

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Policy Review Team

DATE: March 14, 2008

SUBJECT: Revisions to Code of Ordinances, Section 17.3

Because Section 17.3 of the Orange City, Florida, Code of Ordinances has not been reevaluated or revised for several years, this revision will update the code to agree with current requirements and policies.

Listed below are the “draft” proposed revisions to Section 17.3. Some of the changes are grammatical or an effort to have both Article II Water System and Article III Wastewater System agree in content and clarity, and other changes are as a result of Resolution No. 369-06, miscellaneous service charges, effective September 26, 2006, which also requires amendment to add additional charges.

In preparation for the Utility Code Workshop, March 20, 2008, please review the enclosure. The enclosed document depicts the most up to date information available at the time of this writing. The recommended revisions are indicated by all additions are underlined and deletions are strikethrough. Staff anticipates an exchange of dialogue and welcomes your input in this process. At the time this draft was issued, staff was investigating the addition of a Septic Permit requirement that once verified, could result in additional language being added to Section 17.3-131 connection to system required.

- **Article I. In General**
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- **Article III. Wastewater System**

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- Section 17.3-129 Water meter required
- Section 17.3-130 Damaging or tampering with facilities of wastewater plant or system
- Section 17.3-131 Connection to system required; exceptions
- Section 17.3-133 City not liable for damage caused by bursting of mains, failure of water supply, wastewater system backups, etc.
- Section 17.3-141 Inspection of facilities installed by developers
- Section 17.3-148 Inspection fees for improvements installed by developers
- Section 17.3-150 Reserved
- Section 17.3-152 Service allocation rules

- **Article IV. Water and Wastewater Systems Operating Policy and Procedures Manual**

- Section 17.3-181 Adoption

- **Article V. Water and Wastewater Chapter 180 Reserve Area**

No changes

- **Article VI. Reclaimed Water System**

Reserved for future use

- **Miscellaneous Service Charges**

ARTICLE I. IN GENERAL

Sec. 17.3-1. Water and wastewater service generally.

(a) Pursuant to the provisions in F.S. ch. 180, the city shall take all actions necessary to enter into the business of providing water supply for domestic, municipal or industrial uses and to provide for the collection and disposal of sewage and other liquid waste for its residents.

(b) The city authorizes and instructs the city manager to take the following actions in this regard:

- (1) Review of existing utilities within the city limits for possible purchase or condemnation action.
- (2) Review of the feasibility of constructing water pumping, treatment and distribution facilities and sewage collection, treatment and disposal facilities in areas of the city.
- (3) Review the necessity and cost of facilities incidental to the provision of water and sewer service and which enable the accomplishment of same, including construction of water reservoirs, sewage systems, trunk sewers, intercepting sewers, pumping stations, wells, syphons, intakes, pipelines, treatment and disposal works, and all such other buildings and facilities as may be required to properly and economically operate and maintain water and sewer system works as authorized under F.S. ch. 180.
- (4) Draft rules and regulations for city approval, governing the providing of water and sewer service by the city.

(c) The city shall authorize and instruct the city manager to draft, for council approval, rates and charges for city-owned water and sewer systems which are just and equitable, and shall make all necessary rules and regulations governing the use, control and operation of the city's water systems.

Sec. 17.3-2. Policy Dispute.

Any dispute between the city and a customer or prospective customer regarding the meaning or applications of any provision in these articles shall, upon written request by either party, be resolved by the city manager or his or her designee. In the event the customer disputes the decision, a written appeal on a form provided by the city must be submitted within thirty (30) days of the decision to the city clerk for resolution by the City Council. This policy is in place to avoid any unnecessary legal action.
(Ord. No. 91-7-2, § 1, 8-13-91)

Secs. 17.3-2--17.3-20. Reserved.

ARTICLE II. WATER SYSTEM

DIVISION 1. GENERALLY

Sec. 17.3-21. Service area.

Pursuant to the provisions of F.S. ch. 180 and the provisions of the interlocal agreement between ~~the~~ Volusia eCounty and the eCity of Orange City, approved by the city council at a regular council meeting on March 8, 1988, and executed by all parties February 16, 1989, and as amended October 21, 2005, the water system service area consists of all areas within the corporate limits of the city as well as those areas outside the corporate limits as referenced in the amendment of October 21, 2005 ~~article IV, section (4) (A) (7)~~. (Ord. No. 91-7-2, § 2(19.2-2), 8-13-91)

Sec. 17.3-22. Definitions.

The following terms and phrases, when used herein, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future, and the singular number includes the plural, and the plural the singular.

City: ~~shall mean t~~The City of Orange City, a political subdivision of the State of Florida, and a public body corporate and politic.

Customer: ~~shall mean a~~Any person, firm, association, corporation, governmental agency or similar organization supplied with potable ~~the availability of~~ water service by the city, which term shall also include developers ~~and large users~~.

Customer installation: ~~shall mean a~~All pipes, fixtures, meters, and appurtenances of any kind and nature used in connection with or forming a part of an installation for utilizing water service for any purpose, located on the customer's side of the point of delivery, whether such installation is owned outright by a customer or by contract, lease or otherwise.

Developer: ~~shall mean a~~Any person, corporation, or other legally recognized entity who engages in the business of making improvements to or upon real property located within or without the city as owner or legally constituted agent for the owner of such real property.

Easements: ~~shall mean r~~Rights of ingress and egress, dedications, rights-of-way, conveyances or other property interests necessary or incidental to the installation, extension, repair, maintenance, construction or reconstruction of the city's utility system or any components thereof, over or upon a customer's property.

Equivalent residential unit (ERU): One water ERU shall be equal to 300 gallons per day of water use.

Gallons per day (gpd): The number of gallons of water used per day.

Good payment history: Timely payments with no penalties, delinquencies, returned checks, etc. within twenty-four (24) consecutive months.

Impact fees: ~~shall mean~~ Those charges of the city ~~requireds~~ to be paid by a customer as a condition precedent to the interconnection of the city's utility system with a customer's property.

Main: sShall refer to a pipe, conduit or other facility installed to convey water service from individual laterals or to other mains.

Off-site facilities: ~~shall mean~~ Those components of water distribution facilities located outside a customer's property ~~with facilities of the city, in accordance with the size required by the city.~~

On-site facilities: ~~shall mean~~ Those components of water distribution facilities located upon the customer's property.

Point of delivery: ~~shall mean~~ The point where the city pipes are connected with the pipes of the customer. Unless otherwise indicated, the point of delivery for water shall be at the discharge side of the water meter.

Property: ~~shall mean~~ The land or improvements upon land of which the customer is owner or over which the customer has control either by contract or possessory interest sufficient to authorize the customer to make application for service, or adjacent right-of-way which services the land or site being developed. The city shall require proof of such interest prior to the furnishing of service by a copy of an instrument of conveyance, contract or appropriate verified statement contained in the application for service.

Rate schedule: ~~shall mean~~ The schedule or schedules of rates or charges for the particular classification of service.

Rental unit customer: The residential customer who does not own building or land at the service address.

Residential property customer: The customer owns the land and/or building at the service address.

Service: sShall be construed to include, in addition to all water utilities required by the customer, the readiness and ability on the part of the city to furnish water services to the customer.

Shall and may: As used herein, the word "may" is permissive, and the word "shall" is mandatory.

Utilities manager: ~~shall mean~~ The person designated by the city manager to coordinate city utility operations.

Utility system: ~~a~~As used herein, refers to the city's water distribution and wastewater collection systems, and any component parts thereof, which systems are distinguished herein as the context determines.

(Ord. No. 91-7-2, § 2(19.2-3), 8-13-91)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 17.3-23. Connection to system required; exceptions.

(a) Mandatory connection required:

(1) All owners, tenants, or occupants of lot(s) or parcel(s) of land which abut upon a street, lot or other public way or place containing a water main or water lateral of the city's water system must connect to the system.

(2) Upon failure of the well, the city shall forthwith be notified and the city shall effect connection to the city's water supply, pursuant to the terms of any applicable rules, regulations, or ordinances, and activate use thereof.

(b) ~~The e~~Exceptions to mandatory connection include:

(1) An owner, tenant or occupant served by a well existing prior to water service becoming available, until such time as water shall cease to be available from the well without substantial alteration of the well, or the water from the well does not conform to state and local health standards, the city shall forthwith be notified and the city shall effect connection to the city's water supply, pursuant to the terms of any applicable rules, regulations, or ordinances, and activate use thereof.

(2) Any connection which the city finds uneconomical to make.

(c) No permit to build or rehabilitate structures shall be issued by an agency of the city unless and until a written statement from the city is attached or made a part of the application for a permit, which statement certifies that adequate arrangements for the provision of water service to the project have been completed.

(Ord. No. 91-7-2, § 2(19.2-4), 8-13-91)

Sec. 17.3-24. Review and amendment of rates, deposits, penalties, and other charges.

Amounts of water rates, connection charges, utility deposits, water service fees, penalties, impact fees and other charges authorized by this article may be reviewed and updated by a duly adopted resolution of the city council.

(Ord. No. 91-7-2, § 2(19.2-5), 8-13-91)

Sec. 17.3-25. Use charges.

The rates, fees, and charges for water services furnished by the city's water system shall be based upon the quantity of water, determined by metering, furnished to each user's premises each month. The owner, occupant or tenant of each lot or parcel of land which uses the water system shall pay for the use thereof, and for the service and facilities furnished by the system, a water charge according to the current ordinance or resolution delineating these charges.

Sec. 17.3-25(a). Free service prohibited.

No free water service shall be furnished or rendered to a person or to the city, county, state, or a public agency or instrumentality. Every user of the city's water system shall be subject to the equal and uniform rates and charges provided in the applicable resolution or rate schedule for the class of user within which the user falls, without reduction or other discrimination. Any ordinance or resolution in conflict with this section is repealed to the extent of the conflict.

(Ord. No. 91-7-2, § 2(19.2-6), 8-13-91)

Sec. 17.3-26. Connection charges.

(a) Charges for connection to the city water system shall be as described in the resolution adopting the most recent fee schedule ~~current ordinance or resolution~~ delineating these charges.

(b) Water service connection charges do not include water main extensions which may be required to extend the water system to the customer's property. Those charges will be borne by the applicant as required by applicable ~~ordinance or~~ resolution.

(c) In the event an application for water connection is received and the cost of installation, due to unusual circumstances, is determined by the city to be substantially more or less than the charges set forth in the applicable ordinance or resolution, the installation charge shall be the actual cost to the city.

(Ord. No. 91-7-2, § 2(19.2-7), 8-13-91)

Cross references: Water connection fees, § 5-24.

Sec. 17.3-27. Deposits.

(a) *Utility deposit.* Utility deposits as described in the applicable resolution or ordinance, ~~unless waived in writing by the city,~~ shall be required from all users of city water to ensure the payment of water charges. ~~Such deposit to be held by the city in interest-bearing accounts. The interest shall be calculated as of December 31 of each year, based on the average investment rates for that year. Such accrued interest shall be credited to the customer's account on the February billing of the subsequent year or at termination of service; provided that users who now have a lesser amount on deposit shall~~

not be required to make ~~the~~ an increased deposit ~~until there has been~~ as a result of an interruption in water service for nonpayment of charges.

(b) *Construction deposit.* In addition, customer construction deposits as described in the applicable resolution ~~or ordinance~~ shall be required prior to the city performing any construction related to providing water services.

(c) *Refunds.* Refunds of utility deposits may be made in the following circumstances:

(1) Residential Property Customers

~~(1 a)~~ After two years from date of active service, if a residential customer has maintained a good payment history, with no late payments or delinquencies ~~cutoffs~~ having occurred, ~~T, the deposit would~~ will be applied as a credit to the customer's account ~~one month~~ after the utilities department determines that a customer qualifies for a refund.

(b) In the event the ~~credited~~ account to be credited incurred three late charges within any one-year period, or if the residence ~~is~~ was denied water service for nonpayment at any time in the prior two-year period, the refund will not be made and after the refunding of the deposit, the city reserves the right to require an additional new deposit be made by the customer, according to the rates in effect at that time.

(c) After the refunding of the deposit, if an account incurs three late charges or if the residence is denied water service for nonpayment at any time, the city reserves the right to require a new deposit be made by the customer as a condition to continue service, according to the rates in effect at that time.

(d) If a residential property customer with a good payment history requests an additional service address(es), no deposit will be required on the additional service address for a maximum of four total properties (original plus three (3)). However if there is a default on any service address, all service addresses are subject to deposit requirements according to rates in effect at that time. Anything in excess of four service addresses will be considered commercial and customer is subject to commercial rates in effect at that time.

(2) Rental Unit Customers

(a) The refund of the deposit for residential renters will be made upon closing of the account and final settlement of the rental customer's account.

(b) Upon final settlement of a rental customer's account, the deposit ~~may~~ shall be applied by the city to any outstanding account balance due, and any remaining balance of the deposit will be refunded to the address on record at the closing of the account, upon surrender to the city of the applicable deposit receipt or, when the receipt cannot be produced, upon adequate identification.

(3) Commercial Customers

The refund of the deposit for commercial accounts will be made upon the closing and final settlement of the commercial customer's account.

~~(3) (d) Additional deposits.~~ The city may require additional deposits as a condition to continue service for any customers who no longer meets the criteria for good payment history whose services have been previously disconnected due to nonpayment.

(Ord. No. 91-7-2, § 2(19.2-8), 8-13-91; Ord. No. 94-8-5, § 1, 9-27-94; Ord. No. 96-5-1, § 2, 6-11-96; Ord. No. 30, § 1, 3-13-01)

Sec. 17.3-28. Billing; payment of charges; delinquency.

(a) All meters shall be read or estimated monthly and bills for all charges shall be rendered. Where any meter is defective or the customer has prevented the meter from being read, or in cases of emergency the city fails to read the meter, then the customer shall pay for that month an amount equal to the average amount charged for the two months preceding ~~the failure of the meter or the failure to read the meter.~~ The bill shall be mailed ~~or delivered~~ to the customer monthly either as a separate bill or with other utility bills. Failure to receive a bill shall not constitute a defense for nonpayment. Any bill which remains unpaid on or after 25 days from the date the bill was rendered shall be considered delinquent and subject to penalties as described in the applicable resolution.

(b) Delinquent utility fees and charges shall be deemed liens upon the real property or premises as provided by law, and may be foreclosed as provided by law. All statements and billings for utility services shall be deemed delinquent if not paid within 25 days from the date the bill was rendered. Any customer contesting any statement or billing shall first present same to the city's utility department with a statement of explanation or contest in writing prior to the bill becoming delinquent.

(c) Any customer whose bill remains unpaid on or after 30 days from the date the bill was rendered shall have service terminated.

(d) Where it is proposed to terminate utility service to a customer, notice shall be first mailed or hand delivered to the customer advising that the account is delinquent. Receipt of such notice shall be conclusively presumed if such notice is posted on the door or entranceway to the premises. The notice shall state the amount past due, including any penalty, and advise the customer that the service shall be discontinued five days from the date such notice is rendered unless the customer within such time pays such amount or appeals the decision to terminate the service to the city. There shall be no liability of any kind against the City for the discontinuance of water utility service to a customer for that customer's failure to pay the bills on time. Partial payment of a bill for water service rendered will not be accepted by the city for continued service, except by the city's written agreement thereof. If the service is terminated, the customer shall be charged a ~~cut-off~~ turn off fee as described in the applicable ordinance or resolution.

(e) Any bill not paid within 25 days of the date the bill was rendered shall be subject to penalties as described in the applicable ordinance or resolution The customer shall reimburse the city for all extra expenses (such as for special trips, inspections, additional clerical expenses, etc.) incurred by the city on account of the customer's violation of the contract of service or of the city's rules and regulations as set forth and established within the applicable ordinance or resolution.

(f) The city may withhold or discontinue utility service rendered under any application made by any member or agent of a family, household, organization or business unless all prior utility indebtedness due by such family, household, organization, or business is paid in full.

(g) The city shall not discontinue water service to the owner of any rental unit or to the tenant or prospective tenant of any rental unit because of nonpayment for such services incurred by a former occupant.

(h) The city reserved the right to pursue outside collection methods for delinquent accounts at the discretion of the city manager or designee.

(Ord. No. 91-7-2, § 2(19.2-9), 8-13-91; Ord. No. 92-4-1, § 1, 4-28-92)

Sec. 17.3-29. Reconnection after turn off ~~cut-off~~.

(a) In the event a water customer whose water service has been turned off ~~cut-off~~ desires to have his water service reestablished, he shall pay the entire amount of the delinquent water bill, together with the penalty thereon, and the turn on and turn off ~~cut-on and cut-off~~ fees as described in the applicable ordinance or resolution before reestablishing the water service. However, in the event a water customer desires to have his water service reestablished after 4:30 p.m. and/or prior to 8:00 a.m. outside of normal business hours, Monday through Friday, he shall pay a fee established by resolution for this service ~~in addition to the regular fee as provided above.~~

(b) In the event that water service that has been turned off ~~cut-off~~ is restored without authorization by the city, the city shall turn off ~~cut-off~~ service to the water meter and shall not restore service until the customer has paid the entire amount of the delinquent water bill, the total penalty thereon including meter tampering/cut lock fees, the turn on and turn off ~~cut-on and cut-off~~ charges, and, if applicable, the cost of the new service installation as set forth within the applicable ordinance or resolution. In addition, the customer or recipient is subject to criminal or civil penalties associated with trespass and larceny of utility fixtures in accordance with F.S. 812.14 or other applicable laws and ordinances a third-degree misdemeanor. Any law enforcement officer with the appropriate agency having jurisdiction over the place of the utility fixture may enforce this section, to include but not limited to, police officers of the Orange City Police Department or sheriff deputies of Volusia County Sheriff's Department.

(Ord. No. 91-7-2, § 2(19.2-10), 8-13-91)

Sec. 17.3-30. Meter required.

It shall be unlawful for any person to make any connection of the water conduits, apparatus, or appliances located in any house, building, room, or any other place to the city water mains without first having installed a city approved/provided water meter so that the entire quantity of water flowing from the city water mains into the water conduits of such house, building, room or other place shall pass through the water meter. (Ord. No. 91-7-2, § 2(19.2-11), 8-13-91)

Sec. 17.3-31. Authority of utility department to disconnect service. Right of city to refuse or terminate service.

(a) All utility service shall be pursuant to proper permit or application, which procedure accords the city the opportunity to provide for orderly expansion of facilities and regulation thereof in a manner calculated to insure continuous service to all customers. Inherent in this obligation is the governmental prerogative of necessity to terminate consumption which is adverse to the continuous, orderly and uninterrupted operation and maintenance of its utility service. Accordingly, the city reserves the right by unilateral acts in its sole discretion to refuse service, or to terminate service temporarily, or to discontinue service in all instances when conditions exist which would constitute an emergency of public concern, or when the providing of any service would constitute a threat to the safety, health or welfare of customers generally or a significant portion of the customer population. When discontinuance or termination of service can be remedied by an act of the customer, the city shall provide notice of remedial action to the customer in order that service may be continued uninterrupted. Acts considered to be remedial by the customer, and for which service may be temporarily terminated, discontinued or interrupted, are the following:

- (1) Failure to pay required deposits for service.
- (2) Failure of the customer to meet the provisions of a developer's agreement as related to utility requirements or other agreements with the city.
- (3) Failure to correct deficiencies in piping or other components upon the customer's property after reasonable notice thereof by the city.
- (4) Use of service for any other property or purpose than that described in the permit or applications.
- (5) When requested by customer, in which case resumption of service shall be accomplished in accordance with city policy as herein provided.

(b) The city reserves the right by unilateral act in its sole discretion to refuse service, to terminate service temporarily, or to discontinue service without notice under the following circumstances:

(1) Causing, or allowing to exist, a hazardous condition with respect to the location, use of, or access to any utility service or component.

(2) Alteration or modification of any transmission or metering component or device used in providing any utility service to the customer.

(3) Total or partial destruction of, or abandonment of, any structure, including any vacancy for a duration which, in the city's opinion, may create a hazardous or unsafe condition or constitute a nuisance.

~~The city utility department is authorized to disconnect water service from any premises where, on account of defective plumbing or the like, it shall be deemed in the best interest of the utility department to do so.~~

(Ord. No. 91-7-2, § 2(19.2-12), 8-13-91)

Sec. 17.3-32. Curtailment of usage during periods of water shortage.

(a) The city shall have the authority to issue and order the curtailment of water usage during periods when, due to drought, mechanical failure, or inadequate facilities, it is impossible to provide sufficient water to maintain adequate water pressure in the city's water distribution system or when the withdrawal of water endangers the city's water supply wells. ~~(b) The city shall issue rules for water usage, which may be revised from time to time as conditions require.~~ These rules shall become effective 24 hours after their release to the news media. After the rules become effective, they shall have the same authority as if stated herein, and shall be enforced in the same manner as other ordinances.

~~(c)~~ (b) It shall be unlawful for any person to knowingly violate any of the city water utility's rules or regulations as established by the city, and any violation of the same shall be punished as provided by law.

(Ord. No. 91-7-2, § 2(19.2-13), 8-13-91)

Cross references: Water conservation, § 17.3-81 et seq.

Sec. 17.3-33. Water users to accept provisions of article.

No water service shall be furnished by the city to any person unless such person agrees to accept all the provisions of this article. The acceptance of such water service shall be in itself the acceptance of the provisions hereof. The customers may access the full text of this article by requesting a copy or accessing the city web site.

(Ord. No. 91-7-2, § 2(19.2-14), 8-13-91)

Sec. 17.3-34. Penalty for violation of article.

Any person, firm, or corporation who shall violate or fail to comply with the terms or provisions of this article shall, upon conviction in a court of competent jurisdiction, be

punished by a fine not exceeding a sum of \$500.00, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 91-7-2, § 2(19.2-15), 8-13-91)

Sec. 17.3-35. Ownership of lines.

All water lines installed by the city, its designees, or any customer of the city's water utility shall be the property of the city notwithstanding any tap fee payment therefore made by the customer of the city water system. Subsequent taps on lines may be made by the city without recourse (financial or otherwise) to the original customer.

(Ord. No. 91-7-2, § 2(19.2-16), 8-13-91)

Sec. 17.3-36. Damage to system; unlawful use of water.

(a) It shall be unlawful for any person to damage any meter, pipes, connections, or other apparatus of the city water system or to use city water not metered by the city or to in any way effect a pollution or disturbance of the city water supply.

(b) In the event of any damage to the city's property located upon a customer's property ~~which arises out of any act of the customer or agents, employees or independent contractors upon the premises at the customer's request or direction,~~ the cost of repairs or replacement shall be the responsibility of the customer, and in addition the account shall be subject to meter tampering/cut lock fees. ~~Full~~ payment or reimbursement to the city therefore shall be a condition imposed by the city for the continuation of service.

(c) No changes or increases in the customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the City, shall be made without written consent of the City. The customer shall be liable for any change or damage resulting from violations of this rule.

(Ord. No. 91-7-2, § 2(19.2-17), 8-13-91)

Sec. 17.3-37. Availability of copies of article.

A copy of this article shall be kept on file at the city hall and shall be made available for inspection and copying by all interested persons during regular business hours, excepting legal holidays.

(Ord. No. 91-7-2, § 2(19.2-18), 8-13-91)

Sec. 17.3-38. Right of entry for purpose of making inspection.

The city shall have free access at all reasonable hours to all parts of buildings or premises for the purpose of inspecting to ascertain the condition of the plumbing and uses of water, including, without limitation, compliance with the provisions of all applicable rules, regulations, or ordinances.

(Ord. No. 91-7-2, § 2(19.2-19), 8-13-91)

Sec. 17.3-39. City not liable for damage caused by bursting of mains, failure of water supply, etc.

It is hereby stipulated between the city and its water customers that there shall be no claim for damages by the reason of the bursting of any street main, service pipe or cock, or by the shutting off of water for repairs, extensions or connections or from the accidental failure of the supply of water from any cause whatsoever.

(Ord. No. 91-7-2, § 2(19.2-20), 8-13-91)

Sec. 17.3-40. Adjustment of bills.

When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedules, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be credited or billed to the customer as the case may be.

(Ord. No. 91-7-2, § 2(19.2-21), 8-13-91)

Sec. 17.3-41. Equivalent residential unit (ERU) defined.

The following is the definition of equivalent residential unit (ERU):

(1) *Single-family residences.* Each single-family residence served by the city through a single sewer service and/or water meter shall be one equivalent residential unit. ~~An irrigation meter will be considered to be an ERU and will be required to pay an impact fee.~~

(2) *Rooms, apartments, and manufactured/mobile home spaces.* Each residential room, combination of rooms, apartment or prepared mobile home space that includes connection points for sewer and/or water service that is owner occupied, offered separately for rent as a rental unit, or vacant, shall be equal to the number of ERUs defined in the ~~utilities-current~~ edition of the Orange City Utilities Standards Handbook. ~~capital charge study.~~

(3) *Nonresidential, commercial and industrial uses.* For nonresidential uses not specifically defined elsewhere in this article, the number of equivalent residential units shall be computed by the utility official using the ERU method as defined in the applicable resolutions or the fixture unit count as defined in the current edition of the

~~Orange City Utilities Standards Handbook. most recent data published by the American Water Works Association, and the following formulas:-~~

~~Water:~~

~~a. Total Number of Fixture Units \times 25 gpd/Fixture Units = Total gpd.~~

~~b. Total gpd divided by 300 gpd/ERU = ERUs.~~

~~If the customer's ERUs cannot be determined by either of these methods, then a procedure selected by the utility shall be used.~~

The utility will use the method of computation which produces the largest number of equivalent residential units.

(4) *Combination accounts.* Accounts that contain both residential and commercial facilities served through a common meter may be treated as either residential or nonresidential, whichever method of computation results in the larger number of equivalent residential units.

(5) *Expansion of existing connection.* If a building permit is issued for an existing connection which will increase water or sewer demand, or if a building changes from residential to nonresidential occupancy, the total number of ERUs for old and new parts of the facility shall be computed as outlined in subsection (3) of this definition. The number of new ERUs shall be determined by subtracting the old ERUs from the total number of ERUs in the entire facility. The impact fee will be assessed on the number of new ERUs.

(Ord. No. 91-7-2, § 2(19.2-22), 8-13-91)

Sec. 17.3-42. Water impact fees--Establishment; fee schedule.

(a) There is hereby established an impact fee based on the city council's determination of the equitable portion of the cost of financing the extension of the system upon the equivalent residential unit responsible for the need for additional system financing.

(b) The fees shall be as defined in the applicable ordinance or resolution.

(c) Each additional equivalent residential unit occasioned by changes in property usage subsequent to the effective date of this article shall be subject to an impact fee computed in accordance with the foregoing criteria.

(d) The city shall not be required to accept title to any component part of the water system as constructed by developer until the utilities manager has approved the construction of said lines and accepted the tests to determine that such construction is in accordance with the criteria established by the city.

(e) The city will require, prior to the execution of water extension applications to state agencies, that the schedule of impact fees be paid to city.

(Ord. No. 91-7-2, § 2(19.2-23), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Cross references: Impact fees, ch. 7.5.

Sec. 17.3-43. Same--Review.

Based upon factors affecting the systems, increasing standards of service; inadequate or incorrect estimates of the total anticipated contributions versus the actual investment levels required by the city for water transmission and treatment facilities; actual experience with regard to matters of service area density having a direct bearing upon contributions received versus the cost of construction of the facilities; matters of net investment bearing upon rates and charges required of customers and/or such other matters which may reasonably bear upon the needs, necessities, or considerations requiring such changes, Orange City Utilities with approval from the city manager may amend schedules of water rates, charges and contributions. The city manager shall notify the city council 30 days prior to the effective date of amendments to the rate schedules. (Ord. No. 91-7-2, § 2(19.2-24), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-43A. Adjustment of impact fees.

The schedule of impact fees may be adjusted pursuant to section 17.3-43 based upon increases in the construction cost index published in Engineering News Record magazine entitled "20 Cities Construction Cost Index". The city shall semi-annually adjust the impact fees for the quarter ending each December 31 and June 30. (Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-44. Same--Use of proceeds.

The proceeds accumulated by reason of the establishment of an impact fee can be used only for the respective addition to, expansion of and/or betterment of the primary water system or the primary sanitary sewer system. All impact fee proceeds associated with the primary water system shall be divided between the water treatment component and the transmission component. All impact fee proceeds associated with the primary sanitary sewer system shall be divided between the sewer treatment component and the sewer transmission component. Said proceeds shall not be used for operations, maintenance, renewal and/or replacement expenses. (Ord. No. 91-7-2, § 2(19.2-25), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-45. Same--Restricted funds.

(a) There are hereby established two restricted funds, one for the primary water system, and the other for the expansion of primary sewerage system. All impact fees paid to the city shall be deposited in the appropriate restricted fund to be held in separate accounts and used only for the respective purposes stated in section 17.3-44. Funds may be disbursed from these accounts in the customary manner in accordance with appropriate law. Any funds on deposit in said restricted funds which are not immediately necessary for expenditure may be invested in time deposits of banks or trust companies represented by certificates of deposit fully secured as provided by law maturing in a period of 12 months or less. All such security shall be held by the depository bank, and all income

derived there from shall be redeposited in the applicable restricted fund as hereinabove established.

(b) The city may authorize an intrafund advance between the above-mentioned restricted funds for the financing of capital expansion of either system. Repayment provisions shall be established by the city council at the time such advance is made. (Ord. No. 91-7-2, § 2(19.2-26), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-46. Same--Applicability when customer is reconnected.

If a utility customer is disconnected, ~~cut-off~~ turned off or discontinued from the utility system and requests reconnection to the system within ~~five~~ two years from said date of disconnection, the customer shall not be required to pay the applicable ~~treatment component~~ impact fee imposed on a new service customer. Water service reconnection requests beyond this two- ~~five-~~ year timeframe shall be assessed the full impact fee. In either case, other fees, including connection charges, deposits, etc., shall be assessed in the same fashion as for a new customer.

(Ord. No. 91-7-2, § 2(19.2-27), 8-13-91)

Sec. 17.3-47. Same--Applicability to customers disconnected from private wells.

Customers requesting connection to the city water system following use of a private well for water supply shall be assessed the applicable impact fees. The impact fee is applied whether system connection is required due to poor water quality in the well or due to customer volition.

(Ord. No. 91-7-2, § 2(19.2-28), 8-13-91)

Sec. 17.3-48. Limitations on use of water; furnishing water to other premises.

Utility service purchased from the city shall be used by the customer only for the purposes specified in the application for service. The customer shall not sell or otherwise dispose of such utility service supplied by the city. All utility service furnished by the city to the customer shall be through city meters and may not be re-metered by the customer for the purpose of selling or otherwise disposing of such service. In no case shall a customer, except with the written consent of the city, extend water lines or any means of transporting water across a street, alley, lane, court, property line, avenue, or other public thoroughfare or right-of-way in order to furnish utility service for adjacent property, even though such adjacent property is owned by him.

(Ord. No. 91-7-2, § 2(19.2-29), 8-13-91)

Sec. 17.3-49. Termination or transfer of service on change of occupancy.

(1) It shall be the obligation of the customer to ~~provide complete the~~ provide complete the written notification form (Termination/Transfer Form) indicating to notify the city of change of occupancy, vacancy, or other circumstances for which termination or transfer of service is requested, ~~upon which written or personal notification is received by the city, after which~~ the city

shall have a reasonable time, not to exceed 72 hours, in which to discontinue service and the customer shall be responsible for all service charges incurred to the date the service is actually discontinued. Customer deposits may be applied to the balance due as provided in this article, or transferred from one location to another if both are served by the city and remain in the same name.

(Ord. No. 91-7-2, § 2(19.2-30), 8-13-91)

(2) After the service of a tenant has been terminated and discontinued by the city, the property owner shall be responsible and/or liable for all new charges incurred until a new application for service has been received.

Sec. 17.3-50. Continuity of service.

The city will at all times use reasonable care to provide continuous service, and, having used reasonable care, shall not be liable to the customer for failure or interruption of continuous service. The city shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, litigations, breakdowns, shutdowns for repairs or adjustments, acts of sabotage, enemies of the United States, wars, United States, state, or other governmental interference, acts of God or other causes beyond its control.

(Ord. No. 91-7-2, § 2(19.2-31), 8-13-91)

Sec. 17.3-51. Standards for equipment on customer's property.

All pipes, conduits or other component parts of service installed in or upon the premises of a utility customer shall conform to city standards of type, quality, and quantity and regulations regarding installation as referenced in the city-current edition of the Orange City Utilities Standards Handbook.

(Ord. No. 91-7-2, § 2(19.2-32), 8-13-91)

Sec. 17.3-52. Inspection of facilities installed by developers.

The city shall inspect the installation of all water distribution facilities installed by a developer or a developer's contractors, whether or not said facilities are proposed to be transferred to the city for ownership, operation and control. Such inspections are intended to assure that water lines are installed in accordance with approved designs and are further consistent with the criteria and specifications governing the kind and quality of such installation. The customer shall be responsible for the cost of making changes or repairs resulting from any unauthorized alteration and the city shall require payment or reimbursement therefore as a condition to continued service. An inspection fee shall be charged for each inspection as set forth by resolution.

(Ord. No. 91-7-2, § 2(19.2-33), 8-13-91)

Sec. 17.3-53. Meter testing.

The city reserves the right to remove the meter and check, repair, or replace it at any time at no cost to the customer. Meter testing only applies to mechanical issues not re-reads. Meter testing shall be done at the customer's request, and in accordance with the following guidelines and schedules:

- (1) Meter Test Request. If any customer requests a test of the water meter, the City will assess a fee to defray the cost of testing; such fee shall not exceed the schedule of fees which shall be specifically set forth in a separate resolution.
- (2) Adjustment of Bills for Meter Error. In meter tests made by the City, the accuracy of registration of the meter and its performance in service shall be judged by its average error. The average meter error shall be considered to be the average of the errors at the test rate flows. If a meter is found to be inaccurate according to established standards, the assessed fee will be refunded or credited.
 - (a) Fast Meters. Whenever a meter tested is found to register fast, in excess of the established standards (an error greater than plus/minus 2 percent), the City shall refund to the customer the amount billed in error for the period from sixty (60) days prior to the time the customer reported the problem. The refund shall not include any part of any minimum charge.
 - (b) Slow Meters. Whenever a meter tested is found to register slow, in excess of the established standards (an error greater than plus/minus 2 percent), the City shall bill the customer an amount equal to the unbilled error for the period sixty (60) days prior to the time the customer reported the problem. In the event of a non-registering meter, customer may be billed on an estimate based on previous bills for similar usage, such estimate to apply only to the current billing. In the event of unauthorized use, the customer may be billed on a reasonable estimate, in the sole discretion of the City, of the service taken.

~~Should a customer desire his meter to be checked at any time, he may have this work done by submitting a written request accompanied by a fee in accordance with the rate schedules of the city in effect at the time of such testing. Should the meter be tested and found to be registering over two percent more than is actually used, the last three months' service bill will be adjusted accordingly, the meter will be repaired or replaced, and the fee will be returned. In any other case, the amount of the fee shall be retained by the city to defray the cost of testing.~~

~~(Ord. No. 91-7-2, § 2(19.2-34), 8-13-91)~~

Sec. 17.3-54. Developer agreements required.

Prior to water plan approval by utilities manager and execution of water main extension applications to state agencies by the city, the builder or developer shall be required to execute a developer's agreement. This agreement shall run with the land and be binding on the developer, its successors, assigns and any other subsequent owner of the land,

setting forth reasonable provisions governing developer and city responsibility pertaining to the installation of service facilities; the interconnection of plumbers' lines with the facilities of the city; the manner and method of payment of contributions, fees, and charges; guaranteed revenue provisions; standards of construction or specifications; regulations, policies, practices and procedures of the city; prohibitions against improper use of the city's facilities; and other matters normally associated with and contained in developer agreements. Developer agreements shall only apply to specific parcels of property and are not assignable or transferable in any manner to any other parcel of property.

(Ord. No. 91-7-2, § 2(19.2-35), 8-13-91)

Cross references: Installation and guarantee of improvements for subdivisions, § 14-9.

Sec. 17.3-55. Testing of systems installed by developers.

Representatives of the city shall be present at testing of component parts of water distribution systems for the purpose of determining that the system, as constructed, conforms to the city's criteria for pressure testing, line and grade. Such tests will be performed by the developer or the developer's contractor, but only under the direct supervision of the engineer of record or his authorized inspector. The results of such testing shall be certified by the engineer of record. The utilities manager shall be notified at least two working days prior to any inspections or testing performed in accordance with these regulations. An inspection fee shall be charged for each inspection as set forth by resolution.

(Ord. No. 91-7-2, § 2(19.2-36), 8-13-91)

Sec. 17.3-56. Conveyance of easements and rights-of-way by developers.

As a prerequisite to the construction of any water distribution system proposed to be connected to the facilities of the city, developer shall agree to grant to the city such easements or rights-of-way corresponding with the installation of the proposed facilities. Such grant or conveyance shall be in the form satisfactory to the city attorney. Such conveyances shall be made without cost to the city. The city reserves the right to require such easements or rights-of-way to the point at which the meter is proposed to be installed or at the point of delivery of service, being the point at which the facilities of the city join with the customer's upon installation. Such easements and rights-of-way shall be conveyed and accepted upon completion, approval and acceptance of the work done by the developer.

(Ord. No. 91-7-2, § 2(19.2-37), 8-13-91)

Sec. 17.3-57. Extension of lines by developers.

(a) *Generally.*

- (1) Each developer, owner, or builder or other person who purchases land or realty for the purpose of development (hereinafter referred to as "developer"),

shall be responsible for the design and installation of the complete utility system within their development, project, building, or other structure, as necessary to connect the same to the city system. "Complete utility system" shall include all component parts of a water distribution system, including valves, fittings, laterals, hydrants and all appurtenances as shown upon the approved design of such water distribution system.

(2) Whenever any person desires to secure service beyond the present limits of the city's water system, but within the water service area, and for such purpose they have water lines constructed or otherwise extended, such person shall make written application to the city stating the kind of service desired, and the purpose for which such service is required, and giving the location and a definite description of the property where such services are to be rendered, and such other and further information as may be required by the city.

(3) Any person desiring the provision of water service from the city's water system shall grant or cause to be granted to the city and without cost to the city all rights, easements, permits, and privileges which are necessary for the rendering of such water service.

(b) *Permit; standards; payment of costs.*

(1) Whenever any person desires to construct any water line or extend any water line, the person or persons desiring to construct or extend such line shall first obtain from the city a written permit. Any such construction or extension of water lines shall be done so as to meet the approval of the city and the city current edition of the Orange City Utilities Standards Handbook as to the depth and location of such lines, the size and dimension of pipes, the quality and quantity of materials, and the method of construction; provided, however, that, where any such extension contemplates the use of a water main, such water main shall be laid in a trench separate and distinct from that used for any gas main or sanitary sewer line.

(2) The developer of a tract of land, after approval of plans by the city and other appropriate agencies, shall at his expense install the required transmission mains to connect the development to the city's transmission system. The developer shall, also at his own expense, after approval by the city and all appropriate agencies, install all distribution lines, service lines, pump systems and meter boxes within said development. Upon acceptance of such installation by the city, all transmission, distribution and service lines and meter boxes shall be deeded to and become the property of the city through the procedure outlined in subsection (c) of this section.

(3) Should the city require oversized lines beyond the requirements to serve the developer, the city shall reimburse the developer only for the difference in the cost of the pipe. Should the city require fittings and hydrants beyond the

requirements to serve the developer, the city shall reimburse the developer for only the cost of such fittings and hydrants.

(c) *Conveyance to city.* When construction has been completed, the turnover of lines to the city shall be in accordance with the following procedures:

(1) By instruments acceptable to the city, the developer shall submit to the city the following:

- a. Bill of sale for the lines.
- b. Affidavit of no liens.
- c. Verification of final costs.
- d. Legal description.
- e. Copy of the recorded plat (if a new subdivision or if an existing subdivision is re-divided).
- f. Contractual guarantees from suppliers, along with applicable dates.
- g. Up-to-date list of customers and/or owners of individual lots.
- h. Recorded easements granting right of access to lines within private property, with a title policy or other evidence of title regarding same.

(2) Absent an express written waiver, executed and signed by authorized agents of the city, the city will not render service or accept responsibility for maintenance of lines until the documentation set forth in paragraph (c)(1) has been received and accepted by the city.

(3) No plat will be certified by the city for final recording until the requirements of paragraph (c) (1), excepting only subparagraph (c) (1) e, are complete and acceptable.

(Ord. No. 91-7-2, § 2(19.2-40), 8-13-91)

Sec. 17.3-58. Backflow and cross connection control.

(a) *Purpose.* The purpose of this section is to:

(1) Protect the public potable water supply of the city from the possibility of contamination or pollution by isolating within its customer's private water system(s) such contaminants or pollutants which could backflow or back siphon into the public water supply system.

(2) Promote the elimination or control of existing cross connections, actual or potential, between its customers' in-plant potable water system(s) and nonpotable water systems, plumbing fixtures and industrial piping systems.

(3) Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(b) *Definitions.*

(1) ***Approved:***

a. The term "approved," as herein used in reference to a public potable water supply, means a water supply that has been approved by the state department of environmental protection, health department, or governing agency.

b. The term "approved," as herein used in reference to air-gap separation, a double check valve assembly, or a reduced pressure principle backflow prevention device or other backflow prevention device or method, shall mean as approved by Orange City Utilities.

(2) ***Auxiliary water supply:*** Any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as well, spring, river, storm water pond, stream, harbor, etc., or used waters or industrial fluids. These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(3) ***Backflow:*** The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water system.

(4) ***Backsiphonage:*** The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

(5) ***Backflow preventer:*** A device or means designed to prevent backflow or backsiphonage.

a. ***Air gap:*** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim

of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel, and in no case less than one inch. When an air gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed around the air-gap system and an approved reduced pressure principle device shall be installed in the bypass system.

b. **Reduced pressure principle device:** An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing ball or resilient disc valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and Orange City Utilities approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressures in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device shall be submerged.

c. **Double check valve assembly:** An assembly of two independently operating approved check valves with tightly closing resilient disc or ball valves on each of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and Orange City Utilities approved testing agency for backflow prevention devices. To be approved these devices must be readily accessible for in-line maintenance and testing.

(6) **Contamination:** An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease as measured, determined and defined by industry standards.

(7) **Cross connection:** Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable

safety, through which, or because of which, backflow or backsiphonage may occur into the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system that is cross connected to a contaminated fixture or to an industrial fluid system or with a potentially contaminated supply or auxiliary water system constitutes one type of cross connection. Other types of cross connections include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tubes, solid connections, etc. Bypass arrangements, jump connections or other devices through which or because of which backflow could occur are deemed to constitute cross connections.

(8) ***Cross connections, controlled:*** A connection between a potable water system and a nonpotable water system with an approved and/or authorized backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

(9) ***Cross connection control by containment:*** The installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of cross connection.

(10) ***Fixture plumbing:*** Installed receptacles, devices, or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

(11) ***Hazard, degree of:*** The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. ***Hazard, health:*** Any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of the Orange City Utilities may create, a danger to the health and well-being of the water customer. An example of a health hazard is a structural defect, including cross connections, in a water supply system.

b. ***Hazard, plumbing:*** A plumbing type cross connection in a customer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross connections are considered to be a health hazard.

c. **Hazard, pollution:** An actual or potential threat to the physical properties of the water system or to the potability of the public or the customer's potable water system which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

d. **Hazard, system:** An actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

(12) **Industrial fluids system:** Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but shall not be limited to: polluted or contaminated waters; all types of processed waters and used waters originated from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural water such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; and oils, gases, glycerin, paraffin, caustic and acid solutions and other liquid and gaseous fluids used for industrial or other purposes or for firefighting purposes.

(13) **Manager:** The manager of Orange City Utilities is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section.

(14) **Plumbing systems:** Includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste, and vent pipes; building drains and building sewers including their respective connections, devices and appurtenances within the property lines of the premises; and water-treating or water-using equipment.

(15) **Pollution:** Means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

(16) **Water, potable:** Any water which, according to recognized standards, is safe for human consumption.

(17) **Water, nonpotable:** Water which is not safe for human consumption or which is of questionable potability according to recognized or acceptable standards.

(18) **Water purveyor:** The term "water purveyor" shall mean the owner or operator of the public potable water system supplying an approved water supply to the public. As used herein, the terms "water purveyor" and "Orange City Utilities" may be used synonymously.

(19) **Water service connection:** The terminal end of a service connection from the public potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include a water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

(20) **Water system:** The water system shall be considered as made up of two parts: the Orange City Utilities system and the customer's system.

a. **Orange City Utilities:** The Orange City Utilities shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the Orange City Utilities, up to the point where the customer's system begins.

1. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

2. The distribution system includes the network of conduits used for the delivery of water from the source to the customer's system.

b. **Customer's system:** The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.

(21) **Water used:** Any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

(c) *Responsibilities of water purveyor and customers.*

(1) Orange City Utilities is responsible for the prevention of contamination and pollution of the public water mains. Such responsibility begins at the point of origin of the public water supply and includes adequate treatment facilities and water mains, and ends at the point of entrance to the customer's water system, provided adequate backflow and backsiphonage protection is maintained on all water supply systems directly connected to the water purveyor's public system.

(2) The customer has the responsibility of preventing contaminants and pollutants from entering the water supply system, and from entering the public water main or water source from his water supply system. The customer shall protect his water supply system against actual or potential cross connection, backflow or backsiphonage, as required by this section and other applicable regulations. He shall assure that all protective devices are tested and maintained in the working condition required. He shall assure the necessary plumbing permits are obtained for new water supply system installations, and for alterations or repair to existing systems, as required.

(3) Connections to the city's water supply system for any purpose whatsoever shall be made only by employees of the city or authorized agents. Any unauthorized connections to the city's water service shall be subject to immediate discontinuance without notice, in addition to other enforcement provisions deemed necessary and appropriate by the city. Water service shall not be restored until such unauthorized connections have been removed and until settlement is made in full for all water service estimated by the city to have been used by reason of such unauthorized connection. If a water customer disconnects the previously active city water connection and replaces the same with another source, such shall be an unauthorized connection, shall constitute a code violation, and shall also be considered a cross connection as shown in Section 17.3-58(b)7, and shall be remedied as soon as possible to protect the integrity and potable quality of the water system.

(d) *Authority to inspect.*

(1) The Orange City Utilities manager, or his designated agent, may inspect the plumbing in every building or premises in this water system as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply system by the plumbing. The manager shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the manager, any plumbing installed or existing contrary to or in violation of this section and which, in his judgment, may therefore permit the pollution of the water system or otherwise adversely affect the public health. An inspection fee shall be charged for each inspection as set forth by resolution.

(2) The customer's system should be open for inspection at all reasonable times to authorized representatives of Orange City Utilities to determine whether cross connections or other structural or sanitary hazards, including violations of this section, exist.

(e) *General policy.*

(1) No plumbing fixture, water service connection device or construction shall be installed or maintained or shall be connected to the water system, when such installation or connection may provide a possibility of polluting such water supply or may provide a cross connection between a distributing system of water for drinking and domestic purposes and water which may become contaminated by such plumbing fixture, water service connection device or construction unless there is provided an approved backflow prevention device.

(2) An approved backflow prevention device shall also be installed, at the owner's expense, on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line, wherever the following conditions exist:

a. In the case of premises having an auxiliary water supply which is not or may not be of a safe bacteriological or chemical quality and which is not acceptable as an additional source by Orange City Utilities, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

c. In the case of premises having one internal cross connection that cannot be permanently corrected and controlled, or two intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

(3) The type of protective device required shall depend upon the degree of hazard which exists as follows:

- a. In the case of any premises where there is an auxiliary water supply, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
- b. In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
- c. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
- d. In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

(4) Any backflow prevention device required herein shall be of a model and size approved by Orange City Utilities. The term "approved backflow prevention device" means that the device has been manufactured in full conformance with standards established by the American Water Works Association entitled: "AWWA C506-69, Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices," and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.

(5) It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the manager deems that hazard to be great enough he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by Orange City Utilities certified personnel. It shall be the duty of the manager to see that these timely tests are made. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such repairs and overhauls shall be kept and made available to Orange City Utilities.

(6) All presently installed backflow prevention devices which do not meet the requirements of this section, but were approved devices for the purpose described herein at the time of installation and which have been maintained, shall, except for the inspection and maintenance, be excluded from the requirements of this

section so long as Orange City Utilities is assured that they will satisfactorily protect the Orange City Utilities water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when Orange City Utilities finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

(f) *Manual of Cross Connection Control.*

The city adopts by reference the Orange City Utilities' Manual of Cross Connection Control. Compliance with the manual and this section is required. Copies of the Manual of Cross Connection Control may be obtained from Orange City Utilities.

(g) *City's right to refuse service for noncompliance.*

(1) The city shall refuse to supply water service to any customer or structure which does not comply with the requirements of this section.

(2) Service of water to any premises shall be disconnected by Orange City Utilities if a backflow prevention device required by law, rules or regulations is not installed, tested and maintained; or if it is found that a backflow prevention device has been removed or bypassed, or if unprotected cross connections exist on the premises and there is inadequate backflow protection at the service connection. Water service shall not be restored until such condition or defects are corrected and all payments for penalties, if any, have been made. All turn off and turn on service charges shall be paid by the customer.

(h) *Penalty for violation.* Any person violating any of the provisions of this section or failing to comply therewith shall be punished by a fine of up to and not to exceed \$500.00 or by imprisonment for a period not exceeding 60 days or by both such fine and imprisonment at the discretion of the judge trying the case. Each day any such violation shall continue shall constitute a separate offense.

(i) *Testing charges for backflow prevention devices.* The fees shall be charged and established by resolution.

Section 17.3-59 Fire Line Charges.

An annual capacity cost recovery charge is assessed to customers which have fire lines or standpipes located within the premises of the building or privately owned hydrants served by the city. The city shall bill the rates for this specific service as set forth by resolution.

Section 17.3-60 Hydrant Maintenance Fee.

An annual hydrant maintenance fee may be collected from commercial, multi-family, institution, interlocal or other service conditions. The annual hydrant maintenance fee shall be set by resolution.

Section 17.3-61 Plan Review, Engineer/Consultant Costs.

The city shall charge actual cost for plan review and any additional engineer/consultant review costs as set forth by resolution.

(Ord. No. 91-7-2, § 2(19.2-41), 8-13-91)
Secs. 17.3-59-62--17.3-80. Reserved.

DIVISION 2. WATER CONSERVATION*

***Editor's note:** Ord. No. 32, §§ 1--9, adopted May 22, 2001, repealed the former Div. 2, and enacted a new division as set out herein. The former Div. 2, §§ 17.3-81--17.3-85, pertained to similar subject matter and derived from Ord. No. 91-7-2, §§ 2(19.2-42)--(19.2-46), adopted Aug. 13, 1991; and Ord. No. 92-1-2, §§ 2--6, adopted Jan. 28, 1992.

Cross references: Curtailment of water usage during periods of water shortage, § 17.3-42.

Sec. 17.3-81. Applicability.

The provisions of this division are applicable to private wells, surface water and potable water used for irrigation and other nonpotable uses.
(Ord. No. 32, § 2, 5-22-01)

Sec. 17.3-82. Definitions.

Automatic system means any irrigation method or system with a timing device that controls the periods of operation.

District means the St. Johns River Water Management District.

Enforcement personnel means those personnel duly authorized by the city for the purposes of maintaining compliance with the provisions of this division. This shall include, but not be limited to, state officials, county officials, WAV officials, code enforcement officers, law enforcement officers, employees of the fire department, water meter readers, utility personnel/public works employees and other duly designated employees or agents of the city so designated by the city manager.

Enforcement personnel shall have the duty, and are hereby authorized, to enforce the provisions of this division and shall have the power to issue written warning notices, citations. Enforcement activity to be in accordance with section 17.3-88 of Division 2. Water Conservation.

Hand watering means a person holding the watering device throughout the watering activity, which itself must have a mechanism for automatic shutoff when pressure is released (an automatic shutoff/self-canceling spray nozzle).

Heating and air conditioning use means the use of water for heating, cooling, or for air conditioning.

Landscape irrigation use means the outside watering or sprinkling of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which are planted and established and are situated in such diverse locations as residential landscaping, recreation areas, cemeteries, public, commercial and industrial establishments, public medians and rights-of-way.

Legitimate agricultural pursuits are those agricultural pursuits, which are primarily commercial in nature or have a current agricultural tax exemption.

Low-volume irrigation means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant.

Low-volume pressure cleaning means pressure cleaning by means of equipment which is specifically designed to reduce the inflow volume as accepted by industry standards.

Manual system means any irrigation method or system that does not have a control device that is automatically timed. Hand watering is a manual system.

Reclaimed water means water that meets the current Florida Department of Environmental Regulation standards for reuse after flowing out of any treatment plant or works.

Reuse means the deliberate application of reclaimed water for a beneficial purpose and uses include landscape irrigation, agricultural irrigation, aesthetic uses, groundwater recharge, industrial uses, fire protection or other useful purposes.

State-of-the-art means the level of development for a device or procedure, process, technique or science reached by the result of the most modern method. A state-of-the-art system would be one in which the most advanced and up-to-date industry standards and methods are employed.

User means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State of Florida, any political subdivisions, region, district, municipality, or public agency thereof, which directly or indirectly take water from the water resource, including, but not limited to, uses from private or public utility systems,

uses whether or not under consumptive use permits issued by the St. Johns River Water Management District, or uses from individual wells or pumps for domestic of individual home use or other use. The term does not include users who use only reclaimed water for reuse.

Volusia County restrictions refers to levels of water conservation and use as specified in section 50-315 of the County of Volusia Code.

~~*Volusian Water Alliance*~~ or ~~VWA~~ The Water Authority of Volusia or (WAV) means that regional water supply cooperative organization as created by the ~~October 2003~~ ~~May 1996~~ interlocal agreement pursuant to the provisions of F.S. § 163.01, and as amended and restated.

~~*Volusian Water Alliance*~~ The Water Authority of Volusia Service Area means the collective areas of all of its members as officially adopted by the ~~VWA~~ WAV board of representatives.

Water conservation means a continuing effort to use only as much water as absolutely necessary, whether for drinking, washing, flushing, irrigating, or any other use. Water conservation is awareness that our water resources are not unlimited.

Water shortage means that situation as recommended by the ~~Volusian Water Alliance~~, Water Authority of Volusia, St. Johns Water Management District, or any duly authorized agency in which sufficient water is not available to meet the needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area.

Water shortage emergency means that water shortage situation as recommended by the ~~Volusian Water Alliance~~ Water Authority of Volusia that is so sudden and severe that normal water shortage procedures cannot be implemented in a timely manner and are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or public water supply, or meet the needs of commercial, industrial, agricultural, recreational or other reasonable uses.

Water shortage plan means the St. Johns River Water Management District's F.A.C. ch. 40C-21, Water Shortage Plan.
(Ord. No. 32, § 3, 5-22-01)

Sec. 17.3-83. Declaration of water shortage.

(a) The city recognizes and understands the importance of the inter-jurisdictional ~~Volusian Water Alliance~~ Water Authority of Volusia policies regarding uniform water use restrictions, conservation, and regional water management policies.

(b) The city, as a member of the ~~Volusian Water Alliance~~ Water Authority of Volusia, delegates to the ~~Volusian Water Alliance~~ Water Authority of Volusia the authority to

recommend to Volusia County Council to declare a water shortage or a water shortage emergency based on technical information such as, but not limited to groundwater levels, well drawdown levels and rainfall as provided and reviewed by the ~~VWA~~ WAV technical advisory committee.

(c) Therefore, the city hereby adopts by ordinance the levels of water conservation and water shortage restrictions in section 17.3-84 of this division and establishes the base level as that level of water conservation and use in effect year-round. Furthermore, should a water shortage or water shortage emergency be determined by the ~~Volusian Water Alliance~~ Water Authority of Volusia, the most stringent ~~VWA~~WAV-recommended and county council-established level of use restrictions, as set forth in section 17.3-84, shall be effective and shall be implemented and enforced.

(d) In the event the St. Johns River Water Management District declares a water shortage and implements its Water Shortage Plan, F.A.C. ch. 40C-21, the water shortage plan and all elements of said plan become effective and take precedence over the provisions of this division provided that the implemented St. Johns River Water Management District Water Shortage Plan provides for a more restrictive level of water conservation than the ~~VWA~~ WAV level in effect. At such time as the St. Johns River Water Management District declared water shortage expires, then all provisions of this division become effective and enforceable.

(e) Nothing herein shall prevent the city from declaring a water shortage or water emergency and implementing water use restrictions on their own, provided that those measures implemented are at least as restrictive as the county's or district's levels. (Ord. No. 32, § 4, 5-22-01)

Sec. 17.3-84. Levels of water conservation and water shortage restrictions.

The city, in order to provide the necessary levels of year-round water conservation and provide for the most logical transition to a declared water shortage, water shortage emergency or the St. Johns River Water Management District Water Shortage Plan, hereby establishes the following levels of water conservation and water shortage use restrictions.

(a) *Base water conservation level.* This level corresponds to Volusia County Level I restrictions, which corresponds to Phase I moderate water shortage plan restrictions of the St. Johns River Water Management District (as of 1999). This Volusia County "conservation rule" is more restrictive than the "conservation rule" of the St. Johns River Water Management District (which prohibits landscape irrigation between 10:00 a.m. and 4:00 p.m. seven days a week). This base conservation level is a minimum environmental standard within Volusia County. This level is as follows:

- (1) The use of water for landscape irrigation is allowed only during the following times: ~~Three~~ two days a week from 4:00--8:00 a.m. and 4:00--8:00 p.m. (5:00--9:00 p.m. during daylight savings time) for manual irrigation systems and

4:00--8:00 a.m. only for automatic irrigation systems. Even addresses and residences without address numbers can water at these times on ~~Tuesdays, Thursdays~~ and Sundays, odd addresses on ~~Mondays, Wednesdays~~ and Saturdays. On Mondays, Tuesdays and Fridays, no watering is permitted. Hand watering is permitted any time but avoidance of hours of high evaporation is encouraged.

- a. Irrigation using a low-volume irrigation system is allowed any time.
 - b. The use of reclaimed water for irrigation shall be determined by the city. Appropriate signs must be placed on the property to inform the general public and enforcement personnel of such use. Such signs must be in accordance with city restrictions.
 - c. Irrigation of new landscape plantings and/or lawns is allowed any day, except between 10:00 a.m. and 4:00 p.m., for one 30-day period, provided irrigation is limited to the amount necessary for plant establishment. The user must have evidence that planting has been done within 30 days, for instance a receipt for purchase or landscaping services, to utilize this exception.
 - d. Watering-in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.
 - e. Irrigation systems may be operated anytime for maintenance and repair purposes, not to exceed ten minutes per hour per zone.
- (2) Excessive use of water for landscape irrigation or over watering of landscaping is discouraged. Overspray of irrigation water onto impervious surfaces should be controlled in accordance with section 17.3-85 of Division 2 Water Conservation.
- (3) Noncommercial or private automobile washing shall utilize an automatic shutoff/self-canceling spray nozzle. Automobile washing shall be on pervious surfaces whenever feasible or at a commercial water recycling automobile wash.
- (4) The washing of sidewalks, walkways, driveways, parking lots, tennis courts and all other impervious areas shall utilize an automatic shutoff/self-canceling spray nozzles or low-volume pressure cleaning. Excessive use of water for washing of impervious areas is discouraged. Runoff from impervious surface washing shall be directed as much as possible towards pervious areas.
- (5) Filling or refilling of swimming pools, except as necessary during construction process, repairs, or following any voluntary cessation of use of the pool to prevent the leakage of water, and except as necessary to raise the level of water to allow the pool's skimmer to properly function, is prohibited. The continuous refilling of swimming pools while a leak is occurring is hereby prohibited.
- (6) All automatic landscape irrigation systems shall be equipped with rain sensor devices., ~~within one year from the effective date of this division.~~ (7) All groundwater utilized in water-to-air heating and air conditioning systems must be directed to landscape irrigation systems, groundwater injection or exfiltration systems. Off-site discharge from heating and air conditioning systems is prohibited.

(b) *Water shortage restrictions.*

(1) Level II shortage corresponds to Volusia County Level II that corresponds to the St. Johns River Water Management District's Phase II severe water shortage plan (as of 1999) and all provisions therein. The use of water for landscape irrigation is allowed only during the following times: Two days a week from 4:00--8:00 a.m. and 4:00--8:00 p.m. (5:00--9:00 p.m. during daylight savings time) for manual irrigation systems and 4:00--8:00 a.m. only for automatic irrigation systems. Even addresses can water at these times on Thursdays and Sundays, odd addresses on Wednesdays and Saturdays. On Mondays, Fridays and Tuesdays, no watering is permitted. Hand watering is not permitted between 10:00 a.m. and 4:00 p.m. Level II may be declared at any time based on policies and procedures established in section 17.3-83. Irrigation of new installations of less than five acres in size may be allowed Monday, Wednesday and Friday for 30 days during the hours of 2:00--8:00 a.m.

(2) Level III shortage corresponds to the Volusia County Level III and the St. Johns River Water Management District's Phase III extreme water shortage plan (as of 1999) and all provisions therein. Even addresses can water on Sundays only, odd addresses on Saturdays only from 4:00--7:00 a.m. and 4:00--7:00 p.m. (5:00--8:00 p.m. during daylight savings time) for manual irrigation systems and 4:00--8:00 a.m. only for automatic irrigation systems. Hand watering is not permitted between 10:00 a.m. and 4:00 p.m. Level III may be declared at any time based on policies and procedures established in section 17.3-83. Irrigation of plantings installed prior to Level III must follow restrictions specified in section 17.3-84(a)(1)c. Irrigation of new installations of less than five acres in size may be allowed Monday, Wednesday and Friday for 30 days during the hours of 2:00--7:00 a.m.

(3) Level IV shortage corresponds to the St. Johns River Water Management District's Phase IV critical water shortage plan and all provisions therein as set forth in F.A.C. 40C-21.651. In addition, the use of water for landscape irrigation purposes by manual irrigation systems is allowed during the evening from 6:00--7:00 p.m. on the specific days and street addresses permitted by the St. Johns River Water Management District in the above described Phase IV critical water shortage plan requirements. In the event that said district declares a Phase IV critical water shortage plan, said district requirements shall supersede this provision.

(c) *Duration of restrictions.* Although the St. Johns River Water Management District shortage rule may revise the specific irrigation hours and days permissible under different levels of shortage, the Volusia County shortage levels as established in Chapter 50 of the Volusia County Code will remain in effect, unless the St. Johns River Water Management District rules applied at any time are more restrictive.

(Ord. No. 32, § 5, 5-22-01)

Sec. 17.3-85. General water use provisions.

In addition to the levels of water conservation and use provisions as set forth in section 17.3-84 of this division, excessive, wasteful and unnecessary water use is also prohibited. Excessive, wasteful and unnecessary water use includes, but is not limited to:

- (a) Allowing water to be dispersed without any practical purpose to the water user, regardless of the type of water use;
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and
- (c) Allowing water to be dispersed to accomplish a purpose for which water use ~~is~~ unnecessary or which can be readily accomplished through alternative methods of significantly less water use.

(Ord. No. 32, § 6, 5-22-01)

Sec. 17.3-86. Exemptions.

(a) New landscaping consisting of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which have been planted less than 30 days are exempt from the base water conservation and use landscaping irrigation provisions. Irrigation of new plantings must follow restrictions specified in section 17.3-84(a)(1)c. However, after 30 days, the provisions of this division shall apply.

(b) Water-to-air heating and air-conditioning systems conforming to the provisions of this division shall be exempt from the provisions of section 17-3.83 but not section 17-3.84. Use of this water must comply with Chapter 74 of the Volusia County Code.

~~(c) Exemption stickers shall be applied for and issued by the city for water to air heating and air conditioning systems, reuse, or reclaimed water systems and shall be displayed in a conspicuous location easily viewed by enforcement personnel. The exemption sticker shall be of design, color and placement location designated by the VWA WAV and such exemption sticker shall be applicable uniformly throughout the VWA WAV service area.~~

~~(d)~~ Legitimate agricultural pursuits are exempt from the provisions of ~~this d~~ Division 2 Water Conservation, as long as they follow the provisions of the district.

~~(e)~~ Water used for construction purposes are exempt from the provisions of this division.

~~(f)~~ Watering of clay or clay-type recreational courts is exempt from the base water conservation and use provisions.

(Ord. No. 32, § 7, 5-22-01)

Sec. 17.3-87. Variances.

(a) When the city finds that compliance with any of the requirements of this division would result in undue hardship for a specific user, a variance from any one or more such requirements may be granted by the city manager or his designee following petition for variance to the city manager provided the variance is the minimum necessary to alleviate such undue hardship for the user and to the extent such variance can be granted without impairing the intent and purpose of this ~~D~~ Division 2 Water Conservation.

(b) All users requesting a variance from the provisions of this division shall file a petition for variance but must conform to the greatest possible extent to the water use restrictions of this division until such variance is granted.

(c) A petition for variance shall be in writing and contain the following:

- (1) The petitioner's name and address;
- (2) The specific provision from which the petitioner is requesting a variance;
- (3) A detailed statement of the facts, which the petitioner believes, demonstrates that the request qualifies for variance under section 17.3-87(d) of this division;
- (4) A description of the variance desired;
- (5) The period of time for which the variance is sought including the reasons and facts in support thereof;
- (6) The damage or harm resulting or which may result to the petitioner from compliance with the provision;
- (7) The steps the petitioner is taking to meet the provisions from which the variance is sought and when compliance could be achieved;
- (8) Other relevant information the petitioner believes supports his petition for variance.

(d) No petition for variance shall be approved unless the petitioner affirmatively demonstrates that one or more of the following circumstances exist:

- (1) The variance is essential to protect health or safety;
- (2) Compliance with the provision from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished;
- (3) Compliance with the provision from which a variance is sought will result in substantial economic, social or health burden on the petitioner or those served by the petitioner; or
- (4) Alternative restrictions, which achieve the same level of demand reduction as the provision, are available and reflect the intent and purpose of this division.

(Ord. No. 32, § 8, 5-22-01)

Sec. 17.3-88. Enforcement and penalties.

~~This d~~ Division 2 Water Conservation shall be enforced by citation to the appropriate court, hearing officer, city manager or code enforcement board, except where prohibited by law or statute. Initial enforcement of this division shall be as follows:

(a) Enforcement personnel as defined in section 17.3-82(c) are authorized to issue a citation to a person when, based upon personal observation and/or investigation the enforcement personnel has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted city code or ordinance. However, prior to issuing a citation, enforcement personnel shall provide notice that the person has committed a violation of code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than ten calendar days. If, upon personal investigation or observation, enforcement personnel find that the person has not corrected the violation within the time period,

enforcement personnel may issue a citation to the person who has committed the violation in accordance with the penalties under subsections (b), (c), and (d) below.

(b) Penalty for a first-time violation shall be a written warning delivered or sent to the violator along with a copy of the restrictions. A door tag is sufficient warning.

(c) Penalty for second-time violation shall be as set forth by resolution ~~a \$25.00 fine~~.

(d) Penalty for each succeeding violation shall be as set forth by resolution ~~a \$50.00 fine~~. Each day of noncompliance is considered a separate violation.

(e) Any violations occurring after the ten-day period shall be considered separate violations when considering the application of penalties. Nothing herein is intended to legalize any violations that occur following the ten-day period, and no other warning shall be deemed necessary.

(f) Enforcement personnel shall issue a notice of a citation in a form prescribed by the city.

(g) In the event that full compliance is not met with the issuance of the first written warning, citation fines may be charged to the violator's utility bill, and if not paid within the standard period allowed to pay the utility bill, the violator's water service shall be discontinued until such fine is paid in full.

(h) Penalties for watering restriction violations shall be paid to the utilities department of the city.

(Ord. No. 32, § 9, 5-22-01)
Secs. 17.3-89--17.3-110. Reserved.

ARTICLE III. WASTEWATER SYSTEM*

~~*Cross references: Package sewage treatment plants, app. A, § 6.11.~~

Sec. 17.3-111. Service area.

Pursuant to the provisions of F.S. ch. 180 and the provisions of the wholesale sewage treatment and disposal agreement between ~~the~~ Volusia eCounty and the eCity of Orange City, approved by the city council at a regular meeting on January 10, 1989, and executed by all parties on February 16, 1989, and the interlocal agreement referred to in article II, section 17.3-21, the wastewater system service area consists of all areas within the corporate limits of the city as well as those areas outside the corporate limits as shown in composite exhibit 4A of said agreement.
(Ord. No. 91-7-2, § 3(19.3-2), 8-13-91)

Sec. 17.3-112. Definitions.

The following terms and phrases, when used herein, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future, and the singular number includes the plural, and the plural the singular.

Capacity reservation fees: Those fees charged by the city to reserve wastewater capacity corresponding to the proposed use. Each developer, builder or property owner requiring utilities services shall be required to make payments to the city in accordance with this article.

City: The City of Orange City, a political subdivision of the State of Florida, and a public body corporate and politic.

Customer: Any person, firm, association, corporation, governmental agency or similar organization supplied with the availability of wastewater service by the city, which term shall also include developers and large users.

Customer installation: All pipes, fixtures, meters, and appurtenances of any kind and nature used in connection with or forming a part of an installation for utilizing wastewater service for any purpose, located on the customer's side of the point of delivery, whether such installation is owned outright by a customer or by contract, lease or otherwise.

Contributions in aid of construction (CIAC): The sum of money and/or property represented by the value of the sewage collection facilities constructed by a customer and conveyed to the city as an inducement to the city to provide service in accordance with city's wastewater extension policies set forth herein.

Developer: Any person, corporation, or other legally recognized entity who engages in the business of making improvements to or upon real property located within or without the city as owner or legally constituted agent for the owner of such real property.

Dry lines: Any force or gravity line installed for the purpose of future connection to the city's wastewater system.

Easements: Rights of ingress and egress, dedications, rights-of-way, conveyances or other property interests necessary or incidental to the installation, extension, repair, maintenance, construction or reconstruction of the city's utility system or any components thereof, over or upon customer's property.

Equivalent residential unit (ERU): One wastewater ERU shall be equal to 284 gallons per day of wastewater discharge.

Impact fees: Those charges of the city required to be paid by a customer as a condition precedent to the interconnection of the city's utility system with a customer's property.

Main: Shall refer to a pipe, conduit or other facility installed to convey wastewater service from individual laterals or to other mains.

Off-site facilities: Those components of wastewater collection facilities located outside customer's property with facility of the city, in accordance with the size required by the city.

On-site facilities: Those components of wastewater collection facilities located upon a customer's property.

Point of delivery: The point where the city pipes are connected with the pipes of the customer. Unless otherwise indicated, the point of delivery for wastewater service shall be at the upstream connection of the cleanout which is placed at or about a public right-of-way or utility easement. In the absence of a cleanout the point of delivery is at the wastewater lateral connection to the wastewater main of the city.

Property: The land or improvements upon land of which the customer is owner or over which the customer has control either by contract or possessory interest sufficient to authorize the customer to make application for service, or an adjacent right-of-way which services the land or site being developed. The city shall require proof of such interest prior to the furnishing of service by copy of an instrument of conveyance, contract or appropriate verified statement contained in the application for service.

Rate schedule: The schedule or schedules of rates or charges for the particular classification of service.

Service: Shall be construed to include, in addition to all wastewater utilities required by the customer, the readiness and ability on the part of the city to furnish wastewater services to the customer.

Service availability charge: The charge to customers for availability of service as may be determined from time to time by the city and as presently set forth in the schedule of rates and charges herein.

Service or lateral lines: Those pipes of the city that connect to a customer's lines.

Shall and may: As used herein, the word "may" is permissive, and the word "shall" is mandatory.

Utilities manager: The person designated by the city manager to coordinate Orange City Utilities operation.

Utility system: As used herein, refers to the city's water distribution and wastewater collection systems, and any component parts thereof, which systems are distinguished herein as the context determines.

(Ord. No. 91-7-2, § 3(19.3-3), 8-13-91)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 17.3-113. Applicability.

In the absence of specific written agreement to the contrary entered into prior to the effective date of this article, these regulations apply without modification or change to each and every customer to whom the city renders service.

(Ord. No. 91-7-2, § 3(19.3-4), 8-13-91)

Sec. 17.3-114. Application for service.

It shall be unlawful for any person to use the city wastewater system without first making application in writing to the city for service and paying all charges incident to the application. The applications shall be made on forms furnished by the city and shall constitute an agreement by the customer with the city to abide by the rules of the city in regard to its wastewater service. Applications for service requested by firms, partnerships, associations and corporations shall be tendered only by their duly authorized agents, and the official title of the agent shall be shown on the application.

(Ord. No. 91-7-2, § 3(19.3-5), 8-13-91)

Sec. 17.3-115. Free service prohibited.

No free wastewater service shall be furnished or rendered to a person or to the city, county, state, or a public agency or instrumentality. Every user of the city's wastewater system shall be subject to the equal and uniform rates and charges provided in the applicable resolution or rate schedule for the class of user within which the user falls,

without reduction or other discrimination. Any ordinance or resolution in conflict with this section is repealed to the extent of the conflict.
(Ord. No. 91-7-2, § 3(19.3-6), 8-13-91)

Sec. 17.3-116. Limitations on use; furnishing service to other premises.

Utility service purchased from the city shall be used by the customer only for the purposes specified in the application for service. The customer shall not sell or otherwise dispose of such utility service supplied by the city. In no case shall a customer, except with the written consent of the city, extend wastewater lines across a street, alley, lane, court, property line, avenue, or other public thoroughfare or right-of-way in order to furnish utility service for adjacent property even though such adjacent property is owned by him.
(Ord. No. 91-7-2, § 3(19.3-7), 8-13-91)

Sec. 17.3-117. Unauthorized connection or use.

No person, without prior written consent of the utilities manager, shall tap any pipe or main belonging to the city wastewater system for the purpose of connecting to the wastewater system, or for any other purpose. Connections to the city's wastewater system for any purpose whatsoever are to be made only as authorized by the city. In case of any unauthorized interconnection, extension, sale or disposition of utility service, the customer's utility service shall be subject to discontinuance until such unauthorized use or disposition is disconnected and full payment is made for such service, calculated on proper classification and rate schedules, and reimbursement made in full to the city for any extra expenses incurred by the city as the result of such unauthorized use, including administrative costs, testing, inspections, and court costs. In addition, unauthorized use may result in appropriate criminal prosecution by the city.
(Ord. No. 91-7-2, § 3(19.3-8), 8-13-91)

Sec. 17.3-118. Deposit.

(a) Before rendering service, a deposit or guarantee satisfactory to the city to secure the payment of bills and any expenses incurred by the city is required, and, upon payment, the city shall give the customer a nonnegotiable and nontransferable deposit receipt. Such deposit shall be held by the city in interest bearing accounts. The interest shall be calculated as of December 31 of each year, based on the average investment rates for that year. Such interest shall be credited to the customer's account on the February billing of the subsequent year or at termination of service.

(b) Deposits shall be made in accordance with the rate schedules of the city in effect at the time of payment. Upon final settlement of a customer's account, the deposit may be applied by the city to any account balance due, and any remaining balance of the deposit will be refunded to the address on record at the closing of the account ~~upon surrender to the city of the applicable deposit receipt or, when the receipt cannot be produced, upon adequate identification~~. The city may require additional deposits as a condition to

continue service for any customers who has received three or more late charges in one year or whose services have been previously discontinued due to nonpayment as a condition to continued service.

(Ord. No. 91-7-2, § 3(19.3-9), 8-13-91; Ord. No. 94-8-5, § 2, 9-27-94; Ord. No. 96-5-1, § 3, 6-11-96)

(c) Refunds. Refunds of utility deposits may be made in the following circumstances:

(1) Residential Property Customers

(a) After two years from date of active service, if a residential customer has maintained a good payment history, with no late payments or delinquencies having occurred, the deposit will be applied as a credit to the customer's account after the utilities department determines that a customer qualifies for a refund.

(b) In the event the account to be credited incurred three late charges within any one-year period, or if the residence was denied water service for nonpayment at any time in the prior two-year period, the refund will not be made and the city reserves the right to require an additional deposit be made by the customer, according to the rates in effect at that time.

(c) After the refunding of the deposit, if an account incurs three late charges or if the residence is denied water service for nonpayment at any time, the city reserves the right to require a new deposit be made by the customer as a condition to continue service, according to the rates in effect at that time.

(d) If a residential property customer with a good payment history requests an additional service address(es), no deposit will be required on the additional service address for a maximum of four total properties (original plus three [3]). However if there is a default on any service address, all service addresses are subject to deposit requirements according to rates in effect at that time. Anything in excess of four service addresses will be considered commercial and customer is subject to commercial rates in effect at that time.

(2) Rental Unit Customers

(a) The refund of the deposit for residential renters will be made upon closing of the account and final settlement of the rental customer's account.

(b) Upon final settlement of a rental customer's account, the deposit shall be applied by the city to any outstanding account balance due, and any remaining balance of the deposit will be refunded to the address on record at the closing of the account.

(3) Commercial Customers

The refund of the deposit for commercial accounts will be made upon the closing and final settlement of the commercial customer's account.

(d) Additional deposits. The city may require additional deposits as a condition to continue service for any customers who no longer meets the criteria for good payment history.

Sec. 17.3-119. Billing.

~~Bills for wastewater service are generated based upon water usage shall be rendered periodically at intervals no less than monthly nor greater than quarterly, and shall be due when rendered. A bill shall be deemed rendered when mailed by United States mail, postage prepaid, or when delivered to the customer. 's address shown on the application for service. Failure to receive a bill shall not constitute a defense for nonpayment. Any bill which remains unpaid on or after 25 days from the date the bill was rendered shall be considered delinquent and subject to penalties as described in the applicable resolution. No partial payment of any bill rendered will be accepted by the city unless authorized by the city manager, or his authorized representative, in writing, indicating the reason therefore, such as a contested billing, consumption, or hardship.~~
(Ord. No. 91-7-2, § 3(19.3-10), 8-13-91)

Sec. 17.3-120. Delinquent bills; procedure for contesting charges.

~~Delinquent utility fees and charges shall be deemed liens upon the real property or premises as provided by law, and may be foreclosed as provided by law. All statements and billings for utility services shall be deemed delinquent if not paid within ~~14~~ 25 days from the date the bill was rendered. of the due date shown thereon. Any customer contesting any statement or billing shall first present same to the city's utility department with a statement of explanation or contest in writing prior to the bill becoming delinquent.~~
(Ord. No. 91-7-2, § 3(19.3-11), 8-13-91)

Sec. 17.3-121. Adjustment of bills; meter readings and inspections.

When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedules, incorrect reading of the water meter, incorrect connection of the water meter, or other similar reasons, the amount may be credited or billed to the customer as the case may be.
~~When a customer is determined by the city to have been overcharged or undercharged as a result of incorrect meter reading, defective metering, incorrect application of rate schedule fees and charges, or mistake in billing, the amount so determined shall constitute an adjustment to the next billing. The adjustment shall be accomplished over a period not to exceed 90 days, unless otherwise directed by the city manager or his authorized representative and so noted on the account. The city shall read and inspect~~

~~meters periodically to determine their condition and accuracy and as a basis for periodic billings. If a customer requests an inspection or rereading of a meter, the city may impose a service charge therefore in accordance with the policies for water service established by the city.~~

(Ord. No. 91-7-2, § 3(19.3-12), 8-13-91)

Sec. 17.3-122. Access to customer's premises.

As a condition to providing service, the customer shall grant to the city or its authorized agents or employees access to the customer's property during all reasonable hours and, in the event of an emergency, at any time, for the purposes of reading meters or maintaining, inspecting, repairing, installing or removing the city's property, and for any other purposes incident to performance under or termination of any agreement with a customer or such customer's predecessor in interest or use of the facilities or services made accessible to the city by the customer or be relocated by the city.

(Ord. No. 91-7-2, § 3(19.3-13), 8-13-91)

Sec. 17.3-123. Inspection of customer installations.

The city reserves the right to inspect and approve any customer installation prior to providing service and from time to time thereafter to insure compliance with applicable laws, ordinances of the city, and rules and regulations affecting such installation. No changes or increases in any customer installation which will materially affect proper operation of the city utility system shall be made by a customer without express written consent of the utilities manager. The customer shall be responsible for the cost of making changes or repairs resulting from any unauthorized alteration, and the city shall require payment or reimbursement therefore as a condition to continued service. An inspection fee shall be charged for each inspection as set forth by resolution.

(Ord. No. 91-7-2, § 3(19.3-14), 8-13-91)

Sec. 17.3-124. Protection of city property.

In the event of any damage to the city's property located upon a customer's property which arises out of any act of the customer or agents, employees or independent contractors upon the premises at the customer's request or direction, the cost of repairs or replacement shall be the responsibility of the customer, and full payment or reimbursement to the city therefore shall be a condition imposed by the city for the continuation of service.

(Ord. No. 91-7-2, § 3(19.3-15), 8-13-91)

Sec. 17.3-125. Termination or transfer of service on change of occupancy.

(1) It shall be the obligation of the customer to notify complete the written notification form (Termination/Transfer Form) indicating the city of change of occupancy, vacancy, or other circumstances for which termination or transfer of service is requested. The city

shall have a reasonable time, not to exceed 72 hours, in which to discontinue service and the customer shall be responsible for all service charges incurred to the date the service is actually discontinued. ~~upon which written or personal notification is received by the city, after which~~. Customer deposits may be applied to the balances due as provided in this article, ~~but may be~~ or transferred from one location to another if both ~~locations~~ are served by the city and remain in the same name.

(2) After service of a tenant has been terminated and discontinued by the City, the property owner shall be responsible and/or liable for all new charges incurred until a new application for service has been received.

(Ord. No. 91-7-2, § 3(19.3-16), 8-13-91)

Sec. 17.3-126. Resumption of service after termination or transfer.

After termination or transfer of service as provided herein, the city shall require as a condition precedent to service resumption payment in full or adequate security in the form of additional security deposits to cover all costs reasonably incurred by the city as the result of such termination or transfer, including any reconnection fees, meter installation or removal and reinstallation costs, inspection costs, or other costs incident thereto, in accordance with city's schedule of fees and costs for such services then in effect.

(Ord. No. 91-7-2, § 3(19.3-17), 8-13-91)

Sec. 17.3-127. Continuity of service.

The city will at all times use reasonable care to provide continuous service, and, having used reasonable care, shall not be liable to the customer for failure or interruption of continuous service. The city shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accident, litigations, breakdowns, shutdowns for repairs or adjustments, acts of sabotage, enemies of the United States, wars, United States, state, or other governmental interference, acts of God or other causes beyond its control.

(Ord. No. 91-7-2, § 3(19.3-18), 8-13-91)

Sec. 17.3-128. Standards for equipment on customer's property; maintenance; unauthorized modifications.

All pipes, conduits or other component parts of service installed in or upon the premises of a utility customer shall conform to city standards of type, quality, and quantity and regulations regarding installation as referenced in the city current edition of the Orange City Utilities Standards Handbook. The customer shall be responsible for maintaining all on-site facilities in proper repair, and shall not alter or modify any interconnection of service without first notifying the city and securing approval therefore in writing or by permission from an authorized representative of the city's utility operation. Unauthorized alteration or modification of an on-site utility service interconnection shall result in

immediate termination of the affected service and repair or restoration by the city or at its direction at the customer's cost.

(Ord. No. 91-7-2, § 3(19.3-19), 8-13-91)

Sec. 17.3-129. Water meter required.

Each customer of the city receiving wastewater service must have a water meter which measures flow and which is the ultimate basis for wastewater charges. All water meters shall ~~be furnished by, installed by and~~ remain the property of the city and shall be accessible to and subject to its control.

(Ord. No. 91-7-2, § 3(19.3-20), 8-13-91)

Sec. 17.3-130. Damaging or tampering with facilities of wastewater plant or system.

No person shall damage or knowingly cause to be damaged any wastewater pipe or fittings connected with or belonging to the city wastewater system or tamper or meddle with any part of such system in such manner as to cause loss or damage to the city. Any such damage may result in penalties and/or repair charges.

(Ord. No. 91-7-2, § 3(19.3-21), 8-13-91)

Sec. 17.3-131. Connection to system required; exceptions.

(a) It shall be unlawful for any person to construct, install or repair septic tanks or other wastewater disposal systems in or upon any property which abuts or is within ~~200~~ 1,000 feet of a sanitary sewer main available to such property for use.

(b) Construction or installation of septic tanks in or upon any property which does not abut or is not within ~~200~~ 1,000 feet of a sanitary sewer or force main available to such property for use shall be allowed provided the design and construction meet all applicable federal, state and local regulations. Other wastewater disposal systems shall be reviewed and approved by the utilities manager on a case-by-case basis.

(c) Mandatory connection required:

1) All owners, tenants, or occupants of lot(s) or parcel(s) of land which abut upon a street, lot or other public way or place containing a wastewater main or force main or lateral of the city's wastewater system must connect to the system.

2) For any owner, tenant or occupant that is served by a septic tank prior to date of this ordinance and the city's wastewater service is available, conversion to the city's wastewater system is required by September 30, 2013 or if septic tank ceases to function within this timeframe, the city shall forthwith be notified and the city shall effect connection to the city's wastewater system, pursuant to the terms of any applicable rules, regulations, or ordinances, and activate use thereof.

3) When wastewater service becomes available in the area (reference Section 17.3-23(a1) and as per statute) where septic tanks are in use, the owner, tenant or occupant will have 365 days to connect after written notification by the city that the system is available for connection. No less than one year prior to the date the public sanitary sewer will become available, the city will notify the affected owner of the private sewage treatment and disposal system of the anticipated availability of the public sanitary sewer and shall also notify the owner that the owner will be required to connect to the public sanitary sewer within one year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed two years from the date of the initial notification of anticipated availability. The private sewage treatment and disposal system or septic tank shall be cleaned and abandoned as directed by controlling regulator agencies or the city.

~~(c) Properties within areas developed prior to February 16, 1989, shall not be required to connect to the central wastewater system, regardless of their proximity to sanitary sewers or force mains. Septic tanks shall be allowed on these properties provided the design and construction meets all applicable federal, state and local regulations. Other wastewater disposal systems for these properties shall be reviewed by the utilities manager on a case-by-case basis.~~

~~(Ord. No. 91-7-2, § 3(19.3-22), 8-13-91)~~

Sec. 17.3-132. Right of city to refuse or terminate service.

(a) All utility service shall be pursuant to proper permit or application, which procedure accords the city the opportunity to provide for orderly expansion of facilities and regulation thereof in a manner calculated to insure continuous service to all customers. Inherent in this obligation is the governmental prerogative of necessity to terminate consumption which is adverse to the continuous, orderly and uninterrupted operation and maintenance of its utility service. Accordingly, the city reserves the right by unilateral acts in its sole discretion to refuse service, or to terminate service temporarily, or to discontinue service in all instances when conditions exist which would constitute an emergency of public concern, or when the providing of any service would constitute a threat to the safety, health or welfare of customers generally or a significant portion of the customer population. When discontinuance or termination of service can be remedied by an act of the customer, the city shall provide notice of remedial action to the customer in order that service may be continued uninterrupted. Acts considered to be remedial by the customer, and for which service may be temporarily terminated, discontinued or interrupted, are the following:

(1) Failure to pay required deposits for service.

(2) Failure of the customer to meet the provisions of a developer's agreement as related to utility requirements or other agreements with the city.

- (3) Failure to correct deficiencies in piping or other components upon the customer's property after reasonable notice thereof by the city.
- (4) Use of service for any other property or purpose than that described in the permit or applications.
- (5) When requested by customer, in which case resumption of service shall be accomplished in accordance with city policy as herein provided.

(b) The city reserves the right by unilateral act in its sole discretion to refuse service, to terminate service temporarily, or to discontinue service without notice under the following circumstances:

- (1) Causing, or allowing to exist, a hazardous condition with respect to the location, use of, or access to any utility service or component.
- (2) Alteration or modification of any transmission or metering component or device used in providing any utility service to the customer.
- (3) Total or partial destruction of, or abandonment of, any structure, including any vacancy for a duration which, in the city's opinion, may create a hazardous or unsafe condition or constitute a nuisance.

(Ord. No. 91-7-2, § 3(19.3-23), 8-13-91)

Sec. 17.3-133. Reserved. City not liable for damage caused by bursting of mains, failure of water supply, wastewater system backups, etc.

It is hereby stipulated between the city and its wastewater customers that there shall be no claim for damages by the reason of wastewater backups from any cause whatsoever.

(Ord. No. 91-7-2, § 2(19.2-20), 8-13-91)

Editor's note: Ord. No. 218, Exh. B, adopted Sept. 14, 2004, deleted § 17.3-133 in its entirety. Former § 17.3-133 pertained to rate schedules and derived from Ord. No. 91-7-2, § 3(19.3-24), adopted Aug. 13, 1991.

Sec. 17.3-134. General policy regarding establishment of rates and charges.

The city owns, operates and maintains wastewater collection and transmission systems which serve residents within the city and the county. The city is provided treatment and disposal services on a wholesale basis by the county. New development may require the extension of mains to provide service, as well as modification or expansion of existing facilities or plants to accommodate new development. In some instances, the city, in anticipation of expansion of its systems due to growth and development, has already provided mains for service thereof. The cost of providing extensions, modifications, and expansions of facilities is to be borne by property owners, builders or developers within the city's service area to defray or partially defray the costs of these extensions,

modifications, and expansions. The allocable share of each is to be charged as described herein. It is the declared policy of the city by this article to establish a uniform method to determine charges for availability of services so that all such contributions shall be nondiscriminatory among the various customers served by the city's system and shall be applied as nearly as possible with uniformity to all customers and prospective customers within the city's service area. The city specifically reserves its rights to fix and determine rates, charges and contributions required for the provision, consumption, operation, maintenance, extension, and expansion of its utility services as provided herein and as authorized by law. Each customer is hereby notified that the city, in the exercise of its governmental responsibility to provide for the health, safety, and welfare of all customers of its utility services, has the authority and responsibility to amend its schedules of rates, charges, and contributions from time to time to ensure the perpetuation of service. (Ord. No. 91-7-2, § 3(19.3-25), 8-13-91)

Sec. 17.3-135. Developer agreements required.

Prior to wastewater plan approval by the utilities manager and execution of wastewater main extension applications to state agencies by the city, the builder or developer shall be required to execute a developer's agreement. This agreement shall run with the land and be binding on the developer, its successors, assigns and any other subsequent owner of the land, setting forth reasonable provisions as to the installation of service facilities; the interconnection of plumbers' lines with the facilities of the city; the manner and method of payment of contributions, fees, and charges; guaranteed revenue provisions; standards of construction or specifications; regulations, policies, practices and procedures of the city; prohibitions against improper use of the city's facilities; and other matters normally associated with and contained in developer agreements. Developer agreements shall only apply to specific parcels of property and are not assignable or transferable in any manner to any other parcel of property.

(Ord. No. 91-7-2, § 3(19.3-26), 8-13-91)

Cross references: Installation and guarantee of improvements for subdivisions, § 14-9.

Sec. 17.3-136. Existing developer agreements.

The city recognizes that certain developers have in the past and for the present are installing, at no cost and expense to the city, off-site wastewater collection facilities as well as the on-site wastewater collection facilities. The city also recognizes that it has entered into certain agreements with developers, whereby those developers funded the construction of wastewater collection and transmission facilities, which agreements provide for funding to be in lieu of any contributions in aid of construction. The city does hereby declare that nothing in this article shall abrogate such agreements, except the city's right to amend rate and charge schedules from time to time as provided herein.

(Ord. No. 91-7-2, § 3(19.3-27), 8-13-91)

Sec. 17.3-137. Extension policy.

The city requires contributions in aid of construction, preferably through the installation of wastewater collection facilities by the developer, with title to such facilities being transferred to the city when the installation has been completed. The facilities are "on-site" and "off-site," as defined in this article. The requirement for such contributions is for the purpose of defraying the cost of the wastewater collection systems and to partially defray the cost of the hydraulic share of the systems. Cash payment by the developer of such contributions to the city shall be a condition precedent to the execution of permit applications to the department of environmental protection for the construction of the wastewater system, or as stipulated in the developer agreement. In the event that payment by the developer of such contributions to the city is in the form of facilities, these facilities shall be transferred to the city as defined herein as a condition precedent to the rendering of service by the city.
(Ord. No. 91-7-2, § 3(19.3-28), 8-13-91)

Sec. 17.3-138. Installation of on-site facilities by developer.

Each developer shall be responsible for the design, installation, inspection and testing of the complete wastewater collection system located in the street or streets adjoining or within the boundaries of the developer's property. The term "complete wastewater collection system," as used herein, shall include all component parts of a wastewater collection system, including all collection mains, laterals to the point of cleanout within the right-of-way or easement, force mains, lift or pumping stations, including the site for same, and all other appurtenances as shown on the approved design for the installation of such wastewater collection system.
(Ord. No. 91-7-2, § 3(19.3-29), 8-13-91)

Sec. 17.3-139. System design by independent engineers.

The city shall recognize the design of wastewater facilities prepared by a registered professional engineer regularly engaged in the field of sanitary engineering, covering the design of the developer's on-site wastewater collection system; provided, however, that each such design shall be fully subject to the approval of the utilities manager and shall conform in all respects to city criteria, the facilities ultimately to be accepted by the city for ownership, operation and maintenance.
(Ord. No. 91-7-2, § 3(19.3-30), 8-13-91)

Sec. 17.3-140. Conveyance of easements and rights-of-way by developers.

As a prerequisite to the construction of any wastewater collection system proposed to be connected to the facilities of the city, the developer shall agree to grant to the city such easements or rights-of-way corresponding with the installation of the proposed facilities. Such grant or conveyance shall be in the form satisfactory to the city attorney. Such conveyances shall be made without cost to the city. The city reserves the right to require such easement or right-of-way to the point of delivery of service, being the point at which the facilities of the city join with the customer's upon installation. Such easements and

rights-of-way shall be conveyed and accepted upon completion, approval and acceptance of the work done by developer.

(Ord. No. 91-7-2, § 3(19.3-31), 8-13-91)

Sec. 17.3-141. Inspection of facilities installed by developers.

The city shall inspect the installation of all wastewater collection facilities installed by the developer or the developer's contractors, which facilities are proposed to be transferred to the city for ownership, operation and control. These systems must meet the same infiltration criteria as that of city-owned systems. Such inspections are intended to assure that wastewater lines and/or lift stations are installed in accordance with approved designs and are further consistent with the criteria and specifications governing the kind and quality of such installation. An inspection fee shall be charged for each inspection as set forth by resolution.

(Ord. No. 91-7-2, § 3(19.3-32), 8-13-91)

Sec. 17.3-142. Testing of systems installed by developers.

Representatives of the city may be present at testing of component parts of wastewater collection systems for the purpose of determining that the system, as constructed, conforms to the city's criteria for exfiltration, infiltration, pressure testing, line and grade. Such tests will be performed by the developer or the developer's contractor, but only under the direct supervision of the engineer of record or his authorized inspector. The results of such testing shall be certified by the engineer of record. The utilities manager shall be notified at least two working days prior to any inspections or testing performed in accordance with these regulations.

(Ord. No. 91-7-2, § 3(19.3-33), 8-13-91)

Sec. 17.3-143. Conveyance to city of facilities contributed by developers.

(a) Each developer who has constructed portions of the wastewater collection system on the developer's own property prior to interconnection with city's existing facilities shall convey such component parts of the wastewater collection system to the city by bill of sale in form satisfactory to the city attorney, together with such evidence as may be required by the city that the wastewater collection system proposed to be transferred to the city is free of all liens and encumbrances.

(b) Any facilities in the category of customer's lines, plumber's lines or customer's installation located on the customer's side of the point of delivery of service shall not be transferred to the city and shall remain the property of the developer, a subsequent owner-occupant or their successors and assigns. Such customer's lines, plumber's lines or customer's installation shall remain the maintenance responsibility of the developer or subsequent customers.

(c) The city shall not be required to accept title to any component part of the wastewater collection system as constructed by the developer until the utilities manager has approved the construction of said lines and accepted the tests to determine that such construction is in accordance with the criteria established by the city.

(d) The developer shall maintain accurate cost records establishing the construction costs of all utility facilities constructed by the developer and proposed to be transferred to the city. Such cost information shall be furnished to the city concurrently with the bill of sale and such cost information shall be a prerequisite for the acceptance by the city of the portion of the wastewater collection system constructed by developer.

(e) The city may refuse connection and deny the commencement of service to any customer seeking to be connected to portions of the wastewater collection system installed by the developer until such time as the provisions of this section have been fully met by the developer or the developer's successors or assigns.

(Ord. No. 91-7-2, § 3(19.3-34), 8-13-91)

Sec. 17.3-144. Assessment of developer's share of cost of off-site facilities; contributions in aid of construction.

(a) The location, size or proposed density of a developer's property may make service to such property dependent upon the extension of off-site wastewater collection facilities, as defined herein.

(b) It is the city's policy to apportion the cost of collection lines and pumping stations pro rata against the properties receiving service from such collection lines located off-site as to the developer's property. Since each developer draws from the hydraulic capacity of such lines, the city will require that the developer pay his property's hydraulic share of the cost of the off-site collection facilities through which service is rendered to the developer's property. The charge for the developer's share of off-site facilities will be applicable to the developer's property on a fair-share basis whether or not the collection lines and/or pumping stations have been previously constructed or may be constructed for future service.

(Ord. No. 91-7-2, § 3(19.3-35), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-145. Impact fees; establishment and fee schedule.

(a) There is hereby established an impact fee based on the city council's determination of equitable portion of the cost of financing the extension of the system upon the equivalent residential unit responsible for the need for additional system financing.

(b) The fees shall be as defined in the applicable ordinance or resolution.

(c) Each additional equivalent residential unit occasioned by changes in property usage subsequent to the effective date of this ordinance shall be subject to an impact fee computed in accordance with the foregoing criteria.

(d) The city shall not be required to accept title to any component part of the wastewater collection system as constructed by a developer until the utilities manager has approved the construction of said lines and accepted the tests to determine that such construction is in accordance with the criteria established by the city.

(e) The city will require, prior to the execution of wastewater extension applications to state agencies, that the fee specified in the schedule of impact fees be paid to city.
(Ord. No. 91-7-2, § 3(19.3-36), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Cross references: Impact fees, ch. 7.5.

Sec. 17.3-146. Impact fee review.

Based upon factors affecting the systems, increasing standards of service, inadequate or incorrect estimates of the total anticipated contributions versus the actual investment levels required by the city for wastewater collection and treatment facilities, actual experience with regard to matters of service area density having a direct bearing upon contributions received versus the cost of construction of the facilities, matters of net investment bearing upon rates and charges required of customers and/or such other matters which may reasonably bear upon the needs, necessities, or considerations requiring such change, Orange City Utilities with approval from the city manager may amend schedules of wastewater rates, charges and contributions. The city manager shall notify the city council 30 days prior to the effective date of amendments to the rate schedules.

(Ord. No. 91-7-2, § 3(19.3-37), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-146A. Adjustment of impact fees.

The schedule of impact fees may be adjusted pursuant to section 17.3-146 based upon increases in the construction cost index published in Engineering News Record magazine entitled "20 Cities Construction Cost Index". The city shall semi-annually adjust the impact fees for the quarter ending each December 31 and June 30.

(Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-147. Use of proceeds and restricted funds.

See sections 17.3-43 and 17.3-45.

(Ord. No. 91-7-2, § 3(19.3-38), 8-13-91; Ord. No. 218, Exh. B, 9-14-04)

Sec. 17.3-148. Inspection fees for improvements installed by developers.

The cost of inspection of the required improvements shall be paid by the developer at the time the DEP application is executed by the county or city, or as stipulated in the developer agreement, ~~the amount of the fee to be computed as shown in schedule D.~~ Charges shall be due and payable at time of execution of the DEP construction permit or

as stipulated in the developer agreement. An inspection fee shall be charged for each inspection as set forth by resolution.

(Ord. No. 91-7-2, § 3(19.3-39), 8-13-91)

Sec. 17.3-149. Reservation of capacity; service availability charges.

(a) Each developer, builder or property owner proposing to construct single-family residential, multifamily or commercial and industrial building requiring the use of wastewater service shall be required to reserve wastewater capacity corresponding to the proposed use of such construction.

(b) Concurrently with the submission of wastewater subdivision plans, or site plans, the person, firm or corporation submitting such plans shall be required to subscribe for that number of equivalent residential units of service equal to the number of single-family, multifamily, residential or commercial ERUs and further corresponding to that number of equivalent residential units required to serve the system proposed to be installed.

(c) Wastewater service availability charges shall be based upon and be equal to the minimum monthly single-family ERU charge for wastewater, and shall be paid monthly, commencing on the date of execution by the city of the DEP permit. These payments shall continue unabated until all units reserved have been occupied by a customer receiving active wastewater service. As such active customers are connected to the subject system, the number of capacity reservations shall be reduced accordingly and monthly payments shall continue only for the number of ERUs not then connected.

(d) Commercial and industrial wastewater service availability charges shall be determined as provided herein until such time as the building permit for the particular project or system is issued, at which time charges shall be payable for service availability in accordance with the city's wastewater service availability charge schedule.

(Ord. No. 91-7-2, § 3(19.3-40), 8-13-91)

~~Sec. 17.3-150. Refundable advances of contributions for off site improvements.~~

~~The city may require, in addition to the contribution provisions set forth herein, a refundable advance by a developer to further temporarily defray the cost of any off site extension of wastewater mains and pumping stations necessary to connect the developer's property with the then terminus of the city's wastewater facilities adequate in size to provide service to the subject property. As set forth elsewhere in this article, the developer shall always be responsible for his hydraulic share of the cost of off-site facilities. However, this article recognizes that a developer may be required to advance the hydraulic share application to other undeveloped property in order that off-site facilities may be constructed to serve the developer's property and at the same time be sized in accordance with the city's master plan. All amounts expended by a developer over and above the developer's hydraulic share for off-site facilities shall be refunded to the developer in accordance with the terms and conditions of a refunding agreement which the city will execute with the developer. The refund agreement shall provide for a~~

~~plan of refund based upon the connection of other properties, to the extent of their hydraulic share, which properties will be served by the off-site facilities installed by the developer. Notwithstanding the provisions of this section, the city will limit the life of such refund agreement to a term of not more than five years, after which time any portion of the refund not made to the developer by the terms and conditions of the refund agreement will have lapsed, and thereafter such refund agreement will be cancelled. In no event shall the developer recover an amount greater than the difference between the capitalized cost of such off-site improvements and the developer's own hydraulic shares of such improvements. The city shall not include any interest upon the refund of the developer's advance.~~

(Ord. No. 91-7-2, § 3(19.3-41), 8-13-91)

Sec. 17.3-151. Penalty for violation of article.

Any person, firm, or corporation who shall violate or fail to comply with the terms or provisions of this article shall, upon conviction in a court of competent jurisdiction, be punished by a fine not exceeding a sum of \$500.00, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 91-7-2, § 3(19.3-42), 8-13-91)

Sec. 17.3-152. Service allocation rules.

(a) *Title.* This section and the rules established hereby shall be known and may be cited as the "Wastewater Service Allocation Rules."

(b) *Wastewater service establishment permit required.* ~~The city hereby establishes a wastewater permit.~~ Wastewater connections to the county wastewater system ~~within the area shown on exhibit A*~~ may be made only pursuant to a current and valid wastewater permit establishment of wastewater service issued by the city, and payment of all wastewater capital charges applicable at the time of reservation of capacity, including wastewater impact fees, in accordance with city rate resolutions and ordinances. The city may include such provisions, terms, conditions, and associated charges in the wastewater permit as it may determine reasonable and necessary.

~~***Editor's note:** Exhibit A is not printed herein but is on file in the city clerk's office.~~

(c) *Payment of wastewater capital charges.* Wastewater service permits shall be established ~~issued~~ only after the acceptance by the city of a complete application and upon payment of all wastewater capital charges applicable at the time of ~~issuance~~ establishing of such service permit, including wastewater impact fees, in accordance with city rate resolutions and ordinances. Payment of wastewater capital charges shall be by cash, certified check, or other instrument acceptable to the city drawn on a solvent bank approved by the city. Upon ~~issuance~~ establishment of a wastewater service permit, all fees and charges paid pursuant hereto shall be nonrefundable except as provided herein.

The permits service for which all fees are paid as provided herein shall run with the land for which the permit service is established issued.

~~(d) *Wastewater permit application.* Beginning in 1989, the city may designate one day per year (hereinafter referred to as "allocation day") when all those persons or entities who own land within the Orange City Utilities wastewater service area may apply and pay applicable wastewater capital charges to the city for wastewater service capacity in the county wastewater system. The city shall publish notice of the date, time and location for acceptance of applications and payment of applicable fees in a newspaper of general circulation in the city at least ten days prior to the designated date. The city may require all information in said application that it deems reasonable and necessary and may reject applications it determines are incomplete. Any application for a wastewater permit shall contain the legal description of the land constituting the service area for which a wastewater permit is to be issued. The legal description shall include only those lands owned by the applicant for which the wastewater permit is to serve.~~

~~(e) *Allocation of wastewater service capacity.* If, on any allocation day, the city approves and accepts applications with accompanying wastewater capital charges for more wastewater service capacity than is available and unallocated at that time, it shall reduce the amount of wastewater service capacity requested in each application to the amount (rounded down to the nearest equivalent residential unit) equal to the product of (i) the amount of wastewater service capacity requested by that particular application, and (ii) the amount of available, unallocated wastewater service capacity divided by the total amount of wastewater service capacity applied for on that particular allocation day. As soon as reasonably possible, the city shall refund to the appropriate applicant all those wastewater capital charges collected by the city in excess of the amount of applicable wastewater capital charges paid for wastewater service capacity actually allocated to the applicant.~~

~~(f) (d) *Transfer of wastewater service capacity.* No assignment, sale, or conveyance of a permittee's allocated wastewater service capacity to any other party for use on any other property not identified or described in the wastewater permit application shall be valid. The wastewater service capacity permitted shall be to the benefit of only the current and future owners of the property described in said wastewater permit application and the permittee applicant may not transfer wastewater service capacity to any property not identified in the wastewater application permit. Any permittee applicant may assign or transfer wastewater service capacity allocated by a wastewater application permit to purchasers of land for which the application permit was meant issued to serve, and upon application therefore the city will reissue reestablish wastewater accounts permits for any portion of wastewater service capacity transferred or assigned in connection with such transfer of ownership of land.~~

~~(g) *Term of wastewater permit; expiration; refunds.* Each wastewater permit shall be valid for a period of 24 months from the date of issuance and the validity thereof may be extended for seven successive periods of 12 months by the payment of a wastewater service availability charge for each 12-month extension, provided that the fee must be~~

~~paid before said wastewater permit expires. If a wastewater permit expires, the right to any wastewater service capacity for the use of which a building permit has not been issued, or for which issuance has expired, shall terminate. The permittee may reapply for said wastewater service capacity and receive a credit for any subsection (b) fees and charges previously paid upon issuance of a new wastewater permit. Any wastewater permit may be revoked by the city for violation of or noncompliance with the provisions of said wastewater permit or this article, mistake of fact, or mistake of law. All fees and charges paid pursuant to subsection (b) hereof shall, upon issuance of a wastewater permit therefore, be nonrefundable unless the city determines that a hardship to the permittee exists and the city and the permittee mutually agree that, for a good reason, the wastewater permit should be cancelled and all subsection (b) fees should be refunded; provided that no permittee shall be entitled to any interest on any fees paid to the city, whether refunded or not. All fees and charges refunded shall be subject to an administrative fee of five percent.~~

~~(he)~~ *Responsibility for collection and transmission costs.* In addition to the subsection (b) fees and charges, the ~~applicant permittee~~ shall either provide, or pay the capital costs of, the required capital improvements for both (i) the collection of raw sewage within the boundaries of the property described in a wastewater ~~application permit~~ and (ii) the transmission of the sewage from those boundaries to the city's transmission force mains prior to connection to the ~~county~~ wastewater system. The city shall ~~allow permit~~ the ~~permittee applicant~~ to connect to the transmission force mains at the nearest feasible point, as determined by the city.

~~(Ord. No. 91-7-2, § 3(19.3-43), 8-13-91)
Secs. 17.3-153--17.3-180. Reserved.~~

ARTICLE IV. WATER AND WASTEWATER SYSTEMS OPERATING POLICY AND PROCEDURES MANUAL

Sec. 17.3-181. Adoption.

There is hereby adopted by the city, for the purpose of prescribing rules and regulations governing the operations of utilities, the Orange City Utilities Water and Wastewater Systems Operating Policy and Procedures Manual and all future amendments thereto as hereafter adopted by the ~~utilities manager~~ City Manager, including the following:

- (1) Office policy and procedures.
- (2) Orange City Utilities Standard Handbook.
- (3) Standard developer agreement.
- (4) Fire hydrant agreement.
- (5) Backflow and cross connection policy.

(6) ~~Schedules Resolutions~~ of all rates and charges as ~~authorized by ordinance~~ set forth by resolution.

(7) Water system service area agreement with Volusia County and all appendixes and exhibits.

(8) Wholesale sewage treatment and disposal agreement with Volusia County.

(Ord. No. 91-7-2, § 4, 8-13-91)
Secs. 17.3-182--17.3-200. Reserved.

ARTICLE V. WATER AND WASTEWATER CHAPTER 180 RESERVE AREA

Sec. 17.3-201. Creation; purpose.

There is hereby created under authority of F.S. § 180.02 an area defined as the City of Orange City Water and Wastewater Chapter 180 Reserve Area, for the purpose of delivering to that area water and wastewater services and exercising within that area the powers provided for by law.

(Ord. No. 94-2-8, § 1, 3-8-94)

Sec. 17.3-202. References to reserve area.

Wherever reference is made in this article to the Orange City reserve area, such reference shall be construed to mean the Orange City Water and Wastewater Chapter 180 Reserve Area.

(Ord. No. 94-2-8, § 2, 3-8-94)

Sec. 17.3-203. Establishment.

The Orange City water and wastewater reserve area shall include the described property in the county as attached to Ordinance No. 94-2-8 as exhibits A and B respectively and by reference incorporated herein as if fully set forth.

(Ord. No. 94-2-8, § 3, 3-8-94)

Sec. 17.3-204. Maximum extent outside corporate limits.

The Greater Orange City reserve area shall not extend for more than five miles from the corporate limits of the city, as amended from time to time.

(Ord. No. 94-2-8, § 4, 3-8-94)

Sec. 17.3-205. Exclusion of areas within other municipalities.

None of the Greater Orange City reserve area includes any area within the city limits of any other incorporated municipality.

(Ord. No. 94-2-8, § 5, 3-8-94)

Sec. 17.3-206. Legal description.

The legal description by metes and bounds of the land in the county included within the Orange City water and wastewater reserve area is on file with the city clerk and available for inspection and copying.

(Ord. No. 94-2-8, § 6, 3-8-94)

Sec. 17.3-207. Water and sewer availability; connection to public systems.

(a) To the full extent permitted by law, all buildings and structures which are located or constructed on property in the Orange City reserve area and which are adjacent to a public right-of-way or easement that has a water main or gravity sanitary sewer located in it are hereby required, except as provided in subsections (b) and (c), to connect with and use the services and facilities of the water and wastewater systems in order to preserve the health, safety and welfare of the citizens and inhabitants of the Orange City reserve area.

(b) A water main or gravity sanitary sewer is considered adjacent or available to a property when it is located anywhere in a public right-of-way or easement adjoining the property. A water main or gravity sanitary sewer will not be considered available in a state road right-of-way unless it is located on the same side of the paved roadway as the property to be served.

(c) If a water main is adjacent or available to a property, and a building or structure located on that property is connected to an individual well, then that building or structure will be required to be connected to the city's water system when the well system fails, becomes contaminated or experiences a dry well condition, or a permit is requested from the county health department or other appropriate authority for a replacement well. If a gravity sanitary sewer is adjacent or available to a property, and a building or structure located on that property is connected to a septic tank system, then that building or structure will be required to be connected to the city's wastewater system when the septic tank fails or a permit is requested from the county health department or other appropriate authority for a septic tank or drain field replacement.

(Ord. No. 94-2-8, § 7, 3-8-94)

ARTICLE VI. RECLAIMED WATER SYSTEM

Reserved for future use.

Amendments to Resolution No. 369-06, effective September 26, 2006

MISCELLANEOUS SERVICE CHARGES

Page 1 of 2

	<u>Water</u>	<u>Irrigation</u>
<u>Meter Installation:</u>		
3/4"	\$375	\$375
1.00"	450	450
1.50"	750	750
2.00"	900	900
3.00"	2,500	2,500
4.00"	3,000	3,000
6.00"	8,000	8,000
	<u>Water</u>	<u>Wastewater</u>
<u>Deposits:</u>		
3/4" – owner	\$100	\$150
3/4" – renter	100	150
3/4" – insufficient I.D.	300	150
3/4" – new construction	100	150
3/4" – commercial	Greater of 3 times ERU or \$100	Greater of 3 times ERU or \$100
1" to 6" commercial	Greater of 3 times ERU or \$100	Greater of 3 times ERU or \$100
Bulk Meter – new const.	\$1,000	0
<u>Fees:</u>		
Initial fee	\$15 plus turn on fee	
Turn on – w/5 days notice	\$30	
Turn on – less than 5 days notice	40	
Turn on – after hours, emergency	35	
Turn on – after hours, non emergency	70	
Turn off – w/5 days notice	30	
Turn off – less than 5 days notice	40	
Turn off – after hours, emergency	35	
Turn off – after hours, non emergency	70	

MISCELLANEOUS SERVICE CHARGES

Page 2 of 2

Transfer account	\$15
Name change	5
Penalty (10 days past due/yellow tag)	15*
Delinquent (15 days past due)	40
Returned check	As per Florida Statutes **
Meter tampering – cut lock	100
Lien filing	Two times cost
Lien satisfaction filing	Two times cost
Lien (open) refile, every 3 years	Two times cost
Title company search	15
Comparison test	50
Hydrant rental	100
Hydrant maintenance fee (annual)	100
Wastewater tap	190
Wastewater inspection	75
Backflow testing	40
Violation reconnection (per connection)	15
Premises visit (per connection)	15
Plan review (by staff)	100 per review or resubmittal
Engineer/Consultant costs	actual costs
Extra expenses	actual costs
Inspection fees (minimum one-hour)	30/hour
	45/hour overtime
<u>Annual Fire Line Charges:</u>	
<u>Line Size</u>	<u>Annual Charges</u>
4”	\$800.00/yr
6”	1,600.00/yr
8”	2,700.00/yr
10”	4,200.00/yr
12”	6,800.00/yr

Water conservation penalties First-time violation – door tag
Second-time violation - \$50.00 fine
Each succeeding violation - \$100 fine

* Except for accounts with an amount due less than the water base rate.

** Florida Statutes

\$25 -- If face value does not exceed \$50

\$30 – If face value is more than \$50 by does not exceed \$300

\$40 – If face value is more than \$300