

CITY OF BRISTOL, FLORIDA
ORDINANCE NUMBER 2011-02

AN ORDINANCE REVISING CITY OF BRISTOL ORDINANCE DATED AUGUST 5, 2002, MAY 25, 2006; ASSESSING RATES TO BE CHARGED FOR USE OF MUNICIPAL SEWER SERVICES; ASSESSING TAP-FEE; OUTLINING MEANS OF ENFORCING PAYMENT FOR SUCH SERVICE; PROMULGATING REQUIREMENTS FOR CONNECTION; SETTING UP MAINTENANCE REQUIREMENTS; PROHIBITING FREE SERVICE; PENALTIES FOR VIOLATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ENACTED by the City Council of the City of Bristol, Florida that:

SECTION 1. CONNECTIONS WITH SEWER REQUIRED. The owner of each lot or parcel of land within the City of Bristol, upon which lot or parcel of land, any building, or trailer is now situated or shall hereafter be situated, for either residential or non-residential use, shall connect or cause such building or buildings or trailer or trailers to be connected with the public sewer facilities of the municipal sewer system of the City of Bristol and use such facilities within 6 months following notification so to do by the City Clerk of the City of Bristol. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the City Council of said City, which rules and regulations shall provide for a charge for making such connection in such reasonable amount as such Council may fix and determine. Connection to the city's water distribution system is prerequisite to any building, trailer, or structure being connected to the city's central sewer system unless a waiver is given by enumerated resolution of the Bristol City Council.

SECTION 2. CONNECTIONS MAY BE MADE BY CITY. If any such owner of any lot or parcel of land within the City shall fail and refuse to connect with and use the facilities of the sewer system of the City after notification by the City Clerk, as provided herein, then the City shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The City shall thereupon be entitled to recover the cost of making such connection together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the City shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the City in the same manner provided by the laws of the State of Florida for the foreclosure of mortgages upon real estate.

SECTION 3. RATES.

A. See Table 4.5A.

B. Very Small Commercial. A very small commercial user is defined as a non-residential user who in 12 months immediately preceding enactment of the Amendment Ordinance had an average monthly water consumption of 7000 gallons or less. Multiple commercial units that have individual meters for each unit are considered separate commercial users and each shall be billed accordingly. Multiple commercial units served a master meter shall be charged for each commercial unit as outlined above.

C. Small Commercial. A small commercial user is defined as a non-residential user who in 12 months immediately preceding enactment of this Amendment Ordinance had an average monthly water consumption of 7001 – 20,000 gallons. Multiple commercial units that have individual meters for each unit are considered separate commercial users and each shall be billed accordingly. Multiple commercial units served a master meter shall be charged for each commercial unit as outlined above.

D. Medium Commercial. A medium commercial user is defined as a non-residential user who in 12 months immediately preceding enactment of this Amendment Ordinance had an average monthly water consumption of 20,001 – 40,000 gallons. Multiple commercial units that have individual meters for each unit are considered separate commercial users and each shall be billed accordingly. Multiple commercial units served a master meter shall be charged for each commercial unit as outlined above.

E. Large Commercial. A large commercial user is defined as a non-residential user who in 12 months immediately preceding enactment of this Amendment Ordinance had an average monthly water consumption of more than 40,000 gallons. Multiple commercial units that have individual meters for each unit are considered separate commercial users and each shall be billed accordingly. Multiple commercial units served a master meter shall be charged for each commercial unit as outlined above.

F. The City reserves the right to enter into contracts with large users of sewer service for the purpose of setting and determining a monthly charge or rate for the use of such services, which monthly rate or charge may be computed upon a different basis than set forth in the paragraph immediately preceding. Such contracts shall be entered into by means of resolution duly adopted by the City Council.

G. Re-classification of commercial accounts. Following enactment of this ordinance very small commercial users will be reclassified as outlined above if it is determined that the user's monthly water consumption is greater than 7000 gallons for any three consecutive months; small commercial users will be reclassified if it is determined that the user's monthly water consumption is greater than 20,000 gallons for any three consecutive months; medium commercial users will be reclassified if it is determined that the user's monthly water consumption is greater than 40,000 gallons for any three consecutive months; A commercial user may be reclassified if the user requests that their water consumption be re-evaluated for rate purposes. Such reclassification will be based upon the user's average monthly water consumption as outlined above in the 3 months immediately preceding the request for re-evaluation. Requests for re-evaluation of usage for re-classification/rate purposes must be made to the office of the City Clerk at Bristol City Hall.

H. Sewer Tap-in Fees. The fee for a residential sewer tap or a commercial sewer tap is set at twenty-five hundred dollars (\$2500.00). The sewer tap fee does not include purchase of a grinder pump or the cost of connection from the building, trailer, or structure to the sewer tap. Purchase of a grinder pump, when necessary, and connection from the building, trailer, or structure to the sewer tap is the customer's responsibility.

I. New residential sewer accounts connected to the municipal sewer system will require a \$75.00 sewer deposit prior to obtaining municipal water service. New very small sewer accounts connected to the municipal sewer system will require a \$120.00 sewer deposit prior to obtaining municipal water service. New small sewer accounts connected to the municipal sewer system will require a \$210.00 sewer deposit prior to obtaining municipal water service. New medium sewer accounts connected to the municipal sewer system will require a \$260.00 sewer deposit prior to obtaining municipal water service. New large sewer accounts connected to the municipal sewer system will require a \$460.00 sewer deposit prior to obtaining municipal water service. Sewer deposits are refundable following termination of services upon full payment of a user's final balance due.

J. Residential sewer users may make application annually for a sewer irrigation rate to be effective for the billing periods beginning May 1st and ending October 1st of the year for which applied (water usage period that the irrigation rate applies to is on or about March 15th through on or about September 15th of the year for which applied). Irrigation rates will be determined as follows: A three month water usage average will be calculated utilizing the usage reflected on the preceding December, January, February, and March water bills, discarding the highest bill and using the 3 lowest bills for calculation purposes. Proper notice shall be placed in the local newspaper annually or written notice shall be included on the utility bill each year noticing the customer of the sewer irrigation application period. Irrigation rates do not apply to commercial users unless the council determines that an extreme hardship exists which would prevent the commercial user from installing an irrigation meter, then at the council's discretion, they may by resolution allow the commercial user to apply annually for an irrigation rate as outlined above.

SECTION 4. UNLAWFUL CONNECTION. No person shall be allowed to connect into any water line or sewer line owned by the City without the written consent of the City, and then the connection with such line shall be made only under the direction and supervision of the City. Any property owner or plumber who shall make any connection without such consent of the City, shall upon conviction, be subject to the penalties hereinafter provided.

SECTION 5. UNLAWFUL CONSTRUCTION. No person, group of persons, firm, or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the City unless it is provided with water carried sewerage facilities except in the event that sewer facilities are not available at the site.

SECTION 6. CONNECTING OLD PLUMBING. Whenever it is desirable to connect old plumbing with the City sewer main, the owner or plumber contemplating doing such work shall notify the City Plumbing Inspector who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place said old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the plumbing inspector shall, upon conviction, be subject to the penalties hereinafter provided.

SECTION 7. DISPOSAL REQUIREMENTS. It shall be unlawful for any person, persons, firm or corporation owning or leasing any premises in the City to permit the disposal of any human excrement on any property, leased or rented by any such person, firm, or corporation or the agent of any such person, firm, or corporation, except in a sanitary water closet where sewage lines are available as defined above.

SECTION 8. SEPTIC TANK. No septic tank shall be used, constructed, maintained, built, or operated, within the corporate limits of the City of Bristol, Bristol, Florida without the expressed written waiver of the City Council. The written waiver of the City Council shall only be granted in cases of extreme hardship or where sewer services are not available.

SECTION 9. MAINTENANCE OF PLUMBING SYSTEM. The owner of the property shall be responsible for maintaining and keeping clean the sewer pipes leading to and from their plumbing system to the point of connection at the City's distribution line/sewer main.

SECTION 10. PAYMENT OF FEES AND BILLS REQUIRED. Bills for the monthly charges for water and sewage and fees hereinbefore mentioned shall be submitted and shall be payable on or before the 10th day of each month unless the 10th falls on a week-end or holiday, then it shall be due on the next regular business day. Any bill, or portion thereof, that remains unpaid after the late date shall be assessed a late penalty equal to 15% of the unpaid balance due, not to exceed \$5.00 per month per service location. If such bill remains unpaid after the 20th day of such month, the water and sewage is subject to discontinuance and shall not be reconnected after discontinuance until all the past due water bill and sewage disposal fees are fully paid, together with said charge of \$30.00, or until satisfactory arrangement for the payment of said bill has been made.

SECTION 11. FAILURE TO MAINTAIN PLUMBING SYSTEM. Failure to keep the sewer pipe, i.e. the pipe leading from the plumbing system to the City main, clean and maintained in a proper manner will give the City the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In those instances where the owner has his own private water supply, the City shall have the right to cut off such water supply to the plumbing system, and the owner shall not have the right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the City main has been maintained and cleaned and in proper condition. Any violation of this provision by reconnecting his private water supply or the connection from the City water line, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of the Ordinance and subject to the penalties hereinafter provided.

SECTION 12. NO SERVICE FREE. No sewage disposal service shall be furnished or rendered free of charge to any person, firm, or corporation whatsoever, unless specifically enumerated by Resolution. Each and every agency, department, or instrumentality which uses either or both such service shall pay therefor at the rates fixed by this Ordinance.

SECTION 13. SEPARATE CONNECTIONS FOR EACH SEPARATE UNIT. Each residential and business unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other unit shall be considered a separate unit for the payment of the water fees and the sewage disposal fees and separate connections and meters will be required for each of such unit.

The City Council in its sole discretion shall be the final arbitrator of the definition of "unit" should there become any dispute. It is the intent of this Ordinance that unit encompasses each apartment, business entity, sub-lessee, residence.

SECTION 14. PENALTIES. Any person, firm, or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, for each such offense, be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the County Judge. Any failure or refusal by an owner to connect to the City sewer system after notification to do so, as hereinabove provided, or any failure or refusal to pay the charges or rates hereinabove provided, shall be construed to be a violation of this Ordinance.

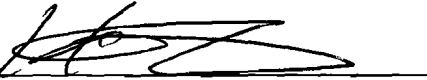
SECTION 15. SEVERABILITY. In the event any part of this Ordinance is deemed to be unconstitutional or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect.

SECTION 16. EFFECTIVE DATE. This Ordinance shall become effective at the beginning of the first billing cycle following its passage.

INTRODUCED in open session of the City Council of Bristol, Florida on the 8th day of November, 2010.

PASSED AND ADOPTED by the City Council of the City of Bristol, Florida in regular session of the City Council of Bristol, Florida held this 10th day of JANUARY, 2011.

CITY OF BRISTOL, FLORIDA
A Municipal Corporation

By: 
H. Mitch Willis, Chairman

ATTEST:


Robin M. Hatcher, City Clerk

SEWER RATES TABLE 4.5A

CUSTOMER CLASSIFICATION	SEWER BASE RATE	RATE PER 1000 GAL	AVERAGE MONTHLY WATER USAGE	AVERAGE MONTHLY SEWER BILL (PER UNIT)	MAXIMUM MONTHLY SEWER BILL	SEWER DEPOSIT
Residential	\$ 23.00 1000 gals included	\$3.50* 1001-8000 gals	3969 gals	\$ 33.40	\$ 47.50	\$ 75.00
Very Small Commercial (Average Usage < 7000 gals)	\$59.00	\$3.50	2434 gals	\$ 67.52	N/A	\$ 120.00
Small Commercial (Average Usage 7001-20000 gals)	\$104.00	\$3.50	14,050 gals	\$ 153.18	N/A	\$ 210.00
Medium Commercial (Average Usage 20001-40000 gals)	\$129.00	\$3.50	26,330 gals	\$ 221.16	N/A	\$ 260.00
Large Commercial (Average Usage > 40000 gals)	\$229.00	\$3.50	66,392 gals	\$ 461.38	N/A	\$ 460.00

Average Customers/Usages taken from December 2005 thru February 2006 Billing Periods

*Residential: Maximum number of gallons to be billed = 8000 gallons
 First 1000 gallons of usage is included in base rate