

**ORDINANCE 18-23**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, AMENDING CHAPTER 38 OF THE CITY'S CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI. INFRASTRUCTURE IMPROVEMENT AREAS; PROVIDING FOR THE CREATION AND DESIGNATION OF INFRASTRUCTURE IMPROVEMENT AREAS FOR WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS; CREATING THE ALACHUA WEST WATER INFRASTRUCTURE IMPROVEMENT AREA, THE ALACHUA WEST WASTEWATER INFRASTRUCTURE IMPROVEMENT AREA AND THE ALACHUA EAST WASTEWATER INFRASTRUCTURE IMPROVEMENT AREA; PROVIDING FOR THE USE OF MASTER PLANS FOR THE INFRASTRUCTURE IMPROVEMENT AREAS; PROVIDING FOR THE PAYMENT FOR THE IMPROVEMENTS; ESTABLISHING CHARGES FOR THE USERS OF THE IMPROVEMENTS; PROVIDING FOR CODIFICATION OF THIS AMENDMENT IN THE CITY'S CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, the City of Alachua (the "City") provides water and wastewater service to many residents of the City;

**WHEREAS**, the City desires economic development and economic growth to occur within the City in an organized, planned and cost-effective manner in order to provide the best quality of life for the residents of the City;

**WHEREAS**, providing efficient water and wastewater services throughout the City is an integral part of the City's delivery of utility services to its citizens;

**WHEREAS**, there is a need in certain areas of the City for the expansion of water infrastructure for providing delivery of potable water utility services for drinking and other public services such as fire protection;

**WHEREAS**, there is a need within certain areas of the City for the expansion of wastewater utility infrastructure for providing the most efficient and cost-effective wastewater collection utility services;

**WHEREAS**, utilization of master plans for the expansion of water and wastewater lines and related infrastructure will provide for the most effective and cost-efficient method for the expansion of these public services;

**WHEREAS**, the use of master plans for the expansion of water and wastewater utility infrastructure will also provide relief to some existing infrastructure resulting in improving the efficiency of the overall systems and increasing the useful life of some existing infrastructure;

**WHEREAS**, the Subpart A, Chapter 38 IV of the City's Code of Ordinances ("Code") addresses the providing of utilities in the City;

**WHEREAS**, this Ordinance amends Chapter 38 of the Code by adding a new Article VI. Infrastructure Improvement Areas, as set forth in attached Exhibit "A", providing for the creation and designation of Infrastructure Improvement Areas;

**WHEREAS**, the City finds it to be within its police powers to establish regulations for infrastructure improvement areas to ensure the protection of the health, safety, and welfare of the general public;

**WHEREAS**, the City advertised public hearings to be held before the City Commission on September 10, 2018, and on September 24, 2018; and

**WHEREAS**, the City Commission has determined and found the Amendment in Exhibit “A” to be consistent with the City’s Comprehensive Plan; and

**WHEREAS**, for reasons set forth in this Ordinance it is hereby adopted and incorporated as Findings of Fact, that the Alachua City Commission finds and declares that the enactment of the Amendment in Exhibit “A” is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:**

**Section 1. Interpretation of Recitals**

The above recitals are true and correct and incorporated in this Ordinance.

**Section 2. Findings of Fact**

The City Commission finds that it is feasible and beneficial for economic development to occur in an organized, planned and cost-effective manner in allowing the creation of the Alachua East Wastewater Infrastructure Improvement Area, the Alachua West Wastewater Infrastructure Improvement Area, and the Alachua West Water Infrastructure Improvement Area (jointly “Areas”) as there is an opportunity for master planning the infrastructure in these Areas and multiple developments are anticipated, which will need these improvements and will contribute toward the funding of them.

**Section 3. Conclusions of Law**

The authority for the enactment of this Ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City’s Comprehensive Plan.

**Section 4. Amendment to the City Code of Ordinances**

The proposed Amendment to the City Code of Ordinances in attached Exhibit “A” is incorporated herein by reference.

**Section 5. Codification of and Correction of Scrivener’s Errors**

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this Ordinance. A corrected copy shall be posted in the public record.

**Section 6. Ordinance to be Construed Liberally**

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

**Section 7. Repealing Clause**

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

**Section 8. Severability**

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this Ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance, and the remainder of the Ordinance after the exclusions of such part or parts shall be deemed to be valid.

**Section 9. Effective Date**

This Ordinance shall take effect immediately upon its adoption by the City Commission, provided, however, it shall not apply to residential establishments and non-residential establishments for which building permits have already been issued by the City.

**Passed on First Reading the 10th day of September, 2018.**

**PASSED and ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this **24th day of September, 2018**.

CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA

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Gib Coerper, Mayor  
**SEAL**

**ATTEST:**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Adam Boukari, City Manager/Clerk

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Marian B. Rush, City Attorney