

ORDINANCE NO. 82-5

AN ORDINANCE PERTAINING TO THE GRANTING OF FRANCHISES TO PUBLIC UTILITIES OPERATING OR CONSTRUCTING WATER SYSTEMS OR SEWER SYSTEMS; PROVIDING FOR DEFINITIONS; REQUIRING THE OBTAINING OF FRANCHISES FOR OPERATING OR CONSTRUCTING WATER SYSTEMS OR SEWER SYSTEMS; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY TO GRANT FRANCHISES TO PERSONS OPERATING OR CONSTRUCTING WATER SYSTEMS OR SEWER SYSTEMS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR THE REPEAL OF HERNANDO COUNTY ORDINANCE NO. 72-5; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Definitions: As used in this ordinance the following words and terms shall have the following meanings:

(1) "Water System" shall mean and include any real estate, attachments, fixtures, impounded water, water mains, laterals, valves, meters, plant, wells, pipes, tanks, reservoirs, systems, facility, or other property real or personal, used or useful or having the present capacity for future use in connection with the obtaining, treatment, supplying and distribution of water to the public for human consumption, fire protection, irrigation, consumption by business or industry, and without limiting the generality of the foregoing definition shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof, but shall not include property used solely for or principally in connection with the business of bottling, selling, distributing or furnishing bottled water.

(2) "Sewer System" shall mean and include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage and sewage effluent and residue for the public, and without limiting the generality of the foregoing definition shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals, and all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(3) "Persons" shall mean and include:

(a) Any natural person, firm, association, corporation,

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including municipal corporations, business, trust partnership or governmental entity owning, leasing or operating any water system or sewer system or part thereof within this County; and

(b) Any cooperative, nonprofit corporation or association, membership corporation, or limited divided or mutual association, now or hereinafter created, with respect to that part or portion of its operations devoted to the ownership, leasing or operation of a water system or a sewer system within the County.

(4) "Public Utility" as used herein means and includes every person, corporation, partnership, association or other legal entity and their lessees, trustees or receivers, now or hereafter either owning, operating, managing, controlling or proposing construction of any water system or sewer system serving or proposing to serve fifty or more connections for water or sewer service, or both, within or outside Hernando County, directly or indirectly for compensation; but the term "public utility" as used herein does not include any person selling, distributing or furnishing bottled water. The term shall specifically include any utility, water system or sewer system owned or operated by a municipality or by any other governmental agency.

SECTION 2. Requiring the Obtaining of Franchises: From and after the effective date of this ordinance, no public utility shall commence the construction or operation of a water system or sewer system without first obtaining from the Board of County Commissioners of Hernando County a franchise to operate such a water system or sewer system. Franchises granted by the Board of County Commissioners may be either exclusive or non-exclusive and they shall be subject to such reasonable terms and conditions as the Board of County Commissioners may require:

SECTION 3. Power of the Board of County Commissioners to Grant Franchises: The Board of County Commissioners, is hereby expressly authorized to grant water franchises and sewer franchises within the boundaries of Hernando County to public utilities. The franchise may grant to the public utility the privilege to operate water systems and/or sewer systems within the County. The franchises which the Board of County Commissioners may grant may be either exclusive or non-exclusive upon the discretion of the Board of County Commissioners.

SECTION 4. Violations: Violation of this ordinance shall constitute a misdemeanor and shall be punishable as provided by law. Each day of operating a water system or a sewer system without having obtained a franchise as required by this ordinance shall constitute a separate offense.

SECTION 5. Power of Injunction: The Board of County Commissioners of Hernando County shall have the power to enjoin violations of this ordinance.

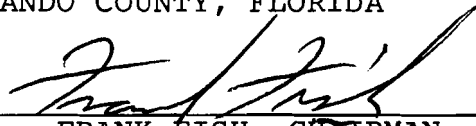
SECTION 6. Hernando County Ordinance No. 72-5 is Hereby Repealed: Any Franchises granted under said Hernando County Ordinance No. 72-5 shall continue in full force and effect in accordance with the terms of any such franchise.

SECTION 7. Effective Date: This ordinance shall be effective as provided by law.

ADOPTED in Regular Session of the Board of County Commissioners of Hernando County, Florida, this 2nd day of March, 1982, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY


FRANK FISH, CHAIRMAN

Attest


HAROLD WILLIAM BROWN, CLERK