

**ORDINANCE NO.: 2009- 01**

**AN ORDINANCE AMENDING SECTION 28-239, SUBSECTION (b), HERNANDO COUNTY CODE OF ORDINANCES, BY ADDING PROVISIONS TO AUTHORIZE ASSESSMENT OF COSTS OF COLLECTION, INCLUDING ATTORNEYS' FEES, IN THE EVENT OF DELINQUENCY IN PAYMENT OF UTILITIES BILLS; PROVIDING FOR SEVERABILITY; DIRECTING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

**SECTION 1. Subsection (b) of Section 28-239, Hernando County Code of Ordinances, is hereby amended to read as follows, indicating new language by underlining:**

Sec. 28-239. Water and/or sewer service application and contract.

(b) *Water and/or sewer service contract.* The contract for water and/or sanitary sewer service shall be substantially in the following form and shall expressly authorize inclusion of costs of collection, including attorneys' fees and costs if necessary:

"The applicant for water and/or sanitary sewer service agrees to be responsible for providing the correct service location to the utilities department and to reimburse the utilities department for any costs incurred as a result of the applicant providing incorrect information. The applicant further agrees to conform to all the rates, rules and regulations of the Hernando County Water and Sewer District for water and/or sanitary sewer service as are now or hereafter in force, and which are made part of this contract, including the agreement to pay the prescribed charge for any restoration of service. The applicant also agrees to pay water and sanitary sewer hook-up and connection fees where applicable, and to pay all

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TALLAHASSEE, FLORIDA

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charges for water and/or sanitary sewer service, as they may become due and at the scheduled rate in effect, until and unless notice in writing is given by the applicant to the utilities department that service is to be discontinued, for whatever period of time. In the event of delinquency requiring administrative or judicial collection action, Applicant agrees that payment of costs of collection, including applicable interest, penalty, attorney's fees, court costs and any and all other costs of collection, may be included in the amount due and payable. Applicant further certifies that any and all information provided to the department in the course of applying for service is true and correct and understands that willfully supplying false or incorrect information may constitute a violation of the district's operating ordinance". It shall be a violation of this division if any applicant for service willfully provides false or incorrect information upon which the department relies to its operational or financial detriment.

**SECTION 2. Intent.**

It is the intent of the Board of County Commissioners that the foregoing provision for costs and fees of collection shall be applicable and enforceable with respect to any and all administrative or judicial collections actions on and after the effective date of this ordinance, and that continued acceptance of the benefits of water and/or sewer utility services shall constitute agreement with the revised contract terms set forth herein.

**SECTION 3. Severability.**

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this

ordinance.

**SECTION 4. Codification.**

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the work "ordinance" may be changed to "section", "article", or other appropriate designation.

**SECTION 5. Effective date.**

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY** in Regular Session this 24th day of March, 2009.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest:

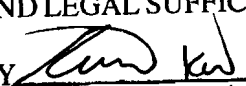
  
KAREN NICOLAI  
Clerk

By:

  
DAVID RUSSELL, JR.  
Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY

 3/17/09  
County Attorney's Office