

CHAPTER 17 PUBLIC UTILITIES

*Editor's note—Ord. No. 1374-04, <sec> 2, adopted April 21, 2004, amended Ch. 17 to read as herein set out. Section 1 of said ordinance specifically repealed former Ch. 17 <sec><sec> 17-1 - 17-53. Prior to amendment, Ch. 17 was derived from the following:

Ord. No.	Date	Section
609-80	10-15-80	1
646-81	9-2-81	1
651-81	10-21-81	1
655-81	12-16-81	1
680-82	6-16-82	1
681-82	6-16-82	1
699-82	11-3-82	1
712-83	4-16-83	1
715-83	6-1-83	1
720-83	9-7-83	1
721-83	9-7-83	1
722-83	9-7-83	1
729-83	12-7-83	1
732-83	12-7-83	1
735-84	1-4-84	1
736-84	1-18-84	1
737-84	1-18-84	1
747-84	4-4-84	1
751-84	6-6-84	1
757-84	7-18-84	1-2
768-84	9-13-84	1
771-84	10-3-84	1
772-84	10-3-84	1
778-84	12-5-84	1
782-85	1-16-85	1
791-85	4-17-85	1
792-85	5-1-85	1
793-85	5-15-85	1
794-85	5-15-85	1
801-85	8-7-85	1
802-85	8-7-85	1
809-85	9-18-85	1
815-85	11-6-85	1
816-85	11-6-85	1
822-86	1-15-86	1
852-86	10-16-86	1
914-88	7-6-88	1
915-88	7-6-88	1
930-88	9-20-88	1
1041-92	4-1-92	1
1047-92	5-20-92	2
1081-93	8-18-93	1
1082-93	8-18-93	1
1083-93	8-18-93	1
1090-93	11-3-93	1
1091-93	11-3-93	1
1121-95	4-5-95	1
1122-95	4-5-95	1
1144-96	3-6-96	1-2
1302-01	2-7-01	1
1303-01	3-7-01	2

ARTICLE I. GENERAL PROVISIONS: WATER RATES

Sec. 17-1. Requirement to connect to water system.

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the utility service area and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water system of the City, is hereby required at his expense to install suitable facilities therein and to connect such facilities directly with the proper public water system in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so, provided that said public water system is within one hundred (100) feet of the property line.
- (b) New development, or existing development, located in the City Utility Service Area shall connect to the public water system. The developer of new development, or property owners of existing development, shall be responsible for the cost to design and construct line extensions and facilities to accomplish water service and connection. For individual property owners of existing development, the funding shall be accomplished by the Special Assessment method, upon demonstration of support by petition from a fifty-one percent (51%) majority of the affected properties.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-2. Connection to water system.

- (a) It shall be unlawful for any person to make any connection to the City water lines without first having installed an authorized water meter.
- (b) The City shall provide and install all water meters 3/4" to 2", unless otherwise determined by the Director of Utilities. Properties that include a mix of both residential and nonresidential use will be required to have separate meters for each use.
- (c) Duly authorized agents and employees shall have free and clear access to any premises for the purpose of meter reading, service disconnection or restoration, examining the condition of meter connections, service pipe/backflow prevention installation and other such purposes as may be proper to protect the interest of the City. No shrubbery, grass, roots, animals or other obstruction shall be permitted to interfere with such access.
- (d) If access to any premises for the purposes herein described is impaired or denied, the City shall be authorized to discontinue supplying water to the premises.

- (e) Should the meter on any premises become defective, so that the amount delivered for the current month cannot be ascertained, the owner of the premises shall pay for that month an amount equal to the average monthly charge of the six (6) months preceding.
- (f) Any customer may request that the water meter serving their property be examined and tested for the purpose of ascertaining whether the meter accurately registers the amount of water that passes through it. Such request shall be made in writing to the Billing and Collections Division. Upon receipt of such request, it shall be the duty of the Billing and Collections Division to have the meter tested for accuracy. If the meter is found to register at least three percent (3%) fast, a new meter will be installed and the current charges shall be adjusted. If the tested meter is found to register less than three percent (3%) fast, the cost of the meter test, plus all shipping costs and unpaid charges will be included on the next month's bill.
- (g) Customers shall maintain their own lines from the water meter and all loss of water through breaks or leakage to the premises shall be paid by the customer.
- (h) Customers shall be responsible for any illegal connections to the City's water supply. If any illegal connection is made by or on behalf of the property owner, the City shall be authorized to discontinue supplying water to the premises.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-3. Tampering with waterworks equipment, etc.

- (a) It shall be unlawful for any person to tamper or interfere with any of the wells, reservoirs, basins or with the water in same. Violators will be prosecuted to the full extent of the law.
- (b) It shall be unlawful for any person to tamper or interfere with the water mains, pipes, plugs, meters or connections of the waterworks of the City in or out of the City.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-4. Owners to keep own service pipe, etc., in repair.

All persons taking water shall keep their own service pipe and plumbing fixtures in good repair and protect it from damage at their own expense and shall prevent any unnecessary use and waste of water. When this rule is violated, the owner shall be notified in writing and given five (5) days for repair and/or replacement. Failure to comply shall constitute a misdemeanor and be subject to the fines and penalties as set out in Chapter 1, section 1-6, of this Code. It is expressly stipulated by the City that no claim shall be made against the City by reason of any breakage of any service pipe and plumbing fixtures.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-5. Collection and payment of water system connection charges.

- (a) All fees associated with connecting to the City’s water system shall be collected upon issuance of building permit and/or upon application for water service.
- (b) 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.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-6. Water system connection fees.

- (a) The City shall charge and collect from all applicants for connection to the City’s water distribution system charges as set forth in the following schedule to cover the expense of water system production capacity, tapping water mains and installing meters.
 - (1) Water System Capacity Fees. The City shall charge and collect, from every applicant for water connection, a payment to cover the cost of the water system production capacity, according to the following schedules:

Residential	Water System Capacity Fee	ERU Equivalency
All Units (Per Unit)	\$2,824.00	1.0
Nonresidential Meter Sizes (Inches)	Water System Capacity Fee	ERU Equivalency
5/8 x 3/4"	\$ 2,824.00	1.0
1"	\$ 5,648.00	2.0
1 1/2"	\$ 14,120.00	5.0
2"	\$ 22,592.00	8.0
3"	\$ 45,184.00	16.0
4"	\$ 70,600.00	25.0
6"	\$141,200.00	50.0
8"	\$225,920.00	80.0

- (2) All funds for increasing the water system capacity shall be employed as allowed by law.
- (3) In addition to water system capacity fees, City Water System Tap Fees and Meter Installation Fees shall be charged and collected as follows:

Meter Size (Inches)	-Tap Charges- Inside City	-Tap Charges- Outside City	Meter Installation - Charges - Inside City	Meter Installation -Charges- Outside City
5/8 x 3/4 "	\$116.00	\$145.00	\$180.00	\$200.00
1"	\$116.00	\$145.00	\$248.00	\$285.00
1 1/2"	\$148.00	\$185.00	\$412.00	\$490.00
2"	\$152.00	\$190.00	\$540.00	\$650.00
3" and larger	Actual cost of labor and material	Actual cost of labor and material x 1.25	Actual cost of labor And material	Actual cost of labor and material x 1.25

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No. 1440-06, <sec> 1, 5-3-06)

Sec. 17-7. Water system monthly rates, fees and charges.

Monthly rates, fees and charges for water service shall include:

- (a) A Monthly Base Facility Charge per Equivalent Residential Unit (ERU) shall be charged to all customer classes as follows:

Customer	Monthly Base Facility Charge <u>Inside City</u> October 1, 2009	Monthly Base Facility Charge <u>Outside City</u> October 1, 2009	Monthly Base Facility Charge <u>Inside City</u> October 1, 2010	Monthly Base Facility Charge <u>Outside City</u> October 1, 2010
All Classes	\$6.95 per ERU	\$8.68 per ERU	\$7.15 per ERU	\$8.93 per ERU

- (b) In addition to the Monthly Base Facility Charge above, a Monthly Charge By Meter Size will be charged to all customer classes as follows:

Meter Sizes (Inches)	Monthly Charge By Meter Size <u>Inside City Limits</u> October 1, 2009	Monthly Charge By Meter Size <u>Outside City Limits</u> October 1, 2009	Monthly Charge By Meter Size <u>Inside City Limits</u> October 1, 2010	Monthly Charge By Meter Size <u>Outside City Limits</u> October 1, 2010
5/8 x 3/4"	\$6.83	\$8.53	\$7.03	\$8.78
1"	\$10.12	\$12.65	\$10.42	\$13.02
1 1/2"	\$16.39	\$20.48	\$16.88	\$21.10
2"	\$28.94	\$36.17	\$29.80	\$37.25
3"	\$72.18	\$90.22	\$74.34	\$92.92
4"	\$111.45	\$139.31	\$114.79	\$143.48
6"	\$238.35	\$297.93	\$245.50	\$306.87
8"	\$344.33	\$430.41	\$354.65	\$443.31

- (c) In addition to the Monthly Base Facility Charge and Monthly Charge By Meter Size, a Monthly Volume Charge will also be determined based upon all water used, as determined by the City water meter, and will be billed monthly as follows:

Usage Ranges/ERU	Monthly Volume Charge Inside City Limits October 1, 2009 (per 1,000 gallons)	Monthly Volume Charge Outside City Limits October 1, 2009 (per 1,000 gallons)	Monthly Volume Charge Inside City Limits October 1, 2010 (per 1,000 gallons)	Monthly Volume Charge Outside City Limits October 1, 2010 (per 1,000 gallons)
0 to 10,000 gals	\$3.21	\$4.01	\$3.30	\$4.12
10,000 to 20,000 gals	\$3.69	\$4.61	\$3.80	\$4.75
20,000 to 40,000 gals	\$4.16	\$5.20	\$4.28	\$5.35
40,000 to 80,000 gals	\$4.64	\$5.80	\$4.77	\$5.96
Over 80,000 gals	\$5.13	\$6.41	\$5.28	\$6.60

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No. 1557-08 <sec> 1, 8-20-08; Ord. No. 1607-09. <sec> 1, 8-5-09)

Sec. 17-8. 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 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, wastewater and refuse services) shall be due within twenty five (25) 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%) of the unpaid charges. Property owners are entitled to receive 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 to billing and collections office prior to the due date shown on the bill on which the penalty appears.
- (d) 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 can be disconnected and will not be reinstated until the entire bill for all services, penalties and fees, is paid in full. An administrative fee of fifteen dollars (\$15) shall be charged for delinquency processing, whether or not service has been disconnected, and must be paid, in addition to all outstanding charges. An additional fee of fifty dollars (\$50) shall be charged for all reconnections of water service after normal working hours and on holidays.

Property owners are 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.

- (e) 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 of \$500.00 must be paid in full by the party requesting reconnection prior to meter installation.
- (f) Unauthorized reconnection shall be unlawful. If any unauthorized reconnection is made, water services will be discontinued again and criminal charges may be filed.

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No 1557-08, <sec> 2, 8-20-08)

Sec. 17-9. Water system specific service charges

Any specific service listed herein shall result in the following fees and charges:

- (a) Hydrant Meters. Hydrant meters, when available, may be rented for a period not to exceed six (6) months. City forces will install the meter at the location designated by the customer within forty eight (48) hours of receipt of payment for all fees designated below. All meters are to remain at the location of installation until returned to the Billing and Collections Division. If a meter is not returned prior to, or at the end of, the six (6) month period, the meter deposit shall be retained by the City. Meters shall be read monthly and subject to all fees and charges set forth in this Article. Any meter that cannot be located at the time of the monthly reading shall be considered illegally moved and subject to immediate forfeiture of the meter deposit.

Meter Installation	\$ 50.00
Security Deposit	\$500.00

- (b) Connection to a fire hydrant without an approved backflow prevention device is prohibited. Specific standards are stated in the City's Utility Standards and Procedures Manual that may be viewed at the office of the Utility Director.
- (c) Water Meter Damage Fee. A fee will be charged against the meter account for any damages caused to City meters or appurtenances based upon cost and actual expenses.
- (d) Change of Meter Size. A fee will be charged to all applicants requesting a change of meter size. The fee will consist of the new meter installation charge plus additional capacity fees, where applicable, as stated in Section 17-5 of this ordinance.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

ARTICLE II. USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; SEWER RATES

Sec. 17-10. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- (a) 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.
- (b) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (c) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.
- (d) EPA shall mean the United States Environmental Protection Agency.
- (e) FDEP shall mean the Florida Department of Environmental Protection
- (f) F.A.C. shall mean the Florida Administrative Code
- (g) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (h) Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- (i) Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (j) Person shall mean any individual, firm, company, association, society, corporation or group.
- (k) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (l) Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (m) Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

- (n) Sanitary sewer shall mean a sewer that carries sewage, and to which storm, surface and groundwaters are not intentionally admitted.
- (o) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (p) Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.
- (q) Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (r) Sewer shall mean a pipe or conduit for carrying sewage by gravity.
- (s) Shall is mandatory; "may" is permissive.
- (t) Slug shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.
- (u) Storm drain (sometimes termed "storm sewer") shall mean a sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes.
- (v) Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
- (w) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-11. Use of public sewers required.

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Punta Gorda, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the City of Punta Gorda, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

- (d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the utility service area and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.
- (e) New development, or existing development, located in the City Utility Service Area shall connect to the public sanitary sewer when required by FAC governing wastewater collection and treatment. The developer of new development, or property owners of existing development, shall be responsible for the cost to design and construct line extensions and facilities to accomplish wastewater service and connection. For individual property owners of existing development, the funding shall be accomplished by the Special Assessment Method, upon demonstration of support by petition from a fifty-one percent (51%) majority of the affected properties.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-12. Private sewage disposal.

- (a) Where a public sanitary sewer is not available under the provisions of section 17-10(d) and (e), the building sewer shall be connected to a private sewage disposal system complying with the provisions of the Charlotte County Health Department, or FAC governing wastewater collection treatment.
- (b) When a public sewer becomes available the building sewer shall be connected to said sewer within sixty (60) days.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-13. Building sewers and connections.

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

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Utility Director.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-14. Use of the public sewers.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool filter backwash, water softener filter backwash or unpolluted industrial process waters to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet as allowed by law. Industrial cooling water or unpolluted process waters may be discharged on approval of the FDEP to a storm sewer or natural outlet.
- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) 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 FAC governing wastewater collection treatment in the wastes as discharged to the public sewer.
 - (3) 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.
 - (4) 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.
- (d) No person shall discharge or cause to be discharged any substances prohibited by FAC governing wastewater collection treatment or in the opinion of the Utility Director that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the natural environment, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Utility Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-15. Nondomestic users.

Any pollutants discharged into the sewer system by a nondomestic source shall comply with restrictions as shall from time to time be established by the U.S. Environmental Protection Agency and/or the FDEP.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-16. Collection and payment of wastewater system connection charges.

- (a) All fees associated with connection to the City’s wastewater system shall be collected upon issuance of building permit and/or upon application for wastewater service.
- (b) 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.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-17. Wastewater system connection fees.

- (a) The City shall charge and collect from every applicant for wastewater connection, a wastewater system capacity fee according to the following schedules. Properties that include a mix of both residential and nonresidential use will be required to have separate water meters for each use.

Residential	Wastewater System Capacity Fees - Residential -	ERU Equivalency
All Units (Per Unit)	\$2,463.00	1.0

Non-Residential Water Meter Sizes (Inches)	Wastewater System Capacity Fees - Non- Residential -	ERU Equivalency
5/8 x 3/4"	\$ 2,463.00	1.0
1"	\$ 4,926.00	2.0
1 1/2"	\$ 12,315.00	5.0

Non-Residential Water Meter Sizes (Inches)	Wastewater System Capacity Fees - Non- Residential -	ERU Equivalency
2"	\$ 19,704.00	8.0
3"	\$ 39,408.00	16.0
4"	\$ 61,575.00	25.0
6"	\$ 123,150.00	50.0
8"	\$197,040.00	80.0

- (b) All funds for increasing the wastewater system capacity shall be employed as allowed by law.

- (c) An inspection fee per connection, shall be charged and collected by the City. If City forces or materials are used in making any wastewater connection, the City shall, in addition to the aforesaid charges, charge and collect the actual cost of any materials and labor furnished by the City.

Fee Type	Wastewater System Inspection Fee Inside City Limits	Wastewater System Inspection Fee Outside City Limits
Inspection Fee:	\$50.00 per connection	\$ 62.50 per connection

- (d) Connection to the City's wastewater system without an approved inspection by the City's utility department shall be cause to terminate water service to the offending premises.

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No. 1440-06, <sec> 2, 5-3-06)

Sec. 17-18. Wastewater system monthly rates, fees and charges.

Monthly rates, fees and charges for the City's wastewater system shall include:

- (a) A Monthly Base Facility Charge per Equivalent Residential Unit (ERU) shall be charged to all customer classes for all properties connected to the City's wastewater system as follows:

Customer	Monthly Wastewater Base Facility Charge Inside City October 1, 2009	Monthly Wastewater Base Facility Charge Outside City October 1, 2009	Monthly Wastewater Base Facility Charge Inside City October 1, 2010	Monthly Wastewater Base Facility Charge Outside City October 1, 2010
All Classes	\$24.51 per ERU	\$30.63 per ERU	\$25.24 per ERU	\$31.55 per ERU

- (b) In addition to the Monthly Base Facility Charge above, a Monthly Volume Charge for all wastewater as determined by the City water meter, shall be as follows:

Usage Range	Monthly Volume Charge Inside City October 1, 2009 (per 1,000 gallons)	Monthly Volume Charge Outside City October 1, 2009 (per 1,000 gallons)	Monthly Volume Charge Inside City October 1, 2010 (per 1,000 gallons)	Monthly Volume Charge Outside City October 1, 2010 (per 1,000 gallons)
<u>Residential:</u> 0 - 10,000 gals.	\$1.43	\$1.78	\$1.47	\$1.83
<u>Nonresidential:</u> Per 1,000 gallons	\$1.43	\$1.78	\$1.47	\$1.83

(*Residential over 10,000 gals. Is not charged)

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No. 1557-08, <sec> 3, 8-20-08; Ord. No. 1607-09, <sec> 2, 8-5-09)

ARTICLE III. WATER EMERGENCIES

Sec. 17-19. Purpose of article; "water emergency" defined.

The purpose of this article is to protect the health, welfare and safety of the people of the City of Punta Gorda during times of water emergency. "Water emergency" as contemplated by this article means a period during which the City of Punta Gorda water supply is overextended to the extent that the desired consumption of potable water is in excess of the quantity that the water treatment facility can deliver, or an order has been issued by a state regulatory agency requesting the City to voluntarily curtail the use of potable water or directing curtailment thereof and/or there exists a no-flow condition over the Hendrickson Dam.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-20. Declaration of water emergency.

At such time that:

- (a) Drought conditions exist within the area served by the City's water supply system or in the watershed area utilized by the system, and
- (b) Any of the water emergencies enumerated in section 17-19 above exist, the City Manager shall then declare that a water emergency condition exists, and thereupon the following provisions of this Article shall be in full force and effect, and at such time as both of the above conditions shall cease to exist the City Manager shall declare the water emergency ended except however that in both cases as soon as practical thereafter, the City Council shall be informed of the declaration and who shall confirm such by resolution.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-21. Uses of Water during water emergency, within and without the City limits.

During any period of a declared water emergency condition, all customers shall comply with water use restrictions as set forth in this Article.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-22. Notice of declaration of water emergency; notice of termination.

It shall be the duty of the City Manager upon declaring a water emergency to publish notice thereof in a newspaper published in the City of Punta Gorda and to give such additional reasonable notice, including but not limited to press releases and posting on the City of Punta Gorda official website as the City Manager shall deem appropriate. Like notice shall be given of the termination of any water emergency. Enforcement of the Water Emergency shall be the duty of the City of Punta Gorda Police Department and the City of Punta Gorda Code Enforcement.

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No. 1585-09, <sec> 1, 3-4-09)

Sec. 17-23. Penalty for violations.

Violations of the provisions contained herein shall constitute a civil offense and violators will be subject to the issuance of a citation to be heard by the Code Enforcement Board imposing the following penalties:

Violation Sequence	Inside City Limits
<i>First Complaint</i>	Written Warning
<i>First Documented Violation</i>	\$ 25.00
<i>Second Documented Violation</i>	\$ 50.00
<i>Third Documented Violation</i>	\$250.00

Each day in violation of this ordinance shall constitute a separate offense. No more than one written warning may be used in the enforcement process against each violator during a violation sequence. The violation sequence is in effect for the period of the declared water emergency and will reset once the emergency has ended.

The Code Enforcement Board has the discretion to consider mitigating circumstances including but not limited to electrical power failure interruption of the system timing feature, time changes and forces beyond the control of the homeowner.

(Ord. No. 1374-04, <sec> 2, 4-21-04; Ord. No. 1585-09, <sec> 1, 3-4-09)

Sec. 17-24. Discontinuance of water services.

In addition to the foregoing penalties, the City Manager of the City of Punta Gorda may discontinue water service to any person, firm or corporation who uses or permits to be used water from the City water supply in violation of the restrictions and prohibitions set forth in this Article. Water service to any such person, firm or corporation shall be resumed at such time as the City Manager shall be assured that such resumption will not result in further violation of the provisions hereof.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-25. Water Shortage Phases

- (a) Phase I--Moderate (yellow color code) declared when one or more of the following conditions exist:
 - (1) 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.
 - (2) A no flow condition exists over the Hendrickson Dam.
 - (3) 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.
 - (4) Average daily demands are thirty percent (30%) above the average daily demand for the same thirty (30) day period of the preceding year.

- (b) Phase II--Severe (orange color code) declared when one or more of the following conditions exists:
 - (1) 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.
 - (2) A no flow condition exists over the Hendrickson Dam for more than ten (10) consecutive days.
 - (3) 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.
 - (4) There are no signs of consumer demand stabilizing.
 - (5) Surrounding areas (counties, cities, etc.) enter a Phase III water shortage.
- (c) Phase III--Extreme (red color code) declared when one or more of the following conditions exist:
 - (1) An extreme drought is declared by the Southwest Florida Water Management District.
 - (2) 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.
 - (3) 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.
 - (4) 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.
- (d) Phase IV--Catastrophic (black color code) declared when:
 - (1) There is toxic contamination to the City's water supply.
 - (2) Terrorism disrupts the main water supply.
 - (3) Serious water quality degradation is caused by flooding, hurricane, saltwater intrusion, etc.
 - (4) 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.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-26. Water shortage restrictions.

- (a) Phase I: Moderate water shortage (yellow color code). A Phase I water shortage refers to a moderate shortage. The City Council shall enact appropriate restrictions as identified in the most recent version of Chapter 40D-21, FAC and any related Southwest Florida Water Management District Orders which are in effect during a declared water shortage event.
- (b) Phase II: Severe water shortage (orange color code). A Phase II water shortage refers to a severe shortage. The City Council shall enact appropriate restrictions as identified in the most recent version of Chapter 40D-21, FAC and any related Southwest Florida Water Management District Orders which are in effect during a declared water shortage event.
- (c) Phase III: Extreme water shortage (red color code). A Phase III water shortage refers to an extreme shortage. The City Council shall enact appropriate restrictions as identified in the most recent version of Chapter 40D-21, FAC and any related Southwest Florida Water Management District Orders which are in effect during a declared water shortage event.
- (d) Phase IV: Catastrophic water shortage (black color code). A Phase IV water shortage refers to a catastrophic shortage. The restrictions established in this section are necessary to achieve adequate protection of the water resource, and of the public health, safety, and welfare. The City Council shall establish water use restrictions necessary to achieve the required reduction in overall demand.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

ARTICLE IV. WATER CONSERVATION

Sec. 17-27. Installation of required fixtures and equipment as a precondition to water service.

No water shall be provided for any purpose whatsoever to any residential, or nonresidential structure of any kind which is hereafter constructed or remodeled in whole or in part in which plumbing, water piping or water fixtures are to be installed, or are contained, and for which construction a permit is required to be obtained from the City of Punta Gorda, unless the new or existing plumbing, water piping and other water-using fixtures therein conform to the requirements and standards of the State Building Code, as adopted by the City of Punta Gorda.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-28. Replacement of certain existing fixtures.

Replacement of blowout type toilet and urinal fixtures with like-type fixtures may be granted by the building official upon request where adequate justification of special need is provided.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-29. Exceptions upon special request.

Exceptions may be granted at the discretion of the building official upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-30. Penalty for violation.

Any person who violates the provisions of these articles shall be guilty of a noncriminal violation punishable as provided for by law, unless a criminal violation has been made.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

Sec. 17-31. Municipal Infractions.

- (a) Except as otherwise provided in this ordinance, all violations of this ordinance are municipal infractions.
- (b) A repeat violation is when the same person violates the same provision of this ordinance on any date subsequent to the date of the first violation.
- (c) Unless another penalty amount is stated elsewhere in this ordinance with respect to a specific provision or provisions of this ordinance, the schedule of penalties for a municipal infraction is:

(1)	First Violation	\$30.00
(2)	First Repeat Violation	\$100.00
(3)	Subsequent Repeat Violations	\$200.00
- (d) This section does not preclude a peace officer of the City from issuing a criminal citation for a violation of this ordinance if criminal penalties are also provided for the violation.
- (e) Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate violation.

(Ord. No. 1374-04, <sec> 2, 4-21-04)

ARTICLE V. CONNECTION FEE INSTALLMENT PAYMENT PROGRAM

Sec. 17-32 Applicability.

The provisions of this Article shall be applicable to existing commercial developments and manufactured, modular or mobile home developments on which City-imposed Connection Fees are imposed for connection to the City’s water system or wastewater system after the effective date of this Article.

(Ord. No. 1664-11, <sec> 1, 1-19-11)

Sec. 17-33 Installment Payment Program

- (a) Pursuant to the requirements established in this Article, the City may allow for installment payment of City-imposed Connection Fees due under this Chapter. Only the City-imposed Connection Fees due for the portion or portions of the existing

commercial development or manufactured, modular or mobile home development that fulfill all requirements of this Article may be paid in installments. This program provides only for installment payment of the City-imposed Connection Fees not for the reduction or waiver of City-imposed Connection Fees.

- (b) The Council shall by resolution establish the Connection Fee Installment Payment schedule, including a portion of the Connection Fees to be paid at the time of connection and remaining payments, including accrued interest, over a period of time not to exceed five (5) years from the date of connection.
- (c) Any person seeking Installment Payment under this Article shall file with the City Manager an application for Connection Fee Installment Payment. The application shall, at a minimum, include the following:
 - (1) Name and address of the applicant;
 - (2) An up-to-date, complete legal description of the site(s) on which the development is located, including the parcel identification number(s) and the street address, if available;
 - (3) Evidence of ownership of the development for which the application is being submitted;
 - (4) A current financial statement of the applicant.
- (d) If the existing commercial development or manufactured, modular or mobile home development meets the requirements for the Connection Fee Installment Payment Program as set forth in this Article, the City Manager shall enter into a Connection Fee Installment Payment Agreement for each qualifying building, or qualifying portion thereof, and is hereby authorized by the City Council to execute such Installment Payment Agreements along with any associated tri-party agreement further defining the repayment obligations of the owner/lessor, applicant, builder and/or developer, as applicable. The recorded Connection Fee Installment Payment Agreement shall be accepted by the City in lieu of payment of the approved amount of City-imposed Connection Fees due at the time of connection pursuant to Chapter 17, Punta Gorda Code.

(Ord. No. 1664-11, <sec> 1, 1-19-11)

Sec. 17-35 Connection Fee Installment Payment Agreements.

- (a) The owner of any existing commercial development or manufactured, modular or mobile home development on which City-imposed Connection Fees are due shall execute an Installment Payment Agreement with the City to participate in the program authorized under this Article. A separate Installment Payment Agreement shall be executed for each qualified 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 shall run with the land. The Installment Payment Agreement shall include such provisions as are necessary to effectuate the purposes of this Article, and at a minimum, include the following:
 - (1) Legal description of the property and the dwelling unit, including the parcel tax identification number and street address:
 - (2) The total amount of the City-imposed Connection Fees due on the development, the amount of the City-imposed Connection Fees approved for the installment payment program, the installment payment schedule, and the obligation that

the total amount of the unpaid City-imposed Connection Fees shall be paid in full upon any breach of the Installment Payment Agreement by the owner or upon the failure of the owner to continue to qualify under this Article.

- (3) The rights and obligations under an Installment Payment Agreement may not be assigned, transferred, credited, devised or otherwise conveyed separate and apart from the subject property.
- (4) Unpaid City-imposed Connection Fees under an Installment Payment Agreement shall be a lien on the property. The lien may be foreclosed upon in the event of noncompliance with the requirements of this Article or in the event of a breach of the Installment Payment Agreement by owner. The lien shall terminate upon the recording by the City of a release or satisfaction of lien in the Official Records of Charlotte County, Florida. Such release or satisfaction shall be recorded by the City upon payment in full of the total City-imposed Connection Fees.
- (5) In the event of a default of the Installment Payment Agreement by the owner and the default is not cured within 30 days after written notice is provided to the owner, the City may, at its sole option, collect the total City-imposed Connection Fees due, including any accrued interest, in default as provided in this Article or bring a civil action to enforce the agreement or declare that the total City-imposed Connection Fees, including accrued interest, are in default and are immediately due and payable. The City shall be entitled to recover all costs and fees, including attorney's fees and costs, incurred by the City in enforcing the Installment Payment Agreement, plus interest at the maximum statutory rate for judgments calculated on a calendar day basis until paid in full.

(Ord. No. 1664-11, <sec> 1, 1-19-11)

Sec. 17-36 Owner Obligations.

- (a) The City-imposed Connection Fees due under an Installment Payment Plan shall be a lien on the property until all requirements under this Article and the terms of the Installment Payment Agreement(s) related to the qualifying building have been satisfied in full. The owner shall pay to the City Clerk the City imposed Connection Fees and any accrued interest due in accordance with the installment payment schedule in the Installment Payment Agreement.

(Ord. No. 1664-11, <sec> 1, 1-19-11)

Sec. 17-37 Repayment.

- (a) All unpaid City-imposed Connection Fees at the time of connection shall become due and payable and shall be immediately paid in full to the City upon the occurrence of any failure of the owner to maintain compliance with the requirements of this Article and the terms of the applicable Installment Payment Agreement.
- (b) Payment of City-imposed Connection Fees on an installment payment schedule shall include any accrued interest. Interest on installment payments shall be computed at the rate of five percent per annum, but in no event shall the total accrued interest exceed 50 percent of the total City-imposed Connection Fees due on the subject property.

(Ord. No. 1664-11, <sec> 1, 1-19-11)