

**CITY OF DELAND**  
**Request for Commission Action**  
**March 16, 2026**

**SUBJECT:** First Reading of Ordinance Amending Section 30-7(f) of the Code of Ordinances.

**DEPARTMENT:** Legal

**PREPARED BY:** Darren Elkind, City Attorney

**ATTACHMENTS:** Ordinance

**APPROVED BY:** Michael Pleus, City Manager, March 10, 2026

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**SUMMARY/HIGHLIGHT:**

On July 14, 1994, the City entered into an interlocal agreement with Volusia County related to the City's provision of potable water, reclaimed water and wastewater utility services outside the corporate limits of the City. This agreement is generally referred to as the Utility Service Agreement. That agreement was amended on November 7, 2022, for the purpose of, amongst many other items, adjusting the areas of unincorporated Volusia County in which the City will provide utility services. Section 30-7(f) of the Code of Ordinances of the City of DeLand contains a reference to the Utility Service Agreement which specifically references its original execution date and it is necessary to amend said provision of the Code of Ordinances to include a reference to the 2022 amendment. This ordinance accomplishes that amendment.

**STRATEGIC PLAN FOCUS AREA/ACTION STEP:**

High value government

**SUSTAINABILITY:**

N/A

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Approve the attached ordinance.

**BACKGROUND/DISCUSSION:**

There is no specific issue which precipitated this ordinance at this time and this is simply a matter of "housekeeping."

**ORDINANCE NO. 2026 -**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING SECTION 30-7 “WATER AND SEWER SERVICE AVAILABILITY; REQUIREMENT FOR CONNECTION AND ANNEXATION” OF THE CODE OF ORDINANCES OF THE CITY OF DELAND BY REVISING THE REFERENCE TO THE UTILITY SERVICE AREA AGREEMENT BETWEEN THE CITY OF DELAND AND VOLUSIA COUNTY TO REFLECT THE AMENDMENT TO THAT AGREEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 14, 1994, the City of DeLand and Volusia County entered into an interlocal agreement related to the City’s provision of potable water, reclaimed water and wastewater utility services outside the corporate limits of the City (the “Utility Service Agreement”); and

**WHEREAS**, one of the elements of the Utility Service Agreement is defining the areas of unincorporated Volusia County in which the City will provide utility services; and

**WHEREAS**, on November 7, 2022, the City and County entered into an Amendment to the Utility Service Agreement and, amongst other things, the City and County adjusted the areas of unincorporated Volusia County in which the City will provide utility services; and

**WHEREAS**, Section 30-7(f) of the Code of Ordinances of the City of DeLand contains a reference to the Utility Service Agreement which specifically references its original execution date and it is necessary to amend said provision of the Code of Ordinances to include a reference to the 2022 amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:**

**Section 1. Legislative Findings and Intent.** The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative findings and intent of the City Commission.

**Section 2. Revision to Code.** Section 30.7 of Chapter 30 “Utilities” of the Code of Ordinances of the City of DeLand is hereby amended by adding the underlined, as follows:

*Section 30-7 Water and sewer service availability; requirement for connection and annexation.*

(a) To the fullest extent permitted by law, all buildings and structures which are located or constructed on property in the DeLand water and wastewater service area and which are adjacent to a public right-of-way or easement that has a water main or gravity sanitary sewer located in it, are hereby required, except as provided in paragraph (b) and (c), to connect with and use the services and facilities of the City of DeLand water and wastewater systems in order to preserve the health, safety and welfare of the citizens and inhabitants of the DeLand water and wastewater service area.

(b) A water main or gravity sanitary 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. A water main or gravity sanitary sewer will not be considered available in a state road right-of-way unless it is located on the same side of the paved roadway as the property to be served.

(c) If a water main is adjacent or available to a property, and a building or structure located on the property is connected to an individual well, then that building or structure will be required to be connected to the City of DeLand's water system when the well system fails, becomes contaminated or experiences a dry well condition or a permit is requested from the Volusia County Health Department or other appropriate authority 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 of DeLand's wastewater system when the septic tank fails or a permit is requested from the Volusia County Health Department or other appropriate authority for a septic tank or drainfield replacement.

(d) No person, firm, corporation or association shall be provided water or wastewater service by the city unless the property to be served is within city limits or the owner has petitioned for annexation or executed a covenant to support annexation and has paid a fee to be determined by the finance department sufficient to defray all costs of advertising the annexation ordinance and recording the covenant. The covenant to support annexation shall be recorded in the public records and shall be binding on the property owner and his heirs, successors and assigns. No such property shall be annexed unless it is contiguous to city limits. The city commission at all times retains the discretion to reject any annexation petition. The rejection of any petition shall not prevent the petition from being accepted at a later date.

(e) Prior to conveyance of any lot within a proposed development outside the city limits the developer shall execute and record in the public records a statement and covenants and restrictions regarding utility service on the property, including the fact that a covenant to support annexation running with the land has been recorded.

(f) Notwithstanding the provisions of this section, the City of DeLand shall provide potable water and wastewater service to that area described in that certain utility service agreement by and between Volusia County, Florida and the City of DeLand, dated July 14, 1994, as amended on November 7, 2022, in accordance with the provisions of that agreement and this Code.

**Section 3. Implementing Administrative Actions; Adoption of Administrative Rules.**

(a). The City Manager is hereby authorized and directed to implement the provisions of this Ordinance as may be deemed necessary or appropriate by the City Manager.

(b). The City Manager may delegate responsibilities arising under this Ordinance to such City employees as deemed appropriate and necessary.

**Section 4. Conflicts; Repealer.** All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

**Section 5. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 6. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.**

(a). The provisions of Section 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 1 and Sections 3 through 7 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk-Auditor in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

**Section 7.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this \_\_\_ day of March, 2026.

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Christopher M. Cloudman  
Mayor - Commissioner

**ATTEST:**

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Dale Arrington  
Interim City Clerk

Passed on first reading:  
Adopted on second reading:

**APPROVED AS TO FORM AND LEGALITY:**

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Darren J. Elkind  
City Attorney