

ORDINANCE 1246

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA AMENDING CHAPTER 74, UTILITIES, ARTICLE II, SEWER; SECTION 74-91 ESTABLISHED; SECTION 74-94 PAYMENT OF FEES AND BILLS REQUIRED; ARTICLE IV, WATER, SECTION 74-202 RESERVE AREA; SECTION 74-203 ENFORCEMENT OF DIVISION; SECTION 74-204 DRILLING AND DIGGING OF WELLS PROHIBITED; EXCEPTIONS; SECTION 74-221 CONNECTIONS WITH WATERWORKS SYSTEM; MINIMUM WATER RATES; SECTION 74-251, DEPOSITS REQUIRED; SECTION 74-255, RECONNECTION CHARGES; SECTION 74-257, DELINQUENT CHARGE; AND SECTION 74-261, PAYMENT OF FEES AND BILLS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA THAT:

SECTION 1 AMENDMENTS

The following sections of the code shall be amended as follows:

ARTICLE II SEWER

Sec. 74-91. Established.

The rate structure for sewer service within the city shall be amended by resolution of the city council. All customer billings for sewer services issued by the city through its utility franchise shall reflect and be based upon the following established rates Exhibit A attached hereto and made a part hereof.

~~(1) Residential. Rates for residential sewer services shall be based upon water usage, as follows:~~

~~a. Residential users with water meters:~~

TABLE INSET:

Water	Sewer Rate Inside City Limits	Sewer Rate Outside City Limits
First 8,000 gallons	\$36.69 per month (minimum bill)	\$45.86 per month (minimum bill)
Next 4,000 gallons	6.11 per 1,000 gallons	7.63 per 1,000 gallons
Over 12,000 gallons	61.15 per month (maximum bill)	76.43 per month (minimum bill)

~~b. Residential customers without a water meter shall be charged at a flat rate of \$41.60 per month for inside city residents and \$52.00 for outside city residents.~~

~~c. All users with water meters larger than three-fourths inch will be billed at the commercial rate set forth in subsection (2) of this section.~~

~~(2) Commercial. Rates for commercial sewer services shall be based upon water usage, as follows:~~

~~depicted in Exhibit A attached hereto and made a part hereof.~~

TABLE INSET:

Water	Sewer Rate Inside	Sewer Rate Outside
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	City Limits—	City Limits—
First 10,000 gallons—	\$61.15 per month (minimum bill)- -	\$76.43 per month (minimum bill)- -
Each additional 1,000 gallons- -	6.11 per 1,000 gallons—	7.63 per 1,000 gallons—

Sec. 74-92. Payment of fees and bills required.

~~Bills for the monthly charges and fees set forth in section 74-91 shall be submitted and shall be payable on the tenth day of each month. If such monthly bill shall remain unpaid on and after the 15th day of the month for such service, a penalty of \$10.00 shall be imposed and added to such bill, and the water service to the consumer shall be subject to discontinuance and shall not be reconnected after discontinuance until all past due sewage disposal fees are fully paid, together with the charge of \$10.00.~~

- (a) Utility bills for monthly charges and fees shall be submitted by the clerk and shall be paid by the users monthly. All bills for service shall be due by 2pm on the 25th of each month. All payments received after 2pm will be credited the next business day
- (b) All utility bills not received by 2pm on the 25th of the month shall be considered delinquent and be subject to the delinquent charge. If the payment due on the 25th has not been received by the 5th of the next month, then the utility service will be subject to disconnection on the next business day. In all cases where water is subject to cut-off, due to nonpayment, a service charge of fifty dollars (\$50.00) shall be made without regard to whether the service is off or on. Once utility service is cutoff due to nonpayment, the reconnect fee will also apply.
- (c) Each month the city shall render a joint bill for water service, sewer service and solid waste service. When the billing is for more than one of these three services, the city shall not accept payment for any one service separately from another service or other services included in the joint bill for all services rendered.
- (d) After a customer has been delinquent three times in a calendar year, the customer's deposit will be adjusted to the current utility deposit schedule.

ARTICLE IV WATER

Sec. 74-202. Reserve area.

- (a) There is hereby created under authority of F.S. § 180.02 an area defined as the "City of Polk City Water and Wastewater Chapter 180 Reserve Area" for the purpose of delivering to that area water and wastewater services and exercising within that area the powers provided by law.
- (b) Whenever reference is made herein to the city reserve area, such reference shall be construed to mean the City of Polk City Water and Wastewater Chapter 180 Reserve Area.
- (c) The city reserve area shall include property in the county depicted in exhibit A, printed at the end of this section.

- (d) The city reserve shall not extend for more than five miles from the corporate limits of the city, as amended from time to time.
- (e) None of the city reserve area includes any area within the city limits of any other incorporated municipality.
- (f) The city reserve area does not include any area currently being provided water and or wastewater utility services by the county or private entities.
- (g) Water and sewer availability:
 - (1) To the full extent provided by law, all buildings and structures, which are located or constructed on property in the city reserve area and which are adjacent to a public right-of-way or easement, are hereby required, except as provided in subsections (2) and (3), to connect with and use the services and facilities of the city water and wastewater systems in order to preserve the health, safety, and welfare of the citizens and inhabitants of the city reserve area.
 - (2) A water main or gravity sewer is considered adjacent or available to a property when it is located anywhere in a public right-of-way or easement adjoining the property.
 - (3) If a water main is adjacent or available to a property, and a building or structure located on that property is connected to an individual well, then that building or structure will be required to be connected to the city water system ~~when the well system fails, becomes contaminated or experiences a dry well condition or any permit is requested for a replacement well.~~ If a gravity sanitary sewer is adjacent or available to a property, and a building or structure located on that property is connected to a septic tank system, then that building or structure will be required to be connected to the city's wastewater system ~~when the septic tank fails or any permit is requested for a septic tank or drainfield replacement or~~ within one year of notification of availability whichever is sooner.

Sec. 74-203. Enforcement of division.

Every code enforcement officer in their service areas governed by this division shall, in connection with all other duties imposed by law, diligently enforce the provisions of this division. In addition the city may also delegate enforcement responsibility for this division to agencies and departments in the service areas governed by this division, in accordance with state and local law.

Sec. 74-204 Drilling and digging of wells prohibited; exceptions.

In order to ensure the city and its inhabitants of receiving and having furnished to them an abundant supply of safe, good quality water, and to prevent the diminishment of the water supply to the city and city residents from the aquifer and underground streams, the drilling or digging of wells is prohibited within the city utility service area limits, subject to the following exceptions:

- (1) By residential users, if the city water lines do not extend to the property in question. In the event said water line becomes available, the property owner shall connect to the city's water system in accordance with this chapter within 90 days' notice from the city to do so. This exception shall not apply to owners or developers of commercial properties, planned unit developments or subdivisions approved after the effective date of this section as said extension of lines shall be paid by the developer/owner as a condition of their approval.
- (2) For bona fide agricultural purposes involving sales of agricultural products to third parties and subject to notice, application and affirmative vote by the city commission.
- (3) The drilling of wells by governmental agencies for parks and recreation and as necessary for the best interests of the citizens of the city.
- (4) The drilling of monitoring wells for the purpose of testing ground or aquifer contamination.
- (5) The drilling of a water well for use in conjunction with a water source heat pump, provided the water is returned to the same source in the aquifer by an injection well.

Sec. 74-221. Connections with waterworks system; minimum water rates.

Where it is available, the owner of every lot or parcel of land within the city may shall connect, or cause the plumbing or any building or buildings thereon to be connected, with the municipal waterworks system of the city, and use the facilities of such waterworks system. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the city council, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the council may fix and determine. This section shall not be construed to entitle any person to cross the private property of another to make such water connections. Everyone within the limits of the waterworks system shall be required to pay the minimum water rates, regardless of their private water sources.

Sec. 74-251. Deposits required.

A deposit as herein provided in this section shall be paid at the time of each application for solid waste, sewer and water service. This sum shall be retained in a special account to insure payment of all charges. When service is permanently discontinued, this deposit, less any accumulated charges, shall be refunded to the ratepayer:

TABLE INSET:

	Inside City Limits	Outside City Limits
Owner Occupied Residential Customers	\$150.00	\$175.00
Tenant Occupied Residential Customers	225.00	250.00
Commercial Customers	300.00	350.00

Industrial Customers	350.00	400.00
Multiunit Customers*	300.00	350.00
High Risk Properties**	2 times the previously listed deposit amount	2 times the previously listed deposit amount

* Multiunit customers shall include, but not be limited to, apartment complexes, hotels, motels, and congregate or assisted living facilities.

** High risk properties shall include those customers or properties that have a bad credit report through verifying mechanisms and services and/or those customers or properties that have a delinquent or bad check history with the city. The city has the right at any time to request an additional deposit to bring the customer's current deposit up to the 'high risk property' deposit amount if the customer's account has been delinquent or the city receives a bad check from the customer. If the customer fails to pay the requested additional 'high risk property' deposit amount, the city has the right to disconnect the utility service to the customer, and then other applicable fees may be applied to the customer's utility account.

Sec. 74-255. Reconnection charges.

In the event water utility service has been terminated or otherwise interrupted by the city for nonpayment of account or if a customer appears on the cutoff list, a charge of \$50.00 is hereby imposed for the reconnection of water utility service. If reconnection is requested outside the city's normal business hours, then the \$100.00 After Business Hours Activation fee as described in Section 74-256 also applies.

Section 74-257. Delinquent charge

A service charge of five dollars (\$5.00) shall be applied to a customer's bill if such bill is not paid upon delinquency. A bill is considered delinquent ~~on the date immediately following the due date~~ after 2pm on the 25th of each month. Payments received after 2pm are credited on the next business day.

Sec. 74-261. Payment of fees and bills.

- (e) Utility bills for monthly charges and fees shall be submitted by the clerk and shall be paid by the users monthly. All bills for service shall be due by the 10th of each month 2pm on the 25th of each month. All payments received after 2pm will be credited the next business day
- (f) All utility bills not received by ~~the 10th~~ 2pm on the 25th of the month shall be considered delinquent ~~and shall be mailed a notice of intent to disconnect service~~ and be subject to the delinquent charge. If the payment due on the 25th has not been received by the 5th of the next month, then the utility service will be subject to disconnection on the next business day. The City of Polk City will no longer process late notices or send a notice of intent to disconnect service. In all cases where water is subject to cut-off, due to nonpayment, a service charge of fifty dollars (\$50.00) shall be made without regard to whether the service is off or on. Once utility service is cutoff due to nonpayment, the reconnect fee will also apply.

- (g) Each month the city shall render a joint bill for water service, sewer service and solid waste service. When the billing is for more than one of these three services, the city shall not accept payment for any one service separately from another service or other services included in the joint bill for all services rendered.
- (h) After a customer has been delinquent three times in a calendar year, the customer's deposit will be adjusted to the current utility deposit schedule.
- (i) ~~Governmental entities shall be given an additional 15 days in which to pay utility bills, so that all bills for governmental units are paid within 45 days.~~

SECTION 2 – SEVERABILITY

If any subsection, 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 of this ordinance.

SECTION 3 - EFFECTIVE DATE

This ordinance shall take effect immediately upon final passage.

INTRODUCED AND PASSED on the first reading this 24TH day of February 2009.

City Council of the City of Polk City
 By: Donald L. Penton
 Donald L. Penton, Mayor

ATTEST:
Patricia Jackson
 Patricia Jackson, Interim City Clerk

PASSED AND CERTIFIED AS TO PASSAGE on the second and final reading on this 10th day of March 2009.

City Council of the City of Polk City
 By: Donald L. Penton
 Donald L. Penton, Mayor

ATTEST:
Patricia Jackson
 Patricia Jackson, Interim City Clerk

APPROVED AS TO CORRECTNESS AND FORM

Jeff Sullivan
 Jeff Sullivan, City Attorney

EXHIBIT A

FY 2009 Rate Schedule (Effective Date March 1 2009)

WATER CHARGES			
Base Monthly Charges			
Meter Size	Residential	General Service	Irrigation Meters
3/4 Inch	\$ 10.13	\$ 10.13	\$ 10.13
1.0 Inch	\$ 25.33	\$ 25.33	\$ 25.33
1.5 Inch	\$ 50.65	\$ 50.65	\$ 50.65
2.0 Inch	\$ 81.04	\$ 81.04	\$ 81.04
3.0 Inch	\$ 162.08	\$ 162.08	\$ 162.08
4.0 Inch	\$ 253.25	\$ 253.25	\$ 253.25
6.0 Inch	\$ 506.50	\$ 506.50	\$ 506.50
8.0 Inch	\$ 810.40	\$ 810.40	\$ 810.40
Usage Charges			
Monthly Usage	Residential	General Service	Irrigation Meters
Block 1	1 - 6,000	All Use	See Table Below for Use By Meter Size (Up to 4")
Block 2	6,001 - 12,000	N/A	
Block 3	12,001 - 18,000	N/A	
Block 4	>18,000	N/A	
Rate Per 1,000			
Gallons	Residential	General Service	Irrigation Meters
Block 1	\$ 1.55	\$ 3.10	\$ 3.10
Block 2	\$ 3.10	N/A	\$ 5.42
Block 3	\$ 5.42	N/A	\$ 8.67
Block 4	\$ 8.67	N/A	N/A

SEWER CHARGES		
Base Monthly Charges		
Meter Size	Residential	General Service
3/4 Inch	\$ 20.56	\$ 20.56
1.0 Inch	\$ 51.40	\$ 51.40
1.5 Inch	\$ 102.80	\$ 102.80
2.0 Inch	\$ 164.48	\$ 164.48
3.0 Inch	\$ 328.96	\$ 328.96
4.0 Inch	\$ 514.00	\$ 514.00
6.0 Inch	\$ 1,028.00	\$ 1,028.00
8.0 Inch	\$ 1,644.80	\$ 1,644.80
Usage Charges		
Monthly Usage	Residential	General Service
Block 1	1 - 6,000	All Use
Block 2	6,001 - 12,000	N/A
Block 3	>12,001	N/A
Rate Per 1,000		
Gallons	Residential	General Service
Block 1	\$ 5.77	\$ 8.65
Block 2	\$ 11.54	N/A
Block 3	N/A	N/A

Irrigation Use Ranges by Meter Size						
Monthly Usage (Gallons)	3/4"	1"	1.5"	2"	3"	4"
Block 1	1 - 6,000	1 - 15,000	1 - 30,000	1 - 48,000	1 - 96,000	1 - 150,000
Block 2	6,001 - 12,000	15,001 - 30,000	30,001 - 60,000	48,001 - 96,000	96,001 - 192,000	150,001 - 300,000
Block 3	>12,001	>30,000	>60,000	>96,000	>192,000	>300,000

(1) Water Rates Would Be Adjusted By The Greater Of 6% Or CPI At The Beginning Of Each Fiscal Year, Starting October 1, 2009. Sewer Rates Would Increase By The Grater Of 4% Or CPI At The Beginning Of Each Fiscal Year, Starting October 1, 2009.

(2) Rates Shown Above Are For Customers Inside The City Limits. Rates Applicable To Customers Outside The City Limits Are Subject To A 25% Surcharge As Authorized By The Florida State Statute Unless Otherwise Agreed.