TOWN OF WELAKA
ORDINANCE 2011-10

AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR THE OPERATIONS OF THE CENTRAL WATER AND SEWER SYSTEM OF THE TOWN OF WELAKA; PROMULGATING A SCHEDULE OF RATES AND SERVICE CONNECTION FEES; ESTABLISHING THE PROCEDURE FOR ENFORCING PAYMENTS FOR WATER AND SEWER SERVICE, AND ESTABLISHING PENALTIES FOR VIOLATION AND PROCEDURES FOR ENFORCEMENT; SUPERSEDING, AND REPLACING IN ITS ENTIRETY ORDINANCE 2008-15 and 2009-13.

BE IT ENACTED by the Town Council of the Town of Welaka, Florida that:

WHEREAS, the Town of Welaka has, by prior Ordinance, herein above set forth established rules and regulations applicable to and governing the providing of sewer and water services to the residents and citizens of the Town of Welaka; and

WHEREAS, the Town Council deems it necessary and appropriate to amend and modify the currently applicable ordinance relating to the provision of public sewer and water services, namely, Ordinance 2008-15 and Ordinance 2009-13 and to supersede the same by this ordinance provided however that nothing herein contained shall be construed to modify, amend, reduce, eliminate or supersede any pre existing violation of the aforesaid prior ordinance or any obligation or liability of any person whatsoever which may exist under said prior ordinances as of the effective date hereof.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Welaka, Florida, that:

SECTION 1. CONNECTION WITH THE WATER AND SEWER SYSTEM.

The owner of each lot or parcel of land within the Town of Welaka, and every gathering, and governmental building being within the limits of the Town of Welaka, Florida, shall be required, within thirty (30) days after placing the central water system or any portion thereof in operation and available for service, or within thirty (30) days after construction of any such building, shall connect said building and/or facility with the water system and cease to use any other water source except for outside or non-potable use such as lawn and garden watering and irrigation, automobile or other vehicle washing, and the like. The failure and/or refusal of any owner of property within the Town of Welaka to connect to the existing municipal water system where available shall constitute a violation of this ordinance and shall be punishable, and this ordinance enforceable.

Where the same shall be available for service, the owner of each lot or parcel of land, every gathering place, and governmental building being within the limits of the Town of Welaka, Florida, shall be connected to the municipal sewage system of the Town of Welaka. The failure and/or refusal of any owner of property within the Town of Welaka to connect to the existing municipal sewage system where available shall constitute a violation of this ordinance and shall be punishable, and this ordinance enforceable, as hereinafter provided.

In the event of any extension of existing municipal water and/or sewage services after the effective date of this ordinance, in all areas where such new services shall become available, the owner of each lot or parcel of land, every gathering place, and governmental building being within the limits of such new service area(s) shall receive written notification of the installation of the water and/or sewage service connection or any portion thereof in operation, and must join said sewage extension within 90 days of notification or within thirty (30) days after the construction of any new building within such service area.

In cases where multiple residential dwelling units are receiving water from the Town's water system through a single meter, the owner of record of the multiple residential dwelling unit shall be responsible for paying the monthly water bills in an amount equal to the minimum monthly charge times the number of units served by the single meter, plus a pro rata portion any usage over the cumulative minimum.

In cases where multiple commercial units are receiving water from the Town's water system, each commercial business entity of the commercial unit, will be required to have a single meter installed. However, the owner or record on the commercial unit will be responsible for paying the monthly water and sewer bills.

Each residential or commercial unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other residential or commercial unit shall be considered a separate unit for the payment of the water fees, the sewage disposal fees, and separate connections and meters will be required for each of such units.

All original hook-ups for use of municipal water and/or sewer shall be made by the owner of the house, apartment, property or other facility requiring such services, with separate connections being required for each separate unit and/or facility. Application for and specific arrangements for utility services must be made with the Town Utility Clerk prior to first use. The Town Utility Clerk shall require, among other things, satisfactory proof of ownership of the property to which the service is requested, and, in the event application for service is made by any person other than the record owner, the owner shall be required to cosign the application for service and agree to guarantee payment for all services and charges incurred on the account. Each individual applicant for connection shall pay to the Town of Welaka a security deposit to be applied for payment of any delinquency on the account. Such security deposit shall be in an amount equal to two months minimum billing. Such security deposits are to be maintained in a non-interest bearing bank account; until such time as service is terminated on the account and all sums due on such account are paid in full or until the same is drawn upon for payment in accordance with the further terms of this Ordinance. In the event of any default in payment upon a utility account, such security deposit may be forthwith applied by the Town Utility Clerk for payment of or against such delinquency. Within 15 days of final billing after closing of any utilities account, the Town of Welaka shall notify the principal party upon such account by mail of any remaining deposit monies, and it shall be that person's responsibility to provide the Town with a forwarding address for that purpose. If no forwarding address is provided to the Town within thirty (30) days after such written notice and request, the Town shall mail the remaining deposit monies at the last known address and should the mailing be returned to the Town unclaimed, the amount shall be deemed unclaimed and be deposited into the Utility Account of the Town of Welaka and will be used for the regular operation and maintenance of the system. Refunds to any customer requesting service cut-off will be made after a final meter reading has been taken, and whatever charges due to the Town will be deducted from the meter deposit refund.

SECTION 2. TIME EXTENSIONS/EXEMPTIONS TO CONNECTION

Notwithstanding the foregoing, the Town Council of the Town of Welaka may grant time extensions and/or exemptions to the foregoing requirements subject to the following:

A. The Town Council of the Town of Welaka may in a public meeting, in its sole discretion and by majority vote, grant an extension of the thirty (30) day time requirements specified in Section 1., above, upon petition in writing by an affected party, upon a showing of special or unusual circumstances or compelling hardship circumstances.

B. The Town Council by majority vote may grant an exemption from the mandatory connection requirement of the Ordinance to that business or commercial establishments where the use of chlorinated water would create a business hazard. Examples of such exemptions would include, but not limited to, fernery and other commercial agricultural use, marine culture, live bait and worm farm operations, etc., to be granted an

exemption from mandatory connection, the individual business owner or his agent must petition the Town Council for said exemption in writing and be granted said exemption in a public meeting. The Town reserves the right to revoke any special exemption should said business change its basic operation at any future date.

SECTION 3. WATER MAINS, SERVICE LINES, WATER METERS, AND OTHER EQUIPMENT.

The Town of Welaka shall be responsible for the maintenance of all water mains and other service lines, water meters, cut-off valves, fire hydrants, and other distribution equipment or structures within the public right-of-way or on public property, and on any private property up to and in the water meter. Maintenance of water service lines beyond the discharge side of the water meter shall be the responsibility of the water customer.

A. The Town shall purchase and install a corporation stop, curb stop, and a water meter for each service. Such corporation stop shall be installed at or near the Town's distribution system. The curb stop shall be installed on the Town's side of the meter. The Town shall have exclusive right to use such curb stop valve and water meter. The customer shall not place shrubbery or other obstructions within a three- (3) foot radius of the meter.

B. All water meters, meter boxes, and cut-off valves shall be furnished by the Town and shall belong to the Town. The Town reserves the right to remove any meter at any time from any premises when it is deemed necessary. Meters may be located either on or adjacent to the customer's property in a position or location as determined by the policies of the Town and/or the recommendations of the engineering firm, contractor or subcontractor, etc., that may be responsible for the installation. The customer shall not place or install any fitting or device on or in the service line on his side of the meter within three (3) feet of the meter.

C. Any and all connections on the customer's side of the meter are to be made in an acceptable manner by either a licensed plumber or the individual property owner or his agent. Any installation will be required to pay a $50.00 inspection fee for water and a $50.00 inspection fee for sewer and pass an inspection by the Town's Utility Inspector before being backfilled, and prior to turning on of the service. If upon inspection any deficiencies are noted, the Town's Utility Inspector shall give written notice of the nonconformity and shall require that corrections be made within a reasonable, specified period of time.

D. It shall be unlawful for any customer to have a cross connection on his property, or to supply water to another residence by any other means.

E. It shall be required that all residential and commercial customers install an approved backflow prevention assembly device on their service connection wherever the following conditions exist:

   a) Having auxiliary water supply i.e. river, pools, ponds and sprinkler system.

   a) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

   b) Internal cross-connections that cannot be permanently corrected.

The backflow prevention device shall be subject to the approval and annual inspection and testing by Hydro Designs, Inc, and shall be no further than three (3) feet from the meter. The cost of installation and annual inspection of required backflow prevention devices shall be the responsibility of the Customer. The consumer's system shall include those parts of the facilities beyond the termination of the water purveyor's distribution system which are utilized in conveying potable water to points of use. Service of water to any premise shall be discontinued by the water purveyor if a backflow prevention assembly required by this Policy, is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects

are corrected. The consumer's system should be open for inspection at all reasonable times to authorized representative of the Policy to determine whether unprotected cross-connections or other structural or sanitary hazards, *including violations of these regulations, exist. When such a condition becomes known, the water purveyor shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the State of Florida statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

SECTION 4. CONNECTIONS MAY BE MADE BY TOWN.

If any owner of any lot or parcel or land within the Town shall fail or refuse to connect with and use the facilities of the water and sewer system of the Town after notification by the Town Utility Clerk, as provided herein, the Town of Welaka 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 Town of Welaka 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. In addition, and as an alternative means of collecting such costs of making such connections, the Town of Welaka may place and record a lien on such lot or parcel of land for such cost, together with interest and attorneys fees, which lien shall be equal dignity with the lien of state, county, and municipal taxes. Such lien may be foreclosed by the Town of Welaka in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

A. EMERGENCY SHUT-OFFS. The Town reserves the right to shut off water supplies in any or all service areas temporarily whenever necessary for the purpose: of making alterations or repairs to the system. It is expressly stipulated by and between the Town and the water customer that no claim shall be made against the Town for, or as a result of, temporary interruption of water service, down time for necessary repairs, low pressure, the bursting or breaking of any main or service line, or on account of accidental failure of supply.

B. UNLAWFUL TAMPERING. It shall be unlawful for any unauthorized person to tamper with, break a water meter or its seal or to turn it or tamper with the cut-off valve, or to molest in any manner whatsoever with any equipment, materials, or apparatus used and/or owned by the Town in connection with the water or sewer system.

SECTION 5. UNLAWFUL CONNECTION.

No person shall be allowed to connect into any water line or sewer line owned by the Town of Welaka without written consent of the Town of Welaka, and then the connection with such line shall be made only under the direction and supervision of the Town of Welaka. Any person, property owner or plumber who shall make any connection without such consent of the Town of Welaka, shall upon conviction be subject to the penalties hereinafter provided.

SECTION 6. UNLAWFUL CONSTRUCTION.

No person, group of persons, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation of occupancy within the Town of Welaka which is within two hundred feet of public sanitary sewer line, unless it is provided with water-carried sewerage facilities.

SECTION 7. CONNECTING OLD PLUMBING.

Whenever it is desirable to connect old plumbing with the Town of Welaka sewer main and/or water line, the owner or plumber contemplating doing such work shall notify the Town of Welaka's Utility Inspector 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 prior written approval of the Town's Utility Inspector shall, upon conviction, be subject to the penalties hereinafter provided.

SECTION 8. SANITARY REQUIREMENTS.

Every residence and building 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 Town of Welaka water and sewer system, or an approved type of septic tank. A septic tank will be used only if the property is more than two hundred (200) feet from an available municipal sewer line and only after written confirmation by the Town's Utility Inspector that connection to the municipal system cannot be made.

SECTION 9. DISPOSAL REQUIREMENTS.

It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the Town of Welaka 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 where sewage lines are available as defined above.

SECTION 10. SEPTIC TANK.

No septic tank other than those approved by the State Department of Pollution Control shall be constructed within the corporate limits of Welaka, Florida. No septic tank shall be constructed within two hundred (200) feet of the sewer line, and in the event that such septic tank installation is approved by the Town Council, such approval will be subject to the prior approval of the proposed septic system by all such other governmental agencies having jurisdiction thereof.

SECTION 11. MAINTENANCE OF PLUMBING SYSTEM.

The owner of the property shall be responsible for maintaining and keeping clean the water and sewer pipes leading and connecting from the plumbing system to the Town of Welaka distribution lines and main sewers.

SECTION 12. FAILURE TO MAINTAIN PLUMBING SYSTEM.

Failure to keep the sewer pipes, i.e. the pipes leading from the plumbing system to the Town of Welaka main, clean and maintained in a proper manner will give the Town of Welaka the right to cut off the water connection, which shall not be reconnected until sewer pipe is cleaned and maintained properly. Cleanout connections or any other openings in the sewer line must be closed at all times, except for cleaning and other maintenance. In those instances where the owner has his/her own private water supply, the Town of Welaka shall have the right to cut off such water supply to the plumbing system, until the sewer pipe leading from the plumbing system to the Town of Welaka main has been maintained and cleaned and in proper condition. Any violation of this provision by reconnecting his private water supply or the connection from the Town of Welaka water line, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this Ordinance and subject to the penalties hereinafter provided.

SECTION 13. FIRE HYDRANTS AND FIRE PROTECTION SYSTEM.

All fire hydrants shall be used for fire protection and suppression purposes exclusively, unless under the special conditions as stated elsewhere in this ordinance. All use of fire hydrants for lawn watering, filling of trucks (other than those of the fire department), or any other unauthorized or permitted use shall be unlawful and punishable as provided in this ordinance and/or as provided by applicable Florida Statutes.

A. Malicious or willful damage, tampering with, or otherwise incapacitating a fire hydrant with the intent of preventing or obstructing the extinguishing of a fire shall constitute a felony of the third degree, punishable under Florida Statutes.

B. It shall be unlawful for any person, firm or corporation to obtain water from any fire hydrant without first obtaining permission in writing from both the Town and the Welaka Fire Department. Special purposes such as filling of swimming pools, large volume flushing, construction use, etc., will be permitted based on either an estimated gallon basis or through the use of a hydrant meter furnished by the Town, and subject to whatever time and hose rental charges as may be established by the fire department.

C. No person, firm, or corporation, except the chief of the fire department, his authorized deputies, maintenance employees of the Town of Welaka, or others with prior or special permission shall operate any fire hydrant, standpipe, or other fire suppression device.

D. Any person, firm, or corporation damaging or destroying any fire hydrant either accidentally or intentionally shall pay for the cost of such repair or replacement as determined by the Town. Failure to do so after notification will result in action under the penalties section of this ordinance.

E. Obstruction of any fire hydrant either by bushes, shrubbery, fence structures, or by any other means is specifically prohibited, and any person doing so will be given written notice to remove said obstruction within forty-eight (48) hours of receipt of such notice. Failure to comply as provided in such notice shall constitute a violation punishable as provided in the penalty section of this ordinance.

F. Parking or standing of any vehicle within ten (10) feet of any fire hydrant is prohibited in Section 2263(4) of the Welaka Municipal Code of Ordinances as adopted by the Town of Welaka in 1954, and shall be enforced by the Welaka Police Department.

After passage of this Ordinance, all future large area commercial construction, and multiple occupancy housing over two stories in height shall be required to install an appropriate standpipe and/or sprinkler system to comply with the National Fire Protection Association Standards, National Fire Codes 13, 13D, 14 15 16, and others that may become effective or apply. Any such sprinkler or standpipe system shall be subject to periodic inspection and testing by the fire department.

SECTION 14, RATES: WATER AND SEWER RATES AND CONNECTION FEES

A. The rate schedules herein adopted shall apply to all system users inside the Town limits of the Town of Welaka, as of the date of this Ordinance. The Town of Welaka reserves the right to set other differing rates as may be appropriate for all other applicants for connection.

The following rate schedule is adopted in association with and providing for the following residential and commercial user rates:

Residential:			
0-3000 gallons	$22.00 Water	$27.90 Sewer	$49.90 Total Bill
3001-3200 gallons	$23.47 Water	$29.76 Sewer	$53.23 Total Bill
3201-3400 gallons	$24.94 Water	$31.62 Sewer	$56.56 Total Bill
3401-3600 gallons	$26.41 Water	$33.48 Sewer	$59.89 Total Bill
3601-3800 gallons	$27.88 Water	$35.34 Sewer	$63.22 Total Bill
3801-4000 gallons	$29.35 Water	$37.20 Sewer	$66.55 Total Bill
400] -4200 gallons	$30.82 Water	$39.06 Sewer	$69.88 Total Bill
4201-4400 gallons	$32.29 Water	$40.92 Sewer	$73.21 Total Bill
4401-4600 gallons	$33.76 Water	$42.78 Sewer	$76.54 Total Bill
4601-4800 gallons	$35.23 Water	$44.64 Sewer	$79.87 Total Bill
4801-5000 gallons	$36.70 Water	$46.50 Sewer	$83.20 Total Bill
5001 + gallons	$1.77 per 200 gallons of water over the 5,000 gallon consumption plus $2.23 per 200 gallons of sewer over the 5,000 gallon consumption.		
Commercial:			
0-3,000 gallons	$25.00 Water	$33.48 Sewer	$58.48 Total Bill
3,001-4,000 gallons	$33.34 Water	$44.64 Sewer	$77.98 Total Bill
4,001-5000 gallons	$41.68 Water	$55.80 Sewer	$97.48 Total Bill
5,000 + gallons	$9.34 per 1,000 gallons of water over the 5,000 gallon consumption plus $13.02 per 1,000 gallons for sewer over the 5,000 gallon consumption		

Hook-Up Fees (Non-Refundable)	Water	Sewer
Residential	$ 500.00	$ 500.00
Commercial	$1,500.00	$1,500.00

B. The rate schedules herein adopted shall apply to all system users outside the Town limits of the Town of Welaka, as of the date of this Ordinance. The Town of Welaka reserves the right to set other differing rates as may be appropriate for all other applicants for connection.
The following rate schedule is adopted in association with and providing for the following residential and commercial user rates: 25% above in-town water rate for water using the same consumption and 25 % above in-town sewer rate for sewer using the same consumption per 1,000 gallons

* 0-3,000 gallons	$27.50 Water	$34.88 Sewer	$12.48 20% Surcharge =	$ 74.86 Total Bill
* 3,001-4,000 gallons	$36.69 Water	$46.50 Sewer	$16.64 20% Surcharge =	$ 99.83 Total Bill
* 4,001-5,000 gallons	$45.88 Water	$58.13 Sewer	$20.81 20% Surcharge =	$124.82 Total Bill
* 5,001 + gallons	25% above in-town water and sewer rate for same consumption per 1,000 gallons			

(*) Additionally all bills shall receive a plant replacement charge of 20% per Resolution 2006-20R and Resolution 2006-17R of the user's water and sewer charge

	Hook-Up Fees (Non-Refundable)	
	Water	Sewer
Residential	$750.00	$750.00
Commercial	$2,000.00	$2000.00
Special Improvement Properties*	$750.00	$5,800.00

*Special Improvement Properties are those specific properties identified in exhibit "A" attached hereto. The Town Council of the Town of Welaka has found and determined that the additional costs of new capital improvements to provide sewer services to the special improvement properties requires the assessment of sewer hookup fees calculated to reimburse the town for such capital improvements. APPLIED TO THE UNFUNDED RESERVE OF PRIOR PERIODS, UNTIL FULLY SATISFIED.

A sewer credit may be issued for such items as pool fills, pressure washing and car washing for fund raising events following a $20.00 fee for verification of reading by a Town employee during business hours.

No water shall be furnished free of charge to any person, firm or corporation whatsoever. Each residence, firm or corporation will pay a monthly minimum bill whether property is occupied or not. The Town of Welaka, and each and every agency, department or instrumentality of the Federal government which uses the water system shall therefore; pay at the rates established and/or fixed by this Ordinance. The Town reserves the right to enter into either bulk rate, special metered contracts, or agreements with sub-developers, commercial firms, or other water supply agencies outside of the Town limits, with those contracts and/or agreements being subject to the provisions of this Ordinance. The purpose of setting and determining a monthly charge or rate for the use of such services may be computed upon a different basis than set forth in Section 14. All contractors will pay tap in fee and have approved back flow and all water will be metered and charged.

Water customers requesting temporary service disconnection will be required to pay a $30.00 turn on/turn off fee, plus the minimum monthly bill. If at the discretion of the customer, the customer desires further protection against water leak problems that may arise on or beyond their own property, the shut-off meter may be turned off by the Town for the disconnection charge of $30.00. Reconnection or restoration of service will require the same service fee as stated above. Temporary service disconnection must be required either in writing or in person at the Welaka Town Hall.

SECTION 15. BILLING, FAILURE TO PAY BILL, SERVICE FEE, PENALTIES, ETC.

It shall be unlawful for any person to refuse or prevent entry upon a water customer's property by a Town employee, provided that the purpose of such requested entry is for meter reading, service line approval or inspection, or investigation of a violation of this Ordinance. Any violation of this subsection shall be punishable as provided in the Penalties Section of this Ordinance.

A. Water meters will be read monthly as close to the 20th of each month as possible and water service bills will be sent monthly to all customers, and will state the net amount due to the Town by the water and sewer customers.

B. In the event that a water and sewer customer believes his bill to be in error he shall present his claim at the Town Hall office to be put on the agenda to appear before the Town Council of Welaka at the next scheduled regular meeting before said bill has become delinquent. Such claim, if made after the bill has become delinquent shall not be effective in preventing cut-off service as heretofore provided for. The water customer must pay such bill under protest, and such payment shall not prejudice his claim.

C. Bills for monthly charge and fees herein mentioned shall be submitted and shall be payable on the 15th day of each month and if any such monthly bill shall be and remain unpaid after the 15th day of such month for such service, a penalty of 5% or a minimum $5.00 shall be imposed and be added to said month's said bill. If on the 23rd day of the month the arrearage has not been satisfied, a notice of cutoff shall be delivered providing five (5) working days for payment. If not timely received in Welaka Town Hall within the time specified in such notice, service shall be immediately terminated by shutoff, provided, however, that shut-off shall not occur on any Friday, but shall be deferred and shall be accomplished on the next following Monday. A reconnection will not be permitted until all past due and current water and sewage bills are paid in the full amount.

D. In the event that a water and/or sewer customer whose water and sewer services have been disconnected because of a delinquent bill, desires to have his/her water and sewer services restored, they shall pay the entire amount of said delinquent water bill, current charges, plus late charges and an additional charge of thirty dollars ($30.00) for restoring said service. The thirty dollars ($30.00) fee will be charged when service can be restored during the normal working hours of eight a.m. (8:00 a.m.) and three thirty p.m. (3:30p.m.) Monday through Friday. Said fee will double to sixty dollars ($60.00) for restoring service after the above hours, weekends, or holidays.

F. In the event a meter has been locked due to non-payment for services or at the discretion of the customer, the amount equal to the monthly revenue that would have been derived per month but no greater than $500.00 for residential dwellings in Town, $1500.00 for commercial properties in Town, $750.00 for residential dwelling out of Town and $2000.00 for commercial properties out of Town will be charged as a reactivation fee.

G. In the event the meter has been removed due to non-payment for services or at the discretion of the customer, the amount of $500.00 for residential dwellings and $1500.00 for commercial properties will become due and payable for reconnection charges for all customers within the Town limits and $750.00 for residential dwellings and $2000 for commercial properties outside the Town limits.

SECTION 16. RENTER AND APARTMENT DWELLER DEPOSITS

AT ALL TIMES THE OWNER OF AN APARTMENT UNIT OR RENTAL PROPERTY IS THE FINAL RESPONSIBLE PARTY FOR UTILITY BILLS.

Due to the inherent nature of all rental or apartment leases; due to the nonpermanent and possible high turnover of rentals and/or apartment leasing; due to the need in which to secure payment for water and sewer bills incurred by those who do not own the structure in which they dwell; and due to the Town of Welaka, Florida having no other less intensive means of securing payment for water and sewer utility services provided in advance of payment, the Town of Welaka, Florida hereby requires an advance deposit for water and sewer utility services. The Town will provide to renters or apartment dweller services as more specifically set forth below. All original hook-ups to the Town of Welaka's municipal water and/or sewer utility system shall be the responsibility of the rental or apartment owner. For each individual living unit within the rental property or apartment, the owner shall be responsible for separate connections thereto and the payment of the appropriate hook-up fees set forth in the applicable rate schedule. Prior to any use of the water and/or sewer utility system by the renter or tenant, such renter or tenant shall present to the Town Utility Clerk a deposit equal to the amount of the normal charges for a two-month period for the particular dwelling or unit; and application for service shall be signed by the owner of the property, who shall join in the application, consent thereto, and who shall be jointly financially responsible for the payment thereof. The Town of Welaka, Florida shall keep utility deposits in a separate non-interest

bearing account in a Florida Banking institution for the benefit of the tenant, until such time as the renter or tenant shall vacate the premises for the termination of the rental agreement or lease. Upon vacation of the premises, the renter or tenant shall notify the Town of Welaka, Florida in writing by certified mail, along with a copy of the original receipt, that they are vacating the premises and shall demand a return of the deposit, minus any amount due and payable on the account. Should the renter or tenant fail to make such demand within ONE YEAR after termination of services, the deposit will be presumed abandoned pursuant to Section 717.108, Florida Statutes (1996). Any customer who is already hooked-up and consistently pays said water and sewer bills late will be required to pay such deposit, THE ONLY EXCEPTION BEING SUGAR MILL WOODS APARTMENTS, BY PRIOR CONTRACT WITH RURAL DEVELOPMENT.

SECTION 17. WATER AND SEWER SYSTEM REVENUE, MAINTENANCE, EXPANSION, ETC.

Any and all revenue from the operation of the water and sewer system shall be used for all operation expenses connected with the system such as maintenance repairs, expendable materials, salaries and benefits of water system employees, insurance, capital improvements and utility expansion, and the like, and to require any and all loans, bonds or other obligations of the Town in regard to the water and sewer system.

A special reserve account, separate from all other accounts of the Town, will be established and shall accumulate a percentage of the water service revenue at a rate of one-tenth (1/10) of the annual loan payment until the said special reserve account reaches an amount equal to one annual payment. This account shall remain in force during the full term of the loan, and shall not be expended for any other purpose other than to make the annual loan payment cannot be made from other water and sewer system revenue.

The Town of Welaka reserves the right to enter into agreements, contracts or other actions with governmental and private sources for additional funds for the expansion or upgrading of the water and sewer system subject to the provisions of the Town Charter.

SECTION 18. BUSINESS OPERATIONS, RECORDS, AUDITS, ETC.

The Town Council shall meet no less than quarterly, at the time of budget review, and review any and all past due accounts. In addition, at that time, or at such other time upon legal advice, severely delinquent accounts shall be referred to the process of property lien.

The Town of Welaka, shall keep records and accounts regarding the water and sewer system, separate from all other records and account of the Town operations, with separate reporting systems, all of which will be available for public inspection in accordance with the requirements of law.

The Town shall enter into a contract with an independent certified public accountant to conduct an annual audit of records, accounts and operations of the water and sewer system and said annual audit shall be made available for public inspection.

All expenses, charges, premiums and the like arising out of water and sewer system operations will be paid from water and sewer system revenues. Where equipment, vehicles or employees are used jointly by the Town for both the water and sewer system and other Town operations or purposes, then a pro-rated charge system will be established, subject to approval by the Town auditing firm.

Fidelity bond coverage in the amount of FORTY THOUSAND DOLLARS ($40,000.00) shall be required on the position of the Town Utility Clerk and/or Chief Financial Officer and/or others who shall handle collections and disbursements of any revenue derived from the water system.

A. Public liability and property damage insurance will be maintained as recommended by the Town's Attorney on any trucks, tractors, or other vehicles that frequently will be driven over public streets and highways, and used by the Town either exclusively or partially for maintenance or other purposes in conjunction with the water and sewer system.

B. Workman's compensation coverage will be maintained on water and sewer system employees as required by the Florida State Statutes.

SECTION 19. CODE ENFORCEMENT BOARD

The provisions of this Ordinance may be enforced by the Code Enforcement Board of the Town of Welaka, in accordance with the provision of Town of Welaka Ordinance 97-11 and Chapter 162, Florida Statutes. As provided in Section 162.13, Florida Statutes, enforcement activities by the Code Enforcement Board shall be an additional and supplemental means available for obtaining compliance with this Ordinance.

SECTION 20. ENFORCEMENT: PENALTIES AND SUPPLEMENTAL REMEDIES

It is the expressed intent and purpose of the Town Council of the Town of Welaka that all the provisions for enforcement of this Ordinance, and the penalties and remedies hereinafter provided shall be cumulative in nature, and that resort to one shall not constitute a bar or limitation upon the right of the Town of Welaka to employ another, either sequentially or in combination, individually or simultaneously, without limitation.

Any person, firm, corporation, association or other group or body who shall violate any provision of this Ordinance, or any of the restrictions, limitation or mandates herein set forth, shall upon conviction thereof, be punished by a fine not to exceed $500 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Each day that an offense or violation of this Ordinance continues shall be deemed a separate offense, and shall be punishable accordingly. Notwithstanding this section, any violation of this Ordinance, which constitutes a violation of any provision of State law, shall be punishable under such state law as a separate offense.

SECTION 21. LIENS FOR SUMS DUE THE TOWN OF WELAKA

The Town Council of the Town of Welaka, Florida shall be and is hereby authorized to file in the public records of Putnam County, Florida, a Claim of Lien for any sums due to the Town of Welaka pursuant to the terms, conditions and provisions of this ordinance. Such claims of lien shall constitute a lien upon the property to which unpaid utilities services have been furnished and/or against which penalties have been assessed hereunder and such claims of lien shall be enforceable in the same manner as liens arising under Chapter 713, Florida Statutes. In addition to recovery of sums otherwise due pursuant to the terms of this ordinance, the Town of Welaka shall be entitled to the recovery of its costs and reasonable attorneys fees incurred in the filing and enforcement of claims of lien hereunder.

SECTION 22. JUDICIAL RELIEF

Any violation of this Ordinance, including any failure to comply with the requirements hereof, including the failure to comply with any of the restrictions and limitations herein contained, May be enforced by injunction, including mandatory injunction, or otherwise judicially enforced in any other manner provided by law, and any such suit or action may be instituted and maintained by the Town Council of the Town of Welaka, Florida. In the event such action is initiated, the Town of Welaka shall be entitled to recovery of its costs and reasonable attorney's fees incurred in and about such proceeding.

THIS ORDINANCE SHALL NOT BE CONSTRUED TO RELIEVE ANY PROPERTY OR BUSINESS OWNER OF UTILIZING MUNICIPAL UTILITIES SERVICES WHERE SUCH SERVICES ARE AVAILABLE.

EFFECTIVE DATE

This Ordinance shall be effective on the October 2011 billing.

PASSED by the Town Council of the Town of Welaka, Florida, on First Reading this 9th day of August, 2011.

PASSED by the Town Council of the Town of Welaka, Florida, on Second Reading this 13th day of September, 2011.

ATTEST:

Judy Jones, Town Clerk

SIGNED:

Gordon Sands, Mayor

APPROVAL AS TO FORM:

Allen Scott, Town Attorney

Gilbert McGauley, Council President