

ORDINANCE # 72-5

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3 An ordinance pertaining to the granting of  
4 Franchises to public utilities operating or  
5 constructing water systems or sewer systems;  
6 providing for definitions; requiring the obtain-  
7 ing of Franchises for operating or constructing  
8 water systems or sewer systems; authorizing  
9 the Board of County Commissioners of Hernando  
10 County to grant Franchises to persons operating  
11 or constructing water systems or sewer systems;  
12 providing penalties for violations; providing  
13 for an effective date.

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18 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
19 OF HERNANDO COUNTY FLORIDA:  
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1 SECTION 1. DEFINITIONS.

2 As used in this ordinance the following words and  
3 terms shall have the following meanings:

4 (1) "Water system" shall mean and include any  
5 real estate, attachments, fixtures, impounded water,  
6 water mains, laterals, valves, meters, plant, wells,  
7 pipes, tanks, reservoirs, systems, facility, or other  
8 property real or personal, used or useful or having  
9 the present capacity for future use in connection with  
10 the obtaining, treatment, supplying and distribution of  
11 water to the public for human consumption, fire pro-  
12 tection, irrigation, consumption by business or industry,  
13 and without limiting the generality of the foregoing  
14 definition shall embrace all necessary appurtenances  
15 and equipment and shall include all property, rights,  
16 easements and franchises relating to any such system  
17 and deemed necessary or convenient for the operation  
18 thereof, but shall not include property used solely for  
19 or principally in connection with the business of  
20 bottling, sellin, distributing or furnishing bottled wa-  
21 ter, nor water systems utilized by manufacturing plants  
22 primarily for the purpose of providing water in  
23 connection with its manufacturing operations.

24 (2) "Sewer system" shall mean and include any  
25 plant, system, facility or property used or useful or  
26 having the present capacity for future use in connection  
27 with the collection, treatment, purification or dis-  
28 posal of sewage and sewage effluent and residue for the  
29 public, and without limiting the generality of the  
30 foregoing definition shall embrace treatment plants,  
31 pumping stations, intercepting sewers, pressure lines,

1 mains, laterals, and all necessary appurtenances and  
2 equipment and shall include all property, rights,  
3 easements and franchises relating to any such system  
4 and deemed necessary or convenient for the operation  
5 thereof; except municipally owned or operated sewer  
6 systems and systems for the collection, treatment,  
7 purification or disposal of industrial wastes for  
8 manufacturing plants owned or operated by such  
9 manufacturing plants.

10 (3) "Person" shall mean and include:

11 (a) Any natural person, firm, association, corp-  
12 oration, except municipal corporations, business, trust  
13 or partnership owning, leasing or operating any water  
14 system or sewer system or part thereof with this  
15 county; and

16 (b) Any cooperative, nonprofit corporation or  
17 association, membership corporation, or limited divided  
18 or mutual association, now or hereafter created, with  
19 respect to that part or portion of its operations  
20 devoted to the ownership, leasing or operation of a  
21 water system or a sewer system within this county but  
22 shall not include the owners or operators of any  
23 industrial or manufacturing plants maintaining and  
24 operating water systems and sewer systems primarily  
25 in connection with its manufacturing operations.

26 (4) "Public utility" as used herein means and  
27 includes every person, corporation, partnership,  
28 association or other legal entity and their lessees,  
29 trustees or receivers, now or hereafter either owning,  
30 operating, managing, controlling or proposing construc-  
31 tion of any water system or sewer system serving or

1 proposing to serve fifty or more connections for  
2 water or sewer service, or both, within this county,  
3 directly or indirectly for compensation; but the term  
4 "public utility" as used herein does not include any  
5 person selling, distributing or furnishing bottled water,  
6 any utility owned or operated by a municipality or other  
7 governmental agency, or the owner or operator of any  
8 manufacturing or industrial plant owning or operating  
9 water or sewer systems primarily in connection with  
10 its manufacturing or industrial operations; provided,  
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12 SECTION 2. REQUIRING THE OBTAINING OF FRANCHISES.

13 From and after the effective date of this  
14 ordinance, no public utility shall commence the  
15 construction or operation of a water system or sewer  
16 system without first obtaining from the Board of County  
17 Commissioners of Hernando County a franchise to operate  
18 such a water system or sewer system. Franchises granted  
19 by the Board of County Commissioners may be either  
20 exclusive or non-exclusive and they shall be subject  
21 to such reasonable terms and conditions as the Board  
22 of County Commissioners may require.  
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24 SECTION 3. POWER OF BOARD OF COUNTY COMMISSIONERS TO  
25 GRANT FRANCHISES.

26 The Board of County Commissioners, is hereby  
27 expressly authorized to grant water franchises and  
28 sewer franchises within the boundaries of Hernando  
29 County to public utilities. The franchises may grant  
30 to the public utility the privilege to operate water  
31 systems and/or sewer systems within the county. The  
franchises which the Board of County Commissioners may

1 grant may be either exclusive or non-exclusive upon  
2 the discretion of the Board of County Commissioners.

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4 SECTION 4. VIOLATIONS.

5 Violation of this ordinance shall constitute a  
6 misdemeanor and shall be punishable as provided by law.  
7 Each day of operating a water system or a sewer system  
8 without having obtaining a franchise as required by this  
9 ordinance shall constitute a separate offense.

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11 SECTION 5. POWER OF INJUNCTION.

12 The Board of County Commissioners of Hernando  
13 County shall have the power to enjoin violations of  
14 this ordinance.

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16 SECTION 6. EFFECTIVE DATE.

17 This ordinance shall be effective upon mailing  
18 a certified copy hereof to the Secretary of State of  
19 the State of Florida.  
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