

ORDINANCE 2010 - 20**AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 86, SECTION 42. DEPOSITS, GENERALLY; AMENDING CERTAIN FEES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Chapter 86 of the City Code provides for a unified water and sewer system; and

WHEREAS, the Chapter 86 of the City Code provides for certain fees and charges, provides a table of charges and provides for amending the amount of such fees and charges by Resolution of the City Commission; and

WHEREAS, the City Commission finds that it is in the best interest to amend Chapter 86 regarding water and sewer deposits as set forth herein-below; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLEVIEW, FLORIDA, AS FOLLOWS:

Section 1. The City of Belleview Code of Ordinances, Chapter 86, Section 86-42 is hereby amended to read as follows:

“Chapter 86, Section 86-42 Deposits Generally.

- (a) Deposits Required.** The deposit fees set forth in Appendix "B", Table 3, Public Works Fees of the City Code of Ordinances shall be paid by all persons connecting to the City water or sanitary sewer system or who utilize the city water, sewer or garbage and trash collection services.
- (1) Residential deposits shall include single family residential units, mobile homes, single story apartment units, multi-story apartment units, condominiums, townhomes or any other residential unit in accordance with the fee schedule.**
 - (2) Business and commercial deposits shall be in accordance with the fee schedule.**
 - (3) All customer deposits are maintained in a separate, non-interest bearing account.**
- (b) Application.** All customers must complete a utility application and provide a state issued photo identification or driver's license.
- (c) Former Customers.** The requirement for a deposit may be waived for any *former* customer of the City of Belleview with a good payment history with the City of Belleview utilities when opening a new account. Should a customer have an

outstanding balance on a prior account(s), the prior account(s) must be paid in full before receiving service at the new location. No deposit waivers will be granted on the new account.

- (d) Transfer of Account.** When a current City customer transfers to a new location, utility service may be provided to both locations simultaneously for no more than seven (7) days without posting an additional deposit, provided the customer has a good payment history with the City of Bellevue and the current location bill is paid in full. The current deposit and final bill will be transferred to the new account.
- (e) Transfer of Deposit.** A current City customer in good standing may relinquish their rights to their deposit by transferring it to another account. Both the current deposit holder and the deposit receiver must sign the transfer agreement and provide the required identification for the City files.
- (f) Name Change on Account.** A name may be changed and deposit transferred to a different customer in the event of death or divorce or when a business has purchased all assets and the legal documents specifically state that the utility deposits are part of the assets transferred to the new owners. Legal documents must be provided to substantiate qualification for transfer under this section.
- (g) Multiple Accounts.** Any owner or occupant of residential or commercial property with a good payment history with the City of Bellevue may establish multiple accounts without additional deposits required.
- (h) Short Term Service for Rental Units.** A landlord with an existing service and a good payment history may request a waiver of deposit for short-term service for a rental unit for the purpose of cleaning, painting or renovating the rental unit. Such short term service is for an unoccupied unit only, and the landlord must provide a definite termination date, not to exceed fifteen calendar days, for the short term service.
- (i) Irrigation meters.** Deposits are not required for irrigation meters when used as additional services with the active account.
- (j) Refund of deposits - good payment history.** The City may return utility deposits to customers who maintain a good payment history for three years. A “good payment history” for the purposes of this section is defined as an account with no “non-payment status” penalties or dishonored checks for a period three years.
- (k) Refund of deposits – termination of service.** Deposits will be applied to account balances upon calculation of the final bill and are refunded to the name on the account only. The City retains the right to apply any refundable deposit against the customer’s account(s) for services including water, sewer, garbage or any

associated fees including non-payment status fees, and then to refund any credit balance remaining.

BE IT FURTHER ORDAINED by the City Commission of the City of Belleview, Florida that Sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section”, “article” or other appropriate designation.

Severability. If any provision or portion of this Ordinance is declared, by any court of competent jurisdiction, to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

Effective Date. This Ordinance shall become effective upon adoption, as provided herein.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing Ordinance was duly read upon First Reading by a 4 - 0 vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on September 21, 2010. Said Ordinance was duly read, passed and adopted upon Final Reading by a 5 - 0 vote of the City Commission of the City of Belleview, Florida, at a Public Hearing held on October 5, 2010.

TAMMY C. MOORE
Mayor/Commissioner

Attest:

SANDI McKAMEY, MMC, CPM
City Clerk/Administrator

APPROVED AS TO FORM AND LEGALITY:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall and the Chamber of Commerce in the City of Belleview, Florida, this ____ day of _____, 2010.

MARGARET DeGENNARO, MMC, CPS
Deputy City Clerk