

ORDINANCE NO. \_\_\_\_\_

PROPOSED ORDINANCE 17-007

AN ORDINANCE RELATING TO STORMWATER MANAGEMENT; AMENDING SECTION 3. OF ORDINANCE 4118 RELATING TO DEFINITIONS; AMENDING SECTION 7. OF ORDINANCE 4118 RELATING TO BILLING AND PAYMENT; REPEALING ORDINANCE 4150; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

**SECTION 1.** Section 3. of Ordinance 4118 is amended as follows:

SECTION 3. Definitions

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***Developed Property*** means real property which has been altered from its "natural" state by the addition of any improvements, such as a building, structure, or impervious surface. For new construction, property shall be considered developed pursuant to this Ordinance: (1) upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or (2) if construction is at least 50 percent complete and construction is halted for a period of three (3) months. (3) Any dwelling or any place of business that has permanent electric and/or water service shall be deemed occupied and considered developed for purposes of this definition.

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**SECTION 2.** Section 7. of Ordinance 4118 is amended as follows:

SECTION 7. Billing and Payment; Penalties

The Utility Fee will be billed to the owner, tenant or occupant of each lot or parcel subject to the fee and to whom other City utility services are billed. All Stormwater Utility Customers, except those exempted by Section 6.D., shall be rendered bills or statements for the use of these services and facilities of the System by the City's Electric Department, which shall be a combined monthly bill for City utility service(s) and Stormwater Utility Fees. If the combined monthly bill is not paid within the time prescribed therein, the City shall discontinue all utility

services to said customer, including but not limited to electric, garbage collection, water and/or wastewater. No partial payments of the combined utility bill shall be acceptable and failure to pay any portion of the combined utility bill shall be deemed to be failure to pay the entire utility bill. In the absence of a billing for City services other than the Stormwater Utility Fee, no separate billing shall be made to a Residential Utility Customer for the Stormwater Utility Fee; however, in the instance of a non-residential property, attached residence or mobile home which is not being billed for City services but is situated on a parcel which is being billed to the owner or manager for City services, the Stormwater Utility Fee shall be added to that billing.

**SECTION 3. Conflicts**

Ordinance 4150 is hereby repealed. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of any such conflict.

**SECTION 4. Effective Date**

This Ordinance shall take effect on February 6, 2017.

**PASSED AND CERTIFIED AS TO PASSAGE** this 6th day of February, A.D. 2017.

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R. HOWARD WIGGS, MAYOR

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
TIMOTHY J. McCAUSLAND  
CITY ATTORNEY