

ORDINANCE NO. 2023 - 16

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 30 “UTILITIES” OF THE CODE OF ORDINANCES FOR THE CITY OF DELAND BY AMENDING SECTION 30-21 “PHYSICAL CONNECTION CHARGES”; AMENDING SECTION 30-27(b)(7) TO HARMONIZE THE DEFINITION OF SINGLE-FAMILY HOME; AMENDING SECTION 30-29(e) TO REMOVE THE CUSTOMER INTEREST CREDIT ON UTILITY DEPOSITS; AND AMENDING SECTION 30-47(a)(2)(b) TO REVISE THE pH REFERENCE PER DIRECTION FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City’s Utilities ordinance contains provisions establishing the fees for water service connection charges for new water service for the provision of water during construction; and

WHEREAS, City staff desires to revise the utility ordinance to clarify the charges to be collected by the City in relation to the cost of the City installing service lines and to provide for the collection of fees related to temporary water service for one and two-family homes during construction; and

WHEREAS, City staff desires to revise the utility ordinance by amending the text of Section 30-27(b)(7) of the Code of Ordinances of the City of DeLand by replacing the term “residential home” to “single-family home”; and

WHEREAS, Section 30-29(e) of the Code provides that the City must calculate interest on customer’s utility deposits and then annually issue a credit to the customers for the amount of the interest; and

WHEREAS, this practice is time consuming and creates an administrative expense to the rate payers, and provides little recognizable benefit to the customers, and is not a typical practice of utility providers, such that the City desires to remove the requirements to calculate and pay interest on utility deposits; and

WHEREAS, City staff has received direction from the Florida Department of Environmental Protection advising that the City should adjust the pH limitations related to general sewer use requirements and to that end, City staff desires to revise Section 30-47(a)(2)(b) of the Code of Ordinances of the City of DeLand; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
DELAND, FLORIDA:**

Section 1. Chapter 30 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 30-21(a) "*Water Service*" by inserting the new underlined language and by deleting the ~~strikethrough~~ language:

30-21. – Physical connection charges.

(a) Water service. The city will install connection facilities for water service from an existing, adjacent water main including the pipe from the water main to the property line of the adjacent property, fittings and other materials related to the normal connection, and a water meter, whenever the applicant shall have paid therefor the required deposit for the water service, the applicable development fee and a water service physical connection charge based upon the following schedule:

~~(1) Water service connection charge to existing service line. A flat fee of \$485.00 shall be charged for water connections in which a water service line to the property boundary already exists. This flat fee shall only apply to three-fourths inch residential meters installed at residences served with potable water for irrigation. This charge shall be increased to \$590.00 if the residence is served with reclaimed water or nonpotable irrigation water and a combination meter/backflow preventer is required by the director of utilities.~~

~~(2) Water service connection charge for city-installed service line.~~

Water Meter Size (Inches)	Charge
5/8 x 3/4 meter (radio read)	\$485.00
5/8 x 3/4 meter with double check (radio read)	695.00
1 Meter (radio read)	650.00
1 DC Meter (radio read)	850.00
1½ Meter (radio read)	960.00
2 Meter (radio read)	1,075.00
3	Actual cost or developer to install
4	Actual cost or developer to install
6	Actual cost or developer to install

Water Meter Size (Inches)	Charge
Greater than 6	Actual cost or developer to install

Connection charges for all meters over six inches will be determined by the director of utilities based on the recovery of cost for such connection. Charges shall also ~~may be assessed~~ increased for costs related to installing the service line and for costs related to any size meter if large road cuts, line extensions, hot taps, special permits, unusual restoration or other work needed in order to provide water service ~~factors are determined by the director of utilities to be needed to recover costs.~~

Section 2. Chapter 30 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 30-27(b)7 by inserting the new underlined language and by deleting the ~~strikethrough~~ language:

(7) Temporary/construction water that is non-metered, shall be charged a ~~onetime~~ one-time fee of \$300.00 to cover the cost of unmetered water used by the home builder or other user for the construction of a ~~residential~~ single-family detached and duplex homes prior to final close out and setting up a final permanent meter.

Section 3. Chapter 30 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 30-29(e) by inserting the new underlined language and by deleting the ~~strikethrough~~ language:

(e) *Interest on deposits.* No interest shall be paid to any customers. ~~Customers who have paid to the city deposits for utility service shall receive credit for interest calculated on the amount of the customers' deposit in accordance with the following calculations:~~

- ~~(1) Interest shall be at a simple interest rate and based on the average annual interest rate on the city's primary operating bank account for the most recent 12 months ending July 31.~~
- ~~(2) Interest shall be credited for the period August 1 of the previous year to July 31 of the current year or from the date the deposit was tendered to July 31, if that is shorter.~~
- ~~(3) Interest shall be credited as a line item on the September utility statement for all accounts.~~
- ~~(4) When an account is closed out, interest shall be credited on the final bill of that account from August 1 to the date of termination of service using the most recently established interest rate as determined in subsection (e)(1) above.~~

Section 4. Chapter 30 of the Code of Ordinances of the City of DeLand is hereby amended by amending Section 30-47(a)(2)b by inserting the new underlined language and by deleting the ~~strikethrough~~ language:

- b. Wastewater having a pH less than ~~5.5~~ 6.5 or more than ~~9.0~~ 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;

Section 5. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Codification; Directions to Code Codifier; Correction of Scrivener's Errors.

(a). The provisions of Sections 1 through 4 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of DeLand and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 5 through 7 shall not be codified.

(b). The Code codifier shall instruct the Municipal Code Corporation to make all changes necessary in the Code of Ordinances of the City of DeLand to implement the provisions of this Ordinance and is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 6th day of September, 2023.



Christopher M. Cloudman
Mayor – Commissioner

ATTEST:



Julie D. Hennessy
Clerk - Auditor

Passed on first reading: August 07, 2023

Adopted on second reading: September 06, 2023

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney