

ORDINANCE NO. 2005-20

AN ORDINANCE AMENDING PROVISIONS OF THE HERNANDO COUNTY CODE OF ORDINANCES PROVIDING FOR CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT; PROVIDING FOR PROCEDURES AND POLICIES FOR OBTAINING WATER AND/OR WASTEWATER SERVICE FROM THE HERNANDO COUNTY WATER AND SEWER DISTRICT; PROVIDING THAT WITH CERTAIN EXCEPTION THERE SHALL BE NO SUBDIVIDING OF REAL PROPERTY OR THE CONSTRUCTION OF CERTAIN BUILDINGS WITHIN UNINCORPORATED HERNANDO COUNTY WITHOUT A PRIOR REQUEST TO THE HERNANDO COUNTY WATER AND SEWER DISTRICT FOR WATER AND SEWER SERVICE; PROVIDING FOR WATER AND WASTEWATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER OR WASTEWATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER OR WASTEWATER EXTENSIONS; PROVIDING FOR SERVICE COMMITMENTS; PROVIDING FOR CONNECTION FEE PAYMENTS, REVISIONS, EXPENDITURES AND REFUNDS; PROVIDING FOR DESIGN AND CONSTRUCTION STANDARDS; PROVIDING FOR PENALTY FOR VIOLATION; ; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Hernando County Board of County Commissioners, Hernando County, Florida, as follows:

SECTION 1. AMENDING SECTION 28-210, HERNANDO COUNTY CODE OF ORDINANCES, "GENERAL PROVISIONS" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-210. General provisions.

- (a) Short title. This division shall be known and may be cited as "an ordinance providing for connection to water and wastewater facilities of the Hernando County Water and Sewer District".
- (b) Purpose. The purpose of this division is to establish policies for obtaining water and/or wastewater service from the Hernando County Water and Sewer District, payment of connection fees, and commitments for service.

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(c) Administration. This division shall be administered by the department.

(d) Jurisdiction.

(1) This division shall apply to all unincorporated areas of Hernando County unless the district consents to allow municipal or franchise service areas to provide such service under such terms and conditions as the district may set forth, and any incorporated area for which the governing body shall have approved, by ordinance, the inclusion of such incorporated area in the district's service area.

(2) Procedures and policy of ~~the City of Brooksville, City of Weeki-Wachee municipalities or the appropriate private franchise~~ shall apply to areas served by those entities.

(e) Availability of service.

(1) ~~In those instances where~~ To the extent that a centralized water and/or sewer system ~~are may be required by ordinance, including but not limited to~~ Hernando County Subdivision Regulations, such water and/or sewer facilities shall be dedicated to the district, if services are to be provided by the district, so that the district will become the owner of such system upon the request of the district for such facilities to be conveyed to it. Such water and/or sewer facilities shall not be required to be dedicated to the district, if services are to be provided by the appropriate municipality ~~(for service areas outside corporate limits)~~ within corporate limits or service areas outside corporate limits pursuant to agreement with the district. ~~, or by an existing franchise previously approved by the district.~~

(2) Where it is deemed beneficial to the applicant and the district, the district and applicant may enter into an agreement for the construction and dedication of the facility by the applicant to the district.

(3) Service availability shall be determined by the following:

a. Upon receipt of a request for service, the department shall estimate the cost of ~~the~~ any necessary line extension and determine if uncommitted plant capacity exists.

b. When uncommitted plant capacity is available, the department shall further determine whether the estimated extension cost of any necessary extension of mains or lines exceeds an amount equal to twenty-five (25) percent of the applicable connection fee for the proposed development.

c. If the cost of any necessary extension of mains or lines exceeds an amount equal to twenty-five (25) percent of the applicable connection fee for the proposed development, or if there is insufficient uncommitted plant capacity exists, service shall be deemed not available. The district, at its option, may, however, approve the extension upon terms set forth by until such time as the applicant and the district in enter into a water and/or sewer service agreement protecting and balancing the applicant's interests and any applicable rights to development with the interests of the district and the district's ratepayers in economical, reliable safe and affordable service. Any such agreement may

provide for any provisions deemed to be a fair and appropriate protection and balancing of the foregoing applicant and district interests, including but not limited to:

1. ~~If service is determined not to be available, due to the cost of line extension as above set forth, then the developer/applicant may agree~~ agreement to fund the total cost of the necessary line extension and also pay all applicable connection fees; ~~and/or,~~

2. ~~If service is determined not to be available, due to the~~ if there is insufficient ~~lack of~~ uncommitted plant capacity, ~~then the developer/applicant may agree~~ agreement to fund the total cost of expanding plant capacity and also pay all applicable connection fees.

c ~~d.~~ The determination of the availability of water and wastewater services may, at the option of the district, be determined together or separately.

e. If two or more developers are affected by the same availability issues with respect to proximate development projects, the department encourages such developers to cooperate to the extent reasonable in negotiating with the department on terms for providing main or line extensions and/or additional plant capacity

SECTION 2. AMENDING SECTION 28-211, HERNANDO COUNTY CODE OF ORDINANCES, "REQUESTS FOR SERVICE" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-211. Requests for service.

(a) General.

(1) Authority to subdivide real property or construct residential, commercial or industrial improvements in the unincorporated area of Hernando County shall require a request to the department for water and sewer service. ~~e~~Except in the City of Brooksville's first right of refusal area, established per interlocal agreement, ~~within the five-mile unincorporated radius around the city or in existing franchised service areas or within such other area as may be deemed by agreement or law to exclude the operation of this ordinance,~~ no person shall subdivide real property or construct any residential, commercial or industrial building within the unincorporated area of Hernando County without first requesting water and/or sewer service from the department.

(2) All requests (~~applications~~) for water and/or sewer service shall be in the form of applications made to the department. The department will review the initial request to determine the apparent feasibility and requirements for providing service.

(b) Individual single-family homes. Applications for single residential homes shall be made directly to the department.

(c) Applications.

(1) All requests (applications) for service in the district shall be submitted in writing, or verbally, to the:

Hernando County Utilities Department

21030 Cortez Boulevard

Brooksville, Florida 34601

Telephone: (352) 754-4037

Fax: (352) 754-4485

E-mail: HCUDCS@co.hernando.fl.us

(2) All requests for single or multi-family developments, commercial and/or other establishments involving water or wastewater flows in excess of two thousand (2,000) gallons per day shall be submitted, in writing, by a registered professional engineer, unless otherwise approved by the department.

SECTION 3. AMENDING SECTION 28-212, HERNANDO COUNTY CODE OF ORDINANCES, "REVIEW OF REQUESTS FOR SERVICE" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-212. Review of requests for service.

(a) Request for service. The request for service will be reviewed and evaluated as to completeness and with respect to the feasibility of providing service, with a written response (preliminary review) issued to the applicant within two (2) weeks of receipt of the request, indicating the availability or unavailability of service as defined herein, or requesting additional information. ~~(The response may be verbal, if service is immediately available and an extension of service lines or facilities is not required for service.)~~ Any verbal response from the department shall be unofficial until such time as a contract for service or other written agreement is signed and all applicable fees are paid.

(b) Preliminary review. Upon receipt of the preliminary review, or in the event that no written response is issued within two (2) weeks of the request for service, if the applicant wishes to move forward with obtaining water and/or sewer service from the district, the applicant shall submit a written request for a final review.

(c) Final review. Within two (2) weeks of receipt of a complete request for final review and the furnishing of all additional information requested, the department shall advise the applicant in writing of the availability of service and, if service is available, the connection fee, point of connection, required extensions, and any other pertinent requirements, including any agreement between the applicant and department that may be required or desirable.

SECTION 4. AMENDING SECTION 28-213, HERNANDO COUNTY CODE OF ORDINANCES, "CONNECTION FEES" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-213. Connection fees.

(a) Definitions of water facilities, equivalent residential unit level of service, and connection fees.

- (1) Water supply facilities. Water production wells, raw water lines and telemetry systems required to provide adequate amounts of water to businesses and residences within the district's service area.
- (2) Water storage facilities. Water storage tanks required to provide additional water capacity during peak demand hours when water consumption is greater than water pumping capacity. This saves the district from having to construct additional wells in order to pump enough water to meet peak demands.
- (3) Water treatment facilities. Chlorinators, pumps, and hydro-pneumatic tanks required to purify the raw water and kill any bacteria which may exist in the water to ensure that the water is safe for human consumption and to pump the treated water into the transmission system for distribution.
- (4) Offsite water transmission facilities. All water lines and water mains necessary to transmit water from the well to the onsite water distribution system.
- (5) Water equivalent residential unit (ERU). The ERU level of service (LOS) for water usage for residential, non-residential, commercial and industrial unit shall be established by resolution of the board.
- (6) Water connection fee. As established by resolution of the board, the connection fee per ERU for residential, non-residential, commercial and industrial units shall consist of four (4) components:
 - a. Water supply facilities;
 - b. Water storage facilities;
 - c. Water treatment facilities; and
 - d. Offsite water transmission facilities.
- (7) Onsite water transmission/distribution facilities. Water lines and water mains that distribute water to the residential and/or commercial buildings located within the property boundaries that are necessary to service the development, excluding oversizing requested by the district. The developer shall be responsible for funding and constructing all onsite facilities, excluding funding for oversizing requested by the district.

(b) Definitions of wastewater facilities, equivalent residential unit level of service, and connection fees.

- (1) Subregional wastewater treatment facilities. Major subregional components consisting of wastewater treatment plants, disposal facilities and/or reclaimed water facilities.
- (2) Subregional wastewater offsite transmission facilities. All gravity lines, force mains and pump stations necessary to transmit wastewater from the onsite system to the subregional wastewater treatment plant, of sufficient size and design to accommodate future area growth.
- (3) Nonsubregional offsite facilities. Consists of the lines, pumps, and pump stations to transfer sewage from the project boundary to the subregional transmission system, subregional wastewater treatment plant, interim wastewater transmission system, or interim wastewater treatment plant which is not sufficiently sized and designed to accommodate future area growth.
- (4) Wastewater equivalent residential unit (ERU). The ERU level of service (LOS) for wastewater usage for residential, non-residential, commercial and industrial units shall be established by resolution of the board.
- (5) Wastewater connection fee. As established by resolution of the board, the connection fee per ERU for residential, non-residential, commercial and/or industrial shall consist of three (3) components:
 - a. Subregional wastewater treatment facilities;
 - b. Subregional wastewater offsite transmission facilities; and
 - c. Nonsubregional offsite facilities.
- (6) Wastewater onsite facilities. Gravity lines, force mains and pump stations within the legal boundary description of the property that are necessary to service the development, excluding oversizing requested by the district. The developer shall be responsible for funding and constructing all onsite facilities, excluding funding for oversizing requested by the district.

(c) Connection fees.

- (1) Connection fees shall be uniform, and based upon current average costs of providing potable water supply or wastewater treatment plant and disposal facilities. Connection fees shall be based upon the anticipated average daily water consumption and/or wastewater flow contribution for the type of development or establishment requesting service. Connection fees shall be determined in accordance with subsections (a)(5) (water equivalent residential unit) and (b)(4) (wastewater equivalent residential unit) above. (ERUs for non-residential, commercial, or industrial use shall be determined by dividing the average water flow required by the level of service (LOS) in gallons per day (gpd) as established for a single ERU and the average wastewater flow required, or generated, by the LOS in gpd as established for a single ERU.)
- (2) Connection fees for water and wastewater services shall be established by, and in the future may be amended by, resolution of the Hernando County Board of County Commissioners as adopted at an advertised public hearing. Notice of such public hearing setting forth the schedule or schedules of connection fees shall be given by one

publication in a newspaper published in the county at least ~~fifteen (15)~~ ten days, including weekends and holidays, before the date fixed in said notice for the hearing.

(3) Whenever existing structures connected to the system require additional water supply and/or sewage capacity, or whenever existing structures connected to the system use a greater water supply and/or sewage capacity than was allocated to them, in an amount equal to five percent or more in rounded ERU's than provided for in prior paid connection fees, additional connection fees shall be charged and collected based upon such anticipated increase in flow or usage. ~~When existing structures connected to the system will require an increased water supply and/or sewage capacity, additional connection fees shall be charged based upon the anticipated increase in flow resulting from the new demand. When existing structures connected to the system use a greater water supply and/or sewage capacity than they were allocated, additional connection fees shall be charged based upon the increased flow resulting from the additional usage.~~ The amount of additional connection fees charged for the additional flow or usage shall be based on the average daily water usage and/or sewage treated for the most recent twelve-month period. All additional connection fees shall be paid at the rates then in effect at time of payment.

(4) The board, on behalf of the district, has established water and sewer hook-up charges under separate ordinance and resolution. Water and sewer hook-up charges are not included in the connection fee described above and shall be paid directly to the department prior to connection.

(5) In the event any request for service cannot be calculated by the department and engineering work is required; the applicant shall pay the cost of such engineering.

(d) Calculation of connection fees.

(1) Calculation of water connection fees.

a. For residential developments, the planned number of single-family residential units is multiplied by the current total water connection fee per ERU to determine the total water connection fees due for the development.

b. Non-residential, commercial, and industrial water connection fees are calculated by dividing the required or anticipated average daily water flow of the non-residential, commercial or industrial water user by the level of service in gallons as established by ordinance per water ERU to determine the total number of ERUs for the non-residential, commercial or industrial water user. The calculated ERU value for the water user is then multiplied by the current water connection fee per ERU to determine the total water connection fee due for the project.

(2) Water connection fees credits. Water connection fee credits may only be granted for those projects where the developer is actually constructing, at the developer's expense, the following various connection fee components of water facilities.

a. Water supply facilities. Credit up to the existing water supply facilities component per ERU may be granted only for the land, design, construction, and engineering services for water wells, raw water lines and telemetry systems.

b. Water storage facilities. Credit up to the existing water storage facilities component per ERU may be granted only for the land, design, construction, and engineering services for water storage facilities.

c. Water treatment facilities. Credit up to the existing water treatment facilities component per ERU may be granted only for the land, design, construction and engineering services for water treatment facilities.

d. Offsite water transmission facilities. Credit up to the existing offsite water transmission component per ERU may be granted only for the design, construction and engineering services for offsite water transmission facilities.

(3) Calculation of wastewater connection fees.

a. For wastewater flows, which do not require pretreatment prior to discharge into the wastewater system, wastewater connection fees are calculated as follows:

1. For residential developments, the planned number of single-family residential units is multiplied by the current total wastewater connection fee per ERU to determine the total connection fees due for the development.

2. Non-residential, commercial, and industrial wastewater connection fees are calculated by dividing the required or anticipated average daily wastewater flow of the non-residential, commercial or industrial water user by the level of service in gallons as established by ordinance per wastewater ERU to determine the total number of ERUs for the non-residential, commercial or industrial wastewater user. The calculated ERU value for the wastewater user is then multiplied by the current wastewater connection fee per ERU to determine the total wastewater connection fee due for the project.

b. For establishments where wastewater flows exceed normal domestic strength, the ERUs shall be adjusted to compensate for the cost of reducing such strength to a normal domestic strength, or the applicant shall be required to provide pre-treatment to reduce the wastewater flow to normal domestic strength prior to entry of the wastewater flows into the county's wastewater system.

(4) Wastewater connection fee credits. Wastewater connection fee credits may only be granted for those projects where the developer is actually constructing, at the developer's expense, the following various connection fee components of wastewater facilities.

a. Subregional wastewater treatment facilities. Credit up to the existing subregional wastewater treatment facilities component per ERU may be granted only for the land, design, construction and engineering services of subregional wastewater plants, disposal or reclaimed water facilities. Credit will not be given for connection to, expansion of, or construction of interim wastewater facilities.

b. Subregional wastewater offsite transmission facilities. Credit up to the existing subregional wastewater offsite transmission facilities component per ERU may be granted only for the design, construction and engineering services of subregional transmission facilities at the required subregional size at build-out.

c. Non-subregional offsite facilities. Credit up to the existing non-subregional offsite facilities component of each ERU may be granted for the construction of offsite transmission and collection system(s).

SECTION 5. AMENDING SECTION 28-214, HERNANDO COUNTY CODE OF ORDINANCES, "POINT OF CONNECTION" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-214. Point of connection; extension of service.

(a) General. The district reserves the right to establish the point of connection for all connections to district systems. In any such case, the district's determination shall be based on a balancing of the desires of an applicant for a particular point of connection for service as against costs incurred by or other effects on the district's ratepayers as a whole. Inefficiency and/or generalized or specific cost burdens on the ratepayers from use of a particular point of connection shall outweigh all but the most compelling of justifications presented by an applicant.

(b) Extension of water and sewer service to new developments.

(1) Who shall design and construct. The department shall determine which entity (the applicant or the department) shall design and construct the line extension to connect with the district system. The department shall not recommend, and the water and sewer district board shall not approve, agreements for service that would require existing district ratepayers to subsidize the cost of any portion of such extension, except to the extent of oversizing as provided in this section.

(2) By applicant. Upon request by the applicant, and approval by the department, the applicant may engage his engineer to design and construct the required line extension. Design and construction shall be in accordance with the appropriate policy, standards and specifications of the department and the district.

(3) By department. Upon request by the applicant, the department may cause to be constructed the necessary water and/or wastewater line extensions to the project. Upon receipt of said request, the department will advise the applicant of the estimated construction cost (to include engineering, legal and administrative costs) and the estimated time of completion. Payment of the estimated cost to the department will be required prior to initiating construction. Adjustment to the department, or the applicant, will be made based upon final construction costs.

(4) Basis of extension size. Water main extensions are to be sized based upon a ~~maximum four (4) FPS~~ the most current American Water Works Association (AWWA) velocity standards for estimated maximum daily domestic water usage plus fire flows. Under no circumstances shall water transmission main extensions be less than ~~six~~ eight-inch diameter. Sanitary force main extensions shall be sized based upon maintaining a velocity of ~~two and five-tenths (2.5) FPS~~ and a maximum velocity of ~~seven and five-tenths (7.5) FPS~~ for design flow conditions which conforms to regulatory agency

specifications or requirements. Gravity sanitary sewer extensions shall be a minimum of eight-inch diameter. For purposes of this requirement, the above criteria shall only apply to through streets, or other cases where future additional development is possible.

(c) Oversizing. Where the district requires oversizing for the purpose of serving future additional development, the applicant shall be so advised. All construction costs associated with oversizing shall be borne by the district. The cost of over-sizing will may be credited against connection fees; ~~and~~ All costs for oversizing in excess of connection fees ~~shall~~ may be paid to the applicant by the district upon completion of the project, or upon expenditure per prior agreement where so provided in an approved agreement between the applicant and the district. Costs of oversizing shall be based upon the incremental installed cost of the oversizing, based on actual bid quantities or costs of the contractor.

(d) Extensions of water and sewer service to existing developments adjacent to district facilities.

(1) Where service is requested by individual property owners, either residential or commercial, in areas adjacent to existing district facilities having adequate capacity, involving potential future customers in addition to those requesting service, department will determine the feasibility of constructing the necessary line extensions with payment for connection fees and cost of extension to be by lump sum, contractual installment payments, or special assessment, in accordance with applicable provisions of law.

(2) The department ~~will utilize its discretion as to~~ may determine whether ~~or not~~ the work will be done by department staff, or contracted out, ~~whichever method is best for the property owners~~ based on the best interest of the district.

(3) Allocation of line extension costs shall be on a proportionate basis, in accordance with the anticipated flow associated with each benefitted property based on an equivalent residential unit, or front footage.

(4) If the proportionate ERU cost for the extension exceeds the corresponding connection fee component, the corresponding connection fee component will be replaced by the amount of the proportionate ERU cost of the extension.

For example: If the proportionate cost per ERU for a waterline extension is five hundred dollars (\$500.00), and the corresponding ERU component of the connection fee is two hundred and ten dollars (\$210.00) (based on a five-hundred-twenty-five-dollar water connection fee), the connection fee shall be reduced to three hundred fifteen dollars (\$315.00) (five hundred twenty-five dollars (\$525.00) less two hundred and ten dollars (\$210.00)) and the five-hundred-dollar line extension cost added to the connection fee, for a total connection fee of eight hundred fifteen dollars (\$815.00). Hook-up fee and any applicable deposit shall be in addition to the connection fee.

(5) If the proportionate ERU cost for the extension is less than or equal to the corresponding connection fee component, the existing connection fee will be assessed per ERU for each property connected to the extended facilities.

(6) If the proportionate cost per ERU exceeds the corresponding connection fee component, and there are up to one hundred (100) potential connections to the extended facilities, the department may enter into water and sewer service contracts with individual customers for payment of the line extension cost over and above the connection fee, hook-up fee and applicable deposit.

a. The customer will pay the hook-up fee and any applicable deposit prior to service connection, and at least twenty-five (25) percent of the remaining connection fee less the proportionate extension cost.

b. The department may provide an installment payment plan to customers for the balance due, payable in equal monthly installments, with interest not to exceed the interest rate authorized by Florida Statutes, amortized over a period not to exceed two (2) years, or twenty-four (24) months.

c. Contract installment payment plans shall be available only at the time of the line extension, with connection to the system made at the time of construction. All entities connecting after the original construction period shall pay full fees prior to connection, including the additional line extension cost.

(7) If the proportionate cost per ERU exceeds the corresponding connection fee component, and the potential connections to the extension facilities exceed one hundred (100) connections, the line extension costs shall be paid by special assessment wherein all benefited property owners are charged one hundred (100) percent of the cost of such extensions. All special assessments shall be approved by the board at a properly advertised public hearing.

The board, as the governing board of the district, will utilize its discretion as to whether or not the work will be done by department staff, or contracted out, whichever method is best for the property owners.

a. The time period for repayment shall be based upon the amount of the assessment in accordance with county policy.

b. Connection fees, hook-up fees, and applicable deposits will be separate and in addition to the assessment. The appropriate components of the connection fee shall be replaced with the extension costs collected by assessment and the remaining components of the connection fee will be due prior to service connection, along with the hook-up fee and applicable deposit. The board may approve inclusion of the connection and hook-up fees with the assessment. Applicable deposits will be due upon connection.

c. Any assessments may be paid at the office of the county tax collector within thirty (30) days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal annual installments, with interest not to exceed the interest rate authorized by Florida Statutes, from the expiration of said thirty (30) days in each of the succeeding number of years for which the assessment will be payable as determined by resolution at the time or times in each year at which the general property taxes are payable; provided, however, that the district may by resolution fix a shorter period of payment for any assessment and/or adjust the interest rate not to exceed what is authorized by Florida Statutes; provided further that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment.

(8) Connection fees associated with facility extensions will be required as stipulated in this division. Connection fee payment shall be made prior to connecting to the facilities, or, if requested by the applicant and approved by the district may be included in the contractual installment plan or the special assessment as outlined in subsections (d)(6) and (d)(7) above.

(9) When the applicant can document that a special assessment levied on behalf of the water and sewer district was assessed against their property, the amount of the special assessment shall be deducted from the current connection fee. The balance of the connection fee shall be payable prior to connection to the system.

There were fourteen (14) special assessments on behalf of the water and sewer district, as follows: Weeki Wachee and Hernando Beach on February 27, 1978 and again on March 29, 1978; Pine Island and North Bayport on August 29, 1978; Cedar Lane Sites on February 1, 1979; Weeki Wachee, Hernando Beach, Pine Island and North Bayport (remaining lots) on October 4, 1979; Ridge Manor on May 21, 1980; Ridge Manor West on January 30, 1980; River Country on June 7, 1979; Berkeley Manor on October 18, 1979 (later rescinded); Fort Dade Mobile Home Park on June 9, 1981; Hernando Beach, Unit 13, on February 24, 1981; and Aripeka on May 27, 1982.

(10) If the assessment paid was in accordance with subsection (d)(7) and was limited to the cost of facilities extension, then the assessment paid, up to, but not exceeding, the corresponding connection fee component, shall be deducted from the connection fee. The remaining portion of the corresponding component, if any, and the other components of the connection fee shall be payable prior to connection to the system.

SECTION 6. AMENDING SECTION 28-215, HERNANDO COUNTY CODE OF ORDINANCES, "SERVICE COMMITMENTS" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-215. Service commitments.

(a) Acceptance of final review. Within ninety (90) days of receipt of the final review setting forth the connection fees, point of connection, and extension requirements, the applicant shall advise the district of the applicant's acceptance of the district's proposal.

(b) Development schedule. Along with the acceptance of the proposal, the applicant shall provide to the department an estimated schedule of development with said schedule showing the estimated number of units to be constructed each year until build-out.

(c) Formal commitment. Within two (2) weeks after receipt of the applicant's notification of acceptance and development schedule, the department, acting on behalf of the board, shall issue a formal commitment letter. The commitment letter shall bind the

department to provide services to the applicant subject to receipt of connection fee payment and appropriate regulatory approvals. Commitments are non-transferable from one property to another; however, commitments are transferable to a new owner of the same property.

(d) Expiration of commitment. Unless otherwise agreed, commitments shall expire five (5) years after issuance of the formal commitment for projects, or project phases involving whenever lump sum payments are involved. Commitments shall expire at the end of the last year indicated on the applicant's development schedule for projects involving incremental payment of connection fees. Commitments will be honored for any initial building permit issued by the county development department.

(e) Time extensions to commitment.

(1) Time extensions to commitments may be granted for periods not to exceed two (2) years, provided capacity within the water and/or sewer system remains available, and provided that a request is submitted in writing prior to thirty (30) days before the expiration date of the commitment.

(2) Service agreements or commitment contracts entered into prior to the effective date of this division, by which the district agreed to accept advanced connection fees and reserve capacity at its water or wastewater treatment facilities at a specified level of service and by which the developer agreed to connect a certain number of units to the district facilities in accordance with an agreed upon schedule, may be granted two-year time extensions in accordance with subsection (e)(1) above.

SECTION 7. AMENDING SECTION 28-216, HERNANDO COUNTY CODE OF ORDINANCES, "CONNECTION FEE PAYMENT, REVISIONS, EXPENDITURES AND REFUNDS" RELATING TO CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT, TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-216. Connection fee payment, revisions, expenditures and refunds.

(a) Connection fee payment schedule. Payment of connection fees shall be made upon commitment by the district for capacity, upon approval of a water and/or sewer service agreement, or concurrent with the issuance of building or remodeling permits by the Hernando County Development Department. Connection fees shall be paid either as a lump sum or in project phases as described below, or on an installment basis with monthly, quarterly, semi-annual or annual payments. For all connection fees paid on an installment basis, the installment period shall not exceed five (5) years.

(1) Lump sum payment. The connection fee payment amount shall be for the amount of sewer or water capacity committed to the project. Connection fees for all projects

involving single buildings shall be paid fully upon receipt of the formal commitment. Payment of connection fees for any project may be made as a lump sum at the option of the applicant and shall be paid upon receipt of receipt of formal commitment. If an immediate expenditure of funds is not required by the county to provide service, an irrevocable letter of credit from a Florida bank or other security acceptable to the county attorney equal to one hundred (100) percent of the total connection fee may be acceptable, until a time specified by the county.

(2) Project phase payments. Connection fees for project phases shall be paid upon commitment for service by the district for the additional project phases. If an immediate expenditure of funds is not required by the district to provide service, an irrevocable letter of credit from a Florida bank or other security acceptable to the county attorney equal to one hundred (100) percent of the total connection fee may be acceptable, until a time specified by the county.

(3) Installment payments. In cases of financial need, the department may offer an installment payment plan to persons with a single-family home that must be connected to the county's systems as a result of well failure, water and/or sewer line extensions that require connection of existing properties, and/or by order of the health department or the Florida Department of Environmental Protection. The installment payments will be assessed and collected in the manner described in subsection 28-214(d)(6).

(b) Connection fee revisions. Any changes in regard to connection fees listed herein shall be by resolution of the Hernando County Water and Sewer District Board at a properly advertised board meeting in accordance with subsection 28-213(c)(2). Revised connection fees shall apply to commitments then in effect as follows:

(1) Commitments involving connection fees fully paid under the lump sum payment method shall not be effected by the revised fee schedule until expiration of the commitment. If a time extension is granted upon expiration of the commitment, additional applicable fees shall apply for all phases of the project for which construction plans have not been approved. The applicant shall have the option of either paying the difference in connection fees for each project phase made after expiration of the original commitment or of having the remaining unused connection fee balance credited toward a revised number of prepaid connections.

(2) Commitments involving connection fees paid under the incremental payment method shall be revised in the following manner:

a. Down payments shall be credited in the same manner as lump sum payments described in subsection (b)(1) above.

b. Upon full utilization of the lump sum payment, connection fees for remaining units shall be based upon the connection fees in effect at the time application is made for a building permit.

(c) ~~Franchise c~~Connection fee extended payment plan. When ~~franchise holders, or~~ private entities, serving apartments, mobile home parks or other commercial

establishments under single ownership and/or control are required by a governmental agency to connect to the district utility system, the connection fees required by Section 28-213 may be paid as a lump sum in accordance with this section, subsection (a)(1) or, if approved by the board, on an extended payment plan.

The extended payment plan shall require a down payment equal to twenty (20) percent of the connection fee. The remainder shall be payable in equal monthly installments at an annual interest rate not to exceed what is authorized by Florida Statutes over a period of time not to exceed five (5) years. Monthly installments may be billed and paid separately or along with the monthly water and/or sewer service bills from department, or by use of pre-issued monthly coupons or billing statements.

(d) Connection fee expenditures.

(1) Connection fees will be deposited in a separate fund and accounted for by water or sewer revenue and expense.

(2) All interest earned by the investments of monies in this fund will be deposited into this fund prorated to water or sewer per account balance.

(3) Connection fees may be expended district-wide.

(e) Connection fee refunds.

(1) Request for refunds will be considered by the department if submitted in writing prior to thirty (30) days before expiration of commitment when no service to any portion of the project subject to such commitment has commenced or otherwise been provided.

(2) Upon receipt of a written request for connection fee refund and termination of service commitment, the director of the department will determine and advise the applicant within thirty (30) days as to the amount of refund, if any.

(3) Any funds expended by the district related in any way to the service request in question, including but not limited to land, engineering and construction, shall be deducted from the prepaid connection fee, in determining the amount of the refund.

(4) Refunds shall be made within ninety (90) days of original request, without interest.

(f) In the event that a force majeure or an act of a state or federal government regulatory agency prohibits the district from connecting the applicant to the water or wastewater system, the district agrees to refund all connection fees paid.

SECTION 8. AMENDING SECTION 28-218, HERNANDO COUNTY CODE OF ORDINANCES, "COMPLIANCE," CORRECTING A TYPOGRAPHICAL ERROR TO READ AS FOLLOWS, WITH NEW MATERIAL UNDERLINED AND DELETED MATERIAL STRUCK THROUGH:

Sec. 28-218. Compliance.

All applicants for water and/or sewer service shall comply with this division. Any person, firm, or corporation, either individually or through agents, employees, or independent contractors who shall violate the provisions of this division shall be prosecuted as described in Chapter 2, Article III as amended from time to time; and each day of violation shall constitute a separate offense.

SECTION 9. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that, if any section, subsection, sentence, clause, phrase, or provisions of this ORDINANCE is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ORDINANCE.

SECTION 10. INCLUSION IN THE CODE

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, and is hereby provided, that the provisions of this ORDINANCE shall become and be made a part of the Code of Ordinances of Hernando, Florida. To this end, the sections of this ORDINANCE may be renumbered or re-lettered to accomplish such intention, and that the word "ORDINANCE" may be changed to "Section", "Article", or other appropriate designation.

SECTION 11. EFFECTIVE DATE

Certified copies of this ORDINANCE shall be filed with the Department of State by the Clerk of the Circuit Court within ten (10) days after enactment by the Board of County Commissioners and shall take effect upon receipt of official acknowledgment from that office that such ordinance has been filed.

PASSED AND ADOPTED in Regular Session this 18 th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS

HERNANDO COUNTY, FLORIDA

Gene D. Martinson, Deputy Clerk
Attest:
CLERK

HERNANDO COUNTY, FLORIDA

Robert C. Schenck
By
ROBERT C. SCHENCK
CHAIRMAN

ORDINANCE NO. 2005-

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* 10/18/05
County Attorney's Office