

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 21. UTILITIES

LAKE WALES
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LAKE WALES

CHAPTER 21. UTILITIES

Article I. Utility System—In General

§ 21-1. Definitions and rules of construction.

(a) When used in this chapter, the following words, terms or phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter (mg/l) under standard laboratory procedures as called for in the most current edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, Inc., American Water Works Association and Water Environment Federation.

Building shall mean any structure built on-site or manufactured off-site for residential, institutional, commercial or industrial use and from which sewage is discharged.

Building official shall mean the Building Official of the City of Lake Wales or his authorized and designated agent

Bulkhead shall mean a temporary device constructed to exclude all water from entering a sanitary sewer system from a sanitary sewer system under construction.

CFR shall mean the most recently published edition of the Code of Federal Regulations.

Commercial shall mean any business engaged primarily in the sale of goods or services. Wherever rates are referred to as commercial rates, or as applicable to commercial customers, they are intended to apply to all such customers or services except residential or industrial. For the purposes of this chapter, commercial shall also apply to rates charged to schools, churches and governmental agencies.

DEP shall mean the State of Florida Department of Environmental Protection, previously known as the Department of Environmental Regulation (DER).

Director of utilities shall mean the Director of Utilities of the City of Lake Wales or his authorized and designated agent.

Duplexes and *triplexes*. "Duplex" refers to any single building divided into two (2) separate dwelling units. "Triplex" refers to any single building divided into three (3) separate dwelling units.

F.A.C. shall mean the most recently published edition of the Florida Administrative Code.

Finance director shall mean the Finance Director of the City of Lake Wales or his authorized and designated agent.

F.S. shall mean the most recently published edition of Florida Statutes.

Garbage shall mean solid waste from the domestic and the commercial preparation of cooking and dispensing of foods, and from the handling, storage, and sale of produce.

Industrial applies to all connections serving operations involving manufacturing or processing, which will result in a waste not classified as sanitary sewage, or which will not apply to commercial or residential definitions.

Industrial wastes shall mean the liquid waste received from the operation involving manufacturing or a processing operation.

Meter shall mean a device for measuring and recording the quantity or rate of flow of water passing through it from the city's utility system to the user. The type of meter to be used shall be determined by the city.

Meter installation shall mean connecting a new water service to the city's utility system as a result of new construction. Meter installation shall also mean the initial installation of a separate meter for irrigation purposes in accordance with section 21-73. Meter installation shall not mean replacement of an existing meter that is faulty.

Multifamily housing refers to any building containing four (4) or more dwelling units.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

On-site sewage treatment and disposal system shall mean a permitted system that contains a standard subsurface, filled or mounded drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has a legal right to install a system. The term does not include package sewage treatment facilities and other treatment works.

Owner shall mean part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of a building, lot or parcel of land.

pH shall mean the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution.

Plumbing system shall mean any piping system contained on private property to be used to carry sanitary sewer, commercial or industrial wastes, to the sewer system owned and maintained by the city.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been ground to such degree that all particles will be carried freely under the flow conditions normally prevailing in the sanitary sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27 cm) in any dimension.

Sanitary sewer shall mean sewer system, gravity sewer, pumping stations, etc., or any structure so designed to carry sewage, and to which storm, surface and ground water are not intentionally admitted, that is owned and operated by the city.

Septic system shall mean a permitted, private on-site sewage treatment and disposal system employing subsurface soil absorption facilities and shall include the terms "septic tank" and "cesspool".

Sewage shall mean a combination of water-carried wastes from buildings used for residential, institutional, commercial, industrial, and other like purposes.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer system shall mean the complete sewer and wastewater system now owned, operated and maintained by the city and which the city is responsible for maintaining, together with any and all improvements, extensions and additions thereto, hereafter constructed or acquired, together with all lands or interests therein, including plants, buildings, machinery, franchises, pipes, mains, fixtures, equipment and all property, real or personal, tangible or intangible (including agreements for the providing of such services), now or hereafter constructed and/or owned or used in connection therewith.

Single-family residence refers to dwelling accommodations designed for one (1) family unit, maintaining separate and independent housekeeping, including at least one (1) kitchen, serviced by a separate water meter.

Slug shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Storm drain, sometimes termed "storm sewer," shall mean a drainage line which carries storm and surface water run-off, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater detention/retention area shall mean a natural or man-made basin or structure utilized for the temporary or permanent storage of stormwater.

Stormwater system shall mean the complete system of drainage pipes, lines, swales, gutters, retention/detention areas and other structures now owned, operated and maintained by the city for the purpose of stormwater management together with any and all improvements, extensions and additions thereto, hereafter constructed or acquired, together with all lands or interests therein, including plants, buildings, machinery, franchises, pipes, mains, fixtures, equipment and all property, real or personal, tangible or intangible (including agreements for the providing of such services), now or hereafter constructed and/or owned or used in connection therewith.

Suspended solids shall mean solids that either float on the surface or in suspension in water, sewage or other liquids and which are removable by filtration.

Utility service area shall mean the area defined in section 21-2 as the area within which the city shall have the first right to provide water and/or sewer services to any customer residing or doing business within the area and to deliver said service in accordance with the city's general practice, policy and procedures.

Utility system shall mean the water system, the sewer system, the reclaimed water system (treated effluent reuse/disposal), and the stormwater system of the city.

Water system shall mean the complete water system now owned, operated and maintained by the city and which the city is responsible for maintaining, together with any and all improvements, extensions and additions thereto, hereafter constructed or acquired, together with all lands or interests therein, including plants, buildings, machinery, franchises, pipes, mains, fixtures, equipment and all property, real or personal, tangible or intangible (including agreements for the providing of such services), now or hereafter constructed and/or owned or used in connection therewith.

(b) For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

In case of any difference of meaning or implication between the text of this chapter and any caption, schedule, illustration, summary table, or illustrative table, the text shall control.

The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

The words "he," "his," and other words denoting the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Words used in the present tense shall include the future, and words used in the singular number shall include the plural and plural the singular, unless the context clearly indicates the contrary.

The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either... or," the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected terms, conditions, provisions or events shall apply.
- (2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (3) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (4) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 98-06, § 1, 4-27-98; Ord. No. 2007-06, § 1, 4-4-07)

§ 21-2. Extension of services—Generally.

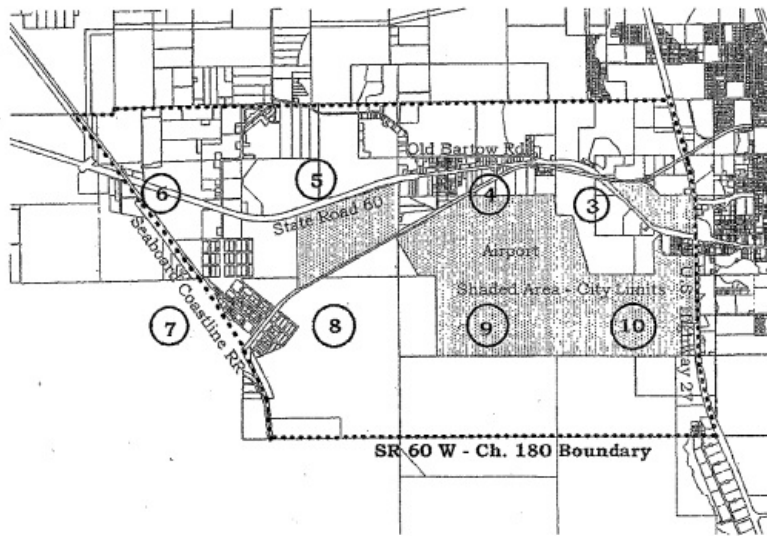
(a) In accordance with the provisions of F.S. ch. 180, the city utility service area shall encompass the following:

- (1) All property lying within the city's corporate boundaries; and
- (2) All property lying within or partially within the "Chapter 180 Utility Service Area — State Road 60 W Corridor" as shown on the map of that title, and specifically described as follows:

Those portions of sections 3, 4, 5, 6, 7, 8, 9 and 10 of Range 27E, Township 30S lying west of US Highway 27, except for property within the utility service area of the City of Winter Haven by recorded agreement with the City of Lake Wales, such Winter Haven service area generally being west of the Seaboard Coastline Railroad line that runs in a northwest-southeast direction through said sections 6, 7, and 8.

Chapter 180 Utility Service Area State Road 60 W Corridor

Ordinance 2008-42



KEY

Service Area Boundary

Shaded area - Lake Wales City Limits (within service area)

Circled numbers - Section numbers (Range 27E, Township 30S)

(b) Utility services shall be extended within the utility service area at the sole discretion of the city. Whenever economically feasible and deemed to be in the best interest of the utility system, such extension of services shall be at the expense of the city. A developer or property owner may assume all or part of the expense of service extension when the expense is not economically feasible for the city provided such extension is deemed to be in the best interest of the utility system and provided that all requirements of this chapter are met.

(c) The city shall reserve the right at all times to refuse extension of the utility system when such extension is not economically feasible, for noncompliance with the policies, rules and regulations established by this chapter or with any duly adopted city resolution or ordinance, or for any other cause whereby such extension will not benefit or may be detrimental to the best interest of the utility system.

(d) In accordance with F.S. ch. 180, all persons or corporations living or doing business within the city utility service area shall be required to connect, when available, with the city utility system and shall be subject to all rules, regulations and rates provided by this chapter.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 98-06, § 1, 4-27-98; Ord. No. 99-01, § 1, 5-4-99; Ord. No. 2005-22, § 1, 6-21-05; Ord. No. 2008-43, § 1, 12-2-08; Ord. No. 2008-42, § 1, 1-6-09)

§ 21-3. Extension of services—Outside the city limits.

(a) No application shall be accepted for utility service to a property outside the city limits with the following exceptions:

(1) The property lies within the "Chapter 180 Utility Service Area — State Road 60 W Corridor"; or

(2) The state department of environmental protection has requested that the city provide service to the property to address an environmental quality issue; or

(3) An agreement to serve the property was executed by the city prior to June 2005.

(b) With each application for utility service outside the city limits, an executed annexation agreement must be provided which shall be recorded in the official records of the county if said application for service is accepted. If the property is contiguous to the city limits or is otherwise eligible for annexation, the city shall annex the property within three (3) months of the provision of service.

(c) Service charges and impact fees, if any, for outside-city users shall be one hundred twenty-five (125) percent of the applicable charges and fees for inside-city users.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2008-43, § 1, 12-2-08; Ord. No. 2008-42, § 1, 1-6-09)

§ 21-4. Construction of utility lines and other additions to the system.

(a) *Design.* Plans and specifications for all authorized utility extensions and installations shall be in compliance with the standards of the city and shall be prepared and signed by a professional engineer registered in the state; the only exception to this a minor extension done by the city. All plans and specifications for these extensions and appurtenances which are to be connected to the city's utility system shall be approved by the director of utilities or his designated agent prior to starting construction. For utility extensions not designed and constructed by the city, the applicant shall furnish six (6) copies of as-built plans and two (2) sets of reproducible Mylar as-built plans showing the completed work, together with an affidavit of periodic and final inspections by a registered, professional engineer certifying that work as constructed complies with the approved city standards. These as-built plans shall be filed with the director of utilities, or designated agent for his approval, before the completed utility extension is accepted by the city.

(b) *Location and installation.* All authorized municipal utility extensions under the terms of this chapter shall be located only in public rights-of-way or in easements acceptable to the city. Pumping stations, force mains and related appurtenances shall be constructed only in public rights-of-way or on municipally-owned properties. However, the city may require a commercial developer to locate a pumping station on private property and require a maintenance agreement signed by the owner of the property prior to connection. Actual interconnection of a new extension with the existing municipal utility shall be prohibited by omitting a connection section or by placing a temporary bulkhead in the connecting lines until the new extension has been fully inspected and all other conditions for extension of the service have received the approval of the city.

(c) *Installation standards.* In the building and installation of all sewers and connections to sewers, water lines and connections to water lines, or any other addition to the utility system, all work and materials shall be in accordance with the city's requirements and standards as stated in City of Lake Wales Utility Standards and Specifications and Chapter 7, Buildings and Building Regulations, Lake Wales Code of Ordinances. All work and materials shall be subject to the inspection and approval of the director of utilities or his designated agent.

(d) *Approval and permits from other governmental agencies.* The applicant and/or his engineer shall receive approval from the state department of transportation and/or the county for the use of any public road right-of-way. Also, the applicant must secure any approvals from the state department of environmental protection, the department of health and rehabilitative services and any successor or additional regulatory agency of the state or federal government.

(e) *Ownership.* The ownership of any extension and related appurtenances to any municipal utility system installed within the public right-of-way or easement and connected to the existing municipal utility system in accordance with this chapter shall at all times remain with the city upon completion and acceptance of such utility extension. An agreement shall be executed between the city and the applicant to include the provisions of this chapter before authorization can be given for the extension of any municipal utility funded at private expense.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 96-22, § 1, 11-19-96)

§ 21-5. Utility easement accessibility.

(a) Easements or rights-of-way wherein lie water or wastewater mains, pumping stations, fire hydrants, manholes, meters, backflow preventers, or any other utility service device or component of the utility system must remain accessible to utilities department personnel or personnel of any firm contracted by the city in association with the operation and maintenance of the utility system and its various components. Operations shall include, but not be limited to, the installation and maintenance of system components, inspection and testing of backflow preventers, and monthly reading of water meters for billing purposes.

(b) Any obstruction such as fencing, landscaping, dumpsters, yard trash, etc. that is placed within an easement or right-of-way and which prevents or hinders the operation of the utility system shall be removed or relocated at the property owner's expense within thirty (30) days after notification to do so by the director of utilities. Failure to remove the obstruction within the allotted time period shall result in the utility customer residing at the property in question receiving a utility bill reflecting the highest monthly consumption during the previous twelve (12) month period.

(c) The city and its contractor shall be held harmless for any damage to private property resulting from an obstructed easement or right-of-way during emergency repair or normal operation of the system.

(d) Any repair of an obstruction located in an easement or right-of-way which is unavoidably damaged by the city or its contractor during emergency repair or normal operation of the system shall become the responsibility of the property owner.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-6. Prohibitions.

(a) No person shall cross the private property of another to make a connection to the utility system unless said person is an authorized member of the utilities department or a contractor authorized by the city to perform work in an easement or right-of-way.

(b) No person shall be allowed to connect into any utility line owned by the city without the written consent of the city, and then the connection with such line shall be made only under the direction and supervision of the building official. Any property owner or plumber who makes any connection without such consent of the building official, upon conviction, shall be subject to the penalties hereinafter provided.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-7. Connection to old plumbing.

Wherever it is desirable to connect old plumbing with the city's utility system, the owner or plumber contemplating doing such work shall notify the building official who will inspect the old plumbing and notify the owner or plumber what alterations will be necessary to place the old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the building official shall, upon conviction, be subject to the penalties hereinafter provided.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-8. Maintenance of plumbing system.

The owner of the property shall be responsible for maintaining and keeping clean the pipes leading to and connecting from the plumbing system to the utility system.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-9. Penalties for violations.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, for each offense, be subject to penalties as provided in section 1-15 of this Code. Any failure or refusal by an owner to connect to the utility system after notification to do so, as hereinabove provided, or any failure or refusal to pay the charges or rates provided within this chapter shall be construed to be a violation of this chapter.

(Ord. No. 96-06, § 1, 5-21-96)

Article II. Sewer System

Division 1. Generally

§ 21-26. Purpose and policy.

(a) This article sets forth uniform requirements for direct and indirect contributors into the sewer system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403) as from time to time amended.

(b) The objectives of this article are to:

(1) Prevent the introduction of pollutants into the municipal sewer system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) Prevent the introduction of pollutants into the municipal sewer system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) Improve the opportunity to recycle and reclaim waste water and sludge from the system; and

(4) Provide for equitable distribution of the cost of the municipal sewer system.

(c) This article provides for the regulation of contributors to the municipal sewer system through the issuance of permits to certain nondomestic users and through enforcement activities, requires user reporting, assumes that the capacity of existing customers will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(d) This article shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city sewer system. Except as otherwise provided herein, the director of utilities for the city shall administer, implement, and enforce the provisions of this article.

(Ord. No. 96-06, § 1, 5-21-96)

§ 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.* 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.* 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.* Service is available if a sewer line exists within one-fourth ($\frac{1}{4}$) mile (one thousand three hundred twenty (1,320) 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.

(b) *Mandatory connection.* Where service is deemed to be available, the owner of each lot or parcel of land within the city's utility service area 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 sewer system and use such facilities within sixty (60) days following notification to do so by the director of utilities. All such connections shall be made at the expense of the owner and shall be made in accordance with rules and regulations adopted by the city commission, which rules and regulations shall provide for reasonable fees and charges for service. If a property owner fails to connect to the sewer 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.

(c) *Construction, repair and alteration of septic systems.* It shall be unlawful for any person to construct, repair, alter, do or have work done to any septic system within the city's utility service area where connection to the city's sewer system is deemed to be available. No person shall construct, repair, alter or enlarge any septic system where sewer service is deemed to be unavailable unless such person receives approval by the director of utilities and holds a valid permit for such work issued by the department of health and rehabilitative services. The type, capacity, location, and layout of a septic system shall comply with all regulations of the department of health and rehabilitative services.

(d) *Purchase, installation and maintenance of pumping devices.* Where estimated sewage flow exceeds one thousand (1,000) gallons per day, elevation differences between the building in question and the sewer system shall not be construed to mean that sewer service is unavailable. In such instances where gravity flow cannot be maintained from the building's drain to the sewer line, the owner of the building shall be required to purchase, install and maintain, at the owner's expense, a device manufactured specifically for the pumping of sewage into the sewer system. The operation and maintenance of the pumping device shall be the sole responsibility of the owner or the owner's agent with a signed waiver of the city's liability prior to connection to the system. If, as a result of geographical location, it is deemed to be in the public interest to oversize the pumping device beyond minimum requirements, the city may exercise the option to operate and maintain the pumping device.

(e) *Application for connection, inspection fee and notice for inspection.* A connection with the sewer system shall be made only after an application has been filed with the building official. Such application shall state where the connection is to be made and such other information and details as shall be prescribed by the building official. Such inspection fee or other fees as may be required from time to time shall accompany the application. No work shall be done until the application shall have been approved by the building official and no connection with the sewer system shall be made without a permit having been issued by the building official, and all such connections shall first be inspected and approved before the same shall be covered by filling the excavation. Reasonable notice shall be given to the building official of the time such connection is ready to be inspected.

(Ord. No. 96-06, § 1, 5-21-96)

Division 2. Sewer Use Regulations

§ 21-49. Discharge restrictions to the sewer system.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer.

(b) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer system.

(4) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, cloth materials, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(c) The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The director of utilities may set limitations lower than those established in the regulations below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to acceptability, the director of utilities will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sewer system shall not be violated without approval of the director of utilities and are as follows:

(1) Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty five (65) Celsius) or which will cause the temperature at the influent to a treatment plant to exceed one hundred four (104) degrees Fahrenheit (fourty (40) Celsius).

(2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(3) Wastewater containing more than one hundred (100) milligrams per liter of oils, fat or grease.

(4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in the kitchen for the purpose of consumption on the premises or when served by caterers.

(5) Any waste water having an excess of (limits in parts per million or milligrams per liter): silver 0.10, barium 2.0, aluminum 0.2, iron 0.3, phenol 0.2, arsenic 0.05, boron 1.0, manganese 0.05, lead 0.015, mercury 0.002, nickel 0.1, zinc 1.0, copper 0.1, cadmium 0.005, chromium 0.1, selenium 0.05, chlorides 250, nitrate 10(as N), nitrite 1(as N), sodium 160, thallium 0.002, asbestos 7 MFL and any substance or combination thereof that reduces the BOD by ten (10) percent will be considered as a toxic material. In addition, the limits for the following are: antimony 0.0, beryllium 0.0, bismuth 0.0 cobalt 0.0, cyanide 0.0, molybdenum 0.0, rhenium 0.0, tellurium 0.0, uranyl ion 0.0, strontium 0.0, herbicides 0.0, fungicides 0.0, formaldehyde 0.0 and pesticides 0.0.

(6) Any waters or wastes containing odor-producing substances exceeding limits of 3 (threshold odor number) or exceeding limits which may be established by the director of utilities.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with the applicable state or federal regulations.

(8) Quantities of flow, concentration, or both which constitute a slug.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to receiving waters and Class I reliability.

(10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, forms solids which interfere with the collection system, or creates a condition deleterious to structures and treatment processes.

(11) Wastewater containing constituents in concentrations which are in excess of the concentration set for normal wastewater (two hundred fifty (250) mg/l BOD and TSS, thirty (30) mg/l TKN, fifteen (15) mg/l phosphorous).

(12) Wastewater having a pH in excess of 8.5.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-50. Assessment of certain restrictions; requiring pretreatment of equalization facilities.

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which in the judgment of the director of utilities, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge;

(4) Require surcharge payment to cover added cost of handling and treating the waters. Surcharges for over-strength BOD and TSS will be based on proportionate share costs.

(b) When considering the above alternatives, the director of utilities shall give consideration to the economic impact of each alternative on the discharge. If pretreatment or equalization of waste flows is required, the design and installation of plants and equipment shall be subject to the independent review of the city's engineers and approval of the director of utilities and shall meet the requirements of DEP Chapter 62-625.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-51. Owner of pretreatment or equalization facilities.

Where preliminary treatment of flow-equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-52. Interceptors required.

Effective: Tuesday, March 17, 2020

Grease interceptors are not required for every residence. However, one (1) or more grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal.

(1) *Fat, oil and grease (F.O.G.) interceptors required.* Users who operate restaurants, cafes, lunch counters, take-outs, cafeterias, bars, clubs, or hotel, hospital, factory or school kitchens or other establishments that serve or prepare food where F.O.G. may be introduced to the sewer system shall have a F.O.G. interceptor.

Take-out food establishments or other establishments that prepare food but do not cook in oil or grease and who serve food only in disposable containers may utilize alternative interceptors as approved by the public works director or his/her designee, provided their discharges will not violate any discharge prohibitions of this section. F.O.G. interceptors may also be required in non-cooking or cold dairy and frozen foodstuff establishments when they are deemed necessary by the public works director or his/her designee. Establishments that do not generate sufficient flow to warrant a grease interceptor shall be authorized, at the discretion of the public works director or his/her designee, to install an alternative grease prevention measure.

(2) *Oil and sand interceptors required.* Users who operate automatic and coin operated laundries, car washes, filling stations, commercial garages or similar businesses having any type of washing facilities or grease racks and any other users producing grit, sand, oils or other materials in levels prohibited by 62-302 Florida Administrative Code Rule, (grease and oils one hundred (100) mg/L) which may have the potential of causing partial or complete obstruction of the building sewer or other areas in the sewer system shall install interceptors approved by the public works director or his/her designee.

(3) *Location of interceptors.* Where a grease interceptor is required, kitchen wastewater shall first pass through the interceptor and then be discharged into the sewer system. All interceptors shall be located outside the building in such a manner that personnel from city utilities division can inspect the interceptors at any time.

(4) *Size of interceptors.* All interceptors shall be sized to ensure that the city's sewer system is protected from excessive F.O.G., sand and oil which may cause clogging or damage and that the user is capable of meeting all discharge requirements. F.O.G. interceptors shall be based on chapter 10 of the Florida Building Code, as amended. Sizing of grease interceptors shall be based on the equations as set forth below. The minimum volume of any grease interceptor shall be seven hundred and fifty (750) gallons and the maximum volume of a single grease interceptor is greater than one thousand two hundred and fifty (1,250) gallons, installation of grease receptors in series is required.

Restaurants: $(S) \times (GS) \times (HR/12) \times (LP) =$ effective capacity of grease interceptor in gallons, where:

S = number of seats in the dining area.

GS = gallons of wastewater per seat (use twenty-five (25) gallons for ordinary restaurant, use ten (10) gallons for single service ordinance restaurants).

HR = number of hours' establishment is open.

LP = loading factor: use one and a quarter (1.25) for interstate highways, one (1.00) for freeways, one (1.00) for recreational areas, 0.80 for main highways, and 0.50 for other highways.

Other type establishments with commercial kitchens: $(M) \times (GM) \times (LF) =$ effective capacity of grease interceptor in gallons, where:

M = meals prepared per day.

GM = gallons of water used per meal (use five (5) gallons).

LF = loading factor (use 1.00 with dishwashing and 0.50 without dishwashing).

(5) *Sampling port.* A sampling port shall be installed in an approved location to allow sampling by the utility and the user. The sample port shall be located between the interceptor and the discharge point to the sewer system.

(6) *Access manholes.* An access manhole must have a minimum diameter of twenty-four (24) inches and shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall have readily removable covers to facilitate inspection and cleaning.

(7) *Plans required.* The following must be submitted to the city utilities division for review and approval prior to installation of an interceptor:

- a. Site plans showing the location of the interceptor, lines, clean out or manhole and sample port;
- b. Details of the interceptor, lines, clean out or manhole and sample port; and
- c. Formula and calculation used to determine the interceptor capacity.

Note: No non-grease-laden sources are allowed to be connected to sewer lines intended for grease, oil and sand separators.

(8) *Existing interceptors.* All interceptors currently in use or in existence at the time of this division will be considered sized sufficiently provided they meet all discharge requirements as stated in this division. All new interceptors or interceptors to replace or upgrade existing interceptors will be required to meet all criteria stated in this division. Existing interceptors that are currently undersized (less than seven hundred and fifty (750) gallons) may be required to pump out more frequently than ninety (90) days. These establishments will be required to comply within five (5) years of the effective date of this division.

(9) *Inspections.* The director of the city utilities department or his or her designee shall have the authority to inspect at a reasonable time (nominally within six (6) months unless circumstances dictate more frequent inspections are required), those food service, food processing, or other commercial establishments which may produce grease and which are connected to a city sewer system to ensure that said establishments have installed and are properly maintaining an adequate grease interceptor on all waste lines. When upon inspection the interceptor, the total depth of the floating grease layer plus the settle-able solids layer cannot exceed 25% of the total liquid depth of the interceptor or the establishment exceeds discharge compliance levels, the utilities director or his/her designee can require a grease pump out. Upon completion of an on-site inspection or analytical results of sampling indicate a violation of this subsection, the public works director or his/her designee may issue a "notice of violation" to the user or representative to document any discrepancies, noncompliance, special instructions or other guidance identified during the on-site inspection. Fines may be levied for failing to respond in a timely manner to a notice of violation or order for corrective action. Fines may be issued and not exceed five hundred dollars (\$500.00)/day/violation.

When upon inspection, the total depth of the floating grease layer plus the settle-able solids layer cannot exceed 25% of the total liquid depth of the interceptor or the establishment exceeds discharge compliance levels, the director can require a grease pump out. Upon completion of an on-site inspection or analytical results of sampling indicate a violation of this subsection, the director may issue a "notice of violation" to the user or representative to document any discrepancies, noncompliance, special instructions or other guidance identified during the on-site inspection.

(10) *Maintenance.*

a. All records pertaining to the maintenance of an interceptor shall be retained by the user for a period of not less than three (3) years and available to city utilities department upon request.

b. Every F.O.G. interceptor shall be cleaned every ninety (90) days or sooner, if needed. An exemption may be granted to the ninety (90) day minimum requirement if the user can establish that such maintenance schedule is not necessary.

Additional Maintenance Requirements

a. All users shall maintain any Fats, Oils, and Grease (FOG) recovery system so that the discharges there from are in compliance with all applicable laws, rules, and regulations.

b. All non-automobile services facility FOG traps, and all other non-automobile service facility FOG recovery systems, shall have all floating material removed per a schedule determined by the Director or his/her representative. All non-automobile service facility FOG traps, and all other non-automobile service facility FOG recovery systems, shall be completely

pumped out annually or when the contents thereof exceed the 25% Rule. All automobile service facility FOG traps, and all other automobile service facility FOG recovery systems shall be completely pumped out annual or when the contents thereof exceed the 25% Rule. Routine maintenance, annual maintenance and maintenance due to exceeding the 25% Rule shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludge and solids. The frequency of maintenance may be increased to comply with the applicable daily maximum discharge limit(s), the manufacturer's recommendation of the 25% rule. The frequency shall be as often as necessary to prevent overflows of FOG from entering the Utility's wastewater collection system.

c. The Pump-and-Return Method of decanting or discharging of removed waste or wastewater back into the FOG recovery system is prohibited.

Removal of floating material from a FOG trap less than or equal to 50 gallons may be performed by the owner of the FOG production facility, provided said floating material is properly disposed of in accordance with all applicable laws and the following procedure.

1. FOG device maintenance must be performed on a schedule determined by a number of factors. Contact the administrator of the FOG program for the required frequency.
2. Small generators with traps with "less than" <50 gallons may have floatables removed by the owner. However, 100% professional cleaning is required by a licensed special waste hauler annually at a minimum in those instances.
3. Manifest must be entered by "self-cleaners" and contractors on FOGBMP website within 5 days of service being performed.
4. Self-cleaning customers and licensed special waste haulers can register online through FOGBMP.com at no cost.

Any removal and hauling of FOG as a result of the complete pumping of a FOG trap and all other FOG recovery systems, shall be performed by a professional liquid hauler.

e. If any FOG recovery system discharge wastes fail to meet the applicable daily maximum limit(s) the Director or his/her representative is authorized to require that the user to repair, replace or upgrade its FOG recovery system, at the sole expense of the user.

f. No user may place an additive of any type in the FOG trap or FOG recovery system without the prior written approval of the Director.

(11) Maintenance Records. Each user, at each FOG producing facility, shall maintain an accurate and complete record of all cleaning(s) or maintenance of its FOG producing facility's FOG recovery system, and shall file electronic copies of same with the Utilities Department per current procedures. Submissions will be made either weekly, monthly, quarterly, semi-annually, or annually, based on the service schedule. The following records shall be kept on-site at the FOG producing facility for a minimum two (2) year period.

a. Haulers. The hauler shall provide the FOG producing facility manager, at the time of service, a manifest conforming to all Federal and State statutes and regulations, and provisions of this Code.

b. Manifest(s). The removal of FOG recovery system contents shall be recorded on a manifest that identifies the pumping, hauling and disposing of the wastes, and whether collected from an interior or an exterior FOG recovery system.

c. Manifest Information. Each manifest shall contain the following information as may be required by State Statute:

- i. User information, including name, address, the volume pumper from each FOG recovery system, and date and time of the pumping;
- ii. Hauler information, including company name, address, state license/permit number and disposal/receiving facility location information; and
- iii. Receiving facility information, including the facility name and address, date and time of receiving, and EPD number.
- iv. A certification that the FOG trap or FOG recovery system was in working order.
- v. A certification that the maintenance requirements, as set forth in subsection (D)(3) above, are being complied with by the user relative to the FOG trap or FOG recovery system.

d. Manifest/Maintenance Log. The owner(s) of each FOG producing facility shall maintain, and keep available on the premises, a continuous log of manifests, FOG maintenance reports (and other similar record(s) regarding each cleaning or maintenance of the FOG recovery system for the previous twenty-four (24) months. The log shall be kept on the FOG producing facility premises in a location where the log is available for inspection or review by the Director, or his/her designated agent(s) or representative(s).

e. Manifest/Maintenance Log Filing. The liquid waste hauler shall file manifests to the Utility or designee after each service. FOG devices equal to or less than 50 gallon manifests may be submitted by the FOG producing facility's owner or representative. All submissions must be electronic and fees may be associated with each submission.

(12) Repairs. Any repair that is required in regard to a FOG trap or FOG recovery system shall be made by the user within thirty (30) days of the user receiving notice of the need for a repair from either the hauler, the Director, or the Utility's representative.

(13) *Alternative treatments.* The use of any free-enzyme, chemical, or other products designed to emulsify, liquefy or further render grease soluble for the purpose of clearing drains or circumventing the design of the interceptor is prohibited. All products claiming biological activity must be approved by the public works director or his/her designee. Approval for this or any other treatment does not relieve the user of properly maintaining the interceptor as to prevent discharge violations to city sewer system.

Failure to comply with this section, shall be subject to the user being faced with the appropriate enforcement, fines, and procedures as set forth in this section. Additionally, if any person fails to comply with this section and said failure results in damage to the city's system, the city shall be entitled to recover the cost of repair of the system from said person and any fines or penalties assessed against the city as a result of such failure.

(14) *Sample collection.*

a. Except as indicated in paragraph b., below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2013-07, § 1, 5-7-13; Ord. No. 2017-22, § 1, 12-19-17; Ord. No. 2020-09, § 1, 3-17-20;)

§ 21-53. Control facilities required.

When required to facilitate observation, sampling and measurement of the wastes, the owner of any property serviced by a building sewer carrying industrial wastes shall be required by the director of utilities to install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the director of utilities. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-54. Requirements of testing parameters.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of *Standard Methods for Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to life, limb and property. The director of utilities or his designee shall determine whether a twenty-four (24) hour composite of all outfalls of the premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-55. Special agreements or arrangements for treatment of unusual wastes.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-56. Inspection and sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for purposes such as inspection, sampling, records examination or any other performance of duties. The city and any approval authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city and any approval authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-57. Compliance with regulatory requirements.

(a) *General.* The provisions of this division shall not be construed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered as a part of this division upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in Title 40 of the Code of Federal Regulations, Part 403.

(b) *Federal categorical pretreatment standards.* Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The appropriate approval authority shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(c) *Modification of federal categorical pretreatment standards.* Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the appropriate approval authority for modification of specific limits of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system for ninety-five (95) percent of the samples taken when measured according to the procedures set forth in section 403.7(C)(2) of (Title 40 of the Code of Federal Regulations, Part 403) General Pretreatment Regulations for Existing and New Sources of Pollution promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the appropriate authority is obtained.

(d) *State requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations of those in this division.

(e) *Requirements for industrial uses.* Industrial uses may be required to provide information needed to determine compliance with this article. Such requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewater.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 96-22, § 1, 11-19-96)

Article III. Water System

Division 1. Generally

§ 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.* 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.* 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.* Service is available if a water line exists within one-fourth ($\frac{1}{4}$) mile (one thousand three hundred twenty (1,320) 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.

(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, 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 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.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-72. Irrigation meters.

Separate meters shall be permitted for irrigation purposes subject to the following conditions:

(1) It shall be the customer's responsibility to make the physical connection between the irrigation meter and irrigation system, whether it is an existing system or newly constructed system.

(2) The irrigation meter shall be considered in service upon the date of its installation.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2011-15, § 1, 9-7-11)

EDITOR'S NOTE

Ord. No. 2011-15, § 1, adopted Sept. 7, 2011, repealed § 21-72 and renumbered § 21-73 as 21-72 as set out herein. The former § 21-72 pertained to cross-connection/backflow prevention and derived from Ord. No. 96-06, § 1, adopted May 21, 1996. The historical notation has been retained with the amended provisions for reference purposes.

Division 2. Cross Connection Control And Backflow Prevention Program

EDITOR'S NOTE

Ord. No. 2011-15, § 1, adopted Sept. 7, 2011, repealed § 21-72 and renumbered § 21-73 as 21-72 as set out herein. The former § 21-72 pertained to cross-connection/backflow prevention and derived from Ord. No. 96-06, § 1, adopted May 21, 1996. The historical notation has been retained with the amended provisions for reference purposes.

§ 21-76. Introduction.

A cross connection is defined by the American Water Works Association (AWWA) as "any connection or structural arrangement between the public's or a consumer's potable water system and any non-potable source or system through which backflow may occur." Backflow, literally a reversal in the normal direction of flow within a water system, is what turns a cross connection into a health hazard. Consequently, either cross connection or the chance of backflow must be eliminated to prevent these "unseen hazards" from degrading the high quality of water that the city utilities department strives to maintain.

(Ord. No. 2011-15, § 1, 9-7-11)

§ 21-77. Purpose.

The purpose of this division is to protect the potable water supply of the city from the possibility of contamination or pollution by isolating within its customer's internal system or systems those contaminants or pollutants which could backflow or back-siphon into the public water supply system; to promote the elimination or control of existing cross connections, actual or potential, between the customer's potable water system or systems and non-potable water systems, plumbing fixtures, and industrial piping systems; and 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.

(Ord. No. 2011-15, § 1, 9-7-11)

§ 21-78. Utilities department to administer program; applicability of provisions.

(a) The utilities department shall be responsible for administration of a cross-connection control and backflow prevention program that complies with rules established by the state department of environmental protection for protection of the public water supply system.

(b) The utilities department shall install and maintain a backflow preventer device in every meter box where potable water is provided to an individually metered residential unit. Said backflow preventer device shall be changed out periodically in accordance with rules of the state department of environmental protection.

(c) The provisions of this division shall apply to all commercial meters and irrigation meters connected to the City of Lake Wales water system.

(Ord. No. 2011-15, § 1, 9-7-11)

§ 21-79. Definitions.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Approved. Accepted by the city as meeting an applicable specification stated or cited in this division, or as suited for the proposed use.

Auxiliary water supply. Any water supply on, or available to, the premises other than the city's approved public potable water supply. These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the city does not have sanitary control.

Backflow. The flow of water or other liquid, mixture, or substance under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

Backflow preventer. A device or means designed to prevent backflow or back-siphonage. Only the following are considered to be backflow prevention devices:

(1) *Air gap separation.* A physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap separation" shall be at least double the diameter of the supply pipe measured vertically above the top of the rim of the vessel. In no case shall it be less than one (1) inch.

(2) *Reduced pressure backflow preventer.* A device containing within its structure a minimum of two (2) independently acting approved check valves, together with an automatically operating pressure differential relief valve located between the two (2) check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

(3) *Atmospheric vacuum breaker.* A backflow prevention device which is operated by atmospheric pressure in combination with the force of gravity. The unit is designed to work on a vertical plane only. The one (1) moving part consists of a poppet valve which must be carefully sized to slide in a guided chamber and effectively shut off the reverse flow water when a negative pressure exists.

(4) *Pressure vacuum breaker.* A pressure vacuum breaker is similar to an atmospheric vacuum breaker except that the checking unit "poppet valve" is activated by a spring. This type of vacuum breaker does not require a negative pressure to react and can be used on a pressure side of a valve.

(5) *Double check valve assembly.* An assembly composed of two (2) single, independently acting, check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve. A check valve is a valve that is drip-tight in the normal direction of flow when the inlet pressure is one (1) psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g. clapper) shall be internally weighted or otherwise internally loaded to promote rapid and positive closure.

(6) *Residential dual check.* A compact unit manufactured with two (2) independent spring actuated check valves. The residential dual check is acceptable only as added backflow prevention in areas served by reuse systems defined in Chapter 62-610, Part III, FAC, when the cross connection control program identifies activities specific to subsections (5)(a) and (5)(b) of this section.

Back-siphonage. The flow of water or other liquid, mixture, or substance 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.

Contamination. An impairment of the quality of potable water by sewage, industrial fluids, waste liquids, compounds, or other materials to a degree which creates a potential actual hazard to the public health through poisoning or through the spread of disease.

Cross connection. Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage 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 which is cross-connected to a contaminated fixture, industrial fluid system, or with a potentially contaminated supply or auxiliary water system, constitutes one (1) type of cross connection. Other types of cross connection include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tube, solid connections, and the like.

(1) *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 not physically and economically feasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or 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.

(2) *Cross connection—controlled.* A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

Director. The director in charge of the city utilities department who 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 chapter.

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, and shall include:

(1) *Hazard—Health.* Any condition, device, or practice in the water supply system and its operation that could create, or in the judgment of the director, may create a danger to the health and well-being of the water consumer. An example of a "health hazard" is a structural defect, including a cross connection, in the water supply system.

(2) *Hazard—Plumbing.* A plumbing-type cross connection in a consumer'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.

(3) *Hazard—Pollutional.* An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but 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.

(4) *Hazard—System.* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollutant or contaminant which would have a protracted effect on the quality of the potable water in the system.

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, pollutional, 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 process waters and "used waters" originating 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 waters such as from wells, springs, streams, rivers, bays, harbors, irrigation canals or systems, and the like; and oils, gases, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

Pollution. 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.

Utilities department. The City of Lake Wales Utilities Department.

Water.

(1) *Water—Non-potable.* Water which is not safe for human consumption or which is of questionable potability.

(2) *Water—Potable.* Any water which, according to recognized standards, is safe for human consumption.

(3) *Water—Service connections.* The terminal end of a service connection from the public potable water system; that is, where the city 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, 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 water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

(4) *Water—Used.* Any water supplied from the public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the city.

Water system. The water system shall be considered as made up of two (2) parts: the customer system and the utility system.

(1) The "customer 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.

(2) The "utility system" 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 utility, up to the point where the customer's system begins (meter). The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(Ord. No. 2011-15, § 1, 9-7-11)

§ 21-80. Backflow prevention devices; when required; specifications.

(a) No water service connection to any premises shall be installed or maintained unless the water supply is protected as required by state law and regulation (Florida Administrative Code Rule 17-555) and this division. Service of water to any premises shall be discontinued if a backflow prevention device required by this division is not installed, tested, and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the utilities department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the city shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with state and city laws relating to plumbing and water supplies and the regulations adopted pursuant thereto.

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

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the director. 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.

(2) In the case of premises upon 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.

(3) In the case of premises having internal cross connections that cannot be permanently corrected and controlled, 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. 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 as stated in this section, 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 some 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.

(4) 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. Examples of premises where these conditions may exist include wastewater treatment plants, wastewater pumping stations, chemical manufacturing plants, hospitals, mortuaries, and metal plating plants.

(5) 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.

(6) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

(d) Any backflow prevention device required herein shall be of a model and size approved by the director or his/her designee. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association and entitled "AWWA C506-69 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices" and which has met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by "Specifications of Backflow Prevention Devices #69-2 dated March 1969" or the most current issue.

(1) Said AWWA and FCCC and HR standards and specifications are hereby adopted by the City of Lake Wales. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC and HR specifications.

(2) It shall be the duty of the utilities department to perform certified inspections and operational tests at least once per year where backflow prevention devices are installed on commercial meters and irrigation meters. In those instances where the director deems the hazard to be great enough, certified inspections may be required at more frequent intervals. The cost of these inspections and tests shall be paid by the customer in accordance with section 21-172; said inspections and tests shall be performed by authorized utility personnel.

(3) All backflow prevention devices shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said devices are found to be defective. The customer-user shall engage a licensed plumber to perform the work. Records of such repairs, overhauls, and replacements shall be kept and made available to the utilities department.

(4) All presently installed backflow prevention devices which do not meet the requirements of this division but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the director is assured that they will satisfactorily protect the public potable water supply system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, or when the director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this division.

(Ord. No. 2011-15, § 1, 9-7-11)

§ 21-81. Permit required for installation of backflow prevention devices.

Florida Administrative Code Rule 62-555.360(4) requires that backflow prevention devices shall be installed in agreement with and under the supervision of the supplier of the water or its designated representative. Accordingly, a permit issued by the city and inspection by the city's building official or his/her designee following installation shall be required for every backflow prevention device installed on any commercial or irrigation connection to the city utility system.

(Ord. No. 2011-15, § 1, 9-7-11)

§ 21-82. Notice of violation; failure to remedy.

If, in the judgment of the utilities department, an approved backflow prevention device is required at the city's water service connection to any customer's premises for the safety of the water system, the director or his designated agent shall give notice in writing to the customer to install such an approved backflow prevention device at each service connection to his premises. The customer shall immediately install such approved device or devices at his own expense; the failure, refusal, or inability on the part of the customer to install said device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

(Ord. No. 2011-15, § 1, 9-7-11)

Division 3. Water Conservation

§ 21-86. Water shortage emergency—Use of water restricted.

(a) During any period wherein a water emergency is proclaimed by the city commission, it shall be unlawful for any person to use or utilize water from the regular water mains or connections thereto within said city during the hours prohibited by an emergency proclamation for the purpose of watering lawns, shrubs, flowers, trees, gardens and other plant life not located in the confines of a home or livable building; filling swimming pools, drawing water to fill spray trucks or tank wagons or washing vehicles and other equipment.

(b) Every police officer and code enforcement officer of the city shall enforce the provisions of this division within the municipal limits in accordance with state and local law. The Polk County sheriff's office shall enforce the provisions of this division within those areas of the city's utility service area which are outside the municipal limits. In the initial stages of a water shortage, enforcement officials may attempt to provide violators with no more than one (1) written warning.

(c) Violation of the provisions of this section shall constitute a civil offense, and violators shall be subject to the following penalties:

(1) First violation. Twenty-five dollars (\$25.00).

(2) Second and subsequent violations. Fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in Polk County jail not to exceed sixty (60) days. Each day in violation of this section shall constitute a separate offense.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-87. Same—Proclamation.

At such time as the city manager is informed by the director of utilities that the water supply is nearing the point of being inadequate to meet the needs of consumption, he shall investigate the reason therefor, and if he finds that the conditions are such that an emergency is prevalent, then he shall report his findings to the city commission who shall thereafter in its discretion proclaim a water emergency. Such proclamation shall be published at least weekly during the period the emergency exists and shall be in the following form:

"PROCLAMATION
OF WATER EMERGENCY"

"The City Commission of the City of Lake Wales does hereby proclaim that a water emergency exists and hereby declares that it shall be unlawful for persons, firms and corporations to use the public water supply for purposes of watering lawns, shrubs, flowers, trees, gardens and the like, filling swimming pools, drawing water to fill spray trucks or tank wagons or washing vehicles and other equipment from _____
to _____ during any day from
_____/_____/_____, 19____ to
_____/_____/_____, 19_____."

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-88. Enforcement of water management district rules during a water shortage.

(a) *Definitions.* For the purpose of this division, the following terms, phrases, words and their derivations shall have the meanings herein given. When consistent with the context, words used in the plural include the singular, and words in the singular include the plural. The Word "shall" is always mandatory and not merely directory.

District is the Southwest Florida Water Management District.

Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Water resource is any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground.

Water shortage condition is when sufficient water is not available to meet present or anticipated needs of persons using the water resource or when conditions are such as to require temporary reduction in total water wage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

Water shortage plan means Chapter 40D-21, F.A.C., the codification of the water shortage plan adopted and published by the Southwest Florida Water Management District or any modification or derivation of Chapter 40D-21 which may be current at the time a water shortage or water shortage emergency is declared.

(b) *Application.* The provisions of this section shall apply to all persons using the water resource, whether from public or privately owned water utility systems, private wells or private connections with surface water bodies. This section shall not apply to persons using treated effluent or saltwater.

(c) *Declaration of water shortage; water shortage emergency.* The declaration of a water shortage or water shortage emergency affecting all or any persons of the city or its water service area by the governing board or the executive director of the district shall invoke the provisions of this section. Upon such declaration, all water use restrictions or other measures imposed by the district pursuant to Chapter 40D-21, Florida Administrative Code, applicable to the city or its water service area or any portion thereof, shall be subject to enforcement action pursuant to subsection (d). Any violation of the provisions of Chapter 40D-21 or any order issued pursuant thereto shall be a violation of this section.

(d) *Enforcement.* Every police officer and code enforcement officer of the city shall enforce the provisions of this section within the municipal limits in accordance with state and local law. The Polk County sheriff's office shall enforce the provisions of this section within those areas of the city's utility service area which are outside the municipal limits. In the initial stages of a water shortage, enforcement officials may attempt to provide violators with no more than one (1) written warning.

(e) *Penalties.* Violation of the provisions of this section shall constitute a civil offense, and violators shall be subject to the following penalties:

(1) *First violation.* Twenty-five dollars (\$25.00).

(2) *Second and subsequent violations.* Fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in Polk County jail not to exceed sixty (60) days. Each day in violation of this section shall constitute a separate offense.

(f) *Acceptance of provisions required.* No water service shall be furnished to any person unless such person agrees to accept all the provisions of this section. The acceptance of water service shall be in itself the acceptance of the provisions contained herein.

(Ord. No. 96-06, § 1, 5-21-96)

Article IV. Stormwater System

§ 21-96. Designated approved outlets for stormwater.

Stormwater and all other unpolluted drainage shall be discharged to such lines as are specifically designated as stormwater lines, or to natural outlets approved by the city and the applicable regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged on approval of the city and the applicable regulatory agencies to a stormwater natural outlet.

(Ord. No. 96-06, § 1, 5-21-96)

§ 21-97. Stormwater Charges

Effective: Tuesday, February 05, 2019

(a) Purpose and intent. The purpose of this Ordinance is to protect the health, safety, and welfare of the general public through the administration and regulation of earthwork and drainage and to provide for a mechanism to provide funding for such activities. It is the intent of this Ordinance that the City will establish stormwater management as a city utility enterprise in accordance with Section 403.0893, Florida Statutes, and shall establish a program of utility fees for stormwater management services to be charged to all developed property within the City to accomplish the functions of the utility, which include, but are not limited to, maintenance, planning, design, construction, regulation, surveying, and inspection as they relate to the stormwater management system of the City.

(b) Definitions. As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

(1) *Building* means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

(2) *Building Footprint* means the actual square footage of a Building as reflected on the Tax Roll, divided by the number of levels or floors within the Building.

(3) *City* means the City of Lake Wales, Florida.

(4) *City Manager* means the chief administrative officer of the City or such person's designee.

(5) *Clerk* means the City Clerk, or such other person as may be duly authorized to act on such person's behalf.

(6) *City Commission* means the governing body of the City of Lake Wales, Florida.

(7) *Comprehensive Plan* means the comprehensive plan adopted by the City pursuant to Chapter 163, Part II, Florida Statutes.

(8) *Condominium* means a condominium created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

(9) *Condominium Common Area Parcel* means a Tax Parcel including one or more "common elements" of a Condominium, as defined in Section 718.103, Florida Statutes, to which the Property Appraiser has assigned a DOR Code of 04 or 05, the taxable value of which has been attributed to Condominium Residential Unit Parcels by the Property Appraiser.

(10) *Condominium Residential Unit Parcel* means a parcel within the City constituting a Condominium "unit" (as defined in Section 718.103, Florida Statutes) to which the Property Appraiser has assigned a DOR Code of 04 or 05.

(11) *County* means Polk County, Florida.

(12) *Developed Property* means property that has been developed with impervious area including, but not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development. Developed Property shall not include public roads.

(13) *DOR Code* means a property use code established in Rule 12D-8.008, Florida Administrative Code, as amended, and as applied by the Property Appraiser to parcels within the City.

(14) *Dwelling Unit* means a Building, or a portion thereof, which is located upon residential property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only.

(15) *ERU* means "**equivalent residential unit**," the standard unit used to express the Stormwater burden expected to be generated by each parcel of property. Based upon the average Impervious Area derived from a statistically valid sample of Single Family Residential Parcels, the City has computed an "ERU Value" of 3,652 square feet, which shall be used to calculate the number of ERUs attributable to each Developed Property.

(16) *General Parcel* means a parcel of Developed Property within the City that is not a Single Family Residential Parcel or a Condominium Residential Unit Parcel .

(17) *Impervious Area* means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

(18) *Large Single Family Residential Parcel* means a Single Family Residential Parcel with an estimated Building Footprint between 2,841 and 5,100 (inclusive) square feet.

(19) *Medium Single Family Residential Parcel* means a Single Family Residential Parcel with an estimated Building Footprint between 1,331 and 2,840 (inclusive) square feet.

(20) *Mitigation Credit* means, for any parcel of Developed Property, a number between 0.0 and 1.0 representing a reduction in the Stormwater burden expected to be generated by such parcel attributable to privately maintained Stormwater management facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff. The "Mitigation Credit" for each parcel shall be determined in accordance with Section 8 hereof.

(21) *Mitigation Credit Factor* means the figure computed by subtracting the Mitigation Credit from 1.00.

(22) *Mitigation Credit Policy* means the City of Lake Wales' Stormwater Utility Mitigation Credit Policy.

(23) *Mitigation Facility* means a manmade facility or structure on the site of a Developed Property which, by its design and function, retains Stormwater on-site and thus generates less volume of Stormwater from the site or produces Stormwater runoff at a lower rate or with less pollutants than would be the case in the absence of such facilities or structure.

(24) *Net ERU* means the standard unit used to express the Stormwater burden expected to be generated by each parcel of Developed Property, after taking into consideration any mitigation of the Stormwater burden that results from privately maintained Stormwater management facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff

(25) *Property Appraiser* means the Property Appraiser of Polk County.

(26) *Single Family Residential Parcel* means a parcel of Developed Property within the City to which the Property Appraiser has assigned a DOR Code of 01 or 02.

(27) *Small Single Family Residential Parcel* means a Single Family Residential Parcel with an estimated Building Footprint between 100 and 1,330 (inclusive) square feet.

(28) *Stormwater* means the flow of water which results from, and which occurs following, a rainfall event.

(29) *Stormwater Basin* means a part of the earth's surface that contributes Stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

(30) *Stormwater Basin Plan* means a policy document that is adopted by the City Commission for each Stormwater Basin or hydrologic subarea thereof in which Stormwater Improvements are proposed and that provides for implementation of the Stormwater Master Plan.

(31) *Stormwater Improvement* means land, capital facilities and improvements acquired or provided to detain, retain, convey or treat Stormwater.

(32) *Stormwater Master Plan* means a policy document adopted by the City Commission which identifies the levels of service for water quality and quantity management in the City, based upon the criteria in the Comprehensive Plan and applicable state and federal law, and the methods for prioritizing expenditures within the City. The Stormwater Master Plan shall designate those Stormwater Basins for which a Stormwater Basin Plan will be prepared.

(33) *Stormwater Management Service* means (A) maintenance, management and administration of the City's Stormwater Utility; (B) Stormwater program engineering; (C) Stormwater basin planning; (D) Stormwater facilities and improvements to be acquired or constructed; (E) operating and maintaining the City's facilities for Stormwater management, including extraordinary maintenance; (F) billing and collection of the Stormwater utility fees, including customer information services and reserves for statutory discounts; and (G) legal, engineering and other consultant services.

(34) *Stormwater Service Area* means the geographic area described in Section 5 herein that encompasses all parcels within the City which specially benefit from the Stormwater Management Service and all parcels to which Stormwater Management Services are provided.

(35) *Stormwater Service Cost* means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Services provided by the City to Developed Property under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the City for any moneys advanced for the Stormwater Management Service, and interest on any interfund or intrafund loan for such purpose.

(36) *Stormwater Utility* means the entity established to implement the Stormwater management program of the City.

(37) *Stormwater Utility Fee* means a fair and reasonable regulatory fee for service provided by the City to Developed Property to fund all or any portion of the Stormwater Service Cost at a just, fair, reasonable, and equitable rate based upon such property's Stormwater burden and the reasonable cost of providing Stormwater Management Services to such property.

(38) *Very Large Single Family Residential Parcel* means a Single Family Residential Parcel with an estimated Building Footprint greater than 5,100 square feet.

(c) *Legislative Findings.*

(1) Pursuant to Article VIII, section 2(b), Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the City has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of City Ordinances.

(2) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of Stormwater Utility Fees by the City.

(3) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Stormwater Utility Fees under the constitutional and statutory power of the City; (2) authorize a procedure for the funding of Stormwater Management Services, facilities, or programs provided to properties within the Stormwater Service Area; and (3) legislatively determine the benefit provided to all parcels of Developed Property from the Stormwater Utility.

(4) Pursuant to the constitutional and statutory authority of the City and pursuant to section 403.0893, Florida Statutes, the City has the authority to create a Stormwater Utility and fund the construction, operation, maintenance, and administration of said utility through the imposition of a Stormwater Utility Fee.

(5) The Florida Legislature has mandated that local governments in the State of Florida, including the City, have the responsibility for developing mutually compatible stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection, the Federal Clean Water Act, and the water management districts and the stormwater management programs established and maintained by other local governments.

(6) The Stormwater Utility Fees imposed hereby are consistent with the authority granted in section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to a municipality.

(7) The Stormwater Utility regulates the use and enjoyment of all Developed Property within the City by treating and controlling contaminated Stormwater generated by improvements constructed on the Developed Property resulting in the alteration of such property from its natural state to accommodate such improvements.

(8) The special benefits provided by the Stormwater Management Services to all Developed Property located within the Stormwater Service Area include, but are not limited to: (1) the provision of Stormwater Management Services and the availability and use of facilities and improvements by the owners and occupants of Developed Property to properly and safely detain, retain, convey and treat Stormwater discharged from Developed Property; (2) stabilization of or the increase of Developed Property values; (3) increased safety and better access to Developed Property; (4) improved appearance; (5) rendering Developed Property more adaptable to a current or reasonably foreseeable new and higher use; (6) alleviation of the burdens caused by Stormwater runoff and accumulation attendant with the use of Developed Property; and (7) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the Stormwater Service Area.

(9) The City's Stormwater Management Services are necessitated by the existence of Impervious Area. Accordingly, it is fair and reasonable to impose a Stormwater Utility Fee only against Developed Property containing at least 100 square feet of Impervious Area.

(10) Substantially all of the Stormwater burden managed, controlled, and treated by the Stormwater Utility is generated by Developed Property and the amount of Stormwater generated by property in its natural state that is managed, controlled and treated by the Stormwater Utility is inconsequential.

(11) The Stormwater Utility Fees imposed herein provide a reasonable method of funding the City's cost of providing Stormwater Management Services because such costs provide a reasonable estimation of the costs of providing Stormwater Management Services to such property based upon the City's budget and resource allocations and managing the Stormwater burden generated by the use of such property as individually classified on the basis of the Stormwater burden expected to be generated by the physical characteristics of such property.

(12) The Stormwater Utility Fee is reasonably related to the cost of providing Stormwater Management Services, including the collection, storage, treatment, and conveyance of Stormwater generated by Developed Property.

(13) The Stormwater Utility Fee is not a special assessment; it is a regulatory fee imposed for the Stormwater Management Service provided to Developed Property by the City's Stormwater Utility.

(d) Stormwater Utility and Utility Fund.

(1) There is hereby established a Stormwater Utility, which shall be the operational means of implementing and otherwise carrying out the functional requirements of the City's Stormwater management system to construct or acquire Stormwater improvements and provide Stormwater Management Services. The Stormwater Utility shall provide administration and management services in: the operation and maintenance of the City's capital facilities for Stormwater management; the preparation of Stormwater studies and the implementation of the Stormwater Utility; the regulation of Stormwater Basins; and the repair, replacement, improvement and extension of the City's capital facilities for Stormwater management. The Stormwater Utility shall place emphasis on the achievement of maximum efficiency through identifying programs and funding sources which are complementary to other regional, state and federal programs. The City Manager or his designee shall be responsible for administration of the Stormwater Utility.

(2) The City Commission intends to fund all or part of the cost of providing services and capital facilities for Stormwater management through Stormwater Utility Fees. The City Commission has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of services and capital facilities for Stormwater management will enhance accountability and management control of the City's Stormwater Utility and will facilitate implementation of the City Commission's funding policy for Stormwater management. Accordingly, there shall be established a Stormwater utility fund. From an accounting perspective, the Stormwater utility fund shall be established as an enterprise fund.

(e) Stormwater Service Area.

(1) The City Commission hereby establishes the entire incorporated area of the City as the Stormwater Service Area.

(2) The Stormwater Utility shall provide Stormwater Management Services to all Developed Property within the Stormwater Service Area. All or any portion of the Stormwater Service Cost may be funded from the proceeds of the Stormwater Utility Fee.

(3) The Stormwater Utility may also acquire and construct capital facilities to assist and facilitate the provision of Stormwater Management Services within the Stormwater Service Area.

(f) Stormwater Utility Fees.

(1) The City Commission is hereby authorized to impose a Stormwater Utility Fee on all Developed Property within the Stormwater Service Area to fund all or any portion of the Stormwater Service Cost at a just, fair, reasonable, and equitable rate based upon such property's Stormwater burden and the reasonable cost of providing Stormwater Management Services to such property.

The rate of the Stormwater Utility Fee for each classification of property shall be determined by each property's individual number of ERUs based upon that property's amount of Impervious Area.

(2) The Stormwater Utility Fee will be computed for each parcel of Developed Property located within the Stormwater Service Area by multiplying the number of Net ERUs attributable thereto by the rate per ERU as established by separate Resolution. The rate of the Stormwater Utility Fee shall be established and amended by separate Resolution of the City Commission.

(3) The City Commission is also hereby authorized to impose Stormwater Utility Fees to fund all or any portion of the cost necessary to fund a Stormwater Improvement identified in any Stormwater Basin Plan or Stormwater Master Plan. The Stormwater Utility Fees to fund the capital cost or the debt service and related cost of any obligations issued to finance the cost of any Stormwater Improvements may be levied against all parcels of Developed Property within the Stormwater Service Area at a rate based upon the benefit accruing to such property from the Stormwater Improvement, measured by the number of ERUs attributable to each parcel.

Notwithstanding the foregoing, if the City Commission specifically determines that any portion of the Stormwater Service Area receives a distinct special benefit from any component of the Stormwater Management Service that is materially different in kind or degree from the special benefit received by other portions of the Stormwater Service Area, the Stormwater Service Cost related to such component shall be levied against the portion of the Stormwater Service Area receiving the distinct special benefit.

(g) Assignment of ERU'S.

(1) Each parcel of Developed Property located within the Stormwater Service Area shall be assigned to one of the following classifications: Small Single Family Residential Parcels, Medium Single Family Residential Parcels, Large Single Family Residential Parcels, Very Large Single Family Residential Parcels, Condominium Residential Unit Parcels, or General Parcels. ERUs shall be assigned to each parcel of Developed Property within the Stormwater Service Area in accordance with the procedures provided in this Section.

(2) Single Family Residential Parcels.

(i) The cost of measuring or verifying the Impervious Area for each individual Single Family Residential Parcel greatly exceeds any benefit to be derived from individual measurement and verification.

(ii) The City has computed an average Building Footprint of 1,073 square feet for a typical Small Single Family Residential Parcel with a total impervious area of 2,100 square feet. The number of ERUs attributable to each Small Single Family Residential Parcel shall be computed by dividing the total impervious area of the typical Small Single Family Residential Parcel by the total impervious area of the typical Medium Single Family Residential Parcel (3,652 square feet). Accordingly, the number of Net ERUs attributable to each Small Single Family Residential Parcel shall be computed by multiplying 0.58 ERUs by the appropriate Mitigation Credit Factor.

(iii) The City has computed an average Building Footprint of 2,073 square feet for a typical Medium Single Family Residential Parcel with a total impervious area of 3,652 square feet. Accordingly, the number of Net ERUs attributable to each Medium Single Family Residential Parcel shall be computed by multiplying one (1.0) ERU by the appropriate Mitigation Credit Factor.

(iv) The City has computed an average Building Footprint of 3,390 square feet for a typical Large Single Family Residential Parcel with a total impervious area of 5,546 square feet. The number of ERUs attributable to each Large Single Family Residential Parcel shall be computed by dividing the total impervious area of the typical Large Single Family Residential Parcel by the total impervious area of the typical Medium Single Family Residential Parcel (3,652 square feet). Accordingly, the number of Net ERUs attributable to each Large Single Family Parcel shall be computed by multiplying 1.52 ERUs by the appropriate Mitigation Credit Factor.

(v) The number of ERUs attributable to each Very Large Single Family Residential Parcel (parcels with a Building footprint in excess of 5,100 square feet) shall be computed in the manner provided herein for General Parcels.

(3) Residential Condominium Parcels.

(i) A residential Condominium constitutes a unique form of real property ownership comprised of Condominium Residential Unit Parcels, to which there may be an appurtenant undivided share in Condominium Common Area Parcels.

(ii) It is fair and reasonable to attribute the Impervious Area of Condominium Common Area Parcels to the Condominium Residential Unit Parcels to which such Condominium Common Area Parcels are appurtenant.

(iii) The number of Net ERUs attributable to each Condominium Residential Unit Parcel in a residential Condominium shall be equal to the sum of the following: (a) the amount computed by multiplying (1) the amount calculated by (i) dividing the Impervious Area of the Condominium Complex on which the Condominium Residential Unit Parcel is located by the ERU Value (3,652 square feet), and (ii) dividing the result by the total number of Condominium Residential Unit Parcels located on such Condominium, and by (2) the appropriate Mitigation Credit Factor.

(4) *General Parcels.* The number of Net ERUs attributable to each General Parcel shall be determined by (1) dividing the Impervious Area of the General Parcel by the ERU Value (3,652 square feet), and (2) multiplying the result by the appropriate Mitigation Credit Factor.

(h) Private Mitigation Facilities.

(1) The City Commission recognizes the benefits provided by privately maintained Mitigation Facilities. Properties supporting private Mitigation Facilities should be credited for the public benefits they provide. Accordingly, the charges based on the number of ERUs otherwise attributable to such property may be adjusted by a Mitigation Credit determined in accordance with the City's Mitigation Credit Policy which may be adopted by the City Commission by separate Resolution. No Mitigation Credit shall exceed the amount of the Tax Parcel's Stormwater Utility Fee.

(2) In order to receive a new Mitigation Credit for which property is eligible, a nonresidential property owner shall be required to provide the City Utilities Director with "as built" drawings of the Mitigation Facilities sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the Mitigation Facilities, or such other reasonable requirements as may be necessary to effectuate the purposes of this section. Applicants for residential mitigation credits may include property owners, homeowners' associations and community development districts and shall provide sufficient information to adequately evaluate the basis for said credit.

(3) No Mitigation Credit shall be applied for service provided to property by a Mitigation Facility constructed or maintained with public funds. However, a Mitigation Credit shall be applied for service provided to property by a regional Mitigation Facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.

(i) Billing and Collection.

(1) The Stormwater Utility Fees authorized herein shall be billed and collected on a monthly basis along with the City's other utility fees in the regular utility billing cycle, appearing as a separate line item. Bills for the Stormwater Utility Fees shall be payable at the same time, in the same manner, and subject to the same penalties as have been heretofore established for the other utility fees charged and administered by the City.

(2) In the event a Developed Property does not have other City utility service, a new account shall be developed and the property shall be billed by the City for the Stormwater Utility Fees on an annual basis.

(3) A monthly billing charge shall also be assessed against each City utility account provided however; only one billing charge shall be assessed, regardless of whether the customer receives water service, wastewater service, stormwater service, reclaimed water service or any combination thereof.

(j) Adjustments and Appeals.

(1) All requests for adjustment of the Stormwater Utility Fee shall be submitted to the City Utilities Director. The City Utilities Director shall review each request as follows:

(i) All requests shall be in writing and set forth in detail the grounds upon which relief is sought.

(ii) All adjustment requests shall be reviewed within four months from the date of submission. Adjustments resulting from such requests shall be retroactive to the date of submission.

(iii) The person requesting the adjustment may be required, at his or her own cost, to provide supplemental information to the City Utilities Director, including but not limited to survey data, traffic studies and other engineering reports prepared by a registered professional land surveyor (R.P.L.S.) or professional engineer (P.E.), as required. Failure to provide such information in a timely manner may result in denial of the adjustment request.

(iv) The City Utilities Director shall provide the person requesting the adjustment with a written determination of the request within the time provided herein.

(2) All determinations of the City Utilities Director pursuant to Section (j) may be appealed to the City Manager. Appeals must be filed with the City Manager within 30 days of issuance of the City Utilities Director's written determination. Appeals shall be determined by the City Manager within 30 days of filing. In evaluating appeals, the City Manager shall be bound by the method of setting rates as set forth in this Ordinance. The decision of the City Manager shall be final.

(k) Revisions to Stormwater Utility Fees. If any Stormwater Utility Fee made under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Stormwater Utility Fee is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has failed to charge any property that should have been charged, the City Commission may take all necessary steps to impose a new Stormwater Utility Fee against any such property, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Stormwater Utility Fee is annulled, the City Commission may obtain and impose other Stormwater Utility Fee until a valid Stormwater Utility Fee is imposed.

(l) Procedural Irregularities. Any irregularity in the proceedings in connection with the levy of any Stormwater Utility Fee under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Stormwater Utility Fee as finally approved shall be competent and sufficient evidence that such Stormwater Utility Fee was duly levied, that the Stormwater Utility Fee was duly made and adopted, and that all other proceedings adequate to such Stormwater Utility Fee were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

(m) Flooding; Liability. Floods from Stormwater runoff may occasionally occur which exceed the capacity of Stormwater management facilities constructed, operated or maintained by funds made available under this Ordinance. This Ordinance shall not be construed or interpreted to mean that property subject to the fees and charges established herein will always (or at any time) be free from Stormwater flooding or flood damage, or that Stormwater systems capable of handling all storm events can be cost-effectively constructed, operated or maintained. Nor shall this Ordinance operate to create any liability on the part of, or cause of action against, the City, or any official or employee thereof, for any flood damage that may result from such storms or the runoff thereof. Nor does this Ordinance purport to reduce the need or the necessity for obtaining flood insurance by individual property owners.

(Ord. No. 2019-01, § 1, 2-05-19)

Article V. Reclaimed Water System

§ 21-121. Intent.

It is the intent of the city to make reclaimed water available for irrigation purposes and other authorized uses in certain areas within the Lake Wales Utility Service Area where the city determines that the construction of a reclaimed water distribution system is feasible and economical. The reclaimed water distribution system shall be constructed in sections to provide service to designated areas as determined by the city, pursuant to the terms and conditions set forth herein. It is further the intent of the city to establish a reclaimed water system which complies with the rules and regulations set forth by the Florida Department of Environmental Protection, which rules appear in Chapter 62-610, Florida Administrative Code.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-122. Definitions.

For the purposes of this article, the following words, terms or phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Available shall mean that a functioning reclaimed water distribution main is located within one hundred (100) feet of the property to be serviced.

Backflow prevention device shall mean a device installed at the customer's potable water or reclaimed water meter to prevent the flow of any contaminated fluids into the public water system or reclaimed water system.

Billing shall mean the charge made for reclaimed water service. The charge may be made by a separate invoice or may be included on the monthly utility bill.

City shall mean the City of Lake Wales, Florida.

Commission shall mean the City Commission of the City of Lake Wales, Florida.

County shall mean Polk County, Florida.

Cross-connection shall mean any physical arrangement whereby a public potable water supply or reclaimed water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public potable water supply or reclaimed water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.

Customer shall mean the owner of the property being served.

Delivery points shall mean the points of connection of the city's reclaimed water system to the user's system.

Department shall mean the Utilities Department of the City of Lake Wales, Florida.

Director shall mean the Director of the City's Utilities Department or his/her designated representative.

Distribution mains shall mean those conduits used to supply reclaimed water service lines.

FAC shall mean the Florida Administrative Code, as amended from time to time.

F.S. shall mean Florida Statutes, as amended from time to time.

Irrigation system shall mean an underground system with permanently placed sprinkler devices or below-ground hose bibbs contained in a locked valve box. Above-ground hose bibbs (faucets) with hoses and sprinklers shall not constitute an irrigation system. Irrigation systems also include agricultural ditch and swale type systems and other conventional agricultural systems where applicable and as authorized by the director.

Non-potable water shall mean all water other than potable water.

Potable water shall mean water from any source which has been approved for human consumption by the public health authority having jurisdiction in the county.

Reclaimed water shall mean water that has received at least advanced secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

Reuse shall mean the deliberate application of reclaimed water, in compliance with Florida Department of Environmental Protection and Southwest Florida Water Management District rules, for a beneficial purpose.

Service line shall mean that conduit for reclaimed water from the distribution main to the property line.

Setback distances shall mean the setback distances between the wetted site area subject to land application of reclaimed water, and surface waters and potable water supply wells, as required by the provisions of Chapter 62-610, Florida Administrative Code, Rule 610.471.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-123. Authority to adopt rates, fees and charges.

The commission shall have the authority to establish rates, fees and charges for the reclaimed water system and to provide current terms and conditions for the payment and collection of same. Rates, fees, charges and conditions for payment shall be provided in Article VI of this chapter.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-124. Determination of property to be served.

(a) *Designated service areas.* The city shall determine priorities for reclaimed water distribution pipelines and their extensions and designate reclaimed water service areas within the boundaries of the Lake Wales Utility Service Area in a manner consistent with its Wastewater Facility Plan, Comprehensive Plan, Five-Year Capital Improvements Plan, and other applicable planning documents adopted by the commission. The initially designated reclaimed water service area shall be all land within the Lake Wales Utility Service Area lying south of State Road 60.

(b) *Service outside the Lake Wales Utility Service Area.* Reclaimed water service may be provided to property outside the Lake Wales Utility Service Area. Such service will be extended on an actual cost basis and may include service to a governmental entity. All applications for service outside the Lake Wales Utility Service Area shall be reviewed by the city, and such service shall be approved only if an adequate supply of reclaimed water is and will be available to meet all anticipated needs within the Lake Wales Utility Service Area. The director shall review and approve all service line sizes and all other necessary design components. Final approval of reclaimed water service outside the Lake Wales Utility Service Area must be granted by the commission.

(c) *Availability of service.* The existence of a reclaimed water main adjacent to or near the premises of an applicant for service does not necessarily mean that service is available to that location. The director shall make a determination of reclaimed water availability based on total system demand, specific transmission/distribution capabilities within the subject project area, and the estimated cost of providing reclaimed water service to the subject project area. No service taps will be made to reclaimed water transmission mains larger than twenty-four (24) inches in diameter unless specifically approved by the director. Service in areas where only transmission mains exist will require installation of a distribution main, or approval on a case-by-case basis by the director for a service tap.

(d) *Right to service.* No payment of any costs, submittal of any application or petition, or undertaking of any other act to receive reclaimed water service shall guarantee such service. The city shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the judgement of the director, will cause the extension not to be beneficial to the city.

(Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2004-09, § 1, 5-18-04)

§ 21-125. Extension of reclaimed water service within designated service areas.

(a) *Where service is available.* Customers in designated reclaimed water service areas may connect to the reclaimed water system when service is available and upon submission and approval of an application for service and compliance with all other city requirements. A reclaimed water customer with an average daily consumption that will exceed one hundred thousand (100,000) gallons per day or a reclaimed water customer using a master meter to irrigate a golf course, shopping center, subdivision, multi-family complex, or other development area or a reclaimed water customer irrigating a property that exceeds five (5) acres in size shall, in lieu of an application for service, execute a reclaimed water use agreement with the city specifying terms and conditions of reclaimed water service.

(b) *Where service is not available.* Property owners in designated water service areas where service is not yet available shall petition the city on an appropriate form obtained from the department. This initial petition shall represent an expression of interest by the property owners and shall not constitute a binding commitment.

(1) Upon receipt of a petition from property owners in seventy-five (75) percent of the project area, the city shall prepare a preliminary estimate of the cost to extend a pipeline to the area of the interested property owners and prepare a customer packet consisting of:

- a. Formal petition cost estimate;
- b. Voluntary lien agreement;
- c. Application for reclaimed water service.

(2) If the estimated cost is agreeable to the property owner, the property owner shall execute a voluntary lien agreement and return it to the department. Upon the receipt of a valid voluntary lien agreement and application for service from seventy-five (75) percent of the property owners in the project area, a resolution prepared in accordance with the requirements of F.S. ch. 170, declaring a special assessment of all property owners in the property area shall be presented to the commission for action.

(3) Upon passage of the special assessment resolution, the department will design or cause to be designed a reclaimed water system for the approved project area and obtain bids to construct the project in accordance with the city's purchasing procedures.

(4) After bids are received, the director shall advise the petitioning property owners of any anticipated increase in the cost of extending the pipeline. Should the cost to extend the reclaimed water line exceed ten (10) percent of the initially estimated cost, each petitioning property owner shall have the right to withdraw the voluntary lien agreement before final approval of the project.

(5) If the best responsive bid to construct the reclaimed water system does not exceed ten (10) percent of the previously estimated cost or if the revised costs are acceptable to seventy-five (75) percent of the property owners and the voluntary lien agreements of seventy-five (75) percent of the property owners remain on record with the city, the commission may publish a preliminary assessment role that includes all property owners in the project area and hold a public hearing in accordance with F.S. ch. 170, for the purpose of giving final consideration to funding the project with special assessments. Following the public hearing, the commission may cancel the project or proceed to levy the special assessments. Thereafter, the commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments in accordance with F.S. ch. 170. When so equalized and approved by resolution of the commission, a final assessment role shall be filed with the city clerk and such assessments shall stand confirmed and remain legal, valid, and binding first liens upon the property against which such assessments are made until paid. Following approval of the equalizing resolution, the commission may award the bid and authorize commencement of the project.

(6) After the project is completed, the city shall credit to each of the assessments the difference in the assessment as originally approved and the proportionate part of the actual cost of the project as finally determined. Said final assessment shall be calculated on the basis of capital cost to construct, less any state or federal aid received. In no event shall the final assessments exceed the amount of benefits originally assessed.

(7) The special assessment shall be payable at the time and in the manner stipulated in the resolution providing for the project. In accordance with F.S. § 170.09, the assessment shall bear interest at a rate not to exceed eight (8) percent per year, or, if improvement bonds are issued, at a rate not to exceed one (1) percent above the rate of interest at which the improvement bonds are issued. Assessments may be payable in equal installments over a period not to exceed thirty (30) years, and, if not paid when due, there shall be added a penalty at the rate of one (1) percent per month until paid. Assessments may be paid without interest at any time within thirty (30) days after connecting to the reclaimed water system.

(8) A claim of lien on behalf of the city will be filed by the city clerk for all assessments remaining unpaid at the end of thirty (30) days after connecting to the reclaimed water system.

(9) All actions taken in the process of funding an extension of reclaimed water service through special assessments shall comply with the requirements of F.S. ch. 170.

(c) *Requirements for new development in designated service areas.* All developers of new residential and commercial projects in a reclaimed water service area as designated in section 21-124 shall be required to construct in accordance with section 21-128 such lines, appurtenances, or facilities as will be necessary to utilize reclaimed water for irrigation purposes. All requirements provided in section 21-4 for construction of utility lines and other additions to the system shall pertain to the reclaimed water system. The city shall retain the right, at all times, to refuse or delay extension of service on the basis of inadequate supply of reclaimed water or for any other reason which, in the judgement of the director, will cause the extension not to be beneficial to the city.

(d) *Liability for permits.* The city shall obtain and fulfill, at its expense, all necessary permits and approvals for the construction and operation of the reclaimed water distribution mains constituting the city's reclaimed water system. Once service is available, any additional permits or approvals required for service to any particular customer, for the customer's benefit, shall be obtained at the sole expense of said customer.

(Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2004-09, § 1, 5-18-04)

§ 21-126. Requirements for reclaimed water service applicants.

(a) *Application.* Reclaimed water service shall be applied for in the utilities department by completing and signing an application form and hold harmless agreement. New customers applying for an initial connection in a project area funded by a special assessment shall also sign a voluntary lien agreement.

(b) *Dimensional plan.* Applications for all reclaimed water service within any right-of-way maintained by the city, county, or state shall include a dimensional plan showing the location of the requested service line and delivery point relative to the nearest street intersection, etc., as required by the city, the county, or the state department of transportation.

(c) *Irrigation system.* Before any application for reclaimed water service will be approved, the customer must have a suitable irrigation system. The irrigation system to be provided by the customer shall consist of an underground system with permanently placed sprinkler devices or below-ground hose-bibbs contained in a locked valve box. No system with a cross-connection to the potable water system will be considered for connection to the reclaimed water system. The system shall not include above-ground faucets or other devices or connections that could permit reclaimed water to be used for any purpose other than irrigation, unless such uses and system have been approved in writing by the director. All new irrigation systems constructed in areas where the city has determined to make reclaimed water available shall be constructed in accordance with Chapter 62-610, Florida Administrative Code. The customer shall provide the city with an irrigation system plan consisting of a schematic drawing of the irrigation system before receiving service. Temporary systems will not be considered for connection.

(d) *Easement.* An applicant for reclaimed water service to a site which does not have public access shall grant perpetual easements to the city for reclaimed water distribution facilities as required to provide reclaimed water service. Said easements shall be in a form acceptable to the city attorney and shall be submitted to the city with the application for service.

(e) *Flow meter.* All reclaimed water customers shall be required to utilize an appropriate sized flow meter. All meters for the reclaimed water system will be installed and owned by the city. An estimate for the cost of the meter and installation fees will be prepared by the department in accordance with section 21-161 and submitted to the applicant for payment prior to installation.

(f) *Cross-connection control.* On all premises where reclaimed water service is provided, the public or private potable water supply shall be protected by an approved backflow prevention device.

(1) All devices and material installed for backflow prevention must be approved by the director and must be installed in accordance with city standards. Where any cross-connection is found, it shall be disconnected. Before re-connection of that service, the public potable water system shall be protected against the possibility of future cross-connections, and additional devices may be required as specified by the director and installed at the customer's expense.

(2) All reclaimed water service serving commercial or industrial customers shall have a double check valve assembly approved by the director.

(3) Reclaimed water customers shall bear all costs of installation, testing, and maintenance of the protection device.

(g) *Restricted use agreement.* All applicants for reclaimed water service shall be required to sign a restricted use agreement prior to approval of the application and comply with the following:

(1) Use of reclaimed water shall be limited to irrigation of turf grass, shrubbery, ornamental plants, trees, bedding materials, potted plants, controlled containment areas such as greenhouses used for the purpose of cultivating ornamental plant vegetation and ornamental plant germination beds.

(2) Reclaimed water shall not be allowed to enter a dwelling or commercial unit for toilet flushing or other household uses.

(3) Reclaimed water shall not be used for human or animal consumption, interconnecting with another water source, sprinkling of edible crops or gardens, body contact recreation, use through hose bibbs, faucets, quick couplers, etc., filling of swimming pools, sharing a reclaimed service or connection between properties, augmenting lake or pond levels, filling of decorative ponds or fountains, supplying air cooling systems, or washing of equipment such as cars, boats, driveways, roofs, structures, etc.

(4) Reclaimed water shall not be permitted to discharge off-site, either directly or through a stormwater drainage system.

(5) Reclaimed water shall not be sold, bartered, traded, or otherwise transferred to any other person or entity without written authorization of the city.

(6) Any violation of the restricted use agreement shall result in immediate discontinuation of reclaimed water service and subject to penalties provided in section 21-131

(h) *Inspections.* To determine the presence of any potential hazards to the public potable water system and for the purposes of perpetual maintenance and repair of reclaimed water system appurtenances, the city shall have the right to enter upon the premises of any customer receiving reclaimed water. Each customer of reclaimed water service shall, by application, give written consent to such entry.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-127. Discontinuation and interruption of service.

(a) *Discontinuation of service by city.* The city may discontinue reclaimed water service to any customer due to a violation of the terms of this chapter or any other city regulation, nonpayment of bills, tampering with any service, plumbing of cross-connections with another water source, or the undertaking of any other activity that may be detrimental to the system. The city has the right to cease service until the condition is corrected and all costs due to the city are paid. These costs may include delinquent billings, connection charges, and payment for any damages to the system. Where the violation endangers the public health or safety of the public or customer, the reclaimed water service shall be subject to immediate discontinuation without prior written or verbal notice. Should discontinued service be restored without authorization of the city, such restoration shall be deemed a violation of the provisions of this chapter and shall incur penalties as provided in section 21-131

(b) *Discontinuation and reinstatement of service by customer.* A request to discontinue service must be received by the department at least two (2) business days prior to discontinuation. Service may be reinstated by a customer upon application for reinstatement and payment of any past due charges on the account. A request for reinstatement of service must be received by the department at least two (2) business days prior to reinstatement.

(c) *Service interruption.* The city reserves the right to temporarily interrupt service without notice to any portion of the reclaimed water system or the entire reclaimed water system as deemed necessary by the director. The director shall have the authority to establish schedules which restrict the use of the reclaimed water system at certain times in order to reduce maximum demands on the system and to regulate usage during periods of limited reclaimed water availability.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-128. Requirements for reclaimed water facilities.

(a) *Application for construction of reclaimed water extensions.* An application for construction of reclaimed water extensions shall be submitted to the city and approved by the director prior to construction.

(b) *Construction specifications.*

(1) Pipe, including color and labeling, shall meet or exceed standards set by the Florida Department of Environmental Protection and standards of the American Water Works Association.

(2) Pipe mains shall be a minimum of four (4) inches in diameter with the following exceptions:

a. *Two-inch mains.* Mains that are two (2) inches in diameter will only be allowed by approval of the director, and in no case will be allowed for any extension serving more than five (5) domestic customers on a cul-de-sac or two (2) domestic customers on a line that is looped. Two-inch mains shall be connected at each end to a main that is four (4) inches or larger in diameter. A two-inch main shall be looped to a main four (4) inches or larger in diameter in a cul-de-sac.

b. *Service lines.* Service line pipe size shall be required in accordance with the type or size of property served, but in no case shall be less than one (1) inch in diameter.

(3) Mains in the public rights-of-way shall be located a uniform distance from the curb, and the location shall be approved by the director.

(4) Vertical and horizontal clearances from potable water lines and sewage collection lines shall be as specified in the applicable Florida Department of Environmental Protection rules.

(5) All valves and outlets shall be placed in tamper-proof boxes and appropriately tagged or labeled to warn the public and employees that the water is not intended for drinking.

(6) Where irrigation mains are to be turned over to the city, the customer shall submit such documents as are normally required for the dedication of public facilities.

(7) "As-built" drawings shall be submitted to the department upon completion of the irrigation system.

(c) *Fire protection.* Hydrants shall be installed on mains constructed at such locations as deemed appropriate by the director for purposes of flushing the reclaimed water system to maintain water quality and may be used as an auxiliary source of water for fire protection. The pressure and/or volume of reclaimed water through a reclaimed water hydrant is not guaranteed.

(d) *Common service lines.* The director shall have the authority to approve one (1) service line to connect two (2) or more customers when sufficient capacity is available. In these cases, each customer shall pay the full connection charge. Common service lines will be sized to provide adequate service to each customer serviced.

(e) *Acceptance of facilities by city.*

(1) Public easement required. For reclaimed water lines and appurtenances which are initially installed by a person or entity other than the city, said lines and appurtenances shall not be accepted by the city for maintenance unless the facilities are within a dedicated public right-of-way or easement and the facilities are determined by the director to be in good working order. Any new easement or licensed or permitted area shall be adequately sized to accommodate construction and maintenance of any reclaimed water system component. No obstruction of whatever kind shall be planted, built, or otherwise created within the limits of the easement, right-of-way or licensed or permitted area without the written permission of the director.

(2) Ownership by city. All reclaimed water facilities and appurtenances within dedicated public rights-of-way or easements when constructed or accepted by the city shall become and remain the property of the city. No applicant or customer shall by payment of any charges provided herein, or by causing any construction of facilities accepted by the city, acquire any interest or right in any of these facilities or portions thereof, other than the privilege of having their property connected thereto for reclaimed water service in accordance with this article.

(3) Maintenance by city. All facilities that have been accepted by the city shall become the property of the city and shall be operated, maintained and repaired by the city. No person shall perform any work nor be reimbursed for any work on the system unless written authorization from the city is received prior to the work being accomplished.

(4) Liability for system failure. The city shall make a reasonable effort to inspect and keep its facilities in good repair, but assumes no liability for any damage caused by the system that is beyond the control of normal maintenance or due to situations not previously reported to the department. This shall include damage due to breaking of the pipes, poor quality of water caused by unauthorized or illegal entry of foreign material into the system, faulty operation of fire protection facilities, or other reasons.

(f) *Maintenance by customer.* The customer shall be responsible for the maintenance and repair of all irrigation lines and appurtenances on the customer's property, unless said facilities are located within land previously conveyed to the city or land in which the city has issued a license or permit to operate such facilities. The city reserves the right to disconnect the service to any property when the irrigation system appurtenances are not properly maintained or fail to meet the requirements of Chapter 62-610, Florida Administrative Code. In addition, should the customer require reclaimed water at different pressures or different quality, or in any way different from that normally supplied by the city, the customer shall be responsible for the necessary devices to make these adjustments and for obtaining the approval of the director.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-129. Authority to enter into and execute a reclaimed water use agreement.

The commission hereby grants authority to the city manager to enter into and execute on behalf of the city a reclaimed water use agreement for any property located within the Lake Wales Utility Service Area.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-130. Appeals to the commission.

Any refusal by the city manager to grant service to an applicant shall be appealable to the commission. However, said appeal must be filed with the city clerk within fourteen (14) days of the date of the decision.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-131. Penalties.

Every person convicted of a violation of any particular provision of this article shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days, or by both such fine and imprisonment. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. In addition, said provisions may be enforced by the city in accordance with Chapter 12, Lake Wales Code of Ordinances. In addition, the city may enjoin or abate any violation of this article by appropriate legal action.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-132. Adoption of Chapter 62-610, FAC.

The rules and regulations appearing in Chapter 62-610, Florida Administrative Code, as may be amended from time to time, are hereby adopted by reference as though fully set forth within this article. In the event of any variation between the provisions of Chapter 62-610, FAC, and the provisions of this article, the more strict provision shall prevail.

(Ord. No. 2001-06, § 1, 5-15-01)

Article VI. Charges And Fees For Utility Services

Division 1. Generally

§ 21-151. Separate connections for each single-family residential unit.

Each single-family residential unit whether occupying one (1) or more lots and whether it shall occupy any lot or parcel jointly with any other single-family residential unit shall be considered a separate unit for the payment of utility service charges and fees, and separate connections will be required for each of such units.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-111.

§ 21-152. No free service.

(a) No utility service shall be furnished or rendered free of charge to any person, firm, corporation, institution or organization.

(b) The city and each and every agency, department or instrumentality which uses such services shall pay therefor at the rates established by this article.

(c) No person, firm, corporation, institution or organization shall be permitted to open a new utilities account if unpaid charges exist for any account previously held by such person, firm, corporation or institution. Where a new account has been opened without payment of charges existing for a previous account, current service shall be discontinued if such charges remain unpaid for more than thirty (30) days after notification by the city that such charges exist.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-112.

§ 21-153. Deposit required.

(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 thousand (8,000) 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) for the second time in a twelve-month period, an additional deposit shall be required to bring the total on deposit equal to twice the amount of the deposit normally required.

(c) Interest on customer deposits shall be paid annually beginning with the first billing which follows January 1, 1997, and the first interest paid on customer deposits shall be calculated from January 1, 1996 through December 31, 1996. Interest shall be paid in the form of a credit applied to the customer's bill at the rate earned during the month when the interest credit is applied. Payment of interest on a new deposit shall be calculated on a pro-rated basis.

(d) Upon receipt of a request for refund of deposit, the city shall refund a customer's deposit after three (3) years of continuous service without a delinquent payment or dishonored check. A refund of deposit shall occur only after the monies have been applied to any outstanding balances in closed accounts previously held by that same customer. If the customer's service is disconnected for delinquent payment or dishonored check after a deposit has been refunded, a new deposit shall be required before service is reconnected. Payment of interest on the deposit to be refunded shall be calculated on a pro-rated basis and added to the amount to be refunded.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2006-35, § 1, 10-3-06; Ord. No. 2007-37, § 1, 9-18-07; Ord. No. 2011-28, § 1, 11-1-11)

REFNOTE

Formerly § 21-113.

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

(a) *Billing period.* Charges for services rendered by the utility system shall be billed by the city on a monthly basis and shall be paid by the user within twenty (20) days of being billed for such services. The "billing date" shall mean the date on which the bills are delivered to the U.S. Post Office for mailing. The date identified on the bill as the date on which the payment is due shall be twenty (20) days after the "billing date." If payment is hand-delivered to the city by the user, the "date paid" shall mean the date of receipt by the city's cashier. If the payment is mailed to the city by the user, the "date paid" shall mean the date on which the envelope is postmarked.

(b) *New accounts.* An administrative fee in the amount of fifteen dollars (\$15.00) shall be charged for the creation of a new customer account record and connection of service to the new account.

(c) *Dishonored checks.* Service shall be disconnected if a check tendered in payment of a utility bill is dishonored for any reason. The amount due on the account shall be paid in full by cash or money order prior to the reconnection of service. A fee in the amount of five (5) percent of the amount of the check or twenty dollars (\$20.00), whichever is greater, shall be assessed for each dishonored check as authorized by F.S. § 166.351. In addition, a fifteen dollar (\$15.00) reconnect fee shall be charged to the customer's account. If two (2) checks are returned in a six-month period, the city shall not accept a personal check from the customer for a twelve-month period beginning with the date on which the second check is dishonored.

(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 twenty-four-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 remained unpaid six (6) 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) nonpayment 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), nonpayment fees, and past due charges have been paid. The city manager or their designee shall have the authority to waive the nonpayment fee when extenuating circumstances exist which prevent the payment of utility charges by the date due.

(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) extension agreements per a six-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 (1) 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 forty-five (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) and shall not be authorized for a period greater than twelve (12) months.

e. No more than one (1) installment agreement per twelve-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 (1) 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 twenty-four (24) months.

(g) *Enforcement of collections.* The city is authorized to pursue and shall pursue all legal means to collect monies due the system including, but not limited to, referral of delinquent accounts to collection agencies and filing a claim of lien, after review by the office of the city manager, against a property in the amount of the unpaid charges plus legal and administrative costs of the collection.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 96-22, § 1, 11-19-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 01-12, § 1, 9-18-01; Ord. No. 03-09, § 1, 4-15-03; Ord. No. 2006-49, § 1, 12-5-06; Ord. No. 2009-01, § 1, 2-3-09; Ord. No. 2011-28, § 1, 11-1-11)

EDITOR'S NOTE

Formerly § 21-114.

§ 21-155. Establishment and revision of rates and charges.

(a) The city shall establish a schedule of rates and charges to produce revenues from the utility system sufficient to pay the cost of maintaining, repairing and operating the utility system and leave a balance of such revenues so as to pay, when due, the principal and interest on the utility system revenue bonds of the city and accumulate and maintain prescribed revenues therefor and for renewals, replacements and betterments.

(b) The schedule of rates and charges established by this article shall be automatically adjusted annually beginning on October 1, 2008 to reflect an increase based on June's annual CPI or two and one-half (2.5) percent, whichever is greater, without further need for commission action.

(c) The schedule of rates and charges and the percent of automatic annual CPI increase shall be reviewed periodically and revised from time to time as may be necessary to produce revenues from the utility system sufficient to pay the cost of maintaining, repairing and operating the utility system and leave a balance of such revenues so as to pay, when due, the principal and interest on the utility system revenue bonds of the city and accumulate and maintain prescribed revenues therefor and for renewals, replacements and betterments.

(d) No rates, fees, rentals or other charges shall be reduced so as to render them insufficient to provide revenues in each year sufficient to pay the requirements for maintenance, repair and operating expenses and principal, interest and all reserve account payments or to comply with the rate covenants of utility system revenue bonds.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 01-12, § 1, 9-18-01; Ord. No. 2007-37, § 1, 9-18-07)

EDITOR'S NOTE

Section 3 of Ord. No. 2007-37 provided for an effective date of Oct. 1, 2007.

REFNOTE

Formerly § 21-115.

§ 21-156. Reserved.

EDITOR'S NOTE

Ord. No. 2001-12, § 1, adopted Sept. 18, 2001, repealed § 21-156 in its entirety. Formerly, said section pertained to deposits of revenue as enacted by Ord. No. 96-06, § 1, adopted May 21, 1996; as amended.

§ 21-157. Public service tax not revenue of utility system; inclusion of other municipal charges on utility bill.

(a) The proceeds of any public service tax imposed and collected on bills for any utility service shall not be classified or included as revenues of the utility system but shall be classified and included as revenues of the general fund of the city.

(b) Bills rendered by the city for solid waste disposal or other unrelated municipal services to the same premises may be included as a separate item or items on the utility bill, but the amounts thus collected shall not be classified or included as revenues of the utility system.

(c) Charges assessed against a property for any municipal purpose may be included as a separate item or items on the utility bill, but the amounts thus collected shall not be classified or included as revenues of the utility system.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-117.

Division 2. Sewer Charges And Fees

EDITOR'S NOTE

Formerly § 21-117.

§ 21-161. Schedule of rates for sewer service.

Effective: Tuesday, September 15, 2015

The city shall implement the sewer rates established on Schedule "A" which is attached hereto and incorporated by reference and which may be amended from time to time for the use of the facilities and services of the now existing sewer system and any other sewer system hereafter constructed or otherwise acquired by the city as provided for by this chapter:

EXHIBIT "A" SEWER RATES

| Sewer Rates | | Inside City | Outside City |
|--------------------------------|------------------------------|-------------|--------------|
| Services Availability Charges: | | | |
| ERU's | Residential (per Meter) | | |
| | Service Availability Charge: | | |
| ERU's | Residential (per Meter) | | |
| 1 | ¾" Meter | 24.79 | 30.98 |
| 1 | 1.0" Meter | 24.79 | 30.98 |
| 5 | 1.5" Meter | 123.95 | 154.93 |
| 8 | 2.0" Meter | 198.30 | 247.89 |
| 16 | 3.0" Meter | 396.61 | 495.75 |
| | | | |
| 1 | Residential Vacation Rate | 12.40 | 15.49 |
| | | | |
| 0.8 | Multi-Family (per unit) | 19.83 | 24.78 |
| | | | |
| ERU's | Commercial (per Meter) | | |
| 1 | ¾" Meter | 24.79 | 30.98 |
| 2.5 | 1.0" Meter | 61.97 | 74.04 |

| | | | |
|---|------------|-------------|--------------|
| 5 | 1.5" Meter | 123.95 | 154.93 |
| 8 | 2.0" Meter | 198.30 | 247.89 |
| 16 | 3.0" Meter | 396.61 | 495.75 |
| 25 | 4.0" Meter | 619.69 | 774.60 |
| 50 | 6.0" Meter | 1,239.41 | 1,549.25 |
| Sewer Gallonage Charges: | | Inside City | Outside City |
| Volume Charges (per 1,000 gallons) | | | |
| | Block 1 | 3.25 | 4.06 |
| | Block 2 | 5.70 | 7.13 |
| Sewer Usage Blocks | | Per ERU | |
| | Block 1 | Up to 5,000 | |
| | Block 2 | 5,000 | |
| Residential is capped at fifteen thousand (15,000) gallons per ERU. Multi-family is capped at twelve thousand (12,000) gallons per unit. Commercial is not capped. | | | |
| Fifty (50) percent of Base Charge for availability of service will be assessed on any meter without consumption during reading cycle when service has been temporarily disconnected at the request of the customer. | | | |

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2001-12, § 1, 9-18-01; Ord. No. 2006-35, § 1, 10-3-06; Ord. No. 2007-37, § 1, 9-18-07; Ord. No. 2015-07, § 1, 9-15-15)

NOTATION

Editor's note

Section 3 of Ord. No. 2007-37 provided for an effective date of Oct. 1, 2007.

refnote

Formerly § 21-121

§ 21-162. Relief from charges resulting from excessive water consumption due to severe leaks.

When it is verified by utilities department staff that excessive consumption has been caused by a severe leak in the internal system of the customer and that repairs have been made by the customer, the customer's sewer charges for the period of the excessive consumption shall be adjusted to reflect the average water consumption for the twelve (12) month period prior to the excessive consumption. If the account has less than a twelve (12) month service history, charges for the period of the excessive consumption shall be adjusted to reflect the average water consumption for the period during which the customer has been served.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-122

§ 21-163. Sewer system impact fee.

(a) A sewer system impact fee will be charged for the proposed new connection to the sewer system in accordance with sections 23-411 through 23-423 of this Code. For those customers residing within the utility service area, wherein service is available, a fee for sewer expansion capital needs will be charged as provided in section 23-425.

(b) Payment of the sewer system impact fee shall be made prior to connection to the sewer system.

(c) The sewer system impact fee will be deposited into the Wastewater System Impact Fee Trust Account immediately upon receipt. Impact fees deposited into said account shall be used solely for the purpose of constructing or improving the city's wastewater system as provided in section 23-425.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-123

§ 21-164. Sewer stub location and installation.

(a) All customers connecting with the sewer system of the city shall be charged an amount sufficient to cover the cost of installing a sewer stub, which fee shall be applicable to inside-city customers as follows:

(1) A sewer stub location fee of twenty-eight dollars and ninety-nine cents (\$28.99) will be charged whenever excavation is required to locate a sewer stub.

(2) When a sewer stub is not available on an existing sewer main, an appropriate installation fee shall be presented to the customer; the fee shall be based on the actual cost of materials, labor and equipment as shall be established from time to time by the director of utilities and approved by the city manager.

(3) The twenty-five dollar (\$25.00) cost of the sewer stub location shall be deducted from the cost of the sewer stub installation when a sewer stub is not available on an existing sewer main.

(4) Sewer stub location fees as stated in subsection (1) above shall be charged for all applicable outside-city users at the rate of one hundred fifty (150) percent of the charges stated.

(b) The sewer stub location and installation fees represent the service cost for connecting to the system only and shall be in addition to the established monthly charge for service and the sewer impact fee. Payment of sewer stub location and installation fees shall be made prior to connection to the sewer system. The physical connection from the house to the stub shall be made by a licensed plumber at the property owner's expense.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2001-12, § 1, 9-18-01)

EDITOR'S NOTE

Formerly § 21-124

Division 3. Water Charges And Fees**EDITOR'S NOTE**

Formerly § 21-124

§ 21-171. Schedule of rates for water service.*Effective: Tuesday, September 15, 2015*

The city shall implement the water rates established on Schedule "B" which is attached hereto and incorporated by reference and which may be amended from time to time for the use of the facilities and services of the now existing water system and any other water system hereafter constructed or otherwise acquired by the city as provided for by this chapter:

EXHIBIT "B"
WATER RATES

| Water Rates | | Inside City | Outside City |
|--------------------------------|---------------------------|-------------|--------------|
| Services Availability Charges: | | | |
| ERU's | Residential (per Meter) | | |
| 1 | ¾" Meter | 6.98 | 8.73 |
| 1 | 1.0" Meter | 6.98 | 8.73 |
| 5 | 1.5" Meter | 34.90 | 43.63 |
| 8 | 2.0" Meter | 55.84 | 69.80 |
| | | | |
| 1 | Residential Vacation Rate | 3.49 | 4.36 |
| | | | |
| 0.8 | Multi-Family (per unit) | 5.58 | 6.98 |
| | | | |
| ERU's | Commercial (per Meter) | | |
| 1 | ¾" Meter | 6.98 | 8.73 |
| 2.5 | 1.0" Meter | 17.45 | 21.81 |
| 5 | 1.5" Meter | 34.90 | 43.62 |
| 8 | 2.0" Meter | 55.84 | 69.80 |
| 16 | 3.0" Meter | 111.68 | 139.60 |
| 25 | 4.0" Meter | 174.50 | 218.12 |
| 50 | 6.0" Meter | 349.00 | 436.25 |
| | | | |
| ERU's | Irrigation (per Meter) | | |
| 1 | ¾" Meter | 6.98 | 8.73 |
| 2.5 | 1.0" Meter | 6.98 | 8.73 |
| 5 | 1.5" Meter | 34.90 | 43.63 |

| | | | |
|---|------------|-----------------|--------------|
| 8 | 2.0" Meter | 55.84 | 69.80 |
| 16 | 3.0" Meter | 111.68 | 139.60 |
| | | | |
| Water Gallonage Charges: | | Inside City | Outside City |
| Volume Charges (per 1,000 gallons) | | | |
| | Block 1 | 2.76 | 3.45 |
| | Block 2 | 3.73 | 4.67 |
| | Block 3 | 5.79 | 7.24 |
| | Block 4 | 9.54 | 11.93 |
| | | | |
| Water Usage Blocks | | Per ERU | |
| | Block 1 | Up to 5,000 | |
| | Block 2 | 5,001 - 10,000 | |
| | Block 3 | 10,001 - 25,000 | |
| | Block 4 | 25,001 | |
| Fifty (50) percent of Base Charge for availability of service will be assessed on any meter without consumption during reading cycle when service has been temporarily disconnected at the request of the customer. | | | |

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2001-12, § 1, 9-18-01; Ord. No. 2006-35, § 1, 10-3-06; Ord. No. 2007-37, § 1, 9-18-07; Ord. No. 2015-07, § 1, 9-15-15)

NOTATION

Editor's note

Section 3 of Ord. No. 2007-37 provided for an effective date of Oct. 1, 2007.

refnote

Formerly § 21-131

§ 21-172. Miscellaneous charges for water system services.

Effective: Tuesday, November 17, 2015

(a) *Fire hydrants.* (Payable quarterly) per year per hydrant\$35.00

(b) *Meter installation and service charge:* The charge for installing a water meter shall be the cost of materials and labor as established by the city.

(c) *Construction meter fee.* For all construction or other temporary water service installation, the deposit shall be fifteen hundred dollars (\$1500.00). All construction meters or other temporary water service installation will be billed a flat fee of two dollars and forty-seven cents (\$2.47) per day for use of the meter.

(d) *"Read and time" service charge.* A service charge of twenty-eight dollars and ninety-nine cents (\$28.99) will be required on all accounts requesting a re-read and timing for leaks unless the results of the "read and time" examination indicate that the city is the party responsible for correcting the problem. If the city is the responsible party, no service charge shall be incurred by the customer, and the problem shall be corrected by the city.

(e) *Wholesale rate.* A wholesale rate of one dollar and thirty-nine cents (\$1.39) per one thousand (1,000) gallons shall be charged for the use of water by facilities owned, operated or maintained by the city for public purposes and for the bulk sale of water to the utilities department of a governmental agency.

(f) *Temporary service.* Temporary service may be provided for the purpose of cleaning a vacant building. The owner or agent for the owner may obtain temporary service after payment of a temporary service fee equal to the current minimum charge for water and sewer service. Charges for consumption in excess of five thousand (5,000) gallons shall be billed to the owner or agent for the owner who has requested temporary service.

(g) *Service availability analysis.* All customers seeking to make a new connection to the water system of the city shall be charged an amount sufficient to cover the cost of analyzing availability of service, which fee shall be applicable to inside-city customers as follows:

(1) A water service line location fee of twenty-eight dollars and ninety-nine cents (\$28.99) will be charged to locate a water service.

(2) When a water service line is not readily available on an existing water main, an appropriate installation fee shall be presented to the customer; the fee shall be based on the actual cost of materials, labor and equipment as shall be established from time to time by the director of utilities and approved by the city manager. The cost of the water service line location shall be deducted from the cost of the water service installation.

(3) Water service line location fees as stated in subsection (1) shall be charged for all applicable outside city users at the rate of one hundred fifty (150) percent of the charges stated.

(4) The water service line location and installation fees represent the service cost for connecting to the system only and shall be in addition to the established monthly charge for service and the water impact fee. Payment of water service line location and installation fees shall be made prior to connection to the water system.

(h) *Backflow preventer device inspection.* All commercial meters and irrigation meters shall pay two dollars and fifty cents (\$2.50) per month for annual inspection and other costs associated with administration of the city's cross connection control and backflow prevention program as required by the state department of environmental protection.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01; Ord. No. 2001-12, § 1, 9-18-01; Ord. No. 2007-06, § 1, 4-4-07; Ord. No. 2010-02, § 1, 3-16-10; Ord. No. 2011-15, § 1, 9-7-11; Ord. No. 2015-12, § 1, 11-17-15)

NOTATION

refnote

Formerly § 21-132

§ 21-173. Relief from charges resulting from excessive water consumption due to severe leaks.

When it is verified by utilities department staff that excessive consumption has been caused by a severe leak in the internal system of the customer and that repairs have been made by the customer, the customer's water charges for the period of the excessive consumption shall be adjusted as follows:

(1) After determination of the customer's average consumption for the twelve (12) month period prior to the excessive consumption, such average consumption shall be billed at the rate normally charged to the customer. If the account has less than a twelve (12) month service history, charges for the period of the excessive consumption shall be adjusted to reflect the average water consumption for the period during which the customer has been served.

(2) All consumption in excess of the customer's average consumption shall be billed at the wholesale rate.

(Ord. No. 96-06, § 1, 5-21-96; Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-133.

§ 21-174. Water system impact fee.

(a) A water system impact fee will be charged for the proposed new connection to the water system in accordance with sections 23-411 through 23-423 of this Code. For those customers residing within the utility service area, wherein service is available, a fee for water system expansion capital needs will be charged as provided in section 23-424.

(b) Payment of the water system impact fee shall be made prior to connection to the water system.

(c) The water system impact fee will be deposited into the Water System Impact Fee Trust Account immediately upon receipt. Impact fees deposited into said account shall be used solely for the purpose of constructing or improving the city's water system as provided in section 23-424.

(Ord. No. 2001-06, § 1, 5-15-01)

EDITOR'S NOTE

Formerly § 21-134.

Division 4. Reclaimed Water Charges And Fees

EDITOR'S NOTE

Formerly § 21-134.

§ 21-181. Schedule of rates for reclaimed water service.

(a) There is hereby levied a charge for connection to and use of the facilities and services of the reclaimed water system in accordance with rates established herein which shall be automatically adjusted on an annual basis in accordance with section 21-155 to reflect an increase of two and one-half (2½) percent without further need for commission action, said increase to adjust for typical annual increases in the CPI. The first such rate adjustment shall occur after the system has been operational and providing reclaimed water services for a minimum period of twelve (12) months.

| | Inside City | Outside City |
|--|--|--------------|
| Usage fee, per 1,000 gallons | \$0.30 | \$0.38 |
| Commercial/industrial application/inspection fee | 60.00 | 75.00 |
| Service connection fee* | | |
| 5/8" connection | 165.00 | 206.25 |
| 1" connection | 265.00 | 331.25 |
| 1½" connection | 440.00 | 550.00 |
| Larger than 1½" connection | cost of labor and materials as established by the city | |

*Note: Connection fee will be waived if the service connection is installed by the commercial/industrial customer with the approval of the city.

(b) Well credit transfers may result in a negotiated rate for reclaimed water service. The city manager is authorized by this division to negotiate said rate where applicable.

(Ord. No. 2001-06, § 1, 5-15-01)

§ 21-182. Billing, payment and mandatory discontinuation of service.

All provisions of section 21-154 shall apply to the billing, payment and mandatory discontinuation of reclaimed water service.

(Ord. No. 2001-06, § 1, 5-15-01)

Division 5. Lifeline Program

§ 21-191. Lifeline.

Lifeline is an assistance program for Lake Wales' residential water and sewer customers which are low-income households. The Lifeline assistance reduces the residential customer's monthly water/sewer utility bill by an amount equivalent to the established base charge for the residential customer's household water and/or sewer services.

The reduction is in the form of a credit on the residential utility customer's monthly bill.

(Ord. No. 2007-54, § 1, 10-16-07)

§ 21-192. Eligibility.

Participation is limited to ten (10) percent of total utility customers. The ten (10) percent quota will be recalculated yearly with an effective date of October 1 each year. Applications will be processed in the order they are received. Applications, in order to be processed, must be filed by the applicant at the Utility Customer Service area located in the City's Municipal Administration Building. Lifeline is available to City of Lake Wales's residential utility customers as limited above who meet one of the following criteria:

(a) The utility account must be in the name of the participant who receives public assistance from any one of these programs: Food stamps, Medicaid, Federal Public Housing Assistance (Section 8), Supplement Security Income (SSI), Low-Income Home Energy Assistance Program (LIHEAP), Temporary Assistance to Needy Families (TANF), or National School Lunch (NSL) Program's Free Lunch Program; OR

(b) The utility account must be in the name of the eligible low-income, head of household. Income is determined by the federal poverty guidelines, which are based on the number of people in the household and the total amount of money received by each member in the household. The household income must be less than one hundred thirty-five (135) percent of the U.S. Poverty Guidelines.

(Ord. No. 2007-54, § 1, 10-16-07)

§ 21-193. Documentation.

Documentation, as set forth below, supporting Lifeline eligibility must be submitted with the application for assistance:

(a) Proof of participation in any one of the public assistance programs listed in subsection 21-192(a) must be submitted with the Lifeline Public Assistance Application.

(b) Proof of household income supporting documents include U.S. Individual Income Tax Statement, W-2 Wage and Tax Statement, Social Security Statement of Benefit, Veteran's Administration Statement of Benefit, Public/Private Retirement/Pension Statement, Unemployment Benefit Statement, Worker's Compensation Statement of Benefit, Divorce Decree, Child Support Decree, or other official agency document. Lifeline applicants may provide proof of the total household income by including copies of the documents that apply with the Lifeline Low-Income Assistance Application.

(Ord. No. 2007-54, § 1, 10-16-07)

§ 21-194. Confidentiality.

All information relating to the Lifeline program shall be considered confidential and will not be disclosed to any other individuals unless required for legitimate business or otherwise compelled by law.

(Ord. No. 2007-54, § 1, 10-16-07)

§ 21-195. Renewal.

To be able to continue in the program, recipients must re-apply annually. Assistance will terminate one year from approval date. Recipients must notify the City's Utility Department when they are no longer eligible for this assistance program. No renewal notifications will be sent.

(Ord. No. 2007-54, § 1, 10-16-07)

§ 21-196. Billing, payment and mandatory discontinuation of service.

All provisions of section 21-154 shall apply to billing, payment and mandatory discontinuation of utility services.

(Ord. No. 2007-54, § 1, 10-16-07)
