

Replaces
80-16

HERNANDO COUNTY WATER AND SEWER DISTRICT BOARD

ORDINANCE NO. 88-1

AN ORDINANCE PROVIDING FOR CONNECTION TO WATER AND WASTEWATER FACILITIES OF THE HERNANDO COUNTY WATER AND SEWER DISTRICT; PROVIDING FOR PROCEDURES AND POLICIES FOR OBTAINING WATER AND/OR WASTEWATER SERVICE FROM THE HERNANDO COUNTY WATER AND SEWER DISTRICT; 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 THE HERNANDO COUNTY WATER AND SEWER DISTRICT FOR WATER AND SEWER SERVICE; PROVIDING FOR WATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER OR WASTEWATER FACILITIES; PROVIDING FOR THE CONSTRUCTION OF WATER OR WASTEWATER EXTENSIONS; 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.

BE IT ORDAINED BY THE HERNANDO COUNTY WATER AND SEWER DISTRICT BOARD, 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 THE HERNANDO COUNTY WATER AND SEWER DISTRICT.

1.2 Purpose

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

1.3 Administration

This Ordinance shall be administered by the Hernando County Utilities Department.

1.4 Jurisdiction

1.4.1 This Ordinance shall apply to all unincorporated areas of Hernando County unless the District consents to allow municipal or franchise service areas to provide such service under such terms and conditions as the District 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 District, if service cannot be provided by the District, the appropriate municipality (for service areas outside corporate limits), or by an existing franchise previously approved by the District. 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 the District, an agreement may be entered into for the construction and dedication of the facility by the applicant to the District.

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

- (a) Upon receipt of an application for service, the Utilities Department shall estimate the cost of the necessary line extension and determine if uncommitted plant capacity exists.

- (b) If the estimated extension cost exceeds an amount equal to 25 percent of the applicable connection fee for the proposed development, or if insufficient uncommitted plant capacity exists, then service shall be deemed not available. The District, at its option, may, however, approve the extension upon terms set forth by the District.
- (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 applicable connection fees.
- (d) The determination of the availability of water and wastewater services may, at the option of the District, 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 Utilities Department.

2.1.2 All requests for service shall be made by submitting a formal application for water and/or wastewater service to the District. The initial application will be reviewed by the District 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 Utilities Department.

2.3 Application Forms

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

HERNANDO COUNTY UTILITIES DEPARTMENT
P.O. BOX 1076
Brooksville, Florida 34605

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 otherwise approved by the Hernando County Utilities Department.

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 Utilities Department shall advise the Applicant in writing of the availability of service and, if service is available, the connection fee, point of connection, required extensions, and any other pertinent requirements.

SECTION 4

CONNECTION FEES

4.1 Definitions

4.1.1 Subregional Wastewater Plant Capacity - Major subregional components consisting of wastewater treatment plants and disposal or reuse facilities.

4.1.2 Wastewater Onsite Facilities - Gravity lines, force mains and pump stations within the legal boundary description of the property to be developed, excluding oversizing at the request of the county.

4.1.3 Subregional Wastewater Offsite Transmission Facilities - All gravity lines, force mains and pump stations to transmit wastewater from the onsite system to the capacity system of sufficient size and design to accommodate future area growth.

4.1.4 Nonsubregional Offsite Facilities - Consists of the lines, pumps, and pump stations to transfer sewage from the project boundary to the subregional transmission system, subregional wastewater plant, interim wastewater transmission system, or interim wastewater plant which is not sufficiently sized and designed to accommodate future area growth.

4.1.5 Wastewater Equivalent Residential Unit (ERU) - Average flow required or generated by a development divided by 200 gallons per day (gpd) for wastewater; ERU's for commercial or industrial use shall be determined by dividing the average flow required or generated by 250 gpd for wastewater.

4.1.6 Wastewater Connection Fee - As established by the county and consisting of three components:

- (a) The subregional wastewater plant capacity portion is \$500 per ERU (\$2.50 per gallon).
- (b) The subregional wastewater offsite transmission facilities portion is \$428 per ERU.
- (c) The nonsubregional offsite facilities portion is \$172 per ERU.

4.2 Connection Fees

4.2.1 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 TABLES 1 and 2, FLOW ESTIMATES AND CONNECTION FEES, (attached) and Section 4. 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.

4.2.2 Water meter installation charges established by the County Utilities Department 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 Utilities Department 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 Utilities Department, the Applicant may construct the service line from the main to the property line with the District installing the meter at cost.

4.2.3 In the event any application for service cannot be calculated by the Utilities Department and engineering work is required, then the Applicant shall pay the cost of such engineering.

4.2.4 Calculation of Wastewater Connection Fees

- (a) Wastewater connection fees are calculated based on 200 gpd of normal domestic sewage (1ERU) for sewage which does not require pretreatment prior to discharge into the sewerage system. For establishments where wastewater flows exceed either the 200 gpd flow or normal domestic strength, the ERUs shall be adjusted to compensate for the cost of reducing such flow and/or strength to an equivalent residential unit.
- (b) Wastewater connection fee credits may only be granted for those projects where the developer is actually constructing the various connection fee portions of wastewater facilities.
 - (1) Subregional Wastewater Plant Capacity - Credit up to \$500 per ERU may be granted only for the design, construction and engineering services of subregional wastewater plants and disposal or reuse facilities to include land. Credit will not be given for connection to, or expansion, or construction of interim wastewater facilities.
 - (2) Subregional Wastewater Offsite Transmission Facilities - Credit up to \$428 per ERU may be granted only for the design, construction and engineering services of subregional transmission facilities at the required subregional size at build-out.
 - (3) Nonsubregional Offsite Facilities - Credit up to \$172 per ERU may be granted for the construction of offsite transmission and collection system(s).

4.3 Expenditure of Connection Fees

4.3.1 Connection fees collected by the District for subregional wastewater plant capacity may be expended for design, construction and engineering services for subregional wastewater treatment plants and disposal or reuse facilities to include land. These funds may also be used to pay debt service on financing new facilities.

4.3.2 Connection fees collected by the District for subregional wastewater offsite transmission facilities may be expended for design, construction and engineering services for subregional wastewater offsite transmission facilities. These funds may also be used to pay debt service on financing new facilities.

4.3.3 Connection fees collected by the District for nonsubregional offsite

facilities may be expended for design, construction and engineering services for nonsubregional offsite facilities. These funds may also be used to pay debt service on financing new facilities.

4.4 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 District's 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 Subsection 4.1.6 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 county reserves the right to establish the point of connection for entry into the county system.

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 District.

5.2.2 By County: Upon request by the Applicant, the District may cause to be constructed the necessary water and/or wastewater line extensions to the project. Upon receipt of said request, the District 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 District will be required prior to initiating construction. Adjustment to the District or the Applicant will be made based upon final construction costs.

5.2.3 The District 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 street or other cases where future additional development is possible.

5.3 Oversizing:

Where the District requires oversizing for the purpose of serving future additional development, the Applicant shall be so advised. All construction costs associated with oversizing shall be borne by the District. The cost of oversizing may be credited against connection fees. All costs for oversizing in excess of connection fees shall be paid by the District. Costs of oversizing shall be based upon the incremental installed cost of the oversizing less the District approved estimated cost in accordance with Subsection 5.2.4.

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 District facilities having adequate capacity, involving potential future customers in addition to those requesting service, Hernando County Utilities Department 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 District Board 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 District 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 District may be included in the special assessment as outlined in Subsection 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 District of his acceptance of the District's proposal.

6.2 Development Schedule

Along with the acceptance of the proposal the Applicant shall provide to the Hernando County Utilities Department 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 District to provide services to the Applicant subject to receipt of connection fee payment and appropriate regulatory approvals. 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

Unless otherwise agreed, commitments shall expire five years after issuance of the formal commitment for projects or project phases involving lump sum payments. 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 District 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 District 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 upon commitment by the District for capacity, upon approval of a water and/or sewer service agreement or concurrent with the 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 project phases as described below.

7.2 Lump Sum Payment

The connection fee payment amount shall be for the amount of sewer or water capacity committed to the project. 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. 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 100 percent of the total connection fee may be acceptable.

7.3 Project Phase Payments

Connection fees for Project Phases shall be paid upon commitment for service by the District for the additional project phases. 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 100

percent of the total connection fee may be acceptable.

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, additional fees shall apply for all project phases which permits have not been issued. The Applicant shall have the option of either paying the difference in connection fees for each project phase made after expiration of the original commitment 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 District utility system the connection fees required by Subsection 4.2.1, may be paid as a lump sum in accordance with Section 7.2, or if approved by the District Board 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 Hernando County Utilities Department.

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. Connection fees may be expended district-wide.

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 Utilities Department will determine and advise the Applicant within 30 days as to the amount of refund. Any funds expended by the District 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 the District from connecting the Applicant to the water or wastewater system, the District 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 District Policies, Standards, and Specifications in effect at the time Plans and Specifications are submitted for review.

SECTION 9

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 District 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 May, 1988.

HERNANDO COUNTY WATER AND
SEWER DISTRICT BOARD

Attest

Karen Nicolai
Karen Nicolai
Clerk of Circuit Court

By

David R. Russell, Sr.
David R. Russell, Sr., Chairman

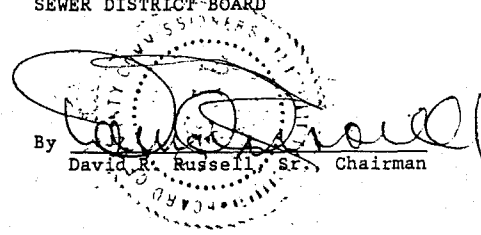


TABLE 1

FLOW ESTIMATES AND CONNECTION FEES

RESIDENTIAL

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	\$315.00	200	1.0	\$1,100
MOBILE HOME SUBDIVISIONS PARKS	200	.8	252.00	160	.8	\$ 880
RECREATIONAL VEHICLE PARKS	125 GPD	.5	157.50	100	.5	\$ 550
DUPLEX	400	1.6	504.00	320	1.6	\$1,760
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	756 + 252 FOR EVERY UNIT AFTER 3	540 FOR FIRST 3 UNITS & 180 FOR EACH UNIT THEREAFTER	2.7 + .9 FOR EACH UNIT THEREAFTER	\$2,970 \$ 990/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	567 + 189 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	\$2,222 \$ 737/Unit after 3

TABLE 2

FLOW ESTIMATES AND CONNECTION FEES

CONNECTION FEES FOR ALL COMMERCIAL USES

<u>METER SIZE (Inches)</u>	<u>EQUIVALENT UNITS</u>	<u>WATER CHARGE</u>	<u>WASTEWATER CHARGE</u>
5/8 x 3/4	1.0	\$ 315.00	\$ 1,375.00
1	2.5	\$ 787.50	\$ 3,437.50
1-1/2	5.0	\$ 1,575.00	\$ 6,875.00
2	10.0	\$ 3,150.00	\$ 13,750.00
3	20.0	\$ 6,300.00	\$ 27,500.00
4	30.0	\$ 9,450.00	\$ 41,250.00
6	100.0	\$31,500.00	\$137,500.00
8	175.0	\$55,125.00	\$240,625.00

NOTE:

Industrial use should be based on meter size for water and an evaluation of flow and treatment requirements for wastewater.

Where a commercial user does not have a water meter, as set forth above, connection fees will be determined based on the Utilities Department estimate of what water meter size would be utilized if Hernando County did, in fact, provide water service.