



Village of Palm Springs

Executive Brief

AGENDA DATE: June 8, 2023

DEPARTMENT: Administration

ITEM #11: (Second Reading) Ordinance No. 2023-07 - Village Code Amendment - Chapter 78 - Utilities

SUMMARY: The Palm Springs Community Redevelopment Agency (CRA) and Palm Beach County have partnered to extend sanitary sewer along the Congress Avenue corridor north of Forest Hill Boulevard. The properties currently served by septic tanks that will benefit from this infrastructure are within the Palm Beach County Water Utilities service area.

During design conversations, the County staff expressed concern about using their code enforcement process to require Village property owners to connect to the sewer force main once installed (this would require a change in County policy). Instead, they suggested that the Village would be in a better position if it required the connection of a new utility line.

According to the proposed ordinance, properties must connect to a utility line within 100' of a residence, regardless of utility service area jurisdiction. Code Enforcement will enforce the Village's standard code enforcement procedures.

This ordinance was drafted by the Assistant Village Manager and reviewed by the Village Attorney, Utilities Director, Assistant Utilities Director, and CRA Code Enforcement Officer.

The proposed ordinance was approved on 1st reading at the May 11, 2023, Village Council meeting and is being presented for consideration on the 2nd and final reading.

FISCAL IMPACT:

The proposed ordinance does not have a fiscal impact on the Village.

ATTACHMENTS:

1. Ordinance No. 2023-07 Amending Chapter 78 - Utility Connections
2. Map of Parcels to be Served by Congress Avenue Sanitary Sewer Project

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 78 "UTILITIES", ARTICLE II, "WATER AND WASTEWATER", DIVISION 2 "CONNECTIONS" BY AMENDING SECTION 78-69 "CONNECTION REQUIRED" PERTAINING TO CONNECTION TO PUBLIC UTILITY SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to amend its existing regulations to modify regulations regarding connection to public potable water and/or sanitary sewer systems; and

WHEREAS, the Village Council has reviewed the recommended ordinance and has determined that it is in the best interests and general welfare of the Village to adopt this Ordinance.

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA HEREBY ORDAINS, AS FOLLOWS:

Section 1. . Recitals. The foregoing recitals are hereby affirmed and ratified as if fully set forth herein.

Section 2. Chapter 78 "Utilities", Article II, "Water and Wastewater", Division 2 "Connections" by amending Section 78-69 "Connection Required" as follows:

Sec. 78-69. - Connection required.

- (a) Every person who owns or occupies real property within the Village limits ~~village's utility service area~~ shall, within 90 days after being notified in writing by the Village, Palm Beach County, or other regulatory authority, connect to the public ~~village's~~ water and/or wastewater system when such system is available within 100 feet of the real property.
- (b) Any owner or occupant refusing, failing or neglecting to make such connections in accordance with the provisions of this section shall be in

violation of this section. Violations of this section shall be enforced in accordance with chapter 2, code enforcement procedures, by the issuance of a code enforcement citation or notice of violation to the owner of the real property. If a citation is issued, the fine shall be \$200.00 for the first violation and \$500.00 for any repeat violation unless otherwise set by resolution or the special magistrate. Each day of violation shall be considered a separate offense. Further, any violation of the provisions of this section may be prosecuted by the village in county court as a misdemeanor of the second degree and punished by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 60 days. The village shall also be entitled to take any other appropriate legal action, including, but not limited to, cease, and desist orders, other administrative action and requests for temporary and permanent injunctions to enforce the provisions of this section. It is the purpose of this subsection to provide additional cumulative remedies to the village to enforce this section.

- (c) Any owner or occupant refusing, failing, or neglecting to make such connections in accordance with the provisions of this section shall, nevertheless, be charged with the applicable minimum water and wastewater charges established and set forth in this article or by the applicable public utility authority.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held 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 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Village Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the Village Council of the Village of Palm Springs, Florida.

Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER		<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, this _____ day of _____, 2023.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY SMITH, MAYOR

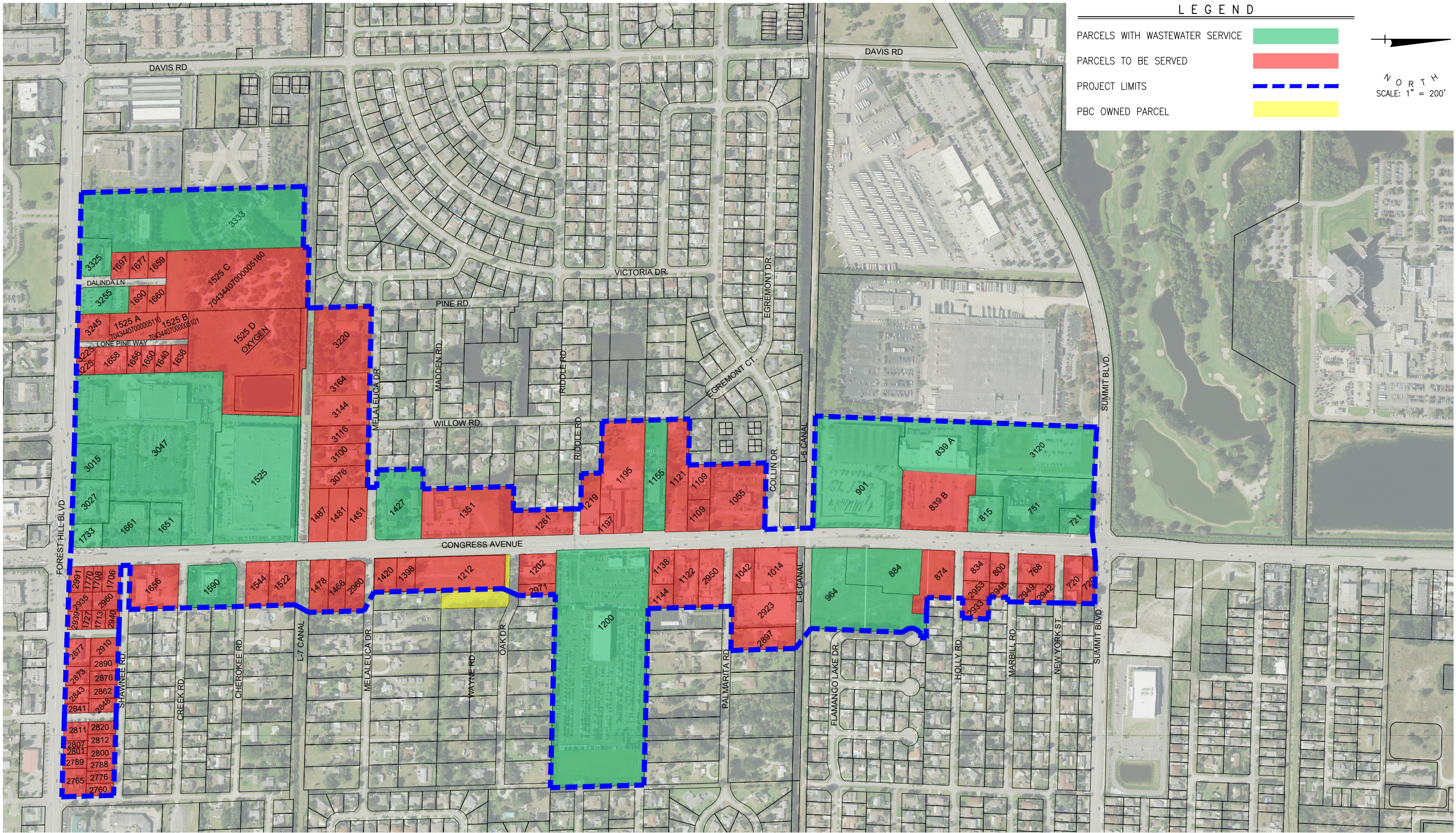
First Reading _____
Second Reading _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY



VILLAGE OF PALM SPRINGS

WASTEWATER IMPROVEMENTS ALONG CONGRESS AVENUE AND FOREST HILL BLVD



PARCELS WASTEWATER
SERVICE STATUS MAP

ATTACHMENT 1