

ORDINANCE NO. 2005-19

AN ORDINANCE PROVIDING FOR LEGAL AUTHORITY AND ADMINISTRATION; ESTABLISHING REQUIREMENTS FOR CONNECTING TO THE HERNANDO WATER AND SEWER DISTRICT'S WATER AND SANITARY SEWER SYSTEMS AND EXEMPTIONS; PROHIBITING CROSS CONNECTIONS; PROVIDING FOR APPLICATION FOR AND TERMINATION OF WATER AND/OR SANITARY SEWER SERVICE; ESTABLISHING THE DISTRICT'S GUARANTEE OF SERVICE AND RIGHT TO DISCONTINUE SERVICE; ESTABLISHING THE DISTRICT'S OWNERSHIP OF WATER METERS AND RIGHT OF ACCESS TO WATER METERS, WATER AND SANITARY SEWER LINES, AND OTHER COMPONENTS AND APPURTENANCES OF THE SYSTEMS; PROHIBITING TAMPERING WITH DISTRICT PROPERTY; ESTABLISHING REQUIREMENTS FOR WASTEWATER EFFLUENT DISCHARGED INTO THE DISTRICT'S SYSTEMS; ESTABLISHING PLUMBING MAINTENANCE REQUIREMENTS FOR PROPERTIES CONNECTED TO DISTRICT SYSTEMS; ESTABLISHING UTILITY DEPOSITS AND REFUND; AUTHORIZING THE RATES TO BE CHARGED FOR USE OF THE WATER AND SANITARY SEWER SERVICES OF THE HERNANDO WATER AND SEWER DISTRICT TO BE PROMULGATED BY RESOLUTION OF THE BOARD; PROVIDING FOR MONTHLY WATER AND/OR SANITARY SEWER SERVICE BILLING AND COLLECTION; PROVIDING SERVICE DISCONTINUANCE FOR DELINQUENT PAYMENT OF ACCOUNT; PROVIDING FOR RETURNED CHECK AND INSUFFICIENT ELECTRONIC FUNDS CHARGES; PROVIDING PENALTIES FOR VIOLATION OF ORDINANCE; REPEALING HCBCC ORDINANCE NUMBER 94-13; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. LEGAL AUTHORITY AND ADMINISTRATION

- 1.1 Pursuant to Section 125.01(5), Florida Statutes, the Hernando County 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); and
- 1.2 The Hernando County Board of County Commissioners is the ex officio governing board (BOARD) of the DISTRICT; and
- 1.3 The Hernando County Utilities Department (DEPARTMENT) is responsible to the BOARD for the operation and maintenance of the DISTRICT'S water and sanitary sewer systems and the administration of the DISTRICT'S enterprise fund; and
- 1.4 The BOARD intends hereby to modify the ordinance authority for the DEPARTMENT's

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operation and maintenance of such systems and administration of the enterprise fund.

1.5 Any reference in this ordinance to water service or water systems shall be construed to include reuse water systems, whether or not expressly stated or so provided, unless the context clearly requires limitation to potable water service or systems.

SECTION 2. GENERAL PROVISIONS

2.1 **SHORT TITLE** -This ordinance shall be known and may be cited as "THE WATER AND SEWER DISTRICT'S OPERATING AND RATE ORDINANCE" (ORDINANCE).

2.2 **PURPOSE** - The purpose of the ORDINANCE is to establish requirements for connecting to the DISTRICT'S water and/or sanitary sewer systems; guarantees and rights of the DISTRICT; requirements for plumbing maintenance; standards for wastewater effluent discharged into the DISTRICT'S systems; procedures for establishing, billing and collecting rates, fees, and charges for water and sanitary sewer service; and the repeal of Ordinance 94-13.

2.3 **ADMINISTRATION** - The ORDINANCE shall be administered by the DEPARTMENT.

SECTION 3. CONNECTIONS WITH WATER AND SEWER SYSTEMS

3.1 **CONNECTION REQUIRED** - Where service is available and unless exempted below, the owner of every lot or parcel of land within the DISTRICT shall connect or cause the plumbing of any building or buildings thereon to be connected with the DISTRICT'S water and/or sanitary sewer system and use the facilities of such system. All such connections shall be made in accordance with the rules and regulations, which shall be adopted from time to time by the BOARD, which said rules and regulations shall provide for a charge for making connections in such reasonable amount as the BOARD may establish. Nothing herein shall affect liability for service charges as provided elsewhere in this ordinance or in other provisions of the Code of Ordinances.

3.2 SEPARATE CONNECTIONS AND SUB-METERING

3.2.1 Each residential unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit, up to a total of four (4) residential units, shall be considered a separate unit for payment of water and sanitary sewer fees and charges, and separate connections (water and/or sanitary sewer) and water meters shall be required for each unit. Multi-residential structures with more than four (4) residential units may be considered, at the discretion of the DEPARTMENT, to be non-residential for metering and billing purposes and have a master meter servicing all units in the building, in accordance with applicable requirements of the Hernando County Code of Ordinances.

3.2.2 If a landlord or condominium association with a master meter chooses to sub-meter individual units within a multi-unit complex, whether residential or commercial, such landlord or condominium association shall not be considered a utility subject to regulation by the county if the landlord or association provides service solely to its own

tenants or unit owners without specific compensation for such utility service; or if any resale of services is made at a rate or charge not exceeding the actual purchase price thereof, only when such landlord or association files at least annually with the Hernando County Utility Regulatory Authority a list of charges and rates for all water or wastewater service sold, the source and actual purchase price thereof, and any other information required by the authority to justify the exemption from regulation provided hereunder.

3.3 RESIDENTIAL IRRIGATION METERS PROHIBITED - Due to a concern for conserving Florida's drinking water supply, residential water meters solely for irrigation purposes are prohibited by this ORDINANCE, unless such meters were prepaid and in place on property in the former Florida Water Services Corporation franchised area of Spring Hill prior to February 17, 2004. Any such meters shall be non-conforming facilities and may not be replaced if they cease to be functional.

3.4 SANITARY SEWER REQUIREMENTS

3.4.1 Every residence and building within the DISTRICT in which human beings reside, are employed, or congregate shall be required to have a sanitary method of disposing of human excrement, namely a sanitary water closet that is connected either with the DISTRICT'S sanitary sewer system or an approved type of septic tank.

3.4.2 A septic tank may be used only if the property is more than 200 feet from a DISTRICT sanitary sewer transmission line (gravity and/or force main), or the capacity of the DISTRICT'S sanitary sewer transmission line within 200 feet of the property is deemed inadequate by the DEPARTMENT to service the property.

3.4.3 It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the DISTRICT to permit the disposal of any human excrement on any property leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation except in a sanitary water closet connected either with the DISTRICT'S sanitary sewer system or a septic tank, as provided above.

3.4.4 It shall be unlawful for any person, persons, firm or corporation to build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the DISTRICT which is within two hundred feet of a DISTRICT sanitary sewer transmission line (gravity and/or force main) with adequate capacity to service the structure as determined by the DEPARTMENT, without connection to the DISTRICT'S sanitary sewer system.

3.4.5 No septic tank other than those authorized by the Florida Department of Environmental Protection, Florida Department of Health, or other state or local agency with regulatory jurisdiction shall be constructed within the DISTRICT.

No septic tank shall be constructed within 200 feet of a DISTRICT sanitary sewer transmission line (gravity and/or force main), if the capacity of the DISTRICT'S sanitary sewer transmission line has been determined by the DEPARTMENT to be adequate to service the structure.

3.5 EXEMPTIONS FROM CONNECTION TO DISTRICT SYSTEMS

3.5.1 WATER - Those owners of lots or parcels of land which are served by an individual water supply system at the time service is made available by expansion of the DISTRICT'S water system may continue to utilize such individual water supply until such time as the DISTRICT demonstrates that the cost of such supply system has been fully amortized, or the Hernando County Health Department or any state or local agency with regulatory jurisdiction requires connection to the DISTRICT'S water system.

3.5.2 SANITARY SEWER - Those owners of lots or parcels of land where a DISTRICT sanitary sewer transmission line (gravity and/or force main) with adequate capacity for the intended use of the property is more than two hundred (200) feet from the lot or parcel of land at the time a premises is constructed may use an individual septic tank or other onsite wastewater disposal system as authorized by the Florida Department of Environmental Protection and permitted and inspected by the Hernando County Health Department. At the time sanitary sewer service becomes available owners utilizing approved onsite disposal systems may continue to utilize such individual systems, until such time as the property owner may choose to connect, or the Hernando County Health Department or any state or local agency with regulatory jurisdiction requires connection to the DISTRICT'S sanitary sewer system, or the DISTRICT demonstrates that the cost of such system has been fully amortized.

3.5.3 Connection to DISTRICT water or sewer lines shall be mandatory for any parcel of land within a district or unit created and authorized by action of the board of county commissioners in which parcel owners are assessed for the cost of constructing such lines by non-ad valorem assessments.

3.6 CROSSING PRIVATE PROPERTY - This ORDINANCE shall not be construed to require or entitle any person to cross the private property of another to make any such water or sanitary sewer connection.

3.7 FAILURE TO CONNECT

3.7.1 If any owner of any lot or parcel of land within the DISTRICT shall fail and refuse to connect with and use the facilities of the DISTRICT'S water and/or sanitary sewer system within ninety (90) calendar days of written notification so to do by the DEPARTMENT or the Hernando County Health Department or other state or local agency with regulatory jurisdiction, as provided above, and no formal

proceeding appealing or otherwise challenging such determination has been commenced, then the DEPARTMENT shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The DISTRICT shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction.

3.7.2 In addition, and as an alternative means of collecting such costs of making such connections, the DISTRICT shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of State and County and municipal taxes. The DISTRICT may foreclose such lien in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

3.8 **CONNECTING SUBSTANDARD PLUMBING** - Whenever it is desirable to connect substandard plumbing with the DISTRICT'S water and/or sanitary sewer systems, and providing water and/or sanitary sewer service is available from the DISTRICT, the owner or plumber contemplating doing such work shall notify the Hernando County Building Division, which shall provide an inspection of said substandard plumbing and notify the owner or plumber what alterations will be necessary to place said substandard plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection of substandard plumbing to the DISTRICT'S systems without the approval of the Building Division shall be subject to the penalties hereinafter provided.

3.9 **UNLAWFUL CONNECTION** - It shall be unlawful for any person to connect into any water or sanitary sewer line owned by the DISTRICT without the written consent, direction and supervision of the DEPARTMENT in accordance with applicable provisions of the Hernando County Code of Ordinances. Any property owner or plumber who shall make any connection without the consent of the DEPARTMENT shall be subject to the penalties hereinafter provided.

3.10.1 **IMPROPER SANITARY SEWER CONNECTIONS** - All sanitary sewer laterals or sanitary sewer clean-outs which contain leaks or breaks; uncapped sanitary sewer clean-outs, sump pumps, down spouts or yard drains which discharge into the sanitary sewer system; and all other sources of accidental, negligent or intended introduction of storm run-off or similar waters into the sanitary sewer system are hereby declared to be a public nuisance, and shall be abated by the owner of the property, who is hereby required to remove or correct such improper sanitary sewer connections.

3.11 **CROSS CONNECTION WITH PRIVATE OR REUSE WATER SUPPLY PROHIBITED**

3.11.1 It shall be unlawful for any person to connect or cause to be connected to the DISTRICT water pipes, by any means whatsoever, other pipes containing water from any water supply other than the potable water supply of the DISTRICT and the owner of the property where any such cross connection is made shall be held

responsible for the violation of this section.

3.11.2 If a person, as the owner of the property, shall have upon such property a supply of water other than the supply of potable water furnished by the DISTRICT, and also have upon such property a water supply furnished by the DISTRICT, such owner shall have and is hereby required to have a dual system of pipes, one system of pipes being for potable water supplied by the DISTRICT, and the other system of pipes being for the supply of water from the private or reuse supply, and it shall be unlawful for the two (2) systems to be connected together in any manner whatsoever.

3.11.3 It is hereby required that tanks into which water furnished by the DISTRICT is discharged shall be at such distance below the discharge pipes so that at no time can the water in such tanks rise to the level as to come in contact with the discharge pipe, and that the installation shall be constructed so that the outlet of the discharge pipes shall be at least six inches (6") above the maximum possible height of the water in the tanks and that the pipes shall be so constructed in conjunction with the discharge of water into the tanks which shall create an atmospheric gap to prevent any possible siphonage or siphoning effect, and it shall be unlawful to construct or erect the pipes or tanks otherwise than prescribed herein.

3.11.4 The DISTRICT may adopt policies to regulate cross-connections and shall enforce such adopted policies as if fully set out herein.

3.12 **BACKFLOW PREVENTION ASSEMBLIES** - Each multi-family residential structure with a master water meter and each non-residential or commercial premises connected to the DISTRICT water lines shall have a backflow prevention assembly installed, at no cost to the DEPARTMENT, in accordance with DEPARTMENT specifications, inspection, and approval. Any such backflow prevention assembly shall be operated and maintained by the owner of the establishment, at no cost to the DEPARTMENT, in accordance with DISTRICT policies and may be inspected at any time by the DEPARTMENT.

3.12.1 **Notice; time limit.** In the event that any multi-family residential structure with a master meter or any non-residential or commercial customer does not have installed the backflow prevention device or devices required hereunder, or whenever the DEPARTMENT reasonably determines that any hazard to public health and safety exists by virtue of the absence of such backflow prevention devices at any establishment, such establishment shall be required to install appropriate backflow prevention devices for the protection of the potable water system within 45 days of written notice by the DEPARTMENT. Written notice of the requirement to install a backflow prevention device shall be delivered to the premises with a copy mailed to the customer address as it appears on the DEPARTMENT records. The notice shall state:

3.12.1.1 The fact that a backflow prevention device is required.

- 3.12.1.2 The type of device required to be installed.
 - 3.12.1.3 The fact that the device is required to be installed within 45 days of the date of the notice.
 - 3.12.1.4 The date that an inspection of the premises will occur to verify the installation of the device.
 - 3.12.1.5 The date on and after which delivery of water shall be discontinued to the premises if the device has not been installed.
- 3.12.2 **Change of occupancy or land use** At such times as a change of occupancy or land use occurs, the DEPARTMENT shall have the right to review the new occupancy or land use and if, in the opinion of the DEPARTMENT, a different type of backflow prevention device is required due to an increased likelihood of a potential hazard to the health and safety of potable water users, the customer shall be responsible for the installation of the new device at the customer's own expense.
- 3.12.3 **Any backflow prevention device required herein shall be of a model and size approved by the DEPARTMENT.** The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) and entitled "AWWA C510 Double Check Valve Backflow Prevention Assembly" or "AWWA C511 Reduced Pressure Principle Backflow Prevention Assembly" and which has met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control (FCCC) and Hydraulic Research (HR) of the University of Southern California established by the Manual of Cross Connection Control, 9th Edition, dated 1993, or the most current issue.
- 3.12.3.1 Such AWWA and FCCC and HR standards and specifications have been adopted by the DEPARTMENT. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with such AWWA standards and FCCC and HR specifications.
 - 3.12.3.2 The DEPARTMENT shall perform a certified inspection and make an operational test on an annual basis at any premises where backflow prevention devices are installed. Such inspections and tests shall be at the expense of the customer and shall be charged and billed according to a rate schedule for such inspections and tests to be adopted and amended from time to time in a resolution of the DISTRICT BOARD. Where inspection and/or testing demonstrates a significant hazard to

potable water users, the DEPARTMENT may perform or require inspections and tests at intervals more frequent than annually.

3.12.3.3 Backflow prevention devices shall be repaired, overhauled, and/or replaced at the expense of the customer-user whenever such devices are found to be so defective as to present an increased likelihood of a potential hazard to the health and safety of potable water users. Records of such repairs, overhauls or replacements shall be submitted to the DEPARTMENT.

3.12.3.4 Any backflow prevention device which does not meet the requirements of this section but was an approved device for the purposes described herein at the time of installation and which has been properly maintained shall be inspected by the DEPARTMENT as the DEPARTMENT deems appropriate and shall not otherwise be subject to the requirements of this section so long as the DEPARTMENT is assured such device will satisfactorily protect the public potable water supply system. Wherever the existing device is moved from the present location, or requires more than minimum maintenance, or constitutes a hazard to the health and safety of potable water users, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

3.13 UNLAWFUL CONNECTIONS; REMEDIES; DISCONNECTIONS –

3.13.1 It shall be unlawful for any person to make a connection to the DISTRICT's water and/or sanitary sewer systems without authority to do so from the DISTRICT. Any such unlawful connection shall be subject to the penalties provided herein, including but not limited to restitution of any costs and expenses incurred by the DEPARTMENT in disconnecting such unlawful connection in the manner provided herein.

3.13.2 The DEPARTMENT shall have the right to immediately disconnect an illegal connection, if the DEPARTMENT deems the immediate disconnection to be in the best interest of public health and safety. Otherwise, if any owner of any lot or parcel of land within the DISTRICT shall fail and refuse to disconnect any unlawful connection with the DISTRICT'S water and/or sanitary sewer system within forty-eight (48) hours of notification so to do by the DEPARTMENT, then the DEPARTMENT shall be authorized to make such disconnections, entering on or upon any such lot or parcel of land for the purpose of making such disconnection. In any case, the DEPARTMENT shall be entitled to recover the cost of making such disconnection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction.

SECTION 4. WATER AND/OR SEWER SERVICE APPLICATION AND CONTRACT

4.1 APPLICATION FOR SERVICE

- 4.1.1 All owners of property connected to the DISTRICT'S water or sanitary sewer system or to both systems shall request service from the DEPARTMENT. The property owner, until such time as the property is sold, shall be liable as an account holder for minimum monthly charges with respect to either the DISTRICT's water or sanitary sewer system, or with respect to both systems, if both are available, regardless of whether or not a particular vacant or improved parcel is connected thereto or is making use thereof, unless and until a renter or tenant makes application for service at that location, or as otherwise provided by this ordinance or other code provisions.
- 4.1.2 Renters/Tenants - Billing for the property owner's utility account shall be suspended upon the effective date for service to an account in the name of a renter or tenant. Upon the termination of a tenant's utility account, whether through proper notification to the DEPARTMENT or through the tenant's vacation of the premises either voluntarily or involuntarily without notice to the DEPARTMENT, the property owner shall again be liable for charges accrued at the service location. Upon termination of the renter or tenant's utility account, the DEPARTMENT may reactivate the owner's utility account. The property owner shall not be liable for any charges accrued to the tenant's utility account prior to the effective date of termination. The DEPARTMENT shall be under no obligation to make adjustments to the owner's account should a renter or tenant fail to request water and/or sanitary sewer service from the DEPARTMENT in their name. Termination of a tenant's utility account shall be effective on the earlier of the date of notice to the DEPARTMENT or the date of abandonment of the premises by the tenant without regard to notice to the DEPARTMENT or to the property owner.
- 4.1.3 All applications for connection of any premises to the DISTRICT'S water and/or sanitary sewer systems or for transfer of the utilities account for a service location to another party shall be made to the DEPARTMENT in writing on forms provided for that purpose, and shall state fully all the purposes for which such water connection or sanitary sewer service is required and the correct location of the premises to be supplied, and shall be signed by the owner, tenants, or an authorized agent. The DEPARTMENT may authorize service to residential units upon verbal or electronic request therefore, and the DEPARTMENT's acceptance of such request and Applicant's receipt of services from the DEPARTMENT pursuant thereto, whether or not subsequently formalized by a written application or written contract, shall constitute a contract for service under the same terms as if a fully signed and completed application was received and approved by the DEPARTMENT.
- 4.1.4 The DEPARTMENT shall establish a utility account in the applicant's name at the time the request for service is accepted. Such request when accepted by the

DEPARTMENT and upon its performance of the service applied for shall constitute a contract between the applicant and the DISTRICT which shall bind such applicant to pay to the DEPARTMENT for the services rendered at the DISTRICT'S prescribed rates and to comply with all rules and regulations as prescribed and fixed hereby in the provisions of this ORDINANCE, or as hereafter adopted by the BOARD.

4.1.5 Any agents, trustees, receivers, administrators, executors, or anyone handling properties for owners or tenants signing an application for water and/or sanitary sewer service on behalf of principals, shall be held jointly and severally liable with their principals under the terms of the contract of application, which contract shall remain in effect until notice from the original applicant has been received by the DEPARTMENT for discontinuance of service.

4.1.6 Anyone signing an application for water and/or sanitary sewer service and requesting that the account bill be sent to a different address for payment by another party does so at his own risk, as the DEPARTMENT does not act as a collection agency for owner or agent, and takes no responsibility for collection of the account. Should the account become delinquent, the contracting party shall be liable and collection shall be handled as any ordinary account.

4.2 WATER AND/OR SEWER SERVICE CONTRACT - The contract for water and/or sanitary sewer service shall be substantially in the following form:

"The applicant for water and/or sanitary sewer service agrees to be responsible for providing the correct service location to the Utilities Department and to reimburse the Utilities Department for any costs incurred as a result of the applicant providing incorrect information. The applicant further agrees to conform to all the rates, rules and regulations of the Hernando County Water and Sewer District for water and/or sanitary sewer service as are now or hereafter in force, and which are made part of this contract, including the agreement to pay the prescribed charge for any restoration of service. The applicant also agrees to pay water and sanitary sewer hook-up and connection fees where applicable, and to pay all charges for water and/or sanitary sewer service, as they may become due and at the scheduled rate in effect, until and unless notice in writing is given by the applicant to the Utilities Department that service is to be discontinued, for whatever period of time. Applicant further certifies that any and all information provided to the DEPARTMENT in the course of applying for service is true and correct and understands that willfully supplying false or incorrect information may constitute a violation of the DISTRICT's operating ordinance." It shall be a violation of this ordinance if any applicant for service willfully provides false or incorrect information upon which the DEPARTMENT relies to its operational or financial detriment.

4.3 TERMINATION OF WATER AND/OR SEWER SERVICE

4.3.1 Any owner of property connected to the DISTRICT'S water and/or sanitary sewer

system may terminate their contract and utility account for water and/or sanitary sewer service with the DEPARTMENT by giving notice to the DEPARTMENT that they have sold the service location and by paying all amounts due for services up to the date of receipt of such notice by the DEPARTMENT or the effective closing date of sale, whichever comes last.

- 4.3.2 Renters or tenants may terminate their contract and utility account with the DEPARTMENT at any time by giving notice to the DEPARTMENT and by paying all amounts due for services up to the date of receipt of such notice by the DEPARTMENT or upon the effective date requested by the account holder.
- 4.3.3 The DEPARTMENT will not accept any notice as binding unless made in writing. Persons giving notice either verbally or by telephone do so at their own risk.
- 4.3.4 In case notice of termination is not given by an account holder or the bills due for service are not paid, the account holder shall continue to be liable for water consumed and/or sanitary sewer services rendered and, in case no water is consumed and/or sanitary sewer service rendered, for the minimum monthly charge even though the account holder may vacate or the premises may be occupied by another party who fails to apply for service and sign a contract with the DEPARTMENT. However, in the case where the property has been sold, the previous owner shall not be held liable for water and/or sanitary sewer charges accrued after the closing date of property sale; rather, the new owner shall be liable for water and/or sanitary sewer charges upon the effective closing date of sale.
- 4.3.5 Acceptance by the DEPARTMENT of an application for service at an existing service location shall automatically transfer the utilities account for that location into the name of the new applicant and automatically suspend or terminate the previous account upon the effective date of service for the new account, whether or not notification of account suspension or termination from the previous account holder has been received by the DEPARTMENT.
- 4.3.6 Should the owner of any property connected to the DISTRICT'S water and/or sanitary sewer system, fail to make application for service, the DEPARTMENT shall have the right to disconnect the water and/or sanitary sewer service to the property immediately upon discovery, and to require payment by the owner of all applicable fees and charges accrued prior to reconnection of service and the cost of reconnection to the system(s).
- 4.3.7 In the event of notification to the DEPARTMENT of bankruptcy of the owner, the account shall be administratively divided between pre-petition date and post-petition date liabilities, unless otherwise directed by the owner or the bankruptcy court, and a claim may be filed with the court for payment of any pre-petition

delinquencies. Unless the account is terminated, the owner will be separately liable for charges for service accruing after the petition date. In chapter 11 or 13 cases, failure to remain current on post-petition charges will be called to the attention of the court for appropriate action.

- 4.3.8 In the event the owner dies, the name on the account shall be changed or the account terminated as soon as possible upon presentation of evidence of death. If a notice of claim is filed in probate proceedings, such notice shall be without prejudice to the assertion of liability against the estate, the personal representative, or any occupants of the premises obtaining the benefits of continued service, jointly or severally, if the name of the deceased remains on the account for any periods after the date of death. In any such case, the DEPARTMENT shall have the authority to disconnect service for non-payment.

SECTION 5. GUARANTEES, RIGHTS, AND RESPONSIBILITIES OF DISTRICT

- 5.1 The DISTRICT neither guarantees an uninterrupted supply of water nor water at any particular pressure for any purpose, but reserves and shall have the right for the DEPARTMENT to shut off water in its mains at any time for the purpose of making repairs or extensions or for other purpose incidental to a public water supply, and will not be responsible for any damage resulting from a consumer leaving a faucet open; a water heater failing to hold and/or heat water; or any other damages otherwise caused by low pressure. The DISTRICT shall in no case be liable or responsible to any persons whatsoever in case of fire, for any damage that may result from any alleged insufficiency of such fire protection, either from want of pressure or volume, accessibility, or for any other cause.
- 5.2 The DEPARTMENT shall have the right to disconnect water service at the water main for the protection of the DISTRICT or the consumer in cases where a building has been burned or torn down or seriously damaged by forces of nature, or in cases where the consumer has been found to be using water illegally or unlawfully, as provided herein; and to assess the regular schedule of fees for restoration of service.
- 5.3 The DEPARTMENT shall have the right to disconnect water service from a premises for delinquency in payment of charges or fees to the DEPARTMENT and to assess the regular schedule of fees for restoration of service.
- 5.4 The DEPARTMENT shall have the right to disconnect water service from any premises where, on account of defective plumbing, improper or unauthorized installation of plumbing devices, or the like, it shall be deemed to be in the best interest of the health and safety of DISTRICT customers to do so and to assess the regular schedule of fees for restoration of service.
- 5.5 The DEPARTMENT shall have the right to disconnect water service from any multi-family residential structure where backflow prevention is required or other non-residential

or commercial premises where, because the owner has failed to install or properly maintain a backflow prevention assembly, it shall be deemed to be in the best interest of the health and safety of DISTRICT customers to do so and to assess the regular schedule of fees for restoration of service.

- 5.6 The DISTRICT shall not be responsible for any loss of water or damages resulting from leaks, open faucets, or otherwise on the private property of a consumer at any time, including at the time a DEPARTMENT employee restores water service to the premises, and shall be under no obligation to make adjustments for such leaks or resulting damages.
- 5.7 The DEPARTMENT shall not be responsible for damage to any structures or landscaping that are located within utility easement boundaries on private properties, should access for operation, maintenance, or repair be required. The utility easement is to remain free from the erection or placement of any other structures such as fences, outbuildings and decorative rocks. Landscaping, other than turf grasses, is not recommended.

SECTION 6. WATER METERS

- 6.1.1 All necessary meters up to and including two (2) inches in size will be furnished by the DEPARTMENT and shall remain the property of the DISTRICT.

Multi-family residential, non-residential or commercial applicants requiring meter sizes in excess of two (2) inches shall purchase and ensure the proper installation of the appropriately sized water meter in accordance with the DEPARTMENT'S specifications.

Upon installation and inspection by the DEPARTMENT, the meter shall become and remain the property of the DISTRICT. The DEPARTMENT shall maintain, repair and/or replace such meters at its discretion and expense.

- 6.2 A new owner of a property already connected to the DISTRICT'S water system who desires a meter larger than the size of the meter then in service shall be required to pay the difference between the rates, fees, and charges in effect for the meter then in service and the rates, fees, and charges in effect for the larger meter, and the cost of installation for the new meter.
- 6.3 The DEPARTMENT shall maintain the proper operation of all meters and has the right to, whenever such meter wears out or becomes incapacitated or at any time at its own discretion, install a new meter. The DEPARTMENT has sole right to determine the need to replace or repair a meter. Only DEPARTMENT employees are authorized to turn on or off a water meter or to repair or replace a water meter connected to a DISTRICT water system.
- 6.4 The DEPARTMENT shall have the right to test meters to determine their accuracy whenever it sees fit. If a customer demands a meter test when, in the judgment of the DEPARTMENT, the meter is operating correctly, the customer shall pay a fee for such test as established by the BOARD, provided the accuracy of registration is found

satisfactory. Satisfactory registration shall be within tolerances of two percent (2%) minus or two percent (2%) plus. A customer shall have the right to be present at the time of testing.

- 6.5 The DEPARTMENT shall have the right of access to the premises of a customer at any reasonable hour for the purpose of conducting the normal business of the DEPARTMENT, such as making tests and inspections or reading water meters.
- 6.6 In the event any meter is damaged, destroyed or fails to register due to tampering by unauthorized persons, the customer may be billed for the period involved on a basis of their average water consumption for the preceding three (3) months.
- 6.7 When a customer has made application for water and/or sanitary sewer service and paid the installation or meter charges, and the installation of the new service has been completed, the DEPARTMENT shall not be required to refund these charges if the customer later decides not to receive service, but the DEPARTMENT shall retain such payments as liquidated damages.

SECTION 7. TAMPERING WITH DISTRICT PROPERTY PROHIBITED

- 7.1 No person shall turn off or turn on water at the water meter, curb stop, corporation stop, or valve, or to in any way disconnect or remove any water meter or disturb, alter or damage any water connection, meter or water main belonging to the DISTRICT, unless authorized by the DISTRICT to do so.
- 7.2 No person shall destroy, deface, impair, injure or wantonly force open any gate or door therein or in any way whatsoever destroy, injure, deface, wantonly destroy any part of the building, or the appurtenances, fences or fixtures there unto appertaining, or any water pipes, gates reservoirs, hydrants, fountains or any fixtures or other property belonging to the DISTRICT'S water and/or sanitary sewer systems; or, without authority from the DEPARTMENT, remove, open, hitch to, dig out, sod or curb over any fire plug or hydrant, stopcock, valve, valve box, meter box or other fixture belonging to the DISTRICT'S water and/or sanitary sewer systems; or without authority from the DEPARTMENT use water directly from a water line, whip, hydrant, valve or other fixture belonging to the DISTRICT without a water meter installed by the DEPARTMENT.
- 7.3 No consumer shall furnish water to any other person either by use of pipes or fixtures on his own premises or by extending pipes to the premises of other persons.
- 7.4 No person shall construct a fence, shed or other structure or plant trees or shrubs which has the effect of obstructing or limiting access by the DEPARTMENT to a water meter, water and/or sanitary sewer lines, valves, or other fixture belonging to the DISTRICT located within a utility easement or right-of-way. In addition to any other remedies under law, the DEPARTMENT shall have the right, upon failure of the property owner to

modify or remove the obstacle within thirty (30) days following notification by the DEPARTMENT to so do, to remove or modify the obstacle to provide access to the fixture. In the case of an emergency, the DEPARTMENT shall have the right to take whatever measures are reasonably necessary to repair, replace, or otherwise protect the water and/or sanitary sewer systems of the DISTRICT.

- 7.5 No unauthorized person shall cause storm water, groundwater or any other unauthorized water or material to enter the sanitary sewer system, including sanitary sewage from septic tank trucks. This shall include the connection of downspouts of air conditioning condensate lines into the sanitary sewer system; raising manhole lids or opening sanitary sewer line cleanouts to allow for drainage; dumping garbage, refuse or other wastes in manholes; draining of swimming pools into sanitary sewers; or any other means of causing or allowing any substance not considered sanitary sewage or not legally paid for as sanitary sewage to enter sanitary sewer system.
- 7.6 It shall be unlawful for any person to violate any provision of this section. Any such violation is subject to the penalties set forth herein.

SECTION 8. WASTEWATER EFFLUENT REQUIREMENTS

- 8.1 **PRETREATMENT REQUIREMENT FOR NON-DOMESTIC SOURCE POLLUTANTS** - The DEPARTMENT shall have the right to require any producer of non-domestic source pollutants that pass through, interfere with, or are otherwise incompatible with the DEPARTMENT'S wastewater treatment plants and/or systems to comply with Federal Pretreatment Standards in 40 CFR Part 403 as amended from time to time, and to install necessary pretreatment requirements at producer's own expense, prior to connecting to the DISTRICT sanitary sewer facilities. No substance may be discharged into the sanitary sewers which could be injurious thereto or potentially dangerous to the public or which exceeds domestic waste standards.
- 8.2 **NON-SANITARY WASTE PROHIBITED** - There shall be no connections for surface drainage, storm water or any non-sanitary waste into the DISTRICT'S sanitary sewer facilities within or without the limits of the Hernando County Water and Sewer District, nor shall anyone knowingly discharge surface drainage, storm water or any non-sanitary waste into the DISTRICT'S sanitary sewer facilities.
- 8.3 **WASTE PETROLEUM AND GREASE PRODUCTS** - Anyone disposing of waste petroleum, sand or grease products through the DISTRICT sanitary sewer systems shall:
- 8.3.1 Provide for a grease and/or sand trap through which the waste petroleum, sand or grease shall pass before entering the DISTRICT sanitary sewer lines;
- 8.3.2 Obtain approval of such grease and/or sand trap design by the DEPARTMENT;

- 8.3.3 Provide for connection of such grease and/or sand trap with the DISTRICT sanitary sewer line;
- 8.3.4 Provide reasonable access to the DEPARTMENT for inspection of such grease and/or sand trap and pay a surcharge to be established by BOARD resolution for each such inspection, which inspections shall occur when the DEPARTMENT reasonably believes that such grease and/or sand trap is contributing to deficiencies in the proper operation of the DEPARTMENT's sanitary sewer lines or mains; and
- 8.3.5 Maintain such grease and/or sand trap in a clean and effective operating condition at all times.

SECTION 9. MAINTENANCE OF PLUMBING SYSTEM

- 9.1 The owner of the property shall be responsible for the maintenance of all plumbing (water lines) from the discharge (customer's) side of the water meter into and including the house plumbing. The DEPARTMENT shall have the right to disconnect water service where plumbing is not maintained or where any plumbing code violations exist.
- 9.2 The owner of the property shall be responsible for maintaining and keeping clean the sanitary sewer pipes leading and connecting from the property owner's plumbing system up to the point of connection to the DISTRICT'S sanitary sewer main line. The DEPARTMENT retains all rights to insist on proper maintenance of the property owners' facilities and to exclude infiltration and harmful wastes by the owners. The DEPARTMENT shall have the right to disconnect sanitary sewer service where plumbing is not maintained or where any plumbing code violations exist.
- 9.3 Water lost due to plumbing leaks or use by unauthorized persons is the customer's responsibility. The DEPARTMENT shall not be responsible for any loss of water or damages resulting from leaks, open faucets, or otherwise, on the private property of a consumer at any time, including at the time a DEPARTMENT employee restores water service to the premises, and shall be under no obligation to make adjustments for such leaks or resulting damages.
- 9.4 Failure to keep the sanitary sewer pipe and appurtenances, including but not limited to, the pipe leading from the plumbing system to the DISTRICT'S sanitary sewer main line and any grease and/or sand trap, clean and maintained in a proper manner constitutes authority to the DEPARTMENT to disconnect the water connection and/or the sanitary sewer connection, which shall not be reconnected until the sanitary sewer pipe and/or any such appurtenances shall be cleaned and maintained properly. In those instances where the owner has his own private water supply, the DEPARTMENT shall have the right to disconnect such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sanitary sewer pipe leading from the plumbing system to the DISTRICT'S sanitary sewer main line has been maintained,

cleared and restored to proper condition. Any violation of this provision by reconnecting the owner's private water supply or the connection from the DISTRICT'S water line, or reconnecting the connection to the DISTRICT'S sanitary sewer main line, until such sanitary sewer pipes are cleaned and maintained properly, shall be considered a violation of this ORDINANCE and subject to the penalties hereinafter provided.

- 9.5 The owner of any multi-family residential, non-residential or commercial premises shall be responsible for the maintenance of the backflow prevention assembly. The DEPARTMENT shall have the right to disconnect water service where the backflow prevention assembly is not properly maintained.

SECTION 10 - UTILITY DEPOSITS

- 10.1 **ACCOUNT DEPOSITS** - Deposits for water and sanitary sewer service shall be hereafter known as "utility deposits" and shall be required prior to service connection on all buildings used for residential, commercial, industrial, or other purposes. A deposit may be waived only for service applicants who were DEPARTMENT customers within the 24-month period immediately preceding the date of service application, where DEPARTMENT records establish a "good payment history," as defined herein, for such prior service.
- 10.2 **ESTABLISHMENT OF DEPOSIT AMOUNTS** - Utility deposits are to be established by, and 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 rates, fees and charges 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.
- 10.3 **DEPOSIT REFUNDS** - The DEPARTMENT shall refund the utility deposit on each owner-occupied residential utility account with a "good payment history" and a minimum of 12 consecutive months of active service, less an administrative fee not to exceed five (5) percent of the deposit. If a deposit is not refunded after the first 12 months because the customer fails to meet the criteria for a "good payment history", the deposit shall be refunded after the first 12 consecutive months in which the customer meets the "good payment history" criteria. "Good payment history" shall mean that, during the preceding 12 consecutive months of active service and utility billings, the customer:
- 10.3.1 Never had service disconnected for a delinquent bill;
 - 10.3.2 Never had a check returned for nonpayment nor an electronic fund transfer rejected by the bank; and
 - 10.3.3 Had no more than one instance of a delinquent payment of a bill.

Non-residential or residential accounts which are not owner-occupied shall not be eligible for deposit refunds prior to account termination, based upon DEPARTMENT records establishing that such accounts are more likely to become delinquent after deposit refunds.

- 10.4 **DEPOSITS NOT REFUNDED PRIOR TO ACCOUNT TERMINATION** - In the event the utility deposit is not refunded prior to termination of the utility account, the deposit shall be applied to the final bill at termination of the account and any balance remaining shall be refunded to the customer.
- 10.6 **ADDITIONAL DEPOSIT FOR PAYMENT DELINQUENCY** - The DEPARTMENT shall have the authority to increase a utility deposit or to require a "new" utility deposit up to three (3) times the customer's average monthly water and/or sewer bill upon the second occurrence of account payment delinquency within any consecutive 12 month period, or upon application for and prior to re-connection of disconnected service. In any such case not involving disconnection of service, the DEPARTMENT's determined new deposit shall be added to the next billing with the notice that failure to pay the billed amount, including any past due or service charges, and new deposit may result in disconnection. In cases where service is disconnected, the past due charges, any other service charges assessed by the DEPARTMENT, and the deposit amount required to increase the utility deposit to three (3) times the average monthly bill shall be paid in full before disconnected service is restored. This shall apply for all customers, even if a utility deposit has been previously refunded to a customer based on a "good payment history". The increased deposit shall be refunded to residential customers where the premises are owner-occupied during any subsequent, consecutive 12-month period that the customer meets the "good payment history" criteria.
- 10.7 **INTEREST EARNINGS ON UTILITY DEPOSITS** - Deposit interest earned, if any, shall be paid annually to all customers with utility deposits on account. Actual interest earned on a customer's utility deposit, if any, shall be posted as a credit to customers' accounts each September billing cycle. Any deposit interest accrued, if any, between September 30 of each year and the return of the deposit or account termination shall be credited to the utility account. Any interest balance remaining after final billing will be paid to the customer with the final refund of the deposit.
- 10.8 **NON-INTEREST BEARING ACCOUNT** - The DEPARTMENT shall have the right to retain utility deposits in a non-interest bearing account, such that interest shall not accrue on utility deposits nor be due for payment to customers.

SECTION 11. WATER AND/OR SEWER SERVICE RATES

- 11.1 **NO FREE SERVICE** - No water or sanitary sewer service shall be furnished or rendered free of charge to any person, firm, or corporation whatsoever, including city, county, state, and/or federal departments or agencies, and each and every person, firm, corporation, agency, department or instrumentality which uses either or both such services shall pay therefore at the rates fixed by the BOARD.

- 11.2 **MINIMUM CHARGES** - There shall be a minimum monthly billing charge per account and a minimum monthly service availability charge for all properties connected to the DISTRICT'S water and/or sanitary sewer systems whether or not the water and/or sanitary sewer services are actively being used by an occupant of the premises.
- 11.3 **CONSERVATION RATES** - Recognizing a need to preserve and protect the county's water resources, monthly base rates and/or usage charges shall be established to promote water conservation by all users of the DISTRICT'S water systems.
- 11.4.1 **ESTABLISHING WATER AND/OR SEWER SERVICE RATES** - Service rates for water and sanitary sewer services shall be established by, and may be amended by, resolution of the BOARD, as adopted at an advertised public hearing. Notice of such public hearing setting forth the schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least ten (10) days, including weekends and holidays, before the date fixed in said notice for the hearing. In advertising such rate schedule or schedules, the DEPARTMENT shall comply with any applicable statutory notice requirements.
- 11.5 **CONSUMER PRICE INDEX** - The BOARD shall hold an advertised public hearing annually on application and adoption of the Consumer Price Index (CPI) adjustment approved by the Florida Public Service Commission with respect to all then-effective rates for water and sewer service. The DEPARTMENT shall recommend to the BOARD whether or not to adopt such CPI adjustment in whole or in part in a rate resolution.

SECTION 12. OTHER DISTRICT FEES AND CHARGES

- 12.1 **WATER HOOK-UP FEE** - Water hook-up fees shall be sufficient to cover the operations costs of labor, travel and/or materials, including, but not limited to the costs of the original, or future replacement meter, meter boxes, corporation stop, valves, and appurtenances thereof.
- 12.2 **SEWER HOOK-UP FEE** - Sanitary sewer hook-up fees shall be sufficient to cover the operations costs of line locates, inspections and any labor, travel and/or material costs to the DEPARTMENT. The sanitary sewer hook-up fee shall be charged per connection based on an Equivalent Residential Unit (ERU).
- 12.3 **SERVICE CHARGE** - There shall be a service charge to turn on the water supply of any user during normal working hours when service has been turned off or discontinued from applicants' premises by request of the applicant, or scheduled for or discontinued for delinquent payment of charges. This same charge shall apply for initiation of service for a new occupant of premises already connected to the DISTRICT'S water and/or sanitary sewer systems. An additional charge shall be applied, if service is turned on after normal business and/or operations hours.
- 12.4 **RESOLUTION OF THE DISTRICT BOARD** - Water and sanitary sewer hook-up fees,

and service charges shall be established by, and amended by, resolution of the BOARD, as adopted at an advertised public hearing. Notice of such public hearing setting forth the schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least ten (10) days, including weekends and holidays, before the date fixed in said notice for the hearing.

- 12.5 **DAMAGE OR REPLACEMENT CHARGE** - Where meters or appurtenances are broken or damaged by the negligence of the owners, tenants, or occupants of the premises, the cost of repair or replacement and mobilization costs shall be paid by the customer; and if the cost of repair or replacement is not paid upon submission of a bill for charges, the water supply shall be turned off and shall not be turned on again until payment of such amount due is made. Damage charges shall be set by Board policy.
- 12.6 **TEMPORARY WATER SERVICE RATES** - Temporary water service, such as service for circuses, fairs, carnivals, construction work and the like, shall be rendered upon written application to the DEPARTMENT and payment of applicable fees. Temporary rates will be set by Board policy.

SECTION 13. MONTHLY WATER AND SEWER SERVICE BILLS

- 13.1 Monthly water and/or sanitary sewer bills shall be mailed to all utility account holders based on the actual water consumption as recorded by the service location's water meter or, if no water was consumed, at the minimum monthly rate for either or both systems where such system or systems are available, without regard to whether or not either such system is connected or in use; and the fact that a consumer or owner does not receive a bill shall not constitute grounds for discount or adjustment.
- 13.2 In all cases where both water and sanitary sewer service is furnished by the DISTRICT, water and sanitary sewer service charges shall be included on the same bill rendered by the DEPARTMENT; provided, however, that each such bill shall show water and sanitary sewer charges separately.
- 13.3 Bills for the monthly charges shall be payable upon receipt and considered past-due on or after the 20th calendar day after the billing date. If such monthly bill shall be and remain unpaid on the date of the next monthly billing, a penalty (late charge) and interest at one percent per month may be imposed and added to said bill, and the water service to the consumer shall be subject to discontinuance and shall not be reconnected after discontinuance until all past due water and/or sanitary sewer bills are fully paid, together with any late or service restoration charges.
- 13.4 A water and/or sanitary sewer bill shall not be considered paid until remittance for same has been received at the DEPARTMENT office, and the DEPARTMENT shall not be responsible for delays or losses in transportation in the mails or otherwise.

SECTION 14. SERVICE DISCONTINUANCE FOR DELINQUENT PAYMENTS

- 14.1 If the amount of the DEPARTMENT'S monthly water and/or sanitary sewer bill shall not be paid by the date of the next monthly billing, the DEPARTMENT may, with written notice to the customer on the monthly bill, discontinue furnishing water to such premises and proceed forthwith to recover the amount of water and/or sanitary sewer service charges, both current and past-due, in such lawful manner as may be required. No partial payments will be accepted without prior approval.
- 14.2 The DEPARTMENT shall have the right to refuse service to any premises in cases where the contracting party of such premises has an unpaid water and/or sanitary sewer bill under his contract or an unpaid bill for services or for material or labor rendered or expended by the DEPARTMENT, until such time as the bill is paid.
- 14.3 The DEPARTMENT shall have the right to transfer a delinquent water bill at one address to the account of the same consumer at another address, provided the consumer is receiving service at the latter address, and shall have the right to discontinue service at the latter address for nonpayment of the transferred bill, regardless of the fact that the bills for the latter address are being paid. The DEPARTMENT also shall have the right to require payment of the delinquent bill for a prior address prior to connecting service for that same consumer at a new address.
- 14.4 Where sanitary sewer charges are not paid in accordance with provisions outlined herein and in those instances where the owner has his own private water supply, the DEPARTMENT shall have a right to turn off or disconnect such water supply to the plumbing system and the owner shall have no right to re-connect his own private water supply until the sanitary sewer charges have been paid in full. Any violation of this provision by reconnecting his private water supply, until such sanitary sewer charges are paid in full, shall be considered a violation of this ORDINANCE and subject to the penalties hereinafter provided.
- 14.5 The DEPARTMENT shall have the right to require cash payments from those customers who have submitted insufficient checks for payment and/or had payment through electronic fund transfer (EFT) rejected by the bank.

SECTION 15. RETURNED CHECK/REJECTED ELECTRONIC FUND TRANSFER CHARGES

A penalty as allowed by Florida Statutes shall be assessed to the customer's utility account for each and all returned checks. The DEPARTMENT shall assess a similar penalty for all electronic fund transfer (EFT) payments rejected by the bank. Payment of the returned check or rejected EFT amount and assessed charges shall be made in cash. If the water and/or sanitary sewer charges covered by the returned check/rejected EFT become delinquent prior to the DEPARTMENT receiving full payment for the returned check/rejected EFT in cash, the water and/or sanitary sewer service to the consumer shall be subject to discontinuance and shall not be

reconnected after discontinuance until all past due, and current, water and/or sanitary sewer bills are fully paid together with any late, returned check/rejected EFT or service restoration charges assessed by the DEPARTMENT, in cash. If the customer fails to pay the amount of the returned check with any assessed charges, the returned check shall be filed with the State Attorney's Office in accordance with Florida Statutes.

SECTION 16. VIOLATION OF ORDINANCE

- 16.1 Any person violating any of the provisions of this ORDINANCE shall, for each such offense, be subject to prosecution and penalties as provided in Chapter 2, Article III, of the Hernando County Code of Ordinances, as amended from time to time. Any failure or refusal by an owner to connect to the DISTRICT'S water and/or sanitary sewer system after notification to do so, as hereinabove provided, or any failure or refusal to pay the charges or rates herein-above provided, shall be considered to be a violation of this ORDINANCE. Each day that such violation continues shall be deemed a separate offense. For purposes of this ordinance, "person" shall have the meaning set forth in section 1-2 of the Hernando County Code of Ordinances as amended from time to time.
- 16.2 In addition to Subsection 15.1 above, the DEPARTMENT shall have the right to discontinue service in cases where an illegal connection is found, and assess an average water and/or sanitary sewer bill back for a period of 12 months when it has been established that the consumer has been receiving water and/or sanitary sewer service for such period of time without payment for same.
- 16.3 In addition to any other remedies or relief available, the DEPARTMENT may enjoin any violation of this ORDINANCE.
- 16.4 In addition to any other remedies or relief available, the DEPARTMENT may assess a customer for any costs or expenses incurred in work required of DEPARTMENT personnel to correct violations of this ordinance, as a surcharge against subsequent account billings on the customer's account, apportioned on any basis determined by the DEPARTMENT to be fair and equitable in balancing the rights and responsibilities of any individual customer with the rights and responsibilities of all the ratepayers in the DISTRICT.

SECTION 17. REPEALER

Hernando County Water and Sewer Board Ordinance Number 94-13 is hereby repealed. Additionally, all ordinances and parts of ordinances in conflict herewith are also hereby repealed.

SECTION 18. 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 19. 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 20. 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

Jana D. Martenson, Deputy Clerk
Attest:
CLERK
HERNANDO COUNTY, FLORIDA

Robert C. Schenck
By
ROBERT C. SCHENCK
CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY <u><i>RM</i> 10/18/05</u> County Attorney's Office

ORDINANCE NO. 2005- 19