

HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO.94-13

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR CONNECTING TO THE HERNANDO WATER AND SEWER DISTRICT'S WATER AND WASTEWATER SYSTEMS AND EXEMPTIONS; PROVIDING FOR APPLICATION FOR AND TERMINATION OF WATER AND/OR WASTEWATER SERVICE; ESTABLISHING THE DISTRICT'S GUARANTEE OF SERVICE AND RIGHT TO DISCONTINUE SERVICE; ESTABLISHING THE DISTRICT'S OWNERSHIP OF WATER METERS AND RIGHT OF ACCESS TO WATER METERS; PROHIBITING TAMPERING WITH DISTRICT PROPERTY; ESTABLISHING REQUIREMENTS FOR WASTEWATER EFFLUENT DISCHARGED INTO THE DISTRICT'S SYSTEMS; ESTABLISHING PLUMBING MAINTENANCE REQUIREMENTS FOR PROPERTIES CONNECTED TO DISTRICT SYSTEMS; ESTABLISHING UTILITY DEPOSITS AND REFUND; PROMULGATING THE RATES TO BE CHARGED FOR USE OF THE WATER AND WASTEWATER SERVICES OF THE HERNANDO WATER AND SEWER DISTRICT; PROVIDING FOR MONTHLY WATER AND/OR WASTEWATER SERVICE BILLING AND COLLECTION; PROVIDING SERVICE DISCONTINUANCE FOR DELINQUENT PAYMENT OF ACCOUNT; PROVIDING FOR RETURNED CHECK CHARGES; PROVIDING PENALTIES FOR VIOLATION OF ORDINANCE; PROVIDING FOR THE REPEAL OF HCW&SD ORDINANCES NUMBERS 80-1 AND 87-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01(5), Florida Statutes, the Hernando County Board of County Commissioners created and established, as a public body corporate and politic, a district known as the "Hernando County Water and Sewer District" (DISTRICT);

WHEREAS, the Hernando County Board of County Commissioners is the ex-officio governing board (BOARD) of the DISTRICT;

WHEREAS, the Utilities Department (DEPARTMENT) is responsible to the BOARD for the operation and maintenance of the DISTRICT'S water and wastewater systems and the administration of the DISTRICT'S enterprise fund;

NOW, THEREFORE, BE IT ENACTED by the Hernando County Board of County Commissioners, Hernando County, Florida, as follows:

SECTION 1. GENERAL PROVISIONS

A. SHORT TITLE - This ordinance shall be known and may be cited as "THE WATER AND SEWER DISTRICT'S OPERATING AND RATE ORDINANCE" (ORDINANCE).

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STATE ARCHIVE

B. PURPOSE - The purpose of the ORDINANCE is to establish requirements for connecting to the DISTRICT'S water and/or wastewater systems; guarantees and rights of the DISTRICT; requirements for plumbing maintenance; standards for wastewater effluent discharged into the DISTRICT'S systems; procedures for establishing, billing and collecting rates, fees, and charges for water and wastewater service; and the repeal of Water and Sewer District Ordinances Numbers 80-1 and 87-1, as well as any and all other ordinances in conflict with the ORDINANCE.

C. ADMINISTRATION - The ORDINANCE shall be administered by the DEPARTMENT.

## SECTION 2. CONNECTIONS WITH WATER AND WASTEWATER SYSTEMS

A. CONNECTION REQUIRED - Where service is available and unless exempted below, the owner of every lot or parcel of land within the DISTRICT shall connect or cause the plumbing of any building or buildings thereon to be connected with the DISTRICT'S water and/or wastewater system and use the facilities of such system. All such connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the BOARD, which said rules and regulations shall provide for a charge for making connections in such reasonable amount as the BOARD may establish.

B. SEPARATE CONNECTIONS - Each residential unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit, up to a total of four (4) residential units, shall be considered a separate unit for payment of water and wastewater fees and charges, and separate connections (water and/or wastewater) and water meters shall be required for each unit. Multi-residential units with more than four (4) residential units may be considered, at the discretion of the DEPARTMENT, to be non-residential for metering and billing purposes and have a master meter servicing all units in the building, in accordance with Hernando County Ordinance Number 94-1.

C. RESIDENTIAL IRRIGATION METERS PROHIBITED - Due to a concern for conserving Florida's drinking water supply, residential water meters solely for irrigation purposes are prohibited by this ORDINANCE.

D. SANITARY SEWER REQUIREMENTS

1. Every residence and building within the DISTRICT in which human beings reside, are employed, or congregated shall be required to have a sanitary method of disposing of human excrement, namely either a sanitary water closet that is connected with the DISTRICT'S wastewater system or an approved type of septic tank. A septic tank will be used only if the property is more than 200 feet from a DISTRICT gravity transmission wastewater line, or the capacity of the DISTRICT'S gravity transmission wastewater line within 200 feet of the property is deemed inadequate by the DEPARTMENT to service the property.

2. It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the DISTRICT to permit the disposal of any human excrement on any property leased or rented by any such person, firm or corporation or the agent of any such person, firm or corporation except in a sanitary water closet connected either with the DISTRICT'S wastewater system or a septic tank as provided above.

3. It shall be unlawful for any person, persons, firm or corporation to build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the DISTRICT which is within two hundred feet of a DISTRICT gravity transmission wastewater line with adequate capacity to service the structure as determined by the DEPARTMENT, unless it is connected to the DISTRICT'S wastewater system.

4. No septic tank other than those authorized by the Florida Department of Environmental Protection shall be constructed within the DISTRICT. No septic tank shall be constructed within 200 feet of a DISTRICT gravity transmission wastewater line if the capacity of the gravity

transmission wastewater line has been determined by the DEPARTMENT to be adequate to service the structure.

E. EXEMPTIONS FROM CONNECTION TO DISTRICT SYSTEMS

1. WATER - Those owners of lots or parcels of land which were served by an individual water supply system on December 27, 1977 or at the time service is made available by expansion of the DISTRICT'S water system, may continue to utilize such individual water supply until such time that the property owner may choose to connect or the Hernando County Health Department may require connection to the DISTRICT'S water system.

2. WASTEWATER - Those owners of lots or parcels of land where a DISTRICT gravity transmission wastewater line with adequate capacity for the intended use of the property is more than two hundred (200) feet from the lot or parcel of land may use an individual septic tank as authorized by the Florida Department of Environmental Protection and permitted and inspected by the Hernando County Health Department, until such time that the DISTRICT extends a gravity transmission wastewater line with adequate capacity to service the property to within two hundred (200) feet of the lot or parcel and the property owner is duly notified by the DEPARTMENT or the Hernando County Health Department to connect to the wastewater system, or the property owner chooses to incur the cost of extending and connecting to the DISTRICT'S wastewater system at a point so designated by the DEPARTMENT.

3. CROSSING PRIVATE PROPERTY - This ORDINANCE shall not be construed to require or entitle any person to cross the private property of another to make any such water or wastewater connection.

F. FAILURE TO CONNECT

1. If any owner of any lot or parcel of land within the DISTRICT shall fail and refuse to connect with and use the facilities of the DISTRICT'S

water and/or wastewater system within ninety (90) calendar days of notification so to do by the DEPARTMENT or the Hernando County Health Department, as provided above, then the DEPARTMENT shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The DISTRICT shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction.

2. In addition, and as an alternative means of collecting such costs of making such connections, the DISTRICT shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of State and County and municipal taxes. Such lien may be foreclosed by the DISTRICT in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

G. CONNECTING OLD PLUMBING - Whenever it is desirable to connect old plumbing with the DISTRICT'S water and/or wastewater systems, and providing water and/or wastewater service is available from the DISTRICT, the owner or plumber contemplating doing such work shall notify the Hernando County Building Division, who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place said old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the Building Division shall, upon conviction, be subject to the penalties hereinafter provided.

H. UNLAWFUL CONNECTION - It shall be unlawful for any person to connect into any water or wastewater line owned by the DISTRICT without the written consent of the DEPARTMENT in accordance with Hernando County Ordinance Number 94-1, and then the connection with such line shall be made only under the direction and supervision of the DEPARTMENT. Any property owner or plumber who shall make any connection without the consent of the DEPARTMENT shall, upon conviction, be subject to the penalties hereinafter provided.

I. CROSS CONNECTION WITH PRIVATE WATER SUPPLY PROHIBITED

1. It shall be unlawful for any person to connect or cause to be connected to the DISTRICT water pipes, by any means whatsoever, other pipes containing water from any water supply other than the water supply of the DISTRICT and the owner of the property where any such cross connection is made shall be held responsible for the violation of this section.

2. If a person, as the owner of the property, shall have upon such property a supply of water other than the supply of water furnished by the DISTRICT, and also have upon such property a water supply furnished by the DISTRICT, such owner shall have and is hereby required to have a dual system of pipes upon the property, one system of pipes being for water supplied by the DISTRICT, and the other system of pipes being for the supply of water from the private supply, and it shall be unlawful for the two (2) systems to be connected together in any manner whatsoever.

3. It is hereby required that tanks into which water furnished by the DISTRICT is discharged shall be at such distance below the discharge pipes so that at no time can the water in such tanks raise to the level as to come in contact with the discharge pipe, and that the installation shall be constructed so that the outlet of the discharge pipes shall be at least six inches (6") above the maximum possible height of the water in the tanks and that the pipes shall be so constructed in conjunction with the discharge of water into the tanks which shall create an atmospheric gap to prevent any possible siphonage or siphoning effect, and it shall be unlawful to construct or erect the pipes or tanks otherwise than prescribed herein.

J. BACKFLOW PREVENTION ASSEMBLIES - Any owner of a non-residential/commercial premises connecting to the DISTRICT water lines shall have a backflow prevention assembly installed in accordance with DEPARTMENT specifications, inspection, and approval. Any such backflow prevention assembly shall be operated and maintained by the owner of the commercial

establishment in accordance with DISTRICT policies and may be inspected at any time by the DEPARTMENT.

K. DISCONNECTING UNLAWFUL CONNECTIONS - The DEPARTMENT shall the right to immediately disconnect an illegal connection, if the DEPARTMENT deems the immediate disconnection to be in the best interest of public health and safety. Otherwise, if any owner of any lot or parcel of land within the DISTRICT shall fail and refuse to disconnect any unlawful connection with the DISTRICT'S water and/or wastewater system within forty-eight (48) hours of notification so to do by the DEPARTMENT, then the DEPARTMENT shall be authorized to make such disconnections, entering on or upon any such lot or parcel of land for the purpose of making such disconnection. In any case, the DEPARTMENT shall be entitled to recover the cost of making such disconnection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction.

### SECTION 3. WATER AND/OR WASTEWATER SERVICE APPLICATION AND CONTRACT

#### A. APPLICATION FOR SERVICE

1. All owners of property connected to the DISTRICT'S water and/or wastewater system shall make application and sign a contract with the DEPARTMENT for water and/or wastewater service. The property owner, until such time as the property is sold, shall be liable as an account holder for minimum monthly charges, unless and until a renter or tenant makes application for service at that location. Billing for the property owner's utility account shall be suspended upon the effective date for service for a renter or tenant. Upon the effective date of termination of a tenant's utility account, the property owner shall again be liable for charges accrued at the service location and the DEPARTMENT shall automatically reactivate the owner's utility account upon the termination of the renter or tenant's utility account. The property owner shall not be liable for any charges accrued to the tenant's utility account. The DISTRICT shall be under no obligation to make adjustments

to the owner's account should a renter or tenant fail to make application for and sign a contract with the DISTRICT for water and/or wastewater service.

2. All applications for connection of any premises to the DISTRICT'S water and/or wastewater systems or for transfer of the utilities account for a service location to another party shall be made to the DEPARTMENT in writing on forms provided for that purpose, and shall state fully all the purposes for which such water connection or wastewater service is required and the correct location of the premises to be supplied, and shall be signed by the owner, tenants, or his agent.

3. The DEPARTMENT shall establish a utility account in the applicant's name at the time the application for service is accepted. Such application when accepted by the DEPARTMENT and upon its performance of the service applied for shall constitute a contract between the applicant and the DISTRICT which shall bind such applicant to pay to the DEPARTMENT for the services rendered at the DISTRICT'S prescribed rates and to comply with all rules and regulations as prescribed and fixed hereby in the provisions of this ORDINANCE or as hereafter adopted by the BOARD.

4. Any agents, trustees, receivers, administrators, executors, or anyone handling properties for owners or tenants signing an application for water and/or wastewater service on behalf of principals, shall be held jointly and severally liable with their principals under the terms of the contract of application, which contract shall remain in effect until written notice from the original applicant has been received by the DEPARTMENT for discontinuance of service.

5. Anyone signing an application for water and/or wastewater service and requesting that the account bill be sent to a different address for payment by another party does so at his own risk, as the DEPARTMENT does not act as a collection agency for owner or agent, and takes no responsibility for collection of the account. Should the account become delinquent, the

contracting party shall be liable and collection shall be handled as any ordinary account.

B. WATER AND/OR WASTEWATER SERVICE CONTRACT - The contract for water and/or wastewater service shall be substantially in the following form:

"The applicant for water and/or wastewater service agrees to be responsible for providing the correct service location to the Utilities Department and to reimburse the Utilities Department for any costs incurred as a result of the applicant providing incorrect information. The applicant further agrees to conform to all the rates, rules and regulations of the Hernando County Water and Sewer District for water and/or wastewater service as are now or hereafter in force, and which are made part of this contract, including the agreement to pay the prescribed charge for any restoration of service. The applicant also agrees to pay water and wastewater hook-up and connection fees where applicable, and to pay all charges for water and/or wastewater service, as they may become due and at the scheduled rate in effect, until and unless notice in writing is given by the applicant to the Utilities Department that service is to be discontinued, for whatever period of time.

C. TERMINATION OF WATER AND/OR WASTEWATER SERVICE

1. Any owner of property connected to the DISTRICT'S water and/or wastewater system may terminate their contract with the DISTRICT and utility account for water and/or wastewater service with the DEPARTMENT by giving notice in writing to the DEPARTMENT that they have sold the service location and by paying all amounts due for services up to the date of receipt of such notice by the DEPARTMENT or the effective closing date of sale, whichever comes last.

2. Renters or tenants may terminate their contract with the DISTRICT and utility account with the DEPARTMENT at any time by giving notice in writing to the DEPARTMENT and by paying all amounts due for services up to

the date of receipt of such notice by the DEPARTMENT or upon the effective date requested by the account holder.

3. The DEPARTMENT will not accept any notice as binding unless made in writing. Persons giving notice either verbally or by telephone do so at their own risk.

4. In case notice of termination is not given by an account holder or the bills due for service are not paid, the account holder shall continue to be liable for water consumed and/or wastewater services rendered and, in case no water is consumed and/or wastewater service rendered, for the minimum monthly charge even though the account holder may vacate or sell the premises or the premises may be occupied by another party who fails to apply for service and sign a contract with the DISTRICT. However, in the case the property has been sold, the previous owner shall not be held liable for water and/or wastewater charges accrued after the closing date of property sale, rather the new owner shall be liable for water and/or wastewater charges upon the effective closing date of sale.

5. Acceptance by the DEPARTMENT of an application for service at an existing service location shall automatically transfer the utilities account for that location into the name of the new applicant and automatically suspend or terminate the previous account upon the effective date of service for the new account, whether or not notification of account suspension or termination from the previous account holder has been received by the DEPARTMENT.

6. Should the property owner of any property connected to the DISTRICT'S water and/or wastewater system, fail to make application for service within fifteen (15) calendar days notice by the DEPARTMENT so to do, the DEPARTMENT shall have the right to disconnect the water and/or wastewater service from the mains of the DISTRICT and to require payment by the owner of all applicable fees and charges accrued prior to reconnection of service.

SECTION 4. GUARANTEES, RIGHTS, AND RESPONSIBILITIES OF DISTRICT

A. The DISTRICT neither guarantees an uninterrupted supply of water nor water at any particular pressure for any purpose, but reserves and shall have the right for the DEPARTMENT to shut off water in its mains at any time for the purpose of making repairs or extensions or for other purpose incidental to a public water supply, and will not be responsible for any damage resulting from a consumer leaving a faucet open, a hot water heater failing to hold water, or any other damages otherwise caused by low pressure. The DISTRICT shall in no case be liable or responsible to any persons whatsoever in case of fire, for any damage that may result from any alleged insufficiency of such fire protection, either from want of pressure or volume, accessibility, or for any other cause.

B. The DEPARTMENT shall have the right to disconnect water service at the water main for the protection of the DISTRICT or the consumer in cases where a building has been burned or torn down, seriously damaged by forces of nature, or where the consumer has been found to be using water illegally and to assess the regular schedule of fees for restoration of service.

C. The DEPARTMENT shall have the right to disconnect water service from a premises for delinquency in payment of charges or fees to the DEPARTMENT and to assess the regular schedule of fees for restoration of service.

D. The DEPARTMENT shall have the right to disconnect water service from any premises where, on account of defective plumbing or the like, it shall be deemed to the best interest of the DISTRICT to do so and to assess the regular schedule of fees for restoration of service.

E. The DEPARTMENT shall have the right to disconnect water service from any non-residential/commercial premises where, because the owner has failed to install or properly maintain a backflow prevention assembly, it shall be deemed in the best interest of the DISTRICT to do so and to assess the

regular schedule of fees for restoration of service.

F. The DISTRICT shall not be responsible for any loss of water or damages resulting from leaks, open faucets, or otherwise on the private property of a consumer at any time, including at the time a DEPARTMENT employee restores water service to the premises, and shall be under no obligation to make adjustments for such leaks or resulting damages.

SECTION 5. WATER METERS

A. All necessary meters up to and including two (2) inches in size will be furnished by the DEPARTMENT and shall remain the property of the DISTRICT. Non-residential/commercial applicants requiring meter sizes in excess of two (2) inches shall purchase and ensure the proper installation of the appropriate-sized water meter in accordance with the DEPARTMENT's specifications. Upon installation and inspection by the DEPARTMENT, the meter shall become and remain the property of the DISTRICT.

B. A consumer desiring a meter larger than the size of the meter than in service shall be required to pay the difference between the rates, fees, and charges in effect for the meter then in service and the rates, fees, and charges in effect for the larger meter.

C. The DEPARTMENT shall maintain the proper operation of all meters and has the right to, whenever such meter wears out or becomes incapacitated or at any time at its own discretion, install a new meter. No repairs to meters shall be made other than by the DEPARTMENT and the DEPARTMENT retains the sole right to determine the need to replace or repair a meter.

D. The DEPARTMENT shall have the right to test meters to determine their accuracy whenever it sees fit, but should a consumer demand a test when, in the judgment of the DEPARTMENT, the meter is operating correctly, then the consumer shall pay a fee for such test as established by the BOARD, provided

the accuracy of registration is found satisfactory, that is, within tolerances of two percent (2%) minus or two percent (2%) plus. A consumer shall have the right to be present at the time of testing.

E. The officers and employees of the DEPARTMENT shall have the right of access to the premises of a consumer at any reasonable hour for the purpose of conducting the normal business of the DEPARTMENT, such as making tests and inspections or reading water meters.

F. In the event any meter is damaged, destroyed or fails to register due to tampering by unauthorized persons, the customer may be billed for the period involved on a basis of their average water consumption for the preceding three (3) months.

G. When a customer has made application for water and/or wastewater service and paid the installation or meter charges, the DEPARTMENT shall not be required to refund these charges if the customer later decides not to desire service after a new service has been installed to his premises, but shall retain such payments as liquidated damages.

#### SECTION 6. TAMPERING WITH DISTRICT PROPERTY PROHIBITED

A. No person, unless authorized by the DEPARTMENT, has the right to turn off or turn on water at the water meter, curb stop, corporation stop, or valve, or to in any way disconnect or remove any water meter or otherwise molest any water connection, meter or water main belonging to the DISTRICT, and if any person shall do any of the above without authorization, he shall be punished in accordance with the provisions as hereinafter provided.

B. If any person shall destroy, deface, impair, injure or wantonly force open any gate or door therein or in any way whatsoever destroy, injure, deface, wantonly destroy any part of the building, or the appurtenances, fences or fixtures thereunto appertaining, or any water pipes, gates reservoirs,

hydrants, fountains or any fixtures or other property belonging to the DISTRICT'S water or wastewater systems, or if any person shall without authority from the DEPARTMENT remove, open, hitch to, dig out, sod or curb over any fire plug or hydrant, stopcock, valve, valve box, meter box or other fixture belonging to the DISTRICT'S water and wastewater systems, or if any person shall without the authority of the DEPARTMENT use water directly from a water line, whip, hydrant, valve or other fixture belonging to the DISTRICT without a water meter installed by the DEPARTMENT, they shall be punished in accordance with the provisions as hereafter provided.

C. No consumer shall furnish water to any other person either by use of pipes or fixtures on his own premises or by extending pipes to the premises of other persons, and if any person shall do the above, they shall be punished in accordance with provisions as hereafter provided.

D. If any person shall construct a fence, shed or other structure or plant trees or shrubs which obstruct or limit access by DEPARTMENT employees to a water meter, water or wastewater lines, valves, or other fixture belonging to the DISTRICT, the DEPARTMENT shall have the right, upon failure of the property owner to modify or remove the obstacle within thirty (30) days following notification by the DEPARTMENT to so do, to remove or modify the obstacle to provide access to the fixture. In the case of an emergency, the DEPARTMENT shall have the right to take whatever measures necessary to repair, replace, or otherwise protect the water and wastewater systems of the DISTRICT.

#### SECTION 7. WASTEWATER EFFLUENT REQUIREMENTS

A. PRETREATMENT REQUIREMENT FOR EXTREME WASTE - The DEPARTMENT shall have the right to require any producer of extreme waste or major contributing industry to comply with Federal Pretreatment Standards, and to install necessary pretreatment requirements at producer's own expense, prior to connecting to the DISTRICT wastewater facilities. No substance may be discharged into the sanitary sewers which could be injurious thereto or

potentially dangerous to the public or which exceeds domestic waste standards.

B. NON-SANITARY WASTE PROHIBITED - There shall be no connections for surface drainage, storm water or any non-sanitary waste to the sanitary sewer line facilities within or without the limits of the Hernando County Water and Sewer District.

C. WASTE PETROLEUM AND GREASE PRODUCTS - Any person disposing of waste petroleum or grease products through the DISTRICT wastewater lines shall:

1. Provide for a grease trap through which the waste petroleum or grease shall pass before entering the DISTRICT wastewater lines.
2. Obtain approval of such grease trap by the DEPARTMENT.
3. Provide for connection of such grease trap with the DISTRICT wastewater line.
4. Maintain such grease trap in a clean and effective operating condition at all times.

#### SECTION 8. MAINTENANCE OF PLUMBING SYSTEM

A. The owner of the property shall be responsible for the maintenance of all plumbing (water lines) from the discharge (customer's) side of the water meter into and including the house plumbing. The DEPARTMENT shall have the right to disconnect water service where plumbing is not maintained or where any plumbing code violations exist.

B. The owner of the property shall be responsible for maintaining and keeping clean the sanitary sewer pipes leading and connecting from the property owner's plumbing system to the DISTRICT'S wastewater system. The DEPARTMENT

shall have the right to disconnect water service where plumbing is not maintained or where any plumbing code violations exist.

C. Water lost due to plumbing leaks or used by unauthorized persons is the customer's responsibility. The DEPARTMENT shall not be responsible for any loss of water or damages resulting from leaks, open faucets, or otherwise on the private property of a consumer at any time, including at the time a DEPARTMENT employee restores water service to the premises, and shall be under no obligation to make adjustments for such leaks or resulting damages.

D. Failure to keep the sanitary sewer pipe, i.e., the pipe leading from the plumbing system to the DISTRICT'S main, clean and maintained in a proper manner will give the DEPARTMENT the right to disconnect the water connection, which shall not be reconnected until the sanitary sewer pipe is cleaned and maintained properly. In those instances where the owner has his own private water supply, the DEPARTMENT shall have the right to disconnect such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sanitary sewer pipe leading from the plumbing system to the DISTRICT'S main has been maintained, cleared and restored to proper condition. Any violation of this provision by reconnecting the owner's private water supply or the connection from the DISTRICT'S water line, until such sanitary sewer pipes are cleaned and maintained properly, shall be considered a violation of this ORDINANCE and subject to the penalties hereinafter provided.

E. The owner of any non-residential/commercial premises shall be responsible for the maintenance of the backflow prevention assembly. The DEPARTMENT shall have the right to disconnect water service where the backflow prevention assembly is not properly maintained.

#### SECTION 9 - UTILITY DEPOSITS

A. ACCOUNT DEPOSITS - Deposits for water and wastewater service shall

be hereafter known as "utility deposits" and shall be required prior to service connection on all buildings used for residential, commercial, industrial, or other purposes.

B. EXEMPTIONS - Effective October 1, 1994, a new customer may be exempt from the requirement of placing a utility deposit with the DEPARTMENT, if the new customer furnishes a written statement, from the utility company which previously serviced the new customer, stating that the new customer had a "good payment history". The criteria for a "good payment history" shall be the same criteria as set forth hereinafter.

C. ESTABLISHMENT OF DEPOSIT AMOUNTS - Utility deposits are to be established by, and in the future may be amended by, resolution of the Hernando County Board of County Commissioners as adopted at an advertised public hearing. Notice of such public hearing setting forth the schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least fifteen (15) days before the date fixed in said notice for the hearing.

D. DEPOSIT REFUNDS - Effective with this ORDINANCE, the DEPARTMENT shall refund the utility deposit on each utility account with a "good payment history" and a minimum of twelve (12) consecutive months of active service in October, each year, commencing in October, 1994. If a deposit is not refunded after the first twelve (12) month period because the customer fails to meet the criteria for a "good payment history", the deposit shall be refunded during any subsequent October, if the customer has met the "good payment history" criteria in the preceding twelve (12) consecutive months. "Good payment history" shall mean that, during the preceding twelve (12) consecutive months of active service and utility billings, the customer:

1. Never had service disconnected or a collection trip made to collect payment for a delinquent bill;

2. Never had a check returned for nonpayment; and
3. Had no more than one instance of a delinquent payment of a bill.

E. DEPOSITS NOT REFUNDED PRIOR TO ACCOUNT TERMINATION - In the event the utility deposit is not refunded prior to termination of the utility account, the deposit shall be applied to the final bill at termination of the account and any balance remaining refunded to the customer.

F. ADDITIONAL DEPOSIT FOR PAYMENT DELINQUENCY - The DEPARTMENT shall have the authority to increase a utility deposit or to require a "new" utility deposit up to three (3) times the customer's average monthly water and/or wastewater bill upon the second occurrence of account payment delinquency requiring a collection trip by a DEPARTMENT employee within any consecutive twelve (12) month period. In such cases, before service shall be restored, the past due charges, any other service charges assessed by the DEPARTMENT, and the deposit amount required to increase the utility deposit to three (3) times the average monthly bill shall be paid in full. This shall apply for all customers, even if a utility deposit has been previously refunded to a customer based on a "good payment history". The increased deposit shall be refunded during any subsequent October, if the customer has met the "good payment history" criteria during the preceding twelve (12) consecutive months.

G. INTEREST EARNINGS ON UTILITY DEPOSITS - Deposit interest earned, if any, shall be paid to all customers with utility deposits on account. Actual interest earned on a customer's utility deposit, if any, after October 1, 1994, shall be posted as a credit to customers' accounts each September billing cycle, commencing in September 1995. Any deposit interest accrued, if any, between September 30 of each year and the return of the deposit or account termination shall be credited to the utility account and any balance remaining after final billing will be paid to the customer with the deposit.

H. NON-INTEREST BEARING ACCOUNT - The DEPARTMENT shall have the right to retain utility deposits in a non-interest bearing account, such that interest shall not accrue on utility deposits nor be due for payment to customers.

SECTION 10. WATER AND/OR WASTEWATER SERVICE RATES

A. NO FREE SERVICE - No water nor wastewater service shall be furnished or rendered free of charge to any person, firm, or corporation whatsoever, including city, county, state, and/or federal departments or agencies, and the DISTRICT and each and every person, firm, corporation, agency, department or instrumentality which uses either or both such services shall pay therefore at the rates fixed by the BOARD.

B. MINIMUM CHARGES - There shall be a minimum monthly billing charge per account and a minimum monthly service availability charge for all properties connected to the DISTRICT'S water and/or wastewater systems whether or not the water and/or wastewater services are actively being used by an occupant of the premises.

C. CONSERVATION RATES - Recognizing a need to preserve and protect the county's water resources, monthly base rates and/or usage charges shall be established to promote water conservation by all users of the DISTRICT'S water systems.

D. ESTABLISHING WATER AND/OR WASTEWATER SERVICE RATES - Service rates for water and wastewater services shall be established by, and in the future may be amended by, resolution of the Hernando County Board of County Commissioners as adopted at an advertised public hearing. Notice of such public hearing setting forth the schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least fifteen (15) days, including weekends and holidays, before the date fixed in said notice for the hearing.

SECTION 11. OTHER DISTRICT FEES AND CHARGES

A. WATER HOOK-UP FEE - Water hook-up fees shall be sufficient to cover the costs of labor and materials, including, but not limited to the costs of the meter, meter boxes, corporation stop, valves, and appurtenances thereof.

B. WASTEWATER HOOK-UP FEE - A wastewater hook-up fee shall be charged per connection based on an Equivalent Residential Unit (ERU) which is defined to be 200 gallons per day for residential users and 250 gallons per day for non-residential (commercial) users.

C. SERVICE CHARGE - There shall be a service charge to turn on the water supply of any user during normal working hours when service has been turned off or discontinued from applicants' premises by request of the applicant or scheduled for or discontinued for non-payment of current bills. This same charge shall apply for initiation of service for a new occupant of a premises already connected to the DISTRICT'S water and/or wastewater systems.

D. DAMAGE OR REPLACEMENT CHARGE - Where meters or appurtenances are broken or damaged by the negligence of the owners, tenants, or occupants of the premises, the cost of repair or replacement and mobilization costs shall be paid by the customer; and if the cost of repair or replacement is not paid upon submission of a bill for charges, the water supply shall be turned off and shall not be turned on again until payment of such amount due is made.

E. TEMPORARY WATER SERVICE RATES - Temporary water service, such as service for circuses, fairs, carnivals, construction work and the like, shall be rendered upon written application to the DEPARTMENT and payment of applicable fees.

F. RESOLUTION OF THE DISTRICT BOARD - Water and wastewater hook-up fees, service charges, damage or replacement charges, and temporary water service rates shall be established by, and in the future amended by, resolution

of the Hernando County Board of County Commissioners as adopted at an advertised public hearing. Notice of such public hearing setting forth the schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least fifteen (15) days, including weekends and holidays, before the date fixed in said notice for the hearing.

**SECTION 12. MONTHLY WATER AND WASTEWATER SERVICE BILLS**

A. Monthly water and/or wastewater bills shall be mailed to all active utility account holders based on the actual water consumption as recorded by the service location's water meter or, if no water was consumed, at the minimum monthly rate; and the fact that a consumer or owner does not receive a bill shall not constitute grounds for discount or adjustment.

B. In all cases where both water and wastewater service is furnished by the Hernando County Water and Sewer District, water and wastewater service charges shall be included on the same bill rendered by the DEPARTMENT; provided, however, that each such bill shall show water and wastewater charges separately.

C. Bills for the monthly charges shall be payable upon receipt and considered past-due on or after the 20th calendar day after the billing date. If such monthly bill shall be and remain unpaid on the date of the next monthly billing, a penalty may be imposed (late charge) and be added to said bill, and the water service to the consumer shall be subject to discontinuance and shall not be reconnected after discontinuance until all past due water and wastewater bills are fully paid, together with any late or service restoration charges.

D. A water and/or wastewater bill shall not be considered paid until remittance for same has been received at the DEPARTMENT office, and the DEPARTMENT shall not be responsible for delays or losses in transportation in the mails or otherwise.

SECTION 13. SERVICE DISCONTINUANCE FOR DELINQUENT PAYMENTS

A. If the amount of the DEPARTMENT's monthly water and/or wastewater bill shall not be paid by the date of the next monthly billing, the DEPARTMENT may, with written notice to the customer on the monthly bill, discontinue furnishing water to such premises and proceed forthwith to recover the amount of water and wastewater service charges past-due in such lawful manner as may be required. No partial payments will be accepted without prior approval.

B. The DEPARTMENT shall have the right to refuse service to any premises in cases where the contracting party of such premises has an unpaid water and/or wastewater bill under his contract, until such time as the bill is paid. The DEPARTMENT shall also have the right to refuse service to premises in cases where the owner of such premises has an unpaid bill for services or for material or labor rendered or expended by the DEPARTMENT in connection with rendering water service to the premises.

C. The DEPARTMENT shall have the right to transfer a delinquent water bill at one address to the account of the same consumer at another address, provided the consumer is receiving service at the latter address, and shall have the right to discontinue service at the latter address for nonpayment of the transferred bill, regardless of the fact that the current bills are being paid. The DEPARTMENT shall have the right to require payment of the delinquent bill for a prior address prior to connecting service for that same consumer at a new address.

D. Where wastewater charges are not paid in accordance with provisions outlined herein and in those instances where the owner has his own private water supply, the DEPARTMENT shall have a right to turn off or disconnect such water supply to the plumbing system and the owner shall have no right to reconnect his own private water supply until the wastewater charges have been paid in full. Any violation of this provision by reconnecting his private water supply, until such wastewater charges are paid in full, shall be

considered a violation of this ORDINANCE and subject to the penalties hereinafter provided.

SECTION 14. RETURNED CHECK CHARGES

A penalty as allowed by Florida Statutes shall be assessed to the customer's utility account for each and all returned checks. Payment of the returned check amount and assessed charges shall be made in cash. If the water and/or wastewater charges covered by the returned check become delinquent prior to the DEPARTMENT receiving full payment for the returned check in cash, the water service to the consumer shall be subject to discontinuance and shall not be reconnected after discontinuance until all past due water and/or wastewater bills are fully paid, together with any late, returned check or service restoration charges assessed by the DEPARTMENT. If the customer fails to pay the amount of the returned check with any assessed charges and leaves the premises where service is provided, the returned check shall be filed with the State Attorney's Office in accordance with Florida Statutes.

SECTION 15. VIOLATION OF ORDINANCE

A. Any person, firm or corporation violating any of the provisions of this ORDINANCE shall, upon conviction thereof, for each such offense, be subject to a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed sixty (60) days, or by both such fine and imprisonment. Any failure or refusal by an owner to connect to the Hernando County Water and Sewer District system after notification to do so, as hereinabove provided, or any failure or refusal to pay the charges or rates herein-above provided, shall be considered to be a violation of this ORDINANCE. Each day that such violation continues shall be deemed a separate offense.

B. In addition to Subsection A. above, the DEPARTMENT shall have the right to discontinue service in cases where an illegal connection is found, and assess an average water bill back for a period of twelve (12) months when it

State by the Clerk of the Circuit Court within ten (10) days after enactment by the Board of County Commissioners and shall take effect upon receipt of official acknowledgement from that office that such ordinance has been filed.

PASSED AND ADOPTED in Regular Session this 26th day of July, 1994.

Attest:  Karen Nicolai  
COUNTY CLERK  
HERNANDO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By: Jane Ester  
JANE ESTER  
CHAIRMAN