

## ORDINANCE NO. 211448

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to utilities; deleting section 27-103, connection charge installment payments; amending sections 27-129 and 27-171 to provide water and wastewater connection credits for certain customers; deleting Section 27-169.1, wastewater winter maximum calculations and adjustments; amending the code of ordinances to make it gender neutral; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings to consider this ordinance; and

**WHEREAS**, public hearings were held pursuant to the published notice described above, at which all interested parties 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:**

**Section 1.** Section 27-103 of Division 1, Article IV, Chapter 27 is deleted in its entirety as provided below. Except as amended herein, the remainder of Chapter 27 remains in full force and effect.

**Sec. 27-103. ~~Connection charge installment.~~ Reserved.**

~~The general manager of utilities (general manager) is hereby authorized to adopt and administer a policy to allow installment payments of connection charges to encourage connection to central water and wastewater facilities. The connection charges shall be repaid through a series of payments identified as the connection charge installment contained in Appendix A. The~~

~~intent of this section is to minimize the impact of connection charges on decisions to abandon package or on-site treatment facilities and connect to the city's centralized water and wastewater facilities. The policy adopted by the general manager shall at a minimum include the following provisions:~~

- ~~(1) Connection charge installment payments shall be available only to existing homes or businesses served by package water or wastewater treatment systems, private wells, or septic tanks at the time of application. Connection charge installment payments shall not be available to new developments or to an expansion of an existing development;~~
- ~~(2) The connection charge installment payment term shall be ten years;~~
- ~~(3) The connection charge installment shall be billed on a monthly basis;~~
- ~~(4) Water and/or wastewater service may be disconnected if any portion of the monthly utility bill is not paid in a timely manner;~~
- ~~(5) In the event a customer who has entered into an agreement to make installment payments hereunder sells the affected property or closes the account, the obligation shall be satisfied as follows:~~
  - ~~a. Five eighths inch meters The balance due shall be payable in full or the customer may procure from the subsequent owner and provide to the city a written assumption of the obligation to pay the remaining balance due. It shall be the first owner's responsibility to notify the subsequent owner and obtain the required assumption of the payment obligation. This section shall not apply to a customer paying connection charges for more than two five eighths inch meters.~~

~~b. Meters larger than five eighths inch or three or more five eighths inch meters by the same owner—The installment payments will be billed to the current property owner regardless of changes in ownership, and will continue for the period specified in the agreement. It is the property owner's responsibility to advise any subsequent owner of these requirements. Such notification requirement shall be included in the original agreement. Upon change of ownership, no service shall be provided to the affected property until the succeeding owner has executed and delivered to the city a service agreement which includes the assumption of the obligation to pay the remaining connection charge balance due.~~

~~(6) In the event that water and/or wastewater service is disconnected for non payment or at a subsequent owner's request, the city shall consider the associated capacity to be recovered and any installment payments previously made shall be forfeited.~~

~~(7) Connection charge installment payments shall be paid by the property owner and not by the tenant in the case of rental property. In the event that the owner of rental property chooses to pay connection charge installment payments, they shall also be required to pay monthly water and/or wastewater charges for the property until new tenants occupy the rental property or the lease expires.~~

~~(8) The general manger or designee shall have the sole discretion, based on credit-worthiness, whether to allow connection charge installment payments.~~

**Section 2.** Section 27-129(a) of Division 2, Article IV, Chapter 27 is amended as provided below. Except as amended herein, the remainder of Chapter 27 remains in full force and effect.

**Sec. 27-129. Water connection charges.**

- (a) *Identification of water connection charges.* The water connection charges specified in this section shall consist of a transmission and distribution connection charge and a water treatment plant connection charge. The water connection charge shall be assessed prior to the meter installation. The following categories of applicants shall pay the minimum connection charge according to the schedule set out in Appendix A: single family connections without fire sprinkler system with three-quarters inch or smaller meter; single family residential connections with fire sprinkler system with one inch or smaller water meter; and/or nonresidential connections with an estimated annual average daily flow (ADF) of less than or equal to 280 gallons per day (GPD). All other applicants shall pay the flow based connection charges according to the schedule set out in Appendix A. Each applicant for water service shall pay to the city, prior to services being rendered, the applicable water connection charges in accordance with the schedule set out in Appendix A. The connection charges shall not be applicable to any property that has been duly designated by the general manager for utilities or ~~his/her~~ the general manager's designee, as having had the city's relevant water connection costs recovered previously for such property, provided such property had an active water account with City within the past 10 years from the date of application.

**Section 3.** Section 27-169.1 of Division 3, Article IV, Chapter 27 is deleted in its entirety as provided below. Except as amended herein, the remainder of Chapter 27 remains in full force and effect.

**Sec. 27-169.1. Winter maximum calculation; adjustments. Reserved.**

- ~~(a) *Winter maximum.* Calculation of the winter maximum for residential dwellings, including, but not limited to, single family dwellings, mobile homes, and residential customers on metered private wells, shall be 30.4 days times the maximum of average daily water usage for the immediately preceding January or February billing periods. A customer that has not established an individual winter maximum shall use the wastewater system average residential winter maximum, provided, however, that the winter maximum shall never be less than 1,000 gallons.~~
- ~~(b) *Adjustments.* The general manager for utilities or his/her designee may adjust the customer's winter maximum for water not returned to the wastewater system.~~

**Section 4.** Section 27-171(a) of Division 3, Article IV, Chapter 27 is amended as provided below. Except as amended herein, the remainder of Chapter 27 remains in full force and effect.

**Sec. 27-171 – Wastewater connection charges.**

- (a) *Identification of wastewater connection charges.* The wastewater connection charges under this section shall consist of a collection system connection charge and a treatment plant connection charge. The following categories of applicants shall pay the minimum connection charge according to the schedule set out in Appendix A: single family connections without fire sprinkler system with three-quarter inch or smaller meter; single family residential connections with fire sprinkler system with one inch or smaller water meter; and/or nonresidential connections with an estimated annual average daily flow (ADF) of less than or equal to 280 gallons per day (GPD). All other applicants shall pay the flow based connection charges according to the schedule set out in Appendix A.

Wastewater flow-based connection charges shall be assessed prior to water meter

installation. Each applicant for wastewater service shall pay to the city, prior to service being rendered, the applicable wastewater connection charges in accordance with the schedule set out in Appendix A. The wastewater connection charges shall not be applicable to any property that has been duly designated, by the general manager for utilities or ~~his/her~~ the general manager's designee, as having had the city's relevant wastewater connection costs recovered previously for such property, provided such property had an active wastewater account with City within the past 10 years from the date of application.

**Section 5.** It is the intention of the City Commission that the provisions of Sections 1 through 4 shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

**Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

**Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed on the effective date of this ordinance.

**Section 8.** This ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
OMICHELE D. GAINEY  
CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.