Chapter 27 UTILITIES[1]

ARTICLE I. IN GENERAL

Sec. 27-1. Permit required for all connections to electric, gas, water, sanitary sewerage system or telecommunications.

It shall be unlawful for any person either inside or outside the corporate limits of the city to tap, cut-in, connect to, or in anywise use any line, branch or part of either the electric, gas, water, sanitary sewer, or telecommunications systems of the city without a written permit issued by the general manager for utilities or his/her designee.

(Code 1960, § 28-70(a); Ord. No. 030278, § 1, 9-8-03)

Sec. 27-2. Violations.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be subject to the penalties of section 1-9.

Sec. 27-3. Use of city's name prohibited.

It shall be unlawful for any firm, person, business or organization to use the name of the city, of Gainesville Regional Utilities, or the city's fictitious names, logos, service marks or trademarks in the promotion, advertisement or guarantee of its business or activity of performing conservation audits or other utility related services without the permission of the general manager for utilities, or his/her designee.

(Ord. No. 3754, § 1, 1-27-92; Ord. No. 030278, § 2, 9-8-03)

Sec. 27-4. Franchise required for operation of public utility; granting or extending by majority vote of city commission.

(a) It shall be unlawful for any person to sell or offer for sale within the corporate limits of the city any water, electric current or power, any natural gas or compressed gas, or to operate any public service or public utility without first having obtained a franchise or permit for the same from the city. For purposes of this section, apportioning or allocating the costs of utility service among occupants of a master-metered structure which is the responsibility of a consumer of record shall not constitute a sale of utilities, so long as the

[1]Cross reference(s)—Administration, Ch. 2; energy advisory committee, § 2-356 et seq.; buildings and building regulations, Ch. 6; housing, Ch. 13; streets, sidewalks and other public places, Ch. 23; public service tax, § 25-16 et seq.; concurrency management, § 30-30 et seq.; subdivisions, § 30-180 et seq.; environmental management, § 30-250 et seq.; permitted utility uses, § 30-343.

State law reference(s)—Public utilities, F.S. Ch. 366; 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.

apportionment or allocation of costs reimburses the consumer of record for no more than the consumer's actual cost of utility service.

(b) The city commission may by majority vote of the commission enter into agreements which grant a franchise to any utility, public or private, for the establishment or construction of facilities through, over, under, upon, or across any street, alley, or public easement of any kind whatsoever. Any existing franchise, whether or not approved by the voters at a municipal election, may be amended or extended by majority vote of the commission in the same manner as any other written agreement of the city.

(Ord. No. 3754, § 2, 1-27-92)

Sec. 27-5. Energy conservation policy.

(a) It is hereby declared to be the policy of the city to minimize the consumption of energy required to provide adequate, safe, economic, reliable and environmentally sound utility services. It is also policy of the city to develop and provide cost effective services, information, and incentives which will reduce the consumption of and demand on utility resources by utility customers.

(b) Copies of the energy conservation policy and its objectives, procedures, planning guidelines, program standards and future studies have been duly deposited with the city clerk and the general manager for utilities or designee and shall be kept in these offices for public use, inspection and examination.

(c) The general manager for utilities or designee may designate procedures for the provision of financial incentives and loans to utility customers for the installation of conservation and demand-side management measures, which are consistent with the energy conservation policies and objectives of the city. Financial incentives or loans may also be used to facilitate the implementation or acceptance of consistent conservation and demand-side management measures within the city's combined utility system service area. To receive the benefits of any such incentive or loan, the participating utility customer must enter into a written agreement with the city providing the terms and conditions thereof.

(Ord. No. 3754, § 3, 1-27-92; Ord. No. 951502, § 1, 6-10-96; Ord. No. 030278, § 3, 9-8-03; Ord. No. 210562, § 23, 6-16-22)

Sec. 27-6. Utility service—Application; period of service; transfer of service; authority to determine type of service; withholding service for prior indebtedness authorized.

(a) It shall be unlawful for any consumer to use any city utility service without first making application to the city and paying all charges and fees required therefore. Application for service shall be made in such manner (whether written, verbal, telephonic, electronic or otherwise) as approved by the general manager for utilities or his/her designee and shall constitute an agreement by the consumer with the city to abide by the rules of the city with regard to its utility service. Applications for service by firms, partnerships, associations and corporations shall be made only by their duly authorized agents and the official title of such parties shall be provided to the city at the time of application. Utility service at a given service address shall be provided in the name of one consumer only. By applying for and accepting service the consumer agrees to pay an additional charge equal to the cost of collection, including collection agency or attorney's fees and court costs if this account is placed in the hands of an agency or attorney for collection or legal action because of default in payment of any amount due.

(b) Liability for service shall begin on the day the consumer is connected to the city's service wires, lines and/or pipes and shall continue thereafter, unless disconnected for nonpayment or other cause, until written notice is given the city by the consumer of his/her desire to terminate the service.

(c) Applications for transfer of service shall be made by the consumer to the city not less than 24 hours before such transfer is desired and failure on the part of the consumer to make such application and to pay the service charge shall render the consumer liable for the minimum monthly charge for such service.

(d) The general manager for utilities or his/her designee shall have the authority to determine the type of service to be rendered by the city to each consumer. If, at any time, more than one rate classification is applicable to the consumer's service, the general manager for utilities or his/her designee shall, at the consumer's request, assist in determining the rate believed to be most favorable to the consumer. Another rate, if applicable to the service, may at any time be substituted, at the consumer's option, for the rate under which service is rendered, provided that not more than one substitution of a rate may be made within a year and that such change shall not be retroactive.

(e) The general manager for utilities or his/her designee may withhold or discontinue service rendered under application made by any member or agent of the family, household, organization or business unless all prior indebtedness to the city of such family, household, organization or business for service has been paid in full. The general manager for utilities or his/her designee may also withhold or discontinue service if the general manager or his/her designee reasonably believes that service is, or was, being obtained or sought to be obtained by the misrepresentation of material facts by the applicant, customer or others on their behalf. A person having a delinquent account relocating to reside with his or her own family household whose account is in good standing shall not constitute cause for denial or discontinuance of service to said family household.

(Ord. No. 3754, § 5, 1-27-92; Ord. No. 970748, § 1, 2-23-98; Ord. No. 981083, § 1, 9-27-99; Ord. No. 030278, § 4, 9-8-03; Ord. No. 090288, § 1, 9-17-09)

Sec. 27-7. Deposits.

(a) *Deposits generally.* Prior to initiating utility service, the city shall, except as otherwise provided herein, require a deposit from all utility service customers as determined by the general manager for utilities or his/her designee. Application for service by whatever means (written, verbal, telephonic, electronic or otherwise) and the payment of the deposit by the customer constitute the customer's agreement that the deposit is advance payment for future utility services which may be applied as otherwise provided in this section. Residential and nonresidential customer service deposits shall be credited to the customer at the end of a two-year period, provided that the customer has maintained a satisfactory payment record or upon closure of a customer's account and the issuance of the final utility bill.

(b) *Residential service deposits.*

(1) *No deposit required.* There shall be no deposit required from a customer who (i) has a satisfactory payment record for utility services with the city; (ii) provides a letter of satisfactory credit from another utility; (iii) enrolls in a payment plan approved by the general manager for utilities or his/her designee; or (iv) is deemed to have good credit as reported by the city's credit reporting agency.

(2) *Standard deposit required.* There shall be a standard deposit required from a, customer (i) with no available credit history; or (ii) deemed to have acceptable credit as reported by the city's credit reporting agency.

(3) *Either standard deposit or full deposit required.* A customer with an unsatisfactory payment history on a previous account with the city or who has been deemed to have unsatisfactory credit as reported by the city's credit reporting agency shall pay the higher amount of either a full deposit or standard deposit.

(c) *Nonresidential service deposits.*

(1) *Deposit required.* A full deposit may be required from a nonresidential customer. In the event a customer enrolls in a payment program plan approved by the general manager for utilities or his/her designee, a customer shall pay a deposit amount equal to one times the estimated average monthly combined utility bill for the location at which utility services will be provided.

(2) *No deposit required.* A deposit shall not be required from a nonresidential customer who a) has a satisfactory payment record for utility services with the city or b) provides other assurance of payment, including, but not limited to, surety bond, irrevocable letter of credit, or guarantee, in lieu of the deposit.

(d) *Additional deposit.* An additional deposit may be required for unsatisfactory payment history or for accounts for which the city has an insufficient utility deposit, as determined by the general manager for utilities or his/her designee. Written notice of the additional deposit requirement shall be provided to the customer. The customer may appeal such requirement in an informal hearing with the general manager for utilities or his/her designee.

(e) *Interest; unclaimed deposits.* Except as provided above, the deposit shall be held by the city until final settlement of the customer's account, at which time the deposit shall be applied against any utility bill due the city for such services. Any unused balance shall be refunded when the account is settled and closed. All deposits which have remained with the city for at least six months shall earn simple interest, accrued from the date tendered and calculated to the nearest day. Interest shall accrue at a rate comparable to the utility's interest earnings for the period, as determined by the general manager for utilities or his/her designee, and shall be credited to the customer monthly. In the event any deposit is unclaimed for a period of 12 months after the service is discontinued, such unclaimed deposit and any accrued interest thereon shall be turned over to the state department of financial services in accordance with Florida law following 30 days' written notice to such customer mailed to the address shown on the application for service or as otherwise provided by the customer.

(f) *Exemptions.* The United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions and instrumentalities thereof are exempt from any deposit requirements under this section. In addition, no deposit shall be required from any public utility supplying the public with electricity, gas, water, wastewater, transportation, telephone, or telegraph service.

(g) *Bond in lieu of deposit.* If a customer required to make a deposit so elects, the customer may post a surety bond or other financial assurance in lieu of the cash deposit. Such bond or financial assurance shall be issued by a surety authorized to do business in the State of Florida in an amount approved by the general manager for utilities or his/her designee. The bond in lieu of deposit shall be on a form approved by the city which shall fully protect the city against any loss as a result of any nonpayment of utility bills rendered by the city to the customer.

(Ord. No. 3754, § 5, 1-27-92; Ord. No. 3800, § 1, 11-16-92; Ord. No. 970748, § 2, 2-23-98; Ord. No. 030278, § 5, 9-8-03; Ord. No. 060613, § 1, 3-26-07; Ord. No. 090288, § 2, 9-17-09; Ord. No. 120883, § 1, 8-20-15)

Sec. 27-8. Consumers to grant easements, etc.; access to premises by city employees.

(a) The consumer shall grant or cause to be granted to the city without cost all rights, easements, permits, and privileges which are necessary for the rendering of service. Employees of the city, agents and contractors of the city under the city's direction shall have safe access at all reasonable hours to the premises of the consumer for the purpose of reading meters, installing, inspecting, repairing or removing any of its properties, shutting off the flow of gas for reasons prescribed in this chapter, inspecting gas piping and appliances or for any purpose incidental to the rendering of the service. Access shall be granted at all times for emergency purposes. Safe access means physical access free from interference of any kind including but not limited to pets or other animals, fences or landscaping.

(b) If such access is precluded or denied due to locked gates or fences, animals, shrubbery, or the city is otherwise temporarily prevented access, the city may estimate the consumer's consumption on the basis of previous consumption or any other method in accordance with generally accepted utility practices which produces a reasonable estimate of consumption during the relevant period. Any difference between the estimated consumption and the actual consumption will be adjusted through subsequent readings. Where it has been necessary to estimate the consumer's consumption, the combined monthly statement shall carry appropriate notice to that effect.

(c) If the meter is inaccessible for two consecutive months the consumer will be notified that access must be made available to the city during the next regular meter reading cycle. If the meter is inaccessible to the meter reader at the time of the next regular meter reading, the consumer must call the city as specified in the notice to make special arrangements for a city representative to gain access to the meter for the purpose of reading and inspecting the meter. In addition to the special arrangements for access the city may require either 1) installation and use of a remote metering device, or 2) relocation of the meter to an accessible location. The cost of the remote metering device and its installation or meter relocation will be borne by the customer. Failure to arrange such access or to pay for the remote metering device and its installation or meter relocation will result in the initiation of termination of service. A charge in accordance with the schedule set out in Appendix A will be assessed for each specially arranged visit and/or the installation of a remote metering device. No additional charge will be assessed if the meter is made accessible for the regular meter reading cycle.

(d) Subsections (b) and (c) of this section shall not be applicable to any consumer's account if the meter is found to have been tampered with as prohibited in this chapter.

(Ord. No. 3754, § 6, 1-27-92; Ord. No. 970087, § 1, 8-11-97; Ord. No. 030278, § 6, 9-8-03)

Sec. 27-9. Protection of city property.

It shall be the consumer's responsibility to properly protect the city's property on the consumer's premises or easement. The consumer shall prohibit access to such city property except access by utilities personnel or other persons authorized by law. When service lines, meters, pipes or other equipment are damaged by contractors, construction companies, governmental agencies or others, such damage will be repaired by the utility and the cost of repair shall be charged to the party or parties causing the damage. In the event of any loss or damage to property of the city caused by or arising out of carelessness, neglect or misuse by the consumer, the cost of replacing the property or repairing the damage shall be paid by the consumer.

(Ord. No. 3754, § 7, 1-27-92)

Sec. 27-10. City not liable for failure of service.

The city will at all times use reasonable diligence to provide continuous service and having used due diligence shall not be liable to the consumer for complete or partial failure or interruption of service, or for fluctuations in voltage or pressure, resulting from causes beyond its control, or through the ordinary negligence of its employees, servants, or agents, nor shall the city be liable for the direct or indirect consequences of interruptions or curtailments made in accordance with the provisions of any of its rate schedules. The city shall not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, litigation, shutdowns or repairs or adjustments, interference by federal, state, or municipal governments, acts of God, for any damage resulting from the bursting of any main, service pipe or cock, from the shutting off for repairs, extensions or connections, or for the accidental failure of supply from any cause whatsoever. In case of emergency the city shall have the right to restrict the use of utilities in any reasonable manner for the protection of the public, the city and its utilities.

(Ord. No. 3754, § 8, 1-27-92; Ord. No. 990725, § 1, 12-13-99)

Sec. 27-11. Consumer to indemnify city against certain losses.

The consumer by applying for and receiving service from the city agrees to indemnify, hold harmless and defend the city from and against any and all liability or loss in any manner directly or indirectly growing out of the transmission and use of electrical energy, gas, water, wastewater or telecommunications service by the consumer at or on the consumer's side of the point of delivery or connection.

(Ord. No. 3754, § 9, 1-27-92; Ord. No. 970748, § 2, 2-23-98; Ord. No. 030278, § 7, 9-8-03)

Sec. 27-12. Service in unincorporated areas.

It is recognized that the issuance of building permits within the unincorporated areas of the county are within the jurisdiction of the county. The general manager for utilities or his/her designee, in cooperation with the county, will follow such ordinances or procedures that are adopted and effective within the unincorporated areas of the county, consistent with the intent of this article to make sure that proper fees and charges are made and collected prior to the rendering of utility services.

(Ord. No. 3754, § 10, 1-27-92)

Sec. 27-13. Receiving service without paying for same.

It shall be unlawful for any person or consumer to receive or attempt to receive, except in the manner expressly authorized, utility service from the city without paying the required rates and charges.

(Ord. No. 3754, § 11, 1-27-92)

Sec. 27-14. Combined statements—Rendering; date payable; penalties; delinquencies.

(a) A combined statement for all applicable utility services, including, but not limited to, electricity, gas, water, chilled water, reclaimed water, wastewater collection, stormwater maintenance, refuse/garbage collection, telecommunications, backup generation, infrared scanning and rental security lighting, plus applicable taxes and surcharges, may be rendered each customer monthly for such service. The rendering of a combined statement is not an obligation on the part of the city and failure of the customer to receive the statement shall not release nor diminish the obligation of the customer with respect to payment thereof, or relieve the customer of any obligation under this article.

(b) Each combined statement shall specify at a minimum the applicable customer class, meter reading(s) and usage, billing and delinquent dates, days of service, and monthly service fees as well as provide information such as the applicable taxes, surcharges, and fuel and purchased power adjustment costs.

(c) Combined statements for service are due and payable when rendered.

(d) If approved by the general manager or his/her designee, payments may be deferred or made in installments.

(e) In addition to other rates and charges established by this chapter, a service charge in accordance with the schedule set out in Appendix A shall be assessed as a late fee on any combined statement not paid in full by the close of business 22 days after being rendered. The United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions, and instrumentalities thereof, are exempt from the payment of the late fee imposed and levied thereby.

(f) Any combined statement not paid in full by the close of business 29 days after being rendered shall be delinquent and reported to the general manager for utilities or his/her designee, who may thereupon

discontinue any and/or all services. Combined statements may become delinquent at some time mutually agreed upon by the utility and the customer other than the period described herein. After disconnection, no services shall be restored until the customer makes arrangements satisfactory to the general manager for utilities or his/her designee to pay all required payments. A service charge in accordance with the schedule set out in Appendix A will be assessed upon issuance of a disconnection service order. Service will be restored the same day satisfactory payment and/or arrangements for satisfactory payment are made, provided that payment is made between 7:00 am to 6:00 p.m., Monday through Friday, excluding observed or federal holidays. There shall be additional reconnection charges set forth in Appendix A for payments made after 6:00 p.m. Monday through Friday, during weekends, or on observed and/or federal holidays.

(Ord. No. 3754, § 12, 1-27-92; Ord. No. 4033, § 1, 9-26-94; Ord. No. 950735, § 1, 10-9-95; Ord. No. 030278, § 8, 9-8-03; Ord. No. 060613, § 2, 3-26-07; Ord. No. 120883, § 1, 8-20-15)

Sec. 27-14.1. Same—Separate services.

If the city is furnishing two or more of the same utility services under separate applications to the same premises, each customer involved shall be treated separately and billed accordingly.

(Ord. No. 3754, § 13, 1-27-92; Ord. No. 950735, § 1, 10-9-95)

Sec. 27-14.2. Same—Metered services; consumption determinations; estimate of consumption when meters fail to register, billings for other services.

(a) For metered services the city shall endeavor to have each customer's meter or meters read at approximately monthly intervals to determine the billed consumption.

(1) *Electric.* Electric meters measure the amount of energy used in kilowatts over predetermined intervals (15 minutes, 30 minutes, 60 minutes, etc.). The measurements are accumulated by the meter to indicate the amount of energy consumed over the billing period in kilowatt-hours and/or the billing demand in kilowatts. The meter reading(s) taken during the current billing period and the resulting measurement(s) shall be disclosed on the combined statement.

(2) *Gas.* Gas meters measure the amount of gas used in cubic feet. The volumetric reading taken during the previous billing period and the reading taken during the current billing period together with the volumetric measurement of gas consumed during the period shall be disclosed on the combined statement. Customers pay only for the amount of heat in each cubic foot of gas (CCF); therefore, CCF are converted to therms, or 100,000 British thermal units. The therm conversion factor shall also be disclosed on the combined statement.

(3) *Water/wastewater.* Water meters measure the water used in gallons. For billing purposes, water meter readings are rounded downward to whole thousand gallons and shall be disclosed on the combined statement. For billing purposes, readings on meters installed to measure wastewater returned to the city's wastewater system are rounded downward to whole thousand gallons and shall be disclosed on the combined statement.

(b) If the meter on the customer's premises is destroyed or otherwise fails to register, the customer may be billed for the period involved on the basis of previous consumption, consumption after repair or replacement of the meter, or any other method in accordance with generally accepted utility practices which produces a reasonable estimate of consumption during the relevant period. Where it has been necessary to estimate the customer's consumption, the combined statement shall carry appropriate notice to that effect.

(c) All other services shall be billed either as provided above in section 27-14, in combination with another service or separately on a recurring day of the month when promulgated by the general manager or his/her designee, a contract governing said services, or in accordance with any separate contract between the consumer and the city for such services.

(Ord. No. 3754, § 14, 1-27-92; Ord. No. 950735, § 1, 10-9-95; Ord. No. 030278, § 9, 9-8-03)

Sec. 27-14.3. Same—Dishonored payments; penalties.

(a) A service charge in accordance with the schedule set out in appendix A shall be made for each payment not honored by a financial institution.

(b) If a payment is not honored by a financial institution, including, but not limited to, payments by check, electronic funds transfer, or credit card the general manager for utilities or his/her designee may deny the payment of future utility charges by such means and require payment only in the form of cash, cashiers check or money order. The privilege of payment by such means may be reinstated at the customer's request once the customer has regained a satisfactory payment record as determined by the general manager for utilities or his/her designee.

(Ord. No. 3754, § 15, 1-27-92; Ord. No. 950735, § 1, 10-9-95; Ord. No. 030278, § 10, 9-8-03)

Sec. 27-14.4. Same—Billing adjustments.

Where, as the result of any meter test, a meter is found to be non-registering or incorrectly registering, the city may render an adjusted bill to the customer for the amount of any undercharge or overcharge as directed by the general manager or his/her designee consistent with generally accepted utility practices.

(Ord. No. 160253, § 1, 9-15-16)

Sec. 27-15. Service charges.

(a) *Installation or turn-on of utility service.* A service charge in accordance with the schedule set out in Appendix A shall be paid to the city before any utility service, new or transferred from one service location to another, is installed or turned on. Should installation or turn-on services be requested for the same workday, for any fully-scheduled workday requiring after-hours service, or for holidays or weekends, additional service charges in accordance with the schedule set out in Appendix A shall be assessed.

(b) *Field visit; service location.* A service charge in accordance with the schedule set out in appendix A shall be paid the city for a field visit made to the consumer's service location. This service charge shall not apply if the field visit results in a disconnection of utility service(s) or is a specially arranged visit by a meter reader as prescribed in section 27-8(c).

(c) *Field visit; disconnection of utility service.* If service is disconnected because of delinquent payments, unauthorized connection, or consumer request, a service charge in accordance with the schedule set out in Appendix A shall be assessed. If commercial gas service is disconnected, or electric service is disconnected at the point of service (electric pole or service drop), or water service is disconnected by removal of the water meter due to unauthorized connection or consumer request, an additional service charge in accordance with the schedule set out in Appendix A shall be assessed.

(d) *Field visit; reconnection of utility service.* No service charge shall be assessed for reconnection of utility service(s) if disconnection of such service(s) was due to system requirements. However, if service was disconnected because of delinquent payments, unauthorized connection, or consumer request and service

reconnection is requested and/or made after normal working hours (as promulgated by the general manager or his/her designee, Monday through Friday, excluding city holidays), an additional service charge in accordance with the schedule set out in Appendix A shall be assessed and paid to the city before any service is reconnected.

(Ord. No. 3754, § 16, 1-27-92; Ord. No. 970593, § 1, 12-8-97; Ord. No. 030278, § 11, 9-8-03; Ord. No. 060433, § 1, 10-9-06; Ord. No. 070429, § 1, 10-22-07; Ord. No. 070744, § 1, 6-9-08; Ord. No. 090288, § 3, 9-17-09)

Sec. 27-16. Responsibility for taxes or assessments.

The customer shall be liable for any taxes or assessments that are lawfully imposed by any governmental authority on any service. Exemptions from such taxes or assessments shall be granted only by the taxing or assessing authority having jurisdiction. It shall be the customer's responsibility to secure and document such exemption on a continuous basis to the satisfaction of the city. A failure by the city to levy or collect any such tax or assessment, does not relieve the customer of the responsibility for the payment of such tax or assessment.

(Ord. No. 4033, § 2, 9-26-94)

Sec. 27-17. - Reserved. Has been superseded to include Advanced Metering Infrastructure Opt-Out Program per resolution number GRU 2024-504, adopted on June 26, 2024. The adopted resolution number 2024-504 content is reflected in this section for reference.

(a) *Intent*. It is the intent of the utility system to temporarily allow residential customers to opt-out of having standard electric, gas, and/or water meters installed on their property until such time as the technology for non-standard meters is no longer supported. Meters with Advance Metering Infrastructure (AMI) capability shall be the “standard meters.” The legacy meters, i.e. meters without AMI, will be referred to as “non-standard meters.” Once the existing stock of non-standard meters is exhausted, customers who require meter repairs or replacements and future customers will not have the option to opt out of standard AMI meter installations. The utility system will provide customers with a minimum of ninety (90) days' advance notice before non-standard meters are deemed unsupported. The utility system may also consider exemptions or extensions on a case-by-case basis for customers with extenuating circumstances that prevent a timely transition to standard AMI meters. These situations will be reviewed by the CEO/GM or their designee.

(b) *Application*. Residential customers that meet the conditions of the opt-out program must submit an application to enroll in the program on a form provided by the utility system. The application will be

reviewed by the CEO/GM or their designee. Details of the conditions of the program shall be set forth in a policy.

(c) *Eligibility*. To be eligible to opt-out of standard meters, the customer must be a residential customer with single service meters.

(d) *Ineligibility.* In addition to the requirements in this section, the following account holders are not eligible to opt-out of standard meters:

1) Account holders who receive utility service as part of a meter bank or multi-meter center;
2) Participants in the utilities solar initiative;
3) Accounts with net metering;
4) Accounts with time-of-use metering;
5) Commercial customers;
6) Industrial customers;
7) Customers with any other rate or customer program that requires advanced metering;
8) The account holder has had prior circumstances of theft or tampering at any of their metering locations; or
9) The customer's account has had two or more instances disconnection due to non-payment in the most recent twelve-month period.

(e) *Automatic Enrollment into the Opt-Out Program*. If the utility system is unable to install a standard meter at eligible premises for two consecutive months due to reasons such as, but not limited to, locked gates, physical blockages, or unrestrained dogs, the utility system will temporarily consider the customer as having opted out of the AMI program. Consequently, the customer will be required to pay the one time service charge and monthly non-standard meter fee.

1) *Notification*. The customer will be notified in writing, by means of letter or door hanger, of the temporary opt-out status and the reasons preventing the installation of the standard meter. The

notification will include steps the customer can take to facilitate the installation of a standard meter once the obstruction is cleared and/or access is granted.

2) *Resolution and Fee Credit*. The customer may contact the utility system within thirty days after the first assessment of the AMI meter opt-out fee to request the installation of a standard meter. If the customer agrees to and facilitates the installation within two months after the opt-out fee is first assessed, the utility system will credit the customer's account with the amount of the opt-out fee charge on the next bill.

3) *Duration and Reevaluation*. The temporary opt-out status will remain in effect until the obstruction is remedied and/or access is granted and the utility system can install the standard meter. If the obstruction is not removed within six months from the initial notification, the utility system may reevaluate the situation and consider further actions, which could include continued assessment of the non-standard meter fee.

(f) *Automatic Removal from the Opt-Out Program.*

1) If, during the time period in which the customer is in the Opt-Out Program, the customer's account exceeds more than one disconnect in the most recent twelve-month period, then the utility system may install a standard meter(s);

2) If, during the time period in which the customer is in the Opt-Out Program, the utility system is unable to obtain access to read the meter(s) at the premises for three consecutive months, the utility system may install a standard meter(s);

3) If, during the time period in which the customer is in the Opt-Out Program, a customer who initially met the eligibility requirements but later becomes ineligible (e.g., due to disconnection or participation in a solar initiative), the utility system may install standard meters; or

4) If the technology for non-standard meters is no longer supported, the utility system will install standard meters.

(g) *Charges*. Upon voluntary enrollment or involuntary placement into the AMI Opt-Out Program, a one-time service charge and monthly fee in accordance with Appendix A will be applied to the customer's bill. The one-time service charge will be applied to each customer account where the customer is enrolled or placed in the AMI Opt-Out Program, regardless of how many meters on the account are changed to or kept as non-standard meters. Such one-time charge will not be assessed to add additional meters to an account that is already in the AMI Opt-Out Program.

Editor's note(s)—Ord. No. 090288, § 4, adopted Sept. 17, 2009, repealed § 27-17 which pertained to exception to the Alachua County electric utility privilege fee and findings and derived from Ord. No. 970219, § 1, adopted Sept. 8, 1997.

Sec. 27-18. Reserved.

Editor's note(s)—Ord. No. 090288, § 5, adopted Sept. 17, 2009, repealed § 27-18 which pertained to exception to the Alachua County electric utility privilege fee and findings and derived from Ord. No. 970219, § 2, adopted Sept. 8, 1997.

Secs. 27-19—27-20. Reserved.

ARTICLE II. ELECTRICITY[2]

Sec. 27-21. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

[2]Editor's note(s)—Ord. No. 3754, §§ 20—37, adopted Jan. 27, 1992, repealed various sections of Art. II, relative to electricity, and § 80 of said Ord. No. 3754 renumbered the remaining sections of this article to read as herein set out. The history notation has been retained in the renumbered sections for reference purposes. The repealed provisions of this article derived from Code 1960, §§ 28-2, 28-3, 28-5, 28-6, 28-8, 28-9, 28-14—28-21.1, 28-29; Ord. No. 3254, § 1, adopted Sept. 22, 1986; Ord. No. 3493, § 3, adopted Nov. 21, 1988; Ord. No. 3544, § 2, adopted July 10, 1989; Ord. No. 3644, § 1, adopted Aug. 20, 1990; Ord. No. 3665, adopted Sept. 24, 1990; Ord. No. 3695, §§ 2—4, adopted Feb. 18, 1991; Ord. No. 3696, §§ 1—5, 8, adopted Feb. 18, 1991. See the Code Comparative Table for a specific enumeration of repealed and renumbered sections.

Cross reference(s)—Electrical code, § 6-31 et seq.; minimum requirements for artificial lighting in housing code, § 13-126 et seq.

State law reference(s)—Electrical code, F.S. § 553.15 et seq.

AC power shall mean electrical power of the type distributed by the electric utility distribution system and delivered for consumption to the customer's meter. AC power is created by systems that utilize time-varying electrical current ("alternating current").

Avoided energy cost shall mean the electric system's total costs which the electric system avoided stated in dollars of fuel consumed in generation divided by the net generation stated in megawatt hours, which shall be expressed in $/net kilowatt hours as published in the most recent annual generation operation report by the energy supply division, which shall be updated each calendar year based on actual fuel costs, expenses and net generation of the electric system.

Business partners rate discount rider shall mean that written agreement in accordance with Appendix A, Utilities (1)1. between the city and certain nonresidential electric service customers whereunder the retail rates otherwise applicable to such customers are discounted in exchange for a long term, electric service commitment by the customer. The rider shall be available to only the following retail customer rate classes: general service non-demand, general service demand, or large power.

Consumer shall mean any person or entity that receives and utilizes electric service at a specific location.

Customer shall mean any adult natural person or legal entity: (a) taking electric, natural gas, water, chilled water, reclaimed water, wastewater collection, telecommunications, back-up generation, rental security lighting, and/or any other utility service provided by the city; (b) in whose name a service account is listed; (c) who occupies a location, premise, or building structure; and/or (d) who is responsible for the payment of utility bills. Where two or more customers join in an application for utility services, such customers shall be jointly and severally liable and shall be billed by means of a single periodic bill mailed to the customer designated to receive such bill. Whether or not the city received a joint application, where two or more customers are occupying, using, benefiting from, and/or living in the same residence, each customer shall have joint and several liability for the utility services provided and the resulting utility bills.

Customer-owned renewable generation shall mean an electric generating system located on a customer's premises intended to offset part or all of the customer's electricity requirements with renewable energy under terms and conditions that do not include the retail purchase of electricity from the third party.

Curtailable electric service rider shall mean all nonresidential electric customers who are eligible for large power electric service. Customers on this rate agree that the city may curtail at least 500 kW of power demand and must enter into an agreement designating the city as the customer's exclusive supplier of electricity for a minimum initial term of ten years. This rider may be applied to service that is a verifiable amount of electric power demand that can be reduced or interrupted upon request of the city but solely at the discretion of the customer.

DC power shall mean electrical power of the type stored in batteries. DC power is generated by systems that utilize electrical current that does not vary over time ("direct current"). One important example of such a system is a photovoltaic solar array which converts sunlight into DC power. DC power must be converted to AC power before it can be distributed by the utility electrical distribution system.

Demand shall mean the greatest average amount of electric power measured in kilowatts required by a consumer throughout any 30-minute interval during each billing month.

Developer shall mean any person or entity with ownership or control of a development that can contract with the utility for the construction of electrical facilities.

Distributed generation shall mean small, modular, decentralized, grid-connected or off-grid energy systems located in or near the place where energy is used. For purposes of net metering, the generation is connected to the customers' premises behind the electric revenue meter. For purposes of feed-in-tariff, the generation may be independent of an existing utility customer account or may be at an existing customer premises and connected to the grid beyond the electric revenue meter. A solar photovoltaic distributed resource will be referred to as SPDR in Appendix A. The nameplate capacity of SPDRs is stated in direct current (DC) and is referred to as such in the solar industry, therefore all references to solar capacity are intended to be interpreted as DC values.

Economic development incentive (EDI) rate rider program shall mean the rate rider program available to qualifying nonresidential electric customers for metered demand associated with new permanent service to a single point of delivery or for qualifying nonresidential electric customers with increased metered demand associated with an existing single point of delivery.

Electric system fuel and purchased power expense shall mean the cost or expense of fuel transported to and consumed in the generation of electricity in the city's generating plants and the identifiable costs incurred while having power delivered to the system to maintain adequate capacity reserve levels on the system, including, but not limited to, generation capacity charges, reservation charges, energy charges, adders, and/or any transmission or wheeling charges.

Extraordinary fuel related expenses shall mean the cost of lime, urea, and/or any other additive consumed during the combustion process for the production of power as well as any other fuel related costs or expenses posted to account 502 as defined under Federal Energy Regulatory Commission (FERC) rules of accounting. Additionally, any costs or expenses incurred in marketing or selling renewable energy credits (RECs) or any other environmental attributes are extraordinary fuel related expenses.

Feed-in-tariff shall mean the provision by which the utility may purchase renewable electric energy and the associated renewable energy credits or other environmental attributes from a customer or entity within the utility's electric service area pursuant to the standard offer contract.

Full deposit shall mean an amount equal to two times the estimated average monthly combined utility bill for the location at which utility services will be provided, as determined by the general manager for utilities or his/her designee.

General service shall mean:

(1) *Non-demand.* All nonresidential electric service where a demand of 50 kilowatts or greater has not been established. When a customer on this rate establishes a demand of 50 kilowatts, or greater, the appropriate demand rate will be applied for the current billing month plus a minimum of 11 succeeding billing months. All energy supplied shall be through a single meter and a single point of delivery. Customers operating multi-family dwellings with residential electric service supplied through a single meter and a single point of delivery may enter into an agreement for service under this schedule. During the period beginning May 15 and ending October 15 each year, customers with an established billing demand of 50 kilowatts or greater may enter into an agreement for service under this schedule if their maximum demand established during peak periods does not exceed a demand of 49 kilowatts anytime within 12 consecutive billing months. Peak periods are defined in Appendix A, Utilities, subsection (1)f.1.(ii)(B), residential service, time-of-use rate. General service demand customers who wish to enter into an agreement for service under this schedule by metering demand during peak periods will pay a one-time meter installation charge in accordance with the schedule set out in Appendix A.

(2) *Demand.* All nonresidential electric service with an established billing demand of 50 but less than 1,000 kilowatts per month. Customers on this rate will be changed to the nondemand rate for the current billing month at such time as their demand has been below 50 kilowatts for 12 consecutive billing months following the effective date of this subsection. Customers with a nonresidential electric service demand of 50 kilowatts or less may enter into an agreement for service under this schedule. All energy supplied shall be through a single meter and a single point of delivery.

Gross power rating shall mean the total manufacturer's DC nameplate generating capacity of the customer-owned renewable generation that will be interconnected to and operated in parallel with the city's electric distribution system.

Interruptible electric service rider shall mean all nonresidential electric customers who are eligible for large power electric service. Customers on this rate agree that the city may interrupt at least 500 kW of power demand

and must enter into an agreement designating the city as the customer's exclusive supplier of electricity for a minimum initial term of ten years. This rider may be applied to service that is electric power demand at a single metering point that can be totally interrupted either automatically or manually at the discretion of the city.

Large power service shall mean all nonresidential electric service with a 12-month rolling average demand of 1,000 kilowatts per month or over. Customers on this rate will be changed to the applicable general service rate for the current billing month at such time as their 12-month rolling average demand falls below 1,000 kilowatts. All energy supplied shall be through a single meter and a single point of delivery.

Meter tampering shall mean when any person shall willfully alter, injure, or knowingly suffer to be injured any electric meter or meter seal or other apparatus or device belonging to the city in such a manner as to cause loss or damage or to prevent any such meter installed for registering electricity, from registering the quantity which otherwise would pass through the same; or to alter the index or break the seal of any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device or make or cause to be made any connection of any wire or appurtenance in such a manner as to use, without the consent of the city, any electricity without such electric service being reported for payment or such electricity passing through a meter provided by the city and used for measuring and registering the quantity of electricity passing through the same.

Metering point, as distinguished from point of delivery, shall mean the point at which the instrument is installed to meter the flow of electric energy from the city to the consumer. The city shall have the option to meter any service on either the primary or secondary side of the transformer.

Month shall mean an interval between successive meter reading dates, which interval may be 30 days, more or less.

Native load fuel expenses shall mean the total fuel and purchased power cost or expense to supply all retail and wholesale customers and shall not include the cost or expense to supply interchange sales.

Natural gas fuel expenses shall mean the total expense of purchased gas volumes, as received by the local distribution system for delivery to end use customers.

Net-metering shall mean a metering and billing methodology whereby customer-owned renewable generation is allowed to offset part or all of the customer's electricity consumption on site. In the event the customer-owned renewable generation creates any excess energy, it may be delivered to the city's electric distribution system.

Other fuel revenues shall mean revenues received from the sale of renewable energy credits (RECs), environmental attributes, contractual fuel recovery, other non-retail, and/or wholesale fuel as identified by the general manager or his/her designee.

Point of delivery shall mean the point where the city's wires or apparatus are connected with those of the consumer.

Residential service shall mean service to a single living unit located in a single-family or multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative housing unit of a college or university or other nonprofit group living unit. A living unit shall be a place where people reside on a nontransient basis containing a room or rooms comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit. Generally, all energy supplied shall be through a single meter at a single point of delivery. This definition is intended to define a rate class. This definition is not to be construed as a definition of service conductors or related service entrance equipment.

Related civil infrastructure shall mean all components required to construct an underground duct system in addition to the conduit and concrete equipment foundations. These components include but are not limited to

cable pull boxes, manholes, vaults, transition boxes, pedestals and miscellaneous parts (i.e. couplings, bellends, pulling eyes and similar hardware).

Satisfactory payment record shall mean a 24 consecutive month period with no termination of utility services orders issued over the last consecutive 12-month period for either nonpayment, returned payments, and/or no more than three delinquent payments.

Service shall include, in addition to all electric energy required by consumer, the readiness and ability on the part of the city to furnish electric energy to the consumer; thus, the maintenance by the city at the point of delivery of approximately the agreed voltage and frequency shall constitute the rendering of service irrespective of whether consumer makes any use thereof.

Service leads shall mean the portion of the consumer's installation to which the city connects its service wires.

Service wires shall mean the wires of the city to which are connected the service leads of the consumer.

Standard deposit shall mean the current residential deposit amount prescribed in Appendix A of the Code of Ordinances.

Standard offer contract shall mean the terms and conditions promulgated by the general manager for utilities for customers and non-customers qualifying under the provisions of Appendix A, Section Utilities (1) Electricity, i.1.(B).

(Code 1960, § 28-1; Ord. No. 3665, § 1, 9-24-90; Ord. No. 3695, § 1, 2-18-91; Ord. No. 960270, § 1, 9-23-96; Ord. No. 960498, § 1, 5-27-97; Ord. No. 970434, § 1, 10-13-97; Ord. No. 980557, § 1, 11-23-98; Ord. No. 030278, § 12, 9-8-03; Ord. No. 070374, § 1, 9-24-07; Ord. No. 080566, § 1, 2-5-09; Ord. No. 090288, § 6, 9-17-09; Ord. No. 100537, § 1, 1-20-11; Ord. No. 120516, § 1, 8-21-14; Ord. No. 130582, § 1, 8-21-14; Ord. No. 130576, § 1, 11-6-14; Ord. No. 120883, § 2, 8-20-15; Ord. No. 170580, § 2, 1-4-18; Ord. No. 170722, § 2, 2-1-18)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 27-22. Resale of electricity prohibited.

Electric energy received under either residential electric service, general electric service, or large power electric service shall be used for the consumers' direct use only. No resale of such electric energy shall be permitted.

(Code 1960, § 28-4; Ord. No. 3754, § 80, 1-27-92; Ord. No. 030278, § 13, 9-8-03)

Sec. 27-23. Approval of premises required.

No electric service shall be rendered by the city to any consumer at any premises until such time as the appropriate building official, or his/her designee, shall have approved the premises for services as follows:

(1) *Residential electric service.* Approval of a dwelling for residential electric service must be obtained before initial provision of electric service.

(2) *Other customer classes.* Approval of the premises for electric service must be obtained prior to initial provision of service and/or transfer of electric service.

(3) *Copy of approval.* Each applicant for service must submit a copy of the approval where required as part of the application for service.

(Code 1960, § 28-10; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-24. Delivery voltages.

All newly constructed or renovated structures shall be served at the utility's standard delivery voltages: 120/240 volt single phase, 120/208 volt three-phase wye, or 277/480 volt three-phase wye. For the purposes of this section, a building shall be considered renovated if existing electrical facilities are replaced, upgraded or reconstructed as a result of changed use of the building or increased electric load of an existing use. This requirement may be waived by the general manager for utilities or his designee when 120/240 volt three phase delta is the only voltage available or in cases of extreme hardship.

(Ord. No. 3136, § 1, 6-10-85; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980557, § 1, 11-23-98)

Sec. 27-25. Temporary electric service.

Temporary electric service may be provided for construction activities, fairs, exhibits and other similar temporary purposes under the general service electric rate schedule. A prepaid fee shall be required for each temporary service in accordance with the schedule in appendix A. However, if additional electrical distribution facilities must be constructed, removed, or adjusted for the sole purpose of establishing temporary service(s), the estimated costs associated with the additional work shall also be due and payable in advance. The term of temporary service shall not exceed one year.

(Code 1960, §§ 28-7, 28-7.01; Ord. No. 3294, § 1, 10-13-86; Ord. No. 3493, §§ 1, 4, 11-21-88; Ord. No. 3695, § 5, 2-18-91; Ord. No. 3696, § 6, 2-18-91; Ord. No. 3754, §§ 17, 80, 1-27-92; Ord. No. 980557, § 2, 11-23-98)

Sec. 27-26. Metering requirements.

The customer (or developer) will provide and install meter socket(s) and related service entrance equipment in accordance with the Energy Delivery Service Guide referenced in section 27-36. All customer installed socket(s) and related service entrance equipment shall be properly maintained at the customer's expense. All meters, wires and other appliances furnished by the city shall remain the property of the city and the consumer shall properly protect the city's property on the consumer's premises. In the event of any loss or damage to property of the city caused by or arising out of carelessness, neglect or misuse by the consumer, the customer, or other unauthorized parties, the cost of making good the loss or repairing the damage shall be paid by the customer.

(Code 1960, § 28-11; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980557, § 2, 11-23-98)

Sec. 27-26.1. Same—Testing.

Upon written notice, a meter will be tested by the city and if the meter when tested is found to be not more than two percent fast, the expense of the test shall be paid by the consumer in accordance with the schedule set out in appendix A, otherwise the expense of the test will be borne by the city.

(Code 1960, § 28-13; Ord. No. 3695, § 6, 2-18-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 030278, § 14, 9-8-03)

Sec. 27-26.2. Same—Tampering with; altering.

(a) *Prohibited.* It shall be unlawful for any person to meddle, tamper with, alter or change the wiring system on any premises or to interfere in an way with a meter or meter connection. Should it appear that electric energy has been stolen by altering the wires, reversing the meter or otherwise, the general manager for utilities or his/her designee shall have the right to discontinue the service until the defect is corrected and the service approved by the city's electrical inspector.

(b) *Diversion cut-back charge.* When an electric meter is found to have been tampered with service shall be subject to immediate disconnection. Before service may be restored, the estimated consumption as defined in subsection (c) of this section shall be paid by cash, postal money order or cashier's check or equivalent or satisfactory arrangements for payment shall be made. Upon payment of the estimated consumption, service shall be restored. If the customer's deposit has been previously refunded, a new deposit may be required.

(c) *Estimated consumption and billing.* When an electric meter is found to have been tampered with or current has been otherwise diverted, the consumer shall be billed for the estimated energy consumed based on the rate in effect at the time of such billing. The consumption shall be estimated on the basis of previous consumption, consumption after replacement of the meter, or any other method in accordance with generally accepted utility practices which produces a reasonable estimate. In addition, the consumer shall be billed for the actual cost of the investigation of the meter tampering, including cost associated with the estimation of consumption and the labor, supplies, materials and equipment used in connection with such investigation. The consumer shall also be liable to the city for the cost of collection, including agency, attorneys' fees and court costs if the account is placed in the hands of an agency or attorney for collection or legal action because of the customer's failure to pay any amount due.

(d) *Prima facie evidence.* The presence, on property in the actual possession of the consumer where the meter tampering has occurred, of any connection, wire, conductor, meter alteration, or device whatsoever which affects the diversion or use of electricity so as to avoid the registration of such use by or on a meter installed or provided by the city shall be prima facie evidence of an intent to violate this section if:

(1) The presence of such a device or alteration can be attributed only to a deliberate act in furtherance of an intent to avoid payment for utility services;

(2) The customer charged with the violation of this section has received the direct benefit of the reduction of the cost of such utility service; and

(3) The customer or recipient of the utility service has received the direct benefit of such utility service for at least one full billing cycle.

(e) *Breaking of meter-pan seal.* When it is necessary to break a meter or meter-pan seal, the electrician performing such work shall notify the designated city official. A service fee in accordance with the schedule set out in Appendix A shall be charged to the electrician when notice is not provided. Where a meter-pan seal is discovered broken, the meter shall be inspected to determine if it has been tampered with. If it has not been tampered with, the pan shall be resealed and the customer advised in writing that it is unlawful to break a meter-pan seal without notifying the appropriate city official.

(Code 1960, §§ 28-12, 28-13.1; Ord. No. 3122, § 1, 4-15-85; Ord. No. 3695, § 7, 2-18-91; Ord. No. 3696, § 7, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-27. Base rates for retail service.

(a) *Rates.* The rates to be charged and collected for electric energy furnished by the city to retail consumers shall be in accordance with the schedule set out in Appendix A.

(b) *Taxes.* An amount equal to all applicable taxes imposed against the sale or consumption of electric energy shall be added to the rates hereinabove set forth. The United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions, and instrumentalities thereof, and all recognized places of religious assembly of the State of Florida are exempt from the city's utility tax.

(c) *Surcharge for consumers outside city limits.* The rates to be charged and collected by the city for electric energy furnished by the city outside of its corporate limits to consumers of retail electric service shall be the base rates as set forth above, plus a surcharge equal the amount of the city utility tax charged consumers

inside the city limits; provided, however, that the United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions, and instrumentalities thereof and all recognized places of religious assembly of the State of Florida are exempt from the payment of the surcharge imposed and levied thereby.

(d) *Availability.* This service is available to consumers both within and outside the corporate limits of the city.

(Code 1960, §§ 28-3.1—28-3.4; Ord. No. 3162, §§ 1—4, 9-23-85; Ord. No. 3469, § 1, 9-26-88; Ord. No. 3567, § 1, 9-25-89; Ord. No. 3695, § 8, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-28. Electric system fuel and purchased power adjustment.

(a) An electric system fuel and purchased power adjustment shall be added to the base rate for electric service to all customer rate classifications as specified in the schedule set out in Appendix A. The electric system fuel and purchased power adjustment shall be computed to the nearest whole mill ($0.001) per kilowatt hour (kWh) of energy consumed in accordance with the formula specified in subsection (c) of this section. The purposes of the electric system fuel and purchased power adjustment calculation are to allocate the appropriate amount of system fuel cost(s) associated with the electric service to each kWh sold; to specify the amount of such costs that have resulted from increases in the cost of fuel subsequent to October 1, 1973; and, to segregate the remaining fuel recovery that is exempt from utility tax and surcharge.

(b) The electric system fuel and purchased power adjustment for each billing month shall be based on fuel cost and energy sales which are estimated by the general manager for utilities or his/her designee. When applicable, a fuel levelization fund amount and a true-up correction factor, which shall be based on the actual system performance in the second month preceding the billing month, as certified by independent certified public accountants, shall be added to the electric system fuel and purchased power adjustment before applying to customer(s) bills.

(c) The following formula shall be used in computing the monthly electric system fuel and purchased power adjustment:

(1) Projected electric system fuel and purchased power expense for billing month[1] _____

(2) Projected wholesale fuel revenue for billing month[1] _____

(3) Projected other fuel revenue for billing month[1] _____

(4) Projected fuel costs to be recovered by retail sales for billing month _____

Item 1 - Item 2 - Item 3

(5) "True-up" calculation from second month preceding the billing month _____

a. Native load fuel expense for sales from the second preceding month _____

1. System generation fuel[3] _____

2. Purchases from interchange and purchased power agreements[4] _____

3. Fuel portion of interchange sales[4] _____

4. Native load fuel expense _____

Item 5a1 + Item 5a2 - Item 5a3

b. Total fuel revenue from the second preceding month _____

1. Electric system fuel and purchased power adjustment revenue[2] _____

2. Embedded fuel[2, 6] _____

3. Wholesale fuel revenue[2] _____

4. Total fuel revenue _____

Item 5b1 + Item 5b2 + Item 5b3

c. True-up from second preceding month _____

d. Fuel levelization amount from second preceding month _____

e. True-up for billing month _____

Item 5a4 - Item 5b4 + Item 5c + Item 5d

(6) Calculation of electric system fuel and purchased power adjustment for billing month _____

a. Projected retail sales MWh _____

b. Projected fuel costs to be recovered by retail sales _____

1. Projected fuel costs[1] _____

Item 4

2. True-up for billing month _____

Item 5e

3. Embedded fuel[6] projected for billing month _____

4. Fuel levelization amount used or added for billing month[5] _____

5. Total fuel adjustment revenue requirement for retail sales _____

Item 6b1 + Item 6b2 - Item 6b3 + Item 6b4

c. Fuel adjustment for billing month (mills, $/MWh) _____

Item 6b5/Item 6a

Footnotes:

[1] Electric system fuel and purchased power adjustment expenses, costs, retail sales, and wholesale sales, and other revenues are to be estimated for the billing month by the general manager for utilities or his/her designee. For the purposes of this section, wholesale sales are total requirements sales for resale that are not interchange sales.

[2] Fuel and purchased power adjustment revenues, other fuel revenues, retail, and/or wholesale sales from the second month preceding the billing month shall be actual data as billed to the city's electric customers.

[3] System fuel costs for the second month preceding the billing month shall be based on actual system fuel costs.

[4] The fuel cost portion of interchange sales for the second month preceding the billing month shall be the cost of fuel applicable to such sales as determined by the general manager for utilities or his/her designee. The fuel cost portion of interchange purchases for the second month preceding the billing month is determined from invoice(s) received for such purchases. In the case of interchange purchases, the entire cost including transmission charges, if any, will be included in the fuel cost for such transactions.

[5] The fuel levelization fund balance may be used each month to levelize the monthly electric system fuel and purchased power adjustment. At any given point in time, the fuel levelization fund balance shall be no greater than ten percent of the annual fuel budget and no less than negative five percent of the annual fuel budget. In the event that the fuel levelization fund balance varies from the above-identified range, the general manager or his/her delegate will present an information item to the city commission as soon as practicable.

[6] Six and one-half mills ($0.0065) per kWh was the cost of fuel, imbedded within base rates for retail service, on October 1, 1973, making it subject to taxation.

(Code 1960, § 28-3.5; Ord. No. 3112, § 1, 2-25-85; Ord. No. 3429, § 1, 4-4-88; Ord. No. 3453, § 1, 8-8-88; Ord. No. 3640, § 1, 7-16-90; Ord. No. 3750, § 1, 11-18-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950731, § 1, 10-9-95; Ord. No. 130582, § 2, 8-21-14)

Sec. 27-29. Public streetlights—Generally.

(a) *Definition.* For purposes of this section, public streetlights are defined as lights installed along public thoroughfares.

(b) *Service within corporate limits.* A request for installation of public streetlights shall be addressed to the city manager or his/her designee, who shall determine, based upon considerations of public city welfare and availability of funds, if the installation should be made. If the city manager or his/her designee determines that such installation shall be made, the city manager or his/her designee shall authorize, by written instruction, the general manager for utilities or his/her designee to make such installation. All costs of installing, operating and maintaining the public streetlight system within the corporate limits shall be paid by the city's general government department. Ownership of the public streetlight system shall reside with the city's utilities department. The city's utilities department shall be reimbursed by the appropriate governmental agency for costs incurred according to the schedule set out in Appendix A.

(c) *Service outside corporate limits.* A request for installation of public streetlights outside the corporate limits of the city shall be addressed to the county engineer or other designated government official, who shall determine, based upon consideration of public safety, welfare and availability of funds, if the installation should be made. If the county engineer determines that such installation shall be made, the county engineer shall authorize, by written instruction, the general manager for utilities or his/her designee to make such installation. All such installations shall be within the service area of the electric utilities system. All costs in installing, operating and maintaining the public streetlight system outside the corporate limits shall be paid by the local government which has authorized the provision of such public streetlight services. Ownership of the public streetlighting system shall reside with the city's utilities department.

(Code 1960, §§ 28-5.2, 28-7.1(b); Ord. No. 3162, § 5, 9-23-85; Ord. No. 3495, § 1, 12-12-88; Ord. No. 3567, §§ 3, 4, 9-25-89; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-29.1. Same—Rates.

The city's utilities department shall be reimbursed by the appropriate governmental agency for streetlights and poles in accordance with the schedule set out in Appendix A.

(Ord. No. 3695, § 9, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-30. Rental outdoor lights—Application for service.

Application for rental outdoor light service shall be on forms furnished by the city and shall constitute an agreement by the consumer with the city to abide by the rules of the city in regard to its rental outdoor light service. The agreement shall specify the billable units (fixtures and poles) to be furnished and shall allow the city reasonable access across private property for the purposes of maintaining the facilities supplied.

Application for service by firms, partnerships, associations and corporations shall be submitted only by their duly authorized agents, and the official title of the party shall be included in the application.

(Code 1960, § 28-5.1; Ord. No. 3567, § 2, 9-25-89; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-30.1. Same—Rates.

Charges for rental outdoor light fixtures and poles shall be in accordance with the schedule set out in Appendix A.

(Code 1960, § 28-7.2; Ord. No. 3162, § 6, 9-23-85; Ord. No. 3567, § 5, 9-25-89; Ord. No. 3695, § 10, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-31. Electric system fuel and purchased power adjustment added to public streetlight and rental outdoor light services.

The electric system fuel and purchased power adjustment in section 27-28 shall be applied to public streetlight and rental outdoor light services based on the estimated average energy usage per fixture according to the following schedule:

Non-LED Fixtures by Fixture Wattage	Average Monthly Kilowatt-Hours (kWh)
100W	41
150W	62
175W	72
200W	82
250W	103
400W	164

LED Fixtures by Fixture Type	*Average Monthly kWh*
Type 18, 78, 83, 85	13
Type 38, 61	15
Type 56, 73	16
Type 55, 72	18
Type 52, 69, 80, 84, 87, 90, 95	20
Type 76, 77, 86, 88, 96, 98, 99	25
Type 94	26
Type 39, 42, 47, 48, 62, 65, 74, 75	32
Type 53, 54, 70, 71	39
Type 40, 43, 60, 63, 66, 79, 81, 82, 91, 92, 93	45
Type 97	50
Type 89	58
Type 45, 46	70
Type 41, 44, 64, 67	79
Type 51, 68	82
Type 57	7
Type 58	36
Type 59	65

(Code 1960, § 28-7.3; Ord. No. 3567, § 9, 9-25-89; Ord. No. 3754, § 80, 1-27-92; Ord. No. 150246, § 1, 9-17-15; Ord. No. 160253, § 2, 9-15-16; Ord. No. 170257, § 1, 9-21-17; Ord. No. 180282, § 1, 9-20-18; Ord. No. 190210, § 1, 9-26-19; Ord. No. 2022-381, § 1, 9-22-22; Ord. No. 2023-832, § 1, 9-21-23)

Sec. 27-32. Availability of public streetlight and rental outdoor light service. Gainesville Regional Utilities is no longer subject to Section 27-32. per resolution number GRU 2024-505, adopted on June 26, 2024. The adopted resolution number 2024-505 content is reflected in this section for reference.

The utilities system will provide public streetlight and rental outdoor light service to any customer requesting such service pursuant to section 27-29 and section 27-30 of the city Code of Ordinances at the rates set forth in Appendix A. The lighting rates include fixture, a fixture-bracket when necessary, and up to 180 feet of secondary conductor. If the customer requests additional infrastructure and materials beyond what is included in the lighting rate, the customer shall pay those costs. If the city, county, or customer requests fixtures which are not included in the GRU Electric Material Standards or Appendix A, the fixture, electric source, and all components shall be at the expense of the customer and connected behind a meter.

(Ord. No. 3665, § 6, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 3786, § 1, 9-21-92)

Sec. 27-33. Relocation, modification or removal of existing facilities.

If the city is required to relocate, modify or remove existing overhead and/or underground distribution facilities because of either a utility customer's request, or because changes in the customer's facilities and/or operations necessitate relocation, modification or removal of distribution facilities in order to comply with either the National Electrical Code, the National Electrical Safety Code or city policy, all costs of any such relocation, modification or removal shall be borne exclusively by such customer. All costs of relocating, modifying or removing utility facilities that are attributable to city initiated renewal or reconstruction projects shall be borne exclusively by the city.

(Ord. No. 3665, § 3, 9-24-90; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-34. Availability of service.

The city will supply electric service to any prospective customer within the corporate limits of the City of Gainesville and in the unincorporated areas of Alachua County, subject to the following conditions:

(a) Should the extension, installation, improvement or modification of facilities be required, either on-site or off-site, the City will pay the cost of such facilities if in the opinion of the general manager for utilities or his/her designee, the immediate or potential revenues justify the full cost of the facilities.

(b) In those cases where estimated revenues are inadequate to cover the full cost of the extension, installation, improvement or modification, the customer shall make a contribution in aid of construction (CIAC). Revenue adequacy of the extension, installation, improvement or modification shall be evaluated based upon the internal rate of return (IRR). CIAC is required unless the IRR is 14 percent or greater. Where multiple customers are involved, contributions in aid of construction may be shared on a pro-rata basis.

(Ord. No. 3665, § 4, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980557, § 3, 11-23-98)

Sec. 27-35. Installation of underground electrical facilities.

When underground electrical facilities are to be installed, whether required by governmental authority, or at the request of a customer (or developer), the city will, at its expense and in the exercise of its engineering judgment, design the facilities. The cost of including that design in the construction plans and documents of the customer (or developer) shall be borne by the customer (or developer). The customer (or developer), shall then provide and install (or cause to have installed), at their sole expense, all conduit, concrete equipment foundations, and related civil infrastructure required for the installation of the electrical facilities including, but not limited to: primary and secondary voltage electrical systems, services, and lighting systems in accordance with the Energy Delivery Service Guide referenced in section 27-36. Ownership of all customer or developer installed facilities shall be transferred to the city upon acceptance by the city. In addition, the customer (or developer) will pay any "Contribution in Aid of Construction" which the city may require pursuant to section 27-34. Except as provided for by ordinance, the costs associated with utility initiated underground electrical system construction or reconstruction shall be borne exclusively by the utility.

(Ord. No. 3665, § 5, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980557, § 3, 11-23-98)

Sec. 27-36. Energy delivery service guide.

All electrical facilities and related civil infrastructure shall be installed, replaced or maintained in accordance with the Energy Delivery Service Guide promulgated by the Energy Delivery Department of GRU dated November 1, 1998, or the latest revision thereof.

Notwithstanding the provisions of sections 27-26 and 27-35, the provisions of the New Electrical Service Installation Guide dated October 28, 1996 shall remain in effect for a period of 180 days following the adoption of the ordinance from which this section derives. Thereafter the provisions of the Energy Delivery Service Guide dated November 1, 1998 (or the latest revision thereof), shall take effect.

The only exception to section 27-35 shall be a housing subdivision or similar development that is approved by GRU within 180 days of the adoption of the ordinance from which this section derives, provided that substantial construction is begun on said development within 180 days of the date of GRU approval. This exception does not apply to the conduit for the secondary service of a single family detached home. The customer (or developer) may elect to comply with the provisions of the Energy Delivery Service Guide dated November 1, 1998, at any time prior to the effective date above.

(Ord. No. 980557, § 3, 11-23-98)

Sec. 27-37. Net-metering. Gainesville Regional Utilities is no longer subject to Section 27-37. per resolution number GRU 2024-502, adopted on June 26, 2024. The adopted resolution number 2024-502 content is reflected in this section for reference.

(a) *Intent.* It is the intent of this section to promote the use of customer-owned renewable generation to offset part or all of the customer's electric consumption.

(b) *Net-metering program availability.* The net-metering program is only available to the utility system electric customers who have constructed or are willing to construct customer-owned renewable generation, at no cost to the utility system, and are willing to execute an interconnection agreement in form and substance as provided by the utility's system.

(c) *Methodology for net-metering calculation.* The methodology for calculating a net-metered customer bill shall be determined by the date on which a customer provided to the utility system a letter of intent to install customer-owned renewable generation.

(1) If a customer submitted a letter of intent to the utility system on or before April 17, 2024 to construct customer-owned renewable generation, electric energy from the customer-owned renewable generation shall first be used to serve the customer's own load and offset the customer's demand for the utility's electricity. The net of the kilowatt hours used by the customer (residential or nonresidential) less the kilowatt hours exported to the utility's electric distribution system from the customer-owned renewable generation shall be the number of kilowatt hours that the customer is billed at the applicable retail rate. In the event that excess kilowatt hours are exported to the utility's electric distribution system beyond the kilowatt hours used by the customer during the billing cycle, such kilowatt hour balance will carry forward to be netted against kilowatt hours used by the customer during future billing cycles. If, at the end of each calendar year, the customer's account contains a kilowatt hour credit balance, the customer shall be paid the credit at the then-current avoided energy cost. When a net-metering customer leaves the utility's electric system, the net-metering customer's credit balance shall be paid at the then-current avoided energy cost.

(2) If a customer submitted a letter of intent to the utility system on or after April 18, 2024 to construct customer-owned renewable generation, electric energy from the customer-owned renewable generation shall first be used to serve the customer's own load and offset the customer's demand for the utility's electricity. The customer shall be billed for all energy imported from the utility's distribution system at the applicable retail rate. If the customer-owned renewable generation produces excess energy that is exported to the utility's distribution system, the customer shall in each billing period receive a credit equal to the utility system's current fuel adjustment rate for each kilowatt hour that is provided to the utility's distribution system within that billing cycle. In the event the customer's billing credits exceed the total bill for a billing period, the customer's financial credit balance will carry forward to the next bill. If a customer has a billing credit after a consecutive 12 month period, the customer may request payment from the utility system equal to the credit balance. When a net-metering customer leaves the utility's electric system, the net-metering customer's credit balance, if any, shall be paid to the customer.

(d) *Customer charge.* Regardless of whether excess energy is delivered to the utility's electric distribution system, the customer shall pay the applicable customer charge and/or the applicable demand charge for the maximum measured demand during each billing period pursuant to the applicable rate schedules.

(e) *Inspection.* All customer-owned renewable generation equipment must be inspected and approved by the utility system prior to its operation and connection to the utility's electric distribution system. Utility system approval of the customer-owned renewable generation is not done for the benefit of the customer and is not a warranty or guarantee, express or implied, of any sort as to the customer-owned renewable generation. The customer is responsible for ensuring that their customer-owned renewable generation is inspected,

maintained, and tested regularly pursuant to any manufacturer's recommendations to ensure proper and safe operation of the customer-owned renewable generation equipment.

(f) *Gross power rating.* Customer-owned renewable generation gross power rating shall not exceed 90 percent of the customer's electric distribution service rating. In no event shall customer-owned renewable generation greater than two megawatts, at any one customer-owned renewable generation site, be allowed to interconnect to the utility's electric distribution system under the net-metering program.

(g) *Customer-owned renewable generation liability.* The customer is responsible for protecting all customer-owned renewable generation equipment, inverters, protective devices, and any other system components from damage from the normal and abnormal conditions and/or operations that may occur on the utility's electric distribution system in delivering and restoring power.

(h) *Insurance.* The customer is responsible for maintaining the appropriate levels of general liability insurance for personal and property damage related to customer-owned renewable generation.

(i) *Indemnification.* The customer shall hold harmless and indemnify the city and Gainesville Regional Utilities Authority, its elected and appointed officials, employees, and/or any third-party city or utility system hired contractors for any and all losses resulting from the customer-owned renewable generation.

(j) *Islanding.* Customer-owned renewable generation shall not energize the utility's electric distribution system when the utility's electric distribution system is de-energized at the customer's service point. There shall be no intentional islanding, as described in the Institute of Electric and Electronic Engineers (IEEE) Standard 1547, between the customer-owned renewable generation and the utility's electric distribution system.

(k) *Renewable energy credits.* The customer shall retain any renewable energy credits or certificates associated with the electricity produced by its customer-owned renewable generation.

(Ord. No. 120516, § 2, 8-21-14)

Sec. 27-38. Economic development incentive rate rider program.

(a) *Intent.* It is the intent of the city to make an economic development incentive (EDI) rate rider program available to qualifying nonresidential electric customers.

(b) *Program application.* Customers must submit an application to participate in the program on the form provided by the city. The application shall be reviewed by the general manager for utilities or his/her designee. Upon approval of the EDI rate rider program application and once the qualifying metered demand is met, the discount shall commence upon the next billing cycle.

(c) *Program qualifications for a new nonresidential customer.* The EDI rate rider program is available to new customer applicants for initial permanent service with minimum electric metered demand of 100,000 kWh per month at a single point of delivery.

(d) *Program qualifications for an existing nonresidential customer.* The EDI rate rider program is available to existing customer applicants with a 20 percent net incremental metered demand increase above the customer's baseline usage prior to application for participation in the EDI rate rider program. The city shall establish baseline usage for each existing customer applicant based on the average billed kWh for the previous 12-month period at a single point of delivery. The metered demand, including the baseline usage and the net incremental metered demand increase above the customer's baseline usage, shall be a minimum of 100,000 kWh per month at a single point of delivery.

(e) *Load shifting.* The EDI rate rider program is not available for load shifted from one single delivery point in the city's system to another single delivery point in the city's system.

(f) *Program discount.* A discount based on the below-described percentages shall be applied to the customer charge, demand (kW) charge, and energy (kWh) charge according to the following schedule:

Customer Type	Discount
New electric customer	20%
Existing electric customer	15%

The rate rider discount shall not apply to fuel adjustment charges, Gross Receipts Tax, Municipal Public Service Tax, Municipal Surcharge, Alachua County Public Service Tax, late fees, environmental fees, franchise fees, or any other applicable taxes, fees, rates or charges. All other terms and conditions under the otherwise applicable rate schedules shall apply, except as otherwise modified by this EDI rate rider program.

(g) *Program duration.* Participation in the EDI rate rider program shall terminate at the end of the fifth year of participation. The EDI rate rider program is not available for renewal and/or extension beyond the five-year term per location.

(h) *Termination by city.* The city may terminate the discount for failure to meet the qualifications of the EDI rate rider program. In the event that an EDI rate rider program participant fails to purchase the qualifying electric metered demand in any given billing cycle of at least 28 days, the city shall provide customer with notice of program termination. After the first notice of program termination, customer may apply for participation in the EDI rate rider program provided that customer has subsequently met the qualifying electric metered demand for three consecutive billing cycles. Upon the city's approval, the EDI rate rider program discount shall resume for the remainder of the original five-year term. Upon any second notice of program termination, the EDI rate rider program discount shall not be reinstated and shall be discontinued effective immediately.

(i) *Termination by customer.* Customer may elect to voluntarily terminate participation in the EDI rate rider program by providing the city with written notice of such termination. Upon the city's receipt of such notice, the customer is no longer entitled to any discounts provided pursuant to the EDI rate rider program.

(j) *District cooling provisions.* If a customer that is currently connected to the city's district cooling network would have met the requirements for participation in the EDI rate rider program, but for such customer's connection to the city's district cooling network, the customer shall be eligible for participation in the EDI rate rider program. The electric account for the city's district cooling network associated with the qualifying electric metered demand will receive the same applicable EDI rate rider program discount. For purposes of calculating eligibility, the customer's total metered demand will be determined by adding such customer's monthly electric kWh metered demand to their monthly chilled water ton per hour multiplied by 0.9 kW per ton.

(Ord. No. 130576, § 2, 11-6-14)

Secs. 27-39—27-70. Reserved.

ARTICLE III. SOLID WASTE DISPOSAL[3]

[3]Ord. No. 210129, § 1, adopted June 2, 2022, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 27-71—27-88, 27-92—27-95, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Cross reference(s)—Code enforcement board, § 2-376 et seq.; health and sanitation, Ch. 11.5; recycling centers, § 30-106 et seq.

DIVISION 1. GENERALLY

Sec. 27-71. Purpose.

This article is adopted to promote and protect the public health, safety and general welfare of the residents and visitors of the city. The regulations, authority and rates established in this article are for the purpose of providing a solid waste collection and disposal program at a reasonable cost and promoting recycling by both residential and commercial customers.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-72. Definitions.

For the purpose of this article, the following words and terms are herewith defined:

Applicant shall mean:

(a) A person applying to the city for a franchise required to provide commercial service or collect construction and demolition debris within the city for hire, remuneration or other consideration; or

(b) A person applying to the city for a registration certificate required to collect, process, convey or transport recovered materials within the city for hire, remuneration or other consideration; or

(c) A person applying to the city for a registration certificate required to collect, process. convey, or transport food waste within the city for hire, remuneration, or other consideration.

Appropriate disposal and/or recycling site shall mean a place that is properly zoned, permitted, registered or licensed in accordance with all applicable local and state laws for the disposal of solid waste and/or the processing of e recovered materials that have been collected by commercial franchisees or registrants.

Cart shall mean a serial-numbered, two-wheeled container with attached lid and handle, available in approximately 20-, 35-, 65-, and 95-gallon sizes, supplied and distributed by the solid waste collector.

Certified recovered materials dealer shall mean a dealer certified as provided in F.S. § 403.7046.

Commercial customer shall mean any person who receives commercial service.

Commercial establishment shall mean any space used primarily for business activities. Commercial establishment does not include residential properties, even if such residential properties are managed or owned by a commercial entity.

Commercial franchisee shall mean a person who has filed an application with, and received a franchise from, the city to provide one or more of the following services:

(a) Commercial service;

(b) Collection of construction and demolition debris.

Commercial generator shall mean a person who is eligible to receive commercial service under this article and who is the point of origination of solid waste or recovered materials.

Commercial service shall mean pickup of garbage and trash, but excluding hazardous waste, biomedical waste and yard waste, provided by a commercial franchisee to one of the following:

(1) A licensed mobile home park with five or more dwelling units;

(2) Multi-family residences with five or more dwelling units under one common roof;

(3) Any residential property that has opted-out of residential service under the terms of this article and is eligible to receive commercially-collected residential service, or residential property that is required to receive commercially-collected residential services;

(4) Business, commercial or industrial enterprises of all types licensed to do business in the city.

Commercial service container shall mean an industry-standard container constructed of non-absorbent material, with or without a cover, made for mechanized pickup. It includes dumpsters and carts.

Commercially-collected residential service shall mean the collection of solid waste, other than hazardous waste and bio-medical waste, provided to persons occupying residential dwelling units in a development where one or more of the following criteria exists:

(1) The development has at least one building with five or more dwelling units;

(2) The development has a building with two to four dwelling units which has been allowed by the city to opt-out of curbside residential service;

(3) Separate developments that share common infrastructure (such as a shared parking lot). ownership, property management or home owner association but have four or less units per building when the city manager or designee has determined commercially-collected residential service will improve aesthetics or efficiency of collection.

Compactor shall mean any container that has a compaction mechanism.

Construction and demolition debris shall mean materials generally considered to be not water soluble nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure will cause it to be classified as other than construction and demolition debris.

Contractor shall mean the firm with whom the city has contracted to provide residential service.

Curbside shall mean the designated physical location for the placement of solid waste accumulations intended for residential service collection and disposal. This designated location shall be as near as possible to the traveled streets or alley normally serviced by the contractor's collection vehicles, but in no case upon such street or alley. The intention of a curbside designation is to allow collection by waste control personnel in a rapid manner with walking or reaching minimized. In all cases, the city manager or designee shall have the authority to approve or specify the precise location for such curbside placement.

Customer shall mean the person, organization or corporation responsible for payment of all residential, commercial or commercially-collected residential services used at a specific location, and further defined as that person, organization or corporation who signed the utility application or commercial service contract requesting that services be made available at the specific location and thereby agreeing to pay for all usage of such services occurring at the location.

De minimus quantity shall mean:

(a) No more than 15 percent by volume of total designated recyclable materials, regardless of type, in a solid waste load delivered to a city facility or a facility under contract with the city or in a solid waste container at point of generation; or

(b) No more than ten percent by volume of non-recovered materials in a recovered material container at the point of generation; or

(c) No more than 15 percent by volume of food waste in a solid waste load delivered to a city facility or a facility under contract with the city or in a solid waste container at point of generation.

Designated recyclable materials shall mean those recyclable materials that are designated by the city manager or designee as potential recovered materials.

Dumpster shall mean a large container for waste which is one cubic yard in size or greater designed for mechanized pickup into a specially equipped truck for collection.

Dwelling unit shall mean a living unit, house, mobile home, apartment or building used primarily for human habitation.

Food shall mean nutritious substances eaten or consumed to sustain human or animal growth and repair vital processes and to furnish energy.

Food service establishment means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, cottage food operations, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

Food waste shall mean food that is no longer edible or fit for human or animal consumption, nonedible parts of food, or food soiled paper, resulting from food production. preparation, and consumption activities of animals and humans that consists of, but not limited to, vegetables, grains, animal products and byproducts, that have known compostable potential and can be separated from the solid waste stream. Food waste does not include food as that term is defined in this article.

Garbage shall mean all putrescible waste, which generally includes, but is not limited to, kitchen and table food waste, animal, vegetable, food or any organic materials that are attendant with, or results from, the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities.

Living unit shall mean a place where people reside on a non-transient basis, containing a room or rooms comprising the essential elements of a single housekeeping unit. Each separate facility for the preparation, storage and keeping of food for consumption within the premises shall be considered a separate living unit.

Organic materials shall mean yard waste, vegetative waste, food waste, non-recyclable paper, or other materials that have known compostable potential, can be feasibly composted and can be diverted and source separated or removed from the solid waste stream, whether or not the materials require subsequent processing or separation.

Pre-paid garbage disposal bag shall mean a plastic bag, approximately 30 gallons in size, sold by the contractor solid waste collector or by a distributor approved by the city, for use in disposing of solid waste.

Person shall mean an individual, group of persons, firm, corporation, association, organization, syndicate or business trust.

Rates shall mean those charges and fees adopted by the city commission by resolution, ordinance or contract for the management of solid waste and recovered materials, including those charges and fees collected by

commercial franchisees, except those charged by registrants to commercial generators and generators of construction and demolition debris.

Receptacle shall mean a container, which is smaller than a 95-gallon cart, intended for the disposal of garbage, recovered materials, or food waste prior to being placed in a cart or dumpster.

Recovered materials shall mean metal, paper, glass, plastic, textile or rubber materials that have known recycling potential, can be feasibly recycled and have been diverted and source separated or removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Registrant shall mean:

(a) A person who has made application with the city to collect, transport, convey or process recovered materials in the city and has subsequently received a registration certificate from the city; or

(b) A person who has made application with the city to collect, transport, convey or process food waste in the city and has subsequently received a registration certificate from the city.

Residential service shall mean the solid waste collection service provided to persons occupying residential dwelling units in buildings with four or fewer dwelling units within the city.

Solid waste shall mean sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations. Recovered materials as defined in this article are not solid waste.

Solid waste regulations shall mean those regulations prescribed by this article along with any administrative rules, procedures and contracts as may be established for the purpose of carrying out the provisions of this article.

Source separated shall describe those recovered materials separated from solid waste where the recovered materials and solid waste are generated.

Trash shall mean nonputrescible debris that is generated by households, businesses, and institutions.

Yard waste shall mean all accumulations of grass, leaves, shrubbery, vines, tree branches and trimmings which are normally associated with the care and maintenance of landscaping.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-73. Prohibited acts.

It shall be unlawful for any person to do any of the following:

(1) To place or cause to be placed any garbage, trash, recovered materials, or food waste upon the property of another.

(2) To collect or transport solid waste for hire or for remuneration or any other form of consideration without first being granted a commercial franchise except as follows:

a. Commercial generators transporting their own solid waste; and

b. Persons transporting their own solid waste generated by their own dwelling unit or establishment to an appropriate disposal site.

(3) To collect or transport construction and demolition debris for hire or for remuneration or any other form of consideration without first being granted a construction and demolition debris franchise except as follows:

a. Commercial generators transporting their own debris;

b. Persons secondarily providing removal of debris created as a result of other primary services performed by those persons as described in subsection (11) below. Subcontractors who provide primarily collection or transport services shall not qualify for this exemption.

(4) To collect, process, convey or transport recovered materials in the city without having registered with the city, except as follows:

a. Persons whose primary business is freight transport that may involve the intermittent transport of recovered materials;

b. Commercial generators transporting their own recovered materials; and

c. Persons transporting their own recovered materials generated by their own dwelling unit or establishment to an appropriate recycling site.

(5) To collect recovered materials from a solid waste container used by a consumer or commercial customer receiving service from a franchisee, franchise or registrant, after the consumer or commercial customer places the container and recovered materials at the curb or designated area for collection, except as permitted by the city on an emergency interim basis as part of the city's recycling program when the city manager or designee determines that it is necessary to protect public health, safety or welfare.

(6) To allow solid waste, recovered materials, or food waste to spill, blow or drop from any vehicle on any road or to transport any solid waste, recovered material, or food waste over any public road unless the solid waste, recovered material, or food waste is securely tied or covered so as to prevent leakage or spillage onto the road.

(7) To place or store solid waste, recovered materials, or food waste on any property for a period in excess of one week, unless it is securely contained or covered.

(8) To deposit or dispose of any garbage, trash, or recovered materials on the paved or traveled portion of any public street, or any alleyway, sidewalk, bike path, stream, ditch, river, pond, bay, creek, park, other right-of-way or public place in the city except at areas as may be designated by the city.

(9) To deposit, dump or dispose of any garbage or trash at, upon or in any incinerator or landfill within the city without first obtaining the permission of the custodian thereof.

(10) To burn any garbage or trash within the city, except at designated incinerators or landfills, without first obtaining a permit from the city.

(11) To produce or accumulate any construction and demolition debris, tree branches or similar debris while acting in the capacity of a contractor (such as a tree surgeon, landscaper or building contractor), without removal of the same to a designated disposal area.

(12) To allow any scattered garbage, trash, recovered materials, or food waste to remain at or near the curbside, or to fail to remove any windblown or animal scattered garbage, trash, recovered materials, or food waste from a public area and right-of-way which have blown or otherwise scattered from the person's dwelling unit curbside collection point.

(13) To place any solid waste, recovered materials, or food waste out for collection by any alley service drive, easement or right-of-way not serviced by collection trucks.

(14) To place any solid waste, recovered materials, or food waste out for collection adjacent to the street if collection trucks service the area from an established alley.

(15) To place any solid waste, recovered materials, or food waste in an underground container for pickup.

(16) To do any act prohibited or to fail to do any act required by the solid waste regulations of the city.

(17) To deposit any hazardous waste as defined in F.S. § 403.703, in any cart or commercial service container.

(18) To place or cause to be placed any garbage, trash, recovered materials, food waste, or other solid waste in the cart or commercial service container belonging to another without proper authority.

(19) To remove any materials, without proper authority, from any container belonging to another which contains materials set out for recycling.

(20) To mix yard waste with normal solid waste loads, whether for residential or commercial service.

(21) To leave uncovered a garbage, recovered material, or food waste container that has a lid or fitted cover.

(22) To collect garbage, trash, recovered material, or food waste in a container without a properly sized or fitted cover, except for residential curbside recycling bins designed to be open-topped containers.

(23) To collect, process, convey or transport food waste in the city without having registered with the city, except as follows:

a. Commercial generators transporting their own food waste; and

b. Persons transporting their own food waste generated by their own dwelling unit or establishment to a food waste processing site that meets the permitting requirements of the State of Florida.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-74. City manager to make regulations; enforce article.

(a) The city manager or designee shall have the authority to make regulations concerning the days of collection, type and location of collection containers and other such matters pertaining to the storage, collection, conveyance and disposal as necessary and to change or modify the same after reasonable notice to affected persons.

(b) Except as provided otherwise, provisions of this division may be enforced by civil citation if specifically provided for by section 2-339, enforced as provided by section 1-9, enforced by code enforcement proceedings, or the city may seek injunctive relief.

(c) The city manager or designee may enforce regulations regarding storage, collection, conveyance and disposal of all solid waste, recovered materials, and food waste generated within the city, including accumulations of same that may be in violation of this article or other solid waste regulations.

(d) If a notification of violation was provided and correction of the violation was not made in the time specified by the notice, the city is hereby authorized to collect and dispose of the material causing the violation and to bill the customer or owner of record of the property for the cost of providing this additional collection and disposal service.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-75. Commercial service and commercially-collected residential service.

(a) *Provided.* Commercial service shall be provided by collectors authorized to provide such service under a franchise with the city to persons that do not qualify to receive residential service. Collection of designated recyclable materials shall be provided by registrants, including franchisees who are registrants.

(b) *Collection frequency and method.* Each commercial generator or commercially-collected residential service customer shall enter into an agreement with a franchisee of the city for the frequency and method of garbage collection except where: 1) landlords provide service through a franchisee, or 2) commercial generators reach a dumpster sharing arrangement with an adjacent generator or a generator whose shared dumpster is within 500 feet (or further if approved by the city manager or designee) of each commercial generator's service door and one of the generators has an agreement with a franchisee. If a commercial generator has a dumpster sharing arrangement, proof of such an arrangement shall be submitted to the city upon request. Except as specifically provided below, such service shall be received no less than one time per week with no exception for holidays, except that collection service scheduled to occur on a holiday may be rescheduled with written notice to the customer as long as minimum frequency is met. Collection service provided to compactors is exempt from this minimum frequency. Commercially-collected residential service not serviced by a compacting dumpster shall receive a minimum of twice per week service. The following commercial establishments not serviced by a compacting dumpster shall not let food waste remain in a commercial service container for more than two consecutive working days: 1) any establishment licensed to sell alcohol, beer, or wine for consumption on premises; 2) grocery stores selling fresh produce, raw meat, and packaged food primarily for consumption off premises; and 3) food service establishments. When necessary to protect the public health or to enforce the purpose of this article, the city manager or designee shall have the authority to stipulate the frequency of collection or require the implementation of a plan to eliminate the hazard caused by excess accumulation of waste. Service shall consist of the mechanical dumping of commercial containers capable of being unloaded by proper equipment; or a manual hand service dumping of containers located at agreed upon sites upon the property; or other levels of service as may be required or agreed to. If the franchisee fails to perform collection according to the contract, the customer shall have 30 days from the first such failure to enter into an agreement with another franchisee before being cited for violation of this subsection.

(c) *Preparation and storage.* Collection containers shall be drained of free liquids prior to accumulation for collection. Storage areas and areas adjacent to the storage area shall be maintained by the customer in a neat, sanitary and sightly manner. Customers are responsible for maintaining the accessibility to collection containers or areas. If pickups are missed due to customer's failure to maintain accessibility, and unsanitary or unsightly conditions result, the customer shall be in violation of this article. All collection containers that are to be picked up by collection trucks must be approved by the city as meeting acceptable standards established by the city. Readily apparent damage to storage areas or container enclosures, normal wear and tear excepted, caused by the collector driver shall be reported by the driver to the customer prior to leaving the collection area if the business or management office is open and if not, by radio to the contractor's office, and personnel from the office will then contact the customer at the earliest possible time.

(d) *Commercial service containers.* The following commercial service container standards are guidelines under which the owners of containers, as well as the lessees of containers, will conform in order to ensure a healthy and aesthetically pleasing environment for the residents and visitors of the city:

(1) Each container shall be kept painted in good condition at all times, unless the container is made of aluminum, stainless steel, plastic or other similar materials that do not readily accept painting.

(2) Every commercial service container shall be clearly marked with the following information and comply with the following standards:

a. A serial or property control number on the front or side of the commercial service container;

b. By October 1, 2023, every commercial service container, except for construction and demolition debris collection containers, shall follow the city's approved color and educational labeling format as set forth in ordinance and regulations maintained on file with the solid waste division.

(3) Every recovered materials commercial service container shall be clearly and conspicuously labeled across the front of a dumpster or the lid of a cart, as applicable, with the following information:

a. "RECYCLING" "RECYCLING ONLY" or "RECYCLE HERE".

b. "NO GARBAGE".

c. List of designated recyclable materials accepted in that container, such as "CARDBOARD ONLY," that is texted-based. image-based or a combination of text and images.

d. Educational labeling shall be:

1. Clearly and conspicuously placed on and consist of at least 25 percent of the area of the front loading side of dumpsters or cart lids;

2. Printed in both the English and Spanish language.

(4) Every organic materials commercial service container shall be clearly and conspicuously labeled across the front of a dumpster or the lid of a cart, as applicable, with the following information:

a. "YARD WASTE ONLY", "COMPOST ONLY" or "FOOD WASTE ONLY".

b. "NO GARBAGE".

c. List of organic materials accepted in that container that is texted-based, image-based or a combination of text and images.

d. Educational labeling shall be:

1. Clearly and conspicuously placed on and consist of at least 25 percent of the area of the front loading side of dumpsters or cart lids;

2. Printed in both the English and Spanish language.

(5) Each container shall be free of rust holes, broken hinges or broken door fasteners and will have solid substantial bottoms with at least one drain hole for purposes of cleanout.

(6) All necessary containers shall have properly fitting lids and/or side door(s) in place that close automatically when lifted and that will prevent the entry of rodents, snakes and other animals, and allow for opening and closing action during the emptying cycle. Containers used for storage of materials other than garbage must meet the same criteria. Lids or covers may not be required if the city manager or designee determines that it does not pose a threat to the health, welfare or safety of the residents and visitors, or cleanliness of the container site or adjacent community.

(7) Containers at commercial locations are not to be filled to a height exceeding the level of the highest portion of the container body or rim. This limitation applies to dumpsters, carts, or any other method employed for storage. Customers must arrange for items such as furniture, appliances, construction and demolition debris or any material not considered a part of the customer's normal collection service to be picked up within seven days of being placed for collection. If these items are not picked up within seven days of being placed for collection, the city manager or designee may provide notice to the customer by hand delivery or certified mail, return receipt requested. If the customer has not removed the refuse within 24 hours after notification by the city, the city manager or designee may order such removal and all costs incurred shall be placed against the customer's utility account. At no time will any solid waste or storage containers be placed on the travel portions of any walk, street or alley within the city without prior authorization from the city manager or designee.

(e) *Receptacles for public use.* Garbage and recycling receptacles available for public, customer, or employee use at commercial establishments must integrate labeling consisting of text and images on the body or adjacent to the opening of the container that is consistent with city provided samples provided by the solid waste division.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-76. Residential service.

(a) *Provided.* Residential service shall consist of curbside collection of all garbage, trash, designed recyclable materials, and an optional service of backyard collection of garbage, trash, and designated recyclable materials.

(b) *Preparation, storage, placement for collection.*

(1) *Garbage:*

a. Each dwelling unit qualifying for residential service in the city shall be assigned a serial-numbered cart of the size requested by the occupant of the unit, or, if no size request is received, of the size determined by the city manager or designee. The occupant may exchange the cart for another of different size upon paying the fee as listed in Appendix A. Damaged and stolen carts will be replaced on request.

b. All garbage shall be drained of free liquids and stored for collection in the assigned cart, or in pre-paid garbage disposal bags, as accumulated. The cart shall not be filled above a height allowing the attached lid to be completely closed, nor shall the prepaid garbage disposal bags be filled such that the bags cannot be securely fastened shut or weigh over 40 pounds. The bags may be placed inside non-disposable containers. The assigned cart and the pre-paid garbage disposal bags shall be placed at the curb or roadside no earlier than 5:00 p.m. on the day preceding the scheduled collection day, and the emptied carts and non-disposable containers shall be removed from the curbside location not later than 9:00 p.m. of the day of collection. The carts and non-disposable containers shall be removed and kept, except during the hours permitted by this section for the placement of them for collection, at a location where they are not clearly visible from any public street. It shall be unlawful and punishable as provided for any owner or occupant to place, permit the placing of or allow the continued location of collection containers in any location or at any times not provided for in this subsection. Garbage and trash placed in containers other than the assigned cart or pre-paid approved garbage disposal bags will not be collected. Non-disposable or reusable containers intended not to be picked up by the collectors shall be clearly and appropriately identified. Anyone placing garbage or trash in containers other than the assigned cart or pre-paid garbage disposal bags will be in violation of this article.

c. Any container, other than the assigned cart, that is allowed to remain at curbside or roadside at times other than those permitted by this section, and any container, other than the assigned cart, that has become damaged or deteriorated, may be impounded by the city. The owner of any such container so impounded shall be notified immediately in writing by the city by mail to the address where picked up or by placing a notice thereof in a conspicuous place on such premises, or both. The owner may redeem such impounded containers within 30 days after the same are impounded by the city by paying the charges in accordance with the schedule set out in Appendix A. Any container not redeemed within the 30-day period may be used by the city in any manner as the city may determine in furtherance of the waste control program or may be sold to the highest bidder at a noticed public sale for each, which cash shall be deposited in the general fund of the city.

(2) *Yard waste.* Yard waste that is properly bundled or containerized in such manner to enable one person to lift the yard waste in a single lifting movement to place same in the compaction truck, and which bundles or containers do not exceed 40 pounds in weight and five feet in length, will be collected at curb or roadside. If tree or shrubbery trimmings are not containerized they may be placed at curbside in a compact pile not containing any items exceeding 40 pounds in weight and five feet in length and will be picked up. Grass, leaves and pine straw must be containerized by either using disposable or reusable containers, and will be collected if properly placed for collection at curb or roadside. Non-disposable or reusable containers intended not to be picked up by the collectors shall be clearly and appropriately identified. Concrete, dirt, bricks, appliances, furniture or similar items are not considered yard waste, and will not be collected except by special service as described in section 27-77.

(3) *Recycling containers.* Each dwelling unit shall be provided a container for the purpose of storage and disposal of designated recyclable materials. Designated recyclable materials that meet the requirements set forth by the city manager or designee shall be collected from curb or roadside. Designated recyclable materials not fitting in the bin may be placed in non-disposable containers or paper bags and will be collected at curb or roadside.

(c) *Responsibility for scattered garbage or trash.* Customers are responsible for the cleanup from bags torn or cans spilled by animals, or otherwise spilled through no fault of the collectors. Collectors are not required to sweep, fork, shovel or otherwise clean up trash or garbage that has become scattered or is otherwise not readily picked up and placed in the compaction truck, including spillage resulting from overloaded containers.

(d) *Backyard option and service fee exception.* The residential service program will allow customers the option of requesting backyard collection. (This does not include yard waste.) Such requests must be made in writing to the city manager or designee 30 days in advance of the start of service and once requested, such service and associated fees shall remain in effect for a minimum of six months. Service charges for backyard service as specified in the schedule set out in Appendix A may be waived and the uniform curbside service charge applied where all occupants of the dwelling unit are physically unable to transport their cart and bin to the curb. Customers desiring backyard service at the curbside rate must be certified as to the necessity for this service by the city manager or designee who may impose such reasonable conditions as may be required for such service and certification.

(e) *Service charges.* In order to cover the direct cost, including but not limited to inspecting, billing, collecting, handling, hauling and disposal of solid waste, yard waste and designated recyclable materials, and indirect cost, including but not limited to administration, accounting, personnel, purchasing, legal and other staff or departmental services, service charges in accordance with the schedule set out in Appendix A shall be paid monthly to the city, which charge shall be included on the regular monthly statement for utility service.

(f) *Residential service exclusion.*

(1) Owners of buildings containing two to four residential dwelling units may petition the city to be excluded from residential service and allowed to contract for commercially-collected residential service.

(2) Petitions for exclusion shall be made to the city manager or designee.

(3) Petitions shall be made on city-provided forms, and shall contain the following information:

a. Applicant's name.

b. Address of the property proposed to be excluded and number of dwelling units.

c. A copy of the proposed service agreement between the applicant and a franchised commercial provider, including the level and type of services to be provided and the number of dwelling units to be served.

(4) Upon receipt of a properly executed application and verification of the supporting documentation, the city manager or designee shall decide whether to grant the exclusion based on the following criteria:

a. Collection history (whether commercial or residential).

b. Accessibility of collection vehicles to property.

c. Available space for placement of carts.

d. Predominant use of property.

e. Safety.

f. Level of service requested by residents.

(5) The city manager or designee shall notify the applicant in writing of the decision.

(6) If the exclusion is approved, it shall be effective until terminated. An exclusion may be terminated by the city manager or designee or designee, or at the request of the property owner, due to changes in the contract between the city and its solid waste collector or change in circumstances concerning the property.

(7) Regardless of whether owners of a building petition the city for a residential service exclusion, the city manager or designee may require separate developments that share common infrastructure (such as a shared parking lot), ownership, property management, or home owner association but have four or less units per building to have commercially-collected residential service consisting of a dumpster when the city manager or designee has determined collection by dumpster will improve aesthetics of the neighborhood or efficiency of collection.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-77. Special service.

(a) *Described.* Any waste which, by reason of its bulk, shape or weight, cannot be placed in a container or bundled, or which exceeds the size and weight limitations of any section of this article, will be collected and disposed of by the contractor on an on-call basis.

(b) *Scheduling and rates.* Special collection will be scheduled at the earliest reasonable time by the contractor. The fee for special service collection and disposal will be arranged between the customer and the contractor. The contractor will bill directly for such services and collect a reasonable fee agreed to jointly by the contractor and the customer prior to the work being performed.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-78. Reserved.

DIVISION 2. COMMERCIAL SERVICE AND CONSTRUCTION AND DEMOLITION DEBRIS FRANCHISE

Sec. 27-79. General provisions.

(a) It shall be unlawful to commence or engage in the business of providing containers for commercial service or providing commercial service or construction and demolition debris collection and disposal to properties in the city without a franchise issued by the city in accordance with this article.

(b) No franchise shall be awarded until the city determines that the franchisee is capable of complying with the requirements of this article.

(c) Each franchise shall be subject to the charter of the city and this Code of Ordinances. Each franchise shall be subject to, and franchisees shall abide by, all present and future laws, regulations, orders of regulatory bodies, city code provisions and administrative rules applicable to the performance of the collection services hereunder. Each franchise shall obtain all licenses and permits presently required by federal, state and local governments, and as required from time to time.

(d) All commercial franchises issued on or after October 1, 1996, may be by contract, which may include, among other things, agreement on the disposal site for solid waste collected by the franchisee.

(e) Collection times shall be as follows:

(1) Each commercial franchisee shall make available daily collection of solid waste. Collection shall begin no earlier than 6:00 a.m. and shall cease no later than 9:00 p.m., Monday through Saturday, except that in areas of mixed residential and commercial occupancy collections shall begin no earlier than 7:00 a.m. and cease no later than 9:00 p.m., Monday through Saturday. Sunday service shall not begin before 8:00 a.m. and shall cease no later than 9:00 p.m.

(2) In the event of an emergency, a franchisee may collect at times not allowed by this section, provided the city manager grants prior approval, to be later evidenced by a written memorandum. If no written memorandum is obtained, there shall be a presumption that the franchisee had not obtained prior approval. All written memoranda issued shall be retained on file by the solid waste division and made available to the public for inspection.

(f) Franchisee shall not be relieved of the obligation to promptly comply with any provision of the franchise by failure of the city to enforce compliance with the franchise.

(g) The franchise granted hereunder may be exclusive. Any exclusive franchise granted by the city shall be selected through a competitive procurement process. The city reserves the right to grant similar rights or franchises to more than one person or corporation as well as the right in its own name to use its streets for purposes similar to or different from those allowed to franchisees hereunder.

(h) If a franchisee fails to perform its contract with any customer for longer than two weeks, the city may perform the work using its own equipment or assign the work to another franchisee, who shall be entitled to receive the revenue from the customer for work performed that would have gone to the defaulting franchisee.

(i) The franchisee shall submit to any load inspection program that the city may reasonably devise.

(j) Yard waste from a commercial generator or customer shall be collected separately from other solid waste. Each commercial franchisee shall inform all of its commercial customers of this requirement.

(k) A commercial franchisee shall respond to and, if feasible, resolve all complaints received by 12:00 noon on any business day by 5:00 p.m. of the same day and shall respond to and, if feasible, resolve all complaints received after 12:00 noon on any business day by 12:00 noon the next day. An emergency telephone number where the commercial franchisee can be reached shall be given to the city manager or designee.

(l) A commercial franchisee shall handle commercial service containers with reasonable care and return them to the approximate location from which they were collected. A commercial franchisee shall clean up all solid waste spilled during the collection operation.

(m) A commercial franchisee shall not be required to provide collection services when all appropriate disposal sites are closed or an emergency or imminent emergency exists, as determined by the city manager or designee. Collections shall resume on the instruction of the city manager or designee.

(n) A commercial franchisee shall not be deemed to be an agent of the city and shall be responsible for any losses or damages of any kind arising from its performance or nonperformance under its franchise. The franchisee shall defend at its own expense or reimburse the city for its defense, at the city's option, on any and all claims and suits brought against the city, its elected or appointed officers, employees, and agents resulting from the franchisee's performance or nonperformance of service pursuant to the franchise.

(o) Each commercial franchisee shall report to the city by December 15 of each year the percentage participation of its clients in commercial recycling and the amount of recovered material collected as a percentage of total solid waste collected from its customers for the year ending September 30.

(p) Each franchisee must provide the city with the location of the disposal site it uses for construction and demolition debris.

(q) In order to ensure that the franchisee provides a quality level of solid waste and recycling collection services, the following standards and fines are set:

(1) All complaints received by the city and reported to the franchisee shall be promptly resolved. Any complaint received by the franchisee shall be entered on a form approved by the city. All complaints received during the business day shall be transmitted on the approved form by 5:00 p.m. each business day. Any complaint received before noon shall be resolved the same business day. All other complaints shall be resolved by the end of the next business day.

(2) In the event legitimate complaints shall exceed two percent of the total customers served by the franchisee during any city fiscal year, or 0.5 percent of the total customers serviced by the franchisee during any calendar month, the city may seek fines for the following violation of this article, on a per incident basis, when committed by the franchisee:

a. Commingling solid waste with yard waste and/or designated recyclable materials.

b. Failure to replace damaged container within seven days of notification (48 hours for commercially-collected residential customers).

c. Throwing of garbage cans or recycling containers.

d. Failure to transmit commercial complaint forms as specified in this subsection.

e. Failure to repair damage to customer's property.

(3) The city may seek fines for the following violations of the article, on a per day basis, when committed by the franchisee:

a. Failure to provide clean, safe, sanitary equipment.

b. Failure to maintain required office hours.

c. Failure to maintain proper licenses.

d. Failure to display franchisee name and phone number on equipment or containers.

e. Failure to collect solid waste upon notification by city. Franchisee will also be charged the cost incurred by the city if city personnel are required to collect the solid waste due to such failure.

f. Using improper truck to service commercial or commercially-collected residential customer solid waste.

g. Failure to provide monthly recycling reports by the 30th day after each month in the format specified by the city.

h. Collection outside hours specified in section 27-79.

i. Failure to clean up spillage of any substance required to be cleaned up pursuant to federal, state or local laws, rules or ordinance.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-79.1. Term of franchise.

Any non-exclusive-franchise issued shall be by application. The term of any nonexclusive franchise shall extend until 11:59 p.m. on September 30 of each year unless forfeited or revoked sooner, or be held month to month, as provided herein. In any year in which the city is transitioning from non-exclusive franchises to an exclusive franchise system, the term of non-exclusive franchises will be month to month instead of one year. If the city issues an exclusive franchise, the term of the exclusive franchise agreement shall be as set forth in the agreement.

(Ord. No. 200413, § 2, 1-20-22; Ord. No. 210129, § 1, 6-2-22)

Sec. 27-80. Franchise fees.

(a) *Amount of fee.*

(1) The commercial franchisee providing commercial service shall pay as compensation to the city, for the rights and benefits granted hereunder, a monthly fee as described in Appendix A. For purposes of the calculation stated as Appendix A, gross revenues shall consist of all revenues from the sale or lease of containers, all revenues from garbage and trash collection services, all disposal billed, late fees, bad debt recoveries and other fees collected from customers, with no deductions except for bad debts actually written off.

(2) The commercial franchisee providing construction and demolition debris collection service shall pay as compensation to the city, for the rights and benefits granted hereunder, an annual fee calculated based on all vehicles owned, leased, or otherwise used in construction and demolition debris collection service as described in Appendix A.

(3) Commercial franchisees providing both commercial service and construction and demolition debris collection service shall pay both fees described in subsections (1) and (2) above, but shall not be required to pay the fees in Appendix A deriving from subsection (2) above for vehicles which are not intended and shall never be used to haul construction and demolition debris.

(b) Compensation payments for commercial service shall be due 20 days after the end of each month, accompanied by statements of gross revenues as prescribed by the city's finance department, and shall be paid directly to the city's finance department. Statements and remittances shall be accepted as timely if postmarked on or before the 20th day of the month; if the 20th day falls upon a Saturday, Sunday or federal or state holiday, statements and remittances shall be accepted as timely if postmarked on the next succeeding workday. Compensation payments for construction and demolition debris collection service shall be due on October 15 of each year, and will be accepted as timely if postmarked on or before October 15, or the next succeeding workday if October 15 falls upon a Saturday or Sunday or state or federal holiday.

Payments not received by the due date shall be assessed interest at the rate of one percent per month compounded monthly from the due date.

(c) All amounts paid shall be subject to confirmation and recomputation by the city. An acceptance of payment shall not be construed as an accord that the amount paid is, in fact, the correct amount, nor shall acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable.

(d) Billing maneuvers that have the effect of reducing or avoiding the payment of franchise fees are expressly prohibited and will be cause for termination of the franchise, as well as punishment as provided by section 1-9.

(e) Payment of this franchise fee shall not exempt the commercial franchisee from the payment of any other license fee, tax or charge on the business, occupation, property or income of the franchisee that may be imposed by the city.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-81. Books, records and reporting requirements.

(a) The city shall have the right to review all records maintained by a franchise providing commercial service concerning its franchise on 30 days' written notice.

(b) Each commercial franchisee providing commercial service shall file written monthly reports within 30 days after the end of each month with the city manager or designee. The report shall contain an accurate statement of all receipts under the franchise from all sources, the number of accounts by service level, the quantities of garbage and trash collected and the number of routes for garbage and trash collection.

(c) Each commercial franchisee providing commercial service shall file an annual report including a schedule of total gross revenues as defined in section 27-80(a). This annual report shall be examined by an independent certified public accountant ("auditor") to certify that the computation of gross revenue used to calculate franchise fees remitted is in accordance with the terms of the franchise. The auditor's report shall state that the examination was performed in accordance with professional standards established by the AICPA and shall be filed with the city manager or designee within 120 days of the franchisee's year end.

(d) Each commercial franchisee shall submit by September 1 of each year an updated list of the type, number and complete description of all equipment to be used for providing service pursuant to this division. Vehicles placed into service since the preceding September 1 shall have the in-service dates noted, and vehicles no longer in service shall have the retirement dates noted. Commercial and demolition debris collection service franchisees will be invoiced for all net increases in vehicles operating during the prior year on a prorated basis, as well as invoiced for vehicles intended to be operated during the coming year.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-82. Application requirements.

(a) Applications for a franchise shall be made to public works director or designee on such forms and in such manner as prescribed by the city. Application may be made for one or both of the following types of franchise:

(1) Commercial limited to collection of garbage and trash from commercially-collected residential dwellings and collection or processing of garbage and trash from commercial generators.

(2) Construction and demolition limited to collection and disposal of construction and demolition debris.

(b) Application forms will require, at a minimum, the following information and supporting documents:

(1) If the applicant is a partnership or corporation, the name(s) and business address(es) of the principal officers and stockholders and other persons having financial or controlling interest in the partnership or corporation; provided, however, that if the corporation is a publicly owned corporation having more than 25 shareholders, then only the names and business addresses of the local managing officers shall be required.

(2) Criminal convictions, including withheld adjudication and plea of nolo contendere for any felonies of the applicant if an individual, or any person having any controlling interest in a firm, corporation, partnership, association or organization making application, if requested by the public works director or designee.

(3) A statement of whether such applicant operates or has operated a solid waste collection business in this or any other state or territory under a franchise, permit or license; and if so, where, and whether such franchise, permit or license has ever been revoked or suspended and the reasons therefor.

(4) Proof that corporation is in good standing in the state of corporation, if applicant is a corporation, and, if not a Florida corporation, that applicant is qualified to do business in the State of Florida. If applicant is other than a corporation and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant.

(5) A list of the type, number and complete description of all equipment to be used by the applicant for providing service pursuant to this division. The public works director or designee may conduct an inspection of all equipment utilized in providing the services as outlined in the franchise to determine that the franchise possesses equipment capable of providing safe and efficient services.

(6) The applicant shall maintain in full force and effect insurance as specified herein and shall furnish a comprehensive general liability policy to the city manager or designee or designee and also file with the city manager or designee or designee a certificate of insurance for all policies written in the applicant's name. The applicant shall carry in its own name a policy covering its operations in an amount not less than $200,000.00 per occurrence for bodily injury and $200,000.00 per occurrence for property damage regarding comprehensive general liability. The applicant shall carry in its own name a policy covering its operation in an amount not less than $100,000.00 per person, $200,000.00 per occurrence for bodily injury, and $50,000.00 per occurrence for property damage liability regarding automobile liability insurance. The applicant shall maintain workers compensation as required by F.S. Ch. 440.

(7) The insurance policies shall be filed in the office of city manager or designee or designee and shall remain on file so long as the franchisee operates a franchise.

(8) The applicant shall pay the city a nonrefundable application fee, as specified in Appendix A, at the time application is filed.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-83. Denial of application; suspension or revocation of franchise; right of appeal.

(a) Upon a finding of just cause, the public works director or designee shall deny a franchise in the case of application for new or renewed franchises, and suspend or revoke a franchise for a specified period of time in the case of previously issued franchises. Just cause shall include but not be limited to a failure to meet the requirements of this article, violation of any of the provisions of this article or any of the ordinances of the city, or the laws of the United States or the State of Florida, the violations of which reflect unfavorably on the fitness of the holder to offer solid waste collection services to the public.

(b) Prior to denial, suspension or revocation, the applicant or holder shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to present to the public works director or designee written and oral evidence at a hearing as to why the franchise should not be denied, revoked or suspended. The notice of the proposed action shall be served upon the applicant or franchisee by registered mail or personal service. The hearing shall be held no earlier than ten days after notice is received by the applicant or registrant. Notice of the final decision of the public works director or designee shall be sent in writing to the applicant or registrant.

(c) Any applicant or franchisee whose franchise is denied, suspended or revoked by the public works director or designee may appeal the decision to the city manager. The appeal shall be taken by filing written notice thereof, in duplicate, with the city clerk within ten days after the decision of the public works director or designee. The city clerk shall notify the public works director of the appeal and the public works director or designee shall forthwith transmit to the clerk copies of all papers constituting the record upon which the action appealed is based. No later than 15 days after the date of filing the appeal, the city manager or designee shall review the record and decide whether the decision of the public works director was based on competent, substantial evidence. If the city manager finds competent, substantial evidence for the public works director's decision, the city manager will uphold the public works director's decision; otherwise, the city manager will reverse the public works director's decision. The decision of the city manager shall constitute final administrative action.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-84. Penalties for violation.

Except as otherwise provided, violations of this division may be enforced by civil citation if specifically provided for by section 2-339, as provided by section 1-9, by code enforcement proceedings, or the city may seek injunctive relief.

(Ord. No. 210129, § 1, 6-2-22)

DIVISION 3. COMMERCIAL RECYCLING

Sec. 27-85. Mandatory commercial recycling established.

(a) *Commercial generators.* All commercial generators shall separate designated recycling materials and make them available for recycling. The commercial generator shall either self-transport the designated recyclable materials or utilize a registrant to collect and transport the designated recyclable materials to a recovered materials processing facility. Failure to separate the designated recyclable materials, except for de minimus amounts as determined by the city manager or designee, from solid waste loads delivered to a city facility, a facility under contract with the city or a solid waste container at point of generation will subject the commercial generator to civil citation as provided in sections 2-336 through 2-339 of this Code and may, in addition, result in a surcharge as provided in subsection (c) below.

(b) *Notice of noncompliant status.* Before a civil citation is issued, or a surcharge can be imposed, the commercial generator must be issued a notice advising of its noncompliant status. The notice shall provide a compliance date. If upon subsequent inspection the commercial generator is still not in compliance a civil citation will may be issued.

(c) *Separation and collection or special pick-up by city.* If the city undertakes the separation and collection of the designated recycled materials or otherwise performs a special pick-up of garbage or trash because a commercial generator fails to separate the designated recyclable materials, except for de minimus amounts

as determined by the city manager or designee, from solid waste loads delivered to a city facility, a facility under contract with the city or a solid waste container at point of generation, the city may have it removed and any expenses incurred will be included as a surcharge in the utility bill of the commercial generator.

(d) *Appeal.* A commercial establishment may appeal the imposition of a surcharge to the city manager or designee within 15 calendar days of such imposition. The notice of appeal shall include all information and grounds the commercial generator wants to be considered by the city manager or designee as to why the surcharge should not be imposed. The city manager or designee shall have 15 calendar days to affirm or abate the surcharge. The determination of the city manager or designee shall be final.

(e) *Location of containers.*

(1) All recovered materials shall be placed in an appropriate industry standard container. Where carts are used, they shall be placed at such collection point(s) as may be agreed to between the registrant and the customer, subject to approval by the city manager. All containers shall be kept in a safe, accessible location as designated or approved by the city and agreed to by the registrant and customer.

(2) Any commercial establishment providing receptacles for collecting and disposing of garbage to the public shall place an equal number of receptacles for collection of designated recyclable materials next to the garbage receptacle. If the commercial establishment is unable to meet the above requirement, the commercial establishment shall cooperate with the city to develop an acceptable alternative plan for the placement of receptacles for designated recyclable materials on the premises, with the city making the final determination based upon volume of recycling materials produced and space for receptacle placement at the commercial establishment.

(3) Property owners shall provide commercial establishment tenants with space for commercial service containers for garbage and recycling collection or make reasonable accommodations for shared commercial service containers for garbage and recycling collection in a convenient and nearby location. The commercial service containers should be located such that collection equipment can safely collect waste within the commercial service containers and such that the location of the commercial service containers does not create a health or litter hazard due to the distance from the tenant's commercial establishment. If the property owner is unable to meet the above requirement, the property owner shall cooperate with the city to develop an acceptable alternative plan for the collection of waste from the tenant, with the city making the final determination as to the location of the commercial service container.

(f) *Maintenance of containers.* If a registrant provides recovered material containers to its customers, the registrant will be responsible for the proper maintenance of the container. Customers that acquire their own containers from any other source are responsible for the proper maintenance of the container, except that damage done by the registrant shall be the responsibility of the registrant; and for ensuring that the container can be serviced by the registrant's equipment.

(g) *Proof of participation in recycling program.* A commercial generator, generator of construction and demolition debris or owner of a commercially-collected residential property shall produce proof of a valid and current contract with a registrant or receipts for delivery of recovered materials to an approved site, upon request of the city manager or designee.

(h) *Requirement for a take back program for prescription drugs.* Beginning June 1, 2023, all commercial generators distributing or providing prescription medicines or drugs at a retail level shall provide on-site publicly accessible containers for the collection and disposal of prescription medicines or drugs and shall collect, and dispose of or destroy. such drugs in accordance with state and federal law.

(i) *Commercially-collected residential recycling.* All commercially-collected residential serviced property owners/developers and their affiliated entities, including but not limited to landlords, management

companies, condominium associations, and home owner associations shall establish a recycling program that:

(1) Includes recycling of all designated recyclable materials;

(2) Provides an industry standard recovered materials container in a common area on the property that is as convenient and accessible to the residents as garbage collection containers. If the city manager or designee determines the location of recovered materials containers fails to meet this requirement, the city manager shall determine an appropriate location on the property for recycling containers;

(3) Provides an adequate level of service and capacity of designated recyclable collection containers based on the number of residents units, or generation at the property. If the city manager or designee determines the level of service and capacity of recycling containers is inadequate, the city manager shall determine an appropriate level of service and capacity of recycling containers:

(4) Prominently posts and maintains one or more signs in common areas where designated recyclable materials are collected that specify the materials accepted for recycling;

(5) Distributes recycling information in printed or electronic form to each occupant or unit on the property: a) upon commencement of the tenant's lease or unit sale, b) at least once annually, and c) within 14 days after any changes to recycling services on the property; and

(6) By October 1, 2023, provides at least one indoor recycling storage container per unit of a type and design approved by the city for unit occupants to easily transport designated recyclable materials to the collection area on the property. If the occupant owns the unit, the owner of the unit shall supply their own indoor recycling storage container.

(j) *Commercially-collected residential property lease transition plan.*

(1) Beginning June 1, 2023, commercially-collected residential properties with at least 200 leased units that are located within the designated area shall submit to the public works department a plan to divert from the landfill waste stream usable and functioning household goods, furnishings, and electronics, and recyclable cardboard resulting from the high volume move-in and move-out periods that occur April 20—May 15 and July 20—August 25 of each year. Beginning January 1, 2025, commercially-collected residential properties with at least 50 leased units that are located within the designated area shall submit to the public works department a plan to divert from the landfill waste stream usable and functioning household goods, furnishings, and electronics, and recyclable cardboard resulting from the high volume move-in and move-out periods that occur April 20—May 15 and July 20—August 25 of each year. The designated area will be described in a map on file in the public works department, and may be revised from time to time by the public works director. The plan shall be submitted on a form prepared by the city. At a minimum the plan must contain:

a. An affirmation that the commercially-collected property will provide notice to tenants at least one month in advance of the move-out period that encourages the sale or donation of goods, the location of the donation collection site, and the availability of free goods at the donation collection site;

b. The location of the donation collection site;

c. A plan for protection of the collected goods from adverse weather conditions (including rain); and

d. Identify the local reuse organization(s) that will accept the donated goods.

(2) The city shall approve or disapprove the plan within 15 business days of the plan being submitted and send written notice of the decision to the commercially-collected residential property. If approved, the proposed plan shall be implemented no later than 60 days after approval. If the plan is disapproved,

the commercially-collected residential property shall re-submit the plan no later than 30 days after the date of its disapproval.

(k) *Exemptions.* A commercial generator may request an exemption from the requirements within section 27-85(e)(2). The city manager or designee shall grant a request for an exemption if the commercial generator demonstrates to the satisfaction of the city manager or designee that the volume of designated recyclable materials generated is de minimus or space is not available at a given property for additional container placement. Each exemption request must be completed and submitted using the standardized forms provided by the city. Commercial generators shall be notified in writing within 60 days of whether their exemption request is granted or denied.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-86. Registration of recovered materials collectors.

(a) *Registration required.* No person, including a commercial franchisee, shall collect, transport, convey or process recovered materials in the city without a registration certificate from the city. Each commercial franchise holder who desires to collect recovered materials as part of the commercial recycling program shall be granted a registration certificate upon completing an application and providing the necessary documentation. No application fee will be required until such time as the commercial franchise would have terminated had it not been extended by subsection 27-79.1. This subsection does not prohibit the city from entering into an exclusive franchise agreement or issuing exclusive certificates of registration for the collection of recovered materials from residential properties or commercially-collected residential properties.

(b) *Application for a recovered material certificate.*

(1) Applications for registration shall be obtained from and returned to the department of solid waste.

(2) The applicant shall state whether it is a processor, a transporter, or both.

(3) Requested information on the application shall be limited to that information required by F.S. § 403.7046.

(4) The application must be accompanied by:

a. A copy of state certification as required by F.S. § 403.7046;

b. Disclosure of ownership as set forth below; and

c. Proof of insurance as set forth below.

(c) *Renewal of registration.* The certificate of registration may be valid for five years, and may be renewed up to two times upon:

(1) Disclosure of ownership as set forth below;

(2) Proof of insurance as set forth below as of the time of renewal; and

(3) Proof that the registrant is still providing service to customers.

(d) *Operating requirements for registrants.* Persons collecting, transporting, conveying or processing recovered materials in the city shall comply with the following operating requirements:

(1) *Disclosure of ownership.* Each registrant shall annually provide two copies of a notarized statement disclosing the names of its owners, general and limited partners, or corporate or registered name under which it will conduct its business as authorized by this article.

(2) *Response to complaint.* Each registrant shall be responsible for responding to any and all complaints which involve registrant's actions that create a nuisance or have the potential to create a nuisance. Response shall be within 24 hours of the complaint, or by 5:00 p.m. Monday if the complaint was received during a weekend.

(3) *Clean-up.* A registrant shall handle recovered materials containers with reasonable care and return them to the approximate location from which they were collected. A registrant shall clean up all materials spilled during its collection operation.

(4) *Emergencies.* A registrant shall not be required to provide collection services when all appropriate recycling sites are closed or a city emergency or imminent emergency exists, as determined by the city manager or designee. Collections shall resume on the instruction of the city manager or designee.

(5) *Non-agency.* A registrant shall not be deemed an agent of the city and shall be responsible for any losses or damages of any kind arising from its performance or nonperformance under its registration. The registrant shall defend at its own expense or reimburse the city for its defense, at the city's option, of any and all claims and suits brought against the city, its elected or appointed officers, employees, and agents resulting from the registrant's performance or nonperformance of service pursuant to the registration.

(6) *Trucks.* A registrant shall use trucks that are capable of preventing spillage or accidental release of recovered material during transport.

(7) *Insurance.* A registrant shall purchase and maintain the types and amounts of insurance set forth below from companies authorized to do business in the State of Florida. The city shall be named as an additional insured on the general liability insurance if the registrant utilizes city facilities. Failure to maintain insurance shall result in revocation of registration.

a. General liability insurance - $500,000.00 per occurrence if the registrant utilizes city facilities.

b. Commercial motor vehicle insurance as required by F.S. Ch. 627.

c. Workers compensation as required by F.S. Ch. 440.

(8) *Other laws, rules and regulations.* A registrant shall procure at its own expense all local, state and federal franchises, certificates, permits or other authorizations necessary for the conduct of its operations. A registrant and its employees, officers and agents shall comply with all relevant local, state, and federal laws, rules and regulations, orders and mandatory guidelines applying to the collection or processing services being rendered.

(9) *Effect of certificate.* Issuance of a registration certificate by the city shall not be deemed to be a waiver of any applicable local, state or federal law or regulation, including but not limited to zoning or planning regulations, with respect to a recycling operation of any kind, nor shall it create any vested right to own or operate any type of recycling operation.

(10) *Hours of operation.* A registrant shall make available daily collection of designated recyclable materials. Collection shall begin no earlier than 6:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday, except in areas of mixed residential and commercial occupancy where collections shall begin no earlier than 7:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday. Sunday service shall not begin before 8:00 a.m. and shall cease no later than 9:00 p.m.

(e) *Separation of residential and commercial materials.* Curbside collection of designated recyclable materials from commercial generators shall be allowed only with prior approval of the city manager or designee, when considering a request to provide curbside collection, the city manager or designee shall consider the following factors:

(1) Accessibility of collection vehicles to property.

(2) Available space for placement of containers.

(3) Predominant use of property.

(4) Safety.

(f) *Delivery of materials.* All recovered materials shall be delivered to a recovered materials dealer that has been certified by the Florida Department of Environmental Protection or subsequent responsible agency, and the city.

(g) *Reports.*

(1) The recovered materials registrant shall submit to the city manager or designee reports as authorized by F.S. § 403.7046, and the regulations promulgated pursuant to the authority stated in statute.

(2) Within 15 days of changing facilities where recovered materials is being delivered, recovered materials registrants shall provide the name and location of the new facilities to the city manager or designee.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-87. Revocation of registration.

(a) Upon a finding of just cause, the public works director or designee shall deny a registration in the case of application for a new or renewed registration, and suspend or revoke a registration for a specified period of time in the case of previously issued registration. Just cause shall be consistent and repeated violation of state or local laws, ordinances, rules, and regulations relating to the applicant's or registrant's operation; or loss of state certification as a recovered materials dealer.

(b) Prior to denial, suspension or revocation, the applicant or registrant shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to present to the public works director or designee written and oral evidence at a hearing as to why the registration should not be denied, revoked or suspended. The notice of the proposed action shall be served upon the applicant or registrant by registered mail or personal service. The hearing shall be held no earlier than ten days after notice is received by the applicant or registrant. Notice of the final decision of the public works director or designee shall be sent in writing to the applicant or registrant.

(c) Any applicant or registrant whose registration is denied, suspended or revoked by the public works director or designee may appeal the decision to the city manager. The appeal shall be taken by filing written notice thereof, in duplicate, with the city clerk within ten days after the decision of the public works director or designee. The city clerk shall inform the public works director of the appeal, and the public works director or designee shall forthwith transmit to the city clerk copies of all papers constituting the record upon which the action appealed is based. No later than 15 days after the date of filing the appeal, the city manager shall review the record and decide whether the decision of the public works director was based on competent, substantial evidence. If the city manager finds competent, substantial evidence for the public works director's decision, the city manager will uphold the public works director's decision; otherwise, the city manager will reverse the public works director's decision. The decision of the city manager shall constitute final administrative action.

(Ord. No. 210129, § 1, 6-2-22)

Sec. 27-88. Penalties for violation.

Except as otherwise provided, violations of this division may be enforced by civil citation if specifically provided for by section 2-339, as provided by section 1-9 of this Code of Ordinances, by code enforcement proceedings, or the city may seek injunctive relief.

(Ord. No. 210129, § 1, 6-2-22)

DIVISION 4. SINGLE-USE PLASTIC AND POLYSTYRENE PRODUCTS

Sec. 27-89. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expanded polystyrene container means any plate, bowl, cup, container, lid, tray, cooler, ice chest, and similar items that are made of blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and manufactured by fusion of polymer spheres (expandable bead foam), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene) or any other technique.

Prepared food provider means a person or entity that provides food (including beverages) directly to the consumer, that is ready for immediate consumption without any further cooking, mixing, preparation, alteration or repackaging regardless of whether such food is provided free of charge or sold, or whether consumption occurs on or off premises, or whether the food is provided from a building, pushcart, stand or vehicle. Prepared food providers include, but are not limited to, bars, restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending or food trucks or carts and cafeterias.

Single-use plastic food accessory means any item which is made predominantly of plastic derived from petroleum polymer or a biologically-based polymer and is provided for one-time use with prepared food (including beverages), such as utensils, chopsticks, portion cups, condiment packets, and other similar accessories. This definition excludes items that are provided to prevent spills and injuries, such as spill plugs, splash sticks, cup lids, cup sleeves and cup trays.

Single-use plastic straw means a disposable tube used for the purpose of consuming beverages and intended for one-time use, which is made predominantly of plastic derived from petroleum polymer or a biologically-based polymer.

Single-use plastic stirrer means a device that is used to mix beverages and intended for one-time use, and made predominantly of plastic derived from a petroleum polymer or a biologically based polymer.

(Ord. No. 210129, § 2, 6-2-22)

Sec. 27-90. Prohibition on single-use plastic straws and single-use plastic stirrers.

(a) Prepared food providers shall not sell, use, offer for sale or use, or provide to any person a single-use plastic straw or single-use plastic stirrer.

(1) *Exceptions:* Although the discontinuation of the use of single-use plastic straws and single-use plastic stirrers is strongly encouraged, this article shall not apply to the sale or use of single-use plastic straws or single-use plastic stirrers as follows:

a. Pre-packaged beverages with a single-use plastic straw or single-use plastic stirrer that are prepared and packaged outside the city and are not altered, packaged or repackaged within the city.

b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers that are offered for retail sale to a consumer for personal use, that are prepared and packaged outside the city and are not altered, packaged or repackaged within the city.

c. By medical or dental facilities.

d. By hospitals.

e. By nursing homes or assisted living facilities.

f. By any disabled person that requires or relies on same to consume beverages and/or food supplements.

(Ord. No. 210129, § 2, 6-2-22)

Sec. 27-91. Single-use plastic food accessories available upon request.

Prepared food providers shall not provide single-use plastic food accessories for dine-in, take-out or delivery, unless the single-use food accessory is specifically requested by the customer or is provided at a customer self-serve station.

(Ord. No. 210129, § 2, 6-2-22)

Sec. 27-92. Prohibition on use of expanded polystyrene containers on city property or city right-of-way.

Any person or entity that is required to obtain a permit, use agreement. or other authorization or approval to use city property or city right-of-way pursuant to chapter 18, article II, park regulations; chapter 19, peddlers, solicitors and canvassers; and chapter 30, article V, Use standards after the effective date of this article is prohibited from using expanded polystyrene containers for the permitted activity on city property or city right-of-way. This prohibition excludes the distribution of any prepackaged food that is filled and sealed in an expanded polystyrene container prior to receipt by the person or entity and it excludes raw meat or seafood that is stored in an expanded polystyrene container and sold from a refrigerated display or storage case.

(Ord. No. 210129, § 2, 6-2-22)

Sec. 27-93. Prohibition on intentional release outdoors of plastic confetti, glitter and balloons.

All persons are prohibited from intentionally releasing outdoors any plastic confetti, glitter or balloons. Consistent with F.S. § 379.233, the following balloon releases are exempt from the above prohibition: (a) balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; (b) hot air balloons that are recovered after launching; or (c) balloons that are either biodegradable or photodegradable, as determined by rule of the fish and wildlife conservation commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. The party responsible for the release shall make available evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie, evidence of a violation of this act.

(Ord. No. 210129, § 2, 6-2-22)

Sec. 27-94. Enforcement; penalties; injunctive relief.

The city may enforce this division by civil citation in accordance with chapter 2, article V, division 6. In addition, persons who are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

(Ord. No. 210129, § 2, 6-2-22)

DIVISION 6. FOOD WASTE

Sec. 27-95. Registration of food waste collectors.

(a) *Registration required.* No person, including a commercial franchisee, shall collect, transport, convey or process food waste intended for industrial uses or composting in the city for hire, remuneration, or other consideration without a registration certificate from the city. Each commercial franchise holder who desires to collect food waste in the city intended for industrial uses or composting shall be granted a food waste registration certificate upon completing an application and providing the necessary documentation. No application fee will be required for renewals of existing registration certificates. This subsection does not prohibit the city from entering into an exclusive franchise agreement or issuing exclusive certificates of registration for the collection of food waste materials from residential or commercially serviced properties.

(b) *Application for a food waste collector registration.*

(1) Applications for registration shall be obtained from and returned to the solid waste division.

(2) The applicant shall:

a. State whether it is a processor, a transporter, or both;

b. Provide a list of facilities that meet permitting requirements of the State of Florida where material will be delivered;

c. Provide disclosure of ownership as set forth below; and

d. Provide proof of insurance as set forth below.

(c) *Renewal of registration.* The certificate of registration shall be valid for one year.

(d) *Operating requirements for food waste registrants.* Persons collecting, transporting. conveying food waste in the city shall comply with the following operating requirements:

(1) *Delivery to food waste processing facility.* All food waste shall be delivered to a food waste processing facility that meets permitting requirements of the State of Florida. Within 15 days of changing facilities where food waste is being delivered, food waste registrants shall provide the name and location of the new facilities to the city manager or designee.

(2) *Disclosure of ownership.* Each registrant shall annually provide two copies of a notarized statement disclosing the names of its owners, general and limited partners, and corporate or registered name under which it will conduct its business as authorized by this article.

(3) *Response to complaints.* Each registrant shall be responsible for responding to any and all complaints which involve registrant's actions that create a nuisance or have the potential to create a nuisance.

Response shall be within 24 hours of the complaint, or by 5:00 p.m. Monday if the complaint was received during a weekend.

(4) *Clean-up.* A registrant shall handle food waste containers with reasonable care and return them to the approximate location from which they were collected. A registrant shall clean up all materials spilled during its collection operation.

(5) *Emergencies.* A registrant shall not be required to provide collection services when all appropriate food waste collection sites are closed or a city emergency or imminent emergency exists, as determined by the city manager or designee. Collections shall resume on the instruction of the city manager or designee.

(6) *Non-agency.* A registrant shall not be deemed an agent of the city and shall be responsible for any losses or damages of any kind arising from its performance or nonperformance under its registration. The registrant shall defend at its own expense or reimburse the city for its defense, at the city's option, of any and all claims and suits brought against the city, its elected or appointed officers, employees, and agents resulting, from the registrant's performance or nonperformance of service pursuant to the registration.

(7) *Trucks.* A registrant shall use trucks that are capable of preventing spillage or accidental release of food waste during transport.

(8) *Insurance.* A registrant shall purchase and maintain the types and amounts of insurance set forth below from companies authorized to do business in the State of Florida. Failure to maintain insurance shall result in revocation of registration.

a. General liability insurance—$500,000.00 per occurrence if the registrant utilizes city facilities.

b. Commercial motor vehicle insurance as required by F.S. Ch. 627.

c. Workers compensation as required by F.S. Ch. 440.

(9) *Other laws, rules and regulations.* A registrant shall procure at its own expense all local, state and federal franchises, certificates, permits or other authorizations necessary for the conduct of its food waste operations. A registrant and its employees, officers and agents shall comply with all relevant local, state, and federal laws rules and regulations, orders and mandatory guidelines applying to the collection or processing services being rendered.

(10) *Effect of certificate.* Issuance of a registration certificate by the city shall not be deemed to be a waiver of any applicable local, state or federal law or regulation, including but not limited to zoning or planning regulations, with respect to a food waste operation of any kind, nor shall it create any vested right to own or operate any type of food waste operation.

(11) *Hours of operation.* A registrant shall make available daily collection of food waste. Collection shall begin no earlier than 6:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday, except in areas of mixed residential and commercial occupancy where collections shall begin no earlier than 7:00 a.m. and shall cease no later than 9:00 p.m. Monday through Saturday. Sunday service shall not begin before 8:00 a.m. and shall cease no later than 9:00 p.m.

(e) *Separation of residential and commercial materials.* Curbside collection of food waste from commercial generators shall be allowed only with prior approval of the city manager or designee. When considering a request to provide curbside collection, the city manager or designee shall consider the following factors:

(1) Accessibility of collection vehicles to property.

(2) Available space for placement of containers.

(3) Predominant use of property.

(4) Safety.

(f) *Reports.* The food waste registrants shall submit to the city manager or designee reports, which shall include data as to number of customers, volume of food waste collected, food waste processing facilities to which food waste is delivered, and volume of food waste delivered to food waste processing facilities.

(Ord. No. 200381, § 1, 6-2-22)

Sec. 27-95.1. Revocation of food waste collector registration.

(a) Upon a finding of just cause, the public works director or designee shall deny a food waste collector registration in the case of application for a new or renewed registration, or suspend or revoke a registration for a specified period of time in the case of previously issued registration. Just cause shall include but not be limited to a failure to meet the requirements of this division, violation of any of the provisions of this division or any of the ordinances of the city, or the laws of the United States or the State of Florida, the violations of which reflect unfavorably on the fitness of the holder to offer food waste collection services to the public, or loss of an required state permit as a food waste collector, transporter, or processor.

(b) Prior to denial, suspension or revocation, the applicant or registrant shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to present to the public works director or designee written and oral evidence at a hearing as to why the registration should not be denied, revoked or suspended. The notice of the proposed action shall be served upon the applicant or registrant by registered mail or personal service. The hearing shall be held no earlier than ten days after notice is received by the applicant or registrant. Notice of the final decision of the public works director or designee shall be sent in writing to the applicant or registrant.

(c) Any applicant or registrant whose registration is denied, suspended or revoked by the public works director or designee may appeal the decision to the city manager. The appeal shall be taken by filing written notice thereof, in duplicate, with the city clerk within ten days after the decision of the public works director or designee. The city clerk shall inform the public works director of the appeal, and the public works director or designee shall forthwith transmit to the city clerk copies of all papers constituting the record upon which the action appealed is based. No later than 15 days after filing the appeal, the city manager or designee shall review the record and decide whether the decision of the public works director was based on competent, substantial evidence. If the city manager finds competent, substantial evidence for the public works director's decision, the city manager will uphold the public works director's decision; otherwise, the city manager will reverse the public works director's decision. The decision of the city manager shall constitute final administrative action.

(Ord. No. 200381, § 1, 6-2-22)

Sec. 27-95.2. Mandatory commercial food waste collection established.

(a) *Commercially-collected residential property food waste collection.*

(1) All commercially-collected residential serviced property owners/developers and their affiliated entities, including but not limited to landlords, management companies, condominium associations, and home owner associations shall, by June 1, 2024, establish a food waste collection program that:

a. Includes collection and diversion of food waste from the wastestream. A commercially-collected residential property shall, upon request of the city manager director or designee, produce proof of a valid and current contract with a food waste registrant or receipts for collection and delivery of food waste materials to a food waste processing facility that meets permitting requirements of

the State of Florida, unless the commercially-collected residential property is granted an exemption;

b. Provides an industry standard food waste container in a common area on the property that is as convenient and accessible to the residents as garbage and recovered materials collection containers. If the city manager or designee determines the location of food waste containers fails to meet this requirement, the city manager or designee shall determine an appropriate location on the property for the food waste containers;

c. Provides an adequate level of service and capacity of food waste collection containers based on the number of residents, units, or generation at the property. If the city manager or designee determines the level of service and capacity of food waste containers is inadequate, the city manager or designee shall determine an appropriate level of service and capacity of food waste containers;

d. Prominently posts and maintains one or more signs in common areas where food waste is collected that specify the materials accepted as food waste;

e. Distributes food waste collection information in printed or electronic form to each occupant or unit on the property: a) upon commencement of the tenant's lease or unit sale, b) at least once annually, and c) within 14 days after any changes to food waste services on the property; and

f. At such time when food waste services are made available at property, provides at least one indoor food waste storage container per unit of a type and design approved by the city for occupants to easily transport food waste to the collection area on the property. If the occupant owns the unit, the owner of the unit shall supply their own indoor food waste storage container.

(2) *Exemptions.* A commercially-collected residential property may request an exemption from the requirements of subsection (1). The city manager or designee shall grant a request for an exemption if the commercially-collected residential property demonstrates to the satisfaction of the city manager or designee that space is not available at a given property for additional container placement or provides proof that the commercially-collected residential property is unable to comply due to lack of available service providers. An exemption request must be completed and submitted every six months using forms provided by the city. The commercially-collected residential property shall be notified in writing within 60 days of whether its exemption request is granted or denied.

(b) *Requirement for commercial establishments to collect food waste.* By June 1, 2023 commercial establishments that generate one cubic yard of food waste or more per week shall separate food waste from the waste stream and collect food waste in containers that are separate from garbage and recovered materials. By June 1, 2026. all commercial establishments shall separate food waste from the waste stream and collect food waste in containers that are separate from garbage and recovered materials, unless the amount of food waste generated by the establishment is both de minimus and is less than one cubic yard of food waste per week. The commercial establishment shall make food waste in the receptacles available for processing. A commercial establishment shall, upon request of the city manager director or designee, either provide receipts for delivery of food waste to a food waste processing facility that meets permitting requirements of the State of Florida or produce proof of a valid and current contract with a food waste registrant.

(c) *Maintenance of containers.* If a registrant provides food waste containers to its customers, the registrant will be responsible for the proper maintenance of the container. Customers that acquire their own containers from any other source are responsible for the proper maintenance of the container, except that damage done by the registrant shall be the responsibility of the registrant; and for ensuring that the container can be serviced by the registrant's equipment.

(d) *Location of containers.* All food waste shall be placed in an appropriate industry standard container. Where carts are used, they shall be placed at such collection point(s) as may be agreed to between the registrant and the customer, subject to approval by the city manager. All containers shall be kept in a safe, accessible location as designated or approved by the city and agreed to by the registrant and customer.

(1) Any commercial establishment providing receptacles for collecting and disposing of garbage and recycling to the public shall provide an equal number of receptacles for collection of food waste paired next to the garbage and recycling receptacles in areas of the establishment where food is consumed. If the commercial establishment is unable to meet the above requirement, the commercial establishment shall work with the city to develop an acceptable alternative plan for the placement of receptacles for food waste on the premises, with the city making the final determination based upon volume of food waste produced and space for receptacle placement at the commercial establishment.

(2) Property owners shall provide commercial establishment tenants with space for commercial service containers for food waste collection or make reasonable accommodations for shared commercial service containers for food waste collection in a convenient and nearby location. The commercial service containers should be located such that collection equipment can safely collect waste within the commercial service containers and such that the location of the commercial service containers does not create a health or litter hazard due to the distance from the tenant's commercial establishment. If the property owner is unable to meet the above requirement, the property owner shall work with the city to develop an acceptable alternative plan for the collection of food waste from the tenant, with the city making the final determination as to the location of the commercial service container.

(Ord. No. 200381, § 1, 6-2-22)

Sec. 27-95.3. Penalties for violation.

Unless specifically stated otherwise, the city shall enforce violations of sections 27-95, 27-95.1, and 27-95.2 by civil citation if specifically provided for by section 2-339, through code enforcement proceedings by section 1-9 of this Code of Ordinances, or seek injunctive relief in a court of competent jurisdiction.

(Ord. No. 200381, § 1, 6-2-22)

DIVISION 7. FOOD DIVERSION

Sec. 27-95.4. Mandatory commercial food waste diversion established.

(a) Beginning on the dates listed below, the following commercial generators shall divert food or food waste from the waste stream unless they are granted an exemption:

(1) By January 1, 2023, food retailers that occupy at least 25,000 square feet, including but not limited to grocery stores, convenience stores, meat markets, poultry markets, fish and related aquatic food markets, and produce markets.

(2) By January 1, 2024, food service establishments that occupy at least 4,500 square feet, businesses with a commercial kitchen(s) where the kitchen(s) occupies at least 1,000 square feet, businesses engaged in selling food to other businesses, food manufacturers (excluding food service establishments) engaged in processing or fabricating food products from raw materials for sale directly to the public retailers, or wholesalers.

Commercial generators which are required to divert food or food waste under this subsection shall divert food or food waste in accordance with the following hierarchy. listed in order of priority:

(1) Feeding hungry people;

(2) Feeding animals;

(3) Providing for industrial uses;

(4) Composting.

(b) *Proof of participation in food waste diversion program.* Upon request of the city manager or designee a commercial generator required to divert food or food waste shall provide the following as proof of compliance: 1) receipts for delivery of food to a food bank or other facility that provides food to hungry people or animals, or 2) receipts for delivery of food waste to a food waste processing facility that meets permitting requirements of the State of Florida, or produce proof of a valid and current contract with a food waste registrant.

(c) *Exemptions.* A commercial generator may request an exemption from the requirements of this section. The city manager or designee shall grant a request for an exemption if the commercial generator demonstrates that it is unable to comply due to lack of available service providers or facilities that accept food or food waste. An exemption request must be completed every six months and submitted using forms provided by the city. Commercial generators shall be notified in writing within 60 days of whether their exemption request is granted or denied.

(Ord. No 210626, § 1, 6-2-22)

Sec. 27-95.5. Penalties for violation.

Unless specifically stated otherwise, the city shall enforce violations of section 27-95.4 code enforcement proceedings, by section 1-9 of this Code of Ordinances, or seek injunctive relief in a court of competent jurisdiction.

(Ord. No 210626, § 1, 6-2-22)

ARTICLE IV. WATER AND SEWERAGE[4]

DIVISION 1. GENERALLY[5]

[4]Cross reference(s)—Plumbing code, § 6-91 et seq.; health and sanitation, Ch. 11.5; centralized water and wastewater facilities, § 30-271; package wastewater plants, § 30-272; industrial pretreatment plants, § 30-273.

[5]Editor's note(s)—Ord. No. 3754, §§ 39—41, adopted Jan. 27, 1992, repealed various sections of Div. 1, relative to general water and sewerage regulations, and § 80 of said Ord. No. 3754 renumbered the remaining sections of this division to read as herein set out. The history notation has been retained in the renumbered sections for reference purposes. The repealed provisions of this division derived from Code 1960, §§ 28-31.2, 28-32.1 and 28-32.2 and Ord. No. 3696, § 9, adopted Feb. 18, 1991. See the Code Comparative Table for a specific enumeration of repealed and renumbered sections.

Sec. 27-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Abutting shall mean adjacent to or contiguous to or located immediately across any road, street, right-of-way or easement from the relevant water line, wastewater line or other relevant property.

Additional facilities or structures shall mean any additional construction of buildings or real property appurtenances at a specific location that would create or tend to create additional demand for water or wastewater service.

Apartment shall mean two or more buildings constructed on a single parcel of property where each building contains at least two living units or one building constructed on a single parcel of property containing two or more living units.

Applicant shall mean the person, organization or corporation who signs an application form requesting electric, water or wastewater services be made available at a specific location and thereby agrees to pay for all such services at that location. (Also see "Customer").

Authorized representative of industrial user shall mean:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

(3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the industrial waste originates.

Backflow preventer shall mean a mechanical device operated by the reduced pressure principle that is installed in conjunction with a water meter to prevent a flow of water from the customer's side of the meter into the city's distribution system under conditions where water pressure on the customer's side of the meter exceeds the pressure in the city distribution system. The installation and design of this device will be determined by the water and wastewater engineering division of the city.

Base system shall mean the city's water transmission and distribution system or wastewater collection system which is in existence at the time an application is made for an extension of service.

Best management practices or *BMPs* shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 27-180.1. BMPs include but are not limited to treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) shall mean the amount of oxygen expressed in parts per million necessary to satisfy the oxygen requirements of a sample of wastewater incubated for five days at 20 degrees Celsius and tested in accordance with standards of testing in the latest edition of "Standard Methods" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Foundation.

Biosolids shall mean the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility not including solids removed from pump stations, lift stations, and screenings, grit, sand, and inorganic material removed from the preliminary treatment components of domestic wastewater treatment facilities.

Building shall mean any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind. This definition shall include, but is not limited to, tents, lunch wagons, dining cars, trailers, mobile homes,

sheds, garages, carports, animal kennels, store rooms or vehicles serving in any way the function of a building as described herein.

Categorical pretreatment standard or *categorical standard* shall mean any regulation containing pollutant discharge limits promulgated in accordance with Section 307 of the Clean Water Act which may apply to a specific industrial user and which appears in 40 CFR Chapter I Subpart N, incorporated by reference in Chapter 62-660, F.A.C.

Central wastewater system shall mean the pipe, pumps, tanks, treatment plants, collection mains and other appurtenances either connected directly to or isolated from the city's base system which serves two or more lots or which serves any multiple family, commercial, industrial, institutional or other use where the total wastewater flow exceeds 2,000 gallons per day. All central wastewater systems shall meet the design and construction requirements of the city.

Central water system shall mean the water source, pumps, treatment plants, distribution mains, fire protection mains and other appurtenances either connected directly to or isolated from the city's base system which serves two or more lots or which serves any multiple family, commercial, industrial, institutional or other use where the total wastewater flow exceeds 2,000 gallons per day. All central water systems shall meet the design and construction requirements of the city.

Chemical oxygen demand (COD) shall mean the amount of oxygen expressed in parts per million required for the chemical oxidation of organics in wastewater.

City shall mean the City of Gainesville, doing business as Gainesville Regional Utilities.

Connection charges shall mean a general term referring to the specific development charges that must be satisfied in order to receive water and/or wastewater service. For the purposes of this article, the following shall constitute water connection charges: transmission and distribution, meter installation, water treatment plant, standby fire line, fire hydrant installation, inspection service fees, crossing charges and tapping fees. For the purposes of this article, the following shall constitute wastewater connection charges: collection system, wastewater treatment plant, pumping station (primary and relay), force main (base system) charges, inspection service fees, crossing charges, and tapping fees.

Consumer shall mean the person or persons who actually receive and utilize water service at a specific location, and/or who contribute, cause or permit the contribution of, wastewater into the city's wastewater system.

Contribution in aid of construction (CIAC) shall mean a charge paid by an applicant desiring service from the city for a portion of the capital cost for additional facilities which must be constructed to provide water or wastewater service to the applicant.

Customer shall mean the person responsible for payment for all electric, water or wastewater services used at a specific location, and further defined as that person who signed the application requesting that services be made available at the specific location and thereby agreeing to pay for all usage of such services occurring at the location. (See "Applicant").

Customer's installation shall mean all pipes, shutoffs, valves, fixtures, pretreatment equipment and appliances or apparatus of every kind and nature used in connection with or forming a part of an installation for utilizing water or wastewater service. Customer's installations are located on the customer's side of the "point of delivery," whether such installation is owned outright by the customer or is used by the customer under lease or otherwise.

Deposit shall mean the amount of money placed with the city by each customer as security for payment of the water or wastewater bill.

Detector check value shall mean a device which detects leakage or unauthorized use of water from fire line services.

Developer shall mean any person or legal entity engaged in developing or subdividing land to which water and/or wastewater service is to be rendered by the city. Also where applicable, any individual or legal entity that applied for the provision of water mains or wastewater facilities in order to serve a certain property.

Development shall mean a subdivision or any other parcel of land which consists of two or more lots. In addition, parcels of land for commercial projects or multiple-family dwellings shall be considered as developments.

Discharge shall mean the introduction of sewage or industrial waste, or any other flow into the wastewater system.

Dwelling shall mean a living unit, house, mobile home, apartment or building used primarily for human habitation. The word "dwelling" shall not include hotels, motels, tourist courts or other accommodations for transients, nor shall it include dormitories, fraternities, sororities, rooming houses, businesses or industrial facilities. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit. Each area with separate facilities for the preparation, storage and keeping of food for consumption within the premises shall be considered as a separate dwelling unit.

(1) *Single-family* shall mean a building containing not more than one dwelling unit on a single lot or a [dwelling] unit of a multiple-family dwelling where each dwelling unit is constructed on a separate lot and served by a single domestic water meter. Mobile homes containing one dwelling unit not in approved mobile home parks and served by a single domestic water meter are considered single-family dwellings.

(2) *Multiple-family* shall mean a building which contains two or more dwelling units served by a single domestic water meter.

Engineering estimate shall mean a calculation of the cost of a project based on the city's current contracts for material and labor plus overhead for engineering, contingency and general and administrative costs. If there is no contract for the project or a part of the project, the best available data as determined by the city will be used.

Excess strength wastewater shall mean wastewater containing constituents whose parameters are in excess of those specified for normal strength wastewater.

Extension shall mean a water or wastewater facility constructed to enable the provision of water, fire protection or wastewater service.

Force main shall mean a wastewater line which carries wastewater under pressure from a lift station.

Frontage shall mean a unit of measurement expressed in linear feet which is determined from one or more lengths of a property's boundaries. The method of determination of frontage shall be specified in the city's current "Water and Wastewater Policies." The method of determination of frontage shall take into consideration location of water or wastewater lines which are adjacent to the property being served, irrespective of whether such line is located in a public or private right-of-way, an easement, or on public or private property.

Grab sample shall mean a sample taken without regard to flowrate and over a period of time not to exceed 15 minutes.

Grease interceptor shall mean a device, usually located underground and outside of a food service facility, designed to collect, contain, and remove food wastes and grease from the wastestream while allowing the remaining wastewater to be discharged to the wastewater collection system by gravity.

Grease trap shall mean a device, usually located inside the building and under a sink of a food service facility designed to collect, contain, and remove food wastes and grease from the wastestream while allowing the remaining wastewater to be discharged to the wastewater collection system by gravity.

Identifiable internal water service lines shall mean a water line, owned and installed by the customer on the customer's side of the point of delivery whose purpose is to provide water service to any new or additional facility or structure.

Individual or person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local government entities.

Industrial use or user shall mean any use or user of the water or wastewater system that produces industrial waste.

Industrial wastes shall mean solid or liquid wastes from any manufacturing or processing plant or other industrial undertaking and solid or liquid wastes discharged from any other source including but not limited to dwellings, and commercial establishments, which contain pollutants that exceed or have the potential to exceed normal strength wastewater limits or any other discharge limit established in this division, or which are wastes discharged from any source containing toxic pollutants as defined in this section, or which are wastes discharged at a flow rate of 25,000 gallons or more per average workday.

Instantaneous discharge limit or instantaneous limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample as specified by the general manager for utilities or his/her designee, independent of the industrial flow rate and the duration of the sampling event.

Interceptor shall mean a large size gravity wastewater line which has been designed to receive wastewater from two or more collecting wastewater lines.

Interference shall mean the inhibition or disruption of the wastewater collection system, treatment process or any wastewater system operations. This term includes disruption of wastewater sludge use or disposal.

Lift station (also pump station) shall mean a facility which receives wastewater from gravity wastewater collection lines and/or other lift stations and pumps the wastewater under pressure through a force main to another location.

Local discharge limit or local limit shall mean the maximum concentration or mass of a pollutant allowed to be discharged, determined from the analysis of a sample collected in a manner as specified by the general manager of utilities or his/her designee. Such limit may be an instantaneous discharge limit, daily discharge limit, or average discharge limit as determined by the general manager of utilities or his/her designee.

Lot shall mean a part of a subdivision or any other parcel of land intended as a unit for building development or transfer of ownership, or both. Parcels of and less than one acre for commercial projects or multiple-family dwellings and parcels of land for each single-family dwelling shall be considered lots.

Lot line shall mean the property line, abutting the right-of-way line or any line defining the exact location and boundary of the lot of property.

Meter (water) shall mean the measuring device owned and installed by the city on a service line for the purpose of accurately measuring water use by a customer.

Meter tampering shall mean when any person shall willfully alter, injure, or knowingly suffer to be injured any water meter or other apparatus or device belonging to the city in such a manner as to cause loss or damage or to prevent any such meter installed for registering water consumption, from registering the quantity which otherwise would pass through the same; or to alter any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device or make or cause to be made any connection of any appurtenance in such a manner as to use, without the consent of the city, any water without such water service being reported for payment or such water passing through a meter provided by the city and used for measuring and registering the quantity of water passing through the same.

Mobile home park (approved) shall mean a parcel of property zoned under provisions of the applicable city or county zoning regulations whose allowed and recognized use is the business of renting spaces or lots upon which mobile homes are placed and occupied as single-family dwellings and shall include any associated and allowed laundry and recreational and common facilities incidental thereto.

New industrial source shall mean any building, structure, facility, or installation which commenced construction after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act as specified in 40 CFR 403.3(k)(1).

Noncontact cooling water shall mean water used for cooling which does not come into direct contact with a toxic pollutant, industrial waste or wastewater.

Non-significant categorical industrial user shall mean an industrial user which the general manager for utilities or his/her designee determines is not a significant industrial user based on a finding that the industrial user discharges 100 gallons per day or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

(1) The industrial user has consistently complied with all applicable categorical pretreatment standards and requirements; and

(2) The industrial user annually submits the certification statement as specified in 62-625.600(17), F.A.C. together with any information necessary to support the certification statement; and

(3) The industrial user never discharges any untreated concentrated wastewater.

Normal strength wastewater shall mean wastewater which does not exceed the concentration of any constituent for which a normal strength wastewater limit has been established by the general manager of utilities or his/her designee. A copy of the established normal strength wastewater limits shall be kept on file in the office of the general manager for utilities or his/her designee and made available on request. Customers discharging wastewater containing any constituent exceeding a normal strength wastewater limit may be charged for excess strength wastewater according to Appendix A.

Off-site facilities shall mean water mains, wastewater lines, force mains and lift stations constructed to connect on-site facilities with the nearest point in the base system at which adequate capacity is available to meet the requirements of the new services.

Oil/water separator shall mean a device designed to remove oil (e.g. petroleum-based) from the wastestream while allowing the remaining wastewater to be discharged to the wastewater collection system by gravity.

On-site facilities shall mean the water mains, services, meters, fire hydrants, wastewater lines, force mains, lift stations and pretreatment equipment installed within a residential, commercial or industrial development. It includes those facilities in peripheral streets and easements constructed wholly or in part for use by that development.

Oversized facilities shall mean a facility designed in size and location by the city to be larger than that required to serve the applicant's project and greater than the following minimum criteria:

(1) Water main: eight inches;

(2) Gravity wastewater line: eight inches;

(3) Force mains: four inches.

In certain instances, oversizing may also refer to the routing or location of a water or wastewater facility by the city at a greater length than that required to serve the applicant's project.

Pass through shall mean a discharge from the city's wastewater treatment works into waters of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit or any federal or state law. This includes an increase in the magnitude or duration of a violation.

pH shall mean the measure of the acidity or alkalinity of a solution, expressed in standard units.

Point of delivery or connection:

(1) *Water service* shall mean the point where the city's water meter nipple is connected with the pipe of the customer, and where water service to the customer begins.

(2) *Wastewater service* shall mean the point where the service lateral crosses the customer's property line.

Pollutant shall mean any toxic pollutant, dredged, spoiled, solid waste (as defined in 40 CFR 261), incinerator residue, garbage, grease, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt; any industrial, municipal or agricultural waste discharged into water; or any material designated by the general manager for utilities or his/her designee on the basis that the material has a reasonable potential for adversely affecting the city's wastewater system.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the city wastewater system. The reduction or alteration can be obtained by physical, chemical or biological processes; process changes; or by facility process changes or other means, except by diluting the concentration of the pollutants.

Pretreatment standards or *standards* shall mean prohibited discharge standards, categorical pretreatment standards, and local discharge limits.

Prohibited discharge standards or *prohibited discharges* shall mean absolute prohibitions against the discharge of certain substances.

Residential service shall mean service to a single living unit located in a single-family or multiple-family dwelling or a living unit consisting of a sorority, fraternity, cooperative housing unit of a college or university or other nonprofit group living unit. A living unit shall be a place where people reside on a nontransient basis containing a room or rooms comprising the essential elements of single housekeeping unit. Each separate facility for the preparation, storage and keeping of food for consumption within the premises shall cause a housekeeping unit to be construed as a single living unit. All water supplied shall be through a single meter at a single point of delivery.

Rooming unit shall mean a room or rooms used as a place where sleeping or housekeeping accommodations are provided for pay to transient or permanent guests.

Septic tank waste shall mean any wastewater from holding tanks from vessels, chemical toilets, campers, trailers, and septic tanks.

Service shall mean the readiness and ability on the part of the city to furnish water or wastewater service to the customer on demand. Thus, the maintenance of water pressure at the point of delivery or presence of a wastewater service lateral shall constitute the rendering of service, irrespective of whether the customer makes any use thereof.

Significant industrial user shall mean:

(1) Any industrial user subject to categorical pretreatment standards, unless the general manager for utilities or his/her designee determines the industrial user to be a non-significant categorical industrial user.

(2) Any industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the city wastewater system or contributes five percent or more of the dry weather hydraulic or organic capacity of the city wastewater system, excluding sanitary and noncontact cooling and boiler blowdown wastewater.

(3) Any industrial user designated significant by the general manager for utilities or his/her designee on the basis that the industrial user has a reasonable potential for adversely affecting the city's

wastewater collection system, treatment process, or any wastewater system operation or for violating any federal, state, or local discharge limit or standard.

Slug discharge shall mean any discharge of a nonroutine, episodic nature which could cause a violation of the prohibited discharge standards.

Standard Industrial Classification (SIC) Code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standby fire line shall mean the pipe, isolating valve, detector check valves and fittings of the city which extend from the water main to the fire line pipes of the customer and which are used for supplying water exclusively for fire protection purposes. Point of service for standby fire lines shall be on the customer's side of the detector check valve vault.

Stormwater shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Subdivision shall mean a division of a lot, tract or parcel of land or water into two or more lots, plots, sites or other subdivisions of land or water for the purpose, whether immediate or future, of sale, rent, lease, building development or other use, and which further includes the term "subdivide," meaning to divide land by conveyance or improvement into lots, blocks, parcels, tracts or other portions.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by filtering with a 1.2 micrometer pore diameter filter.

Toxic pollutant shall mean any pollutant listed as a priority pollutant in 40 CFR 401.15.

Wastewater shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the wastewater system.

Wastewater line shall mean a pipe which carries wastewater and to which storm and surface waters and groundwaters are not intentionally admitted.

Wastewater service lateral shall mean wastewater connection extending from the collecting wastewater line in the street to a customer's property line or from the collecting wastewater line in an easement to the easement line.

Wastewater system shall mean the entire wastewater utility system that services the needs of the customer which includes treatment facilities, collection lines, lift stations, force mains and all other related appurtenances incidental thereto.

Water system shall mean that entire water utility system that services the needs of the customer which includes treatment facilities, transmission, distribution and fire protection lines, meters and all other related appurtenances incidental thereto.

(Code 1960, § 28-31.1; Ord. No. 3345, § 1, 6-15-87; Ord. No. 3602, § 1, 3-5-90; Ord. No. 3697, §§ 1, 2, 2-18-91; Ord. No. 3735, § 1, 8-19-91; Ord. No. 3740, § 1, 9-30-91; Ord. No. 4034, § 1, 9-26-94; Ord. No. 980894, § 1, 6-14-99; Ord. No. 001622, § 1, 9-24-01; Ord. No. 030278, § 15, 9-8-03; Ord. No. 060457, § 1, 10-23-06; Ord. No. 120261, § 1, 9-20-12; Ord. No. 140171, § 1, 9-18-14)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 27-97. Increase in certain connection charges paid after March 10, 1975.

All connection charges paid after March 10, 1975, to the city for service to a particular location are subject to an increase in the amount owed when new rates have been established by the city subsequent to the payment of such charges and where no request to begin construction has been made within six months of the payment of the connection charges or where the city is unable to begin construction due to an inadequately prepared site.

(Code 1960, § 28-31.3; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-98. Restrictions on bill adjustments for certain leaks.

No allowance or adjustment to any water usage bill shall be made for leaks of any nature occurring on the customer's side of the point of delivery. No allowance or adjustment to any wastewater bill shall be made for water leaks occurring on the customer's side of the point of delivery which results in flow into the wastewater system.

(Code 1960, § 28-31.4; Ord. No. 3754, § 80, 1-27-92; Ord. No. 160253, § 3, 9-15-16)

Sec. 27-99. Miscellaneous charges for work requested by customer.

Miscellaneous charges shall be made for any work done by the city at the customer's request. Customers shall be charged for such work at direct cost plus overhead. Payment in full for the estimated cost will be required prior to the city's initiation of the work. Refunds will be made at the completion of the work where appropriate.

(Code 1960, § 28-31.5; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-100. Return of payments prohibited.

Except for deposits required for initial utilities services, and except as otherwise specifically provided for in this article, no monies properly paid to the city under this article shall be refundable.

(Code 1960, § 28-32; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-101. System specifications inspection of premises.

As a condition of receiving or continuing to receive water or wastewater utility services from the city, the duly authorized representative of the city shall have the right to specify the size, type, routing/location and design of all lines as well as taps, meters, laterals, lift stations, pretreatment equipment, treatment plants and any other components being added to the water or wastewater system. In addition, the duly authorized representative of the city shall have the right to remove, test, seal or interfere with any of the components for such causes that are detrimental to the water or the wastewater systems or deemed necessary by the city. If after written notice delivered to the premises or mailed to the premises and to the owner, if not owner occupied, stating a reasonable time in which such inspection is needed to be made, the reasons therefor, and the effect of failure to allow the inspection, the city's duly authorized representative is then denied access to the premises for the inspection, the city may then discontinue all utility services to the premises until the inspection is permitted.

(Code 1960, § 28-32.3; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-102. Pump station rebates.

The general manager for utilities (general manager) is hereby authorized to adopt and administer a policy to rebate a portion of the developer paid costs of new pump stations and force mains. This policy will, at a minimum, provide for the recovery by the initiating developer from any subsequent developer that portion of the costs directly benefiting subsequent development. Payment of the apportioned share of the initial development costs (the rebate amount) by the subsequent developer shall be a condition to the provision of wastewater service to the subsequent development. The policy adopted by the general manager shall at a minimum include the following provisions:

1. The policy shall apply to those pump stations and force mains completed and accepted by the city after June 10, 1996;
2. The rebate amount shall be determined by the general manager or designee for each rebate pump station and force main based on the hydraulic capacity of the pump station and force main and the point at which a subsequent development connects to the force main;
3. A contract shall be executed between the city and the developer for each rebate pump station and force main stipulating at a minimum the rebate amount for the point or points of connection along the force main, the maximum rebate amount for that pump station and force main, and the period during which rebates shall be paid. Such period shall not exceed ten years from acceptance of the pump station and force main by GRU; and
4. To facilitate transition to the pump station policy, a $67.00 deduction per equivalent residential unit shall be applied to the pump station connection charge for pump stations 148, 149, 151, 152, 153, 154, 155, 156 and 157. This deduction applies to the originating developer(s) on the listed pump station and shall be applied to the pump station connection charge for a period of eight years from June 10, 1996. There shall be no deduction applied to the force main connection charge.

(Ord. No. 951541, § 1, 6-10-96; Ord. No. 960742, § 1, 2-24-97)

Sec. 27-103. Reserved.

Ord. No. 211448, § 1, adopted September 22, 2022, repealed § 27-103, which pertained to connection charge installment and derived from Ord. No. 960798, § 1, 6-23-97.

Secs. 27-104—27-115. Reserved.

DIVISION 2. WATER[6]

[6]Editor's note(s)—Ord. No. 3754, §§ 42—52, adopted Jan. 27, 1992, repealed various sections of Div. 2, relative to water service, and § 80 of said Ord. No. 3754 renumbered the remaining sections of this division to read as herein set out. The history notation has been retained in the renumbered sections for reference purposes. The repealed provisions of this division derived from Code 1960, §§ 28-33, 28-34, 28-39—28-41, 28-43, 28-45—28-48, 28-49.1; Ord. No. 3254, § 2, adopted Sept. 22, 1986; Ord. No. 3294, § 2, adopted Oct. 13, 1986; Ord. No. 3428, § 1, adopted April 4, 1988; Ord. No. 3493, §§ 2—4, adopted Nov. 21, 1988; Ord. No. 3644, § 2, adopted Aug. 20, 1990; Ord. No. 3696, §§ 10, 12, adopted Feb. 18, 1991; Ord. No. 3697, § 3, adopted Feb. 18, 1991. See the Code Comparative Table for a specific enumeration of repealed and renumbered sections.

Sec. 27-116. Water management committee—Created, duties and responsibilities.

There is hereby created the water management committee for the purpose of advising the city commission regarding good water management practices and which shall have the following specific duties:

(1) To assess the quality and quantity of water resources available to the citizens of the city and to identify and assess potential threats that might degrade water quality, increase flooding, reduce potential supply, or otherwise adversely affect water sources;

(2) To investigate the details of water management, including wastewater treatment and disposal, potable water supply, stormwater runoff discharge, floodplain and wetlands management, water shortage planning, water conservation and recycling practices, erosion and sedimentation controls, both within the city and adjacent jurisdictions that affect the city;

(3) To assist in developing and implementing good water management practices;

(4) To assist in informing the citizens of the city, through their public deliberations and by regular reports to the city commission regarding water management practices; and

(5) To study other pertinent matters relating to water management.

(Code 1960, § 2-164)

Sec. 27-116.1. Same—Composition; appointment; terms; officers; subcommittees; meetings.

(a) The water management committee shall consist of seven (7) members to be appointed by the city commission for terms of three (3) years each after the initial appointments. Vacancies shall be filled by the city commission for the unexpired term. The membership of the committee shall be made up of persons demonstrating an interest and willingness to represent the community-at-large relative to any and all issues regarding water management which impact the city as set forth in section 27-116.

(b) The committee shall select its own chairperson and vice-chairperson and such officers as it deems necessary. The chairperson may appoint various subcommittees from time to time as need dictates; provided, however, that a majority of the full committee concurs with this decision.

(c) The committee shall hold regular meetings at least once every three (3) months and may meet at any time as a majority of the committee may decide, or upon call of the chairperson.

(Code 1960, § 2-165; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-117. Supplying separately owned properties through one meter prohibited; multiple use of privately owned water systems prohibited.

(a) Separately owned properties shall not be supplied with water through one (1) meter.

(b) No person other than the owner of a water system located on his/her property shall be furnished with water from the water system for any purpose.

(c) This section shall not, however, prohibit single metering of property owned as a cooperative or condominium, as long as service is provided to and metered on common property and there is an association or corporation to apportion, collect and remit all fees and charges and accept notices. No such corporation or association shall charge or collect from unit owners more than the fees and charges billed, plus actual administrative costs.

(Code 1960, § 28-51; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-118. Interconnection of private water system to city water system or tampering with mains prohibited.

No person shall interconnect a privately owned water system to the city's water system or turn on any water service or tap or make any alteration to any main or distributing pipe of the city's water system or in any way interfere with or molest any of the wells, reservoirs, basins or water in the same, or permit any connection or tapping to be made to the city's water system on his/her premises or premises occupied by him/her or to knowingly use city water from unauthorized connections.

(Code 1960, § 28-50; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-119. Use of fluorine authorized.

Upon approval by the state board of health, there shall be introduced into the water supply furnished consumers though the municipal water plant approximately one (1) part of fluorine to every million parts of water.

(Code 1960, § 28-54; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-120. Effect of division on existing contracts.

Nothing in this division shall be deemed to change, impair or abrogate any special contract now existing between the city and any consumer served by the city with water.

(Code 1960, § 28-55; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-121. Deferred payment for residential water service.

Notwithstanding the provisions of sections 27-126.1 and 27-129, entitled respectively "(Water Meter) Installation Charges," and "Water Flow-based Connection Charges," if the criteria listed below are met, each applicant for residential water meter installation and/or water service shall have the option to defer payment of water meter installation charges, water transmission and distribution connection charges and water treatment plant connection charges during construction for a period of not more than six (6) months from the date of application. If payment is deferred, the city will install one (1) five-eighths-inch water meter for each single-family dwelling or residential building with multiple-dwelling units which ultimately will be individually metered. Only one (1) water meter will be installed at each building. The utility shall determine the meter location for residential buildings with multiple dwelling units. This section does not apply to applications for master water meters.

(1) *Criteria for deferring payment:*

a. Applicant must request a five-eighths-inch residential meter for a single-family dwelling or a residential building with multiple dwelling units.

b. All dwelling units to be served by the residential meter must be unoccupied at time of application and applicant must agree that no dwelling unit shall be occupied until all deferred charges have been paid.

c. Inspection for permanent electrical service must not have been made.

d. Permanent electric service must not have been installed.

e. Applicant must present service location addresses for all buildings at the time of application.

f. Application must be made pursuant to procedures established by the city and any required deposit must be paid.

g. Applicant must request payment deferral.

(2) *Payment of deferred fees.* No permanent electric power will be provided by the city to any single-family dwelling or to any unit in a residential building with multiple-dwelling units until all water meter installation charges, water transmission and distribution connection charges and water treatment plant connection charges have been paid.

(3) *Nonpayment.* All fees and charges must be paid within six (6) months of the meter application date. If the fees and charges are not paid within such period, the water meter will be removed, a water meter installation and removal charge as set out in the schedule in Appendix A will be assessed and the account will be closed. Service shall not be restored at such location until all applicable fees and charges have been paid.

(Ord. No. 3428, § 2, 4-4-88; Ord. No. 3740, § 2, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-122. Approval of plumbing and connections required.

No water service shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by the building official, or his/her designee, as follows:

(1) *Water service to a residence.* Approval of a dwelling for water service must be obtained prior to initial provision of service.

(2) *Water service to other buildings.* Approval of a building for water service must be obtained prior to initial provision of service or transfer of water service.

(3) *Copy of approval.* Each applicant for water service must submit a copy of such approval where required as part of the application for service.

(Code 1960, § 28-52; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-123. Liability of city; right to restrict use of water.

The city shall not be liable from any damage resulting from the bursting of any main, service pipe or cock, from the shutting off of water for repairs, extensions or connections or from the accidental failure of the water supply from any cause whatsoever. In case of emergency the city shall have the right to restrict the use of water in any reasonable manner for the protection of the city and its water supply.

(Code 1960, § 28-53; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-124. Plan review service fee and inspection service fee.

Applicants shall pay to the city a plan review service fee according to the schedule set forth in Appendix A, prior to submitting plans for review by the city. No on-site facilities constructed or purchased by the developer will be accepted by the city for connection to the city's water system unless the design and construction of such facilities meet all standards and specifications of the city. The facilities shall be inspected by the city prior to connection to the city's water system to ensure such compliance. For such inspection, the developer shall pay to the city an inspection service fee according to the schedule set out in Appendix A.

(Code 1960, § 28-37.1; Ord. No. 3114, § 1, 3-18-85; Ord. No. 3697, §§ 4, 5, 2-18-91; Ord. No. 3740, § 3, 9-30-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 150246, § 2, 9-17-15)

Sec. 27-125. Main tapping charges.

A charge shall be made for tapping into the water main when required according to the schedule set out in Appendix A. If an existing tap is to be replaced, any additional cost associated with the removal of an existing tap shall be added to the appropriate tapping charge. All tap charges shall be paid prior to service being rendered.

(Code 1960, § 28-34.1; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-126. Meters—Furnished by city; change in size.

(a) *City to furnish.* All necessary water meters shall be furnished by the city and shall remain the property of the city.

(b) *Increase in size.* A customer desiring a water meter larger than the size of the water meter then in service shall pay to the city the engineering estimate for material, labor and equipment costs plus overhead for installing the larger meter less the salvage value of the smaller water meter removed. In addition, the customer shall also pay the difference in the cost of the associated water and wastewater connection charges, if applicable, of the larger and smaller water meters.

(c) *Reduction in size.* A customer desiring a water meter smaller than the size of the meter then in service shall pay to the city the engineering estimate for material, labor and equipment costs plus overhead for installing this smaller size water meter less the salvage value of the larger water meter removed. If this water meter size reduction occurs within two years after the original meter was installed, the difference in the larger and smaller connection charges shall be refunded. The burden of proof of payment of the original connection charges shall be the customer's.

(Code 1960, § 28-38; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-126.1. Same—Installation charges.

(a) *Meter assembly and service lateral.* Upon filling out the appropriate application forms and payment to the city of the charges required, the city shall furnish all labor, material, and equipment necessary, in accordance with the "Water and Wastewater Construction Standards" of the city, to provide water service to the customer's property line. Each applicant shall pay to the city, prior to installation and/or initial use, a water meter installation charge based on the schedule set out in Appendix A.

(b) *Meter only.* For customers in developments which have approved engineering drawings and prior approval of the city, and in which the developer installed the service lateral, yoke, meter box and all fittings necessary for the installation of the water meter, the city shall furnish the water meter and labor for its installation in accordance with the schedule set out in Appendix A.

(c) *Water meter for water consumption not returned to the wastewater system.* Any water customer may have the city install a separate water meter for the measurement of water not returned to the wastewater system or for irrigation purposes. The water used through this separate meter will be billed as a separate service and under the same provisions applicable to any existing water service but will not be subject to a monthly wastewater consumptive use charge or initial wastewater connection charges.

    (1) Customers using this method of metering will be charged the nonresidential wastewater rate for water metered through the water meter supplying general water service.

(2) Customers installing a separate five-eighths inch water meter for irrigation purposes where reclaimed water is not available shall not be assessed initial flow-based water or wastewater connection charges.

(3) New installation of water meters for irrigation purposes are prohibited if reclaimed water is available to the customer from the city.

(d) *Wastewater customers on private wells.* Customers on private wells who are discharging wastewater into the city's wastewater system may pay for the installation of a water meter on their well and be billed for wastewater according to that water consumption. The water meter installation charge for this type of service is in accordance with the schedule set out in Appendix A.

(Code 1960, § 28-37; Ord. No. 3087, §§ 2—4, 12-17-84; Ord. No. 3565, § 1, 9-18-89; Ord. No. 3754, § 80, 1-27-92; Ord. No. 3962, § 1, 2-28-94; Ord. No. 000867, § 1, 2-26-01; Ord. No. 001871, § 1, 10-8-01)

Sec. 27-126.2. Reserved.

Editor's note(s)—Ord. No. 160253, § 4, adopted Sept. 15, 2016, repealed § 27-126.2 which pertained to meter testing and derived from § 28-42 of the 1960 Code; Ord. No. 3754, § 80, adopted Jan. 27, 1992; and Ord. No. 030278, § 16, adopted Sept. 8, 2003.

Sec. 27-126.3. Same—Tampering with, altering.

(a) *Prohibited.* It shall be unlawful for any person to meddle, tamper with, alter or change the piping system on any premises or to interfere in any way with a meter or meter connection. Should it appear that water has been stolen by altering the pipes, altering the meter or otherwise, the general manager for utilities or his/her designee shall have the right to discontinue the service until the defect is corrected and the service approved by the appropriate inspector.

(b) *Diversion cut-back charge.* When a water meter is found to have been tampered with, service shall be subject to immediate disconnection. Before service may be restored, the estimated consumption as defined in subsection (c) of this section shall be paid by cash, postal money order or cashier's check or equivalent, or satisfactory arrangements for payment shall be made. Upon payment of the diversion cut-back charge, service shall be restored. If the customer's deposit has been previously refunded, a new deposit may be required.

(c) *Estimated consumption and billing.* When a water meter is found to have been tampered with or water has been otherwise diverted, the consumer shall be billed for the estimated water consumed, based on the rate in effect at the time of such billing. The consumption shall be estimated on the basis of previous consumption, consumption after replacement of the meter, or any other method in accordance with generally accepted utility practices which produces a reasonable estimate. In addition, the consumer shall be billed for the actual cost of the investigation of the meter tampering, including cost associated with the estimation of consumption and the labor, supplies, materials and equipment used in connection with such investigation. The consumer shall also be liable to the city for the cost of collection, including agency, attorneys' fees and court costs if the account is placed in the hands of an agency or attorney for collection or legal action because of the customer's failure to pay any amount due.

(d) *Prima facie evidence.* The presence, on property in the actual possession of the consumer where the meter tampering has occurred, of any connection, pipe, meter alteration, or device whatsoever which affects the diversion or use of water so as to avoid the registration of such use by or on a meter installed or private provided by the city shall be prima facie evidence of an intent to violate this section if:

(1) The presence of such a device or alteration can be attributed only to a deliberate act in furtherance of an intent to avoid payment for utility services;

(2) The customer charged with the violation of this section has received the direct benefit of the reduction of the cost of such utility service; and

(3) The customer or recipient of the utility service has received the direct benefit of such utility service for at least one full billing cycle.

(Ord. No. 3696, § 13, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-127. Only city employees to make connections on supply side of meters.

No person shall tap the city's water mains or make any other connection to pipes on the supply side of any meter except those persons duly employed by the city for that purpose.

(Code 1960, § 28-35(a); Ord. No. 3697, § 7, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-128. Rates and charges.

(a) *Rates.* The rates to be charged and collected for water furnished by the city to consumers shall be in accordance with the schedule set out in Appendix A.

(b) *Surcharge for entities and consumers outside corporate limits.* A surcharge equal to 25 percent shall be applied to the following:

(1) Connection charges, as defined herein, associated with new service connecting to the city's water system outside the corporate limits of the city; and

(2) The rates charged to customers of water furnished by the city to customers outside the corporate limits of the city.

The United States of America, the State of Florida and all political subdivisions, agencies, boards, commissions and instrumentalities thereof and all recognized places of religious assembly of the State of Florida are hereby exempt from the payment of the surcharge imposed and levied hereby.

(Code 1960, § 28-44; Ord. No. 3468, § 1, 9-26-88; Ord. No. 3565, § 4, 9-18-89; Ord. No. 3697, § 8, 2-18-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 001622, § 1, 9-24-01; Ord. No. 140171, § 2, 9-18-14; Ord. No. 150246, § 2, 9-17-15)

Sec. 27-129. Water connection charges.

(a) *Identification of water connection charges.* The water connection charges specified in this section shall consist of a transmission and distribution connection charge and a water treatment plant connection charge. The water connection charge shall be assessed prior to the meter installation. The following categories of applicants shall pay the minimum connection charge according to the schedule set out in Appendix A: single family connections without fire sprinkler system with three-quarters inch or smaller meter; single family residential connections with fire sprinkler system with one inch or smaller water meter; and/or nonresidential connections with an estimated annual average daily flow (ADF) of less than or equal to 280 gallons per day (GPD). All other applicants shall pay the flow based connection charges according to the schedule set out in Appendix A. Each applicant for water service shall pay to the city, prior to services being rendered, the applicable water connection charges in accordance with the schedule set out in Appendix A. The connection charges shall not be applicable to any property that has been duly designated by the general manager for utilities or the general manager's designee, as having had the city's relevant water connection costs recovered previously for such property, provided such property had an active water account with city within the past ten years from the date of application.

(b) *For water meters larger than one inches.* The applicant shall provide the city a detailed estimate of the expected ultimate demand in gallons per day annual average daily flow (GPD-ADF) to be served by the water meter to be installed. It is the applicant's responsibility to coordinate the preparation of this estimate with the city so as to ensure the provision of sufficient detail and proper documentation of estimated demand. Such detail shall include an ultimate site plan for all properties served by the subject water meters. The city reserves the right to perform its own estimate of service demand, which shall take precedence for the purpose of calculating the charge.

(c) *For nonresidential water meters one inch or smaller.* The applicant shall provide the city an ultimate site plan or other documentation to substantiate building size for all properties served by the subject water meter(s). The expected ultimate demand in gallons per day annual average daily flow (GPD-ADF) will be determined by the city based on the site plan and the anticipated use of the facilities being served by the subject meter(s). Alternatively, the applicant may provide the city a detailed estimate of the expected ultimate demand. However, the city reserves the right to perform its own estimate of expected service demand, which shall take precedence for the purpose of calculating the charge.

(d) *Meter sizing.* The city reserves the right to select the most appropriate sized meter to best serve the applicant.

(e) *Connection charge adjustment.* The purpose of this subsection is to provide for adjustment of water connection charges when major and significant changes of water consumption patterns associated with an existing service occur. The purpose of this subsection is not to adjust for insignificant errors in estimates of annual average daily flow, flow changes due to weather variations, or other normal changes in consumptive use of water. The city may use building permits, water consumption records, and other reasonable information to enforce the provisions of this subsection. After meters are installed and whether or not any water connection charge were assessed at the time of installation, an adjustment in the water connection charges paid or a new charge may be assessed if one or more of the following conditions occur:

(1) *Additional water meter installed.* If an additional water meter is installed, the amount charged the applicant shall be calculated according to the schedule set forth in Appendix A.

(2) *Actual demand exceeds estimated demand or change in use of facility.* If the actual annual average daily flow (ADF) measured over a 12-month period should exceed the estimated demand on which a previous connection charge payment was based or if there is a change in use of the facility that is expected to result in a demand greater than the estimated demand on which a previous connection charge payment was based, the city reserves the right to review and revise the previous demand estimate and to assess an additional charge for the increased demand calculated according to the schedule set forth in Appendix A.

(3) *Actual demand less than estimated.* If within the 24-month period following meter installation, the applicant can demonstrate to the city's satisfaction that the applicant's average daily flow (ADF) has been and will continue to be less than the estimate, which estimate was used as a basis for assessing the connection charges, the applicant may request a refund. The request shall include the applicant's copy of the original service demand estimate which shall be annotated and accompanied by sufficient explanation of the lower than estimated demand. If the city approves the request, the city shall pay a refund to the applicant based on the difference between the original service demand estimate and the new service demand estimate, multiplied by the current charge(s) for that demand calculated according to the schedule set forth in Appendix A.

(4) *Construction of new structures or facilities.* If new structures or facilities are constructed causing additional demand for water services and these facilities were not included in or properly described in the applicant's original detailed service demand estimate and/or site plan of service demand, then additional water connection charges shall be assessed by the city based on the estimated additional demand calculated according to the schedule set forth in Appendix A.

(f) *Irrigation meters.* Connections used solely for irrigation purposes are exempt from paying water connection charges.

(Code 1960, § 28-37.2; Ord. No. 3565, § 2, 9-18-89; Ord. No. 3697, § 9, 2-18-91; Ord. No. 3740, § 4, 9-30-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 3962, § 2, 2-28-94; Ord. No. 150246, § 2, 9-17-15; Ord. No. 211448, § 2, 9-22-22)

Sec. 27-130. Requirement for additional CIAC.

In any instance where the city determines that the city's share of cost to construct new facilities prompted by an application for water service is greater than the city is willing and/or able to afford, the applicant may be allowed to pay a contribution in aid of construction (CIAC), which may be required by the city in order to reduce the city's share of cost to an amount acceptable to the city. The city shall determine the amount of CIAC which is necessary under this section. Water flow-based connection charges shall not be credited towards any required CIAC.

(Code 1960, § 28-37.4; Ord. No. 3740, § 6, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-131. Fire support and standby sprinkler line charges.

Fire support and standby sprinkler line charges shall be in accordance with the schedule set out in Appendix A.

(Code 1960, § 38-37.6; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-132. Refunds of prepaid charges.

Prepaid water meter installation charges, prepaid water transmission and distribution charges, prepaid water treatment plant connection charges, and prepaid standby fire sprinkler line connection charges which are paid prior to installation of the facilities at the site for which they are paid, may be refunded to the current owner of the property for which charges were prepaid upon application made, provided that the facilities for which payment was made have not been installed, and provided that all costs of the city incurred in connection therewith, including but not limited to administrative and engineering costs shall first be deducted prior to making any such refund. No interest shall be paid by the city on such refund for prepayments. The burden of proof of any such prepayments shall be the applicant's.

(Code 1960, § 28-37.7; Ord. No. 3740, § 7, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-133. Temporary service.

(a) Temporary service, such as service for circuses, fairs, carnivals, and construction projects that, when completed, will require a water line on the customer's side of the meter larger than one inch shall be rendered upon written application accompanied by a meter installation and removal charge and a deposit, in accordance with the schedule set out in Appendix A, which will be applied against the final bill. A five-eighths-inch by three-quarter-inch water meter shall be installed on all temporary construction meter installations.

(b) At the option of the city, temporary service, such as for circuses, fairs, carnivals, swimming pool filling and construction projects that, when completed, will require a water line on the customer's side of the meter larger than one inch may also be rendered by installing a meter on an existing fire hydrant at the site or very near to the site. Service may be rendered in this manner upon written application accompanied by a nonrefundable meter installation and removal charge and a deposit, in accordance with the schedule set out

in Appendix A, which will be applied against the final bill, assuming the safe return of the meter. Water used through such a temporary meter shall be paid for at the prevailing general water service rate. This type of temporary connection shall be allowed for a maximum time period of 60 days, but may be extended at the discretion of the general manager for utilities or his/her designee. It shall be illegal to utilize or in any manner tamper with any fire hydrant except for employees of the fire department in performing their duties, or an employee of the city engaged in testing, installing or maintaining fire hydrants, or for connecting or disconnecting temporary fire hydrant service as defined in this section.

(Code 1960, § 28-36; Ord. No. 3696, § 14, 2-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-134. Oversized mains.

The city reserves the right to require oversized water lines to serve any development. The city shall pay the oversizing costs based on the difference between the city's engineering estimates of the cost for the oversized line and the cost of the size line which is normally required to serve the development or an eight-inch line whichever is greater.

(Code 1960, § 28-36.1; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-135. Cross-connection control program.

(a) The "Manual of Cross-Connection Control," ("manual") promulgated by the general manager for utilities or his/her designee, as amended from time to time is hereby adopted and incorporated by reference as part of this section. The purpose of the cross connection control program is to protect the health, safety, and welfare of those persons consuming potable water from the city water system through preventing waterborne diseases and contaminants from entering the distribution system. The program is intended to prevent water from private plumbing systems, which could contain water borne diseases and contaminants, from entering the public water system through backflow or cross connection.

(b) The prevailing "Manual of Cross-Connection Control" shall be deposited with and maintained by the general manager for utilities or his/her designee and copies thereof shall be available therein for public use, inspection and examination. This manual lists the type of facilities and plumbing devices that require backflow prevention.

(c) Under the rules of the Florida Department of Environmental Protection, Section 62-555.360, F.A.C., relating to cross connection, the city has the primary responsibility to prevent water from unapproved sources, or any other substances, from entering the water system. Therefore, upon detection of a prohibited cross-connection, the city is directed to either eliminate the cross-connection by requiring the installation of an appropriate backflow prevention or discontinue service until the contamination source is eliminated.

(d) The customer's responsibility starts at the water service connection from the city potable water system. The costs of installing, operating and maintaining backflow preventers shall be the responsibility of the customers required by the general manager for utilities or his/her designee to install and maintain backflow prevention. The customer shall maintain accurate records of the test and repairs made to the backflow prevention devices and provide the city with copies of such records as required in the manual.

(e) In the event of accidental contamination of the public or customer's potable water supply system due to backflow from the customer's premises, the customer shall promptly take steps to confine further spread of the contamination with the customer's premises and shall immediately notify the city of the hazardous condition.

(f) The provisions in subsections (a) through (c) notwithstanding, the requirements for the installation of a backflow preventer may be waived at the discretion of the general manager for utilities or his/her designee, if such official finds that adequate protection against cross-connections is being provided by the customer.

(g) Service of water to any premise may be disconnected by the city if a required backflow prevention device is not installed, tested and maintained as required in the manual or has been removed or bypassed, or if unprotected cross-connections exist on the premises and there is inadequate backflow protection at the service connection. Water service will not be restored until such conditions or defects are corrected. All turn-off and turn-on service charges shall be paid by the consumer.

(Code 1960, § 28-37.5; Ord. No. 3565, § 3, 9-18-89; Ord. No. 3696, § 15, 2-18-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 030278, § 17, 9-8-03; Ord. No. 060457, § 5, 10-23-06)

Secs. 27-136—27-165. Reserved.

DIVISION 3. SEWERAGE[7]

Sec. 27-166. Policy, purpose, enforcement.

(a) The present sanitary sewerage system of the city, together with any and all extensions thereof and replacements thereto, and the sanitary sewage disposal plant now operated by the city, and any and all such plants hereafter acquired and operated by the city, be and the same are hereby established and declared to be a public utility for the use and benefit of the city in the maintenance of public health, welfare and sanitation throughout the city.

(b) In keeping with this policy, uniform requirements are set forth in this division for the disposal of wastewater in the service area of the city wastewater treatment system, in order to:

(1) Protect the public health;

(2) Provide problem-free wastewater collection and treatment service;

(3) Prevent the introduction of pollutants into the municipal wastewater system, which will interfere with the system operation or will cause physical damage to the wastewater system;

(4) Provide for full and equitable distribution of the cost of the wastewater treatment system;

(5) Enable the city to comply with provisions of the Federal Clean Water Act, the general pretreatment regulations (40 CFR 403), and other applicable federal and state laws and regulations;

[7]Editor's note(s)—Ord. No. 3754, §§ 53—57, adopted Jan. 27, 1992, repealed various sections of Div. 3, relative to sewerage, and § 80 of said Ord. No. 3754 renumbered the remaining sections of this division to read as herein set out. The history notation has been retained in the renumbered sections for reference purposes. The repealed provisions of this division derived from Code 1960, §§ 28-59.1(a)—(d), 28-63, 28-64.9, 28-65, 28-65.1; Ord. No. 3294, § 3, adopted Oct. 13, 1986; Ord. No. 3493, §§ 3, 4, adopted Nov. 21, 1988; Ord. No. 3644, § 3, adopted Aug. 20, 1990; Ord. No. 3696, §§ 17—19, adopted Feb. 18, 1991. Additionally, Ord. No. 3739, § 4, adopted Sept. 30, 1991, deleted former § 27-178, relative to off-site gravity line extension (CIAC), which derived form Code 1960, § 28-64.3 and Ord. No. 3697, § 14, adopted Feb. 18, 1991. See the Code Comparative Table for a specific enumeration of repealed and renumbered sections.

(6) Improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

(c) This section shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the municipal wastewater treatment system. Except as otherwise provided in this division, the general manager for utilities or his/her designee shall administer, implement, and enforce the provisions set forth in this division.

(Code 1960, § 28-56; Ord. No. 3696, § 16, 2-18-91)

Sec. 27-167. Permit fee for plumbing and sewerage installation.

Before a permit is issued for any plumbing, sewer or drainage work or installation for which a permit is required, a fee therefor shall be paid to the plumbing inspector in accordance with the schedule set out in Appendix A.

(Code 1960, § 28-57)

Sec. 27-168. Sewer connection—New buildings.

No building permit for the construction of any building or structure located on property abutting any street, alley or right-of-way in which there is located a public sanitary sewer shall be issued, unless all waste disposal from the sanitary facilities in the buildings or structures shall be directly connected with a public sanitary sewer or to a graywater disposal system approved pursuant to section 27-182(b). However, if there is no available sanitary sewer located within 200 feet of the nearest property line whereon the building or structure is to be constructed, the terms of this section shall not apply.

(Code 1960, § 28-58)

Sec. 27-168.1. Same—Existing buildings generally.

The owner of any house, building, or other improvement on any property used, or to be used, for human occupancy, employment, recreation, business, or other purpose which is or shall be served by a sewerage disposal system other than a direct connection to the city's public sanitary sewer system and located on property abutting on any street, alley, right-of-way, or easement on which a public sanitary sewer line is installed, and located within 200 feet of such sewer line, shall, within two years after the completed construction of such sewer line in operative condition, connect, or cause to be connected, all sanitary sewerage disposal facilities from the property and improvement to the public sanitary sewer line or to a graywater disposal system approved pursuant to section 27-182(b).

(Code 1960, §§ 28-56.1(a), 28-59.1(a); Ord. No. 3754, § 80, 1-27-92)

Sec. 27-168.2. Same—Existing buildings with inadequate, unsatisfactory, etc., individual sewage disposal system.

The owner of any existing house, building or property used, or to be used, for human occupancy, employment, recreation, business or other purpose now served by an individual sewage disposal system other than a direct connection to a public sanitary sewer, and located on property abutting on any street, alley or right-of-way in which a public sanitary sewer is installed, or within 200 feet of the nearest available public sanitary sewer, shall be required, within 30 days after date of notice that the individual sewage disposal system is

inadequate, unsatisfactory, causing a sanitary nuisance or endangering the water supply, to abandon the existing individual sewage disposal system and fill the same with suitable materials approved by the city health officer, and connect all waste from sanitary fixtures used by him/her directly with the public sanitary sewer or to a graywater disposal system approved pursuant to section 27-182(b).

(Code 1960, § 28-59; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-169. Rates and charges.

(a) *Rates.* There is hereby established a schedule of monthly rates and charges for the use of or availability for the use of wastewater collection, treatment and disposal services, including reclaimed water service, as set out in Appendix A, subject to the following:

(1) Wastewater collection service charges shall be billed to and be the responsibility of the customer responsible for paying the water bill at any specific location. Provided, however, no water customer of the city that is not connected to the wastewater collection system of the city and is not otherwise subject to wastewater collection service charges shall be charged for wastewater collection service.

(2) The Appendix A rates for reclaimed water service shall not apply where the terms and conditions of such service are otherwise provided by contract between the city and customer which is in existence at the time of adoption of Ordinance No. 001871.

(b) *Surcharge for entities and customers outside corporate limits.* A surcharge equal to 25 percent shall be applied to the following:

(1) Connection charges, as defined herein, associated with new service connecting to the city's wastewater system outside the corporate limits of the city; and

(2) The rates charged to customers for the use of wastewater collection, treatment and disposal services, including reclaimed water service, furnished by the city to customers outside the corporate limits of the city.

(c) *Applicability.* For any property required to be connected to the wastewater collection system, the owner and/or occupant of such property shall pay to the city the monthly fees, rates and charges for the use of the wastewater collection system in accordance with the schedule set out in Appendix A, regardless of whether an actual connection is made. The charges for wastewater collection shall commence on the date the property is connected, or required to be connected to the wastewater collection system as provided in sections 27-169 and 27-170, whichever date occurs first.

(Code 1960, § 28-64; Ord. No. 3087, § 1, 12-17-84; Ord. No. 3467, § 1, 9-26-88; Ord. No. 3564, § 1, 9-18-89; Ord. No. 3697, § 11, 2-18-91; Ord. No. 3754, §§ 18, 80, 1-27-92; Ord. No. 001622, § 1, 9-24-01; Ord. No. 001871, § 2, 10-8-01; Ord. No. 140171, § 3, 9-18-14; Ord. No. 150246, § 3, 9-17-15)

Sec. 27-169.1. Reserved.

Ord. No. 211448, § 3, adopted September 22, 2022, repealed § 27-169.1, which pertained to winter maximum calculation; adjustments and derived from Ord. No. 030278, § 18, 9-8-03; Ord. No. 160253, § 5, 9-15-16.

Sec. 27-170. Deferred payment of residential wastewater service connection charges.

Notwithstanding the provisions of section 27-176 entitled "Wastewater Flow-Based Connection Charges," if the criteria listed below are met, each applicant for residential wastewater service shall have the option to defer

payment of all wastewater flow-based connection charges during construction for a period of not more than six months from the date of application.

(1) *Criteria for deferring payment:*

a. All dwelling units to be served by the residential meter must be unoccupied at time of application and applicant must agree that no dwelling unit shall be occupied until all deferred charges have been paid.

b. Inspection for permanent electrical service must not have been made.

c. Permanent electric service must not have been installed.

d. Applicant must present service location addresses for all buildings at the time of application.

e. Application must be made pursuant to procedures established by the city and any required deposit must be paid.

f. Applicant must request payment deferral.

(2) *Payment of deferred fees.* No permanent electric power will be provided by the city to any single-family dwelling or to any unit in a residential building with multiple-dwelling units until all wastewater flow-based connection charges.

(3) *Nonpayment.* All fees and charges must be paid within six months of the meter application date. If the fees and charges are not paid within such period, service will be discontinued and the account will be closed. Service shall not be restored at such location until all applicable fees and charges have been paid.

(Ord. No. 3428, § 3, 4-4-88; Ord. No. 3739, § 1, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-171. Wastewater connection charges.

(a) *Identification of wastewater connection charges.* The wastewater connection charges under this section shall consist of a collection system connection charge and a treatment plant connection charge. The following categories of applicants shall pay the minimum connection charge according to the schedule set out in Appendix A: single family connections without fire sprinkler system with three-quarter inch or smaller meter; single family residential connections with fire sprinkler system with one inch or smaller water meter; and/or nonresidential connections with an estimated annual average daily flow (ADF) of less than or equal to 280 gallons per day (GPD). All other applicants shall pay the flow based connection charges according to the schedule set out in Appendix A. Wastewater flow-based connection charges shall be assessed prior to water meter installation. Each applicant for wastewater service shall pay to the city, prior to service being rendered, the applicable wastewater connection charges in accordance with the schedule set out in Appendix A. The wastewater connection charges shall not be applicable to any property that has been duly designated, by the general manager for utilities or the general manager's designee, as having had the city's relevant wastewater connection costs recovered previously for such property, provided such property had an active wastewater account with city within the past ten years from the date of application.

(b) *For water meters larger than one inch.* The applicant shall provide the city a detailed estimate of the expected ultimate water demand in annual average daily flow (GPD-ADF) to be served by the water meter to be installed. The wastewater service demand shall be deemed equal to the estimated water service demand. It is the applicant's responsibility to coordinate the preparation of this estimate with the city in order to ensure the provision of sufficient detail and proper documentation of estimated demand. Such detail shall include an ultimate site plan for the development indicating what properties are to be served by the subject

water meter(s). The city reserves the right to perform its own estimate of service demand, which shall take precedence for the purpose of calculating the charge.

(c) *For nonresidential water meters one inch or smaller.* The applicant shall provide the city an ultimate site plan or other documentation to substantiate building size for all properties served by the subject water meter(s). The expected ultimate demand in gallons per day annual average flow (GPD-ADF) will be determined by the city based on the site plan and the anticipated use of the facilities being served by the subject meter(s). Alternatively, the applicant may provide the city a detailed estimate of the expected ultimate demand. However, the city reserves the right to perform its own estimate of service demand, which shall take precedence for the purpose of calculating the charge.

(d) *Connection charge adjustment.* The purpose of this subsection is to provide for adjustment of wastewater connection charges when major and significant changes of water consumption associated with an existing service occur. The purpose of this subsection is not to adjust for insignificant errors in estimates of annual average daily flow, flow changes due to weather variances, or other normal changes in consumptive use of water. The city may use building permits, water consumption records, and other reasonable information to enforce the provisions of this subsection. After water meters are installed and whether or not any connection charges were assessed at the time of installation, an adjustment in the connection charges already paid or new charges may be assessed if one or more of the following conditions occur:

(1) *Additional water meter installed.* If an additional water meter is installed, the amount charged the applicant shall be calculated according to the schedule set forth in Appendix A.

(2) *Actual demand exceeds estimated or change in use of facility.* If the actual annual average daily flow (ADF) measured over a 12-month period should exceed the estimated demand on which a previous connection charge payment was based or if there is a change in use of the facility that is expected to result in a demand greater than the estimated demand on which a previous connection charge payment was based, the city reserves the right to review and revise the previous demand estimate and to assess additional charges for the increased demand calculated according to the schedule set forth in Appendix A.

(3) *Actual demand less than estimated.* If within the 24-month period following meter installation, the applicant can demonstrate to the city's satisfaction that the applicant's average daily flow (ADF) has been and will continue to be less than that estimated and used as a basis for assessing the wastewater connection charges, the applicant may request a refund. The request shall include the applicant's copy of the original service demand estimate which shall be accompanied by sufficient explanation of the lower than estimated demand. If the city approves the request, the city shall pay a refund to the applicant based on the amount of excess service demand originally assessed and the current charge for that demand calculated according to the schedule set forth in Appendix A.

(4) *Construction of new structures or facilities.* If new structures or facilities are constructed causing additional demand for wastewater services and these facilities were not included or properly described in the applicant's original detailed estimate (and site plan) of service demand, then additional wastewater connection charges shall be assessed by the city based on the estimated additional demand calculated according to the schedule set forth in Appendix A.

(f) *Greywater disposal systems.* The city is authorized to adjust wastewater connection charges assessed at the time of original water meter installation or assessed thereafter, as set forth in Appendix A, to reflect reduced wastewater loadings from approved individual graywater disposal systems. These adjustments shall be determined by procedures and engineering calculations contained in policies approved by the city commission.

(Code 1960, § 28-64.1; Ord. No. 3087, § 5, 12-17-84; Ord. No. 3564, § 2, 9-18-89; Ord. No. 3581, § 1, 12-4-89; Ord. No. 3697, § 12, 2-18-91; Ord. No. 3739 § 2, 9-30-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 951541, § 2, 6-10-96; Ord. No. 150246, § 3, 9-17-15; Ord. No. 211448, § 4, 9-22-22)

Sec. 27-172. Plan review fee and inspection service fee.

Applicants shall pay to the city a plan review fee according to the schedule set forth in Appendix A, prior to submitting plans for review by the city. No on-site facilities will be accepted by the city for connection to the city's wastewater system unless the design and construction of such facilities meet all standards and specifications of the city. The facilities shall be inspected by the city prior to connection to the city's wastewater system to ensure such compliance. For such inspection, the developer shall pay to the city an inspection service fee as set out in Appendix A, to be assessed on the amount of developer installed mainline collection piping.

(Code 1960, § 28-64.2; Ord. No. 3564, § 3, 9-18-89; Ord. No. 3697, § 13, 2-18-91; Ord. No. 3739, § 3, 9-30-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 150246, § 3, 9-17-15)

Sec. 27-173. Pump station (primary).

(a) Where a pumping station is constructed to receive the gravity wastewater flow from a development, the developer shall pay all costs associated with pump station design and construction required to serve the proposed development including all future phases. The city may elect to pay oversizing costs, if required, to serve existing or future customers outside of the proposed development.

(Code 1960, § 28-64.4; Ord. No. 3087, § 6, 12-17-84; Ord. No. 3564, § 4, 9-18-89; Ord. No. 3754, § 80, 1-27-92; Ord. No. 951541, § 3, 6-10-96)

Sec. 27-174. Force main extension (CIAC).

Where force mains are constructed by the city to extend wastewater service to a lot or development, the applicant for such wastewater service shall pay to the city a contribution in aid of construction (CIAC) prior to the commencement of construction of the force main. The force main CIAC shall be calculated as the cost as estimated by the city of constructing a force main sized (the smallest possible to serve the project, four inches minimum) and routed at the shortest practicable length to the closest point in the existing wastewater system capable of providing service to the applicant's development only. Sizing and routing of the force main will be determined by the city.

(Code 1960, § 28-64.5; Ord. No. 3739, § 5, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-175. Requirement for additional CIAC.

In any instance where the city determines that the city's share of cost to construct new facilities (including oversizing costs) prompted by an application for wastewater service is greater than the city is willing and/or able to afford, the applicant may be allowed to pay an additional contribution in aid of construction (CIAC), which may be required by the city in order to reduce the city's share of cost to an amount acceptable to the city. The city shall determine the amount of CIAC which is necessary under this section. Wastewater flow-based connection charges shall not be credited towards any required CIAC.

(Code 1960, § 28-64.6; Ord. No. 3739, § 6, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-176. Gravity line or pump station/force main construction.

In the instance where it is physically feasible to construct either gravity line or a pump station/force main to serve a development, the facilities to be constructed shall be determined by the city. The applicant shall pay the lesser of:

(1) CIAC for gravity line extensions; or

(2) Pump station (primary) CIAC plus force main extension CIAC plus any additional CIAC that may be assessed by the city.

(Code 1960, § 28-64.7; Ord. No. 3739, § 7, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-177. Refunds of prepaid charges.

Prepaid wastewater connection charges which are paid prior to installation of the facilities at the site for which they are paid, may be refunded to the current owner of the property for which the charges were paid upon application made, provided that the facilities for which payment was made have not been installed, and provided that all costs of the city incurred in connection therewith, including but not limited to administrative and engineering costs shall first be deducted prior to making any such refund. No interest shall be paid by the city on any such refund for prepayments. The burden of proof of any such prepayments shall be the applicant's.

(Code 1960, § 28-64.8; Ord. No. 3739, § 8, 9-30-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-178. Maintenance of laterals.

The customer is responsible for the operation, maintenance and repair of any wastewater lateral facilities connecting the customer's home or business to the city's wastewater facilities. The customer's responsibilities include the removal of any and all blockages within the customer facilities, including the removal of root intrusion, and the repair and replacement of any piping or connection failures associated with the customer's facilities. The customer is responsible for any and all damage to persons or property caused by the customer's ownership, operation, maintenance, repair and/or replacement of these facilities. The city is responsible for operating, maintaining, repairing and/or replacing the city's wastewater facilities located within the public right-of-way or a public utility easement.

(Code 1960, § 28-60; Ord. No. 3754, § 80, 1-27-92; Ord. No. 030278, § 19, 9-8-03)

Sec. 27-179. Oversized facilities.

The city reserves the right to require oversizing of any wastewater facility (gravity wastewater lines, lift stations, force mains and package treatment plants) and shall pay the developer for such oversizing on the basis of additional costs incurred because of the oversizing. The city shall pay oversizing costs based on the difference between the engineering estimates for the cost of oversized facility and the cost of the facility which is required to serve the development.

(Code 1960, § 28-60.1; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-180. Pretreatment program—Generally.

(a) The objectives of this section are to:

(1) Prevent the introduction of pollutants into the city wastewater treatment system that will cause interference with its operation or pass through inadequately treated into receiving waters or biosolids.

(2) Provide protection for the general public and city personnel who may be affected by wastewater and sludge in the course of their employment.

(3) Ensure compliance of the city with applicable federal and state laws including Section 402 of the Clean Water Act (specifically 40 CFR Part 403), and Chapter 62-625 and Chapter 62-640 of the Florida Administrative Code.

(4) To promote reuse and recycling of reclaimed water, biosolids, and industrial wastewater from the wastewater system.

(5) To provide for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater system.

(b) Compliance with this division may not under some circumstances constitute compliance with the Alachua County Hazardous Material Management Code. Industrial users should contact the Alachua County Environmental Protection Department for further information on compliance with the Hazardous Material Management Code.

(c) Except as otherwise provided herein, the general manager for utilities shall administer, implement, and enforce the provisions of this section. Any powers granted to or duties imposed upon the general manager for utilities may be delegated by the general manager for utilities to a duly authorized city employee.

(Code 1960, § 28-61; Ord. No. 3602, § 2, 3-5-90; Ord. No. 3696, § 20, 2-18-91; Ord. No. 3735, § 2, 8-19-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980894, § 2, 6-14-99; Ord. No. 120211, § 1, 9-20-12)

Sec. 27-180.1. Same—Prohibited substances.

(a) No user shall introduce or cause to be introduced into the wastewater system any pollutant or wastewater, which either singly or by interaction with other pollutants causes pass through or interference. This general prohibition applies to all users of the wastewater system whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

(b) It shall be unlawful for any person willfully or with culpable negligence to discharge or cause to be discharged into the wastewater system of the city any substance which:

(1) Is harmful to the wastewater system, or is hazardous to the wastewater system because it contains flammable or explosive liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater system or to the operation of the wastewater system. No substance may be discharged with a closed cup flashpoint of less than 60° C (140° F) using test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent, nor any single reading over ten percent, of the lower explosive limit (LEL) of the meter. Such materials shall include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city determines to be a fire hazard, health hazard or a hazard to the system.

(2) Has a temperature which would have adverse effects on the wastewater system. In no case shall discharges cause the temperature of influent to the wastewater treatment plant to exceed 40° C (104° F).

(3) May cause stoppages in the wastewater system because of size, quantity, volume or any other characteristic. Solid or viscous substances which may cause obstruction to the flow in the sewer or other interference with the operation of the wastewater treatment facilities shall not be discharged into the wastewater system.

(4) Has corrosive properties capable of causing damage or hazard to structures, equipment and/or personnel of the wastewater system.

(5) May cause the wastewater system's effluent or any other product of the wastewater system, such as residues, sludges or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process.

(6) Contains any pollutant, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants, will cause interference or pass through in the wastewater system. No user shall discharge flow at a rate that will be disruptive to the wastewater system or cause interference or pass through in the wastewater system.

(7) Results in the presence of toxic gases, vapors, or fumes in any part of the wastewater system in a quantity that may cause acute worker health and safety problems.

(8) Contains pollutants in sufficient quantity, either singly or by interaction with other pollutants, which constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater system.

(9) Contains waste exceeding the local discharge limit of any pollutant for which a limit has been established by the general manager for utilities or his/her designee using standard procedures, calculations and methods acceptable to the Florida Department of Environmental Protection (FDEP) to protect against pass through, interference, protection of wastewater system employees, and adverse effects on wastewater biosolids disposal. Such limits shall be included as permit conditions and attached to each industrial wastewater discharge permit issued. The established local discharge limits, incorporated by reference herein, are subject to change and may be modified as needed based on regulatory requirements and standards, wastewater system operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local discharge limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified discharge limits by FDEP. Permitted significant industrial users shall also be issued an addendum to their wastewater discharge permit containing the revised local discharge limits. A copy of the approved local discharge limits shall be kept on file in the office of the general manager for utilities or his/her designee and made available on request.

(10) Discharge limits for sulfate, sulfide, and organic pollutants shall be determined by the general manager for utilities or his/her designee with considerations for acceptable worker exposure levels or prevention of damage, interference or pass through in the wastewater system, whichever provides the lower discharge limit.

(11) Local discharge limits shall apply at the point where the wastewater is discharged to the wastewater system. All concentrations for metallic substances are for "total" metal.

(c) No user shall ever increase the use of process water, or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment, to achieve compliance with a local discharge limit, prohibited discharge standard, or categorical pretreatment standard. The general manager for utilities or his/her designee may impose mass limitations when appropriate.

(d) No user shall discharge petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through in the wastewater system.

(e) No user shall discharge trucked or hauled wastes to the wastewater system except at points designated by special agreement with the city.

(f) The city may establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements or standards for substances not contained in this section for discharges to the wastewater system consistent with the purpose of this division.

(g) The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subpart N and Chapter 62-660, F.A.C., as may be amended from time to time, are hereby incorporated by reference.

(h) When wastewater subject to a National Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the general manager for utilities or his/her designee shall impose an alternate limit in accordance with Rule 62-625.410 F.A.C.

(Ord. No. 980894, § 3, 6-14-99; Ord. No. 060457, § 2, 10-23-06; Ord. No. 120211, § 2, 9-20-12)

Sec. 27-180.2. Same—Conditional requirements for specific discharges.

(a) *Fats, oils and grease.* Wastewater containing such amounts of fats, oils or greases as may be determined by the general manager for utilities or his/her designee to be detrimental to the wastewater system shall not be discharged into the wastewater system. An efficient grease trap, grease interceptor or oil/water separator shall be utilized prior to discharge to the wastewater system and maintained as required in this section. Wastewater from restaurants or places where cooking is done shall be presumed to contain grease and grease traps or grease interceptors shall be required at all such locations. Automotive-related facilities including but not limited to car-washes and automobile repair shops, which may contribute petroleum-based oil to the collection system, are required to have an approved oil/water separator.

(1) All nonresidential facilities that prepare, process or serve food as determined by the assistant general manager for water/wastewater utilities or his/her designee are required to have a grease interceptor discharge permit issued by GRU and an approved grease interceptor or approved grease trap. The grease interceptor discharge permit for any facility shall be renewed whenever there is a significant change in operation including facility expansion, remodeling that requires a plumbing permit, or change in ownership.

(2) Grease interceptors, grease traps, and oil/water separators shall be installed solely at the customer's expense. Proper operation, maintenance, and repair of grease interceptors, grease traps, and oil/water separators shall be done solely at the customer's expense.

(3) The "Oil and Grease Management Manual" promulgated by the general manager for utilities or his/her designee, as amended from time to time is hereby adopted and incorporated by reference as part of this section. Copies of the "Oil and Grease Management Manual" shall be available upon request.

(4) Grease traps, grease interceptors and oil/water separators shall be designed, installed, and maintained as required in the "Oil and Grease Management Manual." The owner or operator shall maintain a maintenance log for the grease interceptors, grease traps, or oil/water separators on site that includes the previous 12-months activity. The log shall be available upon request by the city and include the date, time, maintenance performed, volume removed each pump out, and the name, signature, and contact information of the person who performed the maintenance.

(5) If grease accumulates in the wastewater collection system lines or damage to the wastewater system is caused by the discharge of fats, oils, or greases, the owner or operator will be billed for cleaning the collection lines or any other expense incurred by the city.

(b) *Private wells.* Where private wells are used, disposal into the wastewater system shall be done only by special agreement with the city.

(c) *Storm water, air-conditioners and similar wastes.* Storm water, air-conditioning water, condenser waters, swimming pool waters or other similar type wastes shall be discharged into the wastewater system only by special agreement with the city.

(d) *Septic tank and portable toilet waste.* Septic tank and portable toilet waste shall be introduced into the city's wastewater system only when specifically authorized and only at the time, place and manner prescribed by the city.

(Ord. No. 980894, § 3, 6-14-99; Ord. No. 030278, § 20, 9-8-03)

Sec. 27-180.3. Same—Permitting.

(a) Industrial wastes shall not be discharged into the wastewater system without written permission of the general manager for utilities or his/her designee. All significant industrial users who are proposing to connect or contribute to the wastewater system shall obtain an industrial wastewater discharge permit before connecting to or contributing to the wastewater system. Industrial wastewater discharge permits shall contain but are not limited to the following conditions:

(1) *Duration.* The duration shall not exceed five years from the effective date of the permit.

(2) *Renewal.* The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the existing permit.

(3) *Transferability.* The permit may not be sold, transferred, or reassigned.

(4) *Limits.* Effluent limits, including best management practices, shall be specified based on applicable pretreatment standards.

(5) *Monitoring.* Self-monitoring, sampling, reporting, notification, and record-keeping shall be specified, including identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on applicable federal, state, and local laws.

(6) *Penalties.* Applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule shall be stated. Such schedule shall not extend the compliance date beyond applicable state or federal deadlines.

(7) *Slug discharges.* The permit shall contain requirements to control slug discharges if determined by the general manager for utilities or his/her designee to be necessary.

(8) *Monitoring waiver.* The permit shall include any grant of a monitoring waiver and shall specify the process for seeking a waiver from monitoring for a pollutant either not present or not expected to be present in the industrial user's wastewater discharge in accordance with section 27-180.4(r).

(b) Significant industrial users, and any other user required to obtain a wastewater discharge permit by the general manager for utilities or his/her designee, shall be required to complete an industrial wastewater discharge application as provided by the general manager for utilities or his/her designee prior to receiving a permit.

(c) Industrial users shall be required to submit a waste minimization plan when submitting either an industrial wastewater discharge application or an application for permit renewal. The waste minimization plan must include but is not limited to the following items:

(1) A detailed description of the components and estimated volume of all waste streams that comprise the industrial wastewater discharge.

(2) Practices currently employed or future plans to minimize the amount of waste in the industrial wastewater discharge.

The plan will be forwarded to the Alachua County Environmental Protection Department for comment. Any comments received within 14 days of delivery of the plan to the Alachua County Environmental Protection Department shall be considered by the general manager or his/her designee when making waste minimization plan approval decisions.

(d) The general manager for utilities or his/her designee may require an industrial user to perform self-monitoring as a prerequisite to being granted an industrial wastewater discharge permit.

(e) The general manager for utilities or his/her designee may require other users, who are not significant industrial users, to obtain industrial wastewater discharge permits.

(f) Modifications. The general manager for utilities or his/her designee may modify any industrial wastewater discharge permit. The industrial user shall be informed of any substantive modifications to the permit at least 30 days prior to the effective date of the change.

(g) Approval decisions. The general manager for utilities or his/her designee will review and evaluate the application and waste minimization plan and determine whether or not to issue an industrial wastewater discharge permit. The general manager for utilities or his/her designee may deny any application for an industrial wastewater discharge permit. Industrial users shall comply with the standards set forth in Chapter 62-625, Florida Administrative Code, as amended from time to time.

(h) Appeals. Any person, including the user, may petition the general manager for utilities or his/her designee to reconsider the terms of an industrial wastewater discharge permit within 30 days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.

(3) The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.

(4) If the general manager for utilities or his/her designee fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(i) The general manager for utilities or his/her designee may require any user connected prior to the effective date of this division to obtain an industrial wastewater discharge permit.

(Ord. No. 980894, § 3, 6-14-99; Ord. No. 120211, § 3, 9-20-12)

Sec. 27-180.4. Same—Monitoring, reporting, and notification.

(a) *Baseline monitoring report.* Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination request under Rule 62-625.410(2)(d), F.A.C., whichever is later, industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to the wastewater system, shall submit to the general manager for utilities or his/her designee a report which contains information as required in Rule 62-625.600(1)(a)—(g). At least 90 days prior to commencement of discharge, new sources, and sources that become subject to categorical standards, shall submit to the general manager for utilities or his/her designee a report which contains the information listed in Rule 62-625.600(1)(a)—(e).

(b) *Categorical compliance report.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards under Rule 62-660, or in the case of a new source following commencement of the introduction of wastewater to the city wastewater system, any industrial user subject to the pretreatment standard shall submit a report containing the information as required in Rule 62-625.600(1)(d)—(f). For users subject to equivalent mass or concentration discharge limits established by the general manager for utilities or his/her designee in accordance with the procedures in Rule 62-625.410(4), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. This report shall also meet the requirements of section 27-180.4(g).

(c) *Semiannual compliance report.* Any significant industrial user discharging to the city wastewater system is required to submit by January 31st and July 31st each year a report detailing the nature and concentration of pollutants in their wastewater discharge, a record of the wastewater flow for the period, and a summary of any changes to pretreatment equipment. The general manager for utilities or his/her designee may require these reports more frequently to ensure industrial user compliance. The general manager for utilities or his/her designee may reduce the reporting frequency to a minimum of once per year, unless required more frequently in any applicable pretreatment standard or unless required more frequently by the Florida Department of Environmental Protection, provided that the industrial user meets all of the following conditions:

(1) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of the design dry weather hydraulic capacity of the water reclamation facility to which it discharges, or 5,000 gallons per day, whichever is smaller, as measured by a continuous flow monitoring device unless the industrial user discharges in batches.

(2) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of the design dry weather organic treatment capacity of the water reclamation facility to which it discharges.

(3) The industrial user's total categorical wastewater flow does not exceed 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by any applicable categorical pretreatment standard for which approved local limits have been developed for the water reclamation facility to which it discharges in accordance with 62-625.400(3), F.A.C.

(4) The industrial user has not been in significant noncompliance in the past two years and the industrial user does not have daily flow rates, production levels, or pollutant levels that vary so much that decreasing the reporting requirement would result in data that are not representative of conditions occurring during any reporting period pursuant to 62-625.400(6)(c), F.A.C.

If changes occur at the industrial user's facility which cause it to no longer meet the conditions of section 27-180.4(c)(1)—(4), the industrial user must immediately notify the general manager for utilities or his/her designee and the industrial user must immediately begin reporting semiannually or more frequently as determined by the general manager for utilities or his/her designee.

(d) *Unpermitted user reports.* The general manager for utilities or his/her designee may require any unpermitted user to submit reports relating to the wastewater discharge as specified by the general manager for utilities or his/her designee.

(e) *Self-monitoring.* The general manager for utilities or his/her designee may require self-monitoring reports from industrial users as are deemed necessary to assess and ensure compliance by industrial users with pretreatment standards and requirements including but not limited to the reporting requirements set forth in Rule 62-160 and the test procedures for wastewater analyses found in 40 CFR Part 136, which are incorporated by reference as part of this section. All self-monitoring reports shall be based on data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period.

(f) *Sample collection.* All wastewater samples shall be representative of the industrial user's discharge. Wastewater monitoring and flow measurement equipment shall be properly operated and maintained. The failure of an industrial user to maintain its monitoring equipment in good working order shall not be grounds for the industrial user to claim that sample results are not representative of its discharge. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. Using methods specified in 40 CFR Part 136, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. All other samples shall be collected using flow proportional composite techniques. The general manager for utilities or his/her designee may authorize the use of time proportional sampling or a minimum of four grab samples. For sampling required in support of baseline monitoring (section 27-180.4(a)) and 90-day compliance reports (section 27-180.4(b)), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for industrial users for which historical sampling data do not exist; for industrial users for which historical sampling data are available, the general manager for utilities or his/her designee may authorize a lower minimum.

(g) *Compliance monitoring.* The general manager for utilities or his/her designee shall conduct compliance monitoring to ensure that the industrial user's discharge is in compliance with the industrial wastewater discharge permit and shall have the right to enter the premises of any industrial user for the purpose of such monitoring.

(h) *Notification of changed discharge.* All industrial users shall notify the general manager for utilities or his/her designee in writing of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days prior to the change.

(i) *Prohibited discharge notification.* Any industrial user discovering in the course of self-monitoring that any prohibited discharge limit has been exceeded shall notify the general manager for utilities or his/her designee within 24 hours of learning of the discharge. This notification shall be followed within 30 days of the date of discovery of the violation by resampling of the parameter, reanalysis, and submittal of a certified monitoring report. Such notification and resampling will not relieve the industrial user of liability for any penalties or corrective action required due to the prohibited discharge. Resampling by the industrial user is not required if the general manager for utilities or his/her designee performs sampling at the industrial user's facility at least once per month, or if the general manager for utilities or his/her designee performs sampling at the industrial user's facility between the time when the initial sampling was performed and the time when the industrial user or the general manager for utilities or his/her designee receives the results of this sampling, or if the general manager for utilities or his/her designee has performed the sampling and analysis in lieu of the industrial user.

(j) *Accidental discharge notification.* Any person causing or suffering from any accidental discharge shall immediately notify the general manager for utilities or his/her designee by telephone to enable countermeasures to be taken to minimize damage to the wastewater system, the health and welfare of the public, and the environment. This notification shall be followed within five days of the date of occurrence by a detailed written statement submitted by the industrial user describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve the industrial user of liability of any expense, loss, or damage to the wastewater system.

(k) *Hazardous waste discharge notification.* Any industrial user shall notify the general manager for utilities or his/her designee in writing of any discharge into the wastewater system of a substance, which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification shall comply with the requirements of Rule 62-625.600(15), F.A.C.

(l) *Signatory and certification requirements.* Documents submitted by any industrial user for the purposes of compliance with an industrial wastewater discharge permit or any requirement of this section shall be signed

by a duly authorized representative and contain the appropriate certification statement determined as follows:

(1) Any industrial user submitting permit applications, baseline monitoring reports, reports on compliance with any categorical pretreatment standard deadlines, periodic compliance or monitoring reports, and any industrial user submitting an initial request to forego sampling of a pollutant on the basis of section 27-180.4(r) shall submit the certification statement found in Rule 62-625.410(2)(b)2, F.A.C.

(2) Any industrial user determined by the general manager for utilities or his/her designee to be a non-significant categorical industrial user shall submit the certification statement found in Rule 62-625.600(17), F.A.C.

(3) Any industrial user that has a monitoring waiver approved by the general manager for utilities or his/her designee in accordance with section 27-180.4(r) shall submit each report with the certification statement found in Rule 62-625.600(4)(c)5. F.A.C.

(m) *Recordkeeping.* All industrial users shall keep, for a minimum of three years, any documents that are required by or developed to comply with this section or with an industrial wastewater discharge permit including but not limited to monitoring data, notices of violation, documentation associated with best management practices, and compliance reports. The record retention period shall be extended for the duration of any litigation concerning the industrial user or the city, or where the industrial user has been specifically notified of a longer retention time by the general manager for utilities or his/her designee. Monitoring records shall include the following information: date and time of sampling, sampling location, sampling method, name of the person collecting the sample, analysis date, analyst name, analytical method, and results of analysis.

(n) *Public records access.* Documents submitted by industrial users to the general manager for utilities or his/her designee are open to inspection by the public in accordance with city policy, state, and federal law. Documents claimed as proprietary information must meet the criteria outlined in Rule 62-625.800. Under no circumstances will effluent data be treated as confidential.

(o) *Costs.* All costs associated with monitoring, reporting, and notification shall be borne solely by the industrial user.

(p) *Slug discharge.* All significant industrial users shall notify the general manager for utilities or his/her designee immediately of any changes at its facility affecting the potential for a slug discharge.

(q) *Best management practice documentation.* In cases where an industrial user is required to meet compliance with a best management practice (BMP) or pollution prevention alternative, the industrial user must submit documentation as required by the general manager for utilities or his/her designee to determine the compliance status of the industrial user.

(r) *Monitoring waiver of a categorical pretreatment standard.* The general manager for utilities or his/her designee may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is not present or not expected to be present in the wastewater discharge, or present only at background concentrations from intake water and without any increase in the pollutant due to the activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized if a pollutant is determined to be present solely due to the sanitary wastewater discharged from the industrial user's premises provided that the sanitary wastewater of the industrial user is not regulated by any applicable categorical standard and otherwise includes no process wastewater.

(2) The waiver is valid only for the duration of the wastewater discharge permit. The industrial user must submit a new request for a waiver before the waiver can be granted for each subsequent wastewater discharge permit.

(3) The industrial user shall demonstrate that a pollutant is not present by submitting data to the general manager for utilities or his/her designee from at least one sample of the industrial user's process wastewater prior to any pretreatment and which is representative of all wastewater from all processes.

(4) Non-detectable sample results may be used as a demonstration that a pollutant is not present only if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection limit for that pollutant was used in the analysis.

(5) Any grant of a monitoring waiver by the general manager for utilities or his/her designee shall be included as a condition in the industrial user's wastewater discharge permit. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver shall be maintained by the general manager for utilities or his/her designee for three years after expiration of the waiver.

(6) In the event that a waived pollutant is found to be present or is expected to be present due to changes that occur in the industrial user's operations, the industrial user shall immediately notify the general manager for utilities or his/her designee and shall comply with the minimum monitoring requirements found in section 27-180.4(c) or more frequent monitoring as required by the general manager for utilities or his/her designee.

(7) No waiver shall be granted by the general manager for utilities or his/her designee unless the industrial user's applicable categorical pretreatment standards allow such waivers.

(Ord. No. 980894, § 3, 6-14-99; Ord. No. 120211, § 4, 9-20-12)

Sec. 27-180.5. Same—Pretreatment facilities and monitoring equipment.

(a) Pretreatment facilities and/or monitoring equipment shall be required for any waste that may be harmful to equipment or the wastewater collection system, cause pass through or interference in the wastewater system or cause nuisance, odor, or stoppage problems in the wastewater system. Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 27-180.1 within the time limitations specified by the EPA, the Florida Department of Environmental Protection, or the general manager for utilities or his/her designee, whichever is more stringent.

(b) The general manager for utilities or his/her designee may require monitoring equipment including but not limited to flow monitoring and sampling devices.

(c) The owner shall be responsible for the construction, operation and maintenance of any pretreatment facilities or monitoring equipment required by the general manager for utilities or his/her designee. Detailed plans describing such facilities and operating procedures shall be submitted to the general manager for utilities or his/her designee for review, and shall be acceptable to the general manager for utilities or his/her designee before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facilities as necessary to produce a discharge acceptable to the general manager for utilities or his/her designee under the provisions of this section.

(d) Users shall control production of all discharges to the extent necessary to maintain compliance with discharge standards contained in this division upon reduction, loss, or failure of the user's treatment facility until the facility is restored or an alternative method of treatment is provided.

(Ord. No. 980894, § 3, 6-14-99; Ord. No. 120211, § 5, 9-20-12)

Sec. 27-180.6. Same—Accidental discharge/slug prevention.

(a) All industrial users shall provide such facilities and such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the wastewater system. Areas with the potential for release include but are not limited to liquid or raw material storage areas, truck and rail car loading and unloading areas, in-plant transfer or processing and materials handling areas, diked areas or holding ponds.

(b) The general manager for utilities or his/her designee shall evaluate at least every two years whether each significant industrial user needs an accidental discharge/slug control plan and may require any user to develop, submit for approval, and implement such a plan. This plan shall include but is not limited to the following items:

(1) Description of discharge practices, including non-routine batch discharges.

(2) Description of stored chemicals and containment areas.

(3) Procedures for immediately notifying the general manager for utilities or his/her designee of any accidental or slug discharge that would constitute a violation of any part of this division with procedures for follow-up written notification within five days as required by the reporting and notification section of this division.

(4) Procedures to prevent adverse impact from any accidental or slug discharge.

(c) The industrial wastewater discharge permit of any industrial user shall be subject on a case by case basis to a special permit condition or requirement for the construction of facilities or the establishment of procedures which will prevent or minimize the potential for accidental/slug discharges. Facilities to prevent accidental/slug discharge shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the general manager for utilities or his/her designee for approval before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this division.

(Ord. No. 980894, § 3, 6-14-99; Ord. No. 120211, § 6, 9-20-12)

Sec. 27-180.7. Same—Enforcement.

(a) *Inspection.* The general manager for utilities or his/her designee may enter the premises of any industrial user to determine whether the user is complying with all requirements of this section and any industrial wastewater discharge permit. Industrial users shall allow the general manager for utilities or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and copying and the performance of any additional duties. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the general manager for utilities or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the general manager for utilities or his/her designee access to the user's premises shall be a violation of this division. The general manager for utilities or his/her designee may remove records for the purposes of copying if copying facilities are not available on the premises.

(b) *Search warrants.* If the general manager for utilities or his/her designee has been refused access to the premises and is able to demonstrate probable cause to believe that there may be a violation of sections 27-180 and 27-180.1 through 27-180.7, or that there is a need to inspect and or sample as part of a routine inspection and sampling program of the city designed to verify compliance with sections 27-180 and 27-180.1 through 27-180.7 or any industrial wastewater discharge permit or to protect the public health, safety,

and welfare of the community, then the general manager for utilities or his/her designee may seek issuance of search warrant from the appropriate court of law.

(c) *Notification of violation.* Whenever the general manager for utilities or his/her designee finds that a user has violated or continues to violate any provision of this division, industrial wastewater discharge permit, compliance schedule, or any order issued in association with this division, the general manager for utilities or his/her designee may serve on the user a written notice of violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention of the violation shall be submitted by the user to the general manager for utilities or his/her designee. Nothing in this provision shall be interpreted to require the general manager for utilities or his/her designee to issue a notice of violation before taking any action including emergency actions or any other enforcement action.

(d) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. Generally, enforcement action procedures will be conducted in accordance with the city industrial pretreatment program enforcement response plan ("enforcement plan") on file in the office of the general manager for utilities or his/her designee, incorporated by reference herein, copies of which are available upon request. However, the general manager for utilities or his/her designee may take other action against any user when circumstances warrant and may take more than one enforcement action against any user in noncompliance with this section including, but not limited to, action under the provision chapter 2, article III, division 8.

(e) *Publication of users in significant noncompliance.* The general manager for utilities or his/her designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements for any pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for conventional pollutants such as, BOD, TSS, total oil and grease; TRC = 1.2 for all other pollutants except %LEL and pH). For %LEL, any reading in excess of the industrial wastewater discharge permit or limit set forth in this division shall be significant noncompliance.

(3) Any violation of a pretreatment standard or requirement (daily limit, long term average limit, instantaneous limit, or narrative standard) that the general manager for utilities or his/her designee determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city employees or the general public).

(4) Any discharge that has resulted in the general manager for utilities or his/her designee's exercise of emergency authority (under 62-625.500(2)(a)5.b. F.A.C.) to halt or prevent such a discharge.

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations, including a violation of best management practices, which the general manager for utilities or his/her designee determines will adversely affect the operation or implementation of the pretreatment program, except when the state department of environmental protection is acting as the control authority.

(f) *Compliance schedules.* The general manager for utilities or his/her designee may issue a compliance schedule to any industrial user that has violated, or continues to violate, any provision of this section or an industrial wastewater discharge permit, directing that the user come into compliance within a specified time. Such schedules shall contain increments of progress in the form of dates for the commencement and completion of major events leading to schedule completion and compliance with documentation being required upon completion of each major event. No increment of progress shall exceed nine months and the time interval between progress reports to the general manager of utilities or his/her designee shall not exceed nine months. The user shall submit a progress report to the general manager of utilities or his/her designee no later than 14 days following each date in the schedule including the final date of compliance. Progress reports shall include whether or not the user complied with the increment of progress, the reason for any delay, and if appropriate the steps being taken by the user to return to the established compliance schedule. Compliance schedules may also contain other requirements to address the noncompliance including additional self-monitoring and management practices. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities are installed and properly operated. Compliance schedules shall not relieve the user of liability for any violation nor preclude the general manager for utilities or his/her designee from taking further action against the user.

(g) *Liability.* Any user who discharges a substance prohibited by this section shall be responsible for the payment of all costs incurred by the city to stop the discharge, remove the unlawful substance from the wastewater system, and make necessary repairs to the system. The existence of an affirmative defense as provided herein shall not relieve the user of the obligations in this subsection (g).

(h) *Fines.* In accordance with Rule 62-625.500(2)(a)5., F.A.C. as amended, a fine of up to $1,000.00 per violation per day determined in accordance with the enforcement plan shall be assessed against the user for violations of any provision of this section, industrial wastewater discharge permit, compliance schedule, or any order issued in association with this section. Assessment of a fine does not relieve a user of any applicable charges contained in Appendix A, including excess strength charges.

(i) *Permit revocation.* Any industrial user who commits the following offenses is subject to having his/her industrial wastewater discharge permit revoked, in accordance with the procedures set forth in this section:

(1) Failure of an industrial user to factually report the wastewater constituents and characteristics of his/her discharge;

(2) Failure of an industrial user to report changes in operations which significantly affect wastewater constituents and characteristics;

(3) Refusal of reasonable access to an industrial user's premises for the purposes of inspection or monitoring; or

(4) Violation of conditions of the permit.

(j) *Enforcement action hearing.* The general manager for utilities or his/her designee may require any user who has violated or is violating this division, an industrial wastewater discharge permit or any prohibition or requirement contained therein, to attend an enforcement action hearing. A notice shall be served on the customer specifying the time and place of the hearing, which will be held by the general manager for utilities or his/her designee, regarding the violation and the proposed enforcement action, and directing the customer to show cause before the general manager for utilities or his/her designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally on the

customer or by registered or certified mail (return receipt requested) at least 20 days before the hearing. Service may be made on a duly appointed authorized representative of the user.

At any hearing held pursuant to this section, testimony taken must be under oath and tape-recorded. The transcript so recorded will be made available to any member of the public or any party to the hearing, upon payment of the usual charges therefor.

After the general manager for utilities or his/her designee has reviewed the evidence, he/she may issue an order to the customer responsible for the discharge, directing that following a specified time period sewer service and/or the industrial wastewater discharge permit may be discontinued, unless and until adequate treatment facilities, devices or other related appurtenances shall be installed and are properly operating on existing treatment facilities, devices and other related appurtenances. Further orders and directives as are necessary and appropriate may also be issued by the general manager for utilities or his/her designee.

Any customer aggrieved by an order issued by the general manager for utilities or his/her designee may appeal the order to a court of competent jurisdiction within 30 days from the date the order is reduced to writing and delivered by certified or registered mail (return receipt requested) to the user.

(k) *Injunctive relief.* If any user discharges wastes to the wastewater system contrary to the provisions of this division, federal or state pretreatment requirements, or any order of the general manager for utilities or his/her designee, the city attorney may commence any action for appropriate legal and/or equitable relief in the appropriate court.

(l) *Emergency suspension of service.* The general manager for utilities or his/her designee may suspend the wastewater treatment service and/or an industrial wastewater permit when necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of the public or the environment or cause damage or interference to the wastewater system. Any user notified of a need to sever wastewater treatment service and/or suspend the industrial wastewater permit shall immediately stop or eliminate the discharge in question. In the event of a failure of the user to comply voluntarily with a suspension or severance notice, the general manager for utilities or his/her designee shall take such steps as deemed necessary to prevent or minimize danger to the health or welfare of the public or the environment or to prevent damage or interference to the wastewater system. Such steps may include immediate severance of the sewer connection and/or suspension of the industrial wastewater permit. The general manager for utilities or his/her designee may reinstate wastewater treatment service upon satisfactory demonstration of the elimination of the non-compliant discharge and of adequate measures taken to prevent non-compliant discharges in the future. A detailed written statement submitted by the user describing the causes of the non-compliant discharge and measures taken to prevent a future occurrence shall be submitted to the general manager for utilities or his/her designee within 15 days of the date of occurrence.

(m) *Criminal prosecution.* Criminal violations of this division may subject the user to prosecution under applicable state, federal, and local laws.

(n) *Affirmative defense.* Affirmative defenses shall be available to an industrial user as provided in F.A.C. 62-625.400(1)(b), 62-625.840 and 62-625.860, which by this reference are incorporated herein.

(o) *Consent order.* The general manager for utilities or his/her designee may enter into a consent order, assurance of compliance, or other similar document establishing an agreement with any user responsible for noncompliance. Such document shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such document shall have the same force and effect as the requirements of section 27-180.7(f) and shall be judicially enforceable.

(p) *Cease and desist order.* When the general manager for utilities or his/her designee finds that a user has violated, or continues to violate, any part of this division, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are

likely to recur, the general manager for utilities or his/her designee may issue an order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and to take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not bar, or be a prerequisite for, taking any other action against the user. Such order shall have the same force and effect as the requirements of section 27-180.7(f) and shall be judicially enforceable.

(Ord. No. 980894, § 3, 6-14-99; Ord. No.031205, § 8, 6-28-04; Ord. No. 060457, § 3, 10-23-06; Ord. No. 120211, § 7, 9-20-12)

Sec. 27-180.8. Same—Regulation of wastewater received from other jurisdictions.

(a) *Inter-jurisdictional agreement.* If another municipality or user located within another municipality, contributes wastewater which is transmitted by pipe directly into the City of Gainesville wastewater collection system, the general manager for utilities or his/her designee shall enter into an inter-jurisdictional agreement with the contributing municipality

(b) *Contents of inter-jurisdictional agreement.* The inter-jurisdictional agreement shall contain the following:

(1) A requirement that the contributing municipality adopt a sewer use ordinance which is at least as stringent as this division including wastewater discharge limits and monitoring and reporting requirements.

(2) A requirement that the contributing municipality revise its ordinance and wastewater discharge limits as necessary to reflect changes made to the city ordinance or wastewater discharge limits.

(3) A requirement that the contributing municipality provide access to all information that the contributing municipality obtains as part of its pretreatment activities including a list of users which is updated at least annually.

(4) A provision specifying which pretreatment program activities, including wastewater discharge permit issuance, and inspection, sampling, and enforcement, will be conducted by the contributing municipality, which of these activities will be conducted by the general manager for utilities or his/her designee, and which of these activities will be conducted jointly by the contributing municipality and the general manager for utilities or his/her designee.

(5) A provision specifying limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the city wastewater collection system.

(6) A provision specifying requirements for monitoring the contributing municipality's wastewater discharge.

(7) A provision ensuring that the general manager for utilities or his/her designee has access to the facility of any user located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the general manager for utilities or his/her designee.

(8) A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement. Such provision shall also ensure the right of the general manager for utilities or his/her designee to enforce the terms of the contributing municipality's ordinance or to impose and enforce any applicable pretreatment standards and requirements directly against users within the contributing municipality's jurisdictional boundaries in the event the contributing municipality is unable or unwilling to take such action.

(Ord. No. 120211, § 8, 9-20-12)

Sec. 27-181. Graywater disposal facilities.

(a) *Conditions for approval.* The general manager for utilities or his/her designee is authorized to approve, on a limited and experimental basis, the installation of individual graywater systems as feasible and practicable under the following conditions:

(1) Graywater flows shall include only domestic wastes carried off by bath, lavatory, sink, (but not kitchen sink) and laundry drains and sewers or wastes of similar nature not normally containing urine, fecal matter, food particles or any other harmful or noxious matter.

(2) Blackwater flows would include all wastes not described in paragraph (a)(1) above and otherwise allowed by this Code for introduction into the wastewater system. No blackwater flows shall be introduced into a graywater disposal system.

(3) An individual graywater system shall consist of a system of piping, a septic tank or pretreatment device, and a subsurface absorption bed or drainfield, for handling or treating graywater where blackwater is treated by the central wastewater system.

(4) All applicable plumbing codes, the general requirements of Chapter 10D-6 of the Florida Administrative Code, as administered by the county health department, the requirements of section 17-183 and any other applicable provisions of this Code shall apply for the approval and installation of individual graywater disposal systems.

(5) Approved individual graywater systems are subject to the provisions of this Code for special wastewater facilities related to maintenance and inspection. If approved graywater systems should fail or prove hazardous to public health, or blackwater wastes are introduced into the graywater system, the city may require that graywater flows be connected to the central wastewater system. The requirements of section 27-171 shall apply when any wastes previously connected to an approved graywater system are connected to the central wastewater system. Rates and charges in effect at the time of connection shall be applicable. Connection of any portion of an approved graywater system to the central wastewater system without a written permit issued by the general manager for utilities or his/her designee shall be unlawful and subject to the provisions of section 27-1.

(b) *Maintenance.* The owner shall be responsible for the construction, operation, and maintenance, of approved graywater disposal systems.

(c) *Inspection.* Duly authorized representatives of the city shall have access to, and the right to inspect approved graywater disposal systems and to take samples of the wastewater before or after flowing through an approved graywater disposal system. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representatives ready access at all reasonable times to all wastewater discharge related parts of the premises for the purpose of inspection, sampling, inspecting or copying records, or to perform any of their duties. Duly authorized representatives shall have the right to remove records for the purposes of copying facilities are not available on the premises.

(Code 1960, § 28-62.1; Ord. No. 3345, § 2, 6-15-87; Ord. No. 3602, § 3, 3-5-90; Ord. No. 3735, § 3, 8-19-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980894, § 4, 6-14-99)

Sec. 27-181.1. Reserved.

Editor's note(s)—Section 5 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-181.1 which pertained to prohibited substances—reporting of discharges and derived from Ord. No. 3602, § 4, adopted Mar. 5, 1990; Ord. No. 3696, § 21, adopted Feb. 18, 1991; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-181.2. Reserved.

Editor's note(s)—Section 5 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-181.2 which pertained to notification of changed discharge and derived from Ord. No. 3602, § 5, adopted Mar. 5, 1990 and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-181.3. Reserved.

Editor's note(s)—Section 5 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-181.3 which pertained to noncompliance assessment and derived from § 28-66.1 of the 1960 Code, Ord. No. 3602, § 6, adopted Mar. 5, 1990; Ord. No. 3735, § 4, adopted Aug. 19, 1991; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-182. Private wastewater disposal system—Approved by county; compliance with state standards required.

If any building or structure is to be constructed upon property, the nearest property line of which is more than 200 feet from an available public wastewater line, no building permit therefor shall be issued unless an official representative of the county health department shall have first issued a permit to construct a private wastewater disposal system for the building or structure. Before any such permit, the health department representative shall investigate the soil conditions, drainage, size of lot and any other factors, bearing thereon in the interest of public health and shall afterward inspect the construction of the private wastewater disposal system to determine that the same has been built in compliance with the provisions of Chapter 64E-6, F.A.C., entitled, "Standards for Onsite Sewage Treatment and Disposal Facilities," which is by this reference made a part of this section, a copy of which shall be retained in the office of the city clerk as required by law.

(Code 1960, § 28-62; Ord. No. 3696, § 22, 2-18-91; Ord. No. 3735, § 5, 8-19-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 980894, § 6, 6-14-99; Ord. No. 210562, § 24, 6-16-22)

Sec. 27-182.1. Same—Permits; inspection.

(a) Permits for the construction of private sewage disposal systems shall be obtained from the general manager for utilities or his/her designee before construction thereon is begun. Applicants for such permits shall pay a fee in accordance with the schedule set out in Appendix A to cover the cost of inspection as required in this section.

(b) No private sewage disposal system not provided for under the terms of this division shall be hereafter constructed in the city nor shall any private sewage disposal system constructed under the terms of this division be covered or backfilled until the same has been inspected and approved by the city health officer.

(Ord. No. 980894, § 7, 6-14-99)

Sec. 27-182.2. Same—Discharges.

No person shall maintain any privy, sewage disposal system, pipe or drain so as to dispose or discharge the contents or other liquid or matter therefrom to the atmosphere or on the surface of the ground, or so as to endanger any source of drinking water; nor shall any person discharge into any watercourse, storm sewer, drain or body of water any sewage or sewage effluent unless a permit for such discharge shall have been issued therefore by the general manager for utilities or his/her designee upon approval of the city health officer.

(Ord. No. 980894, § 7, 6-14-99)

Sec. 27-183. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-183 which pertained to private wastewater disposal system—approved by county; compliance with state standards required, and derived from § 28-67 of the 1960 Code and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Secs. 27-183.1, 27-183.2. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed §§ 27-183.1 and 27-183.2 which pertained to private wastewater disposal system—permits; inspection and discharges, respectively, and derived from §§ 28-68, 28-69 of the 1960 Code; Ord. No. 3696, §§ 23, 24, adopted Feb. 18, 1991; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-184. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-184 which pertained to emergency suspension of service and industrial wastewater permits, and derived from § 28-69 of the 1960 Code; Ord. No. 3696, § 24, adopted Feb. 18, 1991; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-185. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-185 which pertained to industrial users—accidental discharges, and derived from § 28-61.1 of the 1960 Code; Ord. No. 3696, § 25, adopted Feb. 18, 1991; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-185.1. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-185.1 which pertained to industrial users—violation; revocation of permits, and derived from § 28-66.2 of the 1960 Code; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-186. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-186 which pertained to violation—notification and derived from § 28-66.3 of the 1960 Code; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Sec. 27-186.1. Reserved.

Editor's note(s)—Section 8 of Ord. No. 980894, adopted June 14, 1999, repealed § 27-186.1 which pertained to violation—enforcement action hearing and derived from § 28-66.4 of the 1960 Code; Ord. No. 3602, § 7, adopted March 5, 1990; Ord. No. 3696, § 26, adopted Feb. 18, 1991; and Ord. No. 3754, § 80, adopted Jan. 27, 1992.

Secs. 27-187—27-200. Reserved.

DIVISION 4. INFRASTRUCTURE IMPROVEMENT AREAS

Sec. 27-201. Intent.

It is the intent of this division that the city will designate infrastructure improvement areas for water and wastewater gravity collection improvements, and impose infrastructure improvement area user fees to fund water and wastewater gravity collection improvements which benefit a new structure, in whole or in part, and/or the construction of additional square footage to an existing structure, within the geographic boundaries of the designated infrastructure improvement areas.

(Ord. No. 110541, § 1, 4-7-16)

Sec. 27-202. Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Commercial establishment shall mean any structure used for or intended for the exchange of commercial goods or services for compensation. Such uses may include, but are not limited to, retail sales, office establishments that are not used for professional services, eating and/or drinking establishments, light assembly, and/or any other similar commercial uses.

Hotel establishment shall mean any structure used for or intended for use as a public lodging establishment containing sleeping room accommodations for 25 or more guests, providing the services generally provided by a hotel, and/or recognized as a hotel in the community in which it is located or by the industry.

Infrastructure improvement area shall mean the geographic boundaries for each area within the city that is designated by the city and delineated by the map(s) depicted in figure(s) within this division.

Infrastructure improvement area fee shall mean the user fee charged pursuant to this division to support the funding of infrastructure improvements to the water and wastewater gravity collection systems within an infrastructure improvement area.

Institutional establishment shall mean a structure that is used for the educational or cultural needs of the community, including, but not limited to, learning institutions or places of religious assembly.

Laboratory (dry) establishment shall mean a structure that is used for conducting computer simulations or data analysis.

Laboratory (wet) establishment shall mean a structure that is used for testing and analyzing chemicals, drugs, and/or any other material or biological matter requiring water, direct ventilation, and/or specialized piped utilities.

Motel establishment shall mean any structure used for or intended for use as a public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, with at least six rental units, and/or is recognized as a motel in the community in which it is located or by the industry.

Multi-family residential establishment shall mean a structure that is used for two or more dwelling units, including apartments, duplexes, triplexes, quadraplexes and/or townhomes.

Parking garage establishment shall mean a structure that is either above ground or underground where vehicles can be parked.

Professional office establishment shall mean a structure used for professional business services, which may include, but is not limited to, professional consultancy, medical or legal profession practices.

(Ord. No. 110541, § 1, 4-7-16)

Sec. 27-203. Areas.

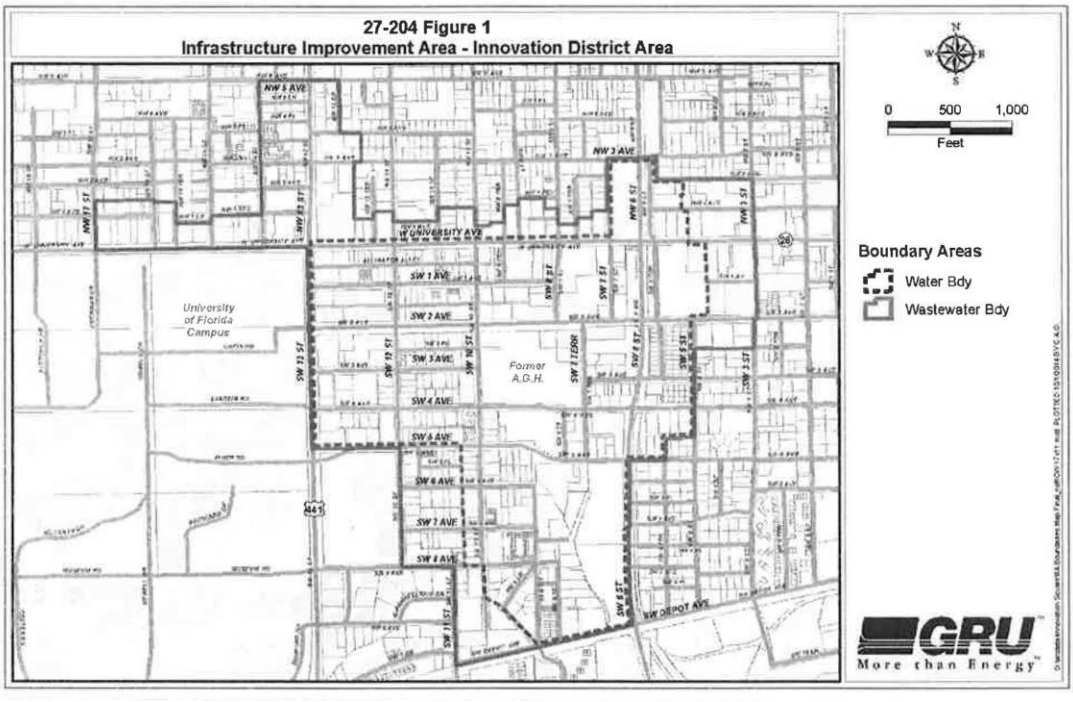
The city may, subject to the availability of city funds and resources, designate infrastructure improvement areas for water and wastewater gravity collection systems in areas the city determines feasible and beneficial for economic development. Some of the factors that may be considered in determining feasibility include, but are not limited to: instances where multiple developers are preparing for high-density/high-intensity redevelopment of an existing urban area, instances where large infrastructure improvements are needed to serve multiple high-density/high-intensity redevelopment projects, instances where the city has the ability to master plan multiple high-density/high-intensity utility improvements, and/or instances where the required improvements can be cost-effectively implemented. Within the geographic boundaries of each designated infrastructure improvement area, the city will design and construct capacity improvements to its water and wastewater gravity collection systems, as the city deems necessary or advisable to meet the demands of the infrastructure improvement area.

(Ord. No. 110541, § 1, 4-7-16)

Sec. 27-204. Designated infrastructure improvement areas.

The following areas are designated as infrastructure improvement areas:

(1) The Innovation District Infrastructure Improvement Area. This area is depicted in Figure 1.



(Ord. No. 110541, § 1, 4-7-16)

Sec. 27-205. User fees.

(1) Each new or existing customer who constructs a new commercial establishment, institutional establishment, hotel establishment, laboratory (wet) establishment, laboratory (dry) establishment, professional office establishment, motel establishment, multi-family residential establishment, a parking garage establishment and/or constructs additional square footage to any such existing establishment within an infrastructure improvement area shall pay infrastructure improvement area user fees based on the rates set forth in Appendix A of this Code. Infrastructure improvement area user fees for the water system will be assessed based on the gross building square footage or number of hotel rooms, motel rooms or bedrooms of the new structure and/or the addition to an existing structure. Infrastructure improvement area user fees for the wastewater gravity collection system will be assessed based on total heated and cooled building square footage or number of hotel rooms, motel rooms, bedrooms of the new structure, and/or the addition to an existing structure. Infrastructure improvement area user fees shall not apply if a structure is destroyed by fire or other unforeseen casualty and the new structure is reconstructed in substantially the same square footage and with the same use (type of establishment) as the structure that was destroyed. The infrastructure improvement area user fees shall be paid on or before the date a certificate of occupancy or a certificate of completion is issued by the city.

(2) The infrastructure improvement area rates set forth in Appendix A are established based on a master plan of future water distribution and wastewater gravity collection system infrastructure capacity improvements for the area, that includes the estimated capital construction costs for such improvements and the estimated square footage of anticipated future establishments in the area that will receive the benefit of the infrastructure improvements. The user fees collected by the city in any designated infrastructure improvement area shall be used by the city to fund the water and wastewater gravity collection services infrastructure in that area and shall not be used for any other purpose.

(Ord. No. 110541, § 1, 4-7-16)

Secs. 27-206—27-235. Reserved.

ARTICLE V. STORMWATER MANAGEMENT UTILITY[8]

Sec. 27-236. Intent.

It is the intent of this article that the city will establish stormwater management as a city utility enterprise in accordance with F.S. § 403.0893 and shall establish a program of user charges for stormwater management service to be charged to all developed property within the city that contributes stormwater runoff to the city's stormwater management systems to accomplish the functions of such utility. These functions include, but are not limited to, maintenance, planning, design, construction, regulation, surveying, and inspection as they relate to stormwater management facilities of the city.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 980174, § 1, 9-14-98; Ord. No. 001335, § 1, 6-25-01)

Sec. 27-237. Definitions.

As used in this article:

Adjusted impervious area shall mean the stormwater basin area(s) multiplied by the stormwater management facility impervious area factor plus the impervious area(s) plus one-half of the partial impervious area(s).

City shall mean the City of Gainesville, Florida, and its staff and elected officials.

Department shall mean the city public works department.

Developed property shall mean any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. These modifications include, but are not limited to, clearing, grading, cementing, filling, or compacting the natural ground, or erecting or constructing buildings, parking lots, driveways, patios, decks, walkways, and athletic courts.

Drainage area shall mean the watershed (acreage) contributing surface water runoff to the city's storm drainage system.

Equivalent residential unit (ERU) shall mean the basic unit for the computation of stormwater service charges and is defined as 2,300 square feet of impervious area, which represents the estimated average impervious area for all developed, detached single-family properties in the city.

Impervious area shall mean any part of any parcel of land that has an impermeable cover caused to be erected or constructed by the action of persons, and such covers include, but are not limited to, buildings, parking lots, driveways, patios, decks, walkways, and athletic courts.

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[8]Editor's note(s)—Ord. No. 3444, § 1, adopted July 25, 1988, adding Ch. 30.2, §§ 30.2-1—30.2-9, to the 1960 Code, has been codified herein as Art. V, §§ 27-236—27-244, at the editor's discretion. Ord. No. 001335, § 1, adopted June 25, 2001, changed the title of Art. V from "Stormwater Management Utility Program" to "Stormwater Management Utility".

Cross reference(s)—Stormwater management, § 30-270.

Manager shall mean the city manager or designee.

Multifamily residential properties shall mean and include all duplex, condo, trailer, apartment and other properties containing more than one dwelling unit. Common areas associated with such properties shall be included in the charge to the multifamily units on such properties.

Nonresidential/commercial properties shall mean and include all property zoned or used for commercial, industrial, retail, governmental, or other nonresidential purposes and shall include all developed real property in the city not classified as single-family or multifamily as defined in this section.

Partial impervious area shall mean any part of any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. This includes areas which have been cleared, graded, graveled, filled, or compacted, and typically involve unpaved parking, unpaved vehicle and equipment storage, and material storage. Excluded are all lawns, landscape areas, and gardens or farming areas.

Receiving water shall mean those creeks, streams, rivers, lakes, sinkholes, and other bodies of water into which surface waters are directed, either naturally or in manmade ditches, pipes, or open systems.

Retention credit factor shall mean the numeric value generated by dividing the stormwater retention volume by the standard retention volume, but the value cannot exceed 1.0.

Single-family property shall mean and include all single-family detached housing units.

Standard retention volume shall mean the quantity of stormwater runoff generated by multiplying 7.9 inches by the adjusted impervious area.

Stormwater basin area shall mean the horizontal area occupied by stormwater detention, retention, and/or detention/retention basins at the design maximum water surface elevation.

Stormwater detention basin shall mean a facility, either natural or manmade, that collects and contains stormwater runoff and allows the release of the stormwater through a structure that is designed to control the rate of the release of the stormwater, as acknowledged by the city manager or designee.

Stormwater detention/retention basin shall mean a facility, either natural or manmade, that performs a combination of both a stormwater detention basin and a retention basin, as acknowledged by the city manager or designee.

Stormwater management facility impervious area factor shall mean the amount that the stormwater retention basin area(s) is adjusted; the factor is derived by dividing 4.2 inches (which is the amount of rainfall generated by the 25-year, 24-hour rain storm event between the 11th and 13th hours) by 7.9 inches (which is the amount of rainfall generated by the 25-year, 24-hour rain storm event) which quotient is 0.53.

Stormwater management system shall mean and include all natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable receiving water body or location internal or external to the boundaries of the city. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities.

Stormwater retention basin shall mean a facility, either natural or manmade, that collects and contains stormwater runoff and only allows the release of the stormwater runoff by one or more of the following: evaporation, percolation into the natural ground and/or percolation into a manmade filtration system that may convey the stormwater runoff to a stormwater management system, as acknowledged by the city manager or designee.

Stormwater retention volume shall mean the maximum capacity of a stormwater retention basin(s).

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 3571, § 1, 10-2-89; Ord. No. 3724, § 1, 5-20-91; Ord. No. 980174, § 1, 9-14-98; Ord. No. 001335, § 1, 6-25-01)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 27-238. Stormwater management utility—Established.

There is hereby created and established in the city a stormwater management utility in accordance with section 403.0893 of the Florida Statutes. This utility shall be responsible for the city's stormwater management system and shall have equal status with the other utility services provided by the city.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 980174, § 1, 9-14-98)

Sec. 27-239. Same—Directors.

Directors of the stormwater management utility shall be the city commission.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 980174, § 1, 9-14-98)

Sec. 27-240. Same—Duties and powers.

The stormwater management utility shall have all powers necessary for the exercise of its responsibility for the drainage from all properties within the city, including, but not limited to, the following:

(1) Preparation of plans for improvements and betterments to the stormwater management system.

(2) Construction of improvements and betterments to the stormwater management system.

(3) Promulgation of regulations for the use of the stormwater management system, including provisions for enforcement of such regulations.

(4) Review and approval of all new development permits within the city for compliance with stormwater management regulations included in present city ordinances or ordinances later adopted.

(5) Performance of routine maintenance and minor improvement to the stormwater management system.

(6) Establishment of charges for the city's stormwater management system.

(7) Evaluation of water quality concerns for discharges to the stormwater management system.

(8) Performance of all normal utility functions to include construction, operation, and maintenance of the city's stormwater management system, including, but not limited to, the hiring of staff, the selection of special consultants, the entering into contracts for services and construction of facilities, and the handling of purchase, lease, sale or other rights to property for the stormwater management system.

(9) Issuance of revenue bonds for the purpose of performing those duties as described herein.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 3514, § 1, 2-13-89; Ord. No. 980174, § 1, 9-14-98; Ord. No. 001335, § 1, 6-25-01; Ord. No. 002679, § 1, 5-20-02)

Sec. 27-241. Authority for service charges.

(a) *Authorization.* The stormwater management utility is empowered by this article to establish charges for the use and discharge to the city's stormwater management system. Such charges shall be based on the cost of providing stormwater management services to all properties within the city and may be different for properties receiving different classes of service.

(b) *Rates for stormwater management service.* There is charged to all owners or occupants of real property in the city, with improvements or uses thereon which contribute stormwater runoff to the city's stormwater management system, a monthly fee as established by separate ordinance in accordance with the following definitions:

(1) *Single-family property service charges.* Each single-family property shall be considered one ERU for billing purposes. Monthly service charges for each single-family dwelling unit shall be identical, provided that the ratio of impervious area to total area of the lot does not exceed 50 percent and the total area of the lot exceeds 10,000 square feet. If the ratio of impervious to total area exceeds 50 percent and the total area of the lot exceeds 10,000 square feet, the rates established in subsection (b)(3) shall apply.

(2) *Multifamily property service charges.* The monthly service charge for all multifamily properties shall be:

Duplex units = One ERU/dwelling unit

Condominium units = One ERU/dwelling unit

Apartment units = 0.6 ERU/dwelling unit

Mobile homes = 0.6 ERU/dwelling unit

Definition of dwelling unit shall be those living areas served by individual electric and/or water meters.

(3) *Nonresidential/commercial property service charge.* Nonresidential/commercial property service charge shall be:

No. Base ERU's =

No. Billable ERU's = No. Base ERU's × (1 - Retention Credit Factor)

Monthly Service Charge = (No. Billable ERU's) × (Rate/ERU)

A minimum value of 1.0 ERU shall be assigned to each nonresidential/commercial property unless such property has earned a 100-percent retention credit, in which case, the property will be assigned a value of 0.0 ERU. The impervious area of each nonresidential/commercial property shall be determined by the city manager or designee.

(4) *Application to all developed properties.* Service charges shall apply to all developed properties within the city using the city's stormwater management system, including those properties classified as nonprofit or tax-exempt for ad valorem tax purposes. Service charges shall apply to all government properties, including properties of the city, including the city-owned buildings, parks, and other properties.

(5) *Undeveloped property.* Stormwater management service charges shall not be charged to undeveloped property that has not been altered from the natural state as defined under section 27-237, "impervious area" and "partial impervious area." Farmland, gardens, and landscaped areas shall also be exempt except for any roads, parking, or structures associated therewith.

(c) *Billing.* The fees imposed by this article shall be billed on a monthly basis and may be billed in conjunction with the property owner or property user's monthly electric bill issued by the city through Gainesville Regional Utilities. Such fees shall be due and payable at the same time and in the same manner and subject to the same penalties as other utility fees. In the event a developed property does not have other city utility service(s), a new account shall be developed and that property shall be billed separately for the stormwater management charges. The city manager or designee may create a new account for stormwater utility billing

purposes only for a property owner or a property user that may also have a valid city electric and/or water utility account.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 3514, § 2, 2-13-89; Ord. No. 3515, § 1, 2-13-89; Ord. No. 3570, § 1, 10-2-89; Ord. No. 3571, § 2, 10-2-89; Ord. No. 3724, § 2, 5-20-91; Ord. No. 3737, § 1, 9-30-91; Ord. No. 3790, § 1, 9-21-92; Ord. No. 950602, § 1, 9-25-95; Ord. No. 980174, § 1, 9-14-98; Ord. No. 980362, § 1, 9-28-98; Ord. No. 990371, § 1, 9-27-99; Ord. No. 000362, § 1, 9-25-00; Ord. No. 001335, § 1, 6-25-01; Ord. No. 002679, § 2, 5-20-02)

Sec. 27-242. Trust fund.

(a) A stormwater management utility trust fund is hereby established into which all revenues from user fees, grants, or other funding sources shall be deposited and from which all expenditures related to the city's stormwater management utility shall be paid. Accounting and reporting procedures shall be consistent with state law and reported to the city commission by the city manager or designee annually.

(b) Expenditures from the fund for activities that are not related to the city's stormwater management utility shall not be permitted, except for a prorated charge for general city government services as is in effect for other city utility funds.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 980174, § 1, 9-14-98; Ord. No. 001335, § 1, 6-25-01)

Sec. 27-243. Appeals.

(a) Any customer or property owner who feels that the stormwater management service charge for their property has been assigned or computed incorrectly may petition in writing to the city manager or designee for a review of such charges.

(b) If not satisfied with the determination of the city manager or designee, the petitioner may ask for a hearing before the city commission, whose decision shall be final. Any credits authorized by the appeal process shall only be effective against billings subsequent to the date of authorization.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 980174, § 1, 9-14-98)

Sec. 27-244. Delinquent charges.

(a) All charges not paid within 30 days after the bill is due, or that are not under active appeal, shall be considered delinquent.

(b) All charges billed by Gainesville Regional Utilities shall be subject to the same penalties for delinquencies as other city utility fees.

(c) All charges billed by Gainesville Regional Utilities to users of property which are not paid within 60 days of billing may be billed to the owner of the property. When the property owner is billed pursuant to this subsection, the provisions of subsection (a) shall attach, and a late fee of $1.00 or two percent of the delinquent amount, whichever is greater, shall be assessed on all balances of more than $15.00 on each monthly statement reflecting a delinquent amount.

(d) All charges remaining delinquent after 60 days may be:

  (1) Referred to a collection agency; or

  (2) Referred to the city attorney to file suit thereon and collect all unpaid charges, fees, and interest, including reasonable attorney's fees and charges.

(e) These provisions are supplemental and in addition to the provisions of section 27-14.

(Ord. No. 3444, § 1, 7-25-88; Ord. No. 3514, § 3, 2-13-89; Ord. No. 3724, § 7, 5-20-91; Ord. No. 3790, § 1, 9-21-92; Ord. No. 980174, § 1, 9-14-98; Ord. No. 001335, § 1, 6-25-01)

Secs. 27-245—27-270. Reserved.

ARTICLE VI. NATURAL GAS[9]

Sec. 27-271. Definitions.

The following words and phrases when used in this article shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Billing period. An interval between successive meter reading dates, which interval may be 30 days, more or less.

Consumer. Any natural or liquid propane gas customer whose application for service has been accepted by the city and classified either "residential service," "general service," "large volume service," or "liquid propane gas service."

General service. Service to a consumer supplied on a firm, non-interruptible basis for any purpose other than residential purposes set forth in section 27-271(m).

General service, small commercial. Under the same criteria as general service, consumers may elect this alternate nonresidential rate category that includes a lower customer charge but higher non-fuel energy charge.

House piping. All piping and fittings installed beyond the meter and/or regulator setting.

Large volume service. Interruptible service for commercial and/or industrial purposes to a consumer who meets the following conditions:

(1) Consumer shall subscribe to the delivery of a minimum of 30,000 therms of natural gas per month for a minimum of 12 consecutive months and agree to all terms and conditions of this rate classification as contained in this chapter and related Appendix A. This rate will be qualified based on a single metered point of delivery only.

(2) Consumer will be billed for a minimum of 30,000 therms per month or the actual number of therms delivered per month, whichever is greater.

(3) Consumer agrees to be served on an interruptible basis under this classification and specifically understands that the gas service may be interrupted as provided in section 27-277 and Appendix A.

[9]Editor's note(s)—Ord. No. 3754, §§ 58—69, adopted Jan. 27, 1992, repealed various sections of Art. VI, relative to natural gas, and § 80 of said Ord. No. 3754 renumbered the remaining sections of this article to read as herein set out. The history notation has been retained in the renumbered sections for reference purposes. The repealed provisions of this article derived from Ord. No. 3664, § 1, adopted Sept. 24, 1990 and Ord. No. 3606, § 4, adopted March 18, 1991. See the Code Comparative Table for a specific enumeration of repealed and renumbered sections.

Cross reference(s)—Buildings and building regulations, Ch. 6; gas code, § 6-116 et seq.; construction trades regulations, § 6-176 et seq.; public service tax, § 25-16 et seq.

(4) Natural gas requirements are for the use of a single business or establishment.

(5) Consumer's natural gas distribution system extends only to the consumer's property.

(6) Service under this rate is subject to annual volume review by the city or any time at the consumer's request. If reclassification to another rate is appropriate and timely, such classification will be prospective.

(7) A responsible legal entity is established to which the city can render its bills for said service.

Mains. Pipes installed to transport natural gas within a service area to points of connection with the service lines.

Meter and/or regulator setting. All piping and fittings between the service line and the outlet of the meter.

Meter tampering. A natural gas meter is tampered with when any person shall willfully alter, injure, or knowingly suffer to be injured any natural gas meter or meter seal or other apparatus or device belonging to the city in such a manner as to cause loss or damage or to prevent any such meter installed for registering the quantity which otherwise would pass through same; or to alter the index or break the seal of any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device in such a manner as to use, without the consent of the city, any natural gas without such service being reported for payment or such natural gas passing through a meter provided by the city and registering the quantity of natural gas passing through the same.

Off-system sales. All firm and interruptible gas sales not classified as retail sales.

Purchased gas adjustment. A monthly fuel charge per therm consisting of the estimated fuel costs for the month, the true-up correction factor, and taxes and fees.

Residential service. Service to a consumer supplied on a firm, non-interruptible basis for residential purposes of domestic heating, cooking, air-conditioning and housekeeping in a single-family dwelling, a multiple-family dwelling, or in separately metered apartment units. Also, for gas used in commonly owned facilities of condominium associations, cooperative apartments, and homeowner associations, subject to the following criteria:

(1) One hundred percent of the energy is used exclusively for the co-owners' benefit.

(2) None of the energy is used in any endeavor which sells or rents a commodity or provides service for a fee.

(3) Each point of delivery will be separately metered and billed.

(4) A responsible legal entity is established as the consumer to whom the city can render its bills for said service.

Retail sales. Residential, general, large volume and liquid propane gas service.

Service line. All piping between the main tap up to and including the first valve or fitting of the meter and/or regulator setting.

Standard delivery pressure. The pressure measured at the outlet of the meter and/or regulator setting which shall not be less than three inches nor more than 12 inches water column.

Technical terms:

(1) *Atmospheric pressure.* Fourteen and seventy-three hundredths pounds per square inch, irrespective of the actual elevation or location of the point of measurement above sea level or variations in actual atmospheric pressure from time to time.

(2) *British thermal unit (Btu).* The quantity of heat required to raise the temperature of one pound (avoirdupois) of pure water from 58.5 degrees Fahrenheit to 59.5 degrees Fahrenheit at a constant pressure of 14.73 pounds per square inch absolute.

(3) *Cubic foot.* For purposes of measurement when natural gas is metered, the volume of natural gas which, at a temperature of 60 degrees Fahrenheit and at an absolute pressure of 14.73 pounds per square inch, occupies one cubic foot.

(4) *Therm.* One hundred thousand British thermal units.

Total heating value. The number of British thermal units per cubic foot of natural gas. For the purposes of determining the number of therms delivered to the consumer, the city's utilities department will utilize the average heating value, reported by the transporter or supplier, of the natural gas received from the transporter or supplier.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3738, § 1, 9-30-91; Ord. No. 030278, § 21, 9-8-03; Ord. No. 120170, § 1, 9-20-12; Ord. No. 120597, § 1, 3-21-13; Ord. No. 130222, § 2, 9-19-13)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 27-272. Rates for retail service.

(a) *Rates.* The rates to be charged and collected for natural gas furnished by the city to retail consumers shall be in accordance with the schedule set out in appendix A.

(b) *Taxes.* An amount equal to all applicable taxes imposed against the sale or consumption of natural gas energy shall be added to the rates hereinabove set forth. The United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions, and instrumentalities thereof, and all recognized places of religious assembly are exempt from the city's utility tax.

(c) *Availability.* This service is available to consumers in the natural gas service area both within and outside the corporate limits of the city.

(d) *Manufactured gas plant cost recovery factor.* The manufactured gas plant cost recovery factor shall be in place until September 30, 2032. The cost recovery factor shall include costs associated with the assessment, remediation, clean up and monitoring activities, to the extent deemed appropriate by the general manager for utilities or his/her designee, related to contamination resulting from the manufactured gas plant operated by Gainesville Gas Company, a substantial portion of the assets of which were acquired by the city in January, 1990.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 020268, § 1, 9-9-02; Ord. No. 120597, § 1, 3-21-13)

Sec. 27-272.1. Surcharge for consumers outside city limits.

The rates to be charged and collected by the city for natural gas furnished by the city to consumers of natural gas service outside of the corporate limits of the City of Gainesville shall be the base rates as set forth above, plus a surcharge equal the amount of the city utility tax charged consumers inside the city limits; provided, however, that the United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions, and instrumentalities thereof and all recognized places of religious assembly of the State of Florida are exempt from the payment of the surcharge imposed and levied thereby.

(Ord. No. 050328, § 1, 9-26-05)

Sec. 27-273. Purchased gas adjustment.

(a) A purchased gas adjustment shall be added to the base rate for natural gas service to all retail rate classifications as specified in the schedule set out in appendix A of the Gainesville Code of Ordinances. The purchased gas adjustment shall be computed to the nearest 0.001¢ per therm of energy consumed in accordance with the formula specified in subsections (c) and (d) of this section. The purposes of the purchased gas adjustment are to allocate to each retail customer rate classification the appropriate amount of system fuel cost associated with the natural gas service to such customer classification; to specify the amount of such costs that have resulted from increases in the cost of fuel subsequent to October 1, 1973; and, to segregate that portion of charges that are exempt from utility tax. For the purposes of this section, system fuel costs shall be the cost of fuel delivered to the system, which may include adjustments to reflect extraordinary fuel related expenses or credits. Retail fuel cost shall be system fuel cost less the fuel cost portion of off-system sales. Off-system sales include all non-retail firm and interruptible sales to customers not specified under the provisions of this article. Off-system fuel cost shall be the cost of fuel delivered.

(b) The purchased gas adjustment for retail sales each month shall be based on retail fuel cost and energy sales in therms which are estimated by the general manager for utilities or his/her designee. When applicable, a levelization amount and a true-up correction factor, which shall be based on the actual system performance in the second month preceding the billing month, as certified by independent certified public accountants, shall be applied to the purchased gas adjustment before applying to customer(s) bills.

(c) The following formula shall be used in computing the purchased gas adjustment for all retail sales:

1.		Projected Fuel Cost for the billing month		= $___
2.		Projected therms of Gas Sales for the billing month		= ___ therms
3.		"True-up" Calculation from Second Month Preceding the Billing Month		
	a.	Fuel Revenue from the second month preceding the billing month		
		(1) Purchased Gas Adjustment Revenue	= $___	
		(2) Embedded Fuel *[c]*	= $___	
		$0.06906 × therms of firm sales		
		(3) Total Fuel Revenue	= $___	
		Item 3a(1) + Item 3a(2)		
	b.	Fuel Cost for Sales from the second month preceding the billing month		
		(1) Fuel Cost *[a]*	= $___	
		(2) Plus taxes and fees *[b]*	= $___	
		*Item 3a(3) *0.1919%*		
		(3) Total Fuel Cost	= $___	
	c.	True-Up in the second month preceding the billing month	= $___	
	d.	Levelization in the second month preceding the billing month	= $___	
	e.	True-Up for the billing month	= $___	
		Item 3b(3) + Item 3c - Item 3a(3) + Item 3b(3) + Item 3d		
4.		Calculation of Purchased Gas Adjustment for the billing month		
	a.	Projected Purchased Gas Adjustment Revenue Required		
		(1) Projected Fuel Cost	= $___	
		Item 1		
		(2) True-Up	= $___	
		Item 3e		

		(3) Embedded Fuel *[c]*	= $___
		$0.06906 × therms	
		(4) Levelization Amount	= $___
		(5) Total Purchased Gas Adjustment Revenue Requirement	= $___
		Item 4a(1) + Item 4a(2) - Item 4a(3) + Item 4a(4)	
	b.	Purchased Gas Adjustment for the billing month	= $___ per therm
		Item 4a(5)/Item 2	

Footnotes:

[1] Fuel costs and therms of gas sales are to be estimated for the billing month by the general manager for utilities or his/her designee.

[a] Special assessment factor of 0.1919% for the Florida Public Service Commission.

[b] $0.0609 per therm was the fuel cost embedded within base rates for gas service, on October 1, 1973.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3606, §§ 1—3, 3-18-91; Ord. No. 3750, § 2, 11-18-91; Ord. No. 950733, § 2, 10-9-95; Ord. No. 070379, § 1, 9-24-07; Ord. No. 080216, § 1, 9-18-08; Ord. No. 120597, § 1, 3-21-13)

Sec. 27-274. Reserved.

Editor's note(s)—Ord. No. 080216, § 2, adopted Sept. 18, 2008, repealed § 27-274 which pertained to true-up correction factor and derived from Ord. No. 3664, § 1, adopted Sept. 24, 1990 and Ord. No. 070379, § 1, adopted Sept. 24, 2007.

Sec. 27-275. Resale of natural gas prohibited.

Except for natural gas delivered to entities duly franchised for the sale of compressed natural gas, natural gas received under either residential gas service, general gas service or large volume gas service provisions shall be used for the consumer's direct use only. No other resale of such natural gas shall be permitted.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3738, § 2, 9-30-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 120597, § 1, 3-21-13)

Sec. 27-276. Choice of rates.

If, at any time, more than one rate classification is applicable to the consumer's service, the general manager for utilities or his/her designee shall, at the consumer's request, assist in determining the rate believed to be most favorable to the consumer. Another rate, if applicable to the service, may at any time be substituted, at the consumer's option, for the rate under which service is rendered, provided that not more than one substitution of a rate may be made within a year and that such change shall not be retroactive.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-277. Large volume service.

(1) *Character of service.* Natural gas sales on an interruptible basis are subject to the large volume gas service terms and conditions contained within this chapter and Appendix A, and according to the following:

(a) *Natural gas supply.* The city will endeavor to satisfy the consumer's requirements for natural gas within this classification to the extent that sufficient quantities are available from its supplier and within the interruption framework set forth in this Code of Ordinances.

(b) *Agreement to interrupt.* The city in its sole discretion has the right to interrupt the delivery of natural gas to large volume gas service consumers at any time due to a) constraints or reductions that affect the ability to deliver natural gas and b) constraints or reductions that affect the volume of natural gas available for delivery. The consumer agrees to interrupt the consumption of gas in the manner, at the time and to the extent directed by the city. The consumer agrees that the city shall not be liable in any manner to the consumer or any person or entity for any interruption of the supply of gas, for the interference with the operations of the consumer or loss of use resulting from such operations or interference as provided for herein. Resumption of service shall be in reverse order of interruption.

(c) *Interruption provisions.*

(1) Interruption notice shall be given as early as possible and notice shall be provided at least one hour in advance of the effective time and such notice may be verbal or written.

(2) If a consumer fails to discontinue the use of natural gas when requested by the city, the consumer's gas service may be shut off at the city's sole discretion. In addition, all natural gas taken during the interruption period will be billed at the rate prescribed in Appendix A.

(3) The consumer's failure to comply with an interruption notice, in part or in entirety, shall be considered sufficient cause for immediate cancellation of the consumer's large volume service rate.

(4) Interruption provisions are subject to modification by higher governmental authority having jurisdiction.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 120597, § 1, 3-21-13)

Sec. 27-278. Approval of premises required.

No gas service shall be rendered by the city to any consumer at any premises until such time as the appropriate gas inspector, or his/her designee, shall have approved such premises for services as follows:

(1) *All customer classes.* Approval of the premises for gas service must be obtained prior to initial provision of gas service and/or change of equipment, new or modified.

(2) *Copy of approval.* Each applicant for service must submit a copy of the approval where required as part of the application for service.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-279. Appliance installation, service and repair.

Gas appliance and/or piping installation charges shall be based on written estimates determined by the general manager for utilities or his/her designee for each specific project. Gas appliance and/or piping service and repair charges shall be in accordance with the schedule set out in Appendix A.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 19, 1-27-92)

Sec. 27-280. Meters—City to install and maintain; protection by consumer; negligent, etc., damage; right to designate locations and specifications; conformance with local, state, federal or National Fire Protection Association requirements.

The city will install and properly maintain at its own expense such meters and metering equipment as may be necessary to measure the natural gas service used by the consumer. The city will provide each consumer with a meter or meters for each applicable rate classification. The city may furnish and install such regulating and/or flow control equipment and devices as deemed necessary by the general manager for utilities or his/her designee to be in the best interest of the consumer served, or of the natural gas system as a whole. All service lines, curb cocks, meters and regulators furnished by the city shall remain the property of the city and the consumer shall properly protect the city's property on the consumer's premises. In the event of any loss or damage to property of the city caused by or arising out of carelessness, neglect or misuse by the consumer, or other unauthorized parties, the cost of making good such loss or repairing such damage shall be paid by the consumer.

The city reserves the right to designate the locations and specifications for the main line taps, service lines, and curb cocks, and to determine the amount of space which must be left unobstructed for the installation and maintenance of meters and the aforementioned facilities. The consumer shall provide a satisfactory location to the city for its metering equipment. This location shall be convenient and accessible at all reasonable times to the city's duly authorized employees. This location shall conform with all local, state, or federal requirements which are applicable, and with the rules of the National Fire Protection Association.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950733, § 3, 10-9-95)

Sec. 27-280.1. Same—Altering prohibited; discontinuation of service; billing estimated consumption.

It shall be unlawful for any person to meddle, tamper with, alter or to interfere in any way with a meter or meter connection. Should it appear that natural gas has been stolen, the general manager for utilities shall have the right to discontinue the service until the defect is corrected and the service approved by the appropriate gas inspector. The consumer shall be charged with and billed for the stolen natural gas on an estimated billing calculated by reference to the previous meter consumption.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950733, § 3, 10-9-95)

Sec. 27-280.2. Same—Testing.

Before installation and periodically thereafter, each meter shall be tested and shall be considered commercially accurate if it measures not more than one (1) percent fast and not more than two (2) percent slow when installed. Meters in use shall be tested at the request of the consumer, and in his/her presence if desired, provided the consumer shall make a meter testing deposit in accordance with the schedule set out in Appendix A. If the meter is shown to be inaccurate in excess of five (5) percent slow or two (2) percent fast for residential customers' meters or two (2) percent, fast or slow, for non-residential customer's meters, the bills will be adjusted as specified in section 27-14.4. If the meter is more than two (2) percent fast, the meter testing deposit shall be refunded, otherwise it may be retained by the city as a service charge for the test.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950733, § 3, 10-9-95; Ord. No. 160253, § 6, 9-15-16)

Sec. 27-280.3. Reserved.

Editor's note(s)—Ord. No. 160253, § 7, adopted Sept. 15, 2016, repealed § 27-280.3 which pertained to meter billing adjustments and derived from Ord. No. 3664, § 1, adopted Sept. 24, 1990; Ord. No. 3754, § 80, adopted Jan. 27, 1992; and Ord. No. 950773, § 3, adopted Oct. 9, 1995.

Sec. 27-281. House piping—Consumer to install and maintain; right of city to inspect and approve; city not liable for loss or damage; conformance with local, state, federal and National Fire Protection Association requirements; refusal of and/or discontinuance of service.

(a) All house piping and equipment beyond the city's meter and/or regulator setting shall be installed by and belong to the consumer and be maintained at his/her expense. The consumer shall bring his/her piping to a point for connection to the city's meter and/or regulator setting at a location satisfactory to the city. The consumer, acting jointly with the city, may install, maintain and operate at his/her expense such check measuring equipment as desired, provided that such equipment shall be so installed as not to interfere with the operation of the city's equipment and that no gas shall be re-metered or sub-metered for resale to another or others.

(b) The city reserves the right to inspect and approve the installation of all pipe and equipment to utilize the city's natural gas; provided, however, that such inspection by the city, failure to make such inspection, or the fact that the city may connect to such installation shall not constitute assumption of liability by the city for any loss or damage which may be occasioned by the use of such installation or equipment used therefrom or of the city's service.

(c) The piping fixtures, fixtures and appliances for which the consumer is responsible shall be maintained in conformity with all applicable local, state or federal requirements, and with the rules of the National Fire Protection Association. The nature and condition of these piping fixtures, fixtures and appliances shall be such as not to endanger life or property, interfere with the service to other customers or permit the passage of natural gas without meter registration, and it shall not be used for any illegal purpose. If in the opinion of the general manager for utilities or his/her designee, the consumer is in violation of these conditions, the city may refuse service or discontinue service without notice until such violations are remedied by the consumer.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950733, § 3, 10-9-95)

Sec. 27-282. Relocation, modification or removal of existing facilities.

If the city is required to relocate, modify or remove existing gas facilities because of either a utility customer's request or because changes in the customer's facilities and/or operations necessitate relocation, modification or removal of gas facilities in order to comply with local, state or federal requirements which are applicable, and with the rules of the National Fire Protection Association, all costs of any such relocation, modification or removal shall be borne exclusively by such customer. All costs of relocation, modifying or removing gas utility facilities that are attributable to city initiated renewal or reconstruction projects shall be borne exclusively by the city.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950733, § 3, 10-9-95)

Sec. 27-283. Availability of service—Gas main extension, installation, improvement or modification; installation of service lines and connections; enlargement of existing service; temporary or part-time service; gas mains.

(a) *Gas main extension, installation, improvement or modification.* The city will endeavor to supply gas service to any prospective customer within the corporate limits of the City of Gainesville, within the unincorporated areas of Alachua County, and/or within the corporate limits of any other requesting municipality, subject to the following conditions:

(1) Should gas main extension, installation, improvement or modification of facilities be required, either on-site or off-site, the city will pay the cost of such facilities if in the opinion of the general manager for utilities or his/her designee, the immediate or potential revenues justify the full cost of the facilities.

(2) Gas main extensions to the extent delineated below will be provided by the city at no cost to the customer:

Footage

Gas ApplianceCredited

Heating15 feet

Water heater35 feet

Heating and water heater75 feet

Space heating, clothes dryer, pool heater, and/or range/oven in any combination10 feet

In addition, for each natural gas heating unit and natural gas water heater installed pursuant to the city's energy conservation plan, a credit equal to the cost of the service extension will be granted. In no instance will credits granted exceed the actual cost of any gas main or service extension.

(3) In those cases where estimated revenues are inadequate to cover the full cost of the extension, installation, improvement or modification, the customer shall make a contribution in aid of construction (CIAC). Revenue adequacy of the gas main extension, installation, improvement or modification shall be elevated based on the internal rate of return (IRR). CIAC is required unless the IRR is 14 percent or greater. Where multiple customers are involved, contributions in aid of construction may be shared on a pro-rata basis.

(4) If the city installs a service line at the consumer's request and such service is not used or utilized for the intended purpose within six months of installation, the consumer may, at the discretion of the general manager for utilities or his/her designee, be held responsible for the charges associated with that service line installation.

(b) *Installation of service lines and connections.* Upon application for connection between a natural gas main and a building to be supplied with natural gas, the entire installation of the natural gas service line and connections from the main to the meter shall be made by the city. All consumer owned obstacles that lie underground within ten feet of a proposed gas service line installation will be marked or identified by the consumer. These obstacles may include but are not limited to septic and sewer systems, irrigation systems, underground tanks and buried electrical wiring. The consumer accepts all responsibility for damages, claims, and/or injuries arising from, out of, or in any way connected with the striking of any such underground obstacle which was not marked by the owner or marked incorrectly. No service line shall be used to supply more than one meter location, nor shall any service line be installed across private property other than the premises of the building to be supplied with natural gas, except after special investigation and approval by the city. When, in the opinion of the general manager for utilities or his/her designee, an existing service line

is insufficient to supply new demands put upon it, the city will enlarge the facilities as necessary at no cost to the consumer. When it is necessary to establish a special service connection or a service connection for temporary or part-time use, the cost of the entire connection and removal of same, less the salvage value of the returned material, may be charged to the consumer requesting same.

(c) *Extension of mains.* Upon application for natural gas service, extension of mains will be made by the city in accordance with the provisions of this section. All extensions will be of the size and type prescribed by the general manager for utilities or his/her designee. When the required extension is of unusual character, in the opinion of the general manager for utilities or his/her designee, the city may require a deposit equal to the applicable cost of the extension in excess of the free extension cost specified above, except that the free extension cost does not apply to extensions of a temporary character. These provisions shall not require the city to extend its mains across private property or in the streets that are not at established grade, nor prohibit the city from making extension of mains of greater length than required herein.

(d) *Accessibility and inspection.* Upon completion of the installation of the natural gas facilities, the city shall, at all reasonable times, have the right to access the private property for the purposes of inspecting, maintaining, disconnecting, or removing said property and for examining and inspecting all pipes, tubing, equipment or other connections thereto.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3606, § 5, 3-18-91; Ord. No. 3754, § 80, 1-27-92; Ord. No. 950733, § 3, 10-9-95; Ord. No. 120597, § 1, 3-21-13; Ord. No. 140171, § 4, 9-18-14)

Sec. 27-284. Discontinuance of service.

(a) *Consumer initiated.* When a consumer desires to discontinue service, he/she shall give notice to the city at least two (2) days in advance. The consumer may be held responsible for all natural gas consumed for forty-eight (48) hours after date of such notice, provided that the meter shall not have been removed within that time by the city.

(b) *City initiated.* The city may, after notifying the consumer, discontinue service for any of the following reasons:

(1) Failure of a consumer to make a deposit or to increase a deposit as required, or failure to comply with requirements of the city with respect to signing a service application.

(2) Failure of a consumer to pay any bill for natural gas service within the time period specified.

(3) Refusal of legitimate access to premises or damage or loss of city property on the consumer's premises for which the consumer is liable.

(4) Improper character, condition, or use of consumer's piping or appliances as specified in section 27-281.

(c) *Medical waiver.* Discontinuance of service may be temporarily waived in specific cases when, in the opinion of the general manager for utilities or his/her designee, the service is medically essential and interruption will endanger life or require hospitalization to sustain life. Prior to granting a medical waiver, the consumer will be required to furnish the general manager for utilities or his/her designee written notice from a competent physician suitable to the city that the service is required for life support.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-285. Gas leaks; notice to city; billing adjustments; actions by consumer.

The consumer shall give immediate notice to the city of leakage of natural gas. In case of leakage or fire, the stop-cock at the meter should be closed without delay and remain closed until service is reinstated by appropriate

gas personnel. No source of ignition should be used in the vicinity of the leak until such leak is corrected. No deduction on account of leakage shall be made from the consumer's bill unless such leakage occurs as a result of fault or neglect of duly authorized employees of the city.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-286. Temporary discontinuance of supply for repairs, emergencies.

The city reserves the right to temporarily shut off the supply of natural gas to the consumer's premises after reasonable notice for the purpose of making repairs or adjustments to mains or supply pipes and reserves the right to shut off the supply of gas without notice in case of an emergency. The city's supply of gas is derived from sources over which the city has no control. In addition, force majeure circumstances may arise which render the city unable to deliver the services found within this chapter. It is understood and agreed to by the consumer that in the event of a failure, curtailment or interruption of such supply or in the event of shortage or interruption of gas due to an event of force majeure, including but not limited to, an act of God, the elements, labor troubles, fires, accidents, breakage, necessary repairs or other causes beyond the city's control, the city cannot and does not guarantee a constant supply of gas and it shall not be held liable for any claims or damages arising from, out of, or in any way connected with the interruption or curtailment of the supply or services.

(Ord. No. 3664, § 1, 9-24-90; Ord. No. 3754, § 80, 1-27-92; Ord. No. 120597, § 1, 3-21-13)

Sec. 27-287. Oversized gas mains.

The city reserves the right to require oversized gas mains to serve any development. The city shall pay the oversizing costs based on the difference between the city's engineering estimates of the cost for the oversize line and the cost of the size line which is normally required to serve the development.

(Ord. No. 3606, § 6, 3-18-91; Ord. No. 3754, § 80, 1-27-92)

Sec. 27-288. Liquid propane gas distribution systems—Use; availability.

Upon application for natural gas service by a development outside existing natural gas system boundaries, liquid propane (LP) gas distribution systems may be used in lieu of natural gas system extension. Liquid propane gas distribution systems will be made available by the city if, in the opinion of the general manager for utilities or his/her designee, the provision of such service is deemed to be consistent with future natural gas system expansion plans.

(Ord. No. 3854, § 1, 4-19-93)

Sec. 27-288.1. Same—Rates; taxes.

(a) *Rates.* The rates to be charged and collected for liquid propane gas furnished by the city to retail customers shall be in accordance with the schedule set out in Appendix A.

(b) *Taxes.* An amount equal to all applicable taxes imposed against the sale or consumption of liquid propane gas energy shall be added to the rates hereinabove set forth. The United States of America, the State of Florida, and all political subdivisions, agencies, boards, commissions and instrumentalities thereof, and all recognized places of religious assembly are exempt from the city's utility tax.

(Ord. No. 3854, § 2, 5-19-93)

Sec. 27-288.2. Same—Liquid propane purchased gas adjustment.

(a) A liquid propane purchased gas adjustment shall be added to the base rate for liquid propane gas service as specified in the schedule set out in Appendix A. The liquid propane purchased gas adjustment shall be computed to the nearest one/one-thousandth of a cent (0.001¢) per gallon consumed in accordance with the formula specified in subsection (b) of this section. The purpose of the liquid propane purchased gas adjustment is to allocate the appropriate amount of system fuel cost associated with the liquid propane gas service; to specify the amount of such costs that have resulted from increases in the cost of fuel subsequent to October 1, 1973[(1)]; and, to segregate that portion of charges that are exempt from utility tax. For the purposes of this section, system fuel costs shall be the cost of fuel delivered to the system, which may include adjustments to reflect extraordinary fuel-related expenses or credits.

(b) The liquid propane purchased gas adjustment for retail sales each month shall be based on retail fuel cost and quantities of fuel purchased. The estimated billing month purchased gas adjustment is equal to the rolling average of the preceding consecutive 12 months' actual fuel cost, less the amount of fuel subject to utility tax.

Footnote:

[(1)] $0.15882 per gallon, was the cost of fuel, embedded within base rates on October 1, 1973.

(Ord. No. 3854, § 3, 5-19-93; Ord. No. 950733, § 4, 10-9-95; Ord. No. 160253, § 8, 9-15-16)