

Chapter 21

UTILITIES*

Art. I. In General, §§ 21-1—21-15

Art. II. Water, §§ 21-16—21-47

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ARTICLE I. IN GENERAL

Secs. 21-1—21-15. RESERVED

ARTICLE II. WATER

Sec. 21-16. DEFINITIONS

For the purpose of this chapter, the following words and terms shall have the meaning respectively ascribed to them.

"Potable water" shall mean water satisfactory for drinking, culinary and domestic purpose meeting the quality standards of the state sanitary code.

"Public water supply system" shall mean a system serving more than twenty-five (25) persons or otherwise making water available to public groupings or the public in general; including works and auxiliaries for collection, treatment, storage and distribution of water from

*Cross references-Buildings and building regulations, Ch. 6; garbage and trash, Ch. 9; planning, Ch. 15; streets, sidewalks and other public places, Ch. 17; subdivision regulations, Ch. 18.

*State law reference-Supervision and control of systems of water supply, sewerage, refuse and sewage treatment by the department of health and rehabilitative services, F.S. § 381.261.

a source or sources of supply to the free flowing outlet of the ultimate consumer. (Code 1971, § 22-11)

*Cross reference-Definitions and rules of construction generally, § 1-2.

Sec. 21-17. WHEN CONNECTION REQUIRED

Where in any street or section of the City there is constructed a public water supply system for the purpose of distributing potable water to the public, the owner of any property bordering on, adjacent to, or within two hundred (200) feet of any such water supply, within thirty (30) days after being notified to do so by the City Manager shall cause to be connected in a proper manner the house or building on such property with such public water supply. (Code 1971, § 22-2)

Sec. 21-18. MINIMUM STANDARDS

All public or private water supply systems within the City shall meet the standards of the state department of health and rehabilitative services rules relative thereto. (Code 1971, § 22-3)

Sec. 21-19. CONNECTIONS WITH WATERWORKS SYSTEM AUTHORIZED

Where the same shall be available, the owner of every lot or parcel of land within the City may connect, or cause the plumbing of any building or buildings thereon to be connected, with the municipal waterworks system of the City and use the facilities of such system. (Code 1971, § 22-4)

Sec. 21-20. EXTENSION OF CITY MAINS

The city will not extend its water mains system to any property presently unserved. A person wishing to have the water mains extended to his property may contract with the City for this installation at the City's discretion, with the understanding being that the charges for this extension will be fully paid by the person desiring the extension and shall be paid in advance after the agreement with the City and

the person as to the charges has been entered into. All extensions of the City's water mains system prior to connection with the system must be fully approved by the City. (Ord. 160 § 2, 7-12-76)

Sec. 21-21. MANNER OF CONNECTION

All connections to the City's water system shall be made in accordance with rules and regulations which shall be adopted from time to time by the City Commission; provided however, this section shall not be construed to entitle any person to cross the private property of another to make such water connections. (Code 1971, § 22-5)

Sec. 21-22. UNLAWFUL CONNECTION

No person shall be allowed to connect into the waterworks system without the written consent of the City, and then the connection with such system shall only be made under the direction and supervision of the City. Any property owner or plumber who shall make any connection without such consent of the City shall, upon conviction, be punished as provided for in Section 1.10. (Code 1971, § 22-6)

Sec. 21-23. CONNECTING EXISTING PLUMBING

Whenever it is desirable to connect existing plumbing with the City waterworks system, the owner or plumber contemplating doing such work shall notify the City plumbing inspector who will inspect said plumbing and notify the owner or plumber what alterations will be necessary to place said plumbing in an acceptable condition for connection with the waterworks system. Any owner or plumber who shall make any connection without the approval of the plumbing inspector shall, upon conviction, be punished as provided in Section 1.10. (Code 1971, § 22-7)

Sec. 21-24. SYSTEM TO BE FULLY METERED WITH SEPARATE CONNECTIONS FOR EACH SEPARATE UNIT

Each lot or building site shall be considered a separate unit for the payment of the water fees herein established, and separate connections will be required for each of such units. Every connection shall be separately metered. (Code 1971, § 22-8)

Sec. 21-25. MAINTENANCE OF PLUMBING

The owner of the property shall be responsible for maintaining all plumbing on such property and the pipe leading and connecting from the waterworks system distribution lines.

(Code 1971, § 22-9)

Sec. 21-26. CONNECTION FEES

a) Meter deposits. Prior to every new connection with the City waterworks system, and prior to every reconnection with the City waterworks system, there shall be paid by the person causing his/her plumbing to be connected with such system, a meter deposit computed in accordance with the following: (Ord. 4-2007 §2; 6-11-07)

1) *Residential usage.* Any person causing his/her plumbing to be connected with the City waterworks system shall deposit with the City a meter deposit in the sum of one hundred dollars (\$100.00) if the principal usage of the structure whose plumbing is being connected to the City waterworks system is residential in nature. (Ord. 4-2007 §2; 6-11-07)

2) *Commercial usage.* Any person causing his/her plumbing to be connected with the City waterworks system shall deposit with the City a meter deposit in the sum of one hundred dollars (\$100.00) if the structure whose plumbing system is being connected to the City waterworks system has as its principal usage business, commerce or a trade. (Ord. 4-2007 §2; 6-11-07)

- 3) *Refunds.* Upon the payment of the final bill for water service and disconnect fees, the meter deposit deposited by a person for having his plumbing connected to the City waterworks system shall be fully refunded to that person. (Ord. 4-2007 §2; 6-11-07)
- 4) *Forfeiture.* Should any person fail to pay all of his/her charges for City water service within the times allowed by the City Commission for payment of water bills, then the person's water system shall be disconnected from the City's water system and that person's previously paid meter deposit shall be forfeited as far as is necessary to pay the final water billing including the disconnect fee. (Ord. 4-2007 §2; 6-11-07)
- b) *Installation charge.* Prior to every new connection with the City waterworks system, there shall be paid by the person causing his/her plumbing to be connected with such system, a connection charge of three hundred twenty-five dollars (\$325.00).to be determined by the City Manager which shall include all cost and expenses incurred by the city in connecting with the system. In no event shall the connection charge be less than three-hundred twenty-five dollars (325.00). Connection installation charges for connections to water lines installed at a developer's or owner's cost may be reduced pursuant to the approval of the City Manager, if the developer's or owner's installation included certain charges or equipment normally covered by the City in connections to existing water lines. (Ord. 4-2007 §2; 6-11-07; Ord. No. 02-2008)
- c) *Disconnection or reconnection fee.* The fee for disconnection or reconnection to the City waterworks system after the payment of the initial connection shall be twenty dollars (\$20.00). All reconnection to the city waterworks system required, other than during regular business hours, shall be forty dollars (\$40.00). After a disconnection for failure to pay water system charges, there shall be no reconnection to the City's water system until the delinquent account is paid and a new deposit is also paid. (Code 1971 § 22-10, Ord. 150 § 1, 11-11-74; Ord. 160 § 1,7-12-76; Ord. 167 § 1, 6-12-78; Ord. 4-2007 §2; 6-11-07; Ord. 02-2008 §2; 3-24-2008)

d) Meter deposit rates, installation charges, disconnection and reconnection fess shall be determined by resolution of the City Commission. (Ord. 4-2007 §2; 6-11-07)

e) Disconnection and reconnection fees may be waved at the discretion of the City Manager. (Ord. 4-2007 §2; 6-11-07)

Sec. 21-27. WATER RATES

Any user of the services of the City Water Works System shall pay therefore a monthly rate to be determined by resolution of the City Commission of the City of Archer, Florida, using the following guidelines:

- 1) The rates shall be calculated to pay for the cost of the operation of the water system;
- 2) The rates may vary as to residential, commercial or industrial uses;
- 3) The rates may vary as to the number of gallons used and establish a minimum charge;
- 4) Water service to customers outside of the corporate limits of the City of Archer may be subject to a surcharge of up to twenty-five (25) percent or as otherwise permitted by statute;
- 5) Rates for fire hydrant rental may also be set by resolution. (Ord. 260-90, 2-12-90)

Sec. 21-28. PAYMENT OF FEES AND BILLS REQUIRED

Bills for the monthly charges for the use of the City's water system shall be submitted by the city on or before the last day of the billing month and shall be paid by the end of the business day on the tenth of the month immediately following. In the event the tenth of the month falls on a

weekend or day city hall is closed, the payment may be extended until the end of the next regularly scheduled business day.

(Code 1971, § 22-12; Ord. 277-92 §1; Ord. 10-2010)

Sec. 21-29. PENALTY FOR NONPAYMENT OF SERVICE WHEN DUE

If any monthly bill for water service shall be and remain unpaid after the tenth day of the month, a penalty of ten (10) percent shall of such bill shall be imposed and be added to such bill. (Code 1971, § 22-13; Ord. 271-92 § 2; Ord. 8-2006 §2; Ord. 10-2010)

Sec.21-30. TERMINATION FOR NONPAYMENT; RECONNECTION

If any bill for water service shall continue and remain unpaid by the close of the business day on the fourteenth day of the month immediately following the submission of such bill, the water service to the customer shall be discontinued and shall not be reconnected until all past due charges, including all penalties have been fully paid, together with a reconnection charge of twenty dollars (\$20.00). The disconnect and reconnect charges in this section shall be assessed whether or not the service has been actually disconnected.

Should such bill continue to remain unpaid by the end of the nineteenth day of the month immediately following the submission of the bill, the water service to the customer will be terminated and all bills, penalties and charges will be deducted from the customer's deposit. Any customer wishing to reestablish water service shall be required to pay any outstanding charges together with a new deposit. (Code 1971, § 22-14; Ord. 271-92 § 4; Ord. 10-2010)

Sec. 21-31. NO WATER SERVICE FREE

No water shall be furnished free of charge to any person whatsoever; and the City and each and every agency, department or instrumentality which uses the waterworks system shall pay therefore at the rates fixed by Resolution of the City Commission. (Code 1971, § 22-14; Ord. 271-92 § 3; Ord. 8-2006 §2))

Secs. 21-32—21-47. RESERVED

ARTICLE III. SEWERAGE

Sec. 21-48. DEFINITIONS

For the purpose of this article, the following words and phrases shall have the meaning respectively ascribed to them.

"Human excreta" shall mean the bowel and kidney discharge of human beings.

"Nuisance dangerous and injurious to health" shall mean filth, contents of cesspools, offal, garbage, foul wastes, dye water, refuse from manufacturing, decayed animal or vegetable matter or other offensive substance, detrimental to health, thrown, placed, or allowed to remain upon any private premises, street, alley, public reservation or open lot within the City.

"Sanitary water closet" shall mean any flush toilet, which is properly connected with the sewer system of the City or a septic tank of approved construction.

"Septic tank" shall mean a watertight underground cavity into which flows the effluent of the house sewer and from which the effluent enters a subsurface drain field and does not come to the surface of the ground.

"Sewage wastes" shall mean refuse, liquid or matter carried off by sewers or drains and wastes emptied or deposited on surface of ground by means other than sewers or drains and shall include bath and toilet wastes, laundry wastes, kitchen wastes and other similar wastes from household appurtenances. (Code 1971, § 11-34)

Sec. 21-49. METHOD OF DISPOSAL PREREQUISITE TO UTILITY CONNECTION

- 1) Within the corporate limits of the City, it shall be unlawful for any person to provide any residence or building within the City used or intended for human occupancy, employment or service to the public, with any utility service, including electricity and water, until the owner, lessee or person in charge of such residence or building has complied with the ordinances of the City, and the requirements of the state and the county health department for the sanitary disposal of human excreta or sewage wastes.
- 2) Each owner, lessee or person in charge of any residence or building within the City used or intended for human occupancy, employment or service to the public, shall cause proper facilities for the sanitary disposal of human excreta or sewage wastes from such residence or building to be installed, constructed or built, before such residence or building may be connected to any utility service, including electricity and water and before said residence or building may be occupied for its specific use.
- 3) As set out herein, the proper methods of sanitary disposal of human excreta or sewage wastes shall be those as required by the ordinances of the City, and as required by the state through its agency, the county health department. (Ord. 139 § § 1-3, 5-21-73)

Sec. 21-50. METHOD OF SEWAGE DISPOSAL REQUIRED

Every residence and building within the City used or intended for human occupancy, employment or service to the public, shall be required to have a sanitary method of disposal of human excreta or sewage waste; either a sanitary water closet that is connected with the City sewer system, or an approved type of septic tank or sewage system as specified by the state department of health and rehabilitative services. (Code 1971, § 11-35)

Sec. 21-51. WATER CLOSET REQUIRED

It shall be unlawful for any person to dispose of human excreta within the City except in a sanitary water closet. (Code 1971, § 11-36)

Sec. 21-52. MAINTENANCE OF WATER CLOSET

It shall be unlawful for any person within the City to fail to keep in working repair any water closet after notice in writing to place the same in a sanitary condition. (Code 1971, § 11-37)

Sec. 21-53. REMOVAL OF SEPTIC TANK, CESSPOOL CONTENTS

It shall be unlawful for any person to remove or cause to be removed the deposit from any septic tank or cesspool within the City unless such deposits be removed in accordance with the state sanitary code. (Code 1971, § 11-38)

Sec. 21-54. SEPTIC TANK, SEWER SYSTEM RESTRICTED

No septic tank or sewage system other than those approved by the State Department of Health and Rehabilitative Services shall be constructed within the City. (Code 1971, § 11-39)

Sec. 21-55. WHEN SEWER CONNECTION REQUIRED

Where, in any area of the City there is now constructed a public sewer for the purpose of carrying off sewage, the owner of any property bordering on, adjacent to or within two hundred (200) feet of any such sewer line, within thirty (30) days after being notified by the City Manager, shall cause to be connected in a proper manner the house or building on such property with such public sewer. (Code 1971, § 11-40)

Sec. 21-56. PRIVIES DECLARED NUISANCE

All privies (out houses) within the City not constructed or maintained in conformity with plans of the state department of health and rehabilitative services and on file with the City Manager shall be and they are declared a nuisance dangerous and injurious to the public health and shall be condemned and forthwith abated. (Code 1971, § 11-41)

Cross reference-Nuisances generally, Ch. 12.

Sec. 21-57. REPAIR OF PRIVIES PROHIBITED

It shall be unlawful for any person to repair any privy after notice in writing that the same is condemned as a sanitary nuisance; but that nuisance shall be abated by installing a sanitary closet. (Code 1971, § 11-42)

Sec. 21-58. NOTICE TO CORRECT UNSANITARY CONDITIONS

The City Commission, where no notice is stipulated in this article, may give such reasonable notice to correct any unsanitary condition upon any premises within the City as the conditions may require, and in case the premises or the conditions complained of are not corrected within such time, the City Commission shall cause the offender to be arrested. (Code 1971, § 11-43)

Sec. 21-59. AUTHORITY OF CITY TO MAKE PREMISES SANITARY; COSTS

The City shall have the right to make or have made such alterations and construction of those premises that are nuisances as will make them sanitary. All costs pertaining to such work shall be charged against the property owner. (Code 1971, § 11-44)