

ORDINANCE NO. 2007-951

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, AMENDING VARIOUS SECTIONS AND SUBPARTS OF THE CITY OF MOUNT DORA CODE OF ORDINANCES TO CHANGE THE METHOD OF CALCULATING UTILITY DEPOSITS; PROVIDING MINIMUM DEPOSITS FOR RESIDENTIAL, NON-DEMAND AND DEMAND ELECTRIC SERVICE; PROVIDING MINIMUM DEPOSITS FOR RESIDENTIAL AND GENERAL SERVICE FOR WATER AND WASTEWATER; PROVIDING A MINIMUM DEPOSIT FOR RESIDENTIAL IRRIGATION; PROVIDING A MINIMUM DEPOSIT FOR RESIDENTIAL SANITATION; PROVIDING FOR REFUND, WAIVER AND REVIEW OF UTILITY DEPOSITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mount Dora wishes to adopt new minimums and procedures regarding the various utility deposits charged by the City; and

WHEREAS, after due deliberation the City Council has determined to amend the Mount Dora Code of Ordinances to reflect these new minimums and procedures; and

WHEREAS, deletions are indicated by ~~strikethrough~~ and additions are indicated by underline.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA:

SECTION 1. Section 86.260. Definitions for electric utility rates.

Section 86.260 of the City of Mount Dora Code of Ordinances is hereby amended to read as follows:

The following words, terms and phrases, when referring to rates for electric utilities in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billing, Estimated Monthly Bill – for the purposes of calculating minimum deposits, the monthly estimated bill will be the total amount of the bill, including taxes and surcharges for each service.

SECTION 2. Section 86.270. Deposits.

Section 86.270 of the City of Mount Dora Code of Ordinances is hereby amended to read as follows:

(a) Utility services at any location shall not commence until all deposit requirements have been satisfied by the customer.

(b) Multiple utility services – For residential customers with more than one utility service, the minimum deposit requirement for each service will be added together, but a residential customer’s total deposit will not exceed the maximum amount required in (c)(1) of this Section.

(c) (a) *Electric.* Electric deposits shall be as follows:

(1) *Residential service.* The minimum deposit for existing residential service is ~~100.00~~ \$240.00 or two (2) times the average monthly estimated billing, whichever is greater. Whenever consumption records indicate that any one month's usage exceeds the average monthly usage by more than two times, the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months. The deposit amount for residential service at a new home (construction completed within the last 24 months) shall be \$240.00.

(2) *General non-demand service.* Minimum deposit for general non-demand service is ~~\$150.00~~ \$240.00 or two (2) times the average monthly estimated billing, whichever is greater. Whenever consumption records indicate that any one month's usage exceeds the average monthly usage by more than two times the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months. For deposits in excess of \$1,000.00, a renewable security bond will be accepted.

(3) *General demand service.* The minimum deposit for general demand service is \$1,500.00 or two (2) times the average monthly estimated billing, whichever is greater. Whenever consumption records indicate that any one month's usage exceeds the average monthly use by more than two times, the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months. A renewable security bond will be accepted in lieu of money.

(d) (b) *Water and Wastewater sewer.* Water and wastewater sewer deposits shall be as follows:

(1) *Residential service.* The minimum deposit for residential service for water ~~and sewer~~ shall be ~~\$10.00~~ \$40.00 or two (2) times one month's estimated service. The minimum deposit for residential service for wastewater shall be \$75.00 or two (2) times one month's estimated service. Whenever consumption records indicate that any one month's usage exceeds the average monthly usage by more than two times, the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months.

(2) *General service.* The minimum deposit for general service (all other than residential) water ~~and sewer~~ service shall be ~~\$25.00~~ \$40.00 ~~for each~~ or ~~100~~ two (2) times one month's estimated service. The minimum deposit for general service

(all other than residential) wastewater service shall be \$75.00 or two (2) times one month's estimated service. Whenever consumption records indicate that any one month's usage exceeds the average monthly usage by more than two times, the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months.

(e) Irrigation – The minimum deposit for residential service for irrigation shall be \$60.00 or two (2) times one month's estimate service. Whenever consumption records indicate that any one month's usage exceeds the average monthly usage by more than two times, the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months.

(f) Sanitation – For residential service, the minimum deposit for residential service for sanitation shall be \$35.00. For general service, the deposit requirement shall be two (2) times the highest monthly billing experienced during the previous 24 months.

(g) (e) Refund. Upon termination of an account, the deposit shall be applied towards any balance due. For residential accounts only, deposits will be refunded after 24 months if the customer is in good standing and has had no late payments during the 24 month period.

(h) (d) Transfer to new service address. Utility deposits may be transferred from a prior service address to a new service address without charge, and final service terminations shall not incur any termination charges.

(i) (e) Transfer of service to new location without deposit. If a utility customer has received a refund of a deposit or a customer who was not previously required to post a deposit has been a customer in good standing for 24 consecutive months with no late payments during that period, customer shall have the right to transfer the utility service to a new location without the requirement of an additional service deposit.

(j) Waiver of Deposit – Deposits may be waived for residential customers under either of the following conditions:

- (1) The deposit requirement may be waived if the customer produces documentation from their prior utility provider that they have had no more than two late payments in the immediately preceding 24 months. Such documentation must be provided prior to service activation. If documentation is provided subsequent to payment of required deposits on an account, the deposit amounts may be refunded if no more than two late payments have been made since the commencement of services.
- (2) The deposit requirement may be waived if the customer provides positive identification and agrees to a personal credit check. If the credit check demonstrates a satisfactory credit rating, the initial deposit may be waived.

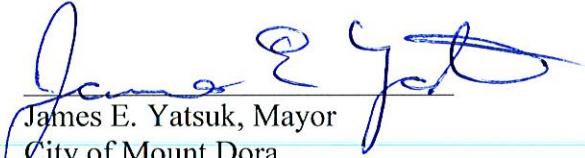
(k) Ongoing Deposit Requirements - If a customer's account appears on any scheduled delinquent disconnect listing, regardless of whether the service is actually disconnected, their account may be reviewed for deposit sufficiency. If the amount of their current deposit balance is less than the minimum as set forth in this section, the customer may be billed for the additional deposit amount required to bring their deposit balance to the minimum amount on their next occurring bill.

SECTION 3. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

SECTION 5. Effective Date. This ordinance shall take effect immediately upon its final adoption by the City Council.

PASSED AND ORDAINED this 4th day of September, 2007, by the City Council of the City of Mount Dora, Florida.


James E. Yatsuk, Mayor
City of Mount Dora

Attest:

First Reading: 08/21/07

Final Reading: 09/04/07


Michael Quinn, City Clerk
City of Mount Dora

Approved as to form:


Clifford B. Shepard, City Attorney
City of Mount Dora