

**ORDINANCE NO.: 2008-18**

**AN ORDINANCE AMENDING SECTION 28-238, HERNANDO COUNTY CODE OF ORDINANCES, ADDING A PARAGRAPH (3) TO SUB-SECTION 28-238(b) RELATING TO AND ESTABLISHING CONDITIONS FOR SUB-METERING, AUTHORIZING THE UTILITIES DEPARTMENT TO REQUIRE AN AGREEMENT FOR SUB-METERING TO PROVIDE FOR FINANCIAL RESPONSIBILITY; PROVIDING FOR SEVERABILITY; DIRECTING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

**SECTION 1. Adding a paragraph (3) to sub-section 28-238(b), Hernando County Code of Ordinances, relating to and establishing conditions for sub-metering, authorizing the Utilities Department to require an agreement for sub-metering to provide for financial responsibility; indicating new language by underlining, as follows:**

Sec. 28-238. Connections with water and sewer systems.

(b) *Separate connections and sub-metering.*

(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 this Code.

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(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) The department may require a sub-metering agreement defining ownership and responsibility for maintenance of any lines between the point of connection and any sub-meters as a condition for department approval of plans for development. Such agreement may require that the person requesting service with sub-meters demonstrate the financial feasibility of the person or other entity to which maintenance responsibility is assigned and shall provide that the department does not assume any such responsibility.

## **SECTION 2. Severability.**

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision 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 3. Codification.**

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of

this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the work "ordinance" may be changed to "section", "article", or other appropriate designation.

**SECTION 4. Effective date.**

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY** in Regular Session this 5th day of August, 2008.

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



Attest:

*Sherry L. Crum, Deputy*  
**KAREN NICOLAI**

Clerk

By: *[Signature]*  
**CHRISTOPHER A. KINGSLEY**  
Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY *[Signature]* Kw 8/5/08  
County Attorney's Office