

ORDINANCE 2013-4

AN ORDINANCE OF THE TOWN OF INTERLACHEN, FLORIDA, PROVIDING FOR REPEALING ORDINANCE 2009-8; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONNECTIONS; PROVIDING FOR PROCEDURES; PROVIDING FOR UNLAWFUL JOINT SERVICE AND OTHER UNLAWFUL ACTS; PROVIDING FOR COST OF SERVICE; PROVIDING FOR FEES; PROVIDING FOR BILLING; PROVIDING FOR CHARGING A FEE PAYABLE TO THE TOWN FOR ACCOUNTING AND ADMINISTRATIVE SERVICES AND LABOR TO MAINTAIN THE WATER SYSTEM; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INTERLACHEN, FLORIDA:

SECTION I REPEAL

2013-4 – 1.1 – Repeal

Ordinance 2009-8 passed on second reading November 10, 2009, is hereby repealed.

SECTION II PURPOSE

2013-4 – 2.1 – Purpose

The purpose of the Ordinance is to establish procedures regulating water service and connections for the Town of Interlachen Water Department, Interlachen, Florida.

SECTION III DEFINITIONS

2013-4 – 3.1 – Definitions

BILLING DATE: The date that water bills are billed after water meters have been read and charges have been computed to the account.

COMMERCIAL I: Non-residential water accounts with a monthly water usage of less than one hundred thousand (100,000) gallons.

COMMERCIAL II: Non-residential water accounts with a monthly water usage of one hundred thousand and one (100,001) gallons or more.

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CUT OFF NOTICE: A notification to the customer from the Town Water Department advising them of an official date for water service to be discontinued due to non-payment of account balances.

CUT ON FEE: A cost for new water service or reconnection service for residential, commercial business, non-profit and not-for-profit organizations, etc.

DEPOSIT: A dollar amount charged by the Town for the connection of water service.

DUE DATE: The date that water bills are due without being assessed a Late Fee. Any payment received after the Due Date will be considered Past Due and a Late Fee will be assessed to the water account.

LATE FEE: A charge for any water account that is not paid in full by the fifteenth (15th) of the month following the billing date.

METER LOCK CHARGE: A charge by the Town to a water account when water service has been disconnected due to non-payment of water account balances and the water meter has been unlawfully reconnected by some person unauthorized by the Town to do so.

MONTHLY WATER RATES: A charge by the Town for metered monthly usage of water.

NEW CONNECTION FEE: A charge by the Town for new water service connection to the Town's water systems.

NON-STANDARD SERVICE CONNECTION: A non-standard connection is one where: (a) the main line is more than two (2) inches in diameter, or (b) more than one hundred (100) lineal feet of main line is required to reach the property, or (c) where a meter larger than ¾ inch is required or requested.

PAST DUE NOTICE: A notification from the Town advising the customer that their water account has not been paid by the noted bill date. The Past Due Notice shall contain a new date upon which the water service will be discontinued if the account is not paid.

REINSTALLATION FEE: A charge by the Town when a water meter has been pulled from the Town's water system.

RETURNED CHECK FEE: A charge by the Town when a check has been returned to the Town for non-payment from the bank it was issued upon.

RESIDENTIAL: A single family dwelling that is not a commercial business, non-profit or not-for-profit organizations, etc.

SHUT-OFF PROVISION: A connection that allows the inflow of water to be interrupted or discontinued.

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STANDARD SERVICE CONNECTION: If the connection is off a main of two (2) inches in diameter or less, on the street on which the property is located and if not over one hundred (100) feet of pipe main must be laid by the town to reach the property, and from where a ¾ inch pipe connection will extend to the meter at the property line, this constituting along with fittings, saddle, meter box, cut off valve, back flow, etc., is a Standard Service Connection.

WARNING NOTICE: A notification noted on a water bill that the customer shall be responsible for the water loss and the water bill due to the Town not being responsible for the water loss.

SECTION IV CONNECTIONS

2013-4 – 4.1 – Connections

(1) Whereas it is found and declared necessary for the health and general welfare of the residents of the Town to prohibit the use of any private subsurface water for human consumption or use; therefore, all owners and occupants of houses, apartments, hotel, motels, trailer camps, manufacturing or commercial establishments, or any other building or structure of any kind situated upon lots or other tracts of land abutting upon any street, alley, thoroughfare, or easement, in which there is located a water line of the municipal water works system shall connect to the municipal water works all water supply pipes on such premises through which water is drawn for human use, such connections to be made under such regulations as the Town Council may establish. Failure to do so or to occupy any premises without water service is declared to be unlawful and to constitute a public nuisance. **Notwithstanding the above, any existing dwelling or structure using a private well for potable water may continue to utilize the same and shall not be required to connect to the municipal water system until the existing well fails.**

(2) There shall be not less than a minimum charge for each dwelling, apartment or other family dwelling unit served by receiving water from the Town's water system, and bills for water served through a meter shall be calculated and rendered accordingly. In cases where multiple dwelling units are receiving water from the Town's water system through a single meter, the owner of record of the multiple dwelling units shall be responsible for paying the monthly water bills in an amount equal to the minimum monthly charge times the number of units served by the single meter, plus any usage over the cumulative minimums. Effective November 1, 2001, each owner of record of multiple dwelling units receiving water through a single meter from the Town's water system shall be required to put up a water deposit in an amount determined by this chapter and shall thereafter receive a bill calculated as set forth in this section. No water service shall be furnished to any dwelling unit except in accordance with the requirements of this section. No building permits for construction of new dwelling units shall be issued unless separate water meters are provided. Each dwelling, apartment or other family dwelling unit constructed after November 1, 2001, shall be connected directly to the water service lines of the Town where such lines are available, and shall receive water through a separate meter.

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(3) There shall be not less than a minimum charge for each business receiving or having available to it water through the Town's water system, and bills for water served to a business through a meter shall be calculated and rendered accordingly. In cases where multiple businesses in the same building, or on the same piece of property owned by a single owner of record, receive water or have water available to them through a single meter, the owner of the record of the building or property shall be responsible for paying the monthly water bill in an amount equal to the minimum monthly charge times the number of business units served by the single meter, plus any usage over the cumulative minimums. Effective November 1, 2001, each owner of record of multiple business units receiving water through a single meter from the Town's water system shall be required to put up a water deposit in an amount determined by this chapter and shall thereafter receive a bill calculated as set forth in this section. No water service shall be furnished to any business unit, except in accordance with the requirements of this section. No building permits for construction of new business units shall be issued unless separate water meters are provided.

SECTION V PROCEDURES

2013-4 – 5.1 – Procedures For Service or Disconnection of Service

(1) All persons desiring water service or new water connections to the Town Water main shall make application for same at the Town Office. The location of the water meter shall be at the sole discretion of the Water Department. At the time that an application for water service is presented, current valid proof of identification is required for the person who is to be responsible for any incurred water charges.

(2) All plumbing from the main inward to the property line and meter must be done by, or under the supervision of the Town Water Department, provided the required tapping fees are paid by the persons applying for service. The applicant is responsible for connections inward from the meter on his/her property.

(3) Each street connection made by the Town shall have a Shut-Off provision ahead of the meter. It is good policy for the customer to provide a shut-off inward on his/her property from the meter if he/she wishes to avoid the cost of service charges whenever he/she may find it necessary to stop the inflow of water when making repairs, etc. It is unlawful for any person to tamper with, turn on or off, the shut-off valve installed by the Town between the meter and the water main. Such an act, by other than a Town employee constitutes second degree misdemeanor punishable by law.

(4) All persons using boilers of any type must provide same with vacuum or check valves to prevent collapsing when water is shut off. All persons using boilers without equipping them with such valves do so at their own risk, and all persons taking water for boiler purposes and depending upon the pressure of the Town mains to supply steam boilers, do so at their own risk.

(5) All persons using water for any purpose requiring a determined amount of pressure for any reason, should make provisions of their own for this as well as for a back-up supply of water, including provisions from interruption of flow or capacity. (The Town will advise, whenever possible, when they expect interruption in the flow or supply.)

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(6) A person who accepts Town water service shall do so with the express understanding that there shall be no claim for damages by reason of the bursting of any street main service pipe or cock, or by the shutting off of water for repairs, extensions or connections, or from the accidental failure of the supply of water from any cause whatsoever.

(7) Usually the Town is not responsible for water loss on the customer's side of the water meter. If the Town is found to be responsible for water loss on the customer's side of the water meter, the Town Water Department shall have the option to request the Town Council consider an adjustment of the water bill. If the Town is found NOT to be responsible for water loss on the customer's side of the water meter, a "Warning Notice" shall be placed on the next water bill and the Town Water Department shall make every effort to contact the customer and the customer shall be held responsible for the water loss and the water bill.

(8) Usually, Residential accounts have a maximum limit of two hundred dollars (\$200.00) and Commercial accounts, except Putnam County District School Board accounts, have a maximum limit of seven hundred dollars (\$700.00) due at any given time. The Town Water Department shall attempt to arrive at a payment schedule with customers to keep all water accounts as current as possible within these maximum limits. If a water customer is unable to be contacted or will not respond to Water Department letters, telephone calls and/or Water Department personnel on-site visits, the Water Department shall require the entire water account be paid in full to keep the water connection on.

(9) If the account exceeds the maximum limits noted in Section 5.1 (8) above, the Town Water Department shall attempt to arrive at a payment schedule with customers to bring the account below the allowed maximum limits. If a water customer is unable to be contacted or will not respond to Water Department letters, telephone calls and/or Water Department personnel on-site visits, the Water Department shall require the entire water account to be paid in full to keep the water connection on.

**SECTION VI
JOINT SERVICE UNLAWFUL**

2013-4 – 6.1 – Joint Service Unlawful

(1) No joint service to supply more than one residence, apartment, or garage apartment shall be permitted and each and every apartment, garage apartment or residence must be on a separate meter.

(2) No joint service to supply a building in which are located a number of stores, offices, or apartments shall be permitted unless such stores, offices, or apartments are occupied by the same person.

**SECTION VII
UNLAWFUL ACTS**

2013-4 – 7.1 – Unlawful Acts

(1) It shall be unlawful for any person to consume water through any service until the water has been turned on by Town Water Department personnel or his/her representative, or, if the water has been disconnected for nonpayment of service charges, until the water has been reconnected by some person authorized by the Town to do so. Any person found in violation of this section will be charged with violation of Florida Statutes 812.014.

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(2) Any person who shall take or use water from any hydrant, stand-pipe, faucet or stop cocks of the municipal water system of the Town without having received permission of the Town Water Department, or who shall without permission, open any fire hydrant, stop cock, valve or other fixture appertaining to said works; or who shall turn-on or let water into or from any pipe shall be charged with violation of Florida Statutes 812.014.

(3) Any person who shall injure, deface or impair any part or appurtenance of said water works or who shall throw or place anything in the open reservoirs or tanks of said water works shall be guilty of a misdemeanor. Any part or appurtenance of said water works (meters, curb stops and locks) are the property of the Town of Interlachen and shall be pulled from service if, in the opinion of the Water Department personnel or his/her representative, are

(4) Whoever shall fail to repair, or have repaired, any connection or branch pipe, stop cock, valve, hydrant, stand-up pipe, etc., upon his/her premises, after being given due notice to effect the necessary repairs by a responsible member of the Water Department, shall risk having their water supply shut-off until this waste of water has been stopped and repaired to the satisfaction of the Town's Water Department. (This section is necessary and required to eliminate unnecessary strain on the pumping plant, waste of water, electricity or fuel in the pumping and distribution system or loss of pressure which would be detrimental to others and to the water distribution system, or reduction of pressure to fire hydrants, cooling systems, etc.).

SECTION VIII COST OF SERVICE

2013-4 – 8.1 – Cost of Service

The water distribution system shall be treated as an Enterprise Fund for accounting purposes. As such, it must be self-supporting by user fees including daily cost of operation, renewal, and replacement of existing facilities and equipment, the addition of new equipment and facilities and expansion of the system.

SECTION IX FEES

2013-4 – 9.1 – Connection Fees

(1) Any person, commercial business, non-profit, not-for-profit organizations, etc., must make application for services to the Town's Water Department and pay a Deposit in advance, plus a Service Charge, before water service will be turned on by the Town. Any violation of this section will be considered a misdemeanor.

(2) When the renter/owner of a structure vacates the premises and desires to have the water service discontinued, they must notify the Town's Water Department either in person or by mail by signing a Cut-Off Notification giving a date for the meter to be read and water service discontinued. A failure to do this shall render them liable for the payment of water use until such notice has been given for a maximum of three (3) months. After deduction for final billing and past due billings, the remainder of the deposit, if any, shall be refunded to the renter/owner if at all possible. If no deposit is due, a final billing shall be mailed for charges owed. If the account has been opened in a renter's name and they abandon the account, after three (3) months the owner may close the account if able to provide proof of their ownership of the property.

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(3) Any water customer receiving six (6) Past Due Notices within a calendar year that have been posted to their water account, shall be required by the Town's Water Department to post an additional seventy-five dollar (\$75.00) deposit.

(4) If/when a meter is pulled from service and needs to be reinstalled at a later date the installation fee shall be the cost of the meter and labor involved for the meter reinstallation.

2013-4 – 9.2 – Cut On Fee

The "Cut On Fee" for new water service or reconnection service is fifteen dollars (\$15.00) for residential and twenty dollars (\$20.00) for commercial business, non-profit and not-for-profit organizations, etc.

2013-4 – 9.3 – Deposits

Deposits are one hundred dollars (\$100.00) each. Additional deposits of seventy-five dollars (\$75.00) shall be required of water customers receiving six (6) or more Past-Due notices within a twelve (12) month period. Deposits will be refunded without interest, after twenty-four (24) months of continuous water service with no past due notices posted to accounts. Applicants that become deceased may have their account name changed into the name of their beneficiary upon proof of their being deceased, i.e., copy of death certificate. Applicants that become incapacitated may have their account name changed into the name of their beneficiary upon proof of their being incapacitated, i.e., copy of power of attorney.

2013-4 – 9.4 – Late Fee

A "Late Fee" of \$15.00 for residential accounts and a "Late Fee" of \$20.00 for commercial accounts will be charged to the account if the due bill is not paid by 5:00 P.M. on the due date as noted on the bill. "Due Date" is the fifteenth (15th) of the month following the billing date. In order to keep the water from being turned off a customer may make payment arrangements for their past due bill, however, the Late Fee will still be added to the bill even if the water service has not been disconnected since the due amount was not paid by the due date and time.

2013-4 – 9.5 – Meter Lock Fee

A Meter Lock Charge of \$3.50 will be charged by the Town when water service has been disconnected due to non-payment of water account balances and the water meter has been unlawfully reconnected by some person unauthorized by the Town to do so.

2013-4 – 9.7 – Reinstallation Fee

A Reinstallation fee of \$49.50 will be charged by the Town when a water meter has been pulled from the Town's water system for any reason.

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2013-4 – 9.8 – Returned Check Fees

The service charge for a “Returned Check” is twenty-five dollars (\$25.00) if the face value does not exceed fifty dollars (\$50.00); thirty dollars (\$30.00) if the face value exceeds fifty dollars (\$50.00), but does not exceed three hundred dollars (\$300.00); forty dollars (\$40.00), if the face value exceeds \$300.00 or an amount up to five percent (5%) of the face value of the check, whichever is greater. After a customer has three (3) “Returned Checks” to the Town, they may be required to pay cash, money order or cashier’s check and the Town will no longer be required to accept a check from the customer.

2013-4 – 9.9 – Standard Residential Connection Fee

A new standard residential connection fee is five hundred dollars (\$500.00), which includes one hundred feet (100’) of pipe, a ¾” meter and a backflow preventor. The cost of any extra material will be billed at cost to the customer.

2013-4 – 9.10 – Standard Commercial Connection Fee

A new standard commercial connection fee is seven hundred and fifty dollars (\$750.00), plus the cost of materials and labor. This cost does not include the cost of a meter and backflow preventor.

2013-4 – 9.12 – Waived Fees

Fees shall not be assessed for service or use of water in Pineview Cemetery or the Interlachen Volunteer Fire Department Station Four.

2013-4 – 9.13 – Water Rate Fees

A) Effective January 1, 2014, Monthly water rates are as follows:

(1) Monthly Residential Water Use Rates:

- a) A base rate of \$10.20.
- b) For zero (0) to three thousand (3,000) gallons of water used, the fee shall be the base rate fee of ten dollars and twenty cents (\$10.20) plus three dollars and ninety-seven cents (\$3.97) per each 1,000 gallons of water usage.
- c) For three thousand and one (3,001) to six thousand (6,000) gallons of water used, the fee shall be the base rate fee of ten dollars and twenty cents (\$10.20) plus four dollars and ninety-six cents (\$4.96) per each 1,000 gallons of water usage.

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- d) For six thousand and one (6,001) to nine thousand (9,000) gallons of water used, the fee shall be the base rate fee of ten dollars and twenty cents (\$10.20) plus six dollars and forty-four cents (\$6.44) per each 1,000 gallons of water usage.
- e) For nine thousand and one (9,001) gallons or more of water used, the fee shall be the base rate of ten dollars and twenty cents (\$10.20) plus nine dollars and sixty-five cents (\$9.65) per each 1,000 gallons of water usage.

(2) Monthly Commercial Water Use Rates:

NOTE: With the exception of the base rate fee, commercial water use rates are the same as listed above.

Commercial I & II:

- a) A base rate of \$15.30.

**SECTION X
BILLING**

2013-4 – 10.1 – Billing

- (1) Customers' meters will be read and billed monthly. On approximately the 15th day of each month meters will be read with bills being mailed approximately on the 18th day of each month.
- (2) Any water customer's billing not paid by the fifteenth (15th) of the month following the billing will receive a delinquent Past-Due notice and warning indicating that the meter will be Cut-Off as of a certain date.
- (3) Service will be discontinued for non-payment of any charges past due and a late fee of fifteen dollars (\$15.00) will be billed before water service will be restored.
- (4) If agendaed at a Town Council meeting, Water bills may be adjusted by the Town Council if the Town Council feels that there is sufficient evidence to warrant the adjustment.

SECTION XI

ACCOUNTING, ADMINISTRATION AND LABOR FEES

2013-4 – 11.0 – Accounting, Administration and Labor Fees

The Town will charge the Water Enterprise such fees as are considered to be appropriate for accounting and administrative services. Charges for Public Works type service will be determined by the Town Employee's established salary rate for the physical care and maintenance of the Water System facilities and equipment.

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**SECTION XII
DISCONTINUANCE OF NON-CONFORMING USES**

2013-4 – 12.1 – Discontinuation of Non-Conforming Uses

No building or portion thereof used in whole or in part for a nonconforming use, which remains idle or unused for a continuous period of one hundred eighty (180) days, whether or not the equipment or fixtures are removed, shall be used again except in conformity with the regulations of the zoning district in which it is located.

**SECTION XIII
CONDEMNATION**

2013-4 – 13.1 - Condemnation

As per an Interlocal Agreement with Putnam County Planning and Development, Putnam County Planning and Development does all building permit issuances, permit inspections, certificates of completion and certificates of occupancy. If a property is condemned by the Putnam County Planning and Development and/or Putnam County Health Department and the Town is so notified, then the Town shall disconnect water service until such time as it is released and the Town is notified of such release by the appropriate party.

**SECTION XIV
CONFLICTS**

2013-4 – 14.1 – Conflicting Ordinance

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION XV
SEVERABILITY**

2013-4 – 15.1 – Severability Clause

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

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**SECTION XVI
EFFECTIVE DATE**

2013-4 – 16.1 – Effective Date

This Ordinance shall become effective immediately upon its final passage as provided by law.

Passed On First Reading _____

Passed On Second Reading _____

Approved:	First Reading	Second Reading
_____ Chairperson, Judi Costanzo	_____	_____
_____ Vice-Chairperson, Beverly Bakker	_____	_____
_____ Council, D. Wayne Corbin	_____	_____
_____ Council, Larry Harris	_____	_____
_____ Council, Carolyn Meadows	_____	_____

ATTEST:

Pamela S. Wilburn, Town Clerk

By: _____
Mayor, John K. Larsen

(TOWN SEAL)