

ORDINANCE 2022-47

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21 UTILITIES, AMENDING THE REQUIREMENT FOR CONNECTION TO THE SEWER SYSTEM; AMENDING THE REQUIREMENT FOR CONNECTION TO THE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1. Chapter 21, UTILITIES, Lake Wales Code of Ordinances is amended as shown in the highlighted areas below (strike throughs are deletions; underlines are additions):

Sec. 21-27. – Connection to Sewer System.

(a) *Availability defined.* The city sewer system shall be deemed available for the connection of the plumbing of any building as follows:

(1) *Estimated sewage flows of one thousand (1,000) gallons per day or less* for an existing parcel. Service is available if a city sewer line exists in a public easement or right-of-way which abuts the property, and gravity flow can be maintained from the building's drain to the sewer line. If gravity flow can be maintained from a drain located anywhere in the building, service shall be deemed available to the entire building. Where a building exists on a septic system prior to June 1, 1996, service is deemed to be available if the connection can be made without unreasonable cost to the property owner.

(2) *Estimated sewage flows exceeding one thousand (1,000) gallons per day* for an existing parcel. Service is available if a city force main or lift station exists in a public easement or right-of-way which abuts the property or is within one hundred (100) feet of the property. Where a building exists on a septic system prior to June 1, 1996, service is deemed to be available if the connection can be made without unreasonable cost to the property owner. For repair or modification of a pre-existing septic system, service is deemed to be available if any sewer line exists within five hundred (500) feet of the subject property which is accessible via easements or rights-of-way.

(3) *Areas zoned or used for industrial or manufacturing purposes or the equivalent* for an existing parcel. Service is available if a sewer line exists within one mile (five thousand two hundred eighty (5,280) feet) of the development which is accessible via easements or rights-of-way. Where a building exists on a septic system prior to June 1, 1996, service is deemed to be available if the connection can be made without unreasonable cost to the property owner. ~~For repair or modification of a preexisting septic system, service is deemed to be available if any sewer line exists within five hundred (500) feet of the subject property which is accessible via easements or rights-of-way.~~

(4) *Newly developed areas zoned for commercial, residential, industrial, and manufacturing or the equivalent.* Service is deemed available if the parcel falls within the City limits of Lake Wales. All requirements provided in section 21-4 for construction of utility lines and other additions to the system shall pertain to the sewer system. Such

sewer lines shall be installed in such a manner as to provide service to the entire property of the development, and the main lines shall be extended across the total property frontage to facilitate future extensions. These lines shall be installed during the initial placement of other required infrastructure items and prior to issuance of a certificate of occupancy or completion or use for the specific site or development. The cost of installing this system shall be borne by the developer.

Sec. 21-71. – Connection to Water System.

(a) *Availability defined.* The city water system shall be deemed available for the connection of the plumbing of any building as follows:

(1) *Estimated consumption of one thousand (1,000) gallons per day or less for an existing parcel.* Service is available if a city water line exists in a public easement or right-of-way which abuts the property. Where a building exists prior to June 1, 1996, service is deemed to be available if the connection can be made without unreasonable cost to the property owner and contingent upon the city's ability to provide the required level of service.

(2) *Estimated consumption exceeding one thousand (1,000) gallons per day for an existing parcel.* Service is available if a city water line exists in a public easement or right-of-way which abuts the property or is within one hundred (100) feet of the property. Where a building exists prior to June 1, 1996, service is deemed to be available if the connection can be made without unreasonable cost to the property owner and contingent upon the city's ability to provide the required level of service.

(3) *Areas zoned or used for industrial or manufacturing purposes or the equivalent for an existing parcel.* Service is available if a water line exists within one mile (five thousand two hundred eighty (5,280) feet) of the development which is accessible via easements or rights-of-way. ~~Where a building exists prior to June 1, 1996, service is deemed to be available if the connection can be made without unreasonable cost to the property owner and contingent upon the city's ability to provide the required level of service.~~

(4) *Newly developed areas zoned for commercial, residential, industrial, and manufacturing or the equivalent.* Service is available if a parcel is within the City limits of Lake Wales. All requirements provided in section 21-4 for construction of utility lines and other additions to the system shall pertain to the water system. Such water lines shall be installed in such a manner as to provide service to the entire property of the development, and the main lines shall be extended across the total property frontage to facilitate future extensions. These lines shall be installed during the initial placement of other required infrastructure items and prior to issuance of a certificate of occupancy or completion or use for the specific site or development. The cost of installing this system shall be borne by the developer.

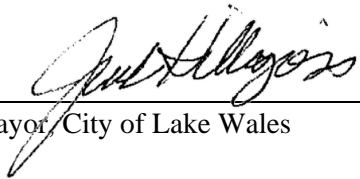
(b) *Mandatory connection.* Where service is deemed to be available, the owner of every lot or parcel of land in the city's utility service area ~~shall connect~~ upon which any building exists that is used for residential, institutional, commercial or industrial purposes shall cause the plumbing of such building to be connected with the water system and use such facilities within sixty (60) days following notification to do so by the director of utilities, ~~or cause the plumbing of any building or buildings thereon to be connected with the water system and use the facilities of~~

~~such water system. Any~~ All such connection shall be made at the expense of the owner and shall be made in accordance with the rules and regulations adopted by the city commission, which rules and regulations shall provide for reasonable fees and charges for service. This section shall not be construed to entitle any person to cross the private property of another to make such water connection. If a property owner fails to connect to the water system within sixty (60) days after notification to do so, such owner shall be required to pay charges for service the same as if the building were connected to the system.

SECTION 2. SEVERABILITY. If any clause, section, or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage by the City Commission.

CERTIFIED AS TO PASSAGE THIS 2nd day of November 2022.



Mayor/Deputy Mayor, City of Lake Wales

Attest:

Jennifer Nanek, City Clerk