

**ORDINANCE 2008-43**

(Provision of utility service upon DEP request; correct utility service surcharge)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, TO AMEND CHAPTER 21, UTILITIES, LAKE WALES CODE OF ORDINANCES, BY ALLOWING UTILITY SERVICE TO BE EXTENDED TO PROPERTIES OUTSIDE OF CITY LIMITS UPON REQUEST BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; CORRECTING THE SURCHARGE ON SERVICE CHARGES AND IMPACT FEES FOR OUTSIDE-CITY UTILITY USERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida:

**SECTION 1.** Chapter 21, Utilities, Lake Wales Code of Ordinances is hereby amended to read as follows:

Sec. 21-2. Extension of services--Generally.

(a) In accordance with the provisions of F.S. ch. 180, the city utility service area shall lie within its corporate boundaries. ~~Utility services may be provided outside the corporate boundaries of the city in accordance with the said chapter 180, provisions of general law, any intergovernmental water and wastewater utility services area agreement, or this chapter.~~

(b) Utility services shall be extended within the utility service area at the sole discretion of the city. Whenever economically feasible and deemed to be in the best interest of the utility system, such extension of services shall be at the expense of the city. A developer or property owner may assume all or part of the expense of service extension when the expense is not economically feasible for the city provided such extension is deemed to be in the best interest of the utility system and provided that all requirements of this chapter are met.

(c) The city shall reserve the right at all times to refuse extension of the utility system when such extension is not economically feasible, for noncompliance with the policies, rules and regulations established by this chapter or with any duly adopted city resolution or ordinance, or for any other cause whereby such extension will not benefit or may be detrimental to the best interest of the utility system.

(d) In accordance with F.S. ch. 180, all persons or corporations living or doing business within the city utility service area shall be required to connect, when available, with the city utility system and shall be subject to all rules, regulations and rates provided by this chapter. (Ord. No. 96-06, § 1, 5-21-96; Ord. No. 98-06, § 1, 4-27-98; Ord. No. 99-01, § 1, 5-4-99; Ord. No. 2005-22, § 1, 6-21-05)

**Sec. 21-3. Extension of services--Outside the city limits.**

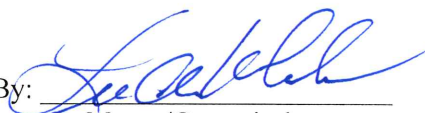
The city may accept or deny any applicant's request for utility service outside the city limits.

- (a) No application for utility service shall be accepted for utility service to a property outside the city limits with the following exceptions:
- (1) The Florida Department of Environmental Protection has requested that the city provide service to the property to address an environmental quality issue; or
  - (2) An agreement to serve the property was executed by the city prior to June 2005.
- (b) With each application for utility service outside the city limits, an executed annexation agreement must be provided which shall be recorded in the official records of the county if said application for service is accepted. If the property is contiguous to the city limits or is otherwise eligible for annexation, the city shall annex the property within three months of the provision of service.
- (c) Service charges and impact fees, if any, for outside-city users shall be one hundred ~~five~~ (150) and ~~twenty-five~~ (125) percent of the applicable charges and fees for inside-city users. (Ord. No. 96-06, § 1, 5-21-96)

**SECTION 2.** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 3.** This ordinance shall become effective immediately upon its passage by the City Commission.

**CERTIFIED AS TO PASSAGE** this 2<sup>nd</sup> day of December 2008.

By:   
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Mayor/Commissioner  
City of Lake Wales, Polk County, Florida

ATTEST:

  
\_\_\_\_\_  
City Clerk