

ORDINANCE NO. 23-111

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING UTILITIES; AMENDING PROVISIONS OF ARTICLE IX OF CHAPTER 2-31 OF THE MANATEE COUNTY CODE OF ORDINANCES RELATING TO RATES, FEES, AND CHARGES FOR POTABLE WATER, RECLAIMED WATER, AND WASTEWATER FACILITIES AND SERVICES OF THE MANATEE COUNTY PUBLIC UTILITIES SYSTEM; AMENDING SUBSECTION 2-31-255(b) PROVIDING FOR ACCOUNTS; AMENDING SUBSECTION 2-31-257(d) PROVIDING FOR SECURITY DEPOSITS INTEREST; AMENDING SUBSECTION 2-31-257(f) PROVIDING FOR SECURITY DEPOSITS EXEMPTIONS; AMENDING SECTION 2-31-266(c) PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, a political subdivision of the State of Florida, owns and operates the Manatee County public utilities system pursuant to Section 125.01, Florida Statutes, Chapters 153 and 159, Florida Statutes, Chapter 63-1598, Laws of Florida, as amended, Chapter 2-31, Article IV, Manatee County Code of Ordinances, as amended, and other applicable provisions of law, together with resolutions adopted by the Board of County Commissioners of Manatee County; and

WHEREAS, Section 2-31-103, Manatee County Code of Ordinances, authorizes the county to prescribe, fix, establish and collect fees, rentals or other charges for the facilities and services furnished by the public utilities system on an equitable basis; and

WHEREAS, on August 7, 2007, the Board of County Commissioners adopted and enacted Ordinance No. 07-62 providing for rates, fees, and charges for potable water, reclaimed water, and wastewater facilities and services of the public utilities system; and

WHEREAS, Ordinance No. 07-62 is codified as Chapter 2-31, Article IX, Manatee County Code of Ordinances; and

WHEREAS, on November 9, 2010, the Board of County Commissioners adopted and enacted Ordinance No. 10-69, which amended various provisions of Chapter 2-31, Article IX, Manatee County Code of Ordinances, relating to rates, fees, and charges for potable water, reclaimed water, and wastewater facilities and services; and

WHEREAS, on January 28, 2014, the Board of County Commissioners adopted and enacted Ordinance No. 14-09, which amended various provisions of Chapter 2-31, Article IX, Manatee County Code of Ordinances, relating to rates, fees, and charges for potable water, reclaimed water, and wastewater facilities and services; and

WHEREAS, on September 22, 2015, the Board of County Commissioners adopted and enacted Ordinance No. 15-39, which amended various provisions of Chapter 2-31, Article IX, Manatee County Code of Ordinances, relating to rates, fees, and charges for potable water, reclaimed water, and wastewater facilities and services; and

WHEREAS, County staff has recommended amendments to certain provisions of Chapter 2-31, Article IX, Manatee County Code of Ordinances, relating to rates, fees, and charges for potable water, reclaimed water, and wastewater facilities and services of the public utilities system; and

WHEREAS, the Board of County Commissioners has determined that the amendments to certain provisions of Chapter 2-31, Article IX, Manatee County Code of Ordinances, relating to rates, fees, and charges for potable water, reclaimed water, and wastewater facilities and services are necessary for the proper operation of the public utilities system; and

WHEREAS, pursuant to Section 2-31-103, Manatee County Code of Ordinances, revision of the fees, rentals or other charges for the facilities and services of the public utilities system requires a public hearing of the Board of County Commissioners; and

WHEREAS, Section 2-31-103, Manatee County Code of Ordinances, requires notice of public hearing to be published at least once not less than ten (10) days prior to such public hearing in a newspaper of general circulation in the county; and

WHEREAS, Section 125.66(2)(a), Florida Statutes, provides that the Board of County Commissioners at any regular or special meeting may enact any ordinance, if notice of intent to consider such ordinance is given at least ten (10) days prior to said meeting by publication in a newspaper of general circulation in the county; and

WHEREAS, notice of public hearing to consider Ordinance No. 23-111 was duly published in a newspaper of general circulation in Manatee County; and

WHEREAS, on August 22, 2023 the Board of County Commissioners held a public hearing to consider Ordinance No. 23-111; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the county and the customers of the public utilities system, and the owners and holders of bonds issued to finance the construction of the public utilities facilities, to amend certain provisions of Chapter 2-31, Article IX, Manatee County Code of Ordinances, relating to

rates, fees, and other charges for the facilities and services furnished or to be furnished by the public utilities system, including potable water, reclaimed water, and wastewater.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Section 2-31-255 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-31-255. Accounts.

- (a) The furnishing of service constitutes a benefit to the property and customer served. Customers shall be provided with service in accordance with law, this ordinance, applicable resolutions, and approved county rules and regulations, as amended from time to time.
- (b) ~~The customer base charges shall not apply to a property owner who provides notice to the county administrator as required herein between the time a former tenant vacates the property and the property owner or property owner's subsequent tenant establishes a new account; provided, however, such time period does not exceed fourteen (14) days from the date service was discontinued for the former tenant, and no potable water usage has been provided to the property within such period of time. If the property is not rented within the fourteen (14) day time period, billing will commence as of the date the former tenant vacated the property, excluding the fee for account activation.~~

~~(c)~~ (b) All accounts for master meters and lift stations only shall be established in the name of the property owner or legally constituted corporation, partnership, or association.

~~(d)~~ (c) All accounts for commercial metered irrigation, reclaimed water only, wastewater only, and private fire line/hydrants only shall be established in the property owner's name.

Section 2. Section 2-31-257 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-31-257. Security deposits.

- (a) Security deposits are required for potable water and/or wastewater accounts and reclaimed water only accounts. The board may adopt, by resolution, the amounts of security deposits for accounts, including but not limited to, individual meters, master meters, fire line/irrigation meters, and temporary use meters.
- (b) If an irrigation meter is in addition to a regular meter, no additional security deposit will be required. Governmental entities shall not be required to pay

security deposits. Landlord accounts billed in the interim period between tenants will not be charged security deposits.

(c) Security deposits for temporary use meters are established as security against services rendered and meter losses. The county may refuse further service pending payment in the following circumstances:

- (1) If bills for a temporary use meter are not paid in a timely manner and equal or exceed the security deposit; or
- (2) If a temporary use meter is damaged or not returned and the cost of repair or replacement of the meter and potable water services equal or exceed the security deposit.

(d) All potable water, reclaimed water, and wastewater security deposits shall accrue interest. The interest rate will be the daily treasury yield curve rate effective on October 1 of each year and will remain at that rate throughout the fiscal year. Accrued interest will be credited ~~once a year~~ to the customer's account when deposit is released.

(e) Security deposits shall be returned to all individually metered residential customers who have not been delinquent in the payment of their county utility bills within a period of twenty-four (24) consecutive months. This subsection shall apply to all customers with individual residential meters that have paid security deposits for potable water service. The amount to be returned shall include the original security deposit paid to the county plus accrued interest calculated in accordance with subsection (d) of this section. In the sole discretion of the county administrator, the amount may be applied as a credit to the customer's account or paid by county check issued to the customer. If an individually metered residential account with no existing security deposit is turned off for delinquency, a new security deposit shall be required and the twenty-four-month period shall start again. The amount of the new security deposit shall be based on the utility.

(f) Individually metered residential security deposits shall be waived for active duty military and disabled veterans.

Section 3. Subsection 2-31-266 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-31-266. Enforcement.

- (a) Bills are due and payable twenty-one (21) days from the billing date. At the discretion of the county administrator, any customer whose account is delinquent may enter into an agreement with the county to make payments

on the delinquent account until the past due amount is paid in full. At the discretion of the county administrator, service may be disconnected on delinquent accounts. Notice will be sent giving a date after which service may be terminated.

- (b) The county reserves the right to increase the security deposit for any customer who is delinquent three (3) or more times or who has presented two (2) or more dishonored payments in a twelve-month period. The maximum deposit required shall not exceed five (5) times the amount of the security deposit based on the utility rate resolution in effect at the time.
- (c) Non-payment when due may result in:
 - (1) Application of the security deposit to pay any amount past due on a delinquent account;
 - (2) Discontinuance of potable water, reclaimed water, and/or wastewater service;
 - (3) The recording of a lien against the property; and/or
 - (4) The filing of a lawsuit in a court of competent jurisdiction.

For reinstatement of service, all appropriate fees and charges must be paid. If a potable water or wastewater line has been capped and has to be reconnected, the actual costs of capping and reconnection may be charged, in addition to all other charges of the county. Potable water and reclaimed water will be subject to consumption charges based on the estimated use, all applicable charges, and the county's cost of disconnection. This includes connection to fire hydrants and fire lines for other than testing and emergency fire fighting. The county provides services relating to potable water, reclaimed water, wastewater, solid waste, landfill, and other public services. Failure to maintain current payment terms for all services rendered by the county may result in discontinuance of any or all services provided. At the discretion of the county administrator, payment for all services in arrears may be required, as well as additional security deposit requirements, prior to reinitiation of current or future service. Tenants with discontinued service due to delinquency may ~~will~~ have their accounts closed and the meters locked or pulled, and the owner according to the county ad valorem tax rolls, public records, or deed will be established as the customer and will be billed all new monthly customer base ~~any quantity rates during that time will be billed to the tenants who incurred such consumption.~~ charges until an account is established in the name of a new tenant.

- (d) Unauthorized use of county potable water, reclaimed water, or wastewater service will result in imposition of retail quantity rates based on the estimated usage, all applicable fees and charges, and the county's cost of disconnection. This includes unauthorized connections to fire hydrants and fire lines for other than testing and emergency firefighting.
- (e) Any customer connected to the wastewater system that disconnects for other than repair purposes will be required to pay the cost incurred by the county to reconnect. The county shall have the right to enter private property for the purpose of reconnection.
- (f) Customers who knowingly supply potable water to residences or businesses that have been disconnected for non-payment of security deposits or bills will be liable for payment of the customer base charges and quantity rates for all units being served and discontinuance of potable water service.

Section 4. Codification. This ordinance shall be codified in the Manatee County Code of Ordinances. Chapter 2- 31, Article IV of the Manatee County Code of Ordinances is hereby amended as set forth in Sections 1, 2, and 3 above (underlined text added, ~~strike-through~~ text delete).

Section 5. Conflict. All ordinances and resolutions or parts of ordinances and resolutions in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict effective October 1, 2023.

Section 6. Severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 7. Effective Date. This ordinance shall take effect October 1, 2023.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, on the ____day of _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

**ATTEST: ANGELINA “ANGEL” COLONNESO
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

By: _____
Deputy Clerk