

ORDINANCE NO. 060613
0-07-19

AN ORDINANCE AMENDING CHAPTER 27, ARTICLE 1, SECTION 27-7 OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA RELATING TO DEPOSIT REQUIREMENTS FOR RESIDENTIAL AND NONRESIDENTIAL SERVICE; AMENDING CHAPTER 27, ARTICLE 1, SECTION 27-14 OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA RELATING TO THE DATE PAYABLE FOR COMBINED STATEMENTS, LATE FEE PENALTIES, AND THE DELINQUENT ELIGIBILITY DATE AND SERVICE RECONNECTION POLICIES; AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION a RELATING TO DEPOSITS FOR RESIDENTIAL SERVICE; AND AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION b(4)(i) SERVICE CHARGES BY INCREASING CERTAIN ADDITIONAL CHARGES FOR SAME DAY OR AFTER HOURS RECONNECTION OF SERVICE FOR DELINQUENT DISCONNECTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at least ten (10) days notice has been given of the public hearings once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings in the City Commission meeting room, first floor, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notices described above at which hearings the parties with interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1 **Section 1.** Section 27-7 of the Code of Ordinances of Gainesville, Florida, is hereby
2 amended to read as follows:

3 Sec. 27-7. Same –Deposits.

4 (a) Applicability. Prior to initiating utility service, the city shall, except as otherwise
5 provided herein, require a deposit from all utility service consumers as determined
6 by the general manager for utilities or his/her designee. Application for service by
7 whatever means (written, verbal, telephonic, electronic or otherwise) and the
8 payment of the deposit by the consumer constitute the consumer's agreement that
9 the deposit is advance payment for future utility services which may be applied as
10 otherwise provided in this section.

11 (1) Residential service. All residential utility service consumers' deposit
12 requirements shall be evaluated based upon their payment record with the
13 city or evidence of a satisfactory credit history from another utility. No deposit
14 shall be required from a consumer who a) has a satisfactory payment record
15 for utility service with the city or as evidenced in a letter of satisfactory credit
16 from another utility or b) enrolls in a payment plan approved by the general
17 manager for utilities or his/her designee. For purposes of this section
18 satisfactory payment record for utility service is defined as no order for
19 termination of service for nonpayment having been issued nor more than two
20 returned checks or other payments not honored by a financial institution
21 within the immediately preceding 12 months. Customers who are required to
22 pay a deposit will pay the standard residential deposit amount(s) specified in
23 Appendix A to this Code of Ordinances based on utility service(s) provided.

1 (2) Nonresidential service. For all nonresidential consumers the required
2 deposit shall be an amount equal to two times the estimated average monthly
3 combined utility bill of the consumer, as determined by the general manager
4 for utilities or his/her designee; except however, that no deposit for service
5 shall be required for a nonresidential consumer who is an existing customer
6 who has a satisfactory payment record for utility service, or, under rules
7 promulgated by the general manager or his/her designee, provides other
8 assurance of payment, including, but not limited to, surety bond, irrevocable
9 letter of credit, or guarantee, in lieu of the deposit.

10 (3) Short-term service. No deposit shall be required for utility service for
11 short-term service, herein defined as service not to exceed ninety (90) days,
12 provided the service is required by an existing utility consumer with a
13 satisfactory payment record.

14 (b) Additional deposit. An additional deposit may be required for unsatisfactory
15 payment history or for accounts for which the city has an insufficient utility deposit,
16 as determined by the general manager for utilities or his/her designee. Written notice
17 of the additional deposit requirement shall be provided to the consumer. The
18 consumer may appeal such requirement in an informal hearing with the general
19 manager for utilities or his/her designee.

20 (c) Interest; unclaimed deposits. Except as provided below, the deposit shall be
21 held by the city until final settlement of the consumer's account, at which time the
22 deposit shall be applied against any utility bill due the city for such service. Any
23 unused balance shall be refunded when the account is settled and closed. All
24 deposits which have remained with the city for at least six (6) months shall earn
25 simple interest, accrued from the date tendered and calculated to the nearest day.
26 Interest shall accrue at a rate comparable to the utility's interest earnings for the

1 period, as determined by the general manager for utilities or his/her designee, and
2 shall be credited to the consumer annually. In the event any deposit is unclaimed for
3 a period of twelve (12) months after the service is discontinued, such unclaimed
4 deposit and any accrued interest thereon shall be turned over to the State
5 Department of Banking and Finance in accordance with Florida law following thirty
6 (30) days written notice to such consumer mailed to the address shown on the
7 application for service.

8 (d) Refund of deposit. Deposits for residential service shall be credited to the
9 consumer at the end of two (2) years provided that the consumer has maintained a
10 satisfactory payment record as determined by the general manager for utilities or
11 his/her designee.

12 (e) Exemptions. The United States of America, the State of Florida, and all
13 political subdivisions, agencies, boards, commissions and instrumentalities thereof
14 are exempt from any deposit requirements under this section. In addition, no
15 deposit shall be required from any public utility supplying the public with electricity,
16 gas, water, wastewater, transportation, telephone, or telegraph service.

17 (f) Bond in lieu of deposit. If a consumer required to make a deposit so elects,
18 he/she may post a surety bond or other financial assurance in lieu of the cash
19 deposit. Such bond or financial assurance shall be issued by a surety authorized to
20 do business in the State of Florida in an amount approved by the general manage
21 for utilities or his/her designee and shall be on a form approved by the city which
22 shall fully protect the city against any loss as a result of any nonpayment of utility
23 bills rendered by the city to the consumer.

24
25 **Section 2.** Section 27-14 of the Code of Ordinances of Gainesville, Florida, is
26 hereby amended to read as follows:

27 Sec. 27-14. Combined statements--Rendering; information; date payable;
28 penalties; delinquencies.

- 1 (a) A combined statement for all applicable utility services, including, but not
2 limited to, electricity, gas, water, sanitary sewerage, stormwater maintenance,
3 refuse/garbage collection, telecommunications, back-up generation, infrared
4 scanning and rental security lighting, plus applicable taxes and surcharges, may be
5 rendered each customer monthly for such service. The rendering of combined
6 statements is not an obligation on the part of the city and failure of the customer to
7 receive the statement shall not release nor diminish the obligation of the customer
8 with respect to payment thereof, or relieve the customer of any obligation under this
9 article.
- 10 (b) Each combined statement shall specify at a minimum the applicable customer
11 class, meter reading(s) and usage, billing and delinquent dates, days of service, and
12 monthly service fees as well as provide information such as the applicable taxes,
13 surcharges, and fuel adjustment costs.
- 14 (c) Combined statements for service are due and payable when rendered..
- 15 (d) If approved by the general manager or his/her designee, payments may be
16 deferred or made in installments, where it is deemed by him/her to be in the best
17 interest of the city to do so.
- 18 (e) In addition to other rates and charges established by this chapter, a service
19 charge in accordance with the schedule set out in Appendix A shall be assessed as
20 a late fee on any combined statement not paid in full by the close of business on the
21 21st day after being rendered ; provided however, that the United States of
22 America, the State of Florida, and all political subdivisions, agencies, boards,
23 commissions, and instrumentalities thereof are exempt from the payment of the late
24 fee imposed and levied thereby.
- 25 (f) Any combined statement not paid in full by the close of business on the 28th day
26 after being rendered shall be delinquent and reported to the general manager for
27 utilities or his/her designee, who may thereupon discontinue all service. Combined
28 statements may become delinquent at some time mutually agreed upon by the utility
29 and the customer other than the period described herein. After disconnection, no
30 services shall be restored until the customer makes arrangements satisfactory to the

1 general manager for utilities or his/her designee to pay all required payments. A
2 service charge in accordance with the schedule set out in Appendix A will be
3 assessed to restore service the same day satisfactory payment arrangements are
4 made. Customers with unsatisfactory payment records will not be reconnected
5 without an additional deposit review as prescribed in Sec. 27-7(b).
6

7 **Section 3.** Appendix A, Utilities (7)a of the Code of Ordinances of Gainesville,
8 Florida, is hereby amended to read as follows:

9 (7) *In general:*

- 10 a. Residential deposits per service provided (§ 27-7):
11 1. Electric service 100.00
12 2. Water service..... 20.00
13 3. Wastewater service 40.00
14 4. Gas service 50.00
15

16 **Section 4.** Appendix A, Utilities (7)b4(i) of the Code of Ordinances of Gainesville,
17 Florida, is hereby amended to read as follows:

- 18 (4). Field visit for special purpose (
19 (i) Delinquent payment20.00
20 (A) In addition, if commercial gas service is disconnected, electric
21 service is disconnected at the point of service (pole or service drop),
22 or the water is removed due to safety requirements, unauthorized
23 connection, or customer request 30.00
24 (B) In addition, if guaranteed same day service is requested
25 for reconnection the same workday* 40.00
26 (C) In addition, if reconnection service is provided anytime on
27 holidays or weekends..... 50.00
28

* Workdays shall be weekdays, except for city holidays.

