

CITY OF STARKE, FLORIDA

ORDINANCE NUMBER 2020-01

AN ORDINANCE RELATING TO LATE AND DELINQUENT PAYMENTS FOR UTILITY SERVICE WITHIN THE CITY OF STARKE; PROVIDING DEFINITIONS; ESTABLISHING THE FEE FOR LATE PAYMENTS RECEIVED FROM RATEPAYERS; ESTABLISHING AUTHORITY FOR DISCONNECTION OF UTILITIES SERVICES AND EXCEPTIONS THERETO; ESTABLISHING A FEE TO RECONNECT A DISCONNECTED UTILITY SERVICE FOR A RATEPAYER; DIRECTING THE PROMULGATION OF RULES, PROCESSES, AND PROCEDURES CONSISTENT HERewith; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Starke provides certain utility services to residential and non-residential ratepayers located within its service territory; and,

WHEREAS, the utility services provided by the City of Starke to residential and non-residential ratepayers located within its service territory includes water, wastewater, electrical, and natural gas; and

WHEREAS, the current fees and charges arising from late ratepayer utility payments and the reconnection of utility services sometimes associated with such late payments are not reflective of the burden on and costs to the City of Starke arising from such circumstances; and,

WHEREAS, the City Commission, being fully advised of the facts and circumstances, hereby finds it necessary and in the interest of prudent management of public assets and business affairs to increase the current fees and charges for late ratepayer utility payments and the reconnection of utility services in order to equitably and adequately fund the costs to the city arising from such circumstances.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF STARKE, FLORIDA:

SECTION 1. DEFINITIONS

As used in this ordinance, the following words and terms shall have the following meanings:

- (a) After-Hours Reconnection Fee means the amount of forty-five (45) dollars.
- (b) Billing Date means the date the bill for charges and fees arising from Utility Services provided to a Ratepayer during the preceding calendar month is transmitted to such Ratepayer for payment, which date shall occur on or about, but never before, the first day of the calendar month.
- (c) Late Payment means a payment of a billing for Utility Services which shall occur on or after the Late Payment Date.
- (d) Late Payment Date means the twenty-second (22<sup>nd</sup>) day of the calendar month in which a Billing Date occurs.
- (e) Late Payment Fee means the amount of ten (10) dollars.

- (f) Regular Business Hours means between the hours of 8:30 AM and 5:00 PM on any day that is not (i) a weekend or (ii) as determined by the City Commission a general holiday for employees of the City of Starke.
- (g) Payment Delinquency Date means the twenty-ninth (29<sup>th</sup>) day of the calendar month in which a Billing Date occurs.
- (h) Payment Extension Date means the seventh (7<sup>th</sup>) calendar day following the Payment Delinquency Date.
- (i) Ratepayer means an end-use consumer of Utility Services, whether a natural person, or otherwise, which consumer is obligated to pay the City of Starke for providing such Utility Services.
- (j) Reconnection Fee means the amount of fifteen (15) dollars.
- (k) Utility Services means one or more of the water, wastewater, electrical, and/or natural gas services provided by the City of Starke.

#### SECTION 2. FEE FOR LATE PAYMENT OF UTILITY BILL

A Ratepayer shall be charged a Late Payment Fee, in addition to any fees for utility services on each occasion where the full payment of such Ratepayer's bill for Utility Services is received by the City of Starke on or after the Late Payment Date.

#### SECTION 3. DISCONNECTION OF UTILITY SERVICES FOR PAYMENT DELINQUENCY; EXCEPTIONS

- (a) The City of Starke may disconnect Utility Services for any Ratepayer where, on or before the Payment Delinquency Date, the City of Starke has not received full payment of such Ratepayer's bill for Utility Services, plus applicable Late Payment Fees, for such calendar month.
- (b) On no more than two (2) separate occasions during a calendar year, the City of Starke, upon written application of a Ratepayer, shall delay disconnection of Utility Services as set forth in the foregoing Section 3, Paragraph (a) until the Payment Extension Date.
- (c) Utility Services to Ratepayers presenting to the City of Starke a valid and current voucher from the Suwannee River Economic Counsel for payment of Utility Services shall not be subject to disconnection.

#### SECTION 4. RECONNECTION FEE FOLLOWING UTILITY DISCONNECTION FOR LATE PAYMENT

- (a) A Ratepayer shall be charged a Reconnection Fee for each of the Utility Services to be reconnected as a result of disconnection of Utility Services arising from such Ratepayer's Late Payment after the Payment Delinquency Date, which Reconnection Fee must be paid prior to, and as a condition of, the reconnection of Utility Services for such Ratepayer.
- (b) In the event a reconnection of Utility Services arising from such Ratepayer's Late Payment after the Payment Delinquency Date occurs at a time other than during Regular Business Hours, in addition to any applicable Reconnection Fee, a Ratepayer shall be charged an After-Hours

Reconnection Fee for all (but not each) Utility Services to be reconnected as a result of disconnection of Utility Services arising from such Ratepayer's Late Payment after the Payment Delinquency Date, which After-Hours Reconnection Fee must be paid prior to, and as a condition of, the reconnection of Utility Services for such Ratepayer.

#### SECTION 5. PROMULGATION OF RULES, PROCESSES, AND PROCEDURES

The City Clerk shall develop rules, processes, and procedures consistent with the provisions of this ordinance to facilitate the orderly implementation of the provisions hereof, and shall submit such rules, processes, and/or procedures to the City Commission for approval prior to implementation.

#### SECTION 6. REPEAL OF ORDINANCES IN CONFLICT

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with this Ordinance, repealed.

#### SECTION 7. PROVIDING FOR SEVERABILITY

It is the declared intent of the City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

#### SECTION 8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

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APPROVED, UPON THE FIRST READING, by the City Commission of the City of Starke, Florida, at a regular meeting, the 15<sup>th</sup> day of October, 2019.

PUBLICALLY NOTICED, in a newspaper of general circulation in the City of Starke, Florida, by the City Clerk of the City of Starke, Florida on the 24<sup>th</sup> day of October, 2019.

APPROVED UPON THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Starke, Florida, at a regular meeting, this 5<sup>th</sup> day of November, 2019.

BY THE MAYOR OF THE CITY OF STARKE, FLORIDA

\_\_\_\_\_  
Honorable Wilbur L. Waters, Mayor

ATTEST, BY THE CLERK OF THE  
CITY COMMISSION OF THE CITY OF  
STARKE, FLORIDA:

\_\_\_\_\_  
Ricky Thompson, City Clerk

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Clay Martin, City Attorney