

ORDINANCE NO. 99- 36

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA REGULATING THE CONSTRUCTION, USE AND PROVISION OF WATER AND WASTEWATER FACILITIES AND SERVICES WITHIN THE CITY OF ST. AUGUSTINE BEACH AND THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, IT DESIGNATES A SHORT TITLE, STATES THE COUNTY'S JURISDICTION, STATES THE COUNTY'S AUTHORITY TO ACT, MAKES CERTAIN FINDINGS, DESIGNATES THE CITY OF ST. AUGUSTINE BEACH AND CERTAIN UNINCORPORATED AREAS OF THE COUNTY AS EXCLUSIVE COUNTY WATER AND WASTEWATER SERVICE AREAS AND OTHER AREAS AS DESIGNATED WATER AND WASTEWATER SERVICE AREAS, PROHIBITS WATER AND WASTEWATER CONSTRUCTION AND SERVICE BY OTHER (NONCOUNTY) WATER AND WASTEWATER UTILITIES IN THE EXCLUSIVE COUNTY WATER AND WASTEWATER SERVICE AREAS, PROHIBITS WATER AND WASTEWATER CONSTRUCTION AND SERVICE BY OTHER (NONCOUNTY) WATER AND WASTEWATER UTILITIES IN THE DESIGNATED WATER AND WASTEWATER SERVICE AREAS WITHOUT THE COUNTY'S PRIOR WRITTEN CONSENT, REQUIRES MANDATORY CONNECTION PURSUANT TO COUNTY ORDINANCE 97-62, CONTAINS A SEVERABILITY CLAUSE, RESERVES POWERS TO THE FLORIDA PUBLIC SERVICE COMMISSION AND THE ST. JOHNS COUNTY UTILITY AUTHORITY, SETS FORTH ENFORCEMENT AND PENALTY PROVISIONS AND PROVIDES AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

SECTION 1. SHORT TITLE. This ordinance shall be known and cited as the St. Johns County Water and Wastewater Service Area Ordinance.

SECTION 2. JURISDICTION. This ordinance shall apply in the City of St. Augustine Beach and the unincorporated areas of St. Johns County, Florida, as such area exists on the date this ordinance is enacted.

SECTION 3. AUTHORITY. Pursuant to Article VIII, §1(f), Florida Constitution, and §125.01(1)(k), Florida Statutes, and other applicable general and special laws, excluding specifically Chapter 153, Florida Statutes, the Board of County Commissioners is authorized to provide, regulate, purchase, construct, improve, extend, enlarge and reconstruct water and wastewater facilities; and to operate, manage and control water and wastewater facilities within the County.

SECTION 4. FINDINGS. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares the following:

1. The County and adjacent neighboring counties are projected to experience large population increases within the next twenty years.
2. As the population increases, the demand for central water and wastewater services will also increase.
3. In order to protect the health, safety and welfare of its citizens, it is necessary and appropriate that the Board of County

Commissioners coordinate and regulate the provision of water and wastewater infrastructure that is necessary for development within the unincorporated areas of the County. To that end the County currently operates water and wastewater systems serving approximately 35,000 customers.

4. In order to protect the health, safety and welfare of its citizens, it is also necessary and appropriate that the County operate its existing and future water and wastewater facilities as cost-effectively and efficiently as possible and that it effectively and efficiently coordinate its services with such other water and wastewater services providers in the unincorporated areas of the County as are necessary and appropriate to provide competent, safe and efficient and economical water and wastewater services to the citizens of the County.

5. In order to accomplish these goals, the County deems it necessary to enact this water and wastewater service area regulatory ordinance.

SECTION 5. CREATION OF SERVICE AREA. There is hereby created the St. Johns County Water and Wastewater Service Area (hereinafter referred to as the Service Area) consisting of all unincorporated areas of the County as such areas exist on the date this ordinance is enacted and the City of St. Augustine Beach. The

Service Area consists of areas hereby designated as either Exclusive Service Area or Designated Service Area.

SECTION 6. SERVICE AREA BOUNDARIES.

1. The Board of County Commissioners hereby establishes the County's Exclusive Service Area consisting of the area described in Exhibit "A" attached hereto and incorporated into this ordinance exclusive of: (a) those areas certified for water and/or wastewater service by the Florida Public Service Commission (FPSC) prior to the date that this ordinance was enacted, for as long as such certification remains in effect, (b) those areas certificated for water and/or wastewater service by the Board of County Commissioners on the date this ordinance is enacted, for as long as such certification remains in effect, (c) those areas currently being provided water and/or wastewater services by municipalities on the date this ordinance is enacted, for as long as such services are provided, (d) those areas served or scheduled to be served with water and/or wastewater services within community development districts by such districts as have been lawfully created prior to the enactment of this ordinance, and (e) those areas served or to be served with water and/or wastewater services by a municipality pursuant to a current territorial agreement between the County and a municipality as of the date this ordinance is enacted for so long

as the agreement remains in effect. The Board of County Commissioners may enlarge or reduce the County's Exclusive Service Area by resolution(s). The County shall, and is obligated to, provide water and/or wastewater service to all persons and entities who request such service within the Exclusive Service Area in accordance with applicable County ordinances and rules and regulations.

2. The Board of County Commissioners hereby establishes the County's Designated Service Area consisting of the Service Area described in Section 5, less the County's Exclusive Service Area exclusive of: (a) those areas certified for water and/or wastewater service by the Florida Public Service Commission (FPSC) prior to the date that this ordinance was enacted, for as long as such certification remains in effect, (b) those areas certificated for water and/or wastewater service by the Board of County Commissioners on the date this ordinance is enacted, for as long as such certification remains in effect, (c) those areas currently being provided water and/or wastewater services by municipalities on the date this ordinance is enacted, for as long as such services are provided, (d) those areas served or scheduled to be served with water and/or wastewater services within community development districts by such districts as have been lawfully created prior to

the enactment of this ordinance, and (e) those areas served or to be served with water and/or wastewater services by a municipality pursuant to a current territorial agreement between the County and a municipality as of the date this ordinance is enacted for so long as the agreement remains in effect. The Board of County Commissioners may enlarge or reduce the County's Designated Service Area by resolution(s).

SECTION 7. OTHER UTILITIES OF SIMILAR CHARACTER PROHIBITED.

1. No person or entity other than the County and/or its designees shall provide water or wastewater services (other than bottled water) to any person or location within the County's Designated Service Area without the County's express written permission. No person or entity other than the County shall provide water and/or wastewater services (other than bottled water) to any person or location within the County's Exclusive Service Area. No person or entity other than the County and/or its designee shall construct or use water and/or wastewater transmission lines, pipes, mains, pumping stations or the like on or within established rights of way for the purpose of providing water and/or wastewater service to land located within the County's Exclusive Service Area. No person or entity other than the County

and/or its designees shall construct or use water and/or wastewater transmission lines, pipes, mains, pumping stations or the like on or within established rights of way for the purpose of providing water and/or wastewater service to land located within the County's Designated Service Area without the County's express written permission. These prohibitions shall not be deemed to prohibit private water wells and/or septic tanks for individual structures if mandatory connection is not required under Ordinance 97-62, as amended from time to time.

2. When cost effective and in the best interests of the County's citizens, the County may contract with other water and/or wastewater utilities that meet County standards to operate within portions of the County's Designated Water and Wastewater Service Area.

SECTION 8. COMPREHENSIVE PLAN.

Nothing contained in this Ordinance shall be construed to allow the County or its designees to provide water and/or wastewater service to any area within the County's Exclusive or Designated Service Areas if providing such service(s) would be inconsistent with the County's Comprehensive Plan.

SECTION 9. CONNECTION TO WATER AND WASTEWATER SYSTEMS.

Mandatory connection to County water and wastewater facilities

shall be required in accord with the provisions of County Ordinance 97-62, as amended from time to time.

SECTION 10. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. FLORIDA PUBLIC SERVICE COMMISSION.

Nothing contained in this ordinance is intended to affect or amend the existing service territories of water and wastewater utilities regulated by the Florida Public Service Commission pursuant to Chapter 367, Florida Statutes, nor shall this ordinance be construed to affect the powers granted by the Florida Legislature to the Florida Public Service Commission.

SECTION 12. ST. JOHNS COUNTY UTILITY AUTHORITY MATTERS.

Nothing contained in this ordinance is intended to affect or amend the existing service territories of water and wastewater utilities regulated by the Board of County Commissioners pursuant to St. Johns County Ordinance No. 89-63, as amended, and the Rules and Regulations of the St. Johns County, Florida, Utility Authority

as adopted by Ordinance 97-8, as amended, nor shall this ordinance be construed to affect the powers of the Board of County Commissioners and the St. Johns County Water and Sewer Authority with regard to processing and conducting certification proceedings for new utilities or for extensions of existing water and/or wastewater service territories located outside of the County's Exclusive Service Area.

SECTION 13. CODE ENFORCEMENT. This ordinance may be enforced by any method prescribed by law, including injunctive relief and the provisions of Chapter 162, Florida Statutes, (Code Enforcement Board and Citation) and ordinances enacted thereunder.

SECTION 14. PENALTIES. Any person or entity violating any of the provisions of this ordinance shall be prosecuted in the same manner as misdemeanor are prosecuted. Such violation shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction the violator shall be punished for each violation by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate occurrence that violates this ordinance shall be deemed a separate offense. Each day that an offense or violation of this ordinance continues shall be deemed

a separate offense.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect upon a certified copy thereof being filed with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 18 day of MAY, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Marc A. Jacalone
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK


BY: Patricia DeGrande
Deputy Clerk

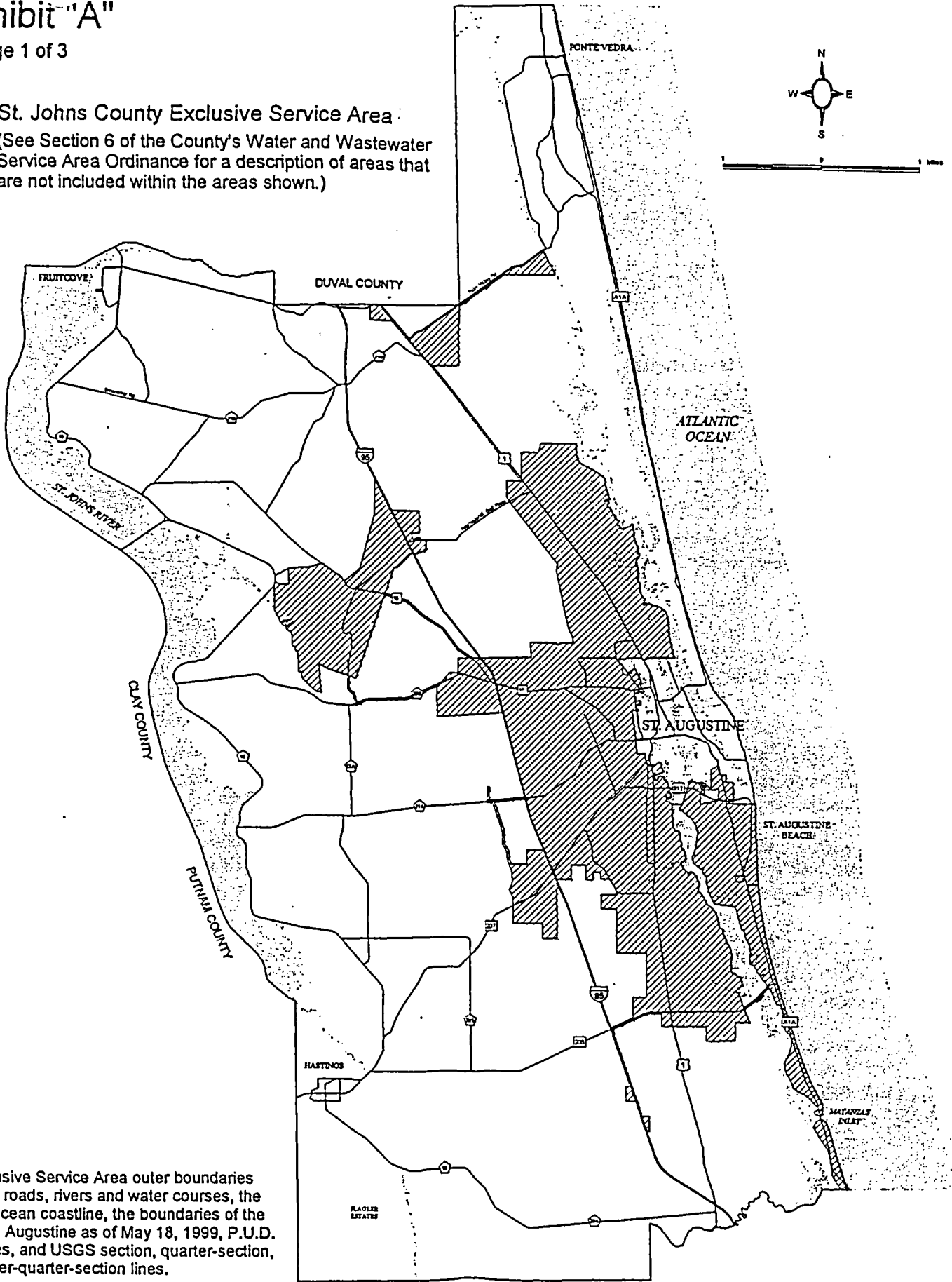
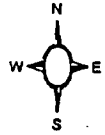
Effective date: 5-19-99



Exhibit "A"

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 **St. Johns County Exclusive Service Area**
(See Section 6 of the County's Water and Wastewater Service Area Ordinance for a description of areas that are not included within the areas shown.)



NOTES:

The Exclusive Service Area outer boundaries consist of roads, rivers and water courses, the Atlantic Ocean coastline, the boundaries of the City of St. Augustine as of May 18, 1999, P.U.D. boundaries, and USGS section, quarter-section, and quarter-quarter-section lines.

See also pages 2 and 3 of this exhibit.

FLAGLER COUNTY

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Exclusive Service Area Legal DescriptionIn Township 4 South, Range 29 East:

Those lands in sections 31 and 32 lying 200 feet north and 200 feet south of the center line S.R.210, also known as Palm Valley Road. Those lands in of section 29 lying south and 200 feet north of the center- line of S.R.210. Those lands in of section 51 lying south and 200 feet north of S.R.210, and bounded on the east by the Intercoastal Waterway. Those lands in of section 55 bounded on the north by a line parallel to and 200 feet north of S.R.210 on the south by the easterly extension of the north line of section 32 and on the east by the Intercoastal Waterway.

In Township 5 South, Range 28 East:

All of section 12, those lands in of sections 1 and 2 lying southeast of S.R.210. The north half of section 3 lying southwest of US1. Those lands in section 11 lying northeast of US1 and southeast of S.R.210. Together with a corridor 400 feet extending northeast and 200 feet southwest of the centerline of US1 in sections 3, 11, 13, 24, 37, and 45.

In Township 5 South, Range 29 East:

All of sections 33, 34, 44, 45, 48, 53, 54, 55, 56, 57, 58, and 59. Those lands in sections 60 and 61 lying south of a line parallel to and 2250 feet north of the south line sections 60 and 61 together with a 400 foot corridor extending 200 feet northeast and 200 feet southwest of US1 in sections 19, 30, 32, 40, and 41.

In Township 6 South, Range 27 East:

All those lands in sections 24, 25, and 46, described in the Six-Mile Creek P.U.D.

In Township 6 South, Range 28 East:

All those lands in sections 3, 10, 11, 14, 15, 38, 43, and 44, described in the World Golf Village P.U.D., all those lands in sections 18, 19, 31, 37, and 38, described in the Six-Mile Creek P.U.D., those lands in sections 37 and 38 lying east of the Six Mile Creek P.U.D. and west of a line parallel to and one mile northwest of the southeast line of section 38, those lands in section 38 bounded on the southeast by International Golf Parkway, on the southwest by S.R. 16, on the northeast by the World Golf Village P.U.D. and on the northwest by a line parallel to and 2,500 feet northwest of International Golf Parkway, those lands in section 38 lying south of S.R. 16 and north of the Six Mile Creek P.U.D., together with a 400 foot corridor extending 200 feet northeast and 200 feet southeast of S.R.16 in sections 25, 26, 36, 38, and 41

In Township 6 South, Range 29 East:

All of sections 3, 4, 10, 23, 26, 35, 36, 44, 45, 49, 50 - 57, 79 - 84, 86 - 96, 98, and 99, those lands in that portion of the east half of section 5 lying northeast of a line parallel to and 4000 feet southeast of US1, together with those lands in section 15 lying southeast of the proposed S.R.312 extension, those lands in sections 22 and 27 lying east of the proposed S.R.312 extension, together with the south half of sections 33 and 34, those lands in that portion of the north half of section 34 lying east of the proposed S.R.312 extension, together with a 400-foot corridor lying 200 feet northeast and 200 feet southwest of S.R.16 in section 31.

In Township 7 South, Range 28 East:

All of section 12, the south half and the east half of the northeast quarter of section 1, those lands in sections 6, 38, and 41, described in the Six Mile Creek P.U.D, together with those lands in section 41 lying west of a line parallel to and 1 mile northwest of the southeast line of sec 41, together with a 400 foot corridor lying 200 feet north and 200 feet south of C.R. 208 in sections 9, 10, 11, and 37, and a 400 foot corridor lying 200 feet east and 200 feet west of the center line of Pacetti Road

In Township 7 South, Range 29 East:

All of sections 2-11, 14-16, 21-23, 25-28, 34-40, 42-44, 46-49, 53, 54, and 55, those lands in sections 1, 12, 24, 41, 45, 50, 51, 52, and 56 lying outside the established city limits of St. Augustine as of May 18, 1999, together with a 400 foot corridor lying 200 feet north and 200 feet south of the center line of C.R.214 in section 29 and section 30, east of the Water Treatment Plant Road, and a 400 foot corridor lying 200 feet east and 200 feet west of the center line of Water Treatment Plant Road in the southeast quarter of section 30, and a 400 foot corridor lying 200 feet east and 200 feet west of Allen Nease Road, in section 31 and 32.

In Township 7 South, Range 30 East:

All of sections 31-34, and 42, together with those portions of sections 19, 23, 29, and 40, lying outside the city limits of St. Augustine, as of May 18, 1999.

In Township 8 South, Range 29 East:

All of sections 1, 2, 3, 9, 12, 13, 16, 24, 37, and 38, the south half of section 4, the north half of section 4 lying east of I-95, all of section 8 lying east of Allen Nease Road, the northwest quarter of section 10, the northeast quarter, the southeast quarter lying northeast of Wildwood Drive, the north half of the northwest quarter, and the southwest quarter of the northwest quarter, all in section 11, the northeast quarter of section 21 and the southeast quarter of section 36, together with a 400 foot corridor lying 200 feet east and 200 feet west of the center line of Allen Nease Road in sections 5, 8, and 17.

In Township 8 South, Range 30 East:

All

In Township 9 South, Range 29 East:

The east half of the southwest quarter of section 13, the east half of the southeast quarter of section 24, the northeast quarter of section 1 lying north of S.R.206, together with a 400 foot corridor lying 200 feet north and 200 feet south of the center line of S.R.206 in section 1 and section 2 northeast of I-95, and the right of way of I-95 in sections 11, 12, 13, 24, and in section 2 lying south of S.R.206.

In Township 9 South, Range 30 East:

All of sections 4 and 48, the north half of section 5, the northwest quarter of section 6, together with that portion of the northwest quarter of section 6 lying within 200 feet of the center line of S.R.206. Also, all those lands lying east of the Mantanzas River.

In Township 9 South, Range 31 East:

All those lands lying east of the Mantanzas River.

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **Linda Y. Murray**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a
Notice of Public Hearing

in the matter of Water & Wastewater Ordinance May 18, 1999

in the Court, was published in said newspaper in the issues of
April 29, 1999

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 30th day of April , 1999,

by Linda Y. Murray who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss
MY COMMISSION # CC641814 EXPIRES
August 22, 2001
BONDED THRU TROY (Seal) INSURANCE, INC.

Zoe Ann Moss

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COPY C

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS: NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, May 18, at 9:00 a.m. in the County Auditorium, at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REGULATING THE CONSTRUCTION, USE AND PROVISION OF WATER AND WASTEWATER FACILITIES AND SERVICES WITHIN THE CITY OF ST. AUGUSTINE BEACH AND THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, IT DESIGNATES A SHORT TITLE, STATES THE COUNTY'S JURISDICTION, STATES THE COUNTY'S AUTHORITY TO ACT, MAKES CERTAIN FINDINGS, DESIGNATES THE CITY OF ST. AUGUSTINE BEACH AND CERTAIN UNINCORPORATED AREAS OF THE COUNTY AS EXCLUSIVE COUNTY WATER AND WASTEWATER SERVICE AREAS AND OTHER AREAS AS DESIGNATED WATER AND WASTEWATER SERVICE AREAS, PROHIBITS WATER AND WASTEWATER CONSTRUCTION AND SERVICE BY OTHER (NONCOUNTY) WATER AND WASTEWATER UTILITIES IN THE EXCLUSIVE COUNTY WATER AND WASTEWATER SERVICE AREAS, PROHIBITS WATER AND WASTEWATER CONSTRUCTION AND SERVICES BY OTHER (NONCOUNTY) WATER AND WASTEWATER UTILITIES IN THE DESIGNATED WATER AND WASTEWATER SERVICE AREAS WITHOUT THE COUNTY'S PRIOR WRITTEN CONSENT, REQUIRES MANDATORY CONNECTION PURSUANT TO COUNTY ORDINANCE 97-62, CONTAINS A SEVERABILITY CLAUSE, RESERVES POWERS TO THE FLORIDA PUBLIC SERVICES COMMISSION AND THE ST. JOHNS COUNTY UTILITY AUTHORITY, SETS FORTH ENFORCEMENT AND PENALTY PROVISIONS AND PROVIDES AN EFFECTIVE DATE. The proposed ordinance is on file in the Office of the Clerk of the Board of County Commissioners at the St. Johns County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, and may be examined by interested parties prior to the public hearing. Interested parties may appear at the meeting and will be afforded an opportunity to be heard with respect to the proposed ordinance. If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Notice to persons needing special accommodations and to all hearing-impaired persons: In accordance with the American with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this meeting should contact the ADA Coordinator at (904) 823-2501 or at the County Administration Office, St. Augustine, FL 32085. For hearing-impaired individuals: Telecommunications Device for the Deaf (TDD): 823-2501 or the Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this meeting. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND
CLERK
By: Patricia DeGrande
Deputy Clerk

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

May 19, 1999

Honorable Cheryl Strickland
Clerk to Board of Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated May 18, 1999 and certified copy of St. Johns County Ordinance No. 99-36, which was filed in this office on May 19, 1999.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/lc

CHERYL STRICKLAND
CLERK COUNTY COMMISSIONER
ST. JOHNS COUNTY FL

99 MAY 20 3:57 PM '99

FILED

24 3:57

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BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us