

ORDINANCE NO. 2890

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA AMENDING SECTION 70-125 (USAGE CHARGES GENERALLY), SECTION 70-276 (ESTABLISHMENT) AND SECTION 70-131 (DISCONTINUANCE OF SERVICE) TO ELIMINATE THE AVAILABILITY FEE, PROVIDING FOR A RENEWAL AND REPLACEMENT FEE FOR ALL UNITS, PROVIDING FOR A MINIMUM MONTHLY BILL INCLUDING 2000 GALLONS USAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has decided to change the structure of the utility billing to provide for a renewal and replacement fee and to return the billing structure to contain a minimum monthly bill with no availability fee; and

WHEREAS, on October 26th, 2010 the City adopted Ordinance 2882 which has yet to be codified and this ordinance assumes the language to be codified for amendment purposes.

WHEREAS, words which are underlined (underlined) are additions to the text and words with strike through (~~strike through~~) the characters are deletions from the text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The City Commission of the City of Holly Hill hereby amends Section 70-125(Usage charges generally.) to read as follows:

Sec. 70-125. Usage charges generally.

(d) In the case of multiple occupancy units served by a single meter, each occupancy unit shall be considered a separate customer for purposes of establishing ~~an availability fee~~ a minimum monthly charge and a renewal and replacement fee. As used herein, an occupancy unit shall be defined as a structure, or separated part of a structure, with plumbing connections sufficient to enable the occupant to obtain potable water from, or return waste to, the municipal water and sanitary sewer system. Each connection, either individual outlet or individual return or

combination thereof, shall be treated as a separate occupancy unit unless the occupant can demonstrate that the actual use of the multiple connections within a given structure are under the exclusive control of a single person. In case a meter is installed in the potable water connection to each individual occupancy unit, each monthly bill for water furnished to such unit shall be based on the ~~established availability fee plus actual usage.~~ above-mentioned minimum monthly bill and shall include the renewal and replacement fee. In case a single meter is installed in the water connection to two or more such units, each monthly bill for water furnished shall be rendered for an amount not less than the ~~availability fee for each unit plus the actual usage for all units served by the single meter.~~ above minimum monthly bill for each occupancy unit served, together with the above-mentioned gallonage rate for water in excess of 2,000 gallons per unit plus the renewal and replacement fee per unit. This multiple unit provision shall apply to users of the potable water system.

(f) The monthly potable water charge shall not be suspended during vacation periods or such periods of time that a property is vacated and the minimum charge (~~availability charge~~ renewal and replacement fee) shall be levied in the amount as provided and established by resolution of the city council.

Section 2. The City Commission of the City of Holly Hill hereby amends Section 70-276 (Establishment) to read as follows:

Sec. 70-276. Establishment.

(a) The City Commission shall establish by resolution the charges for the ~~availability~~ renewal and replacement fee, the minimum monthly bill, the per thousand gallon charge, administrative charges for collection, the charge for bench test, connection charges, meter deposits, service charges, method of billing and any other fees and charges required by this article . The monthly sewer charge for single-family and multifamily residences; motel and hotel; commercial and industrial and all other accounts shall include an ~~availability charge~~ renewal and replacement fee.

(e) In the case of multiple occupancy units served by a single meter, each occupancy unit shall be considered a separate customer for purposes of establishing an ~~availability~~ renewal and replacement fee, and the minimum monthly bill. As used herein, an occupancy unit shall be defined as a structure, or separated part of a structure, with plumbing connections sufficient to enable the occupant to obtain sewer from, or return waste to, the municipal water and sanitary sewer system. Each connection, either individual outlet or individual return or combination thereof, shall be treated as a separate occupancy unit unless the occupant can demonstrate that the actual use of the multiple connections within a given structure are under the exclusive control of a single person. In case a meter is installed in the water connection to each individual occupancy unit, each monthly bill for sewer service to such unit shall be based on the established ~~availability~~ renewal and replacement fee, and the minimum monthly bill plus actual water usage over 2000 gallons. In case a single meter is installed in the water connection to two or more such units, each monthly bill for sewer service shall be rendered for an amount not less than the ~~availability~~

renewal and replacement fee for each unit plus the actual water usage over 2000 gallons per unit for all units served by the single meter. This multiple unit provision shall apply to users of the sewer system.

(h) The monthly sewer charge shall not be suspended during vacation periods or such periods of time that a property is vacated and the minimum charge (~~availability charge~~ renewal and replacement fee) shall be levied in the amount as provided and established by resolution of the city council.

Section 3. The City Commission of the City of Holly Hill hereby amends Section 70-131 (Discontinuance of Service.) to read as follows:

Sec. 70-131. Discontinuance of service.

(a) If potable water service is discontinued for nonpayment of bills, the premises shall be disconnected from the waterworks system of the city, and shall not be reconnected until a service fee as established by resolution of the city commission shall have been paid to the city. This fee shall be called a delinquent account fee and shall be levied on an account once the city begins the administrative process of disconnecting water service. The delinquent account fee shall be due and owing to the city even if the potable water service is not ultimately disconnected due to payment of the delinquent bill by the customer. Even if potable water service is discontinued, the account or the property owner shall continue to be billed for the monthly availability renewal and replacement fee.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 5. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 6. That this Ordinance shall be deemed effective November 1, 2010.

The within and foregoing Ordinance was introduced and read on first reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 11th day of January, 2011.

It was moved by Commissioner Penny and seconded by Commissioner Glass that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

ROLL CALL VOTE AS FOLLOWS: (Ordinance 2890):

Mayor Roy Johnson	<u>Yes</u>
Commissioner John Penny	<u>Yes</u>
Commissioner Rick Glass	<u>Yes</u>
Commissioner Donnie Moore	<u>Yes</u>
Commissioner Liz Towsley	<u>Yes</u>

ADOPTED THIS 11th DAY OF JANUARY, 2011.

The within and foregoing Ordinance was introduced and read on the second reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 25th day of January, 2011.

It was moved by Commissioner Moore and seconded by Commissioner Glass that said Ordinance be adopted. A roll call vote of the Commission held on said motion to adopt the Ordinance resulted as follows:

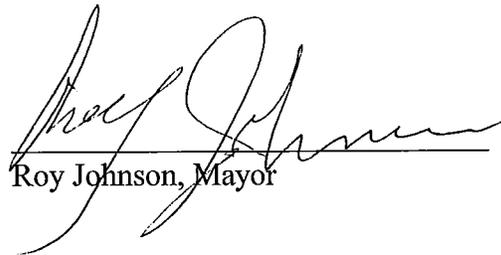
ROLL CALL VOTE AS FOLLOWS: (Ordinance 2890):

Mayor Roy Johnson	<u>Yes</u>
Commissioner John Penny	<u>Yes</u>
Commissioner Rick Glass	<u>Yes</u>
Commissioner Donnie Moore	<u>Yes</u>
Commissioner Liz Towsley	<u>Yes</u>

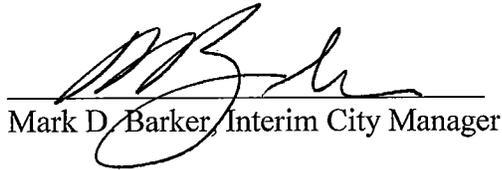
ADOPTED THIS 25th DAY OF JANUARY, 2011.

WHEREUPON, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 25th day of January, 2011 for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA

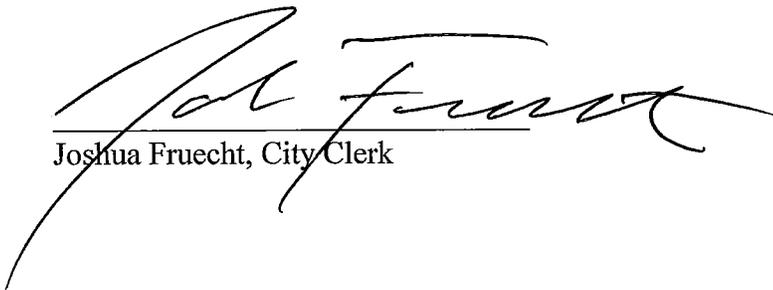


Roy Johnson, Mayor



Mark D. Barker, Interim City Manager

Attest:



Joshua Fruecht, City Clerk