ORDINANCE NO. 2020-386

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CERTAIN PROVISIONS OF CHAPTER 82 OF THE CODE OF ORDINANCES RELATING TO UTILIITY SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 82-52 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-52. Service and payment.**

(a) *Due date for water bills.* All bills for water service shall be due when rendered by or on behalf of the city. Bills reflecting the monthly charges and fees assessed to a customer will be rendered monthly. If any monthly bill for any portion of the utility billing including but not limited to sewer, trash and/or garbage (if billed by the City) service(s) remains unpaid as of the due date established by the city, in addition to any other fees and not to be considered as interest, such unpaid amount shall be subject to a 15% late fee that will applied to the customer's account. If any due date falls on a weekend or city observed holiday, the due date shall be extended to the next working day. Payments received by U.S. mail by the city that are post marked on or before the due date will be exempt from any late fee.

(b) *No free service.* The system shall not render any free service of any nature, nor will preferential rates for the users of the same class be established.

(c) *Mandatory cutoff.* Bills reflecting the monthly charges and fees assessed to a customer shall be submitted by the city and shall be paid by each customer monthly. If any monthly bill for

any portion of the utility billing including but not limited to trash and/or garbage (if billed by the city) service(s) shall be and remain unpaid after the due date a penalty of 15 percent of said bill shall be assessed on the day after the due date. If the day after the due date falls on a weekend or city observed holiday, the penalty shall be waived until the next working day. If the monthly bill shall continue and remain due and unpaid on or after seven (7) days after the due date or the cut-off date set by the city, whichever occurs first, the water, sewer, trash and/or garbage service, as appropriate, to the customer shall be discontinued and shall not be reconnected until all past due charges including penalties and fees, shall have been fully paid, together with a reconnection charge established by the council from time to time, currently set at $40.00. The time for cut-off shall be established from time to time by the city. No reconnections after a city cut-off for non-payment shall be performed by the city if full payment is not received by the city by 3:30 p.m. Except in the case of an emergency, there shall be no connection or reconnection after normal working hours unless approved by the mayor. In addition, if the cut-off day falls on a Friday, weekend or city observed holiday, the penalty shall be waived until the next working day. The city shall accept payments for services rendered if postmarked by the tenth of the month, without penalty to the customer. Any customer, once cut off from the system, shall not be permitted to receive further service until all obligations owed by the customer to the city have been paid in full.

(d) Any utility service to a property which has been terminated pursuant to the provisions of this section or elsewhere in the code shall not be reconnected or restored until all past-due utility bills or other fees and penalties have been paid, together with any reconnection or restoration charges imposed by the city at the time of reconnection or restoration.

Section 2. Section 82-54 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-54. Meters, valves, pipes, other materials.**

(a) All meters, valves, cutoffs, piping and other materials installed by the city or the city's contractor shall remain as property of the city; and any usage of, tampering with

or destruction of such devices, by anyone without prior permission of the city, is expressly prohibited. All water meters, master valves and cutoffs shall, at the city's option, be located in the right-of-way, or on property the city owns or in which the city holds an interest.

(b) The water meter used for any unit must be approved by the city and shall be the measuring instrument unless it shall be found to be faulty or inaccurate by the city. If the water meter is found to be faulty or inaccurate, the city may, at the city's option and at the expense of the city, install a replacement meter. Meters that have been found to be faulty or inaccurate by the city, and the city has not installed a replacement meter, may be replaced at the expense of the user in lieu of the city's installing a replacement meter.

(c) Water meters that service addresses with delinquent or past due accounts will be locked by the city and will remain locked until all outstanding amounts owed to the city are paid in full. Any person who tampers with, damages or destroys any water meter, valve, cutoff, piping or other materials installed by the city or the city's contractor the customer shall be subject to an administrative assessment of $100.00 or the actual cost of repair of the water meter, valve, cutoff, piping or other materials installed by the city or the city's contractor, whichever is greater, such amount being added to the customer's monthly water bill.

Section 3. Section 82-55 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-55. Administrative fee.**

Each user shall pay a nonrefundable administrative account charge of $25.00 per account to establish a water and/or sewer account with the city for public water and/or sewer service.

Section 4. Section 82-56 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-56. Tapping fee.**

The tapping of the city water main shall be performed by the department, and there shall be a tapping fee required, currently $640.00 per customer for each five-eighth inch tap. In the event that the city also allows an irrigation meter on a parcel for a customer, there shall be a tapping fee required, currently $680.00 per customer for each five-eighth inch tap. All tapping fees may be adjusted and amended by the city by subsequent ordinance or resolution. Tap fee payment is required prior to making the tap. The department shall furnish all materials required to make the tap. Tapping fees for tapping of water mains larger than ten inches in diameter, and/or requiring meter/tap larger than five-eighth inches shall be assessed by the director and/or the council based on actual cost.

Section 5. Section 82-57 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-57. Service fee.**

If a work order or other administrative action is initiated by the city to shut off service to a customer's property for a violation of this division or any federal, state or local rules and regulations applicable to the system, a fee established by the council from time to time, currently set at $40.00 shall be charged for each work order or other administrative action relating to disconnection of the water service.

Section 6. Section 82-58 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-58. Bad check charges.**

Any customer of the city shall be charged a fee pursuant to F.S. § 68.065, as may be amended or superseded, for each instrument issued for payment of utility services, the payment of which is refused by the drawee. These charges shall apply for whatever reason the check is returned, and it shall be the responsibility of the user to present sufficient evidence to the director before the charges will be considered for removal.

Section 7. Section 82-59 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-59. Deposit required.**

A deposit will be required (over and above the tapping fee or any impact fee) for all new customers. Upon termination of service, any outstanding obligation of the customer for water or sewer services shall be paid from the deposit, and any excess shall be refunded to the customer. If the customer leaves no forwarding address or mail addressed to the last known address of the customer is returned, any refund due such customer shall be paid to the general fund of the city six months following termination of service. The city shall establish a utility deposit fund, and all funds received pursuant to this section shall be deposited therein. The deposit for a single residential customer shall be $200.00. The deposit in the case of meters solely relating to irrigation systems not discharging into the city's sewer system is currently $85.00; however, it shall be determined and adjusted from time to time by the city on the basis of estimated usage. The deposit for commercial businesses, industrial users and multifamily residential units shall be determined and adjusted from time to time by the city on the basis of estimated usage. The deposit for a fire hydrant meter is currently set at $650.00 and may be adjusted from time to time by the city; however, such a deposit is refundable upon termination of city utility services.

Section 8. Section 82-64 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-64. Mandatory connections.**

(a) When water service is available, the customer must abandon the customer's present private water system and connect to the city's water distribution system. Any person who fails or refuses to connect and use the city's water system, in addition to all remedies provided by law, including those set forth in this article, shall pay the base charge (plus any usage charge based upon the meter described below) for each potential connection that the person is required to, but has not utilized. Further, there shall be no sewer connection without a request for a water connection if water distribution lines are available to provide

service.

(b) Public water service shall be considered available:

(1) to an existing single-family dwelling when the dwelling can be connected by the installation in a public easement of not more than 100 linear feet of a public water line as measured from the nearest point of the property to the public water line;

(2) to any new single-family dwelling when the dwelling can be connected by the installation of not more than 100 linear feet of public water line measured from the nearest point of the property to the public water line;

(3) upon notification of the availability of public water service by the city; or

(4) upon issuance of the development order by the city.

Section 9. Section 82-68 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 82-68. Monthly water rate and impact fee.**

(a) *Water rates.* The charges for water service, with no minimum water consumption included, are currently set forth below but shall be adjusted as set forth herein and altered by action of the council. The charges shall be subject to the applicable taxes. In the first and final month of service during which a customer will be initiating or terminating service, the regular monthly base rate shall be pro-rated for the number of days that the city's water service is available. Meters are read in thousands only for billing purposes.

*Residential.*

*Base monthly charge*

Single-family units . . . . . $ 9.88

Multifamily units (also includes bulk customers) on a

per-unit basis . . . . . 9.88

*Volumetric charge*

Per 1,000 gallons for all water consumed . . . . . 4.95

10% utility surcharge on water only customers

*Commercial or industrial.*

*Base monthly charge*

Charge for each individual unit . . . . . 6.10

*Volumetric charge*

Per 1,000 gallons for all water consumed . . . . . 1.80

*Hydrants.*

*Base monthly charge*

Charge for each individual hydrant . . . $9.59

*Volumetric charge*

Per 1,000 gallons for all water consumed . . . . . $4.81

(b) *Basis for rates.* The water rates set forth in this section are determined in accordance with the current rates charged by the county to the city. If the county increases the rates charged to the city from those currently charged, the rates set forth herein shall be automatically increased by the same amount on a per-thousand-gallon basis as implemented by the county in its wholesale water rate in order to recover the total cost incurred by the city of the rate increase implemented by the county's wholesale rate.

All rates including base rates shall be subject to an inflationary adjustment of three percent effective on October 1 of each year hereafter and shall be applied to each customer's water bill beginning with the first bill issued after October 1 of each year. Such inflationary adjustment shall be in addition to any other rate adjustment which may be approved by the city. The city

council may change, alter or amend any or all fees and charges relating to water use, including but not limited to fees, deposits, base rates and impact fees by subsequent ordinance, resolution or action.

(c) *Fire sprinkler system rate charge:*

(1) The rate charge for establishments relating to a fire sprinkler system connected to a four-inch city water line shall be $6.25 per month.

(2) The rate charge for establishments relating to a fire sprinkler system connected to a six-inch city water line shall be $10.50 per month.

(3) In addition to the amounts set forth in subparagraphs (1) and (2) above, each customer shall pay the amount of $1.00 per month for each sprinkler head permitted or installed.

(4) The monthly rate charge for establishments connected to the county water system shall be equal to whatever charge the county levies upon the city for such service.

(5) The monthly rate charge set forth in this subsection (c) shall be payable to the department upon billing as reflected on the customer's monthly water bill from the city.

(d) *Impact fees.*

(1) It shall be unlawful for any person to connect or permit any other person to connect any fixture or piping to the water system of the city, or to any private water system which is already connected to the water system of the city, without first paying the applicable impact fee to the city. An impact fee shall not be required solely in connection with an irrigation meter.

(2) The current impact fee for one equivalent residential connection (including irrigation) shall be $500.00.

(3) The current impact fee for nonresidential customers shall be a multiplier factor of the number of equivalent

residential connections based upon the table set forth below multiplied by the then existing impact fee.

| Diameter of Pipe | Equivalent Residential Connection |
|---|---|
| 5/8" or 3/4" | 1.0 |
| 1" | 2.5 |
| 1 1/2" | 5.0 |
| 2" | 8.0 |
| 3" | 16.0 |
| 4" | 25.0 |

(4) Impact fees shall be payable at such time as a permit from the city for water connection is obtained. No water connection permit shall be issued until such fees are paid in full. In the event a building is located outside the boundaries of the city, such fee shall be due at the time water tap and sewer connection fees are paid. No service shall be provided until such fees are paid.

(5) The foregoing impact fee may be changed in the future by the city by subsequent ordinance, resolution, or motion of the council.

(e) *Water reserve fund.* All monies received from water impact fees imposed hereunder shall be deposited and held together with interest thereon in a separate reserve fund hereby created and shall be expended from that fund only for the purpose of extending or oversizing, separating or constructing additions to the production or holding facilities, treatment plant, or distribution system, including new taps and meters, or for any other lawful purpose.

Section 10. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion

shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 11. Scrivener's Errors.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 12. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 13. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 14. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of

Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 15. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 16th day of June, 2020.

CITY OF PARKER

Richard Musgrave, Mayor

ATTEST:

Karen Griffin, City Clerk

Examined and approved by me, this 16th day of June, 2020.

Richard Musgrave, Mayor