

ORDINANCE 2012-1290

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; AMENDING CHAPTER 74, UTILITIES; AMENDING SECTION 74-251, DEPOSITS REQUIRED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDMENT TO SEC. 74-251, POLK CITY CODE. Section 74-251, of the Code of Ordinances, City of Polk City, Florida, is hereby amended to read as follows:

“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 <u>150.00</u>
Tenant Occupied Residential Customers	225 <u>150.00</u>	250 <u>150.00</u>
Commercial Customers	300.00	350.00
Industrial Customers	350.00	400.00
Multiunit Customers*	300.00	350.00
High Risk Customers**	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 customers shall include those customers or tenants that have a bad credit report through verifying mechanisms and services and/or those customers or tenants 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 customer’ 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 customer' 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. "

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.

PASSED ON FIRST READING this ____ day of _____, 2012.

PASSED ON SECOND READING this ____ day of _____, 2012.

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