

**ORDINANCE NO. 17-10**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE COUNTY, FLORIDA, AMENDING THE EUSTIS CODE OF ORDINANCES, CHAPTER 94 “UTILITIES” AND ADDING SECTION 94-261 “WATER, WASTEWATER AND IRRIGATION LIENS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes Chapter 180 provides municipalities with the authority to establish and operate water utility systems; and

**WHEREAS**, Florida Statutes 159.17 *Lien of Service Charges* requires any city issuing revenue bonds shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such city in the manner provided by the laws of Florida for the foreclosure of mortgages on real property; and

**WHEREAS**, the City of Eustis has issued Water and Sewer Series 2016 Revenue Bonds; and

**WHEREAS**, as authorized by state law, there is hereby imposed a lien on each property that is served by the City’s water, wastewater, and/or irrigation system to secure the payment of delinquent City utility services; and

**WHEREAS**, the City Commission finds it in the best interest of the City to establish water, wastewater and irrigation liens as established by Florida Statute.

**NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:**

Section 1. Sections 94-261 “Reserved” is deleted in its entirety and replaced as follows:

**Sec. 94-261 – Water, Wastewater, and Irrigation Liens**

As authorized by F.S. 159.17 *Lien of Service Charges*, a lien is hereby imposed ~~a lien~~ on each property that is served by the City's water, sewer and/or irrigation system to secure the payment of delinquent City utility services.

- (a) All water, wastewater, and/or irrigation charges shall be due and payable within 28 days following the date of billing. There shall be added to and collected on each and every charge a late fee of \$5 or 5% of bill, whichever is greater.
- (b) If failure to pay the water, wastewater, and/or irrigation charges continues for a period of 90 days from when said charges are due, the City shall send the property owner a notice that a

lien for the unpaid charges shall be placed upon the real property so served. This notice shall be sent by certified mail, return receipt requested. If within 10 days of the mailing of the certified letter, the City has not received payment in full, the City shall be entitled to impose a lien.

- (c) Said lien for delinquent utility bills, shall not apply to any category of real property owner specifically exempted from such a lien pursuant to the provisions of state law, including:
  - 1. Property of which service was connected in a tenant's name, after notice by the property owner to the city that the property is rental property;
  - 2. Property with delinquent bills incurred by a tenant of the property prior to the effective date of this section.
- (d) The City's lien for delinquent utility bills shall be perfected by filing in the Public Records of Lake County, Florida, a notice of lien containing the legal description of the property and the utility's account number for the delinquent charges. Said lien may include late fees, attorney's fees, penalties, interest, and collection costs.
- (e) The City's lien shall be a continuing lien on the property and shall include and secure all subsequent utility charges, base rates, and related penalties incurred on the subject property until the lien is satisfied. The lien shall have such priority over all other liens on such lands or premises served except the lien relating to State, County, and municipal taxes and shall be on a parity with the lien of such State, County and municipal taxes.

*Release of lien.*

- (a) Whenever a person or entity pays all principal, interest, the filing fee, and associated costs of a lien validly filed pursuant to this section, the Manager of Customer Service or designee shall execute a release of that lien and surrender it to the paying party.
- (b) The City shall not be responsible for filing the release.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. The City Commission of the City of Eustis intend that the provisions of this Ordinance shall become and be made part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other appropriate word or phrase to accomplish such intentions.

Section 5. This Ordinance shall become effective immediately on passing.

Section 6. This Ordinance shall be published in accordance with the requirements of law.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 7th day of September, 2017.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

\_\_\_\_\_  
Robert R. Morin, Jr.  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7th day of September, 2017, by Robert R. Morin, Jr., Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires: \_\_\_\_\_  
Notary Serial No: \_\_\_\_\_

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance No. 17-10 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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Mary C. Montez, City Clerk