RESOLUTION NO: 2011-03

A RESOLUTION OF THE CEDAR KEY WATER AND SEWER DISTRICT; CLARIFYING THE EFFECT OF REMOVING A WATER METER FROM A PROPERTY; ADDING A FEE FOR INSTALLATION OR REMOVAL OF A WATER METER; AMENDING SECURITY DEPOSIT AMOUNTS; DELETING PROVISIONS RELATING TO ULTRA LOW FLOW DEVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Cedar Key Water and Sewer District owns and operates a water and wastewater system as part of a combined and integrated water and wastewater system; and

WHEREAS, the District provides potable water and wastewater treatment services to customers within its geographical boundaries as established by the Legislature of the state of Florida; and,

WHEREAS, in order for the District to provide high-quality water and wastewater services, it is necessary that fees be charged for such services that are sufficient to meet all of the obligations of the District; and

WHEREAS, the District has an obligation to insure that sufficient revenues are generated to cover all existing and anticipated expenditures for the water and wastewater system; and

WHEREAS, the District finds it necessary to clarify the effect of delaying installation of a water meter on a properly, or removing a water meter from a property;

WHEREAS, the District finds that it is fair, equitable, and necessary to impose a fee for installation or removal of a water meter, and amending the security deposits required; and

WHEREAS, the District Board finds that existing provisions in the District's codified resolutions dealing with ultra low flow devices are no longer necessary to promote water conservation within the District.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CEDAR KEY WATER AND SEWER DISTRICT:

Section 1. Section 3.01 of the codified District Resolutions is amended to read as follows:

3.01 Mandatory Connection to Water Facilities

A. Time Limit. The owner of any house, building or other improvement on any property used, or to be used, for human occupancy, employment, recreations, business, or other purpose which is or shall be served by a water supply system and located on property abutting any street, alley, right-of-way, or easement on which a public water line is installed, and located within two hundred (200) feet of such water line, shall, immediately upon the effective date of this resolution, or within sixty (60) days after the completed construction of such water line in operative condition, whichever date is the later, connect or cause to be connected, all water supply facilities from said property and improvement to the public water line.

B. Rates and Charges

1. The owner and/or occupant of such property required to be so connected to the public water line shall pay to the District the monthly rates and charges for the use or availability for use of such water line according to the schedule of rates currently in effect in the District, ~~regardless of whether an actual connection is made or not~~, the charges for which shall commence on the date such property is connected or required to be connected (whichever first occurs) to said water line as provided above. Provided, however, that a customer may choose not to install a water meter, or have an existing water meter removed, and in such case water and sewer charges to the property shall cease for the period that the meter is removed, if the following conditions are met:

   a. The customer shall agree to and pay all meter removal and installation fees adopted by the District.

   b. The customer certifies that the structure served by the district water line shall be vacant and not in use during the entire period that the meter is removed. If at any time the District determines that the structure is occupied and/or being used, the District may install a water meter at the owner's expense, and shall commence charging the property pursuant to the District's normal water and sewer charges.

2. All hook-up and meter fees payable as a result of connections made hereunder shall be due and payable within ninety (90) days from the date

such property is connected or required to be connected (whichever first occurs as provided above).

C. **Submission of Statements**. The Administrative Secretary of the Board shall submit monthly statements for the charges herein required to be made and shall collect for same in the manner now hereafter provided.

D. **Discontinuance of Service For Non-Payment**. Upon the failure of any owner or occupant to pay the District within thirty (30) days of the date of its mailing by the District the full amount of any bill rendered pursuant to this Resolution, the District may discontinue any or all utility service rendered by the District to such property against which such charges remain delinquent. The delinquent customer shall be given notice at least seven days prior to the discontinuation of any service. Service shall not be disconnected if the customer pays all amounts owed within the seven-day notice period. The notice shall be posted on the premises where there service is rendered, or otherwise personally delivered to the customer. The notice shall state the amount owed and shall inform the customer that the amount due may be contested by contacting the District office during normal working hours. If the District Superintendent finds that there is any doubt as to the amount owed, the matter shall be placed on the agenda of the next District meeting at which the delinquent customer may be heard and a final decision shall be rendered by the Board.

E. **Penalty for Violation**. Any person failing to connect to the public sanitary water line as required by this ordinance shall upon conviction thereof, be guilty of a misdemeanor of the second degree and shall be punished in accordance with §775.082 and §775.083, *Florida Statutes.*

Section 2. Section 3.02 of the codified District Resolutions is amended to read as follows:

3.02 Mandatory Connection to Sanitary Disposal Facilities

A. **Time Limit**. The owner of any house, building or other improvement on any property used, or to be used, for human occupancy, employment, recreation, business, or other purpose which is or shall be served by a sewerage disposal system other than a direct connection to the city's public sanitary sewer system and located on property abutting any street, alley, right-of-way, or easement on which a public sanitary sewer line is installed, and located within two hundred (200) feet of such sewer line, shall immediately upon the effective date of this resolution, or sixty (60) days after the completed construction of such sewer line in operative condition, whichever date is the later, connect, or cause to be connected, all sanitary sewerage disposal facilities from said property and improvement to the public sanitary sewer line.

B. Rates and Charges

1. The owner and/or occupant of such property required to be so connected to the public sanitary sewer line shall pay to the District the monthly rates and charges for the use or availability for use of such sanitary sewer line according to the schedule of rates then currently in effect in the District; ~~regardless of whether an actual connection is made or not~~, the charges for which shall commence on the date such property is connected or required to be connected (whichever first occurs) to said sanitary sewer line as provided above. Provided, however, that sewer charges may be delayed or suspended if the water meter is removed or not installed on the property pursuant to Section 3.01 B 1 above.

2. All hook-up fees payable as a result of connections made hereunder shall be due and payable within ninety (90) days from the date such property is connected or required to be connected (whichever first occurs) as provided above.

C. Submission of Statements. The Administrative Secretary of the Board shall submit monthly statements for the charges herein required to be made and shall collect for same in the manner now hereinafter provided.

D. Penalty for Violation. Any person failing to connect to the public sanitary sewer line as required by this resolution shall upon conviction thereof, be guilty of a misdemeanor of the second degree and shall be punished in accordance with §775.082 and §775.083, *Florida Statutes.*

Section 3. Section 5.04 of the codified District Resolutions is amended to read as follows:

5.04 Miscellaneous Charges

The following shall be imposed:

A. Penalty for late payment $20.00
(if payment not made by the 20th of the month)

B. Disconnect Fee $25.00

C. Reconnect Fee $25.00

D. Service charge for checking meter and finding no problem $25.00

E. Service charge for leak detection download $20.00

F. Service charge for removal or installation of meter $120.00

Section 4. Section 5.05 of the codified District Resolutions is amended to read as follows:

5.05 Deposit Charges

A. A refundable ~~$100~~ deposit shall be paid at the time of opening any new account with the District. The deposit shall be security for the payment of water and sewer bills. The amount of the deposit shall be $100 for Small Users, and $250 for Large Users.

B. Except as provided below, the deposit shall be held by the District in a non-interest-bearing account until final settlement of the consumer's account, at which time the deposit shall be applied against any utility bill due the District for such service. Any unused balance shall be refunded when the account is settled and closed. In the event any deposit is unclaimed for a period of 12 months after the service is discontinued, such unclaimed deposit shall be turned over to the state department of banking and finance in accordance with Florida law following 30 days written notice to such consumer mailed to the address shown on the application for service.

C. Deposits for residential service shall be credited to the consumer at the end of two years provided that the consumer has maintained a satisfactory payment record as determined by the Board. A payment record shall not be found to be satisfactory if there have been any late payments over the two-year period.

Section 5. Section 6.05 of the codified District Resolutions is amended to read as follows:

6.05 Reserved. ~~**Requirement to Retrofit to Ultra Low Flow Devices**~~

~~**A. Establishment of Surcharge.** There is hereby established a surcharge of twenty five percent (25%) to be applied to each monthly water and sewer bill of all large volume customers that do not have ultra low flow devices on all toilets, showerheads and lavatory faucets on premises of said customers. The surcharge shall take effect four (4) months from adoption of this Resolution. During said four (4) months, it is the intent of the District that all large volume customers shall have sufficient time to install ultra low flow devices so as to avoid being assessed the surcharge. All large volume customers shall be required to pay the surcharge hereby established until such time as said large volume customer shall certify to the District that the required ultra-flow devices have been installed.~~

~~**B. Large Volume Customers Defined.** Large volume customers are customers consuming an average of fifteen thousand (15,000) gallons of water per month during the twelve (12) months preceding the adoption of this Resolution.~~

~~C.~~ ~~**Ultra Low Flow Devices Defined**. Ultra low flow devices are defined as follows:~~

~~Toilets: 1.6 gallons per flush (max)~~

~~Showerheads: 2.25 gallons per minute (max)~~

~~Lavatory Faucets: 0.5 gallon per minute aerators (max)~~

~~(As an option at public restrooms, self closing or electric eye faucets may be utilized)~~

Section 6. Amendment and Codification. In Sections 1 through 5 above, language underlined shall be added; language struck through shall be deleted. The changes in Sections 1through 5 above shall be incorporated into the District's codified resolutions.

Section 7. Effective Date. This Resolution shall take effect upon final adoption.

Passed on 1st reading by a vote of 5 to 0 on the 11th day of April, 2011.

Passed on 2nd reading by a vote of 5 to 0 on the 7th day of June, 2011.

CEDAR KEY WATER
AND SEWER DISTRICT

BY: Dottie Haldeman
Dottie Haldeman, Chairperson
(SEAL)

ATTEST: Ann Richburg
Ann Richburg, Secretary