

ORDINANCE NO. 80-16

AN ORDINANCE PROVIDING FOR CONNECTION TO WATER AND WASTEWATER FACILITIES OF HERNANDO COUNTY; PROVIDING FOR PROCEDURE AND POLICY FOR OBTAINING WATER AND/OR WASTEWATER SERVICE FROM HERNANDO COUNTY; PROVIDING THAT WITH CERTAIN EXCEPTION THERE SHALL BE NO SUBDIVIDING OF REAL PROPERTY OR THE CONSTRUCTION OF CERTAIN BUILDINGS WITHIN UNINCORPORATED HERNANDO COUNTY WITHOUT A PRIOR REQUEST TO HERNANDO COUNTY FOR WATER AND SEWER SERVICE; PROVIDING WATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER OR WASTEWATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER OR WASTEWATER EXTENSION; PROVIDING FOR SERVICE COMMITMENTS; PROVIDING FOR CONNECTION FEE PAYMENTS, REVISIONS, EXPENDITURES AND REFUNDS; PROVIDING FOR DESIGN AND CONSTRUCTION STANDARDS; PROVIDING FOR PENALTY FOR VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED
Nov 26 2 44 PM '80
SECRETARY OF STATE

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

SECTION 1

GENERAL

1.1 Short Title

This Ordinance shall be known and may be cited as "AN ORDINANCE PROVIDING FOR CONNECTION TO WATER AND WASTEWATER FACILITIES OF HERNANDO COUNTY.

1.2 Purpose

The purpose of this Ordinance is to establish procedures and a policy for obtaining water and/or wastewater service from Hernando County; payment of connection fees and commitments for service.

1.3 Administration

This Ordinance shall be administered by the Hernando County Department of Public Works.

1.4 Jurisdiction

1.4.1 This Ordinance shall apply to all unincorporated areas of Hernando County unless the County consents to allow municipal or franchise service areas to provide such service under such terms and conditions as the County may set forth.

1.4.2 Procedures and policy of the City of Brooksville, City of Weeki Wachee or the appropriate private franchise shall apply to areas served by those entities.

1.5 Availability of Service

1.5.1 A Franchise Application to construct privately operated facilities may be submitted to the County, if service cannot be provided by Hernando County, the appropriate municipality (for service areas outside corporate limits), or by an existing franchise previously approved by the County. Ownership of such a system shall be governed by Hernando County Ordinance No. 80-12.

1.5.2 Where it is deemed beneficial to the applicant and Hernando County, an agreement may be entered into for the construction and dedication of the facility by the applicant to Hernando County.

1.5.3 The availability of service shall be determined by the following:

(a) Upon receipt of an application for service, the Department of Public Works shall estimate the cost of the necessary line extension.

(b) If the estimated extension cost exceeds an amount equal to 50 percent of the applicable connection fee for the proposed development, service shall be deemed not available. The County, at its option, may, however, approve the extension upon terms set forth by the County.

(c) If service is determined not to be available as above set forth, then the applicant may agree to fund the total cost of the necessary line extension, and applicants shall also pay 50% of the applicable connection fee to cover costs other than the necessary line extension.

(d) The determination of the availability of water and wastewater services may, at the option of the County, be determined together or separately.

SECTION 2

REQUESTS FOR SERVICE

2.1 General

2.1.1 Except in formally established municipal or franchised service areas, no person shall subdivide real property or construct any residential, commercial or industrial building within the unincorporated area of Hernando County without first requesting water and sewer service from the Hernando County Department of Public Works.

Requests for service will not be required for single family subdivisions or single building construction utilizing individual private wells and/or septic tanks, if preliminary plat approval has been obtained.

2.1.2 All requests for service shall be made by submitting a formal application for water and/or wastewater service to the County. The initial application will be reviewed by the County to determine the apparent feasibility and requirements for providing service.

2.2 Individual Single Family Homes

Applications for single residential homes shall be made directly

to the Hernando County Department of Public Works.

2.3 Application Forms

2.3.1 All applicants for service in the County shall complete the Hernando County Form "Application for Water Service" or "Application for Wastewater Service", whichever applies and submit to:

HERNANDO COUNTY DEPARTMENT OF PUBLIC WORKS
201 Summit Road
Brooksville, Florida 33512

2.3.2 All applications for single or multi-family developments and commercial and other establishments involving water or wastewater flows in excess of 2,000 gallons per day shall be submitted by a Registered Professional Engineer unless approved otherwise by the Department of Public Works.

SECTION 3

REVIEW OF APPLICATIONS

3.1 The "Application for Service" will be reviewed and evaluated as to the feasibility of providing service, with a written response issued to the applicant within two weeks of receipt of the application, indicating the availability or unavailability of service, or requesting additional information. Upon receipt of the Preliminary Review, or in the event that no written response is issued within two weeks of receipt of application, the Applicant shall request a Final Review in writing.

3.2 Final Review

Within two weeks of receipt of a request for Final Review and the furnishing of all additional information requested, the Department of Public Works shall advise the Applicant in writing of the connection fee, point of connection, required extensions, and any other pertinent requirements.

SECTION 4

CONNECTION FEES

4.1 Connection Fees

4.1.1 Connection fees shall be uniform, and based upon current average costs of providing potable water supply or wastewater treatment plant and disposal facilities. Connection fees shall be based upon the anticipated average water consumption or wastewater flow contribution for the type of development or

establishment requesting service. Connection fees shall be determined in accordance with TABLE 1, FLOW ESTIMATES AND CONNECTION FEES, attached. Where existing structures connected to the system are being renovated to require an increased water or sewer demand, connection fees shall be based upon the increase in flow resulting from the new demand.

4.1.2 Water meter installation charges established by the County Department of Public Works shall be uniform, and based upon the then current average costs of tapping the main, running the service line to the property line, and setting the meter. Water meter installation charges are not included in the connection fee described above and shall be paid directly to the Department of Public Works at the time actual service is requested for each connection. Allow two to four weeks for meter installation. If requested by the Applicant and approved by the County Department of Public Works, the Applicant may construct the service line from the main to the property line with the County installing the meter at cost.

4.1.3 In the event any application for service cannot be calculated by the Public Works Department and Engineering work is required, then the Applicant shall pay the cost of such Engineering.

4.2 Franchise Connection Fees

Connection fees for water and/or wastewater franchises or systems in existence prior to the effective date of this Ordinance to be connected to the County system, in which the franchise agreement requires payment of appropriate connection fees, shall be determined by deducting from the "Connection Fee" as set forth in Section 4.1 of this Ordinance, the verified cost of the existing water and/or wastewater treatment facilities to be taken out of service. Franchises executed subsequent to the effective date of this Ordinance shall contain an appropriate connection fee clause.

SECTION 5

POINT OF CONNECTION

5.1 General

The point of connection of the water or wastewater facilities shall be where the County deems its system adequate to provide service.

5.2 Construction of Water or Wastewater Extensions

5.2.1 By Applicant: Upon request by the applicant and approval by the Governing Board, the Applicant may engage his Engineer to design and construct the required line extension. Design and construction shall be in accordance with the appropriate policy, standards and specifications of the County.

5.2.2 By County: Upon request by the Applicant, the County will cause to be constructed the necessary water and/or wastewater line extensions to the project. Upon receipt of said request, the County will advise the Applicant of the estimated construction cost (including Engineering, legal and administrative costs) and the estimated time of completion. Payment of the estimated cost to the County will be required prior to initiating construction. Adjustment to the County or the Applicant will be made based upon final construction costs.

5.2.3 The County shall determine which entity shall design and construct the line extension.

5.2.4 Basis of Extension Size: Water main extensions are to be sized based upon a maximum 4 FPS velocity for estimated maximum daily domestic water usage plus fire flows. Under no circumstances shall water transmission main extensions be less than 6-inch diameter. Sanitary force main extensions shall be sized based upon maintaining a velocity of 2.5 FPS and a maximum velocity of 7.5 FPS for design flow conditions. Gravity sanitary sewer extensions shall be a minimum of 8-inch diameter. For purposes of this requirement, the above criteria shall only apply to thru streets or other cases where future additional development is possible.

5.3 Oversizing of Water or Wastewater Extensions

Where the Hernando County Department of Public Works requires the oversizing of the extensions for purposes of serving future additional development, the Applicant shall be so advised. All construction costs associated with oversizing the extension shall be borne by the County. On extensions by the Applicant, the cost of oversizing shall be credited against connection fees. All costs for oversizing in excess of connection fees shall be borne by the County. Costs of oversizing shall be based upon the installed cost

of the oversized extensions less the County approved estimated cost of the extension sized in accordance with Section 5.2.3.

5.4 Line Extensions by Special Assessment

5.4.1 Where service is requested by individual property owners, either residential or commercial, in areas adjacent to existing County facilities having adequate capacity, involving potential future customers in addition to those requesting service, the Department of Public Works will determine the feasibility of constructing the necessary line extensions with payment to be by contract or special assessment in accordance with Chapter 153, Part I, of the Florida Statutes or other applicable provisions of law. Assessment of line extension costs shall be on a proportionate basis, in accordance with the front footage or anticipated flow associated with each property. All special assessments shall be approved by the Board of County Commissioners at a properly advertised Public Hearing. Any assessments may be paid at the office of the County Tax Collector within 30 days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal annual installments, with interest at 8 percent per annum from the expiration of said 30 days in each of the succeeding number of years for which the assessment will be payable as determined by Resolution at the time or times in each year at which the general County taxes are payable; provided, however, that the Commission may by Resolution fix a shorter period of payment for any assessment and/or adjust the interest rate not to exceed what is authorized by Florida Statutes; provided further that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment.

5.4.2 Connection fees associated with this type of service request will be required as stipulated in this Ordinance. Connection fee payment shall be made prior to connecting to the facilities, or, if requested by the Applicant and approved by the Board of County Commissioners, may be included in the special assessment as outlined in Section 5.4.1.

SECTION 6

SERVICE COMMITMENTS

6.1 Acceptance of Final Review

Within 90 days of receipt of the final review setting forth the

connection fees, point of connection, and extension requirements, the Applicant shall advise the County of his acceptance of the County's proposal.

6.2 Development Schedule

Along with the acceptance of the proposal the Applicant shall provide to the Hernando County Department of Public Works an estimated schedule of development with said schedule showing the estimated number of units to be constructed yearly until completion.

6.3 Formal Commitment

Within two weeks after receipt of the Applicant's Notification of Acceptance and Development Schedule, the Governing Board shall issue a formal commitment letter. The commitment letter shall bind the County to provide services to the Applicant subject to receipt of connection fee payment. Commitments are non-transferable from one property to another; however, commitments are transferable to a new owner of the same property.

6.4 Expiration of Commitment

Commitments shall expire four years after issuance of the formal commitment for projects involving lump sum payment. Commitments shall expire at the end of the last year indicated on the Applicant's Development Schedule for projects involving incremental payment of connection fees. Commitments will be honored for any initial building permit issued by the County Building and Zoning Department.

6.5 Time Extensions to Commitment

6.5.1 Time extensions to commitments may be granted for periods not to exceed two years, provided capacity within the water and/or sewer system remains available, and provided that a request is submitted in writing prior to 30 days before the expiration date of the commitment.

6.5.2 Service agreements or commitment contracts entered into prior to the effective date of this ordinance, by which the County agreed to accept advanced connection fees and reserve capacity at its water or wastewater treatment facilities and by which the Developer agreed to connect a certain number of units to the County facilities in accordance with an agreed upon schedule, may be granted two year time extensions in accordance with Section 6.5.1.

SECTION 7

CONNECTION FEE
PAYMENT, REVISIONS, EXPENDITURES AND REFUNDS

7.1 Connection Fee Payment Schedule

Payment of connection fee shall be made prior to issuance of building or remodeling permits by the Hernando County Building and Zoning Department. Connection fees shall be paid either as a lump sum or in increments, as described below.

7.2 Lump Sum Payment

Connection fees for all projects involving single buildings shall be paid fully within 30 days of receipt of the formal commitment. Payment of connection fees for any project may be made as a lump sum at the option of the Applicant and shall be paid within 30 days of receipt of formal commitment.

7.3 Incremental Payments

7.3.1 Within 30 days of receipt of the formal commitment the Applicant shall pay a down payment equal to 20 percent of the total connection fee or a greater amount as established by the County if immediate expenditure of funds is required by the County in order to provide adequate service. If an immediate expenditure of funds is not required by the County to provide service, an irrevocable letter of credit from a Florida bank or other security acceptable to the County Attorney equal to 20 percent of the total connection fee will be acceptable.

7.3.2 Connection fees for remaining units shall be paid prior to issuance of Building Permits based upon connection fees then in effect.

7.4 Connection Fee Revisions

Any changes in regard to connection fees listed herein shall be by revisions to this Ordinance approved at a properly advertised Public Hearing. Revised connection fees shall apply to commitments then in effect as follows:

7.4.1 Commitments involving connection fees fully paid under the Lump Sum Payment method shall not be effected by the revised fee schedule until expiration of the commitment. If a time extension is granted upon expiration of the commitment, the new fees shall apply for all units in which Building Permits have not been issued. The Applicant shall have the option of

either paying the difference in connection fees for each connection made after expiration of the original commitment prior to issuance of a Building Permit, or of having the remaining unused connection fee balance credited toward a revised number of prepaid connections.

7.4.2 Commitments involving connection fees paid under the Incremental Payment method shall be revised in the following manner:

7.4.2.1 Down payments shall be credited in the same manner as Lump Sum Payments described in Paragraph 7.4.1 of this Ordinance.

7.4.2.2 Upon full utilization of the Lump Sum Payment, connection fees for remaining units shall be based upon the connection fees in effect at the time application is made for a Building Permit.

7.5 Franchise Connection Fee Extended Payment Plan

When Franchise holders serving apartments, mobile home parks or other commercial establishments under single ownership and/or control are required by a governmental agency to connect to the County utility system the connection fees required by Section 4.2, may be paid as a lump sum in accordance with Section 7.2, or if approved by the Board of County Commissioners, on an extended payment plan. The extended payment plan shall require a down payment equal to five percent of the connection fee. The remainder shall be payable in equal monthly installments at an annual interest rate of eight percent over a period of time not to exceed 20 years or an interest rate not to exceed what is authorized by Florida Statutes. Monthly installments shall be billed and paid separately along with the monthly water and/or sewer service bills from the Department of Public Works.

7.6 Connection Fee Expenditures

All connection fees will be deposited in separate funds, one each for water and wastewater. All interest earned by investments of monies in each fund will be deposited in the same fund as the monies were invested. The use of monies in each fund are restricted to payment for engineering, construction and associated costs of new facilities built to provide additional capacity replacing that utilized capacity for which the connection fee was collected. These monies can also be used to pay debt service on financing obtained to expand facilities to provide service capacity for new connections. These funds

cannot be used for operating or maintenance expenses or debt service paying the cost of capacity utilized by existing customers. The term capacity shall mean and include the total capability of the system including wells, pumps, treatment plants, supply lines, collection lines, disposal systems and all appurtenances thereto.

7.7 Connection Fee Refunds

7.7.1 Request for refunds will be considered if submitted in writing prior to 30 days before expiration of commitment.

7.7.2 Upon receipt of a written request for Connection Fee Refund and termination of service commitment, the Director of the Department of Public Works will determine and advise the Applicant within 30 days as to the amount of refund. Any funds expended by the County related in any way to the service request in question, including but not limited to engineering and construction, shall be deducted from the prepaid connection fee, in determining the amount of the refund. Refunds shall be made within 90 days of original request.

7.7.3 In the event that a force majeure or an act of a State or Federal government regulatory agency prohibits Hernando County from connecting the Applicant to the water or wastewater system, the County agrees to refund all connection fees paid.

SECTION 8

DESIGN AND CONSTRUCTION STANDARDS

8.1 Standards

Design and Construction Standards shall be in accordance with existing Hernando County Policies, Standards, and Specifications in effect at the time Plans and Specifications are submitted for review.

SECTION 9

PENALTY

9.1 Penalty

Any person, firm, or corporation, either individually or through agents, employees, or independent contractors who shall violate the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each violation or imprisonment for not more than sixty (60) days in County jail for each violation, or both, and each day of violation shall constitute a separate offense.

SECTION 10

ADDITIONAL REMEDIES

10.1 Additional Remedies

In addition to any other remedies or relief available, the County may enjoin any violation of this ordinance.

SECTION 11

EFFECTIVE DATE

11.1 Effective Date

This Ordinance shall become effective upon filing with the Department of State of Florida.

ADOPTED in Regular Session this 18th day of November, 1980.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By *John H. Magner*
JOHN H. MAGNER, CHAIRMAN

Attest *Harold William Brown*
HAROLD WILLIAM BROWN, CLERK



PROPOSED

TABLE I

FLOW ESTIMATES & CONNECTION FEES

TYPE	RESIDENTIAL					
	AVERAGE DAILY WATER CONSUMPTION	SINGLE-FAMILY RESIDENTIAL EQUIV.	WATER CHARGE	AVERAGE DAILY* WASTEWATER DISCHARGE	SINGLE-FAMILY RESIDENTIAL EQUIV.	WASTEWATER CHARGE
SINGLE FAMILY RESIDENCE	250 GPD	1.0	<u>\$315.00</u>	200	1.0	<u>\$675.00</u>
MOBILE HOME SUBDIVISIONS & PARKS	200	.8	<u>252.00</u>	160	.8	<u>540.00</u>
DUPLEX	400	1.6	<u>504.00</u>	320	1.6	<u>1,080.00</u>
MULTI-FAMILY #1 (3 OR MORE UNITS) I.E., TRIPLEX, TOWN- HOUSE, CONDOMINIUM	600 FOR THE FIRST 3 UNITS & 200 GPD FOR EACH UNIT THEREAFTER	2.4 + .8/ UNIT AFTER 3	<u>756 + 252</u> For every Unit After 3	540 FOR FIRST 3 UNITS & 180 FOR EACH UNIT THEREAFTER	2.7 + .9 FOR EACH UNIT THEREAFTER	<u>1,822.50 +</u> 607.50/Unit After 3
MULTI-FAMILY #2 (3 OR MORE UNITS) APARTMENT TYPE; I.E., RENTAL	450 FOR THE FIRST 3 UNITS & 150 FOR EACH UNIT THEREAFTER	1.8 + .6 FOR EACH UNIT AFTER 3	<u>567 + 189</u> For every Unit after 3	405 FOR FIRST 3 UNITS, & 135 FOR EACH UNIT THEREAFTER	2.02 FOR FIRST 3 UNITS & .67 FOR EACH ADDITIONAL UNIT	<u>1,363.50 +</u> 454.50/Unit After 3

*Average daily wastewater discharge is based upon 80% return from Single-Family, Mobile Homes and Duplexes, and a 90% from all other residential units.

TABLE I
FLOW ESTIMATES & CONNECTION FEES

R E S I D E N T I A L						
TYPE	AVERAGE DAILY WATER CONSUMPTION	SINGLE-FAMILY RESIDENTIAL EQUIV.	WATER CHARGE	AVERAGE DAILY* WASTEWATER DISCHARGE	SINGLE-FAMILY RESIDENTIAL EQUIV.	WASTEWATER CHARGE
SINGLE FAMILY RESIDENCE	250 GPD	1.0	—	200	1.0	—
MOBILE HOME SUBDIVISIONS & PARKS	200	.8	—	160	.8	—
DUPLEX	400	1.6	—	320	1.6	—
MULTI-FAMILY #1 (3 OR MORE UNITS) I.E., TRIPLEX, TOWN- HOUSE, CONDOMINIUM	600 FOR THE FIRST 3 UNITS & 200 GPD FOR EACH UNIT THEREAFTER	2.4 + .8/ UNIT AFTER 3	—	540 FOR FIRST 3 UNITS & 180 FOR EACH UNIT THEREAFTER	2.7 + .9 FOR EACH UNIT THEREAFTER	—
MULTI-FAMILY #2 (3 OR MORE UNITS) APARTMENT TYPE; I.E., RENTAL	450 FOR THE FIRST 3 UNITS & 150 FOR EACH UNIT THEREAFTER	1.8 + .6 FOR EACH UNIT AFTER 3	—	405 FOR FIRST 3 UNITS, & 135 FOR EACH UNIT THEREAFTER	2.02 FOR FIRST 3 UNITS & .67 FOR EACH ADDITIONAL UNIT	—

*Average daily wastewater discharge is based upon 80% return from Single-Family, Mobile Homes and Duplexes, and a 90% from all other residential units.