

ORDINANCE 2011-28

AN ORDINANCE OF CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 21, UTILITIES, 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. Lake Wales Code of Ordinances Chapter 21, UTILITIES, is hereby amended as follows:

ARTICLE VI. CHARGES AND FEES FOR UTILITY SERVICES

Sec. 21-153. Deposit Requirement

~~(a) *Deposit required.* The following deposits are required to obtain utility services of the now existing utility system and any other utility system hereafter constructed or otherwise acquired by the city as provided for by this chapter:~~

Utility Deposits*	Inside City	Outside City
Residential:		
 Water w/sewer service	—127.98	—160.10
 Water w/o sewer service	—45.40	—56.80
Multi-Family (per unit)	—70.24	—87.82
Commercial (per ERU)	—79.24	—99.08
Irrigation Meter (per ERU)	—45.40	—56.80

~~(a) Deposits are required to cover two (2) months of charges for service at eight thousand (8,000) gallons for residential use, eight thousand (8,000) gallons per ERU for irrigation use, eight four thousand (8,000 4,000) gallons per unit for Multi-Family use and four thousand (4,000) gallons per ERU for Commercial Use.~~

~~(b) If any account becomes delinquent and remains delinquent as outlined in section 21-154(e) 21-114 for the second time in a twelve (12) month period, an additional deposit shall be required to bring the total on deposit equal to twice the amount of the deposit normally required.~~

Sec. 21-154. Billing, payment and mandatory discontinuation of services.

~~(d) *Delinquent payment.* If any monthly bill for utility services shall be and remain unpaid after twenty (20) days from the date of being billed for such services, the account shall be considered delinquent. A delinquent payment penalty of one and one-half (1.5) percent of the bill shall be imposed and be added to the bill, provided, however, that said penalty shall not result in a combined penalty for water and sewer charges which exceeds fifty dollars (\$50.00). Exceptions to the imposition of a delinquent payment penalty are as follows:~~

- ~~(1) Penalty exemption. Persons who are eligible to receive Medicare or Medicaid benefits may receive an exemption from the payment of penalties on late payments provided said persons submit proof of such eligibility.~~

(2) State agencies. State agencies shall pay penalties on late payments as provided in F.S. § 215.422.

The city manager or his/her designee shall have the authority to waive the delinquent payment when extenuating circumstances exist which prevent the payment of utility charges by the date due for customer who have made timely payment for the prior 24 month period.

(e) Non-payment fee and mandatory cut off. In addition to the penalty imposed by paragraph (d), if any monthly bill with an outstanding delinquent balance in excess of thirty dollars (\$30.00) for utility services ~~which has~~ shall be and remained unpaid ~~six (6) ten (10) days~~ after the second billing notice has been mailed and no payment agreement has been executed as provided in paragraph (f) a twenty-five dollar (\$25.00) non-payment fee shall be imposed and added to the bill. The utility services provided to the user shall be discontinued on the subsequent non-Friday business day and shall not be reconnected until all required deposits as provided in section 21-153(b), non-payment fees, and past due charges have been paid. The city manager or their designee shall have the authority to waive the non-payment fee when extenuating circumstances exist which prevent the payment of utility charges by the date due. ~~The city shall charge twenty-five-dollar for reconnecting service after a mandatory cut-off, and an additional deposit shall be required as provided in section 21-113. If the reconnect occurs after business hours, the reconnect fee shall be thirty-five dollars (\$35.00).~~

(f) *Payment agreements.*

(1) Extension agreement. The city in its sole discretion may permit a user to execute an agreement for extension of the due date when extenuating circumstances exist which prevent the payment of utility charges by the date due. Extension agreements are subject to the following conditions:

- a. No extension shall be granted for a period greater than two (2) weeks.
- b. If the payment is not made by the date agreed upon, service shall be discontinued until all charges due are paid in full. If an extension payment is not made by the date agreed upon, the customer shall be ineligible for another extension agreement for a six month period.
- c. No more than three (3) one (1) extension agreements per a six (6) month period shall be authorized.
- d. No extension agreement shall be authorized after service has been discontinued for a delinquent payment or for a dishonored check. A customer requiring an extension agreement shall enter into said agreement prior to having service disconnected.
- e. All extension agreements are subject to the approval of the city manager or his designee.
- f. The city manager or his/her designee shall have the authority to waive extension requirements, one time per customer account, when extenuating circumstances exist which prevent the payment of utility charges by the date due providing payment in full is scheduled to be completed within 45 days.

(2) Installment agreement. The city in its sole discretion may permit a user to execute an agreement for installment payment of amounts due when extenuating circumstances exist which prevent the payment of the total amount due. Installment agreements are subject to the following conditions:

- a. Each installment payment shall be added to the bill for current charges and shall be paid by the user within twenty (20) days of being billed.

- b. An administrative fee of one and one-half (1½) percent shall be assessed against the charges paid by installment agreement.
- c. If an installment payment is not made, the payment agreement shall be terminated immediately and service shall be discontinued until all charges due on the account are paid in full.
- d. An installment agreement shall not be authorized for a monthly installment payment amount less than twenty-five dollars (\$25.00) ~~fifty dollars (\$50.00)~~ and shall not be authorized for a period greater than twelve (12) months.
- e. No more than one (1) installment agreement per twelve (12) month period shall be authorized.
- f. No installment agreement shall be authorized after service has been discontinued for a delinquent payment or for a dishonored check. A customer requiring an installment agreement shall enter into said agreement prior to having service disconnected.
- g. All installment agreements are subject to the approval of the city manager or his designee.
- h. The city manager or his/her designee shall have the authority to waive installment requirements, one time per customer account, when extenuating circumstances exist which prevent the payment of utility charges by the date due provided payment in full is scheduled to be received within 24 months.

Section 2. 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 has not been incorporated herein.

Section 3. This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFICATION AS TO PASSAGE this 15th day of November, 2011.



Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:

Clara VanBlargan
City Clerk

Attachment A
City of Lake Wales
Survey of Disconnect Procedures

Number of Days
from Billing Notice
Until Disconnection
of Service

Fees Associated with Past Due/Disconnect
Accounts

Municipality/County	Mailing of Utility Bill	Utility Due Date	Delinquent Notice Mailed	Last Day to Pay Before Disconnect	Disconnect Due Date
Lake Wales	Around the 17th	9th of the month.	Around the 17th, the City mails out a red utility billing notice for customers who have a past due balance unpaid on their account from the prior month. Customers who are current on their account balance receive normal blue utility billing notice.	Around the 23rd	Around the 24th
Lake Wales	Around the 17th	9th of the month.	Around the 17th, the City mails out a red utility billing notice for customers who have a past due balance unpaid on their account from the prior month. Customers who are current on their account balance receive normal blue utility billing notice.	Around the 24th	Around the 24th

Proposed
Policy

Current
Policy

Information Provided By

City of Auburndale	Around the 5th	Last day of the month.	Around the 5th	The 15th of the month	The 17th of the month	39 to 42 days	<p>If a customer has not paid their utility bill by the due date (the 5th of the month - they provide a three day grace period until the 11th) a \$5.00 late fee is assessed.</p> <p>All accounts that have a past due balance after the 15th must pay both the past due and the current month's bill in full. On the 17th they do the cut off list. If a customer comes in to pay, they radio their serviceman and ask if they have turned off service yet, if they have the customer is charged a reinstatement fee of \$20 inside city limits or \$25 outside city limits. If they have not turned off the water yet, the customer is not charged a fee but they must pay their bill in full.</p> <p>Pam Card, Customer Service Office 863-965-5530 kbyrd@auburndalefl.com</p>
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City of Lake Wales
Survey of Disconnect Procedures

**Number of Days
from Billing Notice
until Disconnection
of Service**

Municipality/County	Mailing of Utility Bill	Utility Due Date	Delinquent Notice Mailed	Last Day to Pay Before Disconnect	Disconnect Due Date	Number of Days from Billing Notice until Disconnection of Service	Fees Associated with Past Due/Disconnect Accounts	Contact Information
City of Bartow	Various billing days during the month.	The 21st day after billing.	They leave a 24 hour notice (door hanger) around the 30th day after billing.	29 days after billing.	After the door hanger is left, if the customer does not come in within 24 hours to pay the bill, they cut-off service.	31 days	A delinquency fee of 1.5% of the total bill is charged, with a minimum of \$10.00 and a maximum of \$100 late fee is charged to customers who have not paid by the due date. There is a \$20 reconnect fee charged on the next bill the customer receives.	Karen Hieischer, Customer Account Supervisor 863-534-0100 ext. 1365 khieischer.cs@cityofbartow.net
Town of Dundee	Last working day of the month.	The 15th of the month	The 16th of the month	If not paid by the 26th subject to turn off.	The 26th of the month	26 days	If customer do not pay by the 16th they are charged a \$10.00 late fee. If not paid by the 26th, there is a \$40.00 non-payment fee & account is subject to cut-off.	Patricia Black, Accounts Payable 863-419-3100 ext. 226 pblack@townofdundee.com
City of Haines City	Two Billing Cycles: Cycle 1 - start reading the 1st of the month - Mail bill out by the 12th. Cycle 2 - start reading the 15th of the month - mail out billing the 27th of the month.	Bills are due 20 days after mailing. Cycle 1 - due the 5th of the month. Cycle 2 - due the 20th of the month.	No delinquent notice is sent.	Cycle 1 - 5th of the month. Cycle 2 - 20th of the month.	Cycle 1 - They begin disconnection on the 6th of the month. Cycle 2 - They begin disconnection on the 21st of the month.	22 days to 25 days	The City does not charge a late fee. If a customer is delinquent, the City charges \$10.00 off and \$10.00 reconection fee. The fee is only charged to customers which are turned off.	Mae Daniels 863-421-9904 Mdaniels@ci.haines-city.fl.us
City of Mulberry								Sharon Lauthier 863-425-1125 slauthier@cityofmulberryfl.com
City of Winter Haven	They bill in cycles. The first four Fridays of the month.	Bills are due 15 days after mailing.	No delinquent notice is sent.	36 days after mailing.	Seven days past due date accounts are subject to disconnection. There is a late fee charged of \$5.79 inside city limits and \$7.24 outside city limits.	37 days	Once a customer becomes past due, a \$5.00 late fee is added to their outstanding balance. If services are cut off a \$55.00 reconnect fee is needed plus the outstanding balances to have services back on. Once a customer becomes past due, a late fee of \$5.79 inside city limits and \$7.24 outside city limits is applied to their account. A reconnect fee of \$47.53 inside city limits and \$59.41 outside city limits is charged.	Chasty Tucker, Account Services Manager 863-291-5678 ctucker@mywinterhaven.com
Polk County	The County has cycles which are billed every day of the month.	Bills are due 20 days from date of issue.	If not paid by due date, a reminder notice is sent and a late fee added (\$6.00 or 5% of the bill whichever is greater). A grace period of 7 days is noted on the bill.	7 days grace period issued with the reminder notice.	27 days to 29 days	28 days to 30 days	If a bill is unpaid as the due date a late fee is added of \$6.00 or 5% of the bill, whichever is greater. If a customer is disconnected a \$60.00 disconnect fee is applied and a \$60.00 reconnect fee (total \$120) plus any delinquent balance must be paid to restore service. Customer who have excellent payment history are given a one time exemption from the shut off and a courtesy letter is sent.	Rick Cavendish, Customer Service Supervisor 863-298-4116 rickcavendish@polk-county.net