

ORDINANCE NO. 2003- 06

AN ORDINANCE 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 CONSTRUCTION OF WATER OR WASTEWATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER WASTEWATER EXTENSIONS; PROVIDING FOR SERVICE COMMITMENTS; PROVIDING FOR CONNECTION FEE PAYMENT REVISIONS, EXPENDITURES AND REFUNDS; PROVIDING FOR DESIGN AND CONSTRUCTION STANDARDS; PROVIDING FOR PENALTY FOR VIOLATION; REPEALING ORDINANCE NUMBER 94-01; AND PROVIDING FOR AN EFFECTIVE DATE.

2003 APR - 1 PM 2: 26

FILED

WHEREAS, pursuant to section 125.01(5), Florida Statutes, the Board of County Commissioners created and established, as a public body corporate and politic, a district known as the "Hernando County Water and Sewer District (**DISTRICT**)";

WHEREAS, the Hernando County Board of County Commissioners (**BOARD**) is the ex officio governing board of the **DISTRICT**;

WHEREAS, the Hernando County Utilities Department (**DEPARTMENT**) is responsible to the **BOARD** for the operation and maintenance of the **DISTRICT**'s water and wastewater systems and the administration of the **DISTRICT**'s enterprise fund;

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

SECTION 1 -Hernando County Ordinance Number 94-01 as well as any subsequent amendments thereto is hereby repealed.

SECTION 2 - GENERAL

- 2.1 **Short Title** - This **ORDINANCE** 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.**"
- 2.2 **Purpose** -The purpose of this **ORDINANCE** 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.

2.3 **Administration** -This **ORDINANCE** shall be administered by the **DEPARTMENT**.

2.4 **Jurisdiction**

2.4.1 This **ORDINANCE** 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.

2.4.2 Procedures and policy of the City of Brooksville, City of Weeki Wachee or the appropriate private franchise shall apply to areas served by those entities.

2.5 **Availability of Service**

2.5.1 In those instances where a centralized water and/or sewer system are required by 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), or by an existing franchise previously approved by the **DISTRICT**.

2.5.2 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**.

2.5.3 Service availability shall be determined by the following:

2.5.3.1 Upon receipt of a request for service, the **DEPARTMENT** shall estimate the cost of the necessary line extension and determine if uncommitted plant capacity exists.

2.5.3.2 If the estimated extension cost exceeds an amount equal to 25 percent of the applicable connection fee for the proposed development, or if 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 the **DISTRICT** in a water and/or sewer service agreement.

2.5.3.2.1 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 to fund the total cost of the necessary line extension and also pay all applicable connection fees.

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

2.5.3.3 The determination of the availability of water and wastewater services may, at the option of the **DISTRICT**, be determined together or separately.

SECTION 3 - REQUESTS FOR SERVICE

3.1 General

3.1.1 Except in the City of Brooksville's first right of refusal area, established per interlocal agreement, within the 5-mile unincorporated radius around the City or in existing franchised service areas, 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**.

3.1.2 All requests (applications) for water and/or sewer service shall be made to the **DEPARTMENT**. The **DEPARTMENT** will review the initial request to determine the apparent feasibility and requirements for providing service.

3.2 **Individual Single Family Homes** - Applications for single residential homes shall be made directly to the **DEPARTMENT**.

3.3 Requests for Service

3.3.1 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

- 3.3.2 All requests for single or multi-family developments, commercial and/or other establishments involving water or wastewater flows in excess of 2,000 gallons per day shall be submitted, in writing, by a Registered Professional Engineer, unless otherwise approved by the **DEPARTMENT**.

SECTION 4 - REVIEW OF REQUESTS FOR SERVICE

- 4.1 **Request for Service** - The request for service will be reviewed and evaluated as to the feasibility of providing service, with a written response (Preliminary Review) issued to the applicant within two weeks of receipt of the request, indicating the availability or unavailability of service, 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.)
- 4.2 **Preliminary Review** - Upon receipt of the Preliminary Review, or in the event that no written response is issued within two 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.
- 4.3 **Final Review** - Within two weeks of receipt of a 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.

SECTION 5 - CONNECTION FEES

- 5.1 **Definitions** of Water Facilities, Equivalent Residential Unit Level of Service, and Connection Fees
- 5.1.1 **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.
- 5.1.2 **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.

5.1.3 **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.

5.1.4 **Offsite Water Transmission Facilities** - All water lines and water mains necessary to transmit water from the well to the onsite water distribution system.

5.1.5 **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**.

5.1.6 **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 components:

5.1.6.1 **Water supply facilities;**

5.1.6.2 **Water storage facilities;**

5.1.6.3 **Water treatment facilities; and**

5.1.6.4 **Offsite water transmission facilities.**

5.1.7 **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**.

5.2 **Definitions** of Wastewater Facilities, Equivalent Residential Unit Level of Service, and Connection Fees

5.2.1 **Subregional Wastewater Treatment Facilities** - Major subregional components consisting of wastewater treatment plants, disposal facilities and/or reclaimed water facilities.

- 5.2.2 **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.
- 5.2.3 **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.
- 5.2.4 **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**.
- 5.2.5 **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:
- 5.2.5.1 **Subregional wastewater treatment facilities;**
 - 5.2.5.2 **Subregional wastewater offsite transmission facilities; and**
 - 5.2.5.3 **Nonsubregional offsite facilities.**
- 5.2.6 **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**.

5.3 **Connection Fees**

- 5.3.1 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 Section 5.1.5 (water equivalent residential unit) and Section 5.2.4 (wastewater equivalent residential unit). (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.)

- 5.3.2 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) days, including weekends and holidays, before the date fixed in said notice for the hearing.
- 5.3.3 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 usage shall be based on the average daily water usage and/or sewage treated for the most recent twelve (12) month period. All additional connection fees shall be paid at the rates then in effect at time of payment.
- 5.3.4 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.
- 5.3.5 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.

5.4 **Calculation of Connection Fees**

5.4.1 **Calculation of Water Connection Fees**

- 5.4.1.1 **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.

- 5.4.1.2 **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.
- 5.4.2 **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.
 - 5.4.2.1 **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.
 - 5.4.2.2 **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.
 - 5.4.2.3 **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.
 - 5.4.2.4 **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.
- 5.4.3 **Calculation of Wastewater Connection Fees**
 - 5.4.3.1 For wastewater flows, which do not require pretreatment prior to discharge into the wastewater system, wastewater connection fees are calculated as follows:

- 5.4.3.1.1 **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.
- 5.4.3.1.2 **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.
- 5.4.3.2 **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.
- 5.4.4 **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.
- 5.4.4.1 **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.

- 5.4.4.2 **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.
- 5.4.4.3 **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 6 - POINT OF CONNECTION

- 6.1 **General** - The **DISTRICT** reserves the right to establish the point of connection for all connections to **DISTRICT** systems.
- 6.2 **Extension of Water and Sewer Service to New Developments**
 - 6.2.1 The **DEPARTMENT** shall determine which entity (the Applicant or the **DEPARTMENT**) shall design and construct the line extension to connect with the **DISTRICT** system.
 - 6.2.2 **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**.
 - 6.2.3 **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.
 - 6.2.4 **Basis of Extension Size** - Water main extensions are to be sized based upon a maximum 4 FPS velocity for estimated maximum daily domestic water usage plus fire flows. Under no circumstances shall water transmission main extensions be less than 6-inch diameter. Sanitary force main extensions shall

be sized based upon maintaining a velocity of 2.5 FPS and a maximum velocity of 7.5 FPS for design flow conditions. Gravity sanitary sewer extensions shall be a minimum of 8-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.

6.3 **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 be credited against connection fees. All costs for oversizing in excess of connection fees shall be paid to the applicant by the **DISTRICT** upon completion of the project, or upon expenditure per prior agreement. Costs of oversizing shall be based upon the incremental installed cost of the oversizing, based on actual bid quantities or costs of the contractor.

6.4 **Extensions of Water and Sewer Service to Existing Developments Adjacent to DISTRICT Facilities**

6.4.1 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.

6.4.2 The **DEPARTMENT** 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.

6.4.3 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.

6.4.4 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 \$500, and the corresponding ERU component of the connection fee is \$210 (based on a \$525 water connection fee), the connection fee shall be reduced to \$315 (\$525 less \$210) and the \$500 line extension cost added to the

connection fee, for a total connection fee of \$815. Hook-up fee and any applicable deposit shall be in addition to the connection fee.

- 6.4.5 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.
- 6.4.6 If the proportionate cost per ERU exceeds the corresponding connection fee component, and there are up to 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.
- 6.4.6.1 The customer will pay the hook-up fee and any applicable deposit prior to service connection, and at least 25 percent of the remaining connection fee less the proportionate extension cost.
- 6.4.6.2 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 24 months.
- 6.4.6.3 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.
- 6.4.7 If the proportionate cost per ERU exceeds the corresponding connection fee component, and the potential connections to the extension facilities exceed 100 connections, the line extension costs shall be paid by special assessment wherein all benefited property owners are charged 100% 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.

- 6.4.7.1 The time period for repayment shall be based upon the amount of the assessment in accordance with County Policy.

(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.

- 6.4.10 If the assessment paid was in accordance with sections 6.4.7 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 7 - SERVICE COMMITMENTS

- 7.1 **Acceptance of Final Review** - Within 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.
- 7.2 **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.
- 7.3 **Formal Commitment** - Within two 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.
- 7.4 **Expiration of Commitment** - Unless otherwise agreed, commitments shall expire five years after issuance of the formal commitment for projects, or project phases involving lump sum payments. 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.
- 7.5 **Time Extensions to Commitment**

- 7.5.1 Time extensions to commitments may be granted for periods not to exceed two years, provided capacity within the water and/or sewer system remains available, and provided that a request is submitted in writing prior to 30 days before the expiration date of the commitment.
- 7.5.2 Service agreements or commitment contracts entered into prior to the effective date of this **ORDINANCE**, 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 section 7.5.1.

SECTION 8 - CONNECTION FEE PAYMENT, REVISIONS, EXPENDITURES AND REFUNDS

- 8.1 **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.
 - 8.1.1 **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 100 percent of the total connection fee may be acceptable, until a time specified by the County.
 - 8.1.2 **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 100 percent

of the total connection fee may be acceptable, until a time specified by the County.

- 8.1.3 **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 Section 6.4.6, above.
- 8.2 **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 Paragraph 5.3.2 above. Revised connection fees shall apply to commitments then in effect as follows:
- 8.2.1 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.
- 8.2.2 Commitments involving connection fees paid under the Incremental Payment method shall be revised in the following manner:
- 8.2.2.1 Down payments shall be credited in the same manner as Lump Sum Payments described in Subsection 8.2.1 of this **ORDINANCE**.
- 8.2.2.2 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.
- 8.3 **Franchise 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 5 may be paid as a lump sum in accordance with Section 8, Subsection 8.1.1 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.

8.4 Connection Fee Expenditures

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

8.4.2 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.

8.4.3 Connection fees may be expended **DISTRICT**-wide.

8.5 Connection Fee Refunds

8.5.1 Request for refunds will be considered if submitted in writing prior to 30 days before expiration of commitment.

8.5.2 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 30 days as to the amount of refund.

8.5.3 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.

8.5.4 Refunds shall be made within 90 days of original request.

8.6 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 9 - DESIGN AND CONSTRUCTION STANDARDS

Design and Construction Standards shall be in accordance with existing **DISTRICT** Policies, Standards, and Specifications in effect at the time Plans and Specifications are submitted for review.

SECTION 10 - COMPLIANCE

All applicants for water and/or sewer service shall comply with this **ORDINANCE**. Any person, firm, or corporation, either individually or through agents, employees, or independent contractors who shall violate the provisions of this **ORDINANCE** shall be fined not more than Five Hundred Dollars (\$500.00) for each violation or imprisonment for not more than sixty (60) days in County jail for each violation, or both, and each day of violation shall constitute a separate offense.

SECTION 11 - ADDITIONAL REMEDIES

In addition to any other remedies or relief available, the **DISTRICT** may enjoin any violation of this **ORDINANCE**.

SECTION 12 - SEVERABILITY

It is declared to be the intent of the **BOARD** that, if any section, subsection, sentence, clause, phrase, or portion 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 13 - INCLUSION IN THE CODE

It is the intention of the **BOARD** 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 14 - REPEALER

All ordinances and parts of ordinances in conflict herewith are hereby repealed. Should any portion of this **ORDINANCE** be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 15 - EFFECTIVE DATE

Certified copies of this **ORDINANCE** shall be filed with the Department of State by the Hernando County Clerk of the Court within ten (10) days after enactment by the **BOARD** and, upon receipt of official acknowledgment from that office that this **ORDINANCE** has been filed, become effective July 1, 2003.

PASSED and ADOPTED in Regular Session this 25th day of March 2003.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: *Karen Nicolai*
KAREN NICOLAI
Clerk of Circuit Court

By: *Mary E. Whitehouse*
MARY E. WHITEHOUSE
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *Kent E. Atkinson*
County Attorney's Office

3-2403

~~I hereby certify that the foregoing is a true and
correct copy of the original
Karen Nicolai, Clerk Circuit Court, Hernando
County, Florida:~~

~~By _____ D.C.
_____~~