Marco Island, Florida, and Adjacent Service Area for the City to provide the above enumerated services for the orderly growth of the City and the Adjacent Service Area in an efficient manner for their collective health, safety and welfare both now and in the future.

## **SECTION 2. DECLARATION.**

The City of Marco Island hereby declares there to exist an urban service area within which the City intends to engage in certain activities authorized by Section. 180.06, Florida Statutes, which upon the City's acquisition of the FWSC System such activities shall specifically include the duty, obligation, power and authority to acquire, obtain, construct, maintain, provide, collect, distribute, dispose of, regulate, finance and charge for the supply of potable and non-potable water, treatment, storage, or distribution systems, facilities and associated services and wastewater collection, transmission, treatment, disposal, reuse or non-potable water systems, facilities, and associated services to customers and land served by the FWSC System, or any future expansion thereof. Such urban service area shall be composed of and include the area located within the City's corporate limits and the Adjacent Service Area. By declaring the existence of this urban service area, the City proposes and intends to exert its influence and control as the general purpose local government regarding the services to be provided through the enactment of this ordinance to the exclusion of the control of any other local government. This declaration is provided in conformance with Chapter 180 and is necessary for the promotion of the health, safety and welfare of the public. For those systems currently owned and operated by Collier County, such control and ownership shall remain with Collier County unless such control and/or ownership is transferred to the City through an interlocal agreement.

## **SECTION 3. AMENDMENT OF THE URBAN SERVICE AREA BOUNDARY.**

It is recognized that future conditions may exist from time to time, which would necessitate amending the boundaries of the urban service area to include more or less area. Such amendments shall be made by the City Council in accordance with Section 180.02, Florida Statutes.

#### **SECTION 4. PROVISION OF REASONABLE REGULATIONS.**

Upon acquisition of the FWSC System, the City may prescribe by subsequent ordinance or amendment hereto, adopted in accordance with Chapter 180, Florida Statutes, reasonable regulations regarding all persons or entities living or doing business within the urban service area regarding their connection, when available, with any service or utility facilities constructed, provided, operated or to be constructed, provided or operated under provisions of Chapter 180, Florida Statutes.

#### **SECTION 5. RESERVATION.**

Upon acquisition by the City of the FWSC System, the City reserves the right to determine the manner, location, degree and extent of any utility service extensions within the urban service area by subsequent ordinance or resolution adopted in accordance with the procedures set forth in Chapter 180, Florida Statutes.

#### **SECTION 6. PURPOSE.**

The purposes of declaring an urban service area for the City of Marco Island and the surrounding area by this ordinance are as follows:

(A) To prepare for the City's proposed acquisition of the FWSC System and to provide for long-range capital improvements for the betterment of the health, safety and welfare of the public as a part of the City's long-range planning activities within the City and Adjacent Service Area.

(B) To clearly identify an area for long range capital improvements relating to water and wastewater utility facilities and services.

(C) To provide for the efficient extension of municipal or urban services upon acquisition by the City of the FWSC System.

(D) To work with Collier County as the adjacent service provider and clearly identify that, upon acquisition of the FWSC System, the City will provide water and wastewater related services and facilities within the urban service area defined herein and avoid the duplication of such services, and to provide opportunities for the transfer of ownership and/or operation of systems between Collier County and the City upon execution of an interlocal agreement between Collier County and the City.

#### **SECTION 6. ABSENCE OF MORTGAGE REVENUE CERTIFICATES OR DEBENTURES.**

There are currently no mortgage revenue certificates or debentures issued by the City to finance any water or wastewater related project within the urban service area; and, upon the City's acquisition of the FWSC System, the lien of any indebtedness owed by FWSC relating to

the FWSC System will be paid, defeased or released as it relates to the FWSC System and the urban service area defined herein.

**SECTION 7. CONSTITUTIONALITY.**

All ordinances, agreements, or resolutions and parts thereof in conflict herewith to the extent of such conflicts are hereby repealed. If any phrase, clause, sentence, paragraph, section or subsection of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this ordinance.

**SECTION 8. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon its adoption.

**SECTION 9. RECORDING.**

A certified copy of the ordinance shall be filed with the Clerk of the Circuit Court of Collier County, Florida, and duly recorded among the Public Records of Collier County, Florida.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 18<sup>th</sup> day of August 2003.

**CITY OF MARCO ISLAND, FLORIDA**

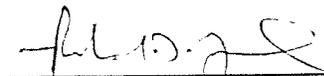
Attest:

  
\_\_\_\_\_  
A. William Moss, City Manager

By:

  
\_\_\_\_\_  
Mike Minozzi, Chairman

Approved as to form and  
Legal sufficiency:

  
\_\_\_\_\_  
Richard D. Yovanovich, City Attorney

# Legend

## Urban Service Area

-  City of Marco Island
-  Goodland (Pending Interlocal Agreement)
-  Isles of Capri (Sewer Only)
-  Marco Shores - Key Marco Utility Service Areas

