

## **ORDINANCE 3279-23**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE I OF CHAPTER 102 OF THE CITY OF WINTER PARK CODE OF ORDINANCES; AMENDING SECTION 102-60 OF ARTICLE III OF CHAPTER 102 OF THE CITY OF WINTER PARK CODE OF ORDINANCES; AMENDING SECTIONS 102-93 THROUGH 102-100 OF DIVISION 1 OF ARTICLE IV OF CHAPTER 102 OF THE CITY OF WINTER PARK CODE OF ORDINANCES; AMENDING SECTIONS 102-132, 102-134 AND 102-135 OF DIVISION 3 OF ARTICLE IV OF CHAPTER 102 OF THE CITY OF WINTER PARK CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park (hereinafter referred to as the "City") finds that it is necessary to amend Chapter 102 "Utilities" of the City's Code of Ordinances ("Code") as set forth in this Ordinance; and

**WHEREAS**, the City desires to require new sewer and water connections and services for properties located outside of the City limits to either annex into the City or execute an annexation agreement as a pre-condition to obtaining sewer and/or water connection and services from the City; and

**WHEREAS**, the City recognizes the need for easement encroachment agreements when a property owner's improvements are within a City drainage or utility easement and desires to establish a process for which encroachment agreements shall be entered into; and

**WHEREAS**, the City desires to amend Chapter 102 to strengthen the provisions regarding the collection of unpaid utility service fees, impact fees and connection fees and concerning enforcement of the requirements of Chapter 102; and

**WHEREAS**, the City desires to amend Chapter 102 to require annual permitting, inspection and maintenance of private lift stations; and

**WHEREAS**, the City finds it beneficial to coordinate with other local governments when a property is served by utilities from both the City and another local government, and the City desires to establish a process by which the City can provide joint billing and collection services with the other local government; and

**WHEREAS**, the City desires to readopt Section 102-2 of the City Code since it sunsetted under its own terms; and

**WHEREAS**, the City has determined that this Ordinance is in the best interest of the City and necessary for the protection of the health, safety, and general welfare of the citizens of Winter Park, Florida.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:**

**SECTION I:** Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

**SECTION II:** Amendment. Article I of Chapter 102 of the City of Winter Park Code of Ordinances are hereby amended as follows (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended); the sunset subsection (7) of Section 102-2 is eliminated and Section 102-2 is reestablished and readopted into the code without future sunseting:

**Chapter 102 – UTILITIES**

**ARTICLE I. - IN GENERAL**

**Sec. 102-1. - Stormwater management.**

Wherever stormwater drainage is required under this chapter, the stormwater management system shall be designed and maintained in accordance with the provisions of all ordinances.

**Sec. 102-2. - ~~West Fairbanks Avenue Water/Sewer Impact Fee Deferral Program.~~**

There is hereby established, subject to the terms and conditions stated herein, the ~~West Fairbanks Avenue Water/Sewer Impact Fee Deferral Program~~ (the "program").

- (1) *Purpose.* The purpose of the program is to incentivize economic development, encourage use of city utility service, and provide an incentive for customers on septic tanks to connect to and use city sewer where available. ~~to business owners to relocate or expand existing business to the West Fairbanks Corridor.~~
- (2) *Description of the benefit extended to approved applicants.* If an applicant is accepted into the program, then the applicant will receive the benefit provided herein with respect to ~~water/sewer impact fees owed.~~ The applicant will only pay 20 percent of the assessed ~~water and sewer impact fees otherwise due in full at the time of permitting,~~ with the remaining 80 percent due to be paid in 24 equal monthly installments, ~~with the first payment due on the date of the issuance of a temporary or final certificate of occupancy, whichever occurs first.~~
- (3) *Eligibility to participate in the program.* Eligible participants will include both commercial uses and residential properties, including multi-family uses treated by the city as a commercial use, ~~and businesses within the designated West Fairbanks Avenue district, more particularly described in a map of the West Fairbanks Avenue District, maintained in the city's department of public works, (hereinafter the "West Fairbanks Avenue District").~~ However, in order to be eligible, the applicant must be assessed at least \$1,000.00 in ~~water/sewer impact fees.~~
- (4) *Program requirements.*
  - a. The applicant must be a business or property owner whose property is currently being served by a septic tank for wastewater purposes located in the West Fairbanks Avenue District.
  - b. The applicant must be assessed an impact fee of at least \$1,000.00 as the result of an assessment issued by the city's ~~water and~~ wastewater department.
  - c. The applicant must contract to use city sewer and water service.
  - d. The applicant must contract to use city electric service if it is available to the address.
  - e. If the property is not located within the City of Winter Park's municipal boundary at the time of application, the applicant must agree to annex into the City of Winter Park (See Section 102-3).
  - f. The applicant must be in good standing with the city, including no outstanding code enforcement prosecutions, fines or liens, and must be current on all

outstanding taxes and fees owed to the City of Winter Park at the time of application.

- (5) *Application and contract.* The city manager or his designee is authorized to develop an application form that is consistent with the requirements of the program, and that is not in conflict with these requirements. The city manager or his designee is also directed to develop in consultation with the city attorney a form contract that each approved applicant must enter as a condition of participating in the program. The requirements for the application and contract shall include the following provisions:
- a. The applicant and the party entering the contract must be an owner or authorized agent on behalf of the property that is participating in the program. If requested by the owner, the tenant may also become a party to the contract.
  - b. The application and contract must make provision for the applicant being in good standing with the city with regard to financial and compliance matters.
  - d. The application and contract will include provisions for annexation into the City of Winter Park if the property is not currently located within the municipal boundary.
  - d. The application and contract will include a binding commitment to use utility service available to the property and to make payments of the utility service in accordance with the requirements of the City of Winter Park and its utility divisions.
  - e. The application and contract will have provisions requiring payment of the deferred 80 percent of impact fees, commencing with the receipt of a temporary or final certificate of occupancy, whichever is first, with the balance being paid in 24 equal monthly installments. The applicant will agree to a lien, in the nature of an assessment or enforcement lien, recorded in the event that the applicant defaults in making payments due to the city pursuant to the program.
  - f. The city manager is directed to make both the form contract and form application available on the city's website. The city manager shall make provision for promoting the program so that eligible participants are reasonably made aware of the availability of the program for qualified applicants.
  - g. The city manager and the mayor are authorized to sign program agreements entered with qualified and approved applicants. The city manager shall make provision for reporting to the city commission the extent of participation in the program and the status and degree of fulfillment of program requirements, including payment of deferred impact fees.
- (6) *Municipal discretion.* The City of Winter Park has the sole authority to determine eligibility of any applicant pursuant to these program guidelines. The city manager or his designee may make minor procedural changes to the manner in which the program is implemented, but any change made by the city manager or his designee should be reported to the city commission, and no change will be made that is substantive or material in relationship to the overall scope of the program without obtaining prior approval from the city commission. Any material change in the program that deviates

from the specific requirements as provided in this section will require an amendment by ordinance. Nothing in this section is intended to prevent the city from adopting and providing other incentives or grant programs related to the conversion of septic tanks to city sewer connection and service.

~~(7) *Sunset.* This is a temporary incentive program and applications will only be accepted through August 1, 2015. This section will sunset on August 1, 2017, unless the program is extended by action of the city commission of the City of Winter Park.~~

~~(8) *Additional general conditions.*~~

- a. Impact fee credits only vest equal to the amount of fees actually paid. If the applicant defaults or for any other reason fails to make full payment due, the property will only receive credit for the amount of funds actually collected.
- b. A property that has participated in the program may not be deannexed out of the City of Winter Park, to the fullest extent allowed by law.

### **Sec. 102-3.- New Sewer or Water Service Outside City Limits.**

The city will not provide new water and/or wastewater connections or services to or for any property located outside the city limits unless otherwise agreed to in an annexation agreement executed by the city and the owner(s) of the property desiring to obtain such new water and/or wastewater connections or services. If application is made for water or wastewater utilities connection or service (or a combination thereof) to property located outside the city boundaries that is contiguous to the existing city boundaries or is within an enclave surrounded by the city's boundaries, the property owner shall simultaneously annex the property into the city as a prerequisite to the provision of water or wastewater utilities connection or service to the property. If application is made for water or wastewater utilities connection or service (or a combination thereof) to property located outside the city boundaries that is not contiguous to the existing city boundaries, the property owner shall simultaneously execute an annexation agreement, in a form acceptable to the city and binding upon the property, giving the city the right to annex the property into the city limits when the prerequisites of annexation under general law are met. Such annexation agreement will also require the property owner to agree not to voluntarily annex the property into another municipality. Failure of the property owner to annex the property into the city limits pursuant to the annexation agreement shall constitute grounds to terminate water and/or wastewater service to the property. "Application" for water or wastewater utilities service shall include any and all applications for water and/or wastewater connection or service, to reactivate prior water and/or wastewater service, or to add additional water and/or wastewater service, including the addition of additional water meters, new fixtures or water and/or wastewater service capacity. Application" for water or wastewater utilities service includes an attempt to circumvent a formal application or request for water and/or wastewater connections or services, including a property owner's, tenant's or occupant's use of a prior water and/or wastewater connection or service of previous owner, tenant or occupant. Without limiting the foregoing, the requirements of this subsection also apply to properties within the city's territorial service area for water and/or wastewater services.

**Sec. 102-4.- Customer Acceptance of Conditions of Service.**

The obtainment of utility services from the city or connection of city utility services to a property shall act to grant the properly authorized agent of the city free access to the property for which utilities are connected at all reasonable hours for the purpose of: (i) reading, repairing, removing, reinstalling, or examining utility meters, (ii) inspecting, maintaining, repairing, removing, reinstalling or inspecting utility service lines and connections, or (iii) making such other inspection of the property and utility improvements as the city may determine necessary to properly maintain and service the public utilities system and for protection of the health and general welfare of the utility customer and general public. By accepting utility services from the city, customers agree to comply with and that they are subject to the provisions of this chapter regardless of whether the property connected to utility services is located within or outside the jurisdictional limits of the city.

**Sec. 102-5. - Easement Encroachment Agreements.**

The city manager shall have the authority to approve and execute agreements authorizing by license the encroachment of a property owner's improvements within a city drainage or utility easement with terms (including without limitation, incorporating the requirements of this section) and in a form acceptable to the city manager and city attorney. The authorization of an encroachment within a city easement shall not restrict the city in any manner from accessing, maintaining, repairing or reconstructing the city's utilities and other improvements and facilities located within the city's easements pursuant to the city's full rights under the applicable easement. The city shall not be required to repair or reconstruct the property owner's encroaching improvements if such is damaged by virtue of the city's operation, accessing, maintenance, repair and reconstruction of the city's utilities, improvements or facilities, or exercise of the city's rights under the city's easement. The property owner shall as a condition of any easement encroachment agreement be required to acknowledge its acceptance of the risks involved in encroachment into the city's easement, agree to correct any damage the property owner or its agents or the encroaching improvements cause to the city's improvements within the easement, and to indemnify and hold harmless the city, its officers, agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or resulting from the encroachment within the city's easement. The city manager may require a property owner to pay an application fee and to reimburse the city for its attorneys' fees relating to consideration and preparation of an easement encroachment agreement. This provision does not create a right for any property owner to obtain an easement encroachment agreement. The city's determination of whether to authorize an easement encroachment is purely matter of administrative discretion and a function of the city's propriety and property interest in its easements and improvements therein.

**Sec. 102-6. - Collection of Water and Sewer Impact and Connection Fees.**

In the event that water or sewer impact fees, connection fees, meter or water or sewer service installation charges under this chapter or any portion or combination thereof, are not paid when

due for any reason, including by mistake or inadvertence, the city shall have the right to proceed to collect such fees and charges as follows:

(1) The city shall serve, by certified mail-return receipt requested and regular U.S. mail, a notice of non-payment upon the building permit applicant at the address set forth in the building permit application, and then current owner of the property based on the ownership information appearing on the Orange County Property Appraiser website. Provided the city sends the notice of non-payment, the applicant's and/or current owner's failure to receive delivery of such notice of non-payment shall not invalidate or otherwise impact the city's ability to collect the outstanding amount owed and place and foreclose a notice of lien against the applicable property.

(2) The notice of non-payment shall contain:

(i) A description of the property;

(ii) Advise the applicant and the property owner of the amount due and the fee and/or charges that were not paid; and

(iii) Advise that in the event the fees and/or charges are not paid within thirty (30) calendar days from the date of the notice of non-payment, that a notice of lien against the applicable property for which the building permit was secured may be recorded in the official records of the county and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.

(3) If the amount set forth in the notice of non-payment is not paid within thirty (30) days from the date of the notice of non-payment, then

(i) The outstanding balance owed to the city shall accrue interest at the rate of twelve percent (12%) per annum until such amount is paid in full;

(ii) The city may proceed to record a notice of lien against the applicable property in the official records of the county. Once recorded, the notice of lien shall constitute a lien against the property described therein. The lien shall be coequal with the liens of all state, county, district and municipal taxes, superior in priority to all other recorded liens and claims whether recorded prior to or after the city's lien, except as otherwise provided by law, until paid as provided herein; and

(iii) A copy of the notice of lien shall be served by U.S. Mail to the applicant and the property owner at the same addresses as set forth in subsection (1) above.

(6) After the expiration of thirty (30) days from the date of recording of the notice of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted and prosecuted in conformity with the procedures for the foreclosure of liens as set forth in the Florida Statutes. The city shall also have the right to bring an action for monetary judgment to collect past due amounts owed.

(7) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.

(8) If impact fees, connection fees, meter or water or sewer service installation charges, or any portion or combination thereof, have not been paid when due, the city shall have the right

to, without notice, immediately withhold the issuance of and not process for review any certificate of occupancy, development permit or development order applications associated with the development and property at issue and may issue and enforce a stop work order on construction associated with the development and property at issue until such fees and charges and the city's associated collection costs are paid in full. Further, the city may refuse to provide or discontinue utility services to the property at issue until such fees and charges and the city's associated collection costs are paid in full.

(9) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement.

### **Sec. 102-7. Injunctive relief.**

Whenever any person has violated or continues to violate the provisions of this chapter or any order or permit issued hereunder, the city may petition the circuit court for the issuance of a preliminary and/or permanent injunction which restrains or compels the activities on the part of the violator.

### **Sec. 102-8. - Interlocal Cooperation.**

Certain properties serviced by city utilities are also provided utility services by other local governments. As a matter of convenience and interlocal cooperation, the city may enter into agreements with other local government utility service providers for the city to provide billing and collection services for such other local government utility services provided to mutual customers so that such customers receive a joint invoice. In the event the city performs billing and collection services for other utility service providers, the rates charged to customers for each utility service will be governed by the applicable local government utility service provider's rates, fees and charges. In the event of nonpayment of a joint invoice for both city utilities and another local government's utility services, the city shall have the right to disconnect any one or more of the city's utilities services as the result of nonpayment until such amounts are paid in full along with the right to take any other remedies as may be permitted by law or in equity.

### **Sec. 102-9. - Amendment to Fees, Charges & Penalties.**

The city commission shall have the authority to modify from time to time the rates, fees, charges and penalties set forth in this chapter and to establish and modify utility service related fees and charges by way of ordinance, resolution or otherwise by approval of a fee schedule, and the failure of a person or customer to pay any such applicable fees, charges and penalties when due shall be a violation of this chapter and subject to the enforcement and collection provisions hereof.



**Sec. 102-10.- Oversizing.**

The city may require a development to install utility main lines, a lift station or any portion thereof to a size larger or length longer than ordinarily required as determined by the Water & Wastewater Department Director (referred to as "oversize" or "oversizing"). In the event the city requires a development to oversize main lines or a lift station, or any portion thereof, the city shall reimburse the owner or developer for the additional reasonable costs incurred for oversizing the main lines or lift station, at an amount approved as reasonable by the Water & Wastewater Department Director. Provided such is within the city manager's purchasing authority, the city manager may authorize the expenditure of city funds for reimbursements to cause oversizing to occur. The city may require the owner(s) and developer of property or development to enter into an agreement with the city concerning sewer connections, installation of main lines or lift stations, reimbursement of any oversizing costs and other matters relating to the provisions of this section.

**Sec. 102-11.- Rules & Policies.**

The city manager is hereby authorized to adopt and enforce administrative rules and policies to implement the provisions of this chapter as the city manager deems necessary and appropriate provided such are consistent with the intent and purpose of this chapter. Rules and policies adopted by the city manager pursuant to this section are subject to rescission or modification by vote of the city commission.

**Secs. 102-312—102-25. - Reserved.**

**SECTION III: Amendment.** Section 102-60 of Article III of Chapter 102 of the City of Winter Park Code of Ordinances is hereby amended as follows (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

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**Chapter 102 – UTILITIES**

**ARTICLE III. – WATER SERVICE**

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**Sec. 102-60. - Collection of water service fees and charges; liens.**

(a) Collection of water service fees and charges. Water service fees and charges shall be charged and collected as provided by sections 102-134, ~~and this section~~102-135 and other applicable provisions of this chapter. The city shall have the right to disconnect a property from water and/or wastewater services if service fees and/or charges are not paid when due. If a representative of the city arrives at the service address to disconnect service for nonpayment

~~and the customer tenders payment instead of having the service disconnected, a service charge as prescribed by the city commission shall be charged and collected in addition to all past due water, sewer, refuse and related charges. When water service is disconnected due to nonpayment, service shall not be reconnected until all past due water, sewer, refuse and related fees, charges and penalties are fully paid, together with a reconnection charge as prescribed by the city commission. In accordance with section 180.135, Fla. Stat. the city may not refuse or discontinue water and sewer services to the owner of any rental unit or to a tenant or prospective tenant of such rental unit for nonpayment of water service charges incurred by a former occupant of the rental unit who contracted directly with the city for such water services and provided such former occupant was not the property owner and provided the provisions of section 102-134(f) do not apply.~~

(b) Lien.

(1) ~~The city shall have a lien on all lands or premises served by its water system for all service fees, surcharges or penalties imposed under this article and service charges for such water facilities until paid, which lien shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and municipal liens for other municipal services such as sewer and refuse, and shall be on a parity with the lien of such state, county and municipal taxes and other municipal liens. Such lien shall arise at the time of connection of water service to such lands or premises and shall be due and payable at the time of delinquency of any unpaid water fees and service charges. Interest shall accrue on unpaid liens at the rate of 12 percent per annum. The city shall be entitled to institute foreclosure proceedings in accordance with the procedures set forth in section 102-135. The city will not record a notice of lien for water service fee and charges that is not permitted by section 180.135, Fla. Stat.~~

(2) The city shall serve, by certified mail-return receipt requested and regular U.S. Mail, a notice of non-payment to the customer at the service address and the current owner of the property based on the ownership information appearing on the Orange County Property Appraiser website. Provided the city sends the notice of non-payment, the customer's and/or current owner's failure to receive delivery of such notice of non-payment shall not invalidate or otherwise impact the city's ability to place and foreclose a notice of lien against the applicable property.

(3) The notice of non-payment shall contain:

(i) A description of the property;

(ii) Advise the customer and the property owner of the amount due and the fee and/or charges that were not paid; and

(iii) Advise that in the event the fees and/or charges are not paid within thirty (30) calendar days from the date of the notice of non-payment, that a notice of lien may be recorded in the official records of the county and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.

(4) If the amount set forth in the notice of non-payment is not paid within thirty (30) days from the date of the notice of non-payment, then

(i) The outstanding balance owed to the city shall accrue interest at the rate of twelve percent (12%) per annum until such amount is paid in full;

(ii) The city may proceed to record a notice of lien against the applicable property in the official records of the county; and

(iii) A copy of the notice of lien shall be served by U.S. Mail to the customer and the property owner at the same addresses as set forth in subsection (2) above.

(5) After the expiration of thirty (30) days from the date of recording of the notice of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted and prosecuted in conformity with the procedures for the foreclosure of liens as set forth in the Florida Statutes. The city shall also have the right to bring an action for monetary judgment to collect past due amounts owed.

(6) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.

(7) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement.

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**SECTION IV: Amendment.** Sections 102-93 through 102-101 of Division 1 of Chapter 102 of the City of Winter Park Code of Ordinances and Sections 102-132, 102-134 and 102-135 of Division 3 of Article IV of Chapter 102 of the City of Winter Park Code of Ordinances are hereby amended as follows (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

## **Chapter 102 – UTILITIES**

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### **DIVISION 1. - GENERALLY**

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#### **Sec. 102-93. Use of public sewers required.**

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.

- (b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage except where suitable treatment has been provided in accordance with the provisions of this article.
- (c) Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- (d) Flush toilets shall be required within the city in all houses, buildings or structures used for human occupancy, employment, recreation or other purposes, and such flush toilets shall be connected to the public sanitary sewer at the owner's expense as and when required by the provisions of section 102-94(c), subject, however, to the following exceptions and limitations: If the house, building or structure is not situated on property abutting a street, alley or road right-of-way wherein there is located a public sanitary sewer or if the house, building or structure is not within 100 feet of the public sanitary sewer, such connections shall not be required; further, if the connection of the house, building or structure requires unusual and costly plumbing such as a lift station, force main or similar plumbing facilities, either the city shall bear such expense and allocate its costs through the public sanitary sewer system or no connection shall be required.

**Sec. 102-94. Private sewage disposal.**

- (a) Where a public sanitary sewer is not available under the provisions of section 102-93(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section and section 102-95, if applicable, and no sewer fees and charges provided for in sections 102-131 and 102-132 shall be imposed.
- (b) The type, capacities, location and layout of a private sewage disposal system shall comply with all state and county requirements.
- (c) Notwithstanding the provisions of section 102-93, existing residences, places of business and other structures served by adequate private sewage disposal systems, including septic tanks, constructed prior to the construction and availability of a public sanitary sewer shall not be required to connect to the public sanitary sewer until such time as the private sewage disposal system requires maintenance or repair or is abandoned or is condemned by regulatory health authorities. When such private sewage disposal system becomes inoperative, requires maintenance or repair, is abandoned or is condemned by regulatory health authorities, connection with the public sanitary sewer shall be made within 15 days following notice by the city to the property owner. If such connection is not made, the city shall cause all water service thereto to be discontinued until such connection is provided and until all connection and reconnection charges are paid.
- (d) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.
- (e) The owners of private sanitary sewer collection systems within the utility service area shall be responsible for the proper maintenance and operation of said systems. The owners shall be required to maintain said systems to minimize inflow and infiltration.

- (f) Any person seeking a permit from the city for installation of a private collection system or owning a private sewer collection system on the effective date of this article shall record in the public records of Orange County a document delineating the private collection system and indicating the exact location of any and all lift stations included within the system. The owner shall provide a copy of the recorded document to the city utility department. The utility department will maintain documents pertaining to private collection systems located within the utility service area.
- (g) The owners of private collection systems shall be required to develop and follow a sewerage spill contingency plan for such systems addressing and remediating sewerage spills caused by but not limited to line failure, line collapse, line obstruction, surcharge, power failure and/or mechanical failure. A copy of this plan shall be provided to the utility department.
- ~~(h) The owner of private sanitary lift stations shall provide a copy of the contract with a reputable person or firm experienced in the operation, maintenance, and repairs of lift stations for review prior to committing to contract for service. The contractor must provide proof of a minimum of two years' experience in lift station operation and maintenance to include pump and electrical experience. The contractor must have access to equipment to pull and service pumps as well as well pumping and hauling lift station waste. The contractor must be able to have a 24-hour, seven-days-a-week response time and be able to respond to site within two hours after notification of spill or overflow. The owners of all private lift stations shall maintain a written maintenance record and shall make same available to the city in the enforcement of the provisions of this section. These records shall be maintained for a period of three years.~~
- ~~(i) Provide the City of Winter Park with a 24-hour emergency contact phone number of the property owner and contractor.~~
- ~~(j) Upon expiration or change of status of the contractor, the owner of the private sanitary lift station must notify the City of Winter Park Industrial Waste division within 72 hours of change.~~
- ~~(k) The owner of the private sanitary lift station must have a sign posted on or adjacent to the lift station, preferably on the control panel, with lettering legible from a distance of 30 feet. The sign is to include the following;
  - ~~(1) Private lift station;~~
  - ~~(2) In case of emergency call \_\_\_\_\_;~~
  - ~~(3) Owner or business name and phone number;~~
  - ~~(4) Contractor's name and phone number;~~
  - ~~(5) The city will provide the owner of the private lift station a unique identification number for the lift station sign.~~~~
- ~~(l) The city will conduct annual inspections on private lift stations and charge an annual inspection fee. The annual inspection fee will be incorporated in the City of Winter Park Fee~~

~~Schedule. The city will have the right to inspect all private wastewater collection systems and appurtenances, and discontinue sewer service if the private wastewater collection system is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.~~

(m) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer of the county.

### **Sec. 102-95. Reporting and Maintenance Requirements for Private Lift Stations.**

(a) Purpose. The purpose of this section is to monitor the use of privately owned lift stations within the City. Nothing contained herein is intended to replace or affect the jurisdiction and enforcement of the Florida Department of Environmental Protection or Orange County Health Department, or any other governmental agency charged with administering, regulating, or enforcing matters relating to the construction of wastewater collection and treatment facilities.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Annual station inspection. The required yearly inspection and certification of all mechanical, structural, and electrical components of certain privately owned lift stations located within the City.

Dwelling, multifamily. A building designed for or occupied exclusively by three or more families.

Dwelling, one-family. A building designed for or occupied exclusively by one family.

Dwelling, two-family. A building designed for or occupied exclusively by two families.

Florida Department of Environmental Protection (FDEP). The State of Florida Department of Environmental Protection, or, where appropriate, the term may also be used as designation for the administrator or other duly authorized official of such state agency. The FDEP serves as the primary compliance and enforcement authority within the state for matters relating to the construction of wastewater collection and treatment facilities. Furthermore, the FDEP serves as the main investigation agency for all sewage spills within lands or waters of the state.

Health hazard. Any condition or action which creates, or may create, a danger to the health, safety, and welfare of the general public. For the purpose of this section, sanitary sewage spills from private lift station facilities onto lands within the City or into waters in or bordering the City will constitute an imminent danger to public health and will be classified as a health hazard.

Orange County Health Department or OCHD. The state health department unit located within Orange County, or, where appropriate, the term may also be used as designation for the administrator or other duly authorized official of such state agency. The OCHD serves as

the primary authority within the county for assessing and determining the appropriate level of public health risk for any accident, outbreak, catastrophe, or natural disaster.

Privately owned lift station or POLS. A mechanical apparatus owned and/or operated by a person or entity other than the City, and designed for the conveyance of sanitary sewage from its origin on private property to publicly owned infrastructure such as a gravity sewer main, sewage force main, lift station, or pumping station. Apparatus may be a package lift station, grinder pump system, or pump station, etc. located on nonpublic property within the corporate boundaries of the City.

(c) Registration and Registration Certificate. For any property containing an existing privately owned lift station, the property owner shall register with the City and obtain a registration certificate for such POLS on or before December 31, 2023. Property owners shall register and obtain a registration certificate for all new POLS within ninety (90) days of installation. The property owner shall be required to renew the registration certificate each year. An administrative fee for such registration is authorized to be charged by the City, the amount of which shall be set by resolution and may be amended from time to time. Such registration fee shall include a late fee for any property owner who does not obtain or renew a POLS registration certificate within the time limits imposed by this Division.

(d) Maintenance Contractor. At the time of registration of a POLS, the property owner must provide the City with a copy of the contract with a reputable person or firm experienced in the operation, maintenance, and repairs of lift stations for review prior to committing to contract for service. The contractor must provide proof of a minimum of two years' experience in lift station operation and maintenance to include pump and electrical experience. The contractor must have access to equipment to pull and service pumps as well as well pumping and hauling lift station waste. The contractor must be able to have a 24-hour, seven-days-a-week response time and be able to respond to site within two hours after notification of spill or overflow. The owners of all private lift stations shall maintain a written maintenance record and shall make same available to the city in the enforcement of the provisions of this section. These records shall be maintained for a period of three years. Also, the City is to be provided a 24-hour emergency contact phone number of the property owner and contractor. Upon expiration or change of status of the contractor, the owner of the private sanitary lift station must notify the City of Winter Park Industrial Waste division within 72 hours of change.

(e) Signage. The owner of the POLS must have a sign posted on or adjacent to the lift station, preferably on the control panel, with lettering legible from a distance of 30 feet. The sign is to include the following;

- (1) Private lift station;
- (2) In case of emergency call \_\_\_\_\_;
- (3) Owner or business name and phone number;
- (4) Contractor's name and phone number;

(5) The city will provide the owner of the private lift station a unique identification number for the lift station sign.

(f) Agreement. For all new POLS and before connection of the POLS to the City's wastewater system, the property owner shall be required to enter into an agreement with the City regarding the property owners and its successors and assigns obligations under this section.

(g) Annual Inspection. For any property containing a privately owned lift station, the property owner shall obtain an annual inspection on such POLS, certifying that the POLS meets all mechanical, structural, and electrical requirements of the state, except those POLS exempted under subsection (h). Proof of such annual inspection shall be required to obtain an annual registration certificate from the City. Thereafter, the annual station inspection shall be performed within sixty (60) days of the expiration of such registration certificate. The property owner must submit a report to the City certifying the POLS is in proper operating order meeting all state requirements and all needed maintenance/repairs have been completed. This certification of the results from each annual inspection shall be submitted to the City prior to the expiration of the annual registration certificate. Such inspections shall be conducted and certified by a State of Florida licensed Professional Engineer or a State licensed master plumber at the property owner's sole expense.

(h) Exemption from Inspection and Registration Certificate. A property containing only a one-family dwelling or a two-family dwelling shall be exempt from (1) the annual inspection requirements of subsection (g), and (2) the signage requirements of subsection (e). Properties containing a townhouse or multifamily dwelling, which is serviced by a common or community privately owned lift station, shall not qualify for the exemption as outlined in this subsection and shall be required to comply with the reporting requirements.

(i) Right-of-entry. As a condition of connecting a POLS to the City's wastewater system, the property owner grants to the City and its code compliance officers, employees and agents a right-of-entry for inspection and monitoring of a POLS for compliance with this Division.

(j) Sewage Overflow or Spill Reporting. The owner of a private sewage collection system shall be responsible for notifying the Orange County Environmental Protection Department and the Florida Department of Environmental Protection with copy of such notification to the city in the event that a sewage overflow or spill occurs within the owner's system within 36 hours of the event taking place. The owner shall take whatever measures are necessary to protect the public health and the environment from contamination as a result of a sewage overflow. The owner shall clean-up overflows or spills as soon as possible after their discovery.

(k) Penalty. Any property owner who does not obtain and maintain a registration certificate as required by this section shall be deemed to be in violation of the City Code. Any property owner violating this section or section 102-94 may be subject to enforcement by the Code Compliance Board and be subject to the rules and procedures of that board, including being subjected to a fine, in an amount as the Code Compliance Board may determine. In addition to the above, any



property owner failing to obtain the required annual inspection or failing to provide certification of compliance as required by this section, will be reported to the FDEP, OCHD, or any other governmental agency, deemed appropriate by the City Manager or his/her designee. Further, if any violation of Section 102-94 or this section is not corrected within a reasonable period of time as prescribed by the City, the City may, after written notice to the property owner, cause the disconnection of the POLS from the City's wastewater system. Nothing herein shall limit the City's other rights and remedies afforded by law for a violation of Section 102-94 or this section.

**Sec. 102-956. Building sewers and connections.**

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the building official.
- (b) There shall be two classes of sewer permits as follows:
  - (1) For residential service; and
  - (2) For commercial service and service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the building official. A permit fee for a residential building sewer permit and a permit fee for a commercial or industrial building sewer permit shall be paid to the city at the time the application is filed, which fees shall be as prescribed by the city commission. The permit fee shall pay the administrative cost in processing the permit application and the cost of sewer lateral location and shall be in addition to the other costs and expenses incident to the installation and connection to the building sewer, such as the cost of time and materials required and county right-of-way utilization fees.

- (c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building. This shall not apply if one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such situation, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the building official, to meet all requirements of this article.
- (f) The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in

amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below any basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the building official before installation.
- (j) The applicant for the sewer permit shall notify the building official when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the inspection and approval of the building official or his representative.
- (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

**Sec. 102-967. Protection from damage.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

**Sec. 102-978. Unauthorized use of sewer system.**

It shall be unlawful for any person to tap, cut or in any way use any line, branch or part of the sanitary sewer system without obtaining a written permit and paying all fees, rates and charges established by the city.

**Sec. 102-989. ~~Renewal of occupational license~~ Business tax receipt subject to evaluation for adequate pollution control facilities.**

After any ~~occupational license~~ new business tax receipt is issued, a copy of the business tax receipt application shall be forwarded to the environmental division, wastewater utility for a determination of the potential impacts such business or related activity may have on the wastewater utility system. ~~and if alteration of occupational use or activities would create pollution problems, modification of the facilities such as grease traps and other pretreatment~~

facilities may be required as a condition of receiving wastewater service from the city. Where facilities require updating or additional equipment to meet pollution standards, such changes shall be made prior to the renewal of any business tax receipt ~~occupational license~~.

**Sec. 102-100. Requirements for dental facilities that remove or place amalgam fillings.**

(a) Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

Amalgam separator is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ANSI/ADA Standard No. 108 is the American National Standards Institute and American Dentistry association standard for amalgam separators.

Existing source is any facility subject to this section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

ISO 11143 is the International Organization for Standardization's standard for amalgam separators.

New source is any facility subject to this section whose first discharge to the sewer system occurs after July 1, 2023 and must comply immediately upon commencement of discharge.

(b) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:

- (1) For existing sources, the one-time compliance report is due no later than January 31, 2023 or no later than 90 days after transfer of ownership.
- (2) For new sources, the one-time compliance report is due within 90 days of the start of discharge to the sewer collection system.
- (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
- (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.
- (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

- (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (c) All owners and operators of dental vacuum suction systems, except as set forth in subsections (d) and (e) of this section, shall comply with the following:
- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system on or before July 14, 2020; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator device. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
  - (2) Proof of certification and installation records shall be submitted to the city manager or designee within 30 days of installation.
  - (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the city manager or designee during normal business hours. Records shall be maintained for a minimum of three years.
- (d) Facilities with vacuum suction systems that meet all the following conditions may apply to the city manager for an exemption to the requirements of subsection (c) of this section:
- (1) The system is a dry vacuum pump system with an air-water separator.
  - (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
  - (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the city manager or designee during normal business hours.
  - (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the city manager or designee. The city manager or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (d) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (c) of this section before commencing further operation.

(e) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(f) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

(1) Submits the following statement to the city, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline as established by the city manager or designee:

*"This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances; and

(3) The dental practice notifies the city of any changes affecting the applicability of this certification.

(g) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited.

**Secs. 102-99101—102-110. Reserved.**

## **ARTICLE IV. - SEWERS AND SEWAGE DISPOSAL**

### **DIVISION 3. - RATES AND CHARGES**

**Sec. 102-132. Schedule of fees.**

- (a) *Established.* There is established a uniform schedule of fees for the use or availability for use, as provided in sections 102-93 and 102-94, of the services and facilities of the sanitary sewer system payable by each dwelling unit, business establishment, church, hospital and every other type of private or public building, structure or activity producing sewage and wastes. As required by federal regulations, this fee schedule shall be reviewed no less than every two years to ensure that sufficient revenues are being generated to pay the total operation and maintenance costs of the sewer system including replacement and to ensure that each user class is paying its proportionate share of such costs based on the proportionate contribution of the user class to the total wastewater loading from all user classes. Furthermore, each user shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the user charge which is attributable to wastewater treatment services.
- (b) *Definitions.* Unless the context specifically provides otherwise, the meaning of terms used in this section shall be as follows:

*Dwelling unit* means a house, apartment, group of rooms or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not live and eat with any other persons in the structure, and which quarters have either:

- (1) Direct access from the outside of the building or through a common hall; or
- (2) Complete kitchen facilities for the exclusive use of the occupants.

*Multiple dwellings* means structures occupied or intended for use as living quarters, containing more than one dwelling unit, but does not include hotels, motels or similar living quarters which do not contain dwelling units.

*Residences* means structures occupied or intended for use as single-family living quarters, containing no more than one dwelling unit.

- (c) *Monthly fees.* Any user receiving sewer service from systems owned and controlled by the city shall pay a monthly fee at the rates as set forth in a city commission ordinance or resolution as may be amended from time to time. follows:

	FY-05	FY-06	FY-07
Percent increase from previous year	8.00%	8.00%	8.00%

Inside the City Limits

WATER – WATER RS/ML			
-Thousand			
-Gallons			
-Per Unit	FY 05	FY 06	FY 07
0—4	\$0.71	\$0.77	\$0.54
5—8	1.07	1.16	1.26
9—12	1.51	1.64	1.78
13—20	2.06	2.23	2.41
21 & >	2.62	2.83	3.06
Base ERM Charge	6.78	7.33	7.92
Additional Unit Charge	2.47	2.67	2.89
WATER – WATER CM/PU			
-Rate			
-Block	FY 05	FY 06	FY 07
1	\$0.62	\$0.67	\$0.73
2	0.71	0.77	0.84
3	1.07	1.16	1.26
4	1.51	1.64	1.78
5	2.06	2.23	2.41
WATER - WATER IRR			
-Thousand			
-Gallons	FY 05	FY 06	FY 07
0—4	\$1.51	\$1.64	\$1.78
5—8	2.06	2.23	2.41
9 & >	2.61	2.82	3.05
-SEWER – ALL INSIDE			
	-FY 05	FY 06	FY 07
Volume Charge	\$4.01	\$4.34	\$4.69
Base ERM Charge	8.01	8.66	9.36
Additional Unit Charge	4.93	5.33	5.76

Outside City Limits

WATER – WATER RS/ML			
-Thousand			
-Gallons			
-Per Unit	FY 05	FY 06	FY 07
0—4	\$0.89	\$0.96	\$1.05
5—8	1.34	1.45	1.58
9—12	1.89	2.05	2.23
13—20	2.58	2.79	3.01
-21 & >	3.28	3.54	3.83
Base ERM Charge	8.48	9.16	9.90
Additional Unit Charge	3.09	3.34	3.61
WATER – WATER CM/PU			
-Rate			
-Block	FY 05	FY 06	FY 07
1	\$0.78	\$0.84	\$0.91
2	0.89	0.96	1.05
-3	1.34	1.45	1.58
4	1.89	2.05	2.23
5	2.58	2.79	3.01
WATER – WATER IRR			
-Thousand			
-Gallons	FY 05	FY 06	FY 07
0—4	\$1.89	\$2.05	\$2.23
5—8	2.58	2.79	3.01
-9 & >	3.26	3.53	3.81
SEWER – ALL OUTSIDE			
	FY 05	FY 06	FY 07
Volume Charge	\$5.01	\$5.43	\$5.86
Base ERM Charge	10.01	10.83	11.70
Additional Unit Charge	6.16	6.66	7.20

Note: All rates are effective the beginning of their respective fiscal years.  
ERM = Equivalent Residential Meter



Increasing Block Structure Price Breaks by Meter Size  
Based on AWWA Equivalent Meter Ratio

Meter Size Inches	Equivalent Meter Ratio	Usage Up To				Usage Over:
		Block 1	Block 2	Block 3	Block 4	Block 5
		(1000 gallons/month)	(1000 gallons/month)	(1000 gallons/month)	(1000 gallons/month)	(1000 gallons/month)
0.75	1	4	8	12	20	21
1	2.5	10	20	30	50	51
1.5	5	20	40	60	100	101
2	8	32	64	96	160	161
3	16	64	128	192	320	321
4	25	100	200	300	500	501
6	50	200	400	600	1,000	1,001

- (d) *Outside city rates.* Outside city rates shall be 125 percent of the inside city rates, ~~as reflected in the above tables.~~
- (e) *Maximum usage charge, residential.* The maximum monthly sewer charge for residential customers shall not exceed an amount computed on the basis of 12,000 gallons of metered water consumption per dwelling unit. The usage charge is in addition to the monthly readiness-to-serve charge for the water meter currently in use. If there is an inoperative meter, a maximum usage charge may be established by the superintendent in order to facilitate billing the sewer usage charge to the customer. For residential and multiple dwelling units served by a single water meter which have separate water meters for irrigation purposes for which the sewage usage charge is not billed or for which a non-metered alternative water source (e.g., lake or well) is used for irrigation purposes, there shall be no maximum usage charge associated with nonirrigation water use.
- (f) *Applicability.* Rates and charges provided for in this section shall not apply to water billings for such meters as have been determined by the city to have no relationship to the use of the sanitary sewer system. Such determination shall be based upon an application submitted by the user to the city, which application shall be accompanied by evidence that the water passing through such water meter is not connected to the sanitary sewer system and is not connected to septic tanks in areas where the sanitary sewer system is available as defined in this article.

- (g) *Rates for persons deemed users but not connected to system.* For persons deemed users in accordance with section 102-133 but who are not connected to any line of the sanitary sewer system, the monthly rate shall be equivalent to the readiness-to-serve charge for service both inside the city or outside the city.
- (h) *Billing frequency.* The city manager is authorized to bill users either monthly or quarterly. Quarterly fees shall be determined by multiplying the minimum and maximum monthly fees or usage requirements by three, with the sewer usage fee per 1,000 gallons of metered water being the same as for monthly billing.
- (i) *Adjustment of rates.* In order to ensure that the city derives sufficient revenue to offset future changes in operation and maintenance charges for sewage disposal at treatment plants now owned by the city, the rates per 1,000 gallons of water consumed shall be adjusted, if approved by a majority of the city commission, to incorporate any change in the operation and maintenance costs billed to the city for the use of such plants. The city manager shall be responsible for computing the necessary adjustment and advising the city commission of its magnitude immediately upon being informed of a change in these charges. The adjusted rate shall take effect no sooner than the date charges to the city are increased or 30 days after the city commission is notified of the pending increase, whichever occurs later.
- (j) *Automatic index adjustment.* The rates established in subsection (c) above for sewer service shall be adjusted annually, on or before October 1 of each year, in accordance with the Florida Public Service Commission Deflator Index. The automatic index adjustment shall be determined on an annual basis and shall be applied to such sewer rates and charges which are in effect immediately prior to the effective date of each such automatic annual adjustment. The effective date of the adjusted sewer rates and charges shall be October 1 of each year unless the city commission, after public hearing, determines that the automatic index adjustment is not necessary for the fiscal soundness of the sanitary sewer system.

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**Sec. 102-134. - Collections; penalties for nonpayment.**

- (a) An initial deposit shall be required ~~as set forth in this section~~ at the time the property is first connected to the water or sewer system or when an owner or tenant has previously failed to pay water, sewer or sanitation service fees due the city within the time limits established in this article. All commercial accounts will be required to place and maintain a deposit in either the amount stated in this section or in an amount equal to three months average billing, whichever is greater. Deposits required by this section are a guarantee that all sums of money due to the city for service furnished to the user making such deposit will be fully paid. Upon the payment of all such sums the city shall, upon the discontinuance of service, refund to the person making such deposit the amount of such deposit less any water, sewer and sanitation fees and penalties still due the city. Deposits shall be returned to residential customers making the deposit after two years of service if the user has not been delinquent in making timely water, sewer and sanitation sewer fee payments to the city. Deposits

required by this section will be determined by resolution by the city commission, as may be amended from time to time.

REQUIRED DEPOSITS

~~(1) Inside city property—owner occupied property:\*~~

Water Meter Size (inches)	With Sewer and Garbage	With Sewer	Without Sewer
<del>3/4</del>	<del>\$ 135.00</del>	<del>\$ 105.00</del>	<del>\$ 60.00</del>
<del>1</del>	<del>—150.00</del>	<del>—120.00</del>	<del>—85.00</del>
<del>1½</del>	<del>—180.00</del>	<del>—150.00</del>	<del>—105.00</del>
<del>2</del>		<del>—420.00*</del>	<del>—145.00*</del>
<del>3</del>		<del>—510.00*</del>	<del>—225.00*</del>
<del>4</del>		<del>—600.00*</del>	<del>—330.00*</del>
<del>6</del>		<del>—885.00*</del>	<del>—600.00*</del>

~~(2) Inside city property—tenant occupied property:\*~~

Water Meter Size (inches)	With Sewer and Garbage	With Sewer	Without Sewer
<del>3/4</del>	<del>\$ 135.00</del>	<del>\$ 105.00</del>	<del>\$ 60.00</del>
<del>1</del>	<del>—150.00</del>	<del>—120.00</del>	<del>—85.00</del>
<del>1½</del>	<del>—180.00</del>	<del>—150.00</del>	<del>—105.00</del>
<del>2</del>		<del>—420.00*</del>	<del>—145.00*</del>
<del>3</del>		<del>—510.00*</del>	<del>—225.00*</del>
<del>4</del>		<del>—600.00*</del>	<del>—330.00*</del>
<del>6</del>		<del>—885.00*</del>	<del>—600.00*</del>

~~(3) Outside city property owner-occupied property:\*~~

Water Meter Size (inches)	With Sewer and Garbage	With Sewer	Without Sewer
<del>3/4</del>		<del>\$ 145.00</del>	<del>\$ 75.00</del>
<del>1</del>		<del>165.00</del>	<del>100.00</del>
<del>1 1/2</del>		<del>195.00</del>	<del>130.00</del>
<del>2</del>		<del>570.00*</del>	<del>165.00*</del>
<del>3</del>		<del>675.00*</del>	<del>270.00*</del>
<del>4</del>		<del>780.00*</del>	<del>375.00*</del>
<del>6</del>		<del>1,140.00*</del>	<del>690.00*</del>

~~(4) Outside city property tenant-occupied property:\*~~

Water Meter Size (inches)	With Sewer and Garbage	With Sewer	Without Sewer
<del>3/4</del>		<del>\$ 145.00</del>	<del>\$ 75.00</del>
<del>1</del>		<del>165.00</del>	<del>100.00</del>
<del>1 1/2</del>		<del>195.00</del>	<del>130.00</del>
<del>2</del>		<del>570.00*</del>	<del>165.00*</del>
<del>3</del>		<del>675.00*</del>	<del>270.00*</del>
<del>4</del>		<del>780.00*</del>	<del>375.00*</del>
<del>6</del>		<del>1,140.00*</del>	<del>690.00*</del>

~~\* In addition to the applicable deposit set forth in the city commission resolution, the city manager or finance director may, at his sole discretion, prescribe an additional deposit or require the user to post a surety bond and hold any deposit indefinitely for any commercial account based on unusual anticipated consumption.~~

(b) Nonpayment of water, sewer or any other utility service fees, penalties or charges is declared to be a violation of this chapter article. Nonpayment of water, sewer or any other utility service fees, surcharges, penalties or charges for owner- or tenant-occupied property for a period of 25 days after the billing date shall be considered delinquent and shall constitute grounds for the suspension of water service until payment of fees, interest, penalties and any related service charges are made. However, no suspension of water

service under this article shall be required by the city except upon written authorization signed by the city manager or his/her designee. Furthermore, nonpayment of water, sewer or any other utility service fees, penalties or charges for a period of 60 days for owner- or tenant-occupied property shall constitute grounds for the suspension of sewer service, when authorized in writing by the city manager. When sewer service is suspended, the county health department shall be immediately notified.

- (c) ~~If a representative of the city arrives at the service address to disconnect service for nonpayment and the customer tenders payment instead of having service disconnected, a service charge of \$10.00 shall be charged and collected in addition to all past due water, sewer, refuse and related charges. When service is disconnected due to nonpayment, service shall not be reconnected until all past due water, sewer, refuse and related charges and penalties are fully paid, together with a reconnection charge of \$25.00 as proscribed by city commission resolution.~~
- (d) In accordance with section 180.135, Fla. Stat. the city may not refuse or discontinue water or sewer services to the owner of any rental unit or to a tenant or prospective tenant of such rental unit for nonpayment of sewer service charges incurred by a former occupant of the rental unit who contracted directly with the city for such sewer services and provided such former occupant was not the property owner and provided the provisions of subsection (f) do not apply.
- (~~e~~) The penalties and remedies contained in this section shall be cumulative and shall be in addition to any and all other penalties and remedies contained in this Code for the violation thereof.
- (f) The city may refuse water and sewer service to any prospective customer that is "related entity" to current or former water or sewer service customer who has a delinquent water or sewer service account until such delinquent account is paid in full. For the purpose of this subsection, "related entity" means any entity for which: (i) has any one or more of the same members, officers or directors as a delinquent water or sewer service customer; (ii) any member, officer or director of such entity has a delinquent water or sewer service account; (iii) is a parent or subsidiary entity of a delinquent water or sewer service customer; or (iv) is the same entity as a delinquent water or sewer service customer but may operate under a different name whether by way of merger, name change or different fictitious name. The city may rely on a review of the State of Florida, Department of State, Division of Corporations records for making determinations of related entity status. The city shall have the right to require a prospective customer sign a sworn statement attesting that such prospective customer is not a related entity to any current or former water or sewer service customer who has a delinquent water or service account, and in the event the city later determines such sworn statement to be untrue, the city shall have the right to immediately disconnect water and sewer services until the delinquent service account(s) is paid in full.

**Sec. 102-135. - Liens.**

- (a) The city shall have a lien on all lands or premises served by its sewer system for all service fees, penalties imposed under this article and service charges for such sewer facilities until paid, which lien shall be prior to all other liens on such lands or premises, except the lien of state, county and municipal taxes and municipal liens for other municipal services such as water and refuse, and shall be on a parity with the lien of such state, county and municipal taxes and other municipal liens. Such lien shall arise at the time of connection of sewer service to such lands or premises and shall be due and payable at the time of delinquency of any unpaid sewer fees and service charges. ~~Interest shall accrue on unpaid liens at the rate of 12 percent per annum. The city will not record a lien for sewer service fees and charges that is not permitted by section 180.135, Fla. Stat.~~
- ~~(b) The city shall be entitled to institute foreclosure proceedings at any time after a lien is attached and is delinquent for a period of 30 days, such proceedings to be in accordance with law, and the city shall be entitled to collect reasonable attorneys' fees from the owner for services rendered by the city's attorneys in the institution and prosecution of such foreclosure proceedings.~~
- ~~(c) Liens created under this section shall, upon the request of the user or the owner of the property affected and upon payment of all delinquent fees, including lawful interest thereon, and all penalties imposed, be released by a certificate signed by the city manager or the city finance director and bearing the seal of the city. The issuance of such certificate shall constitute prima facie evidence of the existence or nonexistence of any such delinquent fees and shall, in the absence of fraud perpetrated by the party requesting the certificate, be binding upon the city as to the existence or nonexistence of any lien created under this section.~~
- (b) The city shall serve, by certified mail-return receipt requested and regular U.S. Mail, a notice of non-payment to the customer at the service address and the current owner of the property based on the ownership information appearing on the Orange County Property Appraiser website. Provided the city sends the notice of non-payment, the customer's and/or current owner's failure to receive delivery of such notice of non-payment shall not invalidate or otherwise impact the city's ability to place and foreclose a notice of lien against the applicable property.
- (c) The notice of non-payment shall contain:
- (i) A description of the property;
  - (ii) Advise the customer and the property owner of the amount due and the fee and/or charges that were not paid; and
  - (iii) Advise that in the event the fees and/or charges are not paid within thirty (30) calendar days from the date of the notice of non-payment, that a notice of lien may be recorded in the official records of the county and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.
- (d) If the amount set forth in the notice of non-payment is not paid within thirty (30) days from the date of the notice of non-payment, then
- (i) The outstanding balance owed to the city shall accrue interest at the rate of twelve percent (12%) per annum until such amount is paid in full;

- (ii) The city may proceed to record a notice of lien against the applicable property in the official records of the county; and
- (iii) A copy of the notice of lien shall be served by U.S. Mail to the customer and the property owner at the same addresses as set forth in subsection (b) above.
- (e) After the expiration of thirty (30) days from the date of recording of the notice of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted and prosecuted in conformity with the procedures for the foreclosure of liens as set forth in the Florida Statutes. The city shall also have the right to bring an action for monetary judgment to collect past due amounts owed.
- (f) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.
- (g) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement.

**SECTION V: Conflicts.** If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

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

**SECTION VII: Codification.** Sections II, III and IV of this Ordinance shall be codified and made a part of the City of Winter Park Code of Ordinances; the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*," "*Article*," "*Division*" or another appropriate word. The City Clerk is given liberal authority to correct scrivener's errors, such as incorrect Code cross-references, grammatical, typographical, and similar errors when codifying this Ordinance.

**SECTION VIII: Effective Date.** This Ordinance will become effective immediately following approval by the City Commission at its second reading.

**PASSED AND ADOPTED** on second reading this 23<sup>rd</sup> day of August 2023.

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Phillip M. Anderson, Mayor

ATTEST:

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Rene Cranis, City Clerk