

Ordinance No. 2018-4430

An Ordinance of the City of Sanford, Florida relating to utility rates; amending the provisions of Section 102-91 and Section 102-98, Article IV, Chapter 102 of the *City Code* relating to utility bills and related matters; providing for legislative findings and intent; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification as well as the correction of scrivener's errors and providing for an effective date.

Whereas, controlling State law and sound and generally accepted public Management practices and principles prohibit municipal enterprise funds from incurring operational financial deficits and from providing free services or charging for services in a manner that is not rationally related; and

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, Chapter 180, *Florida Statutes*, and other applicable controlling law; and

Whereas, the City Commission of the City of Sanford has deemed approval of this Ordinance to be in the best interest of the residents and citizens of the City of Sanford and to further the public health, safety and welfare; and

Whereas, the City Commission of the City of Sanford has complied with all procedural and substantive requirements of controlling law in enacting this Ordinance; and

Whereas, underlined words in this Ordinance shall constitute additions to the original text of the *Code of Ordinances of the City of Sanford*, ~~strike-throughs~~ shall

constitute deletions to the *Code of Ordinances of the City of Sanford*, and ellipsis (. . .) represents unchanged text.

Now, therefore, Be it enacted by the People of the City of Sanford:

Section 1. Legislative Findings And Intent.

The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Commission.

Section 2. Relief for utility customers relating to bills and charges; criteria for decisions; amendment of Section 102-91 and Section 102-98, Article IV, Chapter 102, City Code. The provisions of Section 102-91 and Section 102-98, Article IV, Chapter 102 of the *Code of Ordinances of the City of Sanford* are amended to read as follows:

Sec. 102-91. - Applicability of charges; free service or preferential rates prohibited; service to City.

(a) The City will not render or cause to be rendered any free services of any nature by its water and sewer systems, or any part thereof, nor will any preferential rates be established for users of the same class. If the City or any department, agency, instrumentality, officer or employee thereof shall avail itself of the facilities or services provided by the water and sewer systems, or any part thereof, the same rates, fees or charges applicable to other users receiving like services under similar circumstances shall be charged the City, or any such department, agency, instrumentality, officer or employee. Such charges shall be paid as they accrue, and the City shall transfer from its general funds sufficient sums to pay such charges. The revenues so received shall be deemed to be revenues derived from the operation of the water and sewer systems, and shall be deposited and accounted for in the same manner as other revenues

derived from such operation of the water and sewer systems. (b) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the City's sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewers of the City, which rates and charges shall be payable as provided in this article and shall be in the amount determinable as follows:

(4b) Separate meters required. There shall be provided by the owner a separate meter for each single-family living unit and business unit connected to the water system of the City.

(2c) Reserved. Relief from the reimbursement to the City of all City costs and expenses necessary to repair the City's potable water utility system resulting from actions of utility customers shall be subject to the following:

(1) The relief must not violate any bond covenants to which the City is bound such as, by way of example, the prohibition against providing free services;

(2) The utility customer must provide adequate proof that he, she or it was unaware and unknowing of the cause of the damage and did not cause the damage to the City's utility system; and

(3) The utility customer must provide evidence that the condition and causes of the damage have been corrected.

(d) Relief from the reimbursement to the City of all City costs and expenses necessary to repair the City's sanitary sewer utility system resulting from actions of utility customers shall be limited to subsection (2) of this Section and where the flow

resulting from the mishap can be clearly demonstrated not to have entered the City's sanitary sewer system.

(e) When a customer contends that the City has submitted an erroneous bill or charge for water services to the customer and alleges that the erroneous bill is the result of a malfunction or defect relating to the water meter associated with the customer's account, the City shall test the water meter for accuracy. If the water meter test results in the conclusion that the bill was erroneous as a result of a malfunction or defect relating to the water meter, the City may adjust the customer's bill based upon the results of the test and not charge the water meter test fee. Such action may be taken upon the City making a determination that the specific factual circumstances pertaining to the customer warrant such action.

(f) The City shall have the discretion, upon application by a customer, in the case of a leak or malfunction in water lines, to adjust or reduce a charge to a customer for water services when the circumstances demonstrate that the charge would be unfair based upon such circumstances. Such action may be taken upon the City making a determination that the specific factual circumstances pertaining to the customer warrant such action. In making such determinations, which shall be final, the City shall be guided by the following criteria and facts:

(1) Whether the customer could have been aware of the malfunction or defect as a reasonably prudent person; and

(2) Whether the amount of water consumption is over twice the amount of the average consumption for that time period based upon the prior year's consumption history.

(g) The City shall not reduce any bill below the minimum charge established for water service.

(h) The City may waive late charges and assessments imposed upon a customer for failure to pay a charge or assessment when the City concludes, upon application by the customer, that the failure to make the payment was not the fault of the customer; provided, however, that if the payment of a due water bill is not made within 5 days of the waiver, the waiver shall not be implemented, shall be revoked, and shall not be again considered; provided further, however, that the decision of the City shall be final.

(i) The City Manager, or designee, shall have the power and authority to promulgate and adopt rules and forms as may be necessary to implement the provisions of this Section.

Sec. 102-98. - Delinquency charge; disconnection of service for nonpayment of charges.

(a) If any bill for current monthly charges remains due and unpaid on or after the due date stated on such bill, which date will be 21 days from the bill date, a delinquent (late fee) of five percent shall be charged to the customer account, with a minimum charge of \$4.00.

(b) If any bill for monthly sewer or water service remains due and unpaid on and after the past-due date stated on such bill, the water service to such customer so in arrears as to sewer or water service charges shall be disconnected and shall not be reconnected until all past-due bills for water and sewer services are paid, together with a reconnection charge as provided in a resolution adopted by the City Commission of \$45.00, plus an after hours fee of \$10.00, for a total of \$55.00, if requested turn on

~~occurs after 4:00 p.m.~~

(c) If any bill for monthly sewer service shall remain due and unpaid on and after the past-due date stated on such bill, in any case in which the water entering the sewer system is furnished by any plant or system other than the waterworks system of the City, the sewer service to such user in arrears as to sewer charges shall be disconnected, and shall not be reconnected until all past-due bills for sewer service are paid, together with a reconnection charge in the amount of the cost of the sewer tap.

(d). Notwithstanding the foregoing provisions of this Section, if a residential customer who has a single delinquent (late) fee during the prior calendar year, a single waiver of that charge may be made on an annual basis upon application being made by the customer and the customer proving that his/her/its account is in good standing at the time of the application.

(e). Notwithstanding the foregoing provisions of this Section, if a residential customer who did not pay any delinquent (late) fee in the prior calendar year, a credit in the amount of the delinquent (late) fee may be made on an annual basis upon application being made by the customer and the customer proving all charges dues to the City in the succeeding calendar year have been timely made and that his/her/its account is in good standing at the time of the application in terms of all amounts being due to the City have been paid to the City except for the delinquent (late) fee.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance including, but not limited to, the promulgation and adoption of rules and forms.

Section 4. Savings; Effect Of Ordinance.

The prior actions of the City of Sanford in terms of the matters relating to the establishment and revisions of utility rates, fees and, charges and similar matters, as well as any and all activities of the City of Sanford pertaining thereto or of an associated nature, are hereby ratified and affirmed.

Section 5. Codification; Scrivener's Errors.

(a). Sections 2 and 3 of this Ordinance shall be codified and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts.

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon enactment.

Passed and adopted this 8th day of January, 2018.

Attest:

**City Commission of the City of
Sanford, Florida, Seminole County,
Florida.**

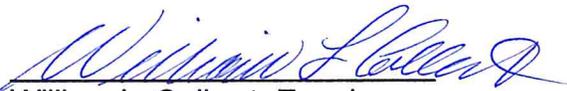


Cynthia Porter, City Clerk



Jeff Triplett, Mayor

Approved as to form and
Legality:



William L. Colbert, Esquire
City Attorney