

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, AMENDING SECTION 70-447 OF ARTICLE VI OF CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF OLDSMAR TO ESTABLISH SERVICE CHARGES FOR TURN-ON OF WATER SERVICES IN FORECLOSURE/SHORT SALE/VACANT PROPERTY SITUATIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, it is the City of Oldsmar's intent to facilitate the opportunity for its citizens' to make their properties more presentable for the possibility of sale; and

WHEREAS, the City has created a policy to address property owner rights, while also attempting to protect ratepayer dollars by ensuring that people associated with the requirements of preparing a property for sale are properly authorized to do so; and

WHEREAS, the policy requires that any person, claiming to be a representative of the property owner, must provide proof that they are representing the property owner/seller before a turn-on can be authorized; and

WHEREAS, acceptable forms of proof of representation would include a listing agreement with the designated representative or a notarized letter from the property owner; and

WHEREAS, in addition to adopting the policy for turning on/off water in foreclosure/short sale/vacant property situations, Section 70-447 of the City Code needs to be amended to reflect the appropriate service charges; and

WHEREAS, City Council did agenda and discuss in public hearings the proposed amendment to the Code; and

WHEREAS, at the conclusion of city staff presentations and public hearings concerning the amendment, the Council did find from the facts presented to the City Council, that the amendment is in the public's best interest. Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA:

Section 1. That Section 70-447 of Article VI of Chapter 70 of the Code of Ordinances of the City of Oldsmar is hereby amended to read as follows:

Sec. 70-447. Service Charges.

(a) The following fees shall be charged:

(1) For each instance in which a service disconnect order is issued for nonpayment: \$40.00. If service is reconnected during normal working hours there is no additional charge. If service is reconnected after 5:00 p.m. on weekdays or at any time on the weekends, there is an additional reconnect fee of \$35.00.

(2) For each instance of unauthorized turn-on there will be a charge of \$100.00, in addition to charges under subsection (1), above.

(3) For each service trip for the purpose of checking the meter reading when requested by the customer, and the meter reading is found to be correct: \$20.00.

(4) For each instance of a connection or reconnection not related to nonpayment or the instances listed in (b) below there will be a charge of \$25.00.

(5) For each instance in which a service disconnect order is issued for customers to have service discontinued for a period of at least sixty days per section 70-452(b) there will be a charge of \$25.00.

(b) The following fees shall be charged and paid before a work order will be issued to turn-on water for any reason resulting from foreclosure proceedings, short sales or long term vacant property:

TABLE INSET

| OPTIONS | A Owner's Account is CURRENT | B Owner's Account is PAST DUE |
|--|---|--|
| *One Day – 6 hrs (10 am – 4 pm) | First Turn-on no charge Subsequent Turn-on \$25 | First Turn-on \$50 Subsequent Turn-on \$75 |
| *Weekend – 3 days (Friday noon to Monday noon) | Any Turn-on \$50 (\$25 for connection fee + \$25 paid toward water bill) | Any Turn-on \$100 (\$25 for connection fee + \$75 paid toward water bill) |
| 4 or more days | Deposit required and new account must be established. Normal cycle billing rates will apply. | Owner's balance must be paid in full before service will be restored. Deposit required and new account must be established. Normal cycle billing rates will apply. |
| | | If balance is paid, can go to the "A" column for current accounts |

(1) All usage, if any, will be charged to the owner's account

(2) Scheduling and payments are processed through the Utility Billing office.

- (3) One day (24 hrs) notice is required for scheduling.
- (4) If someone other than the property owner is requesting to turn-on water, he/she shall provide proof that he/she represents the property owner. Acceptable forms of proof of representation include listing agreement with the representative or a notarized letter from the property owner.

Section 2. That this Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING: _____ March 1, 2011

PASSED ON SECOND READING AND ADOPTED: _____ March 15, 2011

Jim Ronecker, Mayor
City of Oldsmar

ATTEST:

Ann E. Stephan, City Clerk
City of Oldsmar

APPROVED AS TO FORM:

Thomas J. Trask, Esquire
City Attorney
City of Oldsmar