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ARTICLE I. GENERAL PROVISIONS

Sec. 17-1-1. Purpose and Authority.

- a) This ordinance is established to regulate and govern the provision of public Utility services within the City of Punta Gorda (City).
- b) It serves to promote public health, safety, and welfare by providing reliable access to potable water and wastewater services within the City's defined service area.
- c) The provisions herein are adopted under the authority granted to the City by state law and the municipal charter.

Sec. 17-1-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Annexation agreement shall mean a legal agreement between the City and a property owner outside City limits, establishing terms for future annexation, often tied to the provision of Utility services.

Applicant shall mean the owner of residential real property or the person or legal entity which has the legal right to utilize commercial real property by any form of legal means which real property is to be served by water and/or wastewater service. The terms "applicant", "developer", and "property owner" are synonymous and may be used interchangeably herein.

Application shall mean a written request from an applicant requesting that, pursuant to a Utility's agreement, specific water service and/or wastewater service be provided to and for certain real property.

Approval shall mean a determination by the Utility that a submitted application or design meets standards and may proceed.

Assessment shall mean a fee imposed against any parcel benefited by construction of water and/or wastewater infrastructure.

AWWA shall mean the American Water Works Association.

Backflow (see cross-connection).

Backflow Prevention Assembly shall be an approved mechanical device, designed to prevent reverse flow of water into the public water system.

Base Facility Charge shall mean the availability of service or readiness-to-serve charge. The charge is intended to recover a portion of the capital costs of the water or wastewater infrastructure which provides water or wastewater to customers as well as a portion of the costs to maintain the City's fire protection system. Base facility charges are based on the size of the meter and billed to each customer monthly regardless of whether the service is on or in an off (vacation/delinquent) status and regardless of whether or not any water is being used.

cBOD₅ (denoting carbonaceous biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days using appropriate methods.

CCCP shall mean Cross-Connection Control Program.

City shall mean the City of Punta Gorda, Florida, a municipal corporation of the State of Florida and specifically refers to the municipal government or City Council, responsible for legislative or legal actions.

Cleanout shall mean an access point in a sewer lateral for maintenance or inspection.

CN shall mean cyanides.

Council shall mean the City Council of the City of Punta Gorda, Florida.

Cross-connection shall mean 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 any other device, facility, or system which contains or may contain contaminated water, sewage, waste material, or other material or substance of unknown or potentially unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, changeable devices, or other devices through which or because of which backflow could occur, are deemed to constitute cross-connection.

Cubic feet per second (cfs) shall mean a unit of measurement used in hydrology. One cubic foot per second equals approximately 7.48 gallons per second. This measure is used to describe the flow rate of water in rivers, streams, and at intake points such as dams and reservoirs.

Customer shall mean any person, firm, or corporation who has entered into an agreement to receive water and/or wastewater service from the City and who is liable for the payment of that water and/or wastewater service.

Residential customer shall mean a single-family, duplex, or multifamily dwelling unit where water is used primarily for domestic purposes such as drinking, bathing, laundry, and landscape irrigation. May be referred to as SF/MF.

Commercial customer shall mean a non-residential user engaged in retail, office, restaurant, or general business activities where water use is not primarily for industrial processing. May be referred to as CM.

Industrial customer shall mean a user engaged in manufacturing, chemical processing, or other activities that involve substantial or continuous water usage and may generate process wastewater.

Institutional customer shall mean a public or private entity such as a school, hospital, or government facility.

Irrigation-only customer shall mean a user with a separate meter account for landscape or outdoor water use, with no interior potable water connection. May be referred to as IRR.

Fire service customer shall mean a user with a dedicated connection for fire protection purposes, including private hydrants and sprinkler systems.

Mixed-use customer shall mean a parcel or building that combines two or more customer classifications, such as residential and commercial, under one service account.

Department shall mean the City Utilities Department and is synonymous with Utility for purposes of this Chapter.

Director and Director of Public Utilities shall mean the Director of the City Utility system, who oversees the City's water and wastewater systems, or their authorized deputy, agent or representative, as well as responsible for the operational activities of the Department.

Equivalent Residential Unit (ERU) shall mean the average metered consumption of water in gallons per day and/or the average wastewater demand in gallons per day for a typical single family residential unit.

EPA and USEPA shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

FAC shall mean the Florida Administrative Code.

FDEP shall mean the Florida Department of Environmental Protection and its duly authorized officials.

FOG (fats, oils, and grease) shall mean fats, oils, and grease of animal or vegetable origin that are used in, or are byproducts of, food preparation or food service operations, including but not limited to cooking oil, meat fats, lard, butter, margarine, and shortening.

Grease Interceptor/Grease Trap shall mean a plumbing device or receptacle designed to intercept, capture, and separate FOG from wastewater before discharge into the sewer system, Required of food service establishments and other designated users.

Hydrant meter shall mean a temporary meter issued by the Utility for the purpose of withdrawing water from a fire hydrant under approved conditions.

Lien shall mean a legal claim or encumbrance against a specific property to secure the payment of charges, fees, fines, or assessments imposed under this ordinance, which shall run with the land until satisfied or released by the City. Such liens may be enforced through legal proceedings.

MFL shall mean minimum flow and level at which further withdrawals would be significantly harmful to the water resources or ecology of the area, as established pursuant to Section 373.042, Florida Statutes, by the Southwest Florida Water Management District.

Permit shall mean a formal authorization issued by the Utility for construction, connection, or discharge.

Permittee shall mean any person or entity issued a permit or approval by the Utility for connection, discharge, construction, or other regulated activity.

pH shall mean a measure of the hydrogen ion concentration in water or wastewater, expressing the relative acidity or alkalinity on a scale of 0 to 14, with 7 being neutral. A pH less than 7 indicates acidity, while a pH greater than 7 indicates alkalinity.

Potable water shall mean water that is safe for human consumption and meets all applicable federal and state drinking water standards.

Pretreatment shall mean the reduction, elimination, or alteration of pollutants in wastewater prior to discharge into the City's wastewater system, achieved through physical, chemical or biological processes. Pretreatment is required of certain industrial and non-residential users under this Chapter and applicable federal or state regulations.

Property line shall mean the boundary between private property and public right of way (ROW).

Property owner(s) shall be the legal owner of record or real property receiving utility service. For lien and billing purposes, the property owner is ultimately responsible for all unpaid utility charges.

POTWs shall mean publicly owned treatment works.

Right-of-way (ROW) shall mean public land or easement dedicated for utilities, streets, or access where the City has responsibility for infrastructure.

SWFWMD shall mean Southwest Florida Water Management District, which is a regional water management district established under Chapter 373, Florida Statutes, responsible for managing and protecting water resources in all or part of 16 counties in west-central Florida, which includes the City of Punta Gorda, Florida. SWFWMD is authorized to establish MFLs, regulate water use through water use permits and other means, manage surface water and groundwater resources, and implement regional water supply planning within its jurisdiction.

Service area shall mean the geographic area designated by the City within which potable water and/or wastewater services are provided or may be extended.

Stormwater shall mean surface water runoff resulting from rainfall that flows over land or impervious surfaces and does not immediately infiltrate into the ground. Stormwater includes flow directed into drainage systems, streets, swales, storm sewers, or natural water bodies and may carry pollutants. Stormwater is separate from potable water or wastewater and is regulated under stormwater management rules.

Tampering shall mean the unauthorized adjustment, bypass, connection, or interference with a Utility-owned meter, valve, backflow device, hydrant, or other system component.

Temporary service shall mean short-term provision of potable water through a construction meter, hydrant connection, or other permitted method for construction, events, or special uses.

Total suspended solids (TSS) shall mean the total amount of suspended matter in water or wastewater that is retained on a standard glass fiber filter, expressed in milligrams per liter (mg/L). TSS is a key indicator of the pollutant load in wastewater.

User shall mean any person, business, or entity that discharges wastewater into the City's sewer system, including but not limited to residential, commercial, industrial, and institutional customers. For purposes of pretreatment regulations under Article X, "user" shall refer to industrial or significant nonresidential dischargers subject to monitoring, permitting, or reporting requirements under this Chapter or applicable federal/state law.

Utilities Fee Resolution shall mean the resolution adopted and periodically amended by City Council establishing all current Utility rates, fees, and charges reference in this Chapter.

Utility shall mean the City of Punta Gorda Utilities Department, which is the operational body managing potable water and wastewater services.

Utility easement shall mean a recorded legal right allowing City access to private property for Utility infrastructure.

Utility Service Agreement shall be a written agreement between the City and a Developer or Property Owner establishing terms of service, connection, or financial arrangements, such as installment payments or economic development incentives.

WUP shall mean water use permit.

Wastewater shall mean a liquid and water-carried waste from residences, businesses, institutions, and industrial facilities that is discharged into the sanitary sewer system.

Sec. 17-1-3. Applicability and Service Area.

- a) This Chapter applies to all Utility customers within the municipal limits and areas legally served by the City's Utility system.
- b) The Utility service area includes all current and future service connections as defined by City ordinance, interlocal agreements, or annexation.
- c) Properties outside the City may be served by the Utility subject to applicable interlocal agreements, Council-approved pre-annexation agreements, or other contractual conditions. Such properties may be subject to additional service requirements, rate schedules, or annexation obligations as specified in those agreements.

Sec. 17-1-4. Utility Customer Classifications.

- a) The Utility shall categorize customers by service class, including but not limited to residential, commercial, mixed-use, industrial, institutional, irrigation-only, and fire service.
- b) Service classifications determine rate schedules, service responsibilities, and connection requirements.
- a) The Utility reserves the right to reclassify accounts based on changes in use.

Sec. 17-1-5. Confidentiality.

- a) Customer account information, including usage history and billing records, shall be considered confidential and shall not be released except as authorized by law.
- b) The Utility may share information with contractors, regulatory bodies, or law enforcement when necessary for operations or compliance.

Sec. 17-1-6. Administrative Rules and Procedures.

- a) The Utility is authorized to develop and adopt administrative rules, technical standards, operating procedures, and manuals necessary to implement and enforce the provisions of this Chapter.
- b) Such rules and procedures shall be consistent with this ordinance and may address design criteria, inspection requirements, testing protocols, emergency response, and compliance programs.
- c) The Utility shall make such documents publicly available and may update them periodically without amending this Chapter.

Sec. 17-1-7. Severability.

- a) If any section, subsection, sentence, clause, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.
- b) It is the intent of the City that the provisions of this Chapter shall be deemed severable, and the invalidation of any part shall not affect the remainder.

ARTICLE II. POTABLE WATER SERVICE

Sec. 17-2-1. Mandatory Water Connection.

- a) All developed properties within the City limits or designated Utility service area shall submit a Request for Utility Availability at the time of development, redevelopment, or property transfer. Where potable water is deemed available by the Utility under Sec. 17-2-2, connection to the potable water system shall be required within ninety (90) days of receiving formal notice of availability.
- b) Property owner(s) required to connect to the City's water system will be required to convert any existing potable water wells on the site to irrigation wells or plug and abandon the existing water wells, in accordance with applicable State, County and City laws, rules and regulations, simultaneous with connection to the City's water system.
- c) For new development, no building permit shall be issued unless the applicant has submitted a Request for Utility Availability for water service and confirmed water system availability or a service extension has been approved by the Utility.
- d) Properties beyond 100 feet of a water main or otherwise lacking available capacity may be deferred from immediate connection, but the Utility may condition future service availability or approvals on participation in a pre-annexation, assessment, or Utility extension agreement.
- e) Failure to connect within the required timeframe may result in enforcement action, including the imposition of Utility assessments or liens. The Utilities Department shall provide notice by certified mail to each owner who has not connected and/or who has not paid the required connection fees, as outlined in Article V. Within that letter, the owner will be given an additional 30 days to connect and/or pay the required connection fees. Failure to comply may result in service penalties or enforcement under Article X.
- f) For existing development not currently served by the Utility, connection to the water system may be funded via a Special Assessment Method upon demonstration of support by a fifty-one percent (51%) majority of the affected property owners.

Sec. 17-2-2. Water System Availability.

- a) Potable water service shall be considered available when a City water main exists within 100 feet of the property line and has sufficient capacity to serve the proposed demand.
- b) Availability determinations shall consider hydraulic capacity, infrastructure constraints, and planned system expansions.

- c) The City may deny service where connection would result in system overload, require significant offsite upgrades, or violate Utility policies.
- d) Developers may be required to fund or construct extensions to serve new development.
- e) Water availability determinations shall consider the City's permitted withdrawal limits under the City's current water use permit (WUP) issued by SWFWMD. These limits vary seasonally and are subject to minimum flow and level (MFL) requirements for Lower Shell Creek. During periods of restricted withdrawal, the City may temporarily deny or condition connection requests, including for irrigation or bulk uses.

Sec. 17-2-3. Customer Responsibilities.

- a) Customers are responsible for maintaining all plumbing and service lines from the meter to the building or point of use.
- b) Customers shall not tamper with, obstruct, or bypass the water meter or associated Utility equipment.
- c) Service lines must be maintained in a leak-free and code-compliant condition.
- d) Customers shall not make unauthorized connections to the potable water system, alter meter installations, bypass Utility controls, or interfere with the flow or measurement of water.
- e) Any form of tampering, including the removal, bypassing, or disabling of a water meter, backflow device, or shutoff valve, is strictly prohibited.
- f) Violations may result in penalties, billing adjustments, cost recovery for damages and lost water, as outlined in Article V, and prosecution under applicable laws. The Utility reserves the right to discontinue service until compliance is restored.

Sec. 17-2-4. Service Applications and Connection Permits.

- a) All new or modified connections to the potable water system shall require a completed Application for Utility Service.
- b) Applications shall include property information, intended use, and meter sizing.
- c) No connection shall be made or meter installed without prior Utility review, permit issuance and compliance with all inspection requirements.
- d) Any changes in service demand or property use must be reported to the Utility for reassessment of meter size and rate class.
- e) Any change in property use (e.g., residential to commercial) must be reported and may trigger reclassification, additional capacity fees, and permit review, as detailed in Article X, Sec. 17-10-11.
- f) For properties located outside the City limits, pursuant to City Ordinance 1860-16, the applicant may be required to execute an annexation agreement and/or execute a Water Service Annexation Agreement.
- g) Applicants requesting a new water connection must submit an Application for Utility Service. At the time of application, the builder or property owner shall request a utility line location using the Water/Sewer Location Request Form. The applicant must provide the parcel address and any relevant site information. The Utility will mark the approximate location of available water service lines serving the subject parcel.

- h) The City shall own and maintain water infrastructure up to and including the meter and meter box. The property owner shall own and maintain all water lines, irrigation piping, and plumbing located on the customer side of the meter.

Sec. 17-2-5. Backflow and Cross-Connection Control.

- a) The Utility shall maintain and enforce a Cross-Connection Control Program (CCCP) designed to protect the public water supply from actual or potential contamination by backflow. This program includes inspection, testing, recordkeeping, reporting, and enforcement measures.
- b) The CCCP is maintained as a separate administrative document adopted by the Utility and may be amended as necessary to address emerging health risks, technological changes, or regulatory updates. In the event of any conflict between this ordinance and the adopted CCCP, the provisions of the CCCP shall govern.
- c) All potable water connections where a cross-connection hazard exists, as determined by the Utility, shall be equipped with an approved backflow prevention assembly installed in accordance with City standards and applicable plumbing codes.
- d) The type and location of backflow prevention assemblies shall be based on the degree of hazard and must be approved by the Utility prior to installation. Unless otherwise approved by the City in writing, all backflow prevention assemblies shall be installed at the edge of the public right-of-way or easement line, in a location accessible to the Utility for inspection and maintenance.
- e) All new service connections, changes of use, or reconnections after disconnection shall require backflow prevention as a condition of service activation.
- f) Existing single-family residential properties using water solely for domestic purposes are exempt from retrofit requirements unless:
 - I. A cross-connection hazard is identified,
 - II. The property is sold or transferred, or
 - III. Substantial renovations or changes in use occur.
- g) All backflow prevention assemblies subject to the CCCP shall be tested at the frequency outlined in the CCCP by a certified technician, and test results must be submitted to the Utility by the required deadline.
- h) The Utility may inspect any premises for cross-connections, require corrective action, and disconnect service in cases of noncompliance or imminent public health risk.
- i) Customers shall be responsible for the installation, maintenance, and annual testing of their backflow prevention assemblies. Violation of backflow prevention requirements, including failure to maintain a required device or unauthorized bypassing, shall be subject to enforcement actions described in Article X, including penalties, service suspension, or legal action.

Sec. 17-2-6. Fire Service Connections.

- a) Fire service connections shall be separately metered and used exclusively for fire protection purposes. Private fire protection service connections shall comply with the design and operational expectations of the American Water Works Association (AWWA) Manual M31.
- b) Installation of fire service lines requires submission of hydraulic calculations and fire protection plans. A City Fire Flow Hydrant Testing Request is required.
- c) Fire lines shall include an approved backflow prevention assembly and tamper detection device.

- d) Unauthorized or non-fire-related use shall be billed at potable water rates and may be subject to enforcement under Article X.

Sec. 17-2-7. Irrigation-Only Connections.

- a) Irrigation-only service connections shall be separately metered and used exclusively for landscape irrigation or other non-potable, outdoor uses.
- b) All irrigation-only connections must be approved by the Utility and shall comply with applicable water conservation provisions under Article VII.
- c) An approved backflow prevention assembly must be installed and maintained in accordance with Sec. 17-2-5.
- d) Use of irrigation water for indoor, potable, or any non-irrigation purposes is strictly prohibited.
- e) The City may deny or condition new irrigation-only connections during water shortages or where supply capacity is limited.
- f) Properties with existing potable water service must establish a separate meter account if applying for dedicated irrigation service.
- g) The applicant is responsible for all installation, maintenance, and costs related to the irrigation system beyond the meter.

Sec. 17-2-8. Pool Filling.

- a) Customers may use potable water to fill swimming pools provided backflow protection is present on the fill line.
- b) All pool filling systems shall include approved backflow prevention.
- c) The Utility may inspect pool fill connections to ensure compliance.
- d) No billing adjustments shall be provided for the initial filling of new pools.
- e) The City may grant a billing adjustment in cases of documented leaks, where consumption exceeds typical usage and the excess can be reasonably measured or estimated by the Utility.
- f) Special adjustments may be granted at the discretion of the City in extraordinary circumstances (e.g., declared emergencies or hurricanes), consistent with Utility policies and City Council approval.

Sec. 17-2-9. General Water Use Restrictions.

- a) Potable water shall not be used for any purpose that results in unreasonable waste, unsafe conditions, or environmental harm.
- b) Customers must comply with water use restrictions imposed during declared shortages or emergencies.
- c) Use of potable water for dust suppression, cooling, or other industrial uses may be restricted or subject to additional permitting.
- d) Violations of use limitations may result in warnings, fines, or suspension of service.

Sec. 17-2-10. Temporary Water Service.

- a) Temporary service may be authorized by permit for limited duration uses such as construction, development, or event support.

- b) All temporary connections must meet backflow protection standards and be metered unless specifically waived.
- c) The Utility may establish rates and fees for temporary service and require deposits or bonding.

Sec. 17-2-11. Suspension and Disconnection of Service.

- a) The Utility may suspend or discontinue water service for nonpayment, maintenance, system damage, contamination risk, or during declared emergencies.
- b) Advance notice shall be provided for non-emergency shut offs. Emergency shut offs may be conducted without prior notice.
- c) The Utility shall provide an appeal process for contested discontinuation actions.

Sec. 17-2-12. Temporary and Special Water Uses.

- a) Non-standard water uses such as bulk water hauling, irrigation filling stations, street sweeping, dust suppression, and hydrant flushing must be approved in writing by the Utility.
- b) The Utility may require temporary meters, backflow prevention, and payment of applicable fees.
- c) Unauthorized use of water from public mains, hydrants, or other access points is prohibited.
- d) The Utility reserves the right to deny or restrict special water use based on supply availability, drought restrictions, or operational considerations.

Sec. 17-2-13. Limitation of Liability for Water Supply Interruptions.

- a) The City does not guarantee a specific pressure, flow rate, or uninterrupted supply of water to any customer.
- b) The City shall not be liable for any damage or loss resulting from water supply interruptions due to maintenance, repairs, system failures, emergency conditions, or any other cause beyond its control.
- c) Customers are responsible for installing any backflow or pressure regulation devices necessary to protect private plumbing and equipment from such variations.

Sec. 17-2-14. Private Booster Pumps.

- a) Private booster pumps shall only be permitted upon written approval by the Utility. Approval may be granted where documented low-pressure conditions exist and where the booster pump is necessary for multi-story or high-demand facilities.
- b) Booster pumps shall not be permitted for single-family residential customers, unless expressly required and authorized by the Utility to resolve verified system deficiencies.
- c) Prior to installation of any private booster pump, the customer shall install a Reduced Pressure (RP) backflow prevention assembly, approved by the Utility, in accordance with Sec. 17-2-5, the Florida Plumbing Code and applicable City standards.
- d) The Utility may deny installation or require removal if the booster pump creates adverse pressure impacts, water hammer, backflow risks, or other hazards to the public water system.
- e) Any existing booster pump installed without prior Utility approval shall request approval from the Utility, and the Utility may require its immediate removal.
- f) Customers shall be solely responsible for all costs, maintenance, and repairs associated with the booster pump installation, operation, or removal.

ARTICLE III. WASTEWATER SERVICE

Sec. 17-3-1. Mandatory Sewer Connection.

- a) All developed properties within the City limits or designated Utility service area shall submit a Request for Utility Availability at the time of development, redevelopment, or property transfer. Where wastewater service is deemed available by the Utility under Sec. 17-3-2, connection to the wastewater system shall be required within ninety (90) days of receiving formal notice of availability.
- b) Property owner(s) required to connect to the City's wastewater system will be required to properly abandon any existing septic systems in accordance with applicable State, County and City laws, rules and regulations, simultaneous with connection to the City's wastewater system.
- c) For new development, no building permit shall be issued unless the applicant submitted a request for wastewater service and confirmed wastewater system availability of a service extension has been approved by the Utility.
- d) Properties beyond 100 feet of a sewer main or otherwise lacking available capacity may be deferred from immediate connection, but the Utility may condition future service availability or approvals on participation in a pre-annexation, assessment, or Utility extension agreement.
- e) Failure to connect within the required timeframe may result in enforcement action, including the imposition of Utility assessments or liens. The Utilities Department will then send out certified letters to each owner who has not connected and/or who has not paid the required connection fees, as outlined in Article V. Within that letter, the owner will be given an additional 30 days to connect and/or pay the required connection fees. Failure to comply may result in service penalties or enforcement under Article X.

Sec. 17-3-2. Wastewater System Availability.

- a) Sewer service will be provided within the City's service area or if a City sewer main is within 100 feet of the property boundary and has sufficient capacity.
- b) Service availability may be limited by infrastructure or regulatory constraints.

Sec. 17-3-3. Customer Responsibilities.

- a) Customers are responsible for maintenance of wastewater service lines up to the cleanout at the property line or right-of-way, unless the cleanout is inaccessible or unapproved. Where no cleanout exists or access is obstructed by the customer, maintenance responsibility extends to the property line.
- b) No person shall discharge prohibited substances, stormwater, or unpermitted connections into the sanitary sewer.
- c) Maintenance responsibilities shall follow the cleanout ownership and accessibility rules set forth in Sec. 17-3-4.
- d) Violations may result in penalties, billing adjustments, cost recovery for damages, as outlined in Article V, and prosecution under applicable laws. The Utility reserves the right to discontinue service until compliance is restored.

Sec. 17-3-4. Service Application and Connection Permits.

- a) All new or modified connections to the wastewater system shall require a completed Application for Utility Service.
- b) Applications shall include property information, intended use, and payment of applicable fees.
- c) No connection shall be made or building sewer work approved without prior Utility review, permit issuance and compliance with all inspection requirements.
- d) Any change in property use (e.g., residential to commercial) must be reported and may trigger reclassification, additional capacity fees, and permit review, as detailed in Article X, Sec. 17-10-11.
- e) For properties located outside the City limits, pursuant to City Ordinance 1860-16, the applicant may be required to execute an annexation agreement and/or execute a Wastewater Service Annexation Agreement.
- f) For new sewer service connections, the builder or property owner of record shall submit a request for the location of existing sewer lines using the Utility's Water/Sewer Location Request Form. This request should be made at the time of the service application. The Utility will identify and mark the general location of any known sewer laterals or mains available to serve the parcel. Applicants must provide parcel address and any available property information.
- g) The City shall own and maintain the public sewer main, lift stations, and the service lateral up to the property cleanout or right-of-way line. The property owner shall own and maintain all wastewater piping located downstream of the cleanout on private property.

Sec. 17-3-5. Backflow and Inflow Prevention.

- a) Properties connected to the wastewater system shall prevent cross-connection with any private well, potable water supply, or stormwater system.
- b) The City may require inspections of high-risk facilities to ensure no unpermitted inflow or chemical injection systems.
- c) Any detected backflow or inflow hazard must be eliminated within a timeframe designated by the Utility.

Sec. 17-3-6. Cleanouts and Access.

- a) All new properties, and existing properties undergoing major plumbing modifications or utility connection upgrades, shall have accessible cleanouts at the building and at the property line or right-of-way.
- b) Cleanouts must be maintained in good condition and accessible to the Utility.
- c) If a sanitary sewer cleanout approved by the Utilities Department does exist at the property line, the City shall be responsible for maintenance of a building sewer from the sanitary sewer main to the cleanout at the property line.
- d) If no sanitary sewer cleanout approved by the Utilities Department exists at the property line, then the City shall be responsible for maintenance from the sanitary sewer main to the property line.
- e) The Utilities Department encourages sewer customers to consider the installation of an approved sewer cleanout on the customer's sewer service lateral to facilitate removal of blockages and more easily delineate maintenance responsibilities. In order for a new sewer service line cleanout to be eligible for approval, both the cleanout and the sewer service lateral between the cleanout

and the City's sewer main must be clearly demonstrated to be in good working condition and accepted by the Utilities Department.

- f) Location of cleanout may vary. In order for a sanitary sewer cleanout to be readily accessible for maintenance activities, it may be necessary for its location to be modified. For a newly constructed cleanout the customer should obtain approval of the cleanout location prior to its construction. For an existing cleanout where accessibility of the cleanout has become impractical or impossible due to construction or placement of physical features by the customer, responsibility for maintenance of the service line from the cleanout to the sewer main shall revert to the customer until the customer has remedied the cleanout access issue to the satisfaction of the Utilities Department.

Sec. 17-3-7. Sewer Stoppage Policy.

- a) The Utility will respond to customer sewer stoppage complaints upon request during business hours. An initial investigation will determine whether the stoppage is located within the City's right-of-way or Utility system, or on the customer's property.
- b) If the stoppage is determined to be in the public right-of-way or Utility-maintained infrastructure, the City shall correct the problem at no cost to the customer.
- c) If the stoppage is determined to be on the customer's side of the cleanout or otherwise within private property plumbing, the customer shall be responsible for all repairs. In such cases, the City may assess a service call fee to recover costs associated with the investigation.
- d) Intentional acts causing sewer stoppages, including the introduction of prohibited materials into the system, shall be deemed unlawful and subject to enforcement under Article X, including penalties (detailed in Article V), cost recovery, and potential prosecution.

Sec. 17-3-8. Prohibited Discharges.

- a) It shall be unlawful for any person to discharge, or cause to be discharged, into the City's wastewater system any substance that may cause harm to the collection system, treatment facility, personnel, or environment. This prohibition is adopted pursuant to Sections 403.061 and 403.161, Florida Statutes, and Chapters 62-600 and 62-625, Florida Administrative Code, which authorize municipalities to regulate discharges to ensure the protection of public health, safety, and the environment. The following categories of substances and discharges are expressly prohibited:
 - I. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - II. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN, or metals at concentrations exceeding those allowed by Florida Administrative Code (FAC) governing wastewater collection treatment in the wastes as discharged to the public sewer.
 - III. Any waters or wastes having a pH lower than five and five-tenths (5.5), or greater than twelve and five-tenths (12.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

- IV. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- V. Any wastewater that endangers life, causes public nuisance, or limits system access for maintenance.

Sec. 17-3-9. Pretreatment Requirements.

- a) All industrial users and other non-residential users that discharge pollutants in concentrations or volumes exceeding limits established by the City (see Sec. 17-3-8), or as defined by applicable state or federal regulations, must install and maintain appropriate pretreatment facilities to ensure compliance. "Dilution" shall not be accepted as a method of achieving compliance unless specifically authorized in writing by the Director and subject to applicable surcharges.
- b) Users shall design, construct, operate, and maintain pretreatment systems at their own expense. Pretreatment systems shall include provisions for spill prevention and monitoring as required. Detailed plans must be submitted to the Utility for approval prior to construction. Approval does not relieve the user of the obligation to meet performance standards.
- c) Any proposed changes to pretreatment equipment or discharge characteristics (including volume, strength, or type of pollutant) must be reported to the Utility and approved prior to implementation.
- d) Users subject to national categorical pretreatment standards under 40 CFR Part 403 (Code of Federal Regulations, Title 40, Part 403 – General Pretreatment Regulations for Existing and New Sources of Pollution) must comply with all applicable federal regulations. These standards apply to specific industrial sectors and set minimum national discharge limits for pollutants that may pass through or interfere with Publicly Owned Treatment Works (POTWs).
- e) Users must also comply with state-issued industrial wastewater discharge permits administered by the Florida Department of Environmental Protection (FDEP), as well as all applicable local discharge standards under Sec. 17-3-6 of this Code.

Sec. 17-3-10. Fats, Oils, and Grease (FOG) Management.

- a) All food service establishments, vehicle maintenance shops, and facilities discharging grease, oil, lint, or sand are required to install and maintain an appropriately sized grease interceptor or separator (e.g., oil/sand separator).
- b) Interceptors shall comply with plumbing code requirements, be easily accessible for cleaning and inspection, and include an effluent monitoring point for sampling.
- c) Owners are responsible for routine cleaning and maintenance, at a minimum every 90 days. Use of chemical degreasers or petroleum-based solvents is prohibited.
- d) Following pump-out, records must be provided to the Utility within 30 days.
- e) Records of pump-outs and maintenance shall be kept on site for at least 1 year and made available to the Utility upon request.

- f) The Utility may inspect grease interceptors during normal operating hours. Failure to maintain or provide access may result in enforcement under Article X.
- g) Facilities such as restaurants, hospitals, nursing homes, and similar users must operate an approved automatic grease trap. Grease traps must be maintained in a clean and functioning condition at all times.

Sec. 17-3-11. Non-Residential and Industrial Sewer Use Permits.

- a) All non-residential, industrial, or other significant users shall submit an Application for Utility Service from the Utility prior to connecting to or discharging into the public wastewater system. Applications shall include, at minimum:
 - a. Property and facility information.
 - b. Description of processes and wastewater characteristics.
 - c. Estimated flow volumes.
 - d. Pretreatment equipment and monitoring plans, if applicable.
- b) The Utility shall review applications for consistency with discharge standards, capacity limits, and system integrity. Conditions may be imposed on the permit to address pretreatment, flow limits, monitoring, reporting, or other requirements. Permits may include:
 - I. Effluent limitations for flow, cBOD₅, TSS, pH, or specific pollutants.
 - II. Pretreatment system maintenance.
 - III. Monitoring and sampling access.
 - IV. Reporting schedules and compliance certification.
 - V. Duration and renewal timelines.
- c) Permits may be amended if a change in discharge characteristics, ownership, or operations occurs. The City may suspend or revoke a permit for noncompliance, misrepresentation, or public health risk.
- d) Unauthorized discharges without a valid permit shall be subject to enforcement under Article X.
- e) Any change in property use (e.g., residential to commercial) must be reported and may trigger reclassification, additional capacity fees, and permit review, as detailed in Article X, Sec. 17-10-7.

Sec. 17-3-12. Illegal Connections and Discharge Violations.

- a) It shall be unlawful for any person to connect to, discharge into, or otherwise disturb any part of the City's wastewater collection, transmission, or treatment system without prior written approval from the Utility.

All laterals and building sewers constructed by private owners must be properly designed and installed in accordance with applicable building and plumbing codes. No service shall be activated or accepted for maintenance unless the work is approved and inspected by the Utility.

In addition to subsections (a) and (b), no person shall discharge, or cause to be discharged, any substance that:

- I. May damage or obstruct the City's wastewater collection or treatment facilities;

- II. May create unsafe conditions for Utility personnel or the public; or
- III. Could cause the City to violate the terms of its FDEP or EPA operating permits.

This prohibition is adopted pursuant to Chapter 403, Florida Statutes, and F.A.C. Chapters 62-600 and 62-625, which authorize municipalities to regulate discharges for the protection of public health, safety, and the environment.

Property owners are responsible for the operation and maintenance of all laterals and building sewers up to the point of connection with the City system. The City may order corrective action, including disconnection, if unsafe or unlawful discharges are observed.

Violations of this section may result in enforcement under Article X, including administrative penalties, service disconnection, and referral for legal action.

Sec. 17-3-13. Service Disconnection and Suspension.

- a) The Utility may suspend or disconnect wastewater service under the following circumstances:
 - I. Nonpayment of sewer-related charges or fees,
 - II. Discharge of prohibited substances,
 - III. Dangerous cross-connections or unapproved inflow,
 - IV. Maintenance or emergency repair needs.
- b) Advance notice shall be provided unless an emergency condition exists.
- c) Service shall only resume after resolution of the cause and payment of all applicable fees and penalties.

ARTICLE IV. METERING EQUIPMENT, ACCESS, AND TESTING

Sec. 17-4-1. Installation Standards and Meter Boxes.

- a) All water meters shall be installed by the Utility or an approved contractor. The City shall provide and install all water meters sized from $\frac{3}{4}$ " to 2", unless otherwise determined by the Director of Utilities.
- b) Meters must be placed in Utility-approved meter boxes, in a location that is dry, safe, and easily accessible.
- c) The size and type of meter shall be based on the anticipated demand and classification of service.
- d) All meter installations shall conform to the Utility's construction standards and applicable plumbing codes.
- e) Additional fees may apply for non-standard (e.g., long tap) installations.
- f) Installation of booster pumps shall be subject to backflow prevention requirements outlined in Article II, Sec. 17-2-13. Unauthorized booster pumps or those lacking approved backflow protection may result in disconnection or enforcement action.

Sec. 17-4-2. Reading and Right of Entry.

- a) Utility personnel shall have the right to enter properties at reasonable hours to read, test, inspect, maintain, or replace meters.
- b) Property owners must maintain unobstructed access to meters. City personnel must have free and clear access to water meters for reading, maintenance, service disconnection or restoration, and inspection of service connections and backflow prevention devices. Obstructions that may delay service or affect billing accuracy include, but are not limited to: overgrown vegetation, debris, fences, pets, and vehicles. Parking on or over meter boxes or otherwise obstructing access to the meter is prohibited.
- c) If access is not restored after written notice, the City reserves the right to relocate the meter to a location within the right-of-way or a utility easement for future access. Once the meter is relocated, it is the customer's responsibility to reconnect their private service line to the new meter location at their own expense.
- d) Repeated denial of access or obstruction may result in service interruption, penalties, or enforcement under Article X.

Sec. 17-4-3. Maintenance and Testing.

- a) The Utility shall maintain all water meters in good working condition and may test or replace meters as part of routine maintenance or infrastructure upgrades.
- b) The Utility may conduct meter testing in response to system alerts, high billing patterns, or internal audits. Customer-initiated testing, physical reads, and enforcement policies are addressed in Sec. 17-4-6.
- c) Customers shall maintain clear access to the meter for reading, maintenance, leak detection, and emergency shutoff, and shall not obstruct the meter with landscaping, structures, or debris.

Sec. 17-4-4. Meter Turn-on/Shutoff.

- a) Only authorized Utility personnel may operate the shutoff valve or curb stop.
- b) Unauthorized access, tampering, or bypassing of meters is prohibited.
- c) Violations may result in penalties, repair charges, and service disconnection.
- d) Customers requesting water service activation or disconnection must schedule with the Utility in advance.

Sec. 17-4-5. Relocations and Infrastructure Changes at 3rd Party Request.

- a) Relocation or modification of meters or infrastructure requested by a customer, property owner, or third party must be reviewed and approved of by the Utility.
- b) All related costs, including labor, materials, and inspection, shall be paid in full by the requesting party prior to commencement of work.

Sec. 17-4-6. Meter Testing, Service Requests, and Violations.

- a) Customers may submit a written request for a water meter accuracy test to the Billing and Collections Division. If the meter registers more than three (3) percent fast, it shall be replaced and billing adjusted. If the meter registers within $\pm 3\%$ accuracy, a testing fee shall be charged.

Customers may also request a physical read to verify automated readings. If the physical read confirms equal or greater usage than the automated reading, a fee shall apply. One waiver per fee type per calendar year may be granted. A site visit fee shall apply for customer-requested investigations not otherwise covered in this article. Associated fees are detailed in Article V.

- b) Should the meter on any premises become defective so that the amount of water delivered for the current month cannot be ascertained, the property owner of record of the premises shall pay for that month an amount equal to the average monthly charge of the six (6) months preceding, or for the available period of service if less than six months. Any unpaid charges under this subsection shall constitute a lien upon the property served, enforceable in the same manner as other delinquent utility charges.
- c) Customers are responsible for maintaining all private service lines beyond the meter and shall be liable for all water loss due to leaks or failures on their side of the meter.
- d) Any unauthorized connections to the City's water system or tampering with metering equipment is strictly prohibited. Offenders shall be responsible for actual damage costs, and service may be disconnected.
- e) Penalties for unauthorized connections or tampering are listed in Article V.

Sec. 17-4-7. Protection of System Equipment.

- a) It shall be unlawful for any person to tamper with, damage, or interfere with City wells, storage tanks, mains, lift/pump stations, manholes or system components.
- b) Tampering with any water main, pipe, plug, meter, or equipment whether inside or outside the City shall be punishable to the fullest extent of law.
- c) Offenders shall be subject to prosecution to the fullest extent of the law and shall also be held financially responsible for the full cost of repairs, restoration, and any damages resulting from such actions.

Sec. 17-4-8. Hydrant Meters and Temporary Equipment Use.

- a) The Utility may provide hydrant meters and associated temporary equipment for approved short-term use. All requests must be submitted to the City's Billing and Collections Division and are subject to Utility approval and payment of applicable fees.
- b) Hydrant Meter Use – Utility-Owned and Privately-Owned Hydrants: Hydrant meters may be installed on approved City-owned or privately-owned hydrants for temporary use, not to exceed six (6) months. The following conditions apply:
 - a. Customers must submit a formal request to the City's Billing and Collections Division.
 - i. Upon approval, the customer shall pay a one-time administrative fee and a refundable equipment deposit. These fees are provided in Article V.
 - b. For Utility-owned hydrants, the Utility shall install the hydrant meter, required connection fittings, and an approved backflow assembly within forty-eight (48) hours of payment.
 - c. For privately-owned hydrants, the Utility shall supply the hydrant meter, connection fittings, and required backflow, which the customer must pick up from the City's Utility campus, within forty-eight (48) hours of payment.
 - d. Hydrant meters shall only be used at the authorized location specified in the permit.
 - e. Water consumption shall be subject to standard monthly billing based on meter readings.

- f. The customer must provide written notice to the City when the hydrant meter is no longer needed.
- g. All privately-owned equipment, must be returned in working condition within forty-eight (48) hours of such notice. Utility-owned hydrants will be removed by City Utilities staff.
- h. Failure to return equipment within six months, or discovery of missing or damaged equipment during monthly readings, shall result in forfeiture of the deposit.
- c) Connection to any fire hydrant without an approved backflow prevention device is prohibited. Standards for backflow protection and installation are detailed in the City's Utility Index, maintained by the Utility Director.
- d) An equipment damage fee shall be charged to the customer account for any loss or damage to City-owned meters or appurtenances based on actual costs incurred.
- e) Requests to change the size of an existing meter shall be subject to applicable installation and capacity fees as specified in Article V of this ordinance.

ARTICLE V. RATES, FEES, AND CHARGES

Sec. 17-5-1. Classes of Service.

- a) Each class shall be subject to distinct rates and conditions of service, as defined in the Utility's published rate schedule. Service classes shall include, but are not limited to:
 - i. Single-Family Residential (SF).
 - ii. Multi-Family Residential (MF).
 - iii. Commercial (CM).
 - iv. Industrial.
 - v. Irrigation-Only (IRR).
 - vi. Fire Line.

Sec. 17-5-2. Water and Wastewater Capacity (Connection) and Associated Fees.

- a) The City shall charge and collect from every applicant for water and wastewater connection, a system capacity fee, also referred to as an impact fee, in accordance with the Utilities Fee Resolution.
- b) Properties that include a mix of both residential and nonresidential use will be required to have separate meters for each use.
- c) Fees shall be determined based on meter size and estimated usage. Relocations, upsizing, and reconnections will be treated as new connections where applicable.
- d) All funds collected for increasing the water and wastewater system capacity shall be employed as allowed by law.
- e) All connection-related fees shall be collected upon issuance of a building permit and/or application for utility service.
- f) No certificate of occupancy shall be issued to the customer by the City, nor shall any water or wastewater connection be made to the City systems until the customer has paid all connection fees for applicable services.
- g) In addition to the system capacity fees, the following apply:

- i. Water System Tap Fee and Meter Installation Fee, per Utilities Fee Resolution.
 - ii. Wastewater Connection Inspection Fee, per Utilities Fee Resolution. If City labor or materials are used, actual costs shall be charged in addition to the inspection fee. Unauthorized connections without City inspection are grounds for service termination.
- h) If a property's use classification changes (e.g., residential to commercial), the City reserves the right to reassess system capacity fees and require additional meters, ERU charges, or permit applications.

Sec. 17-5-3. Water and Wastewater Monthly Rates, Fees and Charges.

- a) All customers shall be billed a combination of base facility charges and volumetric consumption charges.
- b) Rate tiers may apply to encourage efficient use of potable water, particularly for dedicated irrigation accounts.
- c) Charges may vary by meter size, location (inside or outside City limits), and service class.
- d) The water and wastewater Monthly Base Facility Charge, Monthly Customer Charge, and Monthly Volume Charge shall be set by City Council through the Utilities Fee Resolution.
- e) Private fire protection service connections shall comply with the design and operational expectations of the American Water Works Association (AWWA) Manual M31 and shall be subject to a monthly standby charge based on fire line diameter, as established in the Utilities Fee Resolution. This standby charge reflects the reserved system capacity required to provide adequate fire flow. Water used solely for fire suppression or required system testing shall not incur volumetric consumption charges. Unauthorized or non-fire-related use shall be billed at potable water rates and may be subject to enforcement under Article X.

Sec. 17-5-4. Frequency and Method of Rate Studies.

- a) The City shall perform a comprehensive rate study no less than every five (5) years to evaluate connection fees, monthly charges and rates, adequacy of revenue recovery, fairness among customer classes, and compliance with financial planning goals. Interim adjustments may be adopted based on cost index or Utility budget analysis.

Sec. 17-5-5. Pretreatment and Fats, Oil, and Grease (FOG) Fees.

- a) Industrial and food service establishments shall be subject to additional fees related to pretreatment, monitoring, and maintenance of grease interceptors, as established in the Utilities Fee Resolution.
- b) Penalties and enforcement actions for noncompliance with FOG and pretreatment requirements shall be determined and administered by the City's Code Enforcement process, in coordination with the Utility and consistent with Article X.

Sec. 17-5-6. Cross-Connection and Backflow Prevention Fees.

- a) Customers are responsible for the installation, maintenance, and testing costs of their devices.
- b) Penalties and enforcement actions for noncompliance with the Cross-Connection Control Program shall be determined and administered by the City's Code Enforcement process, in coordination with the Utility and consistent with Article X.

- c) Violations of the Cross-connection Control Program shall be subject to penalties as established in the Utilities Fee Resolution.

Sec. 17-5-7. Metering and Service Request Fees.

- a) Customers may submit a written request for a water meter accuracy test to the Billing and Collections Division, pursuant to Sec. 17-4-6, and as provided in the Utilities Fee Resolution.
- b) Fees for meter accuracy testing, physical meter read verification, meter turn-on/shutoff, and site visits shall be set by the Utilities Fee Resolution.

Sec. 17-5-8. Hydrant Meter and Temporary Equipment Fees.

- a) Customers must submit a formal request to the City's Billing and Collections Division (see Sec. 17-4-8).
- b) Upon approval, applicable administrative fees, deposits, and other charges shall be established in the Utilities Fee Resolution.

Sec. 17-5-9. Billing and Collection Fees and Penalties.

- a) Administrative fees, delinquency processing fees, reconnection fees, interest on past due accounts, and reset fees shall be as established in Utilities Fee Resolution.
- b) Accounts past due sixty (60) days or with unauthorized reconnections shall be subject to lien assessment and monthly interest as provided in the Utilities Fee Resolution.

Sec. 17-5-10. Development and Extension Fees.

- a) If utility main or system construction is required, either onsite or offsite, by the developer or property owner of record, all applicable plan review, construction service, resubmittal, testing, and inspection fees shall be established by the Utilities Fee Resolution.
- b) Special Assessment Method: For existing developments where utility extensions are required, funding may be accomplished by the Special Assessment method, upon determination of support by petition from at least fifty-one percent (51%) of affected property owners.

Sec. 17-5-11. Economic Development Incentives.

- a) The City may, by resolution of the City Council, authorize reduced capacity fees, connection fee waivers, or other utility-related incentives for new or expanding developments that meet defined economic development objectives.
- b) Eligibility for such incentives shall be limited to:
 - I. Projects that demonstrate substantial economic benefits, such as job creation, tax base expansion, or targeted industry recruitment.
- c) Approved incentive packages may include:
 - I. Full or partial waiver of water and wastewater system capacity fees;
 - II. Deferred payment schedules for connection fees, subject to executed agreements;
 - III. Cost-sharing of public infrastructure extensions;
 - IV. Priority review and permitting of utility plans.

- d) The City Manager, or designee, shall evaluate applications and present a written recommendation to the City Council, identifying the projected economic impact and proposed utility fee modifications.
- e) Any approved incentive shall be memorialized in a written agreement between the City and the applicant, which shall include:
 - I. A description of the qualifying development and its public benefit;
 - II. Fee adjustments or deferrals granted;
 - III. Conditions of performance or clawback provisions;
 - IV. A schedule for infrastructure completion and utility connection;
 - V. Compliance reporting requirements.
- f) The City reserves the right to deny incentives to any project that may jeopardize the financial integrity of the Utility system or does not meet minimum public benefit thresholds.

Sec. 17-5-12. Conservation and Emergency Violation Penalties.

- a) Violations of water use restrictions shall be subject to penalties as established in the Utilities Fee Resolution.

Sec. 17-5-13. Service Tampering and Illegal Connections.

- a) Penalties for tampering or unauthorized connections shall be established in the Utilities Fee Resolution and may include service disconnection and recovery of actual costs.

Sec. 17-5-14. Enforcement Cost Recovery.

- a) The City may recover actual costs incurred in investigating, enforcing, and remedying violations.

Sec. 17-5-15. Municipal Infractions.

- a) Except as otherwise provided in this Chapter, all violations of this Chapter are declared municipal infractions.
- b) A repeat violation shall mean that the same person has violated the same provision of this Chapter on any date subsequent to the date of the first violation.
- c) Unless another penalty is specifically provided elsewhere in this Chapter penalties for municipal infractions shall be established by the Utilities Fee Resolution.
- d) Nothing herein precludes a law enforcement officer from issuing a criminal citation where criminal penalties are authorized.
- e) In addition to the penalties provided in this section, any unpaid charges, penalties, or costs imposed under this Article shall constitute a lien on the property and shall be enforced in accordance with Sec. 17-6-7.

ARTICLE VI. BILLING, PAYMENTS, AND COLLECTIONS

Sec. 17-6-1. Billing, Penalties, Delinquencies, and Collections.

- a) Bills shall be rendered monthly for all residential and non-residential uses, whether occupied or vacant, situated within the City's service area. Requests for service disconnection or account closure to avoid monthly charges will not be honored. It shall be the responsibility of the property owner of record to provide written notice of the correct and current mailing address for bills and changes thereto.
- b) All charges billed, including but not limited to monthly rates for water and wastewater services, shall be due within twenty-one (21) days of the mailing date printed on the bill.
- c) Current charges for which full payment has not been received in the billing and collections office by 2:30 p.m. of the due date shall incur a penalty of ten percent (10 percent) of the unpaid charges.
- d) The property owner of record may request a waiver of a current penalty once per calendar year by completing and returning the "Waiver of Penalty" form available from the Billing and Collections office. Said waiver is granted to property owners only, can be used to waive current penalties only, is limited to one penalty per calendar year, and the waiver form must be returned prior to the due date printed on the bill on which the penalty appears. However, all charges and penalties remain a lien on the property.
- e) Charges for all services shall be billed, collected, and enforced together. When any bill has remained unpaid for forty (40) days, the water service to the premises may be subject to disconnection, subject to notice and any appeal rights under this Chapter.
- f) An administrative fee shall be charged for delinquency processing, whether or not service has been disconnected, and must be paid in addition to all outstanding charges. Article V details the fee amount.
- g) An additional fee shall be charged for all reconnections of water service after normal working hours and on holidays. Article V details the fee amount.
- h) The Property owner of record is entitled to receive a waiver of the administrative fee for delinquency processing once per calendar year by completing and returning the "Waiver of Delinquency Processing Fee" form available from the Billing and Collections office. Said waiver is granted to property owners only and is limited to one administrative fee for delinquency processing per calendar year. After-hours turn-on, illegal connection, and meter reset fees are not eligible for waiver.
- i) In the event any charge is sixty (60) days or more past due, or unauthorized reconnection has been made, a lien will be assessed against the property each month that the account remains unpaid. Interest of one percent (1%) per month will accrue on all liened charges. The meter serving the property for which charges are delinquent may be pulled. In the event the meter is pulled, all outstanding charges, including lien interest, plus a meter reset fee (Article V details the fee amount) must be paid in full by the party requesting reconnection prior to meter installation.
- j) Liens, delinquency charges, and other enforcement actions related to unpaid balances shall be pursued in accordance with Article X.

Sec. 17-6-2. Review Process for High Consumption Complaints.

- a) Customers who receive unusually high bills may request a review by the Utility. As a condition of the review, customers may be required to submit a certified plumber's report verifying there are no leaks or defective fixtures on the property. Adjustments, if any, will be based on meter accuracy and billing policy.

Sec. 17-6-3. Handling Meter Defects, Estimations, Zero Usage.

- a) In cases of defective meters or inaccessible readings, the Utility may issue an estimated bill based on historical average consumption. Once accurate readings resume, any overcharges or undercharges will be reconciled in the subsequent billing cycle.
- b) Where high bill discrepancies are reported, the customer may be required to submit certification from a licensed plumber confirming that no leaks or interior plumbing defects exist, as referenced in Sec. 17-6-2.
- c) If a meter consistently reports zero consumption at an occupied property, the Utility shall inspect the meter and service line to determine whether a meter malfunction or service issue exists. If no defect is found and the property is confirmed as vacant, estimated billing may be resumed.
- d) After six (6) consecutive months of zero usage at an occupied property, the Utility shall initiate a field inspection to verify service status and meter condition. If the inspection reveals a leak, tampering, or other condition requiring corrective work, the property owner shall be responsible for all costs associated with repairs, replacements, or corrective actions identified during the inspection.

Sec. 17-6-4. Dispute Resolution and Appeals.

- a) Customers may submit billing or service complaints for review.
- b) Appeals must be submitted in writing within thirty (30) days of the disputed billing date.
- c) Final resolution shall be determined by the Utility Advisory Board.

Sec. 17-6-5. Delinquency Processing and Service Shut-offs.

- a) Accounts unpaid beyond thirty (30) days may be deemed delinquent.
- b) Written notice of shutoff shall be provided prior to service shutoff.
- c) Customers may request participation in an installment payment program (Sec. 17-6-6) only prior to service shutoff. Once service has been terminated, no payment plan shall be available, and full payment of all charges, fees, and penalties shall be required before service reinstatement.
- d) Any failure to comply with delinquency payment agreements may result in enforcement under Article X, including lien placement or service suspension.

Sec. 17-6-6. Connection Fee Installment Payment Program.

- a) For large connection charges, customers may apply for an installment payment program.
- b) The maximum term for installment payments shall be five (5) years, and interest shall be set annually by the Utilities Fee Resolution. By default it shall equal the City's current tax-exempt borrowing rate plus one percent (1%), with a minimum floor of three percent (3%) and maximum of seven percent (7%).

- c) Failure to comply with the agreement may result in full balance due and disconnection.
- d) The City Council may authorize an installment payment schedule by resolution, requiring an initial partial payment and the remaining balance with interest over no more than five (5) years.
- e) Applicants must submit a formal application to the City Manager including:
 - I. Applicant name and address.
 - II. Full legal description and parcel ID(s).
 - III. Proof of ownership.
 - IV. Current financial statement.
- f) If approved, the City Manager shall execute a Connection Fee Installment Payment Agreement for each qualifying development. The Installment Payment Agreement shall be recorded in the Official Records of the Clerk of Courts of Charlotte County, Florida at no cost to the City and any installment payment agreement shall be recorded as a lien on the property service and shall bind all successors in ownership.
- g) Each agreement must:
 - I. Identify the property legally.
 - II. State the full fee amount, the amount to be paid in installments, the schedule, and consequences of breach.
 - III. Prohibit separation of rights from the property.
 - IV. Establish a lien on the property for unpaid fees.
 - V. Allow foreclosure or legal action in the event of default, with recovery of costs and attorney's fees.
- h) All installment fees shall be treated as a lien until paid in full. This lien process and interest terms shall apply only to fees covered by the Installment Payment Agreement and shall not be subject to the general 1% per month penalty under Sec. 17-6-7.
- i) The property owner of record must pay principal and interest according to the agreement.
- j) If the property owner or record defaults or no longer qualifies, the full unpaid balance becomes due immediately.

Sec. 17-6-7. Lien Process for Nonpayment.

- a) The City may place a lien on any property for unpaid utility charges, fees, penalties, or costs assessed under this Chapter, including but not limited to monthly water and wastewater service bills, connection fees, reconnection fees, delinquency processing fees, tampering penalties, and other charges. Liens may be applied when balances remain outstanding more than sixty (60) days beyond the billing date, unless the property is subject to an active installment agreement approved by the City.
- b) Interest shall accrue at one percent (1%) per month on delinquent balances subject to lien.
- c) Upon notice of pending property transfer or sale, the Utility shall issue a final bill for all accrued charges. The City shall not release or transfer the account until such bill is paid in full or otherwise satisfied. Title companies shall be responsible for collecting and remitting the final balance at closing. Activation of service for a new owner may be withheld until all outstanding charges are paid.
- d) Liens shall be enforced in accordance with Florida law and remain in effect until satisfied or released by the City.

ARTICLE VII. WATER CONSERVATION

Sec. 17-7-1. Installation Requirements.

- a) All new developments, including residential, commercial, and mixed-use properties, shall incorporate water-efficient plumbing fixtures and landscape irrigation systems.
- b) New construction and substantial renovations shall implement principles of Florida-Friendly Landscaping, as required in Chapter 26 of the City's Code.
- c) Florida-Friendly Landscaping elements include appropriate turf selection, use of drought-tolerant plantings, soil amendments, mulching, and efficient irrigation practices.
- d) Irrigation systems shall be designed to minimize water loss and ensure efficient coverage. The Utility may require submission of detailed irrigation system plans for review and approval prior to installation.
- e) All irrigation systems must comply with Florida Statutes § 373.62, including the installation and maintenance of an operational automatic rain sensor device or switch that overrides the system during rainfall.
- f) Any person who owns or operates an automatic landscape sprinkler or irrigation system shall always maintain the rain sensor in functional condition. Failure to maintain the device shall be considered a violation of this section.
- g) All water systems shall be installed in accordance with the Florida Building Code and local Utility standards, including proper zoning of landscape types, pressure regulation, and use of efficient emitters (e.g., rotors, drip lines, micro-sprays).
- h) The Utility may conduct inspections of newly installed or modified irrigation systems for compliance with this section and may require correction of any deficiencies prior to activating water service.

Sec. 17-7-2. Year-Round Irrigation Restrictions.

- a) Lawn watering is limited to no more than twice per week
- b) Irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m. daily, per F.A.C., 40D-22.201(3).
- c) Overwatering, runoff, and irrigation system malfunctions must be corrected promptly.
- d) Any temporary or emergency water use restrictions imposed by the District or City Council under this Article, beyond the year-round standards herein, shall be published once a week for two consecutive weeks in a newspaper of general circulation prior to enforcement, unless otherwise waived during declared emergencies.
- e) New lawns may be irrigated on any day for the first 30 days following installation.
- f) Fountains, car washing, pressure washing, and hand-watering of non-lawn vegetation are not restricted, provided a shutoff nozzle is used.

Sec. 17-7-3. Seasonal Restrictions.

- a) During defined high-demand periods, such as December 1 through June 1, the Utility may impose additional watering restrictions to reduce system stress.

- b) The City may align seasonal restrictions with those imposed by SWFWMD or establish more stringent requirements based on local conditions.
- c) In addition to seasonal triggers, restrictions shall automatically take effect whenever the Lower Shell Creek Minimum Flow and Level (MFL) Block 1 status persists for ten (10) consecutive days. Refer to Sec. 17-8-5(b) for more detail on Block 1.
- d) Restrictions imposed under subsection (c) shall remain in effect until MFL Block 1 conditions have ceased for thirty (30) consecutive days.
- e) Seasonal restrictions may include:
 - I. Reduced watering frequency. The following schedule shall apply based on the last digit of the property address:

Last Digit of Address	Watering Day	Permitted Time
0 or 1	Monday	Before 10 a.m. or after 4 p.m.
2 or 3	Tuesday	Before 10 a.m. or after 4 p.m.
4 or 5	Wednesday	Before 10 a.m. or after 4 p.m.
6 or 7	Thursday	Before 10 a.m. or after 4 p.m.
8 or 9	Friday	Before 10 a.m. or after 4 p.m.
Letters or No Number	Saturday	Before 10 a.m. or after 4 p.m.

- I. Shorter irrigation windows (e.g., before 8 a.m. only),
 - II. Prohibitions on new turf installation or filling new pools, and
 - III. Suspension of hydrant flushing or other non-essential uses.
- f) The City shall publish seasonal restriction notices at least 14 days prior to implementation.
- g) Violations of seasonal restrictions may be enforced under Article X, with corresponding penalty amounts listed in Article V.

ARTICLE VIII. WATER EMERGENCIES AND SHORTAGES

Sec. 17-8-1. Emergency Triggers.

- a) The City may declare a water emergency when conditions threaten public health, safety, or the integrity of the water and wastewater systems. Such conditions include, but are not limited to:
 - I. Drought or prolonged dry weather patterns;
 - II. Mechanical or electrical failure of water system infrastructure;
 - III. Source water contamination;
 - IV. Inability to meet demand due to supply limitations or infrastructure constraints;
 - V. The Utility has been in Block 1 of the MFL for ten (10) consecutive days, which shall constitute a Phase III or IV emergency under Sec. 17-8-2.

- b) The discharge or proposed discharge of any water or waste into the wastewater system containing prohibited or restricted substances, as defined in these regulations, which in the sole judgment of the Utility may:
 - I. Damage or impede wastewater facilities or treatment processes;
 - II. Endanger public health or safety; or
 - III. Constitute a public nuisance.
- c) Upon determination that a discharge meets any of the conditions described in subsection (b), the Utility may initiate immediate remedial action. This may include, but is not limited to:
 - I. Temporary or permanent suspension of service;
 - II. Issuance of a cease-and-desist order;
 - III. Emergency isolation of the affected connection; or
 - IV. Referral for legal enforcement and fees (water emergency violation penalties) under Articles X and V, respectively.

Sec. 17-8-2. Shortage Phases.

- a) The City shall define and publish phased responses to water shortages, including mandatory conservation.
- b) The City recognizes the following phased water shortage classifications, consistent with Chapter 40D-21, Florida Administrative Code and relevant SWFWMD Orders:
 - I. Phase I – Moderate Shortage (Yellow). Declared when one or more of the following conditions exist:
 - i. The total rainfall of June, July, and August is fifty percent (50%) or less than the rainfall for the average of the previous five (5) years.
 - ii. A no flow condition exists over the Hendrickson Dam.
 - iii. The reservoir level is at its lowest and/or there will be a drastic reduction from its normal rainfall slopes in comparison with the ten (10) previous years.
 - iv. Average daily demands are thirty percent (30%) above the average daily demand for the same thirty (30) day period of the preceding year.
 - II. Phase II – Severe Shortage (Orange): Declared when one or more of the following conditions exist:
 - i. The total rainfall of June, July, August and September is fifty percent (50%) or less than the rainfall for the average of the previous five (5) years.
 - ii. A no flow condition exists over the Hendrickson Dam for more than ten (10) consecutive days.
 - iii. The reservoir level is at least 0.2 feet below the top of the Hendrickson Dam with a useful storage of less than two hundred seventy-three million (273,000,000) gallons of water remaining in the reservoir.
 - iv. Surrounding areas (counties, cities, etc.) enter a Phase III water shortage.
 - III. Phase III – Extreme Shortage (Red): Declared when one or more of the following conditions exist:
 - i. An extreme drought is declared by SWFWMD.

- ii. Records indicate the total rainfall for October, November, December, January and February is ten percent (10%) or less than the rainfall for the average of the previous five (5) years.
 - iii. The reservoir level is at least 0.4 feet below the top of the Hendrickson Dam with a useful storage of less than two hundred seven million nine hundred thousand (207,900,000) gallons of water remaining in the reservoir.
 - iv. The projected thirty (30) day demand exceeds useful storage of the reservoir, i.e. two hundred seven million nine hundred thousand (207,900,000) gallons of useful storage.
- IV. Phase IV – Catastrophic Shortage (Black): Declared when:
- i. There is toxic contamination to the City's water supply.
 - ii. Terrorism disrupts the main water supply.
 - iii. Serious water quality degradation is caused by flooding, hurricane, saltwater intrusion, etc.
 - iv. Major transmission line disruption and/or treatment plant failure which reduces delivery capacity to less than fifty percent (50%) of the designed capacity for at least forty-eight (48) hours.
- c) Compliance with SWFWMD Orders and 40D-21, F.A.C. is mandatory. During declared shortages, City Council may enact further restrictions as needed.

Sec. 17-8-3. Temporary Service Suspensions.

- a) During declared water emergencies, the City reserves the right to temporarily suspend non-essential water services.
- b) Where feasible, the City shall provide advance public notice of such suspensions. However, immediate action may be taken without notice when necessary to protect public health or preserve critical infrastructure.

Sec. 17-8-4. Water Use Permit and Minimum Flow Compliance.

- a) The City's raw water withdrawals from the Shell Creek Reservoir are regulated by SWFWMD under a WUP and are subject to the MFL restrictions established for Lower Shell Creek as outlined in the WUP.
- b) The City's WUP limits water withdrawals from the Shell Creek Reservoir based on monthly and seasonal flow conditions in Shell Creek, defined in three blocks:
 - I. Block 1 (0–56 cfs): Maximum allowable withdrawals are between 3.40 and 4.42 million gallons per day (mgd), depending on month.
 - II. Block 2 (>56–137 cfs): Up to 23 percent of inflow, not to exceed 11.73 mgd.
 - III. Block 3 (>137 cfs): Subject to WUP maximums.
- c) These restrictions apply during both normal operations and declared shortages. They shall guide:
 - I. Temporary service suspensions under Sec. 17-8-4,
 - II. Service availability determinations under Sec. 17-2-2, and
 - III. Capacity reservation and developer extension policies under Sec. 17-9-3 and 17-9-7.
- d) When MFL-based restrictions limit withdrawal capacity, the City may enact conservation measures, restrict new connections, or reprioritize available capacity.

- e) The Peace River Manasota Regional Water Supply Authority may provide emergency supply, but its availability is not guaranteed and shall not be considered part of base allocation for system planning.

ARTICLE IX. UTILITY SYSTEM EXTENSIONS AND DEVELOPER OBLIGATIONS

Sec. 17-9-1. Ownership and Maintenance of Utility Facilities.

- a) Utility facilities located on private property, including service lines, private mains, backflow assemblies, lift stations, valves, hydrants, or other appurtenances serving a private development, shall be owned and maintained by the property owner unless otherwise approved in writing by the City.
- b) Utility facilities located within public right-of-way or within a dedicated public utility easement may be accepted by the City for ownership, operation, and maintenance upon completion of construction, submission of as-built drawings, successful testing, correction of deficiencies, and formal acceptance by the City Council.
- c) No private utility infrastructure shall be conveyed to the City unless and until it has been inspected, tested, accepted, and formally transferred in accordance with Article IX.
- d) The City shall have no obligation to repair or maintain utility facilities on private property that have not been accepted into City ownership.

Sec. 17-9-2. Onsite/Offsite Infrastructure Standards.

- a) Developers shall design, size, and construct water and wastewater facilities in accordance with City Utility standards and specifications.
- b) All materials and installation methods shall comply with current FDEP criteria, City construction details, and relevant codes.
- c) Utility plans must be approved prior to commencement of construction. No deviation shall be made without written City authorization.

Sec. 17-9-3. Utility Extension Triggers and Capacity.

- a) Extensions of City Utility infrastructure may be triggered by land development, annexation, or Utility availability policies.
- b) The City may require Utility system analysis or hydraulic modeling of the water distribution and wastewater collection systems to ensure adequate capacity exists or to identify needed offsite improvements.
- c) The City may deny or condition Utility extensions if capacity constraints, pressure deficiencies, or flow limitations exist.
- d) Capacity evaluations for new developments or extensions shall incorporate seasonal withdrawal limitations and MFL restrictions under the City's WUP. The City may require modeling to verify that sufficient capacity exists during worst-case conditions. The availability from the Peace River

Manasota Regional Water Supply Authority shall not be used as justification for approval unless a formal allocation agreement exists.

Sec. 17-9-4. Performance Guarantees and Bonds.

- a) Developers must provide financial assurance, such as a performance bond or irrevocable letter of credit, covering one hundred and thirty (130) percent of estimated Utility construction costs.
- b) Bonds shall remain in effect until infrastructure is completed, inspected, and accepted by the City.
- c) The City shall assume maintenance of infrastructure only after a minimum warranty period of one (1) year following final acceptance. During the warranty period, the developer shall remain responsible for repairs of defects due to materials or workmanship at no cost to the City. Performance bonds or other acceptable security shall be required only for major distribution mains, or as determined by the Utility Director based on project size or complexity. For lesser infrastructure such as standard residential service lines, the Utility Director may waive the bond requirement
- d) If a developer fails to complete required utility infrastructure within the permitted time frame, the City may draw on the posted performance bond to complete the work, suspend or revoke development approvals, refuse to issue certificates or occupancy, or pursue legal remedies including lien filings for recovery of costs.

Sec. 17-9-5. Conveyance of Easements and Rights-of-Way.

- a) Utility infrastructure shall be located within dedicated public easements or rights-of-way. Private Utility lines will not be accepted for City ownership.
- b) No obstruction, structure, or landscaping may be placed within a Utility easement without City approval.
- c) The City shall not be liable for damage to non-approved structures located within Utility easements.

Sec. 17-9-6. Inspection and Acceptance.

- a) All Utility installations shall be subject to City inspection during construction and testing.
- b) Developers shall schedule required inspections in advance and submit test results verifying compliance.
- c) Final acceptance shall occur only after submittal of as-built drawings, payment of fees, and correction of deficiencies.

Sec. 17-9-7. System Capacity Reservation for Development.

- a) The City may enter into capacity reservation agreements with developers to hold system capacity for future use.
- b) Such agreements must define the service area, capacity allocated, term of reservation, and payment schedule.
- c) Reserved capacity may expire if the project does not proceed within the agreed timeline.
- d) The Utility may offer incentive credits or cost-sharing for oversized mains or facilities when the oversizing provides demonstrable capacity benefit to the system. Terms will be set by resolution and at the discretion of the Utilities Department Engineering staff.

Sec. 17-9-8. Plan Review.

- a) The following are established for Utility plan review and inspection and are required as a condition of service approval:
 - I. No Utility Construction Required: Where Utility service is available and no offsite or onsite Utility construction is required by the Utility, there is no Utility review or inspection fee charged. All work is performed by a licensed plumber under the authority of the Building Official.
 - II. Utility Construction Required: If utility main or system construction is required, either onsite or offsite, by the developer or property owner, the following shall apply:
 - i. Plan review
 - ii. Construction service
 - III. Refer to Article V for fees related to the items listed in subsection (a) and the following items: Re-submittals, Hydraulic Model Evaluations (if required), Fire Hydrant Flow Test, Septic Application Review (Health Department Referrals, Re-inspections).
- b) New developments may propose alternative (non-potable) irrigation water supplies. All such alternatives must be submitted for review and approval by the Utility and must demonstrate adequate backflow protection, compliance with state and regional water management regulations, and long-term feasibility.

Sec. 17-9-9. Connection Responsibilities and Special Assessment Funding.

- a) New development or existing development located within the City Utility Service Area shall connect to the public potable water and/or wastewater system when service is deemed available under this Chapter.
- b) Developers of new development shall be responsible for all costs associated with the design and construction of any line extensions or offsite infrastructure necessary to establish service.
- c) For existing developed properties without access to central utility services, the Utility may extend service using the Special Assessment method, subject to demonstration of support by a petition signed by at least fifty-one percent (51%) of the affected property owners.
- d) All infrastructure constructed under this section shall comply with Article IX standards and be subject to City acceptance prior to activation

Sec. 17-9-10. Pre-Annexation and Utility Service Agreements.

- a) The City may enter into pre-annexation utility agreements with property owners located outside the municipal limits, but within or near the Utility's designated service area, who are seeking water and wastewater utility services and are anticipated to be annexed into the City in the future.
- b) Provision of water or wastewater service to properties outside the Utility's service area may be conditioned upon the execution of a pre-annexation agreement that includes, but is not limited to:
 - I. A binding commitment to annex when eligible and legally permissible.
 - II. A waiver of objection to future annexation proceedings.
 - III. Agreement to pay applicable outside-city rates and fees.
 - IV. Dedication or easement of required utility infrastructure.
- c) Annexation agreements may also include:

- I. Phased utility construction obligations.
 - II. Rights-of-way conveyance terms.
 - III. Utility infrastructure design and review procedures.
 - IV. Payment schedules for fees or cost participation.
- d) All pre-annexation or utility service agreements must be approved by the City Council and recorded in the official public records of Charlotte County. Agreements shall run with the land and bind successors in title (i.e., remain effective regardless of property ownership changes).
- e) Failure to comply with annexation agreement terms may result in:
- I. Denial of new connections or expansions;
 - II. Enforcement under Article X;
 - III. Disconnection of service;
 - IV. Legal action for specific performance to compel compliance.

Sec. 17-9-11. Capacity Monitoring and Expansion Triggers.

- a) In order for the City to maintain adequate treatment capacity for current and future Utility customers, water supply, water treatment, and wastewater treatment capabilities shall be monitored.
- b) Water Supply Availability:
- I. The City's effective water supply is determined by restrictions imposed under the City's WUP and MFL requirements for Lower Shell Creek.
 - II. If annual average withdrawals exceed seventy-five percent (75%) of the annual allocation established under the WUP, or are projected to do so within the next five (5) years, the City shall initiate engineering design and permit application processes for water supply system expansion. For purposes of this subsection, "annual average" shall be defined as the twelve-month rolling average of daily withdrawals.
- c) Water Treatment Capacity:
- I. When the maximum day finished water production exceeds seventy-five percent (75%) of the permitted capacity, the City shall submit a capacity analysis report as required by F.A.C. Rule 62-555.348.
 - II. If a report indicates that the maximum day demand will exceed permitted capacity in less than five (5) years, the City shall submit documentation to FDEP demonstrating timely design, permitting, and construction of necessary treatment facility expansions.
 - III. The City may initiate facility planning earlier or consider limitations imposed by the City's WUP and/or MFLs, which may restrict available capacity for treatment.
- d) Wastewater Treatment Capacity:
- I. When the three-month average daily flow exceeds seventy-five percent (75%) of the permitted capacity, the City shall initiate planning and submit a capacity analysis report under F.A.C. Rule 62-600.405(3-4).
 - II. When the average annual flow is projected to reach ninety percent (90%) of the existing treatment capacity within the next 5 years, the City shall initiate engineering design and permit application processes for system expansion.
 - III. The City may initiate facility planning earlier depending on other factors and considerations.

- e) These thresholds serve as the official basis for initiating capital improvements necessary to maintain regulatory compliance and service availability.

ARTICLE X. COMPLIANCE, REPORTING, AND ENFORCEMENT

Sec. 17-10-1. Applicability of Enforcement Provisions.

- a) The enforcement procedures and penalties established in this Article apply to all violations of this Chapter, including but not limited to:
 - I. Prohibited discharges and pretreatment violations (Article III),
 - II. Unauthorized water use or tampering with utility infrastructure (Articles II and IV),
 - III. Noncompliance with service conditions or permit terms (Articles II and III),
 - IV. Violations of water conservation and irrigation restrictions (Article VII), and
 - V. Violations of emergency water use restrictions or drought response measures (Article VIII).
- b) Violations may be enforced through written warnings, administrative citations, service disconnection, fines, legal action, or other remedies authorized under this Code or state law.

Sec. 17-10-2. Enforcement Actions and Legal Remedies.

- a) The City may initiate enforcement action for violations of this ordinance, Utility rules, permit conditions, or discharge prohibitions. Available remedies include:
 - I. Issuance of notices of violation or written warnings.
 - II. Administrative orders to correct violations.
 - III. Cease and desist orders requiring immediate termination of discharge or activity.
 - IV. Suspension or revocation of service or permits.
 - V. Civil fines and penalties in accordance with City Code, including referral to the Code Enforcement Board under Chapter 9A of the City's Code or Ordinances, or as otherwise authorized by state law.
 - VI. Referral for criminal prosecution, where applicable.
- b) The City will seek reimbursement for all costs associated with investigation, enforcement, cleanup, or damages.
- c) Unpaid utility service charges, fees, penalties, and costs of enforcement shall constitute a lien upon the real property served, in accordance with Chapter 159, Florida Statutes. Such lien shall run with the land and shall not be extinguished by sale, transfer, foreclosure, or change of ownership.

Sec. 17-10-3. Appeals and Hearing Process.

- a) Any user aggrieved by an enforcement action may appeal in writing to the Director within ten (10) business days of receiving notice.

- b) The Utility Advisory Board shall conduct a hearing and issue a written recommendation within thirty (30) days.
- c) Appeals involving enforcement actions related to Code violations may also be referred to the Code Enforcement Board pursuant to Chapter 9A of the City Code of Ordinances, or as otherwise authorized by state law.

Sec. 17-10-4. Severance of Services.

- a) The City may disconnect Utility services to any user for violations of this ordinance, tampering, non-payment, or imminent threat to health and safety.
- b) Service shall be restored only after resolution of the violation and payment of applicable fees.

Sec. 17-10-5. Damage Waiver and Liability Limitations.

- e) No person shall be entitled to damages for any stoppage, interruption, or insufficiency of water or wastewater service caused by repairs, maintenance, system failure, force majeure, or other causes beyond the City's control.
- f) The City shall not be responsible for damages resulting from reconnection, meter installation, or water pressure variation.
- g) It is the customer's responsibility to install adequate backflow, surge, and pressure control devices to protect private systems.

Sec. 17-10-6. Search Warrants.

- a) If entry is denied to Utility personnel for inspection purposes under this ordinance, the Utility may apply to the appropriate court for an administrative search warrant in accordance with Florida law.
- b) The warrant shall authorize entry during reasonable hours or in emergencies.
- c) Costs, fees, and attorney's fees incurred by the City in obtaining or executing a search warrant for utility system inspection or enforcement shall be billed to the property owner and shall constitute a lien on the property until paid.

Sec. 17-10-7. Change of Use Notification.

- a) Property owners must notify the Utility in writing of any intended change of use (e.g., from residential to commercial).
- b) The Utility may require submission of a revised application, capacity fee reassessment, and plan review.
- c) Failure to report changes may result in billing adjustments, penalties, or service interruption.

Sec. 17-10-8. Locate 811 Requirement.

- a) Any excavation or digging within public or Utility easements must comply with the Underground Facility Damage Prevention and Safety Act (Florida Statutes Chapter 556) and the 811 "Call Before You Dig" requirements.
- b) Notification must be made at least two full business days prior to excavation.
- c) Failure to notify and obtain locates prior to excavation may result in enforcement action and liability for any damages caused.

Sec. 17-10-9. Industrial Pretreatment User Requirements.

- a) This section applies to all industrial or significant users subject to national, state, or local pretreatment standards who discharge wastewater into the City's sanitary sewer system.
- b) Users shall comply with all sampling, monitoring, and reporting requirements. Monitoring reports, compliance certifications, and discharge sampling data shall be submitted to the City Utility Department. Where required, users shall also submit reports to FDEP or EPA pursuant to 40 CFR Part 403 (National Pretreatment Program).
- c) Users must retain records of monitoring data, equipment calibration, maintenance logs, and inspection results for a minimum of three (3) years. These records must be made available to the City upon request.
- d) Users must immediately report to the City any accidental, hazardous, or unpermitted discharges. Failure to notify may result in penalties, cost recovery for damages, or permit suspension.
- e) The Utility shall have the right to enter any premises during business hours, or at any time during an emergency, for the purpose of inspection, sampling, or testing. Obstruction of access may be grounds for enforcement action.
- f) Knowingly submitting false data or tampering with samples is a violation of this ordinance and may result in permit revocation, civil penalties, or criminal prosecution.
- g) The Utility may publicly post or publish the names of users in significant noncompliance in accordance with federal or state pretreatment program rules. This includes violations of discharge limits, failure to report, or repeat enforcement actions.