

ORDINANCE NO. 26-2282

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, RELATING TO WATER AND WASTEWATER UTILITIES; AMENDING APPENDIX B – FEE SCHEDULE OF THE LONGWOOD DEVELOPMENT CODE RELATING TO FEES AND CHARGES REFERENCED IN CHAPTER 90, ARTICLE VI, SECTION 90-181 OF LONGWOOD CITY CODE TO ADOPT REVISED WATER AND WASTEWATER UTILITY RATES AND FEES; AMENDING CHAPTER 90, ARTICLE II, SECTIONS 90-40 AND 90-49 OF LONGWOOD CITY CODE TO ADDRESS CONNECTIONS, WATER METERS AND COLLECTION OF PAST DUE WATER AND WASTEWATER SERVICE CHARGES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Longwood (the “City”) owns and operates a water and wastewater utility systems within its water and wastewater services area; and

WHEREAS, the City has authority to adopt this Ordinance under its Florida Constitutional Home Rule authority, its Charter and under Sections 163, 166 and 180, Florida Statutes; and

WHEREAS, the City Commission finds that the amendments to the Code adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City and users of the City utility system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein as legislative findings.

Section 2. *Intentionally Deleted*

Section 3. Adoption of Code Amendment. Sections 90-40 and 90-49 of Article II of Chapter 90, Longwood City Code is hereby amended to read as follows (underlined language are additions, ~~stricken through~~ language are deletions, and sections not included are not being amended):

Sec. 90-40. - Connections and meters.

(a) Except as provided in subsection (b), ~~Each~~ separate dwelling unit within each building designed or used for residential purposes shall be considered a separate unit for the payment of the water and/or wastewater fees herein established, and a separate connection shall be required for each such unit. Each connection shall be separately metered.

(b) For apartment complexes having more than ten dwelling units, the city shall have the right to require a master meter to serve all the dwelling units, administrative buildings and amenities if the director determines such is in the best interest of the city. For existing customers within an apartment complex having more than ten dwelling units, the director may require the conversion to and use of a master meter if determined to be in the best interest of the city based on previous utility account collection

issues or issues with the city obtaining access to and from individual water meters and/or utility connections.

(b~~c~~) Each separate unit within a commercial or industrial use building shall be considered a separate unit for the payment of the water and/or wastewater fees herein established, and a separate connection shall be required for each such unit. Each connection shall be separately metered.

(e~~d~~) Buildings which are combined residential/commercial shall be considered as one commercial connection if they are owner-occupied and no subunit is rented, leased or sold.

(d~~e~~) Subject to approval from the director, an Existing customers who wishes to convert from a master meters to individual meters shall may be permitted to do so at their own expense. New accounts shall not be permitted to utilize master meters.

(e~~f~~) Residential customers who wish to have an irrigation meter installed or an existing irrigation meter replaced shall pay the connection fee as set forth in appendix B. The city may adopt policies to allow the payment of the connection fee by an existing residential customer over a 12 month period for the installation or replacement of an irrigation meter.

Sec. 90-49. Late charges; discontinuance of service; collectionsturn-on/turnoff charges.

(a) Late charge. The city reserves the right to levy a late charge of the greater of ten percent of the balance due or a charge as set out in appendix B for nonpayment of utility bills. This charge shall be automatically added to each bill in arrears without notice to the customer. As a courtesy and in the city's discretion, a late fee may be waived once in a 12-month period. ~~Upon failure by the customer to pay such late charge with all charges in arrears seven business days of the date the late fee is assessed, the city may immediately discontinue furnishing public utilities service until the late charge, reconnection charge and all bills in arrears have been paid in full.~~

(b) Discontinuance of service. ~~Upon failure by the customer to pay any fees or charges in arrears more than fifteen days of the date the applicable fee or charge is due, the city may immediately discontinue furnishing public utilities service to the delinquent account until the late charges, reconnection charge and all amounts in arrears have been paid in full. The city reserves the right to levy a disconnection and reconnection service charge as set out in appendix B. In accordance with F.S. § 180.135, the city may not refuse or discontinue water or sewer services to the owner of any rental unit or to a tenant or prospective tenant of such rental unit for nonpayment of sewer service charges incurred by a former occupant of the rental unit who contracted directly with the city for such sewer services and provided such former occupant was not the property owner and provided the provisions of subsection (d) do not apply.~~

(c) Access right. As a condition of accepting utility services from the city, the city shall have an irrevocable right of entry to and upon private property in order to access the water meter and utility connections to customer's dwelling or structure receiving utility services from the city in order to make connections and disconnections of utility services. A property manager and owner of a multi-family building shall permit the city access to and from the location of utility services connections for the purpose of making utility connections and disconnections. Such failure or refusal by a property manager and owner of a multi-family building shall be considered a violation of this section and constitute the

aiding and abetting of the theft of utilities. Upon such failure or refusal by a property manager or owner of a multi-family building to cooperate in providing access to the city, the city shall have the right to disconnect all multi-family buildings, dwellings units, administrative buildings and amenities on such property or any portion thereof from the city's utility lines and services.

(d) Refusal of service. The city may refuse water and sewer service to any prospective customer that is "related entity" to current or former water or sewer service customer who has a delinquent water or sewer service account until such delinquent account is paid in full. For the purpose of this subsection, "related entity" means any entity for which: (i) has any one or more of the same members, officers or directors as a delinquent water or sewer service customer; (ii) any member, officer or director of such entity has a delinquent water or sewer service account; (iii) is a parent or subsidiary entity of a delinquent water or sewer service customer; or (iv) is the same entity as a delinquent water or sewer service customer but may operate under a different name whether by way of merger, name change or different fictitious name. The city may rely on a review of the State of Florida, Department of State, Division of Corporations records for making determinations of related entity status. The city shall have the right to require a prospective customer sign a sworn statement attesting that such prospective customer is not a related entity to any current or former water or sewer service customer who has a delinquent water or service account, and in the event the city later determines such sworn statement to be untrue, the city shall have the right to immediately disconnect water and sewer services until the delinquent service account(s) is paid in full.

(e) Liens.

(1) The city shall have a lien on all lands or premises served by its water and sewer system for all late fees and penalties imposed under this article and service charges for water and sewer services provided until paid, which lien shall be superior in priority to all other liens on such lands or premises, except the lien of state, county and municipal taxes, and shall be on a parity with the lien of such state, county and municipal taxes and other municipal liens. Such lien shall arise at the time of connection of water or sewer service to such lands or premises and shall be due and payable at the time of delinquency of any unpaid water and sewer fees and service charges. The city will not record a lien for water and sewer service fees and charges that is not permitted by F.S. § 180.135.

(2) The city shall serve, by certified mail-return receipt requested and regular U.S. Mail, a notice of non-payment to the customer at the service address and the current owner of the property based on the ownership information appearing on the Seminole County Property Appraiser website. Provided the city sends the notice of non-payment, the customer's and/or current owner's failure to receive delivery of such notice of non-payment shall not invalidate or otherwise impact the city's ability to place and foreclose a notice of lien against the applicable property.

(3) The notice of non-payment shall contain:

(i) A description of the property;

(ii) Advise the customer and the property owner of the amount due and the fee and/or charges that were not paid; and

(iii) Advise that in the event the fees and/or charges are not paid within 30 calendar days from the date of the notice of non-payment, that a notice of lien may be recorded in the official

records of the county and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.

(iv) If the amount set forth in the notice of non-payment is not paid within 30 days from the date of the notice of non-payment, then

(1) The outstanding balance owed to the city shall accrue interest at the rate of 12 percent per annum until such amount is paid in full;

(2) The city may proceed to record a notice of lien against the applicable property in the official records of the county; and

(3) A copy of the notice of lien shall be served by U.S. Mail to the customer and the property owner at the same addresses as set forth in subsection (b) above.

(4) After the expiration of 30 days from the date of recording of the notice of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted and prosecuted in conformity with the procedures for the foreclosure of liens as set forth in the Florida Statutes. The city shall also have the right to bring an action for monetary judgment to collect past due amounts owed with or without having first recorded a notice of lien.

(5) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of liens and in actions to foreclose such liens or actions for a monetary judgment.

(6) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement.

(f) *Payment plans.* The city manager, or his/her designee, is authorized to grant payment plans to customers with delinquent utility accounts who request a plan in writing. The total term of any payment plan shall not exceed twelve (12) months from the effective date of the plan; provided, however, that for a customer who is a tenant of leased premises, the term shall not exceed the earlier of twelve (12) months or the last day of the customer's current lease term as evidenced by a copy of said lease provided to the city. Renewal or successor lease terms shall not extend the maximum term. Each payment plan shall be in writing and shall require the customer to remain current on all charges for ongoing service during the plan's term. Default in any installment or in any current bill shall accelerate the entire balance and authorize discontinuance of service.

(g) *Bona fide disputes.* A customer who in good faith disputes the amount of a utility bill may submit a written dispute to the city manager identifying the disputed charges and the basis for the dispute within ten (10) days of receipt of the bill containing the disputed charge(s). The city manager or his/her designee shall review the customer's dispute and issue a written determination. Discontinuance

of service for the disputed charges shall be suspended during the city’s review and for ten (10) calendar days following the issuance of the determination. The customer shall remain responsible for all undisputed charges, which shall be paid when due. If the city manager or its designee, while reviewing a customer’s dispute finds that the customer was improperly charged, a corrected bill reflecting the requisite adjustment shall be provided to the customer.

(h) *Administrative policies.* The city manager shall have the authority to create, implement and enforce administrative policies implementing with this section, provided such policies are not in conflict with this section.

Section 4. Conflicts. If any Ordinances or parts thereof are in conflict herewith, this Ordinance shall control to the extent of the conflict

Section 5. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, paragraph, sentence, clause, phrase or word of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 6. Codification. Sections 2 and 3 of this Ordinance shall be codified and made a part of the City Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or re-lettered to accomplish such intention. The word “Ordinance” may be change to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s error.

Section 7. Effective Date. This Ordinance shall take effect upon final passage and adoption.

FIRST READING this ____ day of _____, A.D. 2026.

SECOND READING AND ADOPTION this _____ day of _____, A.D. 2026.

Tony Boni, Mayor

ATTEST:

Liane Cartagena, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida only.

Daniel W. Langley, City Attorney