

PROPOSED ORDINANCE NO. 2023-12

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 50, OF THE CITY CODE OF ORDINANCES, ENTITLED “WATER AND SEWER REGULATIONS”; BY SPECIFICALLY AMENDING SECTION 50.10 OF THE CITY CODE, ENTITLED “CITY COMMISSION APPROVAL FOR CONNECTION TO A CITY UTILITY;” ESTABLISHING A POLICY THAT THE CITY WILL NOT PROVIDE WATER OR SEWER SERVICES TO ANY PROPERTY OUTSIDE OF THE CITY’S MUNICIPAL BOUNDARIES WHEN THE CITY COMMISSION HAS DETERMINED THAT THE PROPOSED USE ON SUCH PROPERTY IS NOXIOUS, OFFENSIVE, CONTRARY TO THE BEST INTERSTS OF THE CITY OR ADVERSE TO THE HEALTH, SAFETY AND WELFARE OF THE CITY’S RESIDENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City’s Code of Ordinances allows for property located outside the City’s limits to connect to the City’s water utility systems upon approval by the City Commission; and

WHEREAS, the City Commission is opposed to encouraging or facilitating the presence of uses that are noxious, contrary to the best interest of the City or adverse to the health, safety, and welfare of the City’s residents; and

WHEREAS, the City has not established a service area for the provision of City water and sewer utilities outside of its municipal boundaries; and

WHEREAS, the City Commission finds that it is in the best interest of the City to prohibit servicing properties located beyond the City’s municipal boundaries that are noxious, offensive, contrary to the best interests of the city or adverse to the health, safety, and welfare of the City’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA:

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SECTION 1: That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

SECTION 2: Chapter 50 of the City Code of Ordinances, entitled “Water and Sewer Regulations” is hereby amended, by specifically amending Section 50.10, entitled “City Commission Approval for Connection to a City Utility,” as follows:

(B) Outside City Limits. The City of Pembroke Pines has not established a service area outside of its municipal boundaries. With one exception, property located outside the city limits shall not be allowed to connect to a city utility system unless the connection is authorized by the City Commission. The one exception is that Commission approval shall not be required for any connection in that area covered by the developer's agreements identified in Exhibit “H”, Agreement for Sale and Purchase, September 27, 1962, between the city and the West Hollywood Water Company and the West Hollywood Utility Company. The City shall not provide water or sewer service to property outside of its boundaries when the City Commission has determined that the proposed uses on such property are noxious, offensive, contrary to the best interests of the City or adverse to the health, safety, and welfare of the City's residents.

SECTION 3: SEVERABILITY. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, unconstitutional or unenforceable, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4: CONFLICT. All ordinances or parts of ordinances or resolutions of the City Commission, in conflict with this Ordinance are hereby repealed to the extent such conflict, and are superseded and replaced in their entirety by this Ordinance.

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SECTION 5: CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish the provisions of this Ordinance. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS __ DAY OF
_____, 2023.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE
PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS __ DAY OF
_____, 2023.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR FRANK C. ORTIS

ATTEST:

MARLENE GRAHAM, CITY CLERK

ORTIS _____

APPROVED AS TO FORM:

GOOD _____

CASTILLO _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____