

**COLLIER COUNTY WATER-SEWER DISTRICT UNIFORM BILLING,
OPERATING AND REGULATORY STANDARDS ORDINANCE**

ORDINANCE NO. 2001 - 73



THE COLLIER COUNTY WATER-SEWER DISTRICT UNIFORM BILLING, OPERATING AND REGULATORY STANDARDS ORDINANCE; ESTABLISHING REVISED RATES, FEES, CHARGES AND REGULATIONS; PROVISIONS APPLICABLE TO THE CITY OF NAPLES SERVICE AREA; APPENDING SIX APPENDICES FOR RATES, FEES AND CHARGES; PENALTIES; CONFIDENTIALITY, PUBLIC RECORDS LAW; DECLARATION OF EXCLUSION FROM THE ADMINISTRATIVE PROCEDURES ACT; REPEALING COLLIER COUNTY ORDINANCE NO. 97-48, AS AMENDED BY ORDINANCE NO. 98-55, BY ORDINANCE NO. 2000-34, AND BY ORDINANCE NO. 2001-18; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING AN EFFECTIVE DATE

WHEREAS, the original Collier County Water-Sewer District, also known as the County Water-Sewer District of Collier County, was approved on November 4, 1969 by voters of Collier County in accordance with the requirements of Chapter 153, Part II, Florida Statutes; and

WHEREAS, the Goodland Water District was created in accordance with Chapter 153, Part II, Florida Statutes in April, 1980; and

WHEREAS, Chapter 88-499, Laws of Florida, reestablished the District and provided the reestablished District succeeded to all rights duties, powers, jurisdictions, obligations, responsibilities and interests of both Districts created under Chapter 153, Part II, Florida Statutes; and

WHEREAS, Chapter 88-499, Laws of Florida and any modifications thereto have been codified in the Code of Laws and Ordinances of Collier County, Florida as Sections 262-631 through 262-653; and

WHEREAS, Sections 262-631 through 262-653 of the Collier County Codification is included in part and in whole, including any subsequent amendments thereto, as an attachment to the Ordinance; and

WHEREAS, the Board of County Commissioners of Collier County, Florida is the Ex-officio governing Board of the District; and

WHEREAS, uniform billing operating and regulatory standards, procedures and fee schedules, are in the best interest of the District and residents; and

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WHEREAS, this Ordinance establishes uniform billing operating and regulatory standards, procedures and fee schedules to enable the more efficient administration of district services; and

WHEREAS, Collier County has adopted several ordinances which apply to the provision of utility services by the District and other private water and sewer utility systems; and

WHEREAS, the combination of these ordinances into a single comprehensive ordinance will provide a simplified and more efficient mechanism for water and sewer utility systems and for the residents of Collier County to understand the regulations applicable to water and sewer utilities, and

WHEREAS, this Ordinance is partially intended to be a codification of existing County ordinances into a single comprehensive ordinance; and

WHEREAS, this codification is not intended to revoke or rescind any actions previously taken by the District. The district shall be treated as if it has always been in continuous existence from the date it was originally established.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT, that:

SECTION ONE. District Rates, Fees, Charges and Regulations

1.1 Definitions.

Unless specifically provided otherwise these definitions shall apply to this Section.

- A. "District" shall refer to the Collier County Water-Sewer District,
- B. "Equivalent Dwelling Unit" shall mean the equivalent usage requirements of an average single-family residential connection. It is used as a factor to convert a given average daily water or wastewater requirement to the equivalent number of single-family residential connections.
- C. "Service Availability Charge" shall mean a monthly charge per dwelling unit or equivalent dwelling unit for residential and non-residential users with no usage included.
- D. "Goodland" The Goodland service area is classified as a Subdistrict of the Collier County Water-Sewer District as the service is dependent on a bulk purchase with a private entity and therefore has a rate structure that is different from the major District rate structure.

- E. "Sewer Use" shall be defined as the connection of drains for all faucets and facilities on the property, where potable water is used in connection with sanitary purposes from the potable water system. Such usages shall include, but not be limited to, sinks, showers, bathtubs, commodes, urinals, bidets, dishwashers, washers, and other such facilities. "Sewer Use" shall specifically not include runoff water being allowed to enter the District Sanitary Sewer System.
- F. "Sewer only use" shall be defined as the connection of drains for all faucets and facilities on the property where well water or potable water from a non-District water supply or where no water (leachate) is used.
- G. "Use" The term "Use" with respect to "Water Use" on the District's water system, which is a potable water system, shall mean the sole utilization of water from the District system through all fixtures and pipelines on the property except where a separately metered system is available solely for outside irrigation. Any such irrigation shall require an approved backflow prevention device and a physical separation from the remaining potable water system. "Water Use" shall specifically include, but not be limited to, the flow of water to all sinks, dishwashers, commodes, urinals, showers, hot water heaters, washers, drinking water coolers and drinking water machines. Such facilities shall also drain to the District's sanitary sewer system, where available, in conformance with other applicable sections of this Ordinance as well as other Ordinances adopted by Collier County, or applicable State and Federal laws, rules or regulations.

1.2. Monthly Rates, Fees and Charges.

Monthly rates, fees and charges for water, sewer, or effluent irrigation, and fire meter services provided by or made available by the District shall be sufficient to recover system operation, maintenance, renewal enhancement, replacement and debt service costs and shall be proportionally distributed among system users and customers receiving the benefits as follows:

A. Monthly user fees for the Collier County Water-Sewer District

Residential and non-residential properties within the boundaries of the Collier County Water-Sewer District shall pay the rates, fees and charges for service provided by the Collier County Water-Sewer District in accordance with Appendix A – Schedule 1.

B. Monthly user fees for the Goodland Water Subdistrict.

The rates for service to residential and non-residential properties within the Goodland Water Subdistrict shall be in accordance with Appendix A – Schedule 2.

C. Monthly User Fees for effluent irrigation usage in the District shall be in accordance with Appendix A – Schedule 3.

Except in cases where a written agreement between the District and the property owner establishes a minimum gallonage monthly effluent rate that cannot be changed unilaterally by the District, all golf course and other bulk sales of effluent shall be sold and billed in accordance with this section.

D. Accounts and Bill Delivery Addresses

1. Accounts shall be established in the name of the property owner.
2. Monthly bills will be sent to the address requested in the service application.
3. Changes of address for billing purposes must be approved by the property owner. Approval can be by letter, District change of address form or by e-mail.
4. Duplicate bills may be requested by letter or District change of address form/or e-mail.
5. A duplicate bill processing fee (Appendix A – Schedule 6) will be placed on the account for billing purposes.

E. Methods of Payment

1. Cash, check, direct debit and/or credit card (when available), and electronic transfer are available methods to pay monthly bills.
2. Cash, check and credit card payments may be made at the billing office address.
3. Check payments can be made through the U S Mail to the lockbox facility in the envelope provided with the bill to the P O Box.
4. Credit card payments (when available) can be made telephonically.
5. Direct debit payments are available. Requires processing of a Direct Debit Approval form.
6. Non-Sufficient Funds (NSF) checks returned by the District bank or banks will not be reprocessed for payment. The amount of the NSF check plus an appropriate NSF charge (Appendix A – Schedule 6) and

where applicable any other fees and charges will be placed on the account for rebilling.

1.3 District Rates, Fees and Charges other than Monthly User Fees.

A. Meter installation charges for meters and for backflow devices two inches (2") or smaller in size are to be paid to the District in accordance with Appendix A – Schedule 4.

The fees in this subsection are based upon meter installation costs for a typical single family residential street.

1. All meters two inches (2") or smaller will be installed by the District and shall remain the property of the District.
2. For meters larger than two (2) inches, the materials and labor for installation of such meters shall be furnished by the developer in accordance with District requirements and specifications and dedicated to the District in accordance with County ordinances, at no cost to the District.
3. Meters must be left accessible to District employees at all times. Dangerous and/or dense underbrush will be trimmed to a "margin of safety" by District employees.
4. When any property owner, who has a water meter, makes application to the District for the installation of a larger meter to replace a smaller meter, and such installation is approved, a tapping fee for the larger meter is required and no credit shall be given for tapping charges paid on the smaller meter. The difference in impact fees between the smaller meter and the larger meter must be paid before a work order will be issued for the installation of the larger meter. There shall be no refunds or credits of tapping fees or impact fees given to any property owner requesting a smaller meter.

B. Temporary Meters.

1. Temporary meters may be installed and removed by the District. The fee for such installation and removal shall be based upon the District's actual costs for time, equipment and material, as appropriate, in accordance with Appendix A – Schedule 5.
2. The temporary meter monthly charge for service shall be based upon the non-residential monthly availability and volume charges.

3. A work order for the installation of a temporary meter will be issued upon receipt of an executed Temporary Meter Application.
 4. A refundable temporary meter deposit (Appendix A – Schedule 6) must be paid concurrently with the Temporary Meter Application. The deposit may be used to offset costs for repair and/or replacement to District assets. If damages and repair costs are greater than the deposit, the applicant will be invoiced for the remainder.
- C. District rates, fees, and charges other than monthly user fees, meter tapping fees, time and material fees, temporary meter fees, impact fees, industrial sewer use fees, backflow prevention service fees and development/permitting related fees. The rates, fees and charges established by this section include but are not limited to the services listed below. The actual charge rate for the service is in accordance with Appendix A – Schedule 6.
1. New Accounts – Change of Ownership
 2. Turn-off/turn-on at Owner's Request
 3. Meter Re-read
 4. Meter Test
 5. Meter Lock
 6. Unlock After Hours
 7. Meter Removal
 8. Illegal Connection
 9. Credit Card Handling Charge
 10. Temporary Meter Deposit
 11. Duplicate Processing Fee
 12. Non-Sufficient Funds (NSF) Processing Charge
 13. Late Payment Charge
- D. Late payments for monthly user fees are subject to a late payment charge (Appendix A – Schedule 6) on the unpaid balance after the due date on the bill.
- E. The rates, fees and charges as established in this Section shall be reviewed on an annual basis to ensure adequate revenues for District system operation, maintenance, renewal, replacement, enhancement and debt service costs.

F. Reasonable pay plan arrangements may be used at the discretion of the District for delinquent accounts. All pay plan arrangements must provide for the full and timely payment of future consumption.

G. Adjustments

1. Any debit or credit adjustments for any District service can only be made as the result of a documented and approved procedure. For example: The procedure for adjusting customer accounts for unexplained loss of metered water was approved in updated form on January 3, 2001.
2. Debit and credit adjustments identified in documented and approved procedures shall be approved by the Public Utilities Division Administrator or designee before processing.
3. Debit and/or credit adjustments for District errors and omissions should be applied to the account or refunded, if appropriate, and are subject to appropriate review and authorization.

H. Refund of Credit Balances/Final Bills

1. Refunds of credit balances for a continuing account shall be processed and forwarded to Finance for disbursement on a weekly basis.
2. Refunds of credit balances as a result of final bills shall be processed and forwarded to Finance for disbursement on a monthly basis.
3. In no event, shall refunds be processed for credit balances which are less than \$5.00.
4. In no event, shall final bills less than \$5.00 be processed and mailed.

1.4 District Regulation.

A. Application For Service.

1. To obtain service, application must be made at the office(s) of the District. Applications are accepted by the District with the understanding that there is no obligation on the part of the District to render service other than that which is then available from its existing facilities. The District reserves the right to refuse service from its transmission mains or to accept service to its collection system.
2. Utility Service is furnished only upon signed application of the property owner, accepted by the District, and the conditions of such application or agreement are binding upon the property owner as well as the District. A

copy of each application or agreement for utility service accepted by the District will be furnished to the property owner.

3. The applicant shall furnish to the District the correct name, street address and legal description at which service is to be rendered at the time of the application for service. All system development charges, impact fees, connection and installation fees, and any other fees, rates and charges established by the District shall be paid in full at the time of application for service.
4. Application for service requested by firms, partnerships, associations, corporations and others, shall be tendered only by duly authorized individuals. When service is rendered under agreement or agreements entered into between the District and an agent of the property owner, the use of such service by the property owner shall constitute full and complete ratification by the property owner of the agreement or agreements entered into between agent and the District under which such service is rendered. A tenant of property shall not be construed to be an agent.
5. Where the District's water or sewer main is accessible to render service no Collier County Building Permit may be issued until such time as proper application shall have been made for service and all fees necessary for the rendering of such service shall have been paid to the District.
6. The District may withhold or discontinue service rendered under application made by a property owner, or the property owner's agent, unless all prior indebtedness to the District of such property for utility service has been settled in full. Service may be withheld or discontinued for non-payment of bills and/or non-compliance with rules and regulations in connection with the same or any different class of service furnished to the same property owner at the same premises, or for non-payment of any account for service to the property.

B. Limitation of Use, Continuity of Service

1. Unless authorized by the District, water and/or sewer service purchased from the District shall be used by the consumer only for the purposes specified in the application for service, and the property owner shall not

sell or otherwise dispose of such service supplied by the District. Unless authorized by the District, service furnished to the property owner shall be rendered directly to the property owner through the District's connection, and under no circumstances shall the property owner or property owner's agent or any other individual, association, or corporation install equipment for the purpose of disposing of said service. In no case shall a property owner, except with the written consent from the District, extend their installation across a street, alley, lane, court, property line, avenue, or any other way, in order to furnish service for adjacent property, even though such adjacent property is owned by them. In the event there is an unauthorized extension, sale or disposition of service, the property owner's service will be subject to discontinuance until such unauthorized extension, sale or disposition is discontinued and full payment is made of bills for service, calculated on proper classification and rate schedules and reimbursements in full are made to the District for all extra expenses incurred for clerical work, testing and inspections.

2. The District will at all times use reasonable diligence to provide continuous service, and having used reasonable diligence shall not be liable to the property owner or occupants for failure or interruption of continuous water service. The District shall not be liable for any act or omission caused directly by strikes, labor troubles, accident, litigation, breakdowns, shutdowns for emergency repairs, or adjustment, acts of sabotage, enemies of the United States, wars, state, municipal or other governmental interference, acts of God or other causes beyond its control.
 3. Property Owners shall maintain that portion of the water lines on their property located beyond the District service connection, and all loss of water through breaks or leakage to the premises will be paid by the property owner. The property owner shall maintain that portion of the sewer line located on their property.
- C. Property Owner's Liability For Damage to Equipment. The property owner is liable to the District for any damage done to the District's equipment used in

providing service to the property owner, except damage done by District employees.

D. Security Deposits on Water Account.

Security deposits normally are not required on District customer accounts for water service. However, the District may require a deposit equivalent to two (2) months average service when an account has been shut-off for non-payment more than two (2) times in any six (6) month concurrent period. These deposits may be returned after six (6) months of timely payments.

E. Security Deposits on Sewer Accounts.

Security deposits are normally not required on District customer accounts for sewer service. However, the District may require a deposit equivalent to two (2) months average service when an account has been shut-off for non-payment more than two (2) times in any six (6) month concurrent period. These deposits will be returned after six (6) months of timely payments.

F. Property Owner's Responsibility for Water Service; Bad Debts.

1. The property owner is responsible for all water, and/or sewer service and/or other District services provided to the property. In the event service is discontinued for non-payment, service will be restored only after property owner has fully complied with provisions of Section 1.4, paragraph G.2 and G.3, of this Ordinance.
2. Unpaid fees constitute a lien against the property (see Section 1.4 P of this Ordinance). In the event water, and/or sewer service and/or other District services have been discontinued for non-payment and any or all services are requested to be reinstated for the property in the future, this back debt plus associated charges must be paid before water and/or sewer service will be furnished.
3. Bad debts as a result of bankruptcy or court actions will be written off in accordance with applicable laws, rules and regulations.

G. Dates Bills Due and Delinquent; Discontinuance of Service for Non-Payment; Reinstatement Following Discontinued Service.

1. Bills for service are due by the date set forth on the bill from the District and are delinquent thereafter. Service will be discontinued when delinquent for non-payment of bills.

2. When service has been discontinued for non-payment of bills, service will be renewed upon payment of all unpaid bills, plus a shut-off lock fee and a late payment fee (Appendix A – Schedule 6).
3. If the lock has been tampered with and the street cock has been turned on prior to full payment of all fees the meter may be removed from the property. Should the property owner request renewal of service for the property, service will be restored upon full payment of: 1) all past due bills plus a late payment fee where applicable, and (2) a meter removal fee (Appendix A – Schedule 6).
4. If service has been discontinued for nonpayment of bills and an illegal water connection is made, service will be renewed upon payment of all unpaid bills, time and material costs to remove the illegal connection, the cost of the estimated amount of water consumption loss, plus a \$300 fine (Appendix A – Schedule 6).
5. Billing for potable water service or effluent irrigation service shall begin upon registration of consumption on the meter, or ninety (90) days from date of meter installation, whichever occurs first. Billing for sewer service shall commence upon the issuance of a certificate of occupancy or ninety (90) days following the issuance of a notice to connect to the sewer system, whichever occurs first.
6. The property owner shall immediately notify the District of any additional dwelling units connected to the District's service lines if the dwelling units have not been included in previous applications. For violation of this Section, the District's service may be discontinued.

H. Billing Payment When Meter Becomes Defective; Right of Entry Of Authorized Agents Or Employees.

1. Should the meter on any premises become defective, so that the amount delivered for the current month cannot be ascertained, the property owner shall pay for that month an amount equal to the average amount charged for the four (4) preceding months unless the actual amount of water can be determined.
2. Duly authorized agents and employees of the District shall, during daylight hours or if called out after dark for emergency service, have access to any property for the purpose of examining the condition of

fixture, service pipe installation and such other purposes as may be proper to protect the interest of the District, reading or repairing the water meters located thereon, or turning the supply of such water service to the premises off or on.

I. Water Bill Complaints.

Normally, high water bill complaints will not be accepted for inspection by the District unless all plumbing fixtures, piping and outlets have been examined by a licensed plumber who has certified that there are no leaks. If an investigation is made by the District and the findings reveal the initial meter reading was accurate and the meter is functioning properly, a re-read charge (Appendix A – Schedule 6) will be assessed against the property owner. The property owner shall be charged (Appendix A – Schedule 6) for meter tests which show the meter is functioning properly.

J. Meters, Location And Charge For Moving.

Meters shall be placed when possible just within the property line at the property corner at the nearest point to the tap-in main. If a meter is moved at the request of the property owner, the property owner shall pay a fee equal to the District's cost in accordance with Appendix A – Schedule 5.

K. Connections With Water And Sewer Required.

The owner of each lot or parcel of land within the District where any improvement is now situated or shall hereafter be situated, shall, if the District operates and maintains water distribution and/or sewer collection facilities along the frontage of their property, connect or cause such improvement to be connected with the water and/or sewer facilities of the District. The usage of such facilities shall, at a minimum, be used for all indoor usage and shall be connected within ninety (90) days following notification to do so by the District. Connection to the reuse system shall only be required if the development order and/or property purchase agreements require such connection. All such connections shall be made in accordance with rules and regulations which may be adopted from time to time by the District, which rules and regulations shall provide for a charge for making any such connection in such reasonable amount as the governing board of the District may fix and determine. No connection or connections

shall be required where the water or sewer system or line is more than two hundred (200) feet from such property line.

L. Exceptions To Connections.

This Ordinance shall not be construed to require or entitle any person to cross the private property of another in order to connect to the District's water and/or sewer service.

M. Connections May Be Made By District.

If any property owner of any lot or parcel of land within the District shall fail or refuse to connect to and use the water and/or sewer facilities of the District after notification, as provided herein, then the District shall be authorized to make such connections, entering on or upon any such property for the purpose of making such connection. The District shall thereupon be entitled to recover the cost (Appendix A – Schedule 5) 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 District shall have a lien on such property for such cost; which lien shall be equal dignity with the lien of State and County taxes. Such lien may be foreclosed by the County in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

N. Unlawful Connection Prohibited.

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

O. Failure To Maintain Plumbing System.

The property owner shall be responsible for maintaining and keeping free from obstruction the water and sewer pipes leading to and connecting from the plumbing system to the District's water and sewers mains, and failure to keep the water and sewer pipes, free from obstructions and maintained in a proper manner.

P. Unpaid Fees To Constitute A Lien.

In the event that the fees, rates or charges for the services and facilities of any water or sewer system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be an automatic lien on any parcel or property affected thereby. Such liens shall be superior and paramount to the interest on such parcel or property of any owner, lessee, tenant, mortgagor or other person except the lien of county taxes and shall be on a parity with the lien of any such county taxes. In the event that any such fees, rates or charges shall not be paid as and when due and shall be in default for thirty days or more the unpaid balance thereof and all interest accrued thereon, together with attorneys fees and costs, may be recovered by the District in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the District by action or suit in equity as for the foreclosure of a mortgage on real property.

Q. No Free Service.

No water or sewage disposal service shall be furnished or rendered free of charge to any person, firm, corporation or governmental body. Each and every County agency, department, or instrumentality which uses such service shall pay therefore at the rates fixed by this Ordinance.

R. Separate Connections For Each Separate Unit.

Unless authorized by the District, each dwelling unit whether occupying one or more lots and whether it shall occupy any lot or parcel jointly with any other dwelling unit shall be considered a separate unit for the payment of the water and sewage disposal rates and charges, and separate connections will be required for each of such dwelling units.

SECTION TWO - Submetering

2.1 A landlord who is a customer of the District and who provides water and/or sewer service to rental units through a single master water meter shall, under any of the following three circumstances, be exempt from the prohibitions contained in Section 1.4, paragraph B.1 against the sale or disposition of District water and/or sewer service:

A. A landlord may apportion the monthly charge for District water and/or sewer service through the master meter equally among all rental units provided that the total monthly charge to all rental units shall not exceed the landlord's actual cost for District water and/or sewer service; or

- B. A landlord may install submeters for each rental unit to track each unit's usage of water service and then charge each unit according to its exact usage. A landlord who installs submeters shall comply with the requirements of Section 2.4, below and shall not recover more than his actual cost for District water and/or sewer service through the master meter and shall not pass on to his tenants any of the capital or administrative cost incurred in the installation and monitoring of the submeters or the billing of tenants for their water and/or sewer service usage; or,
- C. A landlord may also provide water and/or sewer service to rental units through a single master water meter for no specific compensation provided that in no event shall any landlord recover more than his actual cost for District water and/or sewer service from his tenants.
- 2.2 For any rental units which are under lease agreement as of the effective date of this Ordinance, a landlord choosing to install submeters as provided in Section 1.4, paragraph B above, shall not begin monitoring a rental unit's water usage for the purposes of charging a unit according to its actual water usage until the expiration of the then existing term under such lease agreement. Upon renewing an expired lease, or upon entering any new lease agreement with a tenant subsequent to the effective date of this Ordinance, a landlord choosing to submeter shall fully disclose to the tenant the landlord's ability to separately charge each rental unit according to its exact water usage. Such disclosure shall be in both of the following forms: (1) oral representations by the landlord to the tenant at the time of negotiating the lease and before either party has signed the lease agreement, and (2) by a conspicuously printed disclosure provision in the lease agreement specifically referencing the landlord's ability to submeter pursuant to the terms of this Ordinance and initialed by the tenant.
- 2.3 Upon a tenant's written request, any landlord who exercises his privilege to recover his actual cost for county water and/or sewer service shall provide to the tenant documentation of the landlord's actual cost for District water and/or sewer service as well as documentation and a written explanation of the basis for any costs charged to the tenant for water and/or sewer service. Such documentation and written explanation shall be provided within five (5) business days from receipt of the written request.

- 2.4 Furthermore, upon dispute of a water bill by a tenant in person, in writing, by telephone, or in any other manner, a landlord shall, within five (5) business days of receiving notice of the tenant's dispute, pursue all of the following remedies in an effort to resolve the dispute:
- A. Reread the master meter and/or any submeter to verify the accuracy of the meter reading process and the working condition of the meter(s);
 - B. If the working condition or accuracy of the master meter or any submeter is in question after being reread, the landlord shall have the meter tested;
 - C. If after being tested the master meter or any submeter is found to be inaccurate or otherwise defective, the District or the landlord, as the case may be, shall immediately repair or replace the meter.
 - D. Provide documentation of current and past billing practices with respect to the applicable rental unit for the period of the requesting tenant's occupancy;
 - E. Arrange a meeting with the tenant and the property manager or some other representative of the landlord to discuss the billing process; AND
 - F. Any tenant whose request is unsatisfactorily addressed or who has exhausted the above options without redress may bring suit in a court of competent jurisdiction to obtain relief under Chapter 83, Florida Statutes, the Landlord Tenant Act.
- 2.5 All submeters must achieve no less than the accuracy standards as currently met by the District for its own water meters. In addition, any landlord installing submeters shall provide, where applicable, the following services, at the landlord's expense, which either meet or exceed the level of service currently provided by the District with respect to its water meters:
- A. The landlord shall promptly, upon receiving notice, repair all submeter leaks;
 - B. The landlord shall promptly, upon receiving notice, replace any failed service lines or associated components;
 - C. The landlord shall promptly, upon receiving notice, replace damaged or deteriorated submeter boxes or lids, and shall, where applicable, lower or raise a submeter box to grade as necessary;
 - D. The landlord shall, upon receiving a water quality complaint, check applicable connections and flush applicable service lines;
 - E. The landlord shall, upon receiving a low pressure complaint, check and test the system to ensure proper operation:

- F. The landlord shall locate and provide the location of all submeters and service lines upon reasonable request by a tenant;
 - G. The landlord shall turn off applicable submeters in emergency situations;
 - H. The landlord shall read all submeters no less frequently than once a month;
 - I. The landlord shall replace all submeters that become stuck or difficult to read; and
 - J. The landlord shall notify the tenant of a potential leak upon reading a submeter that reflects an unusually high usage.
- 2.6 The provision of water service through a single master meter by a landlord as described in this section is deemed not to constitute the sale or disposition of water service. The provision of sewer service as described in this section is deemed not to constitute the sale or disposition of sewer service.
- 2.7 Any condominium association that is a customer of the District and provides water and/or sewer service to condominium units through a single master meter may allocate the cost for such water service among its members either by equal apportionment, installation of submeters, or otherwise provided that such allocation of cost is restricted to recovery of the condominium association's actual cost for District water and/or sewer service and directly related administrative or capital expenses incurred in recovering that cost. Upon a member's written request, any condominium association that exercises its privilege under this exemption from the prohibitions in Section 1.4, paragraph B.1 to recover its actual cost for District water and/or sewer service and directly related administrative and capital expenses incurred in recovering that cost shall provide to the member documentation for the condominium association's actual cost for District water and/or sewer service as well as documentation and a written explanation of the basis for any costs charged to the member for water service. Such documentation and written explanation shall be provided with five (5) business days from receipt of the written request. The provision of water service through a single master water meter by a condominium association as described in this section is deemed not to constitute the sale or disposition of water service. The provision of sewer service as described in this section is deemed not to constitute the sale or disposition of sewer service.
- 2.8 Any landlord or condominium association that elects to install submeters shall not charge a security deposit.

SECTION THREE - City of Naples Service Area.

- 3.1 No extension of existing distribution water mains of the water system of the City of Naples may be made within the Collier County Water-Sewer District, without the prior, written consent and approval of the governing board of the District, except that this Ordinance shall not apply to the lands described in Section 3.4.
- 3.2 All applications for said distribution water main extensions shall be made in writing to District staff who shall present said requests to the governing board of the District within thirty (30) days of receipt thereof.
- 3.3 The governing board of the District may attach reasonable conditions to the issuance of permits for distribution water main extensions which conditions may include, but not be limited to, provisions for payment of system development charges or impact fees which are, or may be enacted by Collier County.
- 3.4 The City of Naples Water Service Area Boundaries are as follows:

Beginning at the intersection of the easterly shoreline of the Gulf of Mexico with the southerly City limit line of the City of Naples; thence easterly along said southerly City along the easterly City limit line to the northeast corner of said Section 27; thence westerly along the north line of Section 26, Township 50 south, Range 25 east to the northeast corner of said Section 26; thence northerly along the east line of Section 23, Township 50 south, Range 25 east to its intersection with the southerly right-of-way line of Thomasson Drive; thence easterly along said southerly right-of-way of Thomasson Drive to its intersection with the range line lying between Range 25 east and Range 26 east; thence northerly along said range line lying between Range 25 east and Range 26 east to the northeast corner of Section 13, Township 49 south, Range 25 east; thence westerly along the north line of Sections 13, 14, 15, 16 and 17, Township 49 south, Range 25 east to the intersection of the north line of said Section 17 with the easterly shoreline of the Gulf of Mexico; thence southerly along the meanders of the easterly shoreline of the Gulf of Mexico to the point of beginning.

SECTION FOUR – Appendices for Rates, Fees and Charges

The Board of County Commissioners as Ex-officio Board of the Collier County Water-Sewer District hereby adopts the Rates, Fees, and Charges as set forth in Schedule 1 through 6; inclusive, appended hereto as Appendix A, which shall be imposed upon all users of the Collier County Water-Sewer District services within the District boundaries and outside the District boundaries subject to appropriate mutual agreements. These rates, fees, and charges may be changed from time to time by Resolutions of the Board of County Commissioners as Ex-officio Board of the Collier County Water-Sewer District, provided the Board holds an advertised public hearing with regard to the Schedule amendments.

SECTION FIVE - Penalties.

Unless another penalty is specifically provided for, any person who violates any section or provision of this Ordinance shall be prosecuted and punished as provided by Section 125.69, Florida Statutes. Each day the violation continues shall constitute a separate offense. Additionally, the Board may bring suit for damages or to restrain, enjoin or otherwise prevent the violation of this Ordinance in the Circuit Court of Collier County.

SECTION SIX – Confidentiality

6.1 Confidential Information

- A. Information and data on a user obtained from reports, questionnaires, applications, and other material provided shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District and County that the information is not “public record” under then applicable law, and is clearly within an exemption outlined in the Florida Public Record Law of the State of Florida, Chapter 119, Florida Statutes, or its successor in function.
- B. Notwithstanding any of the provisions of this Article, nothing shall be construed or interpreted to require Collier County or the District to violate any of the applicable public records law(s). Any release of information or disclosure made by the County or District in order to comply with such law should not give rise to a claim whatsoever.

SECTION SEVEN - Declaration of Exclusion from the Administrator Procedures

Act

The Collier County Water-Sewer District Board shall exercise jurisdiction over the provision of water and sewer services within the boundaries as hereinafter provided for, and shall be exempt from the provisions of chapter 120, Florida Statutes. No privately-owned water or sewer utility shall be abandoned without adequate provision for continuance of service and the prior approval of the Board.

SECTION EIGHT - Repeal of Four Ordinances,

Collier County Ordinance Numbers 97-48, as amended by 98-55, as amended by No. 2000-34, and as amended No. 2001-18 are hereby repealed and superseded in their entirety by this Article.

SECTION NINE- Conflict and Severability

The provisions of this Article shall be liberally construed to effectively carry out its purpose in the interest of public health, safety, welfare and/or convenience. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION TEN – Inclusion in the Code of Laws and Ordinances

The provisions of this Article shall become and be made a part of the Code of laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or any other appropriate word.

SECTION ELEVEN - Effective Date.

This Ordinance shall become effective upon being filed with the Department of State, but the revised rates shall not go into effect until April 1, 2002.

PASSED AND DULY adopted by the Board of County Commissioners as Ex-officio Board of the Collier County Water-Sewer District this 11th day of DECEMBER, 2001.

ATTEST:
Dwight E. Brack, Clerk
Attest as to Chairman's signature only.
By: Jerri Michaels, D.C.
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA AS
EX-OFFICIO BOARD OF THE COLLIER
COUNTY WATER-SEWER DISTRICT

By: [Signature]
James D. Carter, Ph.D., Chairman

Approved as to form and
legal sufficiency:
Tom Palmer
Thomas C. Palmer,
Assistant County Attorney



This ordinance filed with the
Secretary of State's Office the
18th day of December, 2001
and acknowledgement of that
filing received this 27th day
of December, 2001.
By: [Signature]
Deputy Clerk

**COLLIER COUNTY WATER-SEWER DISTRICT
UNIFORM OPERATION AND REGULATORY STANDARDS
APPENDIX A – SCHEDULE 1**

Water, Sewer, Effluent, and Fire Meter Rates

1. Water

(a) Service Availability Charge for Individually Metered Residential, Non-Residential and Irrigation:

5/8 inch meter	\$ 12.00 per month	3 inch meter	\$ 146.40 per month
¾ inch meter	\$ 12.00 per month	4 inch meter	\$ 242.40 per month
1 inch meter	\$ 26.40 per month	6 inch meter	\$ 482.40 per month
1¼ inch meter	\$ 33.60 per month	8 inch meter	\$ 770.40 per month
1½ inch meter	\$ 50.40 per month	10 inch meter	\$ 1,394.40 per month
2 inch meter	\$ 79.20 per month	12 inch meter	\$ 1,883.40 per month

(b) Volume Charge Per 1,000 Gallons:

(i) Individually Metered Residential, Non-Residential and Multi-Family Residential.

Block 1	\$ 1.44
Block 2	\$ 1.80
Block 3	\$ 2.40
Block 4	\$ 3.05
Block 5	\$ 3.65
Block 6	\$ 4.45

BLOCK RATE STRUCTURE

<u>Meter Size</u>	<u>Block 1</u>	<u>Block 2</u>	<u>Block 3</u>	<u>Block 4</u>	<u>Block 5</u>	<u>Block 6</u>
5/8"	5,000	10,000	20,000	30,000	50,000	50,000
¾ "	5,000	10,000	20,000	30,000	50,000	50,000
1"	12,000	25,000	50,000	75,000	120,000	120,000
1-1/4"	20,000	40,000	80,000	120,000	200,000	200,000
1-1/2"	25,000	50,000	100,000	150,000	250,000	250,000
2"	40,000	80,000	160,000	240,000	400,000	400,000
3"	80,000	160,000	320,000	480,000	800,000	800,000
4"	120,000	250,000	500,000	800,000	1,200,000	1,200,000
6"	250,000	500,000	1,000,000	1,500,000	2,500,000	2,500,000
8"	450,000	900,000	1,800,000	2,700,000	4,500,000	4,500,000
10"	700,000	1,450,000	2,900,000	4,300,000	7,000,000	7,000,000
12"	1,075,000	2,150,000	4,300,000	6,450,000	11,000,000	11,000,000

2. Sewer

(a) Sewer Availability Charge for Individually Metered Residential, Non-Residential, and Multi-Family:

5/8 inch meter	\$ 18.00 per month	3 inch meter	\$ 232.20 per month
¾ inch meter	\$ 18.00 per month	4 inch meter	\$ 385.20 per month
1 inch meter	\$ 40.95 per month	6 inch meter	\$ 767.70 per month
1¼ inch meter	\$ 52.45 per month	8 inch meter	\$ 1,226.70 per month
1½ inch meter	\$ 79.20 per month	10 inch meter	\$ 2,199.40 per month
2 inch meter	\$125.10 per month	12 inch meter	\$ 3,259.90 per month

(b) Volume Charge per 1,000 gallons:

- (i) Meter Usage \$2.22
- (ii) Individually Metered Residential Maximum: The maximum volumetric charge for individually metered residential property shall be 15,000 gallons per month.

3. Fire Systems (Dedicated and Compound)

(a) Fire Meter

- (i) Fire Service meter size will refer to the largest diameter meter register installed for fire protection.
- (ii) Fire Service meter connections that have consumption registered for three consecutive billing periods are deemed to have provided domestic or other water usage shall be billed according to regular water monthly availability and usage charges as described herein.

(b) Volume Charge:

- (i) Per 1,000 gallons \$1.44

**COLLIER COUNTY WATER-SEWER DISTRICT
UNIFORM OPERATION AND REGULATORY STANDARDS
APPENDIX A – SCHEDULE 2**

Providing monthly user fees for residential and non-residential properties in Goodland Water Subdistrict as follows:

1. Water

(a) Service Availability Charge

(i) Individual Metered residential, Non-Residential and Irrigation:

¼ inch meter	\$ 16.00 per month
1 inch meter	\$ 37.00 per month
1½ inch meter	\$ 72.00 per month
2 inch meter	\$ 114.00 per month
3 inch meter	\$ 226.00 per month
4 inch meter	\$ 351.00 per month
6 inch meter	\$ 701.00 per month
8 inch meter	\$1,259.00 per month

(b) Volume Charge per one thousand gallons (\$/Mgal) of usage:

All Usage \$3.92 / Mgal

Purchased Water Adjustment Clause (PWAC):

$$\frac{[\text{New FWSC Volume Charge} - \text{Old FWSC Volume Charge}]}{0.78} = \text{Adder}$$

$$\text{Existing Goodland \$/Mgal} + \text{Adder} = \text{New Goodland \$/Mgal}$$

Factor is needed to adjust for unaccounted for water and the change in the monthly fixed charges from FWSC

Note: From time to time Florida Water Services Corporation (FWSC) is authorized to increase water rates by the Collier County Water and Sewer Authority. This PWAC is designed to automatically "pass-through" this increase, dollar-for-dollar. The new rates for the Goodland Water Subdistrict should become effective the same month that FWSC increases the price of wholesale water to the Goodland Water Subdistrict.

**COLLIER COUNTY WATER-SEWER DISTRICT
UNIFORM OPERATION AND REGULATORY STANDARDS
APPENDIX A – SCHEDULE 3**

Effluent Irrigation Rates

1. Effluent irrigation usage in each District shall be at the following schedule:

(a) Service Availability charge:

Individually Meter Irrigation:

5/8 and ¾ inch meter	\$ 4.35 per month
1 inch meter	\$ 10.90 per month
1½ inch meter	\$ 21.75 per month
2 inch meter	\$ 43.50 per month
3 inch meter	\$ 87.00 per month
4 inch meter	\$ 174.00 per month
6 inch meter	\$ 330.00 per month
8 inch meter	\$ 600.00 per month
10 inch meter	\$ 960.00 per month
12 inch meter	\$1,430.00 per month

(b) Volume Charge per 1,000 gallons:

(i) Pressurized and distributed	\$0.65
(ii) Pressurized	\$0.34
(iii) Bulk	\$0.26

**COLLIER COUNTY WATER-SEWER DISTRICT
UNIFORM OPERATION AND REGULATORY STANDARDS
APPENDIX A – SCHEDULE 4**

Meter Installation Charges (Tapping Fees)

1. Meter installation charges to be paid to the District shall be as follows:
2. Meter size meter tapping charges:

<u>Size</u>	<u>Meter Tapping Charge With Service Line Installation</u>	<u>Size</u>	<u>Meter Tapping Charge Without Service Line Installation</u>
¾ "	\$ 302.00	¾ "	\$ 148.00
1"	\$ 602.00	1"	\$ 246.00
1½"	\$ 809.00	1½"	\$ 449.00
2"	\$ 861.00	2"	\$ 494.00

The fees are based upon meter installation for a typical single-family residential street. In all other circumstances, the meter installation fee shall be based upon the district's actual cost for time, equipment and materials.

Backflow Device Charges

Reduced Pressure Backflow Prevention Assembly

1. <u>Meter Size</u>	<u>Price</u>
¾ "	\$150.00
1"	\$169.00
1½ "	\$283.00
2"	\$342.00

Double Check Valve Backflow Prevention Assembly

2. <u>Meter Size</u>	<u>Price</u>
¾ "	\$ 88.00
1"	\$ 99.00
1½ "	\$246.00
2"	\$311.00

**COLLIER COUNTY WATER-SEWER DISTRICT
UNIFORM OPERATION AND REGULATORY STANDARDS
APPENDIX A – SCHEDULE 6**

Miscellaneous Fees for Services

1.	New Accounts — Change of Ownership	\$	20.00
2.	Turn-off/turn-on at Owner's Request	\$	30.00
3.	Meter Re-read	\$	20.00
4.	Meter Test	\$	35.00
5.	Meter Lock	\$	50.00
6.	Unlock After Hours	\$	100.00
7.	Meter Removal	\$	100.00
8.	Illegal Connection —		
			<ul style="list-style-type: none"> ● Actual Time and Material Cost ● Plus Average Consumption Charge ● Plus \$ 300 Fine
9.	Credit Card Handling Charge	\$	5.00
10.	Temporary Meter Deposit	\$	1,000.00
11.	Duplicate Bill Processing Fee	\$	1.00
12.	Non –Sufficient (NSF) Processing Charge		15% of the amount or \$100; whichever is smaller
13.	Late Payment Charge		5% of unpaid balance

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2001-73

Which was adopted by the Board of County Commissioners on the 11TH day of December, 2001, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of December, 2001.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Teri Michaels
By: Teri Michaels,
Deputy Clerk

FILED
2001 DEC 13 PM 4:53
CLERK OF COURTS
TWENTIETH JUDICIAL CIRCUIT
COLLIER COUNTY, FLORIDA

