

ORDINANCE NO.: 2009-02

AN ORDINANCE REVISING DIVISION 2, ARTICLE VI, CHAPTER 28, HERNANDO COUNTY CODE OF ORDINANCES, AMENDING SECTION 28-238 TO PROVIDE FOR MANDATORY CONNECTIONS TO WATER AND SEWER LINES UPON AVAILABILITY, AS DEFINED BY STATUTE; AMENDING SECTION 28-239 TO PROVIDE FOR MONETARY LIABILITY FOR USE OF WATER OR SEWER SERVICES BY WAY OF UNLAWFUL CONNECTION; AMENDING SECTION 28-248 TO ALLOW CUSTOMERS TO WAIVE WRITTEN MONTHLY BILLS AND TO EXEMPT CERTAIN MINIMAL AMOUNTS DUE FROM THE REQUIREMENT FOR MONTHLY BILLING; AND BY ADDING A NEW SECTION 28-252 PROVIDING FOR LIEN AUTHORITY FOR DELINQUENT WATER AND SEWER BILLS; PROVIDING FOR SEVERABILITY; DIRECTING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

2009 MAY -5 PM 1:30
FILED

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

SECTION 1. Amending Division 2, Article VI, Chapter 28, Hernando County Code of Ordinances; revising subsections (a) and (e) of section 28-238 thereof to provide for mandatory connections to water and sewer systems upon availability, as defined by statute; indicating new provisions by underlining and provisions to be removed from the Code, as follows:

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

(a) *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 within one year of notice of availability by the district and shall 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 division or in other provisions of this Code of Ordinances. The district shall notify the owner of any affected improved lot or parcel of the availability of the central water and/or sewer service. No less than one year prior to the date that a new or extended central water and/or sewer system will become available for affected lots or parcels, the district shall notify the affected owners of the anticipated availability of the central sewer system and shall also notify the owners that connection to the available system(s) is required within one year of the actual availability. Owners of existing buildings shall have the option of paying the amortized value of required connection charges in equal monthly installments over a period not to exceed seven years from the date of the initial notification of present or anticipated availability. For purposes of this subsection, "available" shall have the same meaning as provided by the definition in s. 381.0065(2)(a), F.S., or any amended or successor statute, subject only to a determination by the district that supply, treatment and/or conveyance capacity exists or connection is otherwise practicable with respect to any connection.

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(e) *Exemptions from connection to district systems.*

(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~~ is not available, as such term is defined in subsection (a) consistent with applicable state law, at the time a premises is constructed may use an individual septic tank or other onsite wastewater disposal system if and 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.~~

SECTION 2. Amending Division 2, Article VI, Chapter 28, Hernando County Code of Ordinances; adding new language to subsection (i) of section 28-239 thereof to provide for monetary liability for use of water and sewer services by way of unlawful connection; indicating new provisions of the Code by underlining, as follows:

Section 28-239. Connections with water and sewer systems.

* * *

(i) *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. During any period when a property is not subject to an active account for billing for water or sanitary sewer service, any usage of such services registered by department meters and generated by an unlawful connection or otherwise may be billed to the record owner of the property benefited by such services, unless the department has actual knowledge of the identity of some other person responsible for such usage, who may be billed accordingly. Use of

water or sanitary sewer service without an active account with the department for service shall also constitute a violation of this division subject to the penalties set forth in s. 28-251 herein.

SECTION 3. Amending Division 2, Article VI, Chapter 28, Hernando County Code of Ordinances; creating new subsections (e) and (f) of section 28-248 thereof to provide for customers to waive written monthly bills and to exempt certain minimal amounts due from the requirement for monthly billing; indicating new provisions of the Code by underlining, as follows:

Sec. 28-248. Monthly water and sewer service bills.

- (a) Unless waived in writing, or less than an administratively determined minimum billable amount, as provided in subsections (e) and (f) herein, m Monthly water and/or sanitary sewer bills shall be mailed, or transmitted electronically when requested, 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 nor 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.
- (b) 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.
- (c) 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.

(d) 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.

(e) A monthly bill shall not be required for account holders who are participating in any electronic payment program and who make a written request stating that they do not desire or want to receive a mailed statement of amounts due.

(f) A monthly bill for an amount less than an administratively determined minimum billable amount shall not be required, and the balance due on any such account shall be added without penalty to the next billing.

SECTION 4. Creating a new section of Division 2, Article VI, Chapter 28, Hernando County Code of Ordinances, to be numbered section 28-252, or as otherwise determined by the codifier; providing for lien authority with respect to delinquent charges for use of district water and sewer systems, as follows:

Lien for unpaid charges. All charges, late charges and interest accruing thereupon for water and sewer service rendered to any real property by the district which remain unpaid 60 days after the past due date of the water and sewer charges shall become a lien against and upon the real property to which such water and sewer service has been furnished to the same extent and character as a lien for a special assessment. Until fully paid and discharged, the charges, late charges and interest accrued thereupon shall be, remain and constitute a

special assessment lien equal in rank and dignity with the liens of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. The liens may be enforced and satisfied by the district by any method permitted by law. The lien shall not be deemed to be in lieu of any other legal remedies for payment available to the district, including but not limited to suspension and termination of water and sewer service, prosecution for code violation, and/or legal action at law on the contract established in this division or legal action in equity, as for injunction or otherwise. Any lien deemed appropriate for recording in the Public Records of Hernando County or in such records in any other place shall also include the charge for recording thereof. Recorded liens shall bear the signature of the director of the Hernando County Utilities Department or its successor entity, certifying to the accuracy of the calculations of amounts due and owing as shown thereon. The director or his or her designee shall have the discretion to determine when a lien for charges, late charges and interest accruing thereon is large enough and the prospect of recovery significant enough as to warrant the staff time and resources required to prepare and record such lien. Nothing provided herein with respect to such lien authority shall affect the department's remedies to collect amounts due, owing and unpaid by any other method authorized by law or ordinance.

SECTION 5. 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 6. Repeal.

Those portions of prior ordinances of Hernando County which in conflict herewith are hereby repealed, but only to the extent of such conflict; and other provisions of any prior unrepealed ordinances shall remain in full force and effect as enacted, amended or codified.

SECTION 7. 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 references herein to ordinances or portions thereof may be changed to "section", "article", or other appropriate designation.

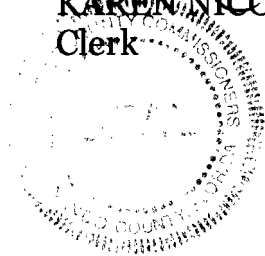
SECTION 8. Effective date.

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 28th day of April 2009.

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

Attest: *[Signature]* Deputy
KAREN NICOLAI
Clerk



By: *[Signature]*
DAVID RUSSELL, JR.
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* Kw 4/28/09
County Attorney's Office