

ORDINANCE NO. 4269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, PERTAINING TO THE OPERATION OF THE POTABLE WATER, RECLAIMED WATER, SEWERS AND OTHER UTILITIES; AMENDING SECTION 10-102 "DEFINITIONS"; AMENDING SECTION 10-104 PERTAINING TO CONSTRUCTION OF NEW WATER, RECLAIMED WATER AND/OR SEWER UTILITY EXTENSIONS; AMENDING SECTION 10-106 TO REQUIRE UTILITY SERVICE CONNECTION CHARGES BE ESTABLISHED BY ORDINANCE; AMENDING SECTION 10-110 TO REFLECT CHARGES FOR UTILITIES WILL BE PROVIDED FOR BY ORDINANCE; AMENDING SECTION 10-116 TO REFLECT REMOVAL AND INSTALLATION CHARGES FOR METERS WILL BE ESTABLISHED BY ORDINANCE; AMENDING SECTION 10-117 TO REFLECT THAT ALL WATER RATES AND CONNECTION CHARGES WILL BE ESTABLISHED BY ORDINANCE; AMENDING SECTION 10-118 TO REFLECT ALL SEWER RATES AND CHARGES WILL BE ESTABLISHED BY ORDINANCE; AMENDING SECTION 10-121 REQUIRING DEPOSITS IN AMOUNTS ESTABLISHED BY ORDINANCE AND UPDATING UTILITY BILLING PRACTICES FOR RESIDENTIAL AND NON-RESIDENTIAL ACCOUNTS; AMENDING SECTION 10-122 TO REQUIRE AN ACTIVE UTILITY ACCOUNT FOR ALL PROPERTIES CONNECTED TO WATER AND/OR SEWER; REPEALING SECTION 10-123; AMENDING SECTION 10-124 PERTAINING TO DISCONTINUANCE OF THE WATER AND/OR RECLAIMED WATER SERVICE; AMENDING SECTION 10-127 TO ALLOW FOR ESTIMATION OF WATER CONSUMED IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 10-130 "PENALTY FOR VIOLATION OF CERTAIN SECTIONS OF CHAPTER 10"; AMENDING SECTION 10-132 TO REQUIRE RECONNECTION CHARGES TO RECLAIMED WATER SERVICE BE ESTABLISHED BY ORDINANCE AND REMOVING OUT DATED REFERENCES TO CHAPTER 9 OF THE CODE; AMENDING SECTION 10-133 TO ESTABLISH A STORMWATER UTILITY FEE MITIGATION CREDIT PROGRAM AND TO ADDRESS STORMWATER MANAGEMENT FEES WITHIN THE PINELLAS PARK WATER MANAGEMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pinellas Park presently operates a potable water, reclaimed water and sanitary sewer utility system within its potable water, reclaimed water and sanitary sewer utility service areas; and

WHEREAS, the City Council desires to update and amend its Code of Ordinances to require all fees and charges pertaining to potable water, reclaimed water and sanitary sewers utility systems be established by Ordinance; and

WHEREAS, the City Council desires to update and amend its Code of Ordinances to clarify and simplify utility billing procedures for residential and non-residential accounts; and

WHEREAS, the City of Pinellas Park presently has a Stormwater Management Utility System that imposes a Stormwater Management Fee; and

WHEREAS, the City Council desires to establish a Stormwater Utility Fee Mitigation Credit Program in recognition of the benefits provided by privately maintained stormwater mitigation facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: The foregoing findings are incorporated herein by reference and made a part thereof.

SECTION TWO: That Section 10-102 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-102. Definitions.

The following definitions are given for the purpose of establishing standard interpretations of those terms in this utility service and extension policy.

Active Utility Account. An account established with the City for payment of all utilities connected to the property that remains in good standing.

Administrator. The Administrator of the Public Works Administration of the City of Pinellas Park.

City. City of Pinellas Park, Florida.

City Manager. The City Manager of the City of Pinellas Park

or his designee.

Consumer, Customer or Applicant. The person or entity which owns the property to which utility service is applied for and provided to, regardless of the method of billing established or the ultimate user of the services. In the case of multiple developments, the consumer, customer, or applicant will be construed to mean the person or entity contracting for the master meter.

Developer. Owner or agent of the owner of land, including any land from a one-family property to subdivision, who shall have the legal right to negotiate for water, reclaimed water and sewer facilities.

Director. The Director having responsibility for the Water, Reclaimed Water and Sewer Division of the Public Works Administration.

Frontage. That distance, normally expressed in feet, of which property is adjacent to and parallel with a street or avenue, without relation to the front, side or rear of any structure located on the property, provided:

1. That, to establish equity, those lots irregular in shape may be assessed on the basis of the average of their front and rear property line dimensions.
2. That lots or parcels of sufficient size to permit subdivision into two (2) or more lots upon which buildings can be erected under the zoning laws, regardless of the location of existing buildings, shall be assessed in such manner that all portions of property served by a water main and/or sewer main will be assessed for their equitable share of the cost of the project, using a maximum benefitted lot depth of one hundred (100) feet from said main.
3. That any lot or parcel which has previously been assessed for a water main and/or sewer main shall be given credit for such assessment to a maximum depth of one hundred (100) feet as provided under 2. above.
4. In the event of unusual lots or parcels which cannot readily be assessed according to the provisions above, that said property shall be assessed according to the value of benefit actually received, the amount of said assessment to be determined by the City Manager, subject to review on appeal to the City Council.

Petition. The written instrument by which a developer applies for water, reclaimed water and/or sewer services.

Pinellas Park Service Area. That area located within the unincorporated area of Pinellas County, contiguous to the City

limits, which has been so designated or set aside through written agreement with the City of St. Petersburg, other municipality or Pinellas County, as the area for which the City of Pinellas Park has the prior or first "rights" or responsibility for serving with public water, reclaimed water and sewer services.

Plumbing. All pipes, fittings and appurtenances on the property owner's side of the right-of-way or easement which serve only the property of the owner.

Subdivision development. The improvement of land through the process of platting or subdividing as provided for and required by Chapter 18, Article 1 (Subdivisions) of the Pinellas Park Land Development Code or similar regulations or laws pertaining generally to the incorporated, and specifically, unincorporated area of Pinellas County.

Sewer facilities.

1. *Fixture.* A fixture is any plumbing fixture or mechanical device that is connected to the sanitary sewer for the purpose of collecting and conveying wastewater to the City's Sanitary Sewer System.
2. *Sewer main or lateral.* A sewer line constructed in a right-of-way or utility easement for the purpose of collecting and disposing of sewerage from abutting properties.
3. *Sewer service connection.* Any connection to the sanitary sewer system for the purpose of collecting and conveying wastewater to the City's Sanitary Sewer Collection System.

Water facilities.

1. *Water main.* A water line constructed in a right-of-way or utility easement for the purpose of supplying potable water to consumers.
 - (a) *Adequate size main.* The size of the water main necessary to provide adequate water service to an individual consumer shall be determined not only by the absolute needs of a particular consumer but shall also reflect the needs for adequate fire protection for the area and type of development and the ability of the water system to provide service to all consumers on an area basis.
 - (b) *Oversize main.* A water main extension in, through or past a development which because of future extensions or other reasons, is larger than required at the time of installation.

2. *Water service connection.* A water line from a main to the property line of a particular property, equipped with a corporation cock and curb stop, meter box or meter.

Reclaimed water facilities.

- ~~1. *Administrator.* The Administrator of the Public Works Administration of the City of Pinellas Park.~~
- ~~2~~1. *Available, availability.* That an active reclaimed water transmission or distribution main is within the right-of-way or easement contiguous to the front, back or side of a property.
- ~~3. *City Manager.* The City Manager of the City of Pinellas Park or his designee.~~
- ~~4~~2. *Cross connection.* Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross connections.
- ~~5. *Director.* The Director of the Water Division of the Public Works Administration; or, if a Reclaimed Water Division has been established in the Public Works Administration, the Director of the Reclaimed Water Division.~~
- ~~6~~3. *Distribution main.* A small-diameter pipeline, usually six (6) inches or less, used to distribute reclaimed water throughout a neighborhood.
- ~~7~~4. *FDEP.* The Florida Department of Environmental Protection.
- ~~8~~5. *Reclaimed water.* Nonpotable water provided through a separate transmission and distribution system meeting FDEP's requirements for public access use stated in Chapter 62-610, Part III, of the Florida Administrative Code as amended.
- ~~9~~6. *Service line.* The pipeline and appurtenances between a transmission or distribution main and the customer's property.
- ~~10~~7. *Transmission main.* A component of a network of pipelines, eight-inch diameter and larger, which transmit reclaimed water from connection points with Pinellas

County's reclaimed water system to distribution mains within neighborhoods; service lines can emanate from transmission mains.

Unit. A structure or portion thereof designed for occupancy as a single unit by a household, individual, or business and containing living space, kitchen and/or sanitary facilities. This definition shall include, but not be limited to, each residential unit, each nonresidential unit, each mobile home unit, each condominium unit and each apartment unit, etc.

Single-family account. An account for a single dwelling unit. Where there are two (2) dwelling units in one (1) structure each dwelling unit shall be a separate account and metered separately. Where two (2) dwelling unit structures are presently serviced by a single meter, such arrangement shall continue subject to minimum usage as set forth hereunder in Sections 10-117 and 10-118.

Multiunit account. An account for three (3) or more units.

Transient units. Living accommodations which do not contain kitchen facilities.

Transient account. An account for a single transient unit.

Meters. ~~All water furnished to any user shall be metered.~~

1. *Master meter.* A meter serving three (3) or more dwelling units or customers.
2. *Individual meter.* A meter serving one (1) dwelling unit or customer only.

Utilities and services. This shall include, but not be limited to, reference to the water and sewer and reclaimed water system and garbage and refuse service.

Utility billing and service billing. This shall include, but not be limited to, reference to billing as outlined for use of water, sewer, reclaimed water, garbage and refuse service, and also include any other authorized charges, fees, costs or assessments that are added to, or made a part of, the utility billing system as authorized by the City Council.

Governmental entity. The state, any state agency, any county, municipality, authority, special district or other public body.

SECTION THREE: That Section 10-104 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-104. Methods of initiating construction of new water, reclaimed water and/or sewer utility extensions.

Construction shall be initiated as a result of either of the following actions:

(A) ~~Petition. Petition forms shall be obtained at City Hall.~~
Said A petition shall be filed with the City Manager's office and shall indicate the name, street address, lot and block numbers and the street frontage of each signer along with the type of service (water or sewer) required. Each petitioner shall agree to connect to and use the City utility following the placing in service of utility mains making available water, reclaimed water and/or sewer service for his property.

1. *Processing the petition.* Upon receipt of a petition by the City Manager which contains the signatures of the owners of fifty (50) percent or more of the property abutting the proposed utility extensions, it will be processed as follows:

(a) *Utilities constructed by the city (water and/or sewer only):*

1. The petition will be evaluated as to its feasibility. If it is determined to be impractical, subject to approval of City Council, it shall be returned to the signers with an explanation of the reason for such return.

2. If practical, the physical data necessary for construction, including the size, length and cost of an adequate-sized extension from the nearest adequate-size main, will be determined.

3. The method of financing will be determined as provided in Section 10-1075.

(b) *Utilities constructed by developers.* If the developer of a subdivision is authorized by the City Council to construct a water, reclaimed water and/or sewer utility extension either by contracting the work or doing the work himself, he shall follow the general procedures outlined in paragraph (1) of this Section, with the following exceptions:

1. The petition shall be accompanied by two (2) copies of a recorded plat, and a plan showing location and size of proposed utility extensions together with a

set of construction specifications. Such specifications will be as set forth in the City Manual of Minimum Design and Construction Standards.

2. The subdivision regulations regarding utilities and improvements, particularly as set out in Chapter 18, Article 1 (Subdivisions) of the Land Development Code, shall apply to all utilities constructed by a developer and all requirements set forth must be met.
3. Upon completion of the construction of the utility, the developer will comply with the provisions of Chapter 18, Article 1 (Subdivisions) of the Land Development Code before final acceptance by the City.

(B) *Ordering resolution.* If and when it shall be deemed necessary by the City Council that utilities be constructed either by City forces or by private contractor, the public necessity thereof shall be declared by Resolution of the Council, subject to confirmation at a Public Hearing to be scheduled not earlier than ten (10) days from the date of publication of notice of such hearing in a newspaper of general circulation in the municipality. Public Hearing will not be required when extension of utilities are to be constructed and paid for by a developer or in the case of a petition signed by one hundred (100) percent of the owners of the properties to be benefitted. Upon confirmation of the ordering Resolution the City Manager shall have the authority to see to the construction of said utilities, pursuant to Article IX, Section 48, of the City Charter.

SECTION FOUR: That Section 10-106 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-106. Utility service connection charges.

A Service connection charge will apply for any connection to the sanitary sewer collection system. The charge shall be established, and may be from time to time amended, by resolution ordinance.

SECTION FIVE: That Section 10-110 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-110. Ownership.

All utility facilities and appurtenances, other than plumbing, when constructed or accepted for operation and maintenance by the City shall become and remain the property of the City, and no person shall, by the payment of any charge provided herein, or by reason of construction of facilities accepted by the City, acquire any interest or right in any of such facilities, or any portion thereof, other than the privilege to have property connection thereto for water, reclaimed water and/or sewer service in accordance with Sections 10-102 through 10-110.

Meters are and shall remain, the property of the City, and the City reserves the right to specify the location, size, type and design of all water and reclaimed water meters and further reserves the right to remove, test, lock, seal, and repair meters; and to remove the meters for nonpayment of any utility charges, improper use of water or for any cause that is detrimental to the utility system. The use of master meters under special conditions and the charges for utilities and operation of utilities where connected to the City Utility System shall be provided for by the City Council by ~~Resolution~~ordinance.

SECTION SIX: That Section 10-116 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-116. Liability of owner.

- (A) To the extent allowed by applicable State law, the owner(s) of property to which service has been provided shall be held liable for all utility services provided thereto, irrespective of whether or not such owner(s) occupied such property.
- (B) The City will remove a meter and reinstall same for a charge as established by ~~resolution~~ordinance upon request of the property owner, provided that the property owner is the current occupant of the residence. It shall be unlawful for any person other than the authorized agent of the City to remove said water meter or reinstall same.

SECTION SEVEN: That Section 10-117 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-117. Water rates; water connection charges.

Residential and commercial water rates and water connection charges shall be established by ~~resolution~~ordinance.

SECTION EIGHT: That Section 10-118 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-118. Establishment of a user charge system; findings; annual review; notice to users; increased costs; reports; regulation of the use of sewers; sewer rates; sewer connection charges; reclaimed water rates; reclaimed water connection charges.

(A) User charge system.

1. *Sufficiency of sewer rates.* The rates charged for sewer use shall be sufficient to provide necessary funds for operation, maintenance and replacement of components of the sewer system before the ends of their useful lives. Said costs shall be reviewed annually by the City Council during the normal budget process to insure that there is adequate revenue to meet such costs, including, without limitation, the repayment of applicable bonded indebtedness, and that such costs are distributed among all users of the system as authorized by law.
2. *Notice.* The City shall provide notice to all users of the system, on an annual basis through the normal budget process, of the rates being charged for sewer use.
3. *Increased costs.* Any user who discharges toxic pollutants or any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater collection and transmission system shall pay for such increased costs caused thereby. Nothing herein shall be

construed to excuse any user from complying with all applicable federal, state, and local requirements relating to discharge into the City of Pinellas Park sewer system.

4. *Reports.* All users contributing more than fifty thousand (50,000) gallons per month into the City of Pinellas Park sewer system and whose waste strength is greater than three hundred (300) milligrams per liter of biochemical oxygen demand or three hundred (300) milligrams per liter of suspended solids shall prepare and file with the City a report that will include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data may be used to calculate the user charge for that user. The City shall have the right to gain access to the waste stream to take its own samples.
 5. *Compliance with applicable Pinellas County regulations.* All users of the Pinellas Park Sewer System shall comply with the provisions of the Pinellas County Sewer Use Ordinance, Ordinance No. 91-26, together with amendments and revisions thereto, to the extent available.
 6. *Compliance with applicable City of St. Petersburg regulations.* All users of the Pinellas Park Sewer System in the Gateway Centre Development, which is discharged to St. Petersburg for treatment, shall comply with the provisions of the St. Petersburg Pretreatment Ordinance, St. Petersburg City code Chapter 27, Article V, Division 3, Wastewater Collection and Treatment 27-206-27-217 together with amendments and revisions thereto, to the extent applicable.
 7. *Compliance with applicable City of Largo regulations.* All users of the Largo Sewer System in the City of Pinellas Park shall comply with the provisions of the City of Largo Sewer Use Ordinance, Ordinance Chapter 23, Article II, Division 4. Industrial Pretreatment Program, Article IV, Privately Owned Collection and Transmission Systems 23-186-23-194, together with amendments and revisions thereto, to the extent available.
- (B) *Sewer rates; sewer connection charges.* In order to comply with the foregoing requirements, sewer rates and sewer connection charges shall be established by ~~resolution~~ ordinance.
1. *Sewer rates, water furnished by other sources.* Owners of property connected to the City's sewer system who procure water from other sources, before discharging such water into the City sewer system, shall at their expense install a meter on the premises for measuring such water usage, and

shall pay the required sewer service charges established by ~~resolution~~ordinance, as applicable based upon such water usage, as well as for water provided by the City of Pinellas Park.

2. *Industrial use of sewers, pretreatment required.* Industrial users of the sewer system may be required by the City to pretreat sewage before discharging same into the sewer system, if it appears that the nature or composition of such sewage waste is detrimental to or will hamper the operation of the sewer system or treatment plant.
 3. *Sewer connection charges.* Sewer connection charges shall be established by ~~resolution~~ordinance.
 4. *Sufficiency of sewer and water rates for reclaimed water debt service.* In addition to the provisions of Subsection A(1) above, the rates charged for sewer and water use shall also be sufficient to provide necessary funds for repayment of any debt that is not paid from the charges described in Subsection (C) below for construction and related costs for the proposed reclaimed water system. Such costs will be distributed among all users of the system as authorized by law.
 5. *Billing, collection and disbursement of sewer service revenues for other governmental entities.* The City is hereby authorized to enter into City Council approved interlocal agreements with other governmental entities whereby the City bills, collects, and disburses sewer service charges for sewer services provided by such other governmental entities to customer accounts to which the city provides water service. The applicable provisions of this Chapter 10 shall apply thereto to the extent provided in such interlocal agreements.
- (C) *Reclaimed water rates; reclaimed water connection charges.* The rates charged for reclaimed water use shall be sufficient to provide necessary funds for operation, maintenance and replacement of the reclaimed water system and its components.

SECTION NINE: That Section 10-121 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-121. Deposit required; monthly payment for services; delinquency charges; turn-off; restoration of service; turn-ons.

(A) Residential accounts:

1. Upon written application for commencement of water, reclaimed water, sewer, garbage or refuse service, a deposit shall be made with the Finance Department. Interest shall accrue upon such deposit at the rate of one hundred eleven thousandth percent (0.111%) per annum. The required deposit shall be made in accordance with the level of service provided and shall be established by ~~resolution~~ordinance.
- (a) A customer who has had a service history of a minimum of two (2) consecutive years, and who has had a satisfactory payment history within the most current two-year period, shall not be required to pay an additional deposit. Subsection (A)1.(a) shall apply to only one (1) account per customer. A satisfactory payment history shall be defined as a payment history that consists of fewer than three (3) penalties, no returned checks, and no delinquencies.
- (b) When such money has remained on deposit for a minimum period of one (1) full year, interest thereon at the rate of one hundred eleven thousandth percent (0.111%) per annum shall be returned to the depositor in the form of a credit against the existing account indebtedness. Deposits that are held less than one (1) year, will receive a prorated interest that shall be returned to the depositor in the form of a credit against the existing account indebtedness.
- (c) When such money has remained on deposit for a minimum period of two (2) years, and the customer has maintained a satisfactory payment history as described in Subsection (A)1.(a) above during the most recent two-year period thereof, the full amount of the deposit monies shall be returned.
- (d) All monies so deposited shall be returned to the depositor when all services provided for herein have been permanently discontinued and further services are not required. Accrued interest thereon at the rate of one hundred eleven thousandth percent (0.111%) per annum shall be returned to the depositor together with the monies on deposit in the form of a credit against the existing account. Thereupon all monies remaining after the account has been issued a final billing including,

but not limited to penalties and delinquencies, required hereby, shall be returned to the depositor.

2. Utility Billing:

(a) Individual Meters: Bills for the services of utilities or any other authorized billings shall be prepared and forwarded to customers monthly. Such bills shall set forth thereon the separate charge for water service, the separate charge for sewer service, separate charge for garbage and refuse service and separate charge for reclaimed water service and each additional authorized service, the charge for delinquency, restoration of service as hereinafter described and the total thereof. ~~However, upon an applicant's written request the City may bill the occupant of each dwelling unit in a multiple dwelling facility organized under the Condominium Act of the State of Florida when it appears economically feasible to bill on the individual basis, for utility charges, provided further that the following conditions are met by the applicant:—~~

~~(a) That a master meter or meters exist at each supply source to the multiple dwelling facility.—~~

~~(b) That a written contract prepared by the City be supplied by the applicant complete with a certification that it has been negotiated by all legal owners of the property involved or complete with certification that it has been negotiated by all legal representatives as organized under the Condominium Act of the State of Florida, said contract authorizing the City to individually bill the occupant of each dwelling unit in the multiple dwelling facility following the policies set by the City Council for this procedure. Also included as a part of this document shall be a blanket license authorizing the City's representative access to the property for the purpose of enforcing the codes and policies established by the City Council applicable to this contract.—~~

~~(c) Upon execution of the aforementioned agreement, all current and subsequent occupants will be required to apply to the City for utility service subject to existing Council policy and pay a utility deposit as detailed in Subsection 10-121(A). Each said utility deposit will be returned to the depositor in the same manner as provided in this Chapter for the return of all other utility deposits.—~~

~~(d) In originating the above policy procedure it shall be the applicant's responsibility to provide the City, concurrent with the execution of this policy and on forms~~

~~supplied by the City, individual unit account information including the signatures of all existing occupants, to enable the City to execute the changeover to individual building as requested by the applicant. Existing original occupants at the time of execution of this procedure will be required to make a utility deposit as outlined in (c) above.~~

~~(e) All common facilities, which shall include any facility that is not an individual dwelling unit, shall be metered separately and said combined consumption of service shall be billed the applicant as if it were a single consumer, computed as set forth in this Chapter. Where any structure, facility or part thereof is used wholly or in part for any commercial or business purpose, each facility or part thereof so used shall be metered individually and billed the consumer as an individual account in accordance with this Chapter.~~

(b) Master Meters: For multiple dwelling facilities serviced by a master meter, the owner of the facility will be charged the approved minimum balance for each available unit, plus the master meter, or the cost of actual consumption, whichever is greater. The bill shall set forth thereon the separate charge for water service, the separate charge for sewer service, separate charge for garbage and refuse service and separate charge for reclaimed water service and each additional authorized service, the charge for delinquency, restoration of service as hereinafter described and the total thereof.

In the event that a multiple dwelling facility is serviced by multiple master meters, the owner of the facility may request billing of the occupant(s) of each dwelling unit on an "equalized" basis, so long as the total number of utility bills generated by the City are no more than double the number of master meters servicing the multiple dwelling facility.

~~(f) As will be described in the contract outlined in Subsection (A)2.(b) above, the applicant may request the billing of the occupant of each dwelling unit in a multiple dwelling facility on the "equalized basis" as outlined below. After computations of the total monthly utility consumption by the entire multiple dwelling facility the total consumption of all common facilities as outlined in (e) above shall be deducted, after which said remaining consumption shall be equally distributed and so billed to each dwelling unit in which service was provided for any part of the previous calendar month and shall include any other billings or service charges as~~

~~may be applicable to each unit as established by the City Council such as utility taxes, surcharges, garbage and refuse charges, penalties, etc. During initial phases of construction where entire units or sections of development cannot be completely isolated for the purpose of determining the exact amount of utility usage, the minimum residential water consumption will be predetermined to be four thousand (4,000) gallons per unit (reclaimed water will be predetermined to be twenty-five thousand (25,000) gallons per unit) for each unit in use and this usage will be billed to the occupant. Any balance in water usage above the combination of that billed the individual occupant and that billed the common facility as outlined in Subsection (A)2.(e) above shall be billed to the applicant as if it were an additional consumption of water only under the common facilities outlined in Subsection (A)2.(e) above. It shall be the responsibility of the applicant to isolate units or sections of the development at the earliest possible date so that standard procedures of billing can be enacted for the area.~~

- ~~(g) As will be described in the contract outlined in Subsection (A)2.(b) above, the applicant may request the billing of the account of each dwelling unit in a multiple-dwelling facility on the "minimum basis" as outlined below. Each occupant of each dwelling unit where service was provided for any part of the previous calendar month will be billed a minimum water, reclaimed water and/or sewerage charge at the rate established by resolution and shall include any other billings or service charges as may be applicable to each unit as established by the City Council such as utility taxes, surcharges, garbage and refuse charges, penalties, etc. Any balance in utility usage as determined through the master meter after deduction of the utility usage by a combination of the total minimum individual usages and the common facilities shall be billed the applicant as if it were additional utility consumption under the common facilities outlined in Subsection (A)2.(e) above. During initial phases of construction where large quantities of water are used for construction purposes this usage may be determined by a combination of computations using the basic procedure as outlined in Subsection (A)2.(f) above to determine this water usage. This usage may then be separated from the common facility billing where utilities charges other than water would~~

~~increase the utility bill if this procedure were not used.~~

- ~~(h) As will be described in the contract outlined in Subsection (A)2.(b) above the applicant may request the billing of the account of each dwelling unit in a multiple-dwelling facility on the "meter basis" as outlined below. Each occupant of each dwelling unit will receive a bill that will itemize the water, reclaimed water and/or sewerage charge where meter readings are available, at the rate provided in this Chapter and shall include any other billings or service charges as may be applicable to each unit as established by the City Council such as utility taxes, surcharges, garbage and refuse charges, penalties, etc. No meter will be recognized or read by the City unless said meter has been installed in compliance with all specifications and at locations approved by the City. All meters must be purchased through the City and no meter nor installation other than that approved by the City will be acceptable. Upon completion and approval of the installation of said meter, which shall be the responsibility of the multiple-dwelling facility applicant, said meter will become the property of the City and the City will be responsible for all future repairs and maintenance thereto. Installation of meters shall be subject to inspection by the Utility Department prior to acceptance as outlined above. During initial phases of construction water used for these purposes must be purchased from the City separately following policy procedure available for this purpose.~~
- ~~(i) A corporation cock or other authorized utility turn-off locking device must exist for each dwelling unit and common facility account within the multiple-dwelling facility wishing to enter into a contract as outlined in Subsection (A)2.(b) above for special billing procedures. Where there are already existing units, special locking turn-off devices will not be required, but this feature will be provided for all new units built after the adoption of this procedure and for all new developments adopting this procedure at any time in the future that were constructed subsequent to September 12, 1969.~~
3. If the rates or charges for all or any part of the services provided shall not be paid within twenty-five (25) days after the date of any bill rendered, a delayed payment charge in the amount of ten percent (10%) of the bill rendered shall be imposed and collected.

4. If the rates or charges for all or any part of the utility services provided by or through the City shall not be paid within forty-five (45) days or as otherwise provided by Florida Statutes after the date of any bill rendered, utility service to the delinquent customer shall immediately be shut off and discontinued, unless satisfactory payment arrangements have been made. Further, said utility service shall be discontinued prior to that time if a request for such discontinuance is received from Pinellas County Board of County Commissioners, pursuant to County Ordinance due to delinquency in payment of the utility to Pinellas County. Such utility service shall not thereafter be restored until the delinquent bill, including all turn-off/turn-on charges, has been paid in full. Any part of a utility bill that is delinquent shall constitute the entire bill being delinquent. No separation of payment is permitted.
 - (a) If any residential purchaser of utility services from the City of Pinellas Park who received water service from Pinellas County, shall fail, neglect, or refuse to pay to the City of Pinellas Park, the said charges for such purchase or purchases in excess of forty-five (45) days after the date of any bill rendered, the City of Pinellas Park shall have and is hereby invested with the right, power, and authority, to immediately request discontinuation of further service of water by the Pinellas County Board of County Commissioners, to such purchaser until the utility bill shall be paid in full, and notice of such payment has been given to said Pinellas County Board of County Commissioners.
5. All applicants for reconnections resulting from turn-off services due to delinquency in the utility billing account will be deemed to be new applicants and shall be required to make the deposit as specified in Subsection 10-121(A)1, except that only one (1) deposit shall be required per customer together with a reconnection charge as established by resolution~~ordinance~~.
6. When it shall appear to the City Manager that certain inequities exist with regard to requirement of a deposit from a customer who has previously established satisfactory credit with respect to his water, sewer and garbage account, then the City Manager may, in his discretion, waive the deposit requirement.
7. ~~With regard to accounts on an individual meter basis, upon written request by the applicant, although the account shall be in the name of the applicant, the City may bill the occupant of the subject dwelling unit solely as a~~

~~convenience to the applicant. Said occupant shall be required to pay a utility deposit as described in Subsection 10-121(A). Occupant deposits shall be held in the name of the occupant and shall only be security for those utility service charges incurred while the account is being billed directly to the occupant under the provisions specified in this paragraph. Each such deposit will be returned to the occupant depositor in the same manner as provided in this Chapter for the return of all other utility deposits. Accounts subject to billing under the provisions of this paragraph shall be cut off during any period that there is no recorded occupant for billing, and shall not be considered as active for minimum billing purposes during such periods.~~

(B) ~~Commercial~~Non-Residential accounts:

1. Upon application for commencement of water, sewer, reclaimed water, garbage and refuse service, a deposit shall be made with the Finance Department. The required deposit shall be made in accordance with the level of service provided and established by ~~resolution~~ordinance.
2. All money so deposited shall be returned to the depositor when all service provided for herein and delinquencies have been paid in full and further services are not required. When said money has remained on deposit for a minimum period of a full year, interest thereon at the rate of one hundred eleven thousandth percent (0.111%) per annum shall be returned to the depositor in the form of a credit against the existing account. Deposits that are held less than one (1) year, will receive a prorated interest that shall be returned to the depositor in the form of a credit against the existing account indebtedness.
3. ~~Annually, each deposit shall be reviewed~~ The City shall have the ability to review each deposit at any time on the basis of actual consumption and if any significant difference is noted, appropriate reduction or increase in the amount of the deposit shall be required accordingly.
4. Bills for the services of water, reclaimed water, sewer, garbage and refuse and any other authorized billing shall be prepared and forwarded to customers monthly. Such bills shall set forth thereon the separate charge for garbage and refuse service and each additional authorized service, the charge for delinquency, restoration of service as hereinafter described and the total thereof.
5. If the rates or charges for all or any part of the services provided shall not be paid within twenty-five (25) days

after the date of any bill rendered, a delayed payment charge in the amount of ten per cent (10%) of the bill rendered shall be imposed and collected.

6. If the rates or charges for all or any part of the services provided shall not be paid within forty-five (45) days or as otherwise provided by State Statutes after the date of any bill rendered, utility service to the delinquent customer shall immediately be shut off and discontinued, unless satisfactory payment arrangements have been made. Further, said utility service shall be discontinued prior to that time if a request for such discontinuance is received from Pinellas County Board of County Commissioners, pursuant to County Ordinance due to delinquency in payment of the utility to Pinellas County. Such utility service shall not thereafter be restored until the delinquent bill (together with all reconnection charges) shall be paid. Additionally, where meter services are not provided by the City, the City, at its option, may discontinue other utility services until the delinquent bill and reconnection charges have been paid. Once discontinued, utility service(s) shall not thereafter be restored until the delinquent bill (together with all reconnection charges) shall be paid. Any part of a utility bill that is delinquent shall constitute the entire bill being delinquent. No separation of payment is authorized.
 - (a) If any commercial purchaser of utility services from the City of Pinellas Park who received water service from Pinellas County, shall fail, neglect, or refuse to pay to the City of Pinellas Park, the said charges for such purchase or purchases in excess of forty-five (45) days after the date of any bill rendered, the City of Pinellas Park shall have and is hereby invested with the right, power, and authority, to immediately request discontinuation of further service of water by the Pinellas County Board of County Commissioners, to such purchaser until the utility bill shall be paid in full, and notice of such payment has been given to said Pinellas County Board of County Commissioners.
7. All applicants for reconnection resulting from turn-off services due to delinquency in the utility billing account will be deemed to be new applicants and shall be required to make a deposit together with a reconnection charge as established by ~~resolution~~ordinance.
8. ~~Upon the owner's written request the City may bill the occupant for each unit in a multiple-unit facility for utility charges provided the following conditions have been~~

met by the owner: Multiple-unit Facilities: the owner of the multiple-unit facility shall be responsible for the master meter and will be charged the approved minimum balance for each available unit, plus the master meter, or the cost of actual consumption, whichever is greater.

- ~~(a) That a master meter or meters exist at each supply source to the multiple-unit facility.~~
- ~~(b) That a written contract, prepared by the City, be supplied by the owner complete with a certification that it has been negotiated by all legal owners of the property involved in the multiple-unit facility authorizing the City to individually bill the occupant for each dwelling unit in the multiple-unit facility following the policies set by the City Council for this procedure and specifically holding the owners of said property ultimately responsible for any individual balance due the City which is uncollectible by the City following its normal procedure of billing and deposit as established by Council policy. Also included as a part of this document shall be a blanket license authorizing the City's representatives access to the property for the purpose of enforcing the codes and policies established by the City Council applicable to this contract.~~
- ~~(c) Upon execution of the aforementioned agreement, all current and subsequent occupants will be required to apply to the City for utility service subject to the then existing Council policy and pay a utility deposit as established by resolution. Each said utility deposit will be returned to the depositor in the same manner as provided in this Chapter for the return of all other utility deposits.~~
- ~~(d) In originating the above policy procedure it shall be the owner's responsibility to provide the City, concurrent with the execution of this policy and on forms supplied by the City, individual unit account information to enable the City to execute the changeover to individual billing as requested by the owner. Existing original occupants at the time of execution of this procedure will not be required to make a utility deposit as outlined in Subsection (B)8.(c) above as said owner is ultimately responsible for each account.~~
- ~~(e) The owner of the multiple-unit facility shall be responsible and billed separately for all the utility consumption in excess of that consumption billed to the individual units within the multiple-unit facility as~~

~~indicated by the master meter. In multiple-unit facilities where the "equalized basis" or the "metered basis" is being used for a billing procedure, all common facilities, which shall include any facility that is not an individual unit, shall be metered separately and said combined consumption of service shall be billed the owner as if it were a single customer, computed as set forth in this Chapter. Where any structure, facility or part thereof is used wholly or in part for any commercial or business purpose, each facility or part thereof so used shall be metered individually and billed the customer as an individual account in accordance with this Chapter.~~

~~(f) As will be described in the contract outlined in Subsection (B)8.(b) above, the owner may request the billing of the occupant of each unit in a multiple-unit facility on the "equalized basis" as outlined below. After computation of the total monthly utility consumption by the entire multiple-unit facility the total consumption of the all common facilities as outlined in Subsection (B)8.(a) above shall be deducted after which said remaining consumption shall be equally distributed and so billed to each unit in which service was provided for any part of the previous calendar month and shall include any other billings or service charges as may be applicable to each unit as established by the City Council such as utility taxes, surcharges, garbage and refuse charges, penalties, etc. During initial phases of construction where entire units or sections of development cannot be completely isolated for the purpose of determining the exact amount of utility usage, the minimum residential water consumption will be predetermined to be three thousand (3,000) gallons per unit (reclaimed water will be predetermined to be twenty-five thousand (25,000) gallons per unit) for each unit in use and this usage will be billed the owner. Any balance in water usage above the combination of that billed the individual occupant and that billed the common facility as outlined in Subsection (B)8.(e) above shall be billed to the owner as if it were an additional consumption of water only under the common facilities outlined in Subsection (B)8.(e) above. It shall be the responsibility of the applicant to isolate units or sections of the development at the earliest possible date so that the standard procedures of billings can be enacted for the area.~~

~~(g) As will be described in the contract outlined in Subsection (B)8.(b) above, the owner may request the~~

~~billing of the account of each unit in a multiple-unit facility on the "minimum basis" as outlined below. Each occupant of each unit where service was provided for any part of the previous calendar month will be billed a minimum water, reclaimed water and/or sewerage charge at the rate established by resolution and shall include any other billings or service charges as may be applicable to each unit as established by the City Council such as utility taxes, surcharges, garbage and refuse charges, penalties, etc. Any balance in utility usage as determined through the master meter after deduction of the utility usage by a combination of the total minimum individual usages and the common facilities shall be billed the owner as if it were additional utility consumption under the common facilities outlined in Subsection (B)8.(e) above. During initial phases of construction where large quantities of water are used for construction purposes, this usage may be determined by a combination of computations using the basic procedure as outlined in Subsection (B)8.(f) above to determine this water usage. This usage may then be separated from the common facility billing where utilities charges other than water would increase the utility bill if this procedure were not used.~~

- ~~(h) As will be described in the contract outlined in Subsection (B)8.(b) above, the owner may request the billing of the account of each unit in a multiple-unit facility on the "meter basis" as outlined below. Each occupant of each dwelling unit will receive a bill that will itemize the water, reclaimed water and/or sewer charge where meter readings are available, at the rate provided in this Chapter and shall include any other billings or service charges as may be applicable to each unit as established by the City Council such as utility taxes, surcharges, garbage and refuse charges, penalties, etc. No meter will be recognized or read by the City unless said meter has been installed in compliance with all specifications and at locations approved by the City. All meters must be purchased through the City and no meter nor installation other than that approved by the City will be acceptable. Upon completion and approval of the installation of said meter which shall be the responsibility of the multiple-unit facility owner, said meter will become the property of the City and the City will be responsible for all future repairs and maintenance thereto. Installation of meters shall be subject to inspection by the Utility Department~~

~~prior to acceptance as outlined above. During initial phases of construction water used for construction purposes must be purchased from the City separately following policy procedures available for this purpose.~~

~~(i) A corporation cock or other authorized water turn-off locking device must exist for each dwelling unit and common facility account within the multiple-unit facility wishing to enter into a contract as outlined in Subsection (B)8.(b) above for special billing procedures. Where there are already existing units, special locking turn-off devices will not be required, but this feature will be provided for all new units built after the adoption of this procedure at any time in the future that were constructed subsequent to September 12, 1969.~~

~~(j) When no contract is executed as described in Subsection (B)8.(b) above, the service order shall be the contract and the owner of the multiple-unit facility responsible for the master meter will be charged the approved minimum balance for each occupied unit, plus the master meter, or the cost of actual consumption, whichever is greater.~~

~~9. With regard to accounts on an individual meter basis, upon written request by the applicant, although the account shall be in the name of the applicant, the City may bill the occupant of the subject unit solely as a convenience to the applicant. Said occupant shall be required to pay a utility deposit in conformance with the provisions of Subsections (B)1. and (B)3. above, except where the applicant chooses to pay the deposit directly. Occupant deposits shall be held in the name of the occupant and shall only be security for those utility service charges incurred while the account is being billed directly to the occupant under the provisions specified in this paragraph. Each such deposit will be returned to the occupant-depositor in the same manner as provided in this Chapter for the return of all other utility deposits. Accounts subject to billing under the provisions of this Subsection shall be cut off during any period that there is no recorded occupant for billing, and shall not be considered as active for minimum billing purposes during such periods.~~

~~(C) Governmental agencies. No deposits shall be required of any governmental agency.~~

~~(D) Turn-on charges. In addition to all the foregoing applicable charges, turn-on charge shall be required as established by resolutionordinance.~~

SECTION TEN: That Section 10-122 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-122. Compulsory connection to water and sewer system.

The owner(s) of each lot or parcel of land which abuts upon a street or other public way containing either water or sewer lines or both, or which may reasonably be served by such water or sewer lines upon which lot or parcel a building or structure has been or will be constructed for residential, commercial or industrial use, shall within thirty (30) days after the effective date of this Section (8-14-1958) or within thirty (30) days after the construction of such building or structure, connect such building or structure with such water and sewer lines and shall cease to obtain water from other sources, except that this provision shall not apply to water used for lawn sprinkling and irrigation purposes, and cease to dispose of sewage by other methods. All such connections shall be made in accordance with rules and regulations adopted by the Council, which rules and regulations shall provide for a charge for making any connection in such reasonable amount as the Council may fix and establish, and in any event not less than the actual cost to the City, including inspection and supervision. The provisions of this Section shall apply in all cases, irrespective of whether the building or structure is to be occupied by the owner(s) or nonowner occupant. Compliance with this section requires an active utility account. Failure to keep such utility account active will be a violation of this section and subject to enforcement remedies and penalties provided by this Chapter, other City Codes and/or State law.

SECTION ELEVEN: That Section 10-123 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby repealed and amended to read as follows:

Sec. 10-123. ~~Ownership of meters.~~ Reserved

~~The City retains ownership of all meters. If a replacement meter shall be requested by the property owner, the cost thereof~~

~~shall be borne by him, unless the City shall determine that such meter is necessary for maintenance reasons.~~

SECTION TWELVE: That Section 10-124 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-124. Shut-off of water supply; city not liable; application by user; by city only.

The City shall have the right to shut off the utility supply for the purpose of making such additions and repairs as may be desired or necessary to the utility system, and the City shall not be liable to any customer for any damage resulting from such shut off.

Any person(s) contracting for utility service with the City who desires discontinuance of the water and/or reclaimed water service to the premises shall make written application to the City. ~~If the property is occupied by any person other than the person requesting the turn off of utility services from the premises, the City shall give five (5) working days' written notice to the occupant of its intent to discontinue utility service to the premises before such water and/or reclaimed water service is discontinued. Such notice shall be in a form approved by the City Manager, and shall be sent to the occupant(s) by certified mail, return receipt requested, or by hand delivery.~~ It shall be unlawful for any person other than the authorized agent of the City to turn off utility service.

Any person authorized to contract for utility services under the provisions of this Chapter desiring that water or reclaimed water service be provided to any premises shall make written application therefor to the City. It shall be unlawful for any person other than the authorized agent of the City to turn on utility service.

The City shall not be liable for any damages caused to third persons, including, but not limited to, tenants and occupants by turn on or turn off of utility service.

SECTION THIRTEEN: That Section 10-127 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby

amended to read as follows:

Sec. 10-127. Water and reclaimed water meters—Inspection; defective meters; estimate of water consumed; access for readings.

All meters shall be subject to the inspection and control of the City. Any meter found unworthy of further use shall be replaced by a new one at the expense of the City. All meters must be set and approved by the City.

Should the meter on any premises become defective so that the amount consumed for any one (1) month cannot be ascertained, the owner of the premises shall pay for that month an amount equal to the average amount charged for the last two (2) months of actual meter reads. In the event of any unforeseen circumstance(s) which prevent the City from ascertaining the actual amount consumed for any period of time, the City shall have the right to estimate consumption as outlined above.

SECTION FOURTEEN: That Section 10-130 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-130. Penalty for violation of certain sections of Chapter 10.

Any person, firm, or corporation who shall violate or fail to comply with the terms or provisions of this Chapter 10, shall ~~upon conviction in a court of competent jurisdiction be punished by~~ be subject to a fine not exceeding the sum of not more than One Five Hundred Dollars (\$1500.00) or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment. Each day that a violation be permitted to exist shall constitute a separate offense.

SECTION FIFTEEN: That Section 10-132 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-132. Use of reclaimed water.

(A) Restrictions.

1. *Connections.* No person shall connect to any reclaimed water system or otherwise use reclaimed water without an approved application from the City for such service.
 - a. Reclaimed water service may not be temporarily discontinued on active utility accounts; only permanent discontinuance of reclaimed water service shall be allowed on active utility accounts.
 - b. Reclaimed water service discontinued permanently will be subject to such reconnection charges as may be established from time to time by ~~Resolution~~ordinance adopted by City Council.
 - c. Unoccupied property may be provided with reclaimed water service. As long as the property remains unoccupied, there shall be no charge for water/sewer service. However, once additional services (water, sewer or trash collection) to the property are activated, or the property is occupied, applicable charges for all such utility services, including reclaimed water service, shall be billed to the appropriate customer account.
2. *Introduction of unauthorized substances prohibited.* The introduction of any substances into the City's reclaimed water system by anyone not authorized in advance in writing by the City Manager or his designee to introduce such substance therein is prohibited.

(B) Regulation of the use of reclaimed water.

1. *General.* The use of reclaimed water shall be in accordance with this Ordinance and with Chapter 62-610, Florida Administrative Code as amended.
2. *Permitted uses.* The use of reclaimed water shall be limited to irrigation of residential lawns, golf courses, parks, cemeteries, landscaped areas public rights-of-way and any use permitted by Chapter 62-610, Florida Administrative Code, as amended and not prohibited herein ~~or in Chapter 9 of this Code.~~
3. *Prohibited uses.*
 - a. Reclaimed water shall not be used except as permitted in Subsection (B)2. herein.
 - b. Reclaimed water shall not be used in the plumbing system within any building or structure, except as permitted under and in full compliance with Chapter 62-610, Florida

Administrative Code, as amended, and in full compliance with ~~Chapter 9~~ of this Code.

- c. Reclaimed water shall not be used within twenty-five (25) feet of an unplugged irrigation well which penetrates below the unconfined aquifer system.
 - d. Reclaimed water shall not be directly discharged to surface waters, including but limited to holding or storage ponds and retention lakes.
 - e. Reclaimed water shall not be allowed to pond on, or to run off from, the irrigation site.
 - f. Reclaimed water shall not come in direct contact with edible crops that are not to be peeled, skinned, cooked or thermally processed before consumption.
4. *Service area.* The Reclaimed Water Service Area of the City is defined by an interlocal agreement between the City and Pinellas County which agreement is available for inspection at the City Clerk's Office. Reclaimed water shall be available to properties within the said service area as the transmission and distribution system is extended and reclaimed water becomes available.
5. *Public easement requirements.* No reclaimed water facilities or appurtenances shall be installed under the provisions herein, or be accepted by the City for maintenance, unless such facilities are in dedicated public rights-of-way or dedicated public utility easements. Any new easement shall be adequately sized to accommodate construction and maintenance of any reclaimed water system component. No obstruction of any kind shall be planted, built or otherwise created within the limits of the easement or right-of-way without written permission of the City Manager.
6. *Ownership.* All reclaimed water facilities and appurtenances within dedicated public easements, when constructed or accepted by the City, shall become and remain the property of the City. No person by payment of any charges, or by causing any construction of facilities accepted by the City, shall acquire any interest or right in any of these facilities or any portion thereof, other than the privilege of having his property connected thereto for reclaimed water service in accordance with this Ordinance.
7. *Identification.* All pipes and at-grade and aboveground devices shall be adequately identified by color and, if appropriate, with the words "Reclaimed Water." Coloration standards shall be as specified by the City Manager.

8. *Reclaimed water main sizes.* The minimum size of reclaimed water mains installed in the City shall be at least two (2) inches in diameter. The City Manager shall review and approve the size of all reclaimed water mains installed in the City. Water mains larger than the minimum two (2) inches in diameter may be required, depending on the following factors:
 - a. Adequate size main. The size of the Reclaimed Water Main necessary to provide adequate water service to an individual consumer shall be determined not only by the absolute needs of a particular consumer but shall also reflect the needs for the area and type of development and the ability of the Reclaimed Water System to provide service to all consumers on an area basis.
9. *Extension approval.* Reclaimed water extensions by a developer as set forth in Section 10-104 for improvements shall be accepted by the City Manager if the construction thereof is in accordance with all code requirements and regulations of the City.
10. *Right to refuse service.* No payment of any costs, submittal of any petition, or any other act to receive reclaimed water service shall guarantee such service. The City shall have the right, at all times, to refuse to provide or extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of an adequate supply of reclaimed water, or lack of payment of required fees.
11. *Extent of City maintenance.*
 - a. All facilities that have been accepted by the City shall become the property of the City and shall be operated and maintained by the City. No person shall perform any work nor be reimbursed for any work, or in connection with any work, on the system unless written authorization from the City Manager is received prior to the work being accomplished.
 - b. The City shall make a reasonable effort to inspect and keep its facilities in good repair, but assumes no liability for any damage caused by the use of the system.
12. *Maintenance by the customer.* The property owner and/or customer shall be responsible for the maintenance of all irrigation lines and appurtenances on the property served by the system. The City reserves the right to disconnect the service to any property that does not maintain its system. In addition, should the customer require reclaimed

- water at different pressures, or different quality, or in any way different from that normally supplied by the City, and assuming the City is able to comply with said variations, the customer shall be responsible for the necessary devices to make such adjustments, including devices to protect the integrity and quality of the reclaimed water system, and shall obtain prior approval from the City Manager for installing such devices.
13. *Properties served.* Only one (1) property shall be served from each City-owned metering device, except for properties served by Master Meters and except as specifically allowed by the City Manager.
14. *Discontinuing service—By City.* The City may discontinue reclaimed water service to any customer due to an infraction of this Section, nonpayment of bills, for tampering with any service, for plumbing cross connection with another water source, or for any activity or circumstance that may be detrimental to the system. The City shall have the right to cease service until the condition is corrected and all costs due the City are paid.
15. *Discontinuing service—By Customer.* There shall be no fee for discontinuing reclaimed water service. A request to discontinue service must be received by the ~~City Manager~~ City at least two (2) days prior to the discontinuation. All outstanding bills shall be paid by the customer, including a bill for the use during the current billing at the time of discontinuance. All reconnection fees shall be equal to the connection fee.
16. *Service interruption.*
- a. The City reserves the right to discontinue service indefinitely to any portion of, or the entire, reclaimed water system as deemed necessary by the City Manager.
 - b. The City Manager shall have the authority to establish schedules to restrict the use of the reclaimed water system at certain times in order to reduce peak demands on the system, to regulate usage during periods of limited reclaimed water availability from Pinellas County, or as otherwise deemed necessary.
17. *Application for connection.* Reclaimed water service shall be applied for by completing and signing an application and agreement form provided by the City Manager.
18. *Location.* An application for a Reclaimed Water Service shall include a dimensional plan or sketch showing the location

of the requested service line relative to the nearest street intersection or other identifiable point.

19. Service application prerequisite; customer responsibility.

- a. Irrigation with reclaimed water may be by underground irrigation system or by use of a hose bibb with a quick disconnect which is housed in a suitably identified nonlockable underground service box.
- b. There shall be no cross connections between the reclaimed water system and the potable water system.
- c. The customer's system shall not include devices, aboveground faucets or hose bibbs, or other connections that could permit the reclaimed water to be used for any purpose other than the purposes permitted in Subsection (B)2. herein, unless such devices or other connections are otherwise permitted in writing by the City Manager and are designed and utilized so as to prevent contamination of the public potable water system.
- d. An existing irrigation system connected to a well shall be disconnected from the well prior to connection of the irrigation system to the reclaimed water system.

20. Cross connection control.

- a. In all premises where reclaimed water service is provided, the public or private potable water supply shall be protected by an approved cross connection control assembly installed on the potable water system at the meter. All devices and material installed for cross connection control must be in accordance with requirements of the Florida Department of Environmental Protection (FDEP) and/or Pinellas County Cross Connection Control Ordinance 77-11 and approved by the City Manager in writing. Where any unauthorized cross connection is found, it shall be disconnected. Before reconnection of that service, the public potable water system shall be protected against the possibility of future cross connections, and additional devices may be required as specified by the City Manager and installed at the customer's expense.
- b. To determine the presence of any potential hazards to the public potable water system, or of any violations of this Chapter or applicable rules and regulations, the City and the Pinellas County Public Health Unit of the Florida Department of Health and Rehabilitative Services shall have the right at any time or times to enter upon the premises of any customer receiving reclaimed water.

Each customer of reclaimed water service shall, by his application, be deemed to have given written consent to such entry upon his premises.

21. *Transfer of reclaimed water.* It shall be unlawful for any person, entity or customer to sell, barter, trade or otherwise transfer reclaimed water to any other person or entity.

SECTION SIXTEEN: That Section 10-133 of Chapter 10 of the Code of Ordinances of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 10-133. Stormwater management utility system.

- (A) *Short title.* This section shall be entitled "Stormwater Utility Ordinance of Pinellas Park."
- (B) *Purpose and intent.* It is necessary to provide stormwater facilities and service throughout the City in order that the health, safety and welfare of the City may be protected. It is the intent and purpose of this Section to provide authority to levy fees against owners whose property impacts the City of Pinellas Park Stormwater Management Utility System or services, or who enjoys benefits there from, within the City of Pinellas Park Stormwater Management Utility System and to provide to the City a rational means for establishment of such fees, and to designate the proceeds for the construction and maintenance of improvements and facilities and the administration and provision of stormwater services within the City of Pinellas Park Stormwater Management Utility System.
- (C) *Definitions and rules of construction.* For the purpose of this Section, the definitions contained in this Section shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary; the word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

City of Pinellas Park Stormwater Management Utility System:
Means any part of the Stormwater System including but not limited to culverts, ditches, ponds, lakes, swales, and catch basin inlets or any other structure that assist in the conveyance of

stormwater directly or indirectly, located within the City limits of the City of Pinellas Park, Florida.

Developed Property: Means property which has been altered from its natural state by clearing, excavation, change of grade or landscaping or by the addition of any improvements such as a building, structure, or impervious surface. For new construction, a property shall be considered developed for purposes of this Section upon issuance of a certificate of occupancy or upon completion of construction or final inspection if no such certificate is issued, or where construction is at least 50 percent complete and construction is halted for a period of three months or longer.

Exempt Property: Means public rights-of-way, public streets, bona-fide agricultural operations as defined by Florida Statutes, railroad tracks, public alleys and public sidewalks, public parks, vacant parcels that are completely pervious, conservation areas, real property owned by the county school board or a parcel containing under 400 square feet of impervious area.

Mitigation credit means a credit in accordance with the City's Stormwater Utility Fee Mitigation Credit Program applied to a stormwater utility assessment or fee for a developed property in consideration of the onsite management of stormwater as a consequence of the location of a mitigation facility or discharge to a private stormwater system or for the conveyance and or/treatment of stormwater or as otherwise required by law.

Mitigation facility means a manmade facility or structure on the site of a developed property which, by its design and function, retains or detains stormwater on-site and thus generates less volume of stormwater from the site or produces stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure.

Non-Single Family Residential Property: Means any developed lot or parcel of land that is not Single-Family Residential Property, including but not limited to properties with institutional or commercial development, warehouses, multi-family, shopping centers, and/or office buildings. The primary land use codes used by the Pinellas County Property Appraiser for this customer class are 0000, 0030, 0033, 0430, 0060, 0061, 0062, 0090, 0310, 0311, 0410, 0442, 0443, 0550, 0551, 0752, 0820, 0821, 0822, 1000- 7953, however codes may be added or deleted as deemed appropriate by the Public Works Administrator.

Public Works Administrator: Means the Administrator of the Department of Public Works of the City of Pinellas Park or his designee.

Single-Family Residential Property: Means any developed lot or parcel of land in which a single owner residential development, including but not limited to single-family homes, individually owned manufactured homes, townhouses and villas, is present. The primary land use codes used by the Pinellas County Property Appraiser for this customer class are 5001, 0430, 0431, 0261, 0262, 0260, 0133, 0810, 0110, however codes may be added or deleted as deemed appropriate by the Public Works Administrator.

- (D) *Fee established.* A stormwater management fee is hereby established and imposed on all developed lots or parcels of land within the City limits of the City of Pinellas Park, Florida. Such fee shall be calculated to generate a portion of funds to plan, administrate, construct, operate, and maintain the City of Pinellas Park Stormwater Management Utility System for which the utility fee is established.
- (E) *Findings as to fees; use of funds.* The stormwater management utility fee authorized by this Section is found to be reasonable and necessary to safeguard the public health, safety and welfare by providing funding for the operation, maintenance, and administration and capital improvements for existing and future stormwater management facilities within the City of Pinellas Park Stormwater Management Utility System. All proceeds of this fee are deemed to be in payment for use of or benefit derived within the City of Pinellas Park Stormwater Management Utility System. All stormwater management utility fees collected by the City shall be used for the sole and only purpose of paying the cost of construction, operation, administration, debt service and maintenance of the stormwater management utility facilities within the City of Pinellas Park Stormwater Management Utility System. The fees collected shall not be used for general or other governmental or proprietary purposes of the City, except to pay for the equitable share of the cost of accounting, management, administration and government thereof. Other than provided herein, the fees and charges shall be used for stormwater management purposes to include but be limited to paying the cost of the operation, repair, maintenance, improvement, rehabilitation, replacement, design, engineering, right-of-way acquisition, and construction of public stormwater management utility facilities, and related costs.
- (F) *Stormwater management utility fee.* The rate to be charged per unit shall be a factor which is set forth by a separate resolution, and such factor shall be calculated to generate a portion of funds to plan, administrate, construct, operate, and maintain the Stormwater Management Utility System.

- (G) *Fee for Single-Family Residential Property.* The fee for single-family properties shall be the fee for each single-family residential unit that directly or indirectly discharges into the City of Pinellas Park Stormwater Management Utility System. The fee schedule will be set forth in a separate resolution.
- (H) *Fee for Non Single-Family Residential Property.* The fee for non-residential properties as defined herein shall be a fee for each non-residential property. The fee schedule will be set forth in a separate resolution.
- (I) *Billing and payment; penalties for nonpayment.* Bills or statements for the stormwater management utility fee shall be rendered annually as a non ad valorem assessment on each parcel's tax bill and shall be payable at the same time and in the same manner and subject to the same penalties for nonpayment as all other annual tax liabilities.
- (J) *Owner responsible for stormwater management utility fee.* To the extent allowed by applicable State law, the owner(s) of property to which a stormwater management utility fee has been applied under this Section shall be held liable for such stormwater management utility fees hereto, irrespective of whether or not such owner(s) physically occupied such property.
- (K) *Request for adjustment; procedure.* All requests for adjustment of the stormwater management utility fee shall be submitted to the Public Works Administrator. The Administrator shall review each request as follows:
- (1) All requests shall be in writing and shall set forth in detail the grounds upon which relief is sought.
 - (2) Adjustment requests made during the first calendar year that the fee is imposed shall be reviewed by the Public Works Administrator within 90 days from the date of submission. Adjustments resulting from such requests shall be retroactive to the effective date of the fees imposed by this Section.
 - (3) All adjustment requests after the first calendar year that the fee is imposed shall be reviewed by the Public Works Administrator within four months from the date of submission. Adjustments resulting from such requests shall be retroactive to the date of submission.
 - (4) The owner or owner's designee requesting the adjustment may be required to, at his own expense, provide supplemental information to the Public Works Administrator, including, but not limited to survey data and engineering reports approved by either a registered

- professional land surveyor (R.P.L.S.) or professional engineer (P.E.). Failure to provide such information may result in denial of the adjustment request.
- (5) The Public Works Administrator shall provide the person requesting the adjustment with a written determination of the request within the time limits provided herein. Any adjustments shall be prorated monthly.
- (L) *Appeals.* All determinations of the Public Works Administrator made pursuant to subsection (~~KN~~) of this Section may be appealed to an appeals board consisting of the City Manager, the Community Development Administrator, and the Finance Administrator, or their designee(s). Appeals must be filed with the Public Works Administrator within 30 days of the Administrator's written determination. Appeals shall be heard within 30 days of filing. In evaluating appeals, the appeals board shall be bound by the method of settling rates as set forth in this Section. The decision of the board shall be bound by the method of setting rates as set forth in this Section. The decision of the board shall be final.
- (M) *Flood liability.* Floods from stormwater may occur which exceed the capacity of the stormwater management utility systems constructed, operated or maintained by fund as made available under this Section. This Section shall not be construed or interpreted to mean that property subject to the fees and charges established herein will always, or at any time, be free from stormwater flooding or flood damage, or that stormwater management utility systems capable of handling all stormwater events can be cost-effectively constructed, operated or maintained. Further, this Section shall not create any liability on the part of or cause of action against the City or any official employee of the City from the flood damage that may result from such stormwater events or the run-off thereof. This Section does not purport to reduce the need or the necessity for obtaining adequate flood insurance by individual property owners.
- (N) *Mitigation credits.* The City Council recognizes the benefits provided by privately maintained stormwater mitigation facilities. Accordingly, City Council may adopt a Stormwater Utility Fee Mitigation Credit Program that provides the framework for a yearly rebate on the stormwater utility assessment to recognize the reduction of the volume of stormwater leaving properties through onsite private stormwater management facilities.
- (O) The Pinellas Park Water Management District is responsible for managing the primary stormwater drainage system in its

approximately 15 square mile jurisdictional area, which is partially located within the incorporated area of the city. However, the secondary drainage systems, including street drainage, curb and gutter inlets, and the associated stormwater conveyance systems are maintained by the city if within the incorporated area. Accordingly, there is no duplication of services between the two entities, and it is fair and reasonable to impose stormwater management assessments and stormwater management fees within the incorporated area portion of the Pinellas Park Water Management District.

SECTION SEVENTEEN: If any section or portion of a section of this ordinance is determined by a court of competent jurisdiction to be invalid, unlawful or unconstitutional, the same shall not impair the validity, force or effect of the remainder of this ordinance.

SECTION EIGHTEEN: This ordinance shall be effective immediately upon its passage at second and final reading.

FIRST READING _____ DAY OF _____, 2024

PUBLISHED _____ DAY OF _____, 2024

PUBLIC HEARING _____ DAY OF _____, 2024

PASSED _____ DAY OF _____, 2024

AYES: (5) Councilmembers: Butler, Caddell, Reed, Sabiel, Mayor Bradbury

NAYS: (0)

ABSENT: (0)

ABSTAIN: (0)

APPROVED _____ DAY OF _____, 2024

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer Carfagno, MMC
CITY CLERK