

ORDINANCE NO. 2014-04

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; ADOPTING MINIMUM SERVICE APPLICATION REQUIREMENTS; CLARIFYING AND RESTATING MINIMUM MONTHLY WATER AND SEWER CHARGES; CORRECTING SCRIVENER'S ERRORS; ADOPTING SECTIONS 74-99 AND 74-266, POLK CITY CODE; AMENDING SECTIONS 74-91, 74-97, 74-221, 74-263, AND 74-264, POLK CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

**SECTION 1. ADOPTING SEC. 74-99, POLK CITY CODE.** Sec. 74-99, of the Code of Ordinances of Polk City, Florida, is hereby adopted to read as follows:

**"Sec. 74-99. Wastewater Service; Terms and Conditions.**

The provisions of this Ordinance shall apply to the services and facilities of the wastewater system of the City within and without the corporate limits of the City. The City may extend wastewater service pursuant to the following terms and conditions:

(a) New Service Connection Charge; Temporary Service Generally. The City shall have the right to approve new connections to its wastewater system in the size and configuration as the City may determine, after consideration of all services to be served by the wastewater system of the City.

(b) Application for Wastewater Service; Application and Ordinances Constitute Contract Upon Acceptance. All applications for wastewater connections shall be made to the City by the Owner of the property to be served, in writing, on forms provided for those purposes and shall, among other things, state fully all the purposes for which such connections or wastewater service is required, and the location of the premises to be supplied, and shall be signed by the owner of the premises. Such application, when accepted by the City, upon its performance of the service applied for, shall, consistent with the terms of City Ordinances, constitute a contract between the applicant to pay the City for the services rendered, its prescribed rates therefore and to comply with all of the rules, regulations and ordinances applicable to such service. Tenants may make application, but the owner of the property must be a co-applicant for the service.

(c) Connection to Wastewater System After Disconnection From Such System or Other Utilities. No applicant for wastewater service from the wastewater system

of the City who has previously been disconnected from the wastewater system for nonpayment of wastewater charges or any other utility service shall be permitted to have a connection with the wastewater system until all such delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection charges as prescribed by ordinance, except as set forth in this section.

(d) Termination of Contract for Wastewater Service by Applicant. An applicant for wastewater service may terminate his contract for such service at any time by giving notice in writing to the City at its office in the City Hall building and by paying all amounts due for services up to the date of receipt of such notice by the City. In case such notice is not given or the bills due for services are not paid, then such user shall continue liable for wastewater service thereafter and for the minimum monthly rate or charge in case no wastewater service is utilized, even though he may vacate the premises or the premises may be occupied by other parties who fail to make application for service. Verbal notices shall not be binding upon the City.

(e) Right of City to Terminate Water and Wastewater Service. The City shall have the right to temporarily discontinue water and wastewater service at any time for the purpose of making repairs or extensions or for other purposes incidental to the water supply, and will not be responsible for any damage resulting therefrom. The City shall have the right to terminate water and wastewater service for the protection of the City where the consumer has been found to be using water or wastewater service illegally and to assess the regular schedule of fees for restoration of service.

(f) Terms of Service. Any such application or agreement shall be subject to all the provisions of this chapter and of the rate schedules, and the terms and conditions thereof shall be binding upon the City as well as upon the customer."

**SECTION 2. AMENDMENT TO SEC. 74-91, POLK CITY CODE.** Sec. 74-91, of the Code of Ordinances of Polk City, Florida, is hereby amended to read as follows:

**"Sec. 74-91. Wastewater Rates Established; Minimum Monthly Charges.**

- (a) The rate structure for sewer wastewater service within the city shall be amended by ordinance of the City ~~council~~ Commission. All customer billings for sewer wastewater services issued by the city through its utility franchise shall reflect and be based upon the rates set forth in this article and made a part hereof.
- (b) Rates for commercial sewer wastewater services shall be based upon water usage.



- (c) Once connection is established with the wastewater system, the customer shall be required to pay a minimum monthly charge equal to the base monthly charge for each month there is no consumption or use of service.

**SECTION 3. AMENDMENT TO SEC. 74-222, POLK CITY CODE.** Sec. 74-222, of the Code of Ordinances of Polk City, Florida, is hereby amended to read as follows:

**"Sec. 74-222. Water Rates Established; Minimum Monthly Charges.**

The rates and charges for the use and service of the water system of the ~~town~~ City shall be based on the minimum charges or the amount of water supplied to the user by the city waterworks system as shown on the meter reading for each month. Water rates shall be reviewed from time to time as required by ~~town council~~ City Commission and any subsequent revisions thereto shall be by ordinance. Once connection is established with the waterworks system, the customer shall be required to pay a minimum monthly charge equal to the base monthly charge for each month there is no consumption or use of service.

**SECTION 4. AMENDMENT TO SEC. 74-263(a), POLK CITY CODE.** Sec. 74-263(a), of the Code of Ordinances of Polk City, Florida, is hereby amended by changing the title of EXHIBIT A to read "INSIDE AND OUTSIDE CITY LIMITS."

**SECTION 5. ADOPTION OF NEW SEC. 74-266, POLK CITY CODE.** Sec. 74-266, of the Code of Ordinances of Polk City, Florida, is hereby adopted to read as follows:

**"Sec. 74-266. Water Service; Terms and Conditions.**

The provisions of this Ordinance shall apply to the services and facilities of the water system of the City within and without the corporate limits of the City. The City may extend water service pursuant to the following terms and conditions:

(a) New Service Connection Charge; Temporary Service Generally. The City shall have the right to approve new connections and meter installations to its water system in the size and configuration as the City may determine, after consideration of all services to be served by the water system of the City.

(b) Application for Water Service; Application and Ordinances Constitute Contract Upon Acceptance. All applications for water connections and meters

shall be made to the City by the Owner of the property to be served, in writing, on forms provided for those purposes and shall, among other things, state fully all the purposes for which such connections or water service is required, and the location of the premises to be supplied, and shall be signed by the owner of the premises. Such application, when accepted by the City, upon its performance of the service applied for, shall, consistent with the terms of City Ordinances, constitute a contract between the applicant to pay the City for the services rendered, its prescribed rates therefore and to comply with all of the rules, regulations and ordinances applicable to such service. Tenants may make application, but the owner of the property must be a co-applicant for the service.

(c) Connection to Water System After Disconnection From Such System or Other Utilities. No applicant for water service from the water system of the City who has previously been disconnected from the water system for nonpayment of water charges or any other utility service shall be permitted to have a connection with the water system until all such delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection charges as prescribed by ordinance, except as set forth in this section.

(d) Termination of Contract for Water Service by Applicant. An applicant for water service may terminate his contract for such service at any time by giving notice in writing to the City at its office in the City Hall building and by paying all amounts due for services up to the date of receipt of such notice by the City. In case such notice is not given or the bills due for services are not paid, then such user shall continue liable for electricity consumed thereafter and for the minimum monthly rate or charge in case no water is consumed, even though he may vacate the premises or the premises may be occupied by other parties who fail to make application for service. Verbal notices shall not be binding upon the City.

(e) Right of City to Terminate Water and Wastewater Service. The City shall have the right to temporarily discontinue water and wastewater service at any time for the purpose of making repairs or extensions or for other purposes incidental to the water supply, and will not be responsible for any damage resulting therefrom. The City shall have the right to terminate water and wastewater service for the protection of the City where the consumer has been found to be using water or wastewater service illegally and to assess the regular schedule of fees for restoration of service.

(f) Terms of Service. Any such application or agreement shall be subject to all the provisions of this chapter and of the rate schedules, and the terms and conditions thereof shall be binding upon the City as well as upon the customer."

**SECTION 6. AMENDMENT TO SEC. 74-97, POLK CITY CODE.** Current Sec. 74-97, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

**“Sec. 74-97. ~~Sewer availability charge (SAC)~~ Sewer Readiness to Serve Charge.**

(a) Charge established. For the purpose of ~~providing funds for more~~ equitably allocating the existing debt applicable to the city's City's wastewater treatment, force mains, lift stations and sewage collection systems, and the plant and facilities connected therewith, and the payment of ~~capital charges represented by debt service on bonds, certificates of indebtedness or otherwise,~~ which may be used to finance the sewer system costs of ~~additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof,~~ there is hereby imposed upon each developable lot, parcel of land, or premises that does not have its own septic tank or sewer service by the City but having the immediate availability for connection with the city's City's public sewer system, a ~~sewer availability charge (SAC)~~ Sewer Readiness to Serve Charge (SRSC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property. The SRSC established under this section shall not be applied to any unimproved lot, parcel of land, or premises located outside of the City's boundaries.

(b) Determination and administration of charge. The ~~availability~~ readiness to serve charge as hereinabove authorized shall be imposed in lieu of the user charges for sewer service and shall be determined and administered as follows:

(1) Payment required:



a. Payment required prior to connection. Prior to the issuance of the applicable permit and before connecting to the ~~city's~~ City's sewer system, all ~~sewer availability charges~~ SRSC's as hereinafter provided for shall be paid.

b. The ~~availability charge~~ SRSC shall equal the base monthly charge of the sewer fees as determined by rate studies and set by city ~~council~~ commission multiplied by 12 months.

c. The ~~availability charge~~ SRSC shall be invoiced on an annual basis the first year and each subsequent year until such time as the parcel or lot has been issued a construction permit.

~~d. Change by resolution. Any change in the city sewer availability charge, as hereinafter set forth shall be by council resolution.~~

(2) Determination of charge:

a. Residential lots. The amount of the ~~availability charge~~ SRSC shall be determined by the ~~city~~ City to be one ERC per parcel or lot based on the typical three-quarter-inch meter.

b. Commercial lots. The amount of the ~~availability charge~~ SRSC shall be determined by the city to be two ERC per acre based on the typical two-inch commercial meter.

(3) Credit: The City may grant a credit against SRSC's to be paid equal to but not exceeding the amount of sewer connection charges paid to the City by the lot or parcel owner for any lot or parcel connected to and receiving service from the City. This shall be known as the "Sign up and Save Program."

(c) Obligation to Serve: The City shall have no obligation to provide sewer service to any lot, parcel of land, or premises for which the SRSC has not been paid in full.

(d) Authority to levy special assessment: Pursuant to its home-rule power and other statutory authority, including (but not limited to) Section 170.01 of

Florida Statutes, the City is hereby authorized to levy special assessments from time to time in connection with its sewer system. Without limiting the generality of the foregoing, the special assessment shall be levied only on real property benefiting from the availability of the City's sewer system. The rate of such assessments shall be based on the special benefit accruing to the assessed property from such improvements and the availability of the sewer system. Collections of the special assessment levied under this subsection against property lying outside the City's boundaries shall not take place unless and until the specially benefited property connects to the capital improvement. If levied, the special assessment shall be in lieu of the SRSC. All such special assessments levied by the City prior to the enactment of this subsection are ratified, validated, and confirmed.

**SECTION 7. AMENDMENT TO SEC. 74-264, POLK CITY CODE.**

Current Sec. 74-264, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

**~~"Sec. 74-264. Water availability charge (WAC)~~ Water Readiness to Serve Charge.**

(a) Charge established. For the purpose of ~~providing funds for more~~ equitably allocating the existing debt applicable to the city's City's wells, water treatment, water storage and water distribution systems, and the plant and facilities connected therewith, and the payment of capital charges represented by debt service on bonds, certificates of indebtedness or otherwise, which may be used to finance the water system costs ~~of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof~~, there is hereby imposed upon each developable lot, parcel of land, or premises that does not have its own well and/or water service by the City but having the immediate availability for connection with the city's City's public water system, a ~~water availability charge (WAC)~~ Water Readiness to Serve Charge (WRSC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment

levied against the property. The WRSC established under this section shall not be applied to any unimproved lot, parcel of land, or premises located outside of the City's boundaries.

(b) Determination and administration of charge. The ~~availability~~ readiness to serve charge as hereinabove authorized shall be imposed in lieu of the user charges for water service and shall be determined and administered as follows:

(1) Payment required:

a. Payment required prior to connection. Prior to the issuance of the applicable permit and before connecting to the ~~city's sewer~~ City's water system, all ~~water availability charges~~ WRSC's as hereinafter provided for shall be paid.

b. The ~~availability charge~~ WRSC shall equal the base monthly charge of the water fees as determined by rate studies and set by city ~~council~~ commission multiplied by 12 months.

c. The ~~availability charge~~ WRSC shall be invoiced on an annual basis the first year and ~~shall be included on the tax bill in~~ each subsequent year until such time as the parcel or lot has been issued a construction permit.

~~d. Change by resolution. Any change in the city water availability charge, as hereinafter set forth shall be by council resolution.~~

(2) Determination of charge:

a. Residential lots. The amount of the ~~availability charge~~ WRSC shall be determined by the ~~city~~ City to be one ERC per parcel or lot based on the typical three-quarter-inch meter.

b. Commercial lots. The amount of the ~~availability charge~~ WRSC shall be determined by the ~~city~~ City to be two ERC per acre based on the typical two-inch commercial meter.



(3) Credit: The City may grant a credit against WRSC's to be paid equal to but not exceeding the amount of water impact fees paid to the City by the lot or parcel owner for any lot or parcel connected to and receiving service from the City. This shall be known as the "Sign up and Save Program."

(c) Obligation to Serve: The City shall have no obligation to provide water service to any lot, parcel of land, or premises for which the WRSC has not been paid in full.

(d) ) Authority to levy special assessment: Pursuant to its home-rule power and other statutory authority, including (but not limited to) Section 170.01 of Florida Statutes, the City is hereby authorized to levy special assessments from time to time in connection with its water system. Without limiting the generality of the foregoing, the special assessment shall be levied only on real property benefiting from the availability of the City's water system. The rate of such assessments shall be based on the special benefit accruing to the assessed property from such improvements and the availability of the water system. Collections of the special assessment levied under this subsection against property lying outside the City's boundaries shall not take place unless and until the specially benefited property connects to the capital improvement. If levied, the special assessment shall be in lieu of the SRSC. All such special assessments levied by the City prior to the enactment of this subsection are ratified, validated, and confirmed.

**SECTION 8. 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 9. CONFLICTING ORDINANCES AND RESOLUTIONS.** All

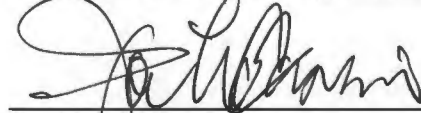
existing ordinances and resolutions of the City of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage.

**PASSED ON FIRST READING** this 19<sup>th</sup> day of May,  
2014.

**PASSED ON SECOND READING** this 16<sup>th</sup> day of June,  
2014.

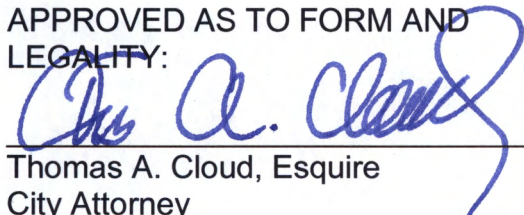
**CITY OF POLK CITY, FLORIDA**

  
\_\_\_\_\_  
Joseph LaCascia, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Patricia Jackson, City Clerk

**APPROVED AS TO FORM AND  
LEGALITY:**

  
\_\_\_\_\_  
Thomas A. Cloud, Esquire  
City Attorney