

ARTICLE X. - UTILITIES

Footnotes:

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State Law reference— *Municipal public works, F.S. Ch. 180; construction of utilities, F.S. § 180.04; kinds of activities authorized, F.S. § 180.06; franchises, F.S. § 180.14 et seq.; rates charged outside city, F.S. § 180.191.*

Sec. 140. - [Repealed by Ord. No. J-117, § 5, 8-15-1994, approved by referendum on 10-4-1994.]

Editor's note— The above section, pertaining to disposition of net revenues of utilities, was derived from Laws of Fla., § 1 of Ch. 59-1290; § 2 of Ch. 65-1557; and § 20 of Ch. 67-1391.

Sec. 141. - Light, heat and power.

The city commission shall have power to provide for lighting the streets, parks and public buildings of the city; and to establish, maintain and operate plants either within or without the corporate limits of the city for lighting and heating by electricity, gas, or any other method; and to supply the inhabitants of said city with artificial light, heat and power for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.

Sec. 142. - Waterworks.

The city commission shall have power to construct, establish and maintain waterworks and to bore and dig wells, construct reservoirs, lay pipes and do such other things as may be necessary, essential, or convenient, either within or without the corporate limits of said city, for procuring and distributing an abundant supply of good wholesome water to the inhabitants of said city for domestic, commercial, industrial, and fire protective purposes; and to make reasonable rates, prices and compensations for furnishing and supplying the same, including charges for private fire hydrants, standpipes and sprinkler systems rentals, and charges against the operation of the city for public fire hydrant rental and service, payment for which shall be provided in the annual budget.

Sec. 143. - Service of utilities to consumers outside of city.

The city commission shall have power to supply water, electricity, gas and sewer service for domestic and other purposes to individuals or corporations outside of the city and to charge and collect reasonable rates, prices and compensation therefor, including the costs or any part thereof for extension of said services, as determined by the city and upon such terms as may be imposed by the city, and the city commission may charge a different rate but not a lesser rate for such consumers than is charged for a like class of customers within the corporate limits of the city.

(Laws of Fla., Ch. 65-1557, § 2; Laws of Fla., Ch. 67-1391, § 21)

Amendment note—Ch. 65-1557, § 2, amended § 143 by permitting a different rate for consumers outside the city. Previously, said section required that a higher rate be charged. Ch. 67-1391, § 21, amended § 143 by adding sewer service, and by inserting the phrase "including the costs or any part thereof for extension of said services, as determined by the city and upon such terms as may be imposed by the city."

State Law reference— Rates charged consumers outside city limits, F.S. § 180.191.

Sec. 144. - Other utilities.

The city commission shall have the power to provide for such other public utilities as they may see fit including municipal ice plant, gas plant, slaughterhouses, cold storage plants, public markets, telephone and transportation systems, sewage collection systems and sewage disposal plants. They may construct, maintain, and operate any of such public utilities, provided, however, that in the event that there is at the time of the establishment such a utility in private hands operating in the city which would be in competition thereof, the city commission before establishing such a public utility shall submit the question of such establishment by the city to the qualified electors of the city at a general election of the city or special election called by the said city commission.

State Law reference— Construction or extension of utility, F.S. § 180.04; activities authorized under public works law, F.S. § 180.06.

Sec. 145. - Power to sell public utility plants.

The city commission may sell any public utility plant owned by the city and enter into contracts with the purchasers or owners of such plants for continued service to the city and its inhabitants, after the city commission has passed an ordinance in which is stated the terms of sale and purchase and the proposed contract for service, and after such ordinance has been submitted to the voters of the city and said ordinance has been ratified and approved by sixty (60) percent of the votes cast in such election.

The city commission shall guarantee any obligation secured by the revenues collected from the utility which is sold, and shall make any necessary arrangements for the payment and redemption of said obligation.

Any proceeds remaining after said obligations are met shall be deposited in an irrevocable trust account under the control of the city commission of the City of Fort Pierce. Said funds shall be invested at the highest rate of interest available in investments not prohibited by the Florida constitution or the laws of the State of Florida, and in accordance with the guidelines for fiduciary investments as set out in Chapter 518, Florida Statutes, 1975, entitled "Investment of Fiduciary Funds," and the income from said investments shall be distributed as follows: On an annual basis, eighty-five (85) percent of the income shall be distributed to the general government. Also on an annual basis, fifteen (15) percent shall be reinvested with the principal sum.

Said principal sum cannot be spent or pledged or in any way diminished unless any proposed expenditure is submitted to a vote of the qualified voters of the City of Fort Pierce and approval of sixty (60) percent of the votes cast in such election is secured.

(Laws of Fla., Ch. 59-1290, § 1; Ord. No. G-295, § 2, 9-20-1976)

Sec. 146. - [Repealed by Ord. No. G-296, § 2, 9-20-1976, approved by referendum on 11-2-1976.]

Sec. 147. - Public franchises.

The city commission shall have power to grant to persons or corporations the franchise for construction and operating any and all public utilities provided for by this charter or by the general laws of the State of Florida, but no franchise shall be granted for a longer period than thirty (30) years, and in granting such franchise the city commission shall reserve the right to prescribe reasonable charges for such service and to make reasonable regulations for the control and management of such utilities. Provided, however, that nothing in this section contained, with reference to the regulation or [of] rates or service, shall apply to any public utility, the rates or services of which are by law placed under the jurisdiction of the Florida Public Service Commission.

State Law reference— Franchises, F.S. § 180.14.

Sec. 148. - Forfeitures.

If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any of the terms of any such grant, the whole of such grant may thereupon be forfeited and annulled at the option of the city commission, to be expressed by resolution. All such grants shall make provision for the declaration of a forfeiture by the city commission for the violation by the grantee of any of the terms thereof.

Sec. 149. - General provisions.

Nothing in this charter contained shall operate in any way, except as herein specifically stated[,] to limit the city commission in the exercise of any of its lawful powers, respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the constitution of the state.