

ORDINANCE NO. 17-2121

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, RELATING TO WATER AND WASTEWATER UTILITIES AMENDING PORTIONS OF CHAPTER 90, LONGWOOD CITY CODE; AMENDING SECTION 90-38, LONGWOOD CITY CODE TO PROVIDE FOR APPLICABILITY OF CHAPTER 90 TO ALL CITY UTILITY CUSTOMERS THROUGH ACCEPTANCE OF SERVICES; AMENDING SECTION 90-46, LONGWOOD CITY CODE TO CLARIFY THAT NON-WATER CUSTOMERS RECEIVING WASTEWATER SERVICES MAY BE CHARGED ON A FLAT FEE BASIS; AMENDING SECTION 90-51, LONGWOOD CITY CODE REGARDING SERVICE CHARGES FOR DISCONNECTS; AMENDING APPENDIX B – FEE SCHEDULE OF THE LONGWOOD DEVELOPMENT CODE RELATING TO FEES AND CHARGES REFERENCED IN CHAPTER 90 TO ADOPT REVISED WATER AND WASTEWATER TURN OFF CHARGES AND AFTER HOUR FEES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Longwood, Florida (“City”) owns and operates a water and wastewater utility system within its water and wastewater service area; and

WHEREAS, the City desires to amend Appendix B – Fee Schedule, Section 90-46 and Section 90-51 concerning certain fees and charges charged under Chapter 90, Longwood City Code; and

WHEREAS, the City desires to clarify that customers and properties that connect to City utility services for properties located inside and outside the City’s limits are subject to Chapter 90 through the acceptance of services; and

WHEREAS, the City has authority to adopt this Ordinance under its Florida Constitutional Home Rule authority, its Charter and under Sections 163, 166 and 180, Florida Statutes; and

WHEREAS, the City Commission finds that the amendments to the Code adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City and users of the City utility system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals constitute legislative findings of the City Commission and are incorporated herein.

Section 2. Adoption. Section 90-38 of Article II of Chapter 90, Longwood City Code is hereby amended to read as follows (underlined language are additions, ~~stricken through~~ language are deletions, and sections not included are not being amended):

Sec. 90-38. - Application for service.

(a) Generally. All requests for public utilities service must be made in writing on an application provided by the city in person. Applications require government-issued photo identification to be presented. All appropriate fees and/or deposits shall be paid as required by this Code. The owner or authorized occupant of the premises proposed for service must sign the application. Customers who have an outstanding bill at one location shall not be served utilities at a new location until such time that all charges and fees are paid on the previous account.

(b) Application to constitute contract; withdrawal. The application for public utilities service becomes a binding contract upon the owner or authorized occupant and the city. Prior to the initiation of service, the owner or authorized occupant may cancel or withdraw the application upon his written request, subject to the restrictions contained in this article.

(c) Annexation agreement. If application is made for public utilities service to property located outside the city boundaries that is contiguous to the existing city boundaries or is an enclave within the city boundaries, the property owner shall simultaneously annex the property into the city as a prerequisite to the provision of public utilities service to the property. If application is made for public utilities service to property located outside the city boundaries that is not contiguous to the existing city boundaries, the property owner shall simultaneously execute an agreement to annex the property into the city when the property becomes contiguous to the boundaries. Failure of the property owner to annex the property pursuant to the agreement shall constitute grounds to terminate water and/or wastewater service to the subject property. "Application" for public utilities service shall include any and all applications for water and/or wastewater service, to reactivate prior water and/or wastewater service, or to add additional water and/or wastewater service, including the addition of additional water meters, new fixtures or water and/or wastewater service capacity.

(d) Customer agreement. By accepting utility services from the city, customers and property owners agree to comply with and that they are subject to the provisions of this chapter regardless of whether the property connected to utility services is located within or outside the jurisdictional limits of the city.

Section 3. Adoption. Section 90-46(f) of Article II of Chapter 90, Longwood City Code is hereby amended to read as follows (underlined language are additions, ~~stricken through~~ language are deletions, and sections not included are not being amended):

Section 90-46 - Charges for service.

(f) The monthly wastewater service fee for a nonwater system customer shall be determined on a case-by-case basis by resolution or ordinance and may be set as a monthly flat fee. If the customer's water is not supplied and metered by another agency, the customer shall be required to purchase and install at his own expense a metering device approved by the city to track the amount of wastewater delivered to the city wastewater system. Location of the meter shall be approved by the city prior to installation by the customer. It is the responsibility of the customer to ensure that the meter is properly functioning at all times and to repair or replace a malfunctioning meter at his own expense. If the customer fails to repair or replace an improperly functioning meter, the monthly wastewater service fees shall be calculated at the maximum GPD for the establishment's use in accordance with the standards established for calculation of development assistance fees, and wastewater service shall be discontinued until the meter is repaired or replaced.

Section 4. Adoption. Section 90-51 of Article II of Chapter 90, Longwood City Code is hereby amended to read as follows (underlined language are additions, ~~stricken through~~ language are deletions, and sections not included are not being amended):

Sec. 90-51. Service charge after hours.

All customers requesting service after regular working hours or on weekends or city holidays, shall be charged a service charge as provided in the fee schedule in appendix B or actual costs, including but not limited to materials and labor, whichever amount shall be greater. Disconnections for nonpayment requiring subsequent turn on after 4:00 p.m. will be charged an additional \$50.00.

Section 5. Adoption of revisions to water and wastewater rates, fees and charges. The portion of Appendix B – Fee Schedule as codified in the Longwood Development Code relating to and incorporated by reference in the provisions of Chapter 90, Article II, is hereby amended to read as follows (underlined language are additions, ~~stricken through~~ language are deletions, and provisions and portions of the Appendix not included are not being amended):

CHAPTER 90. UTILITIES		
Section 90-49	Late charge for nonpayment of utility bills, greater of ten percent of balance due or \$5.00	
Section 90-51	Service charge after hours 4:00 <u>p.m.</u>	15.00 <u>50.00</u>
Section 90-181	Utility rates, fees and charges:	

(2) Turn-on and turn-off charges.

Turn on for initial service	\$ 15.00
Turn off for nonpayment of account, including subsequent turn on	30.00 <u>45.00</u>
Removal of meter for nonpayment of account, including subsequent turn on	30.00 <u>45.00</u>
Turn off at customer's request, including subsequent turn on	30.00

Section 6. Conflicts. If any Ordinances or parts of thereof are in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 7. Codification. Sections 2, 3, 4 and 5 of this Ordinance shall be codified and made a part of the City Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention. The word "Ordinance" may be change to "Section," "Article," or other appropriate word.

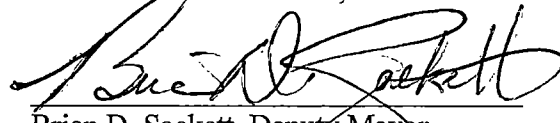
Section 8. Severability. If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

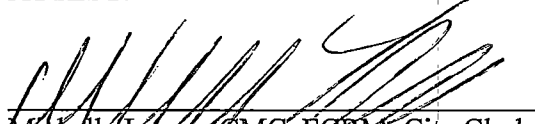
FIRST READING this 19th day of June, A.D. 2017.

SECOND READING AND ADOPTION this 17th day of July A.D. 2017.

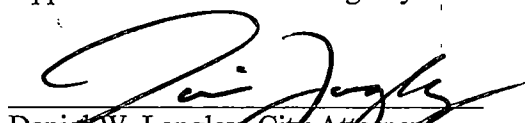
CITY OF LONGWOOD, FLORIDA


Brian D. Sackett, Deputy Mayor

ATTEST:


Michelle Longo, CMC, FCRM, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida only.


Daniel W. Langley, City Attorney