

ORDINANCE O-24-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA; AMENDING CHAPTER 16, UTILITIES, BY REPLACING SECTION 16-145 IN ITS ENTIRETY; TO AUTHORIZE WATER AND SEWER UTILITY LIENS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR COLLECTION OF LIENS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Chapter 180 provides municipalities with the authority to establish and operate water utility systems; and

WHEREAS, as authorized by state law, there is hereby imposed a lien on each property that is served by the City's water and/or wastewater system to secure the payment of delinquent City utility services.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Eagle Lake, Florida, as follows:

1. Section 16-145 of the Eagle Lake Code of Ordinances is deleted in its entirety and replaced in its entirety as follows (~~strikethrough~~ language deleted, underline language added):

~~Sec. 16-145. — Payment of attorney's fees in action for collection.~~

~~Any person who is supplied utility services by the city who becomes delinquent in the payment of a bill and against whom an action for collection is instituted in any court and concluded in favor of the city shall be required to pay, in addition to the unpaid bill, a reasonable attorney's fee to be made a part of the final judgment.~~

Sec. 16-145. – Liens and remedies for nonpayment of service.

Subject to the provisions of Section 180.135, Florida Statutes, if the fees, rates or charges for the services and facilities of the City of Eagle Lake water and/or wastewater systems shall not be paid as and when due, and shall be in default for thirty (30) days or more, then the unpaid balance thereof, together with attorneys' fees and costs, may be recovered by the city in a civil action, by recording a notice of lien, by referring the delinquent account to a collection agency, or a combination thereof. In the event the delinquent account holder is the owner of the property to which utility service was provided, a notice of lien, in such form as the city manager deems appropriate, may be filed in the office of the clerk of the circuit court of Polk County, Florida, and shall be recorded as liens are recorded. Any such lien, upon recording, shall be constructive notice of such lien and may be foreclosed or otherwise enforced by the city by action or suit in equity. Any lien provided in this section shall accrue interest at the statutory rate, as provided in Sections 687.01 and 55.03, Florida Statutes, as amended from time to time, from the date of recording. Such interest as

provided for in this section shall also constitute a lien against the property assessed of equal dignity to that of the underlying lien.

2. It is the intent of the City Commission that the provisions of this Ordinance shall become codified and made a part of the City of Eagle Lake Code of Ordinances. The sections of this ordinance may be renumbered, reformatted or re-lettered to accomplish such intention.

3. All ordinances in conflict herewith area hereby repealed.

4. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any part hereof, not so declared to be invalid.

5. This Ordinance shall take effect May 6, 2024.

INTRODUCED on first reading this 15th day of April, 2024.

PASSED on second reading this 6th day of May, 2024.



CITY OF EAGLE LAKE, FLORIDA


SUZY WILSON, MAYOR

ATTEST


CITY CLERK, DAWN WRIGHT

Approved as to form:


CITY ATTORNEY, HEATHER R. MAXWELL