

**SPONSORED BY:
COUNCILOR MESSINGER**



ORDINANCE NO. 2021-02

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE V, STORMWATER UTILITY SYSTEM, OF CHAPTER 23 OF THE CODE OF ORDINANCES, UTILITIES, BY AMENDING SECTION 23-105, BILLING AND PAYMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach operates multiple utility services, including water, sewer, and stormwater; and

WHEREAS, under the City's Code of Ordinances, fees are charged for reconnection of such services, including separate rates for reconnection during normal city hall business hours and reconnection outside those hours; and

WHEREAS, the Code of Ordinance currently provides for different fees for the reconnection outside of normal business hours for water and sewer services than for stormwater services; and

WHEREAS, the City Council desires for such fees to be consistent to assist staff in administration and to create consistency for customers; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's Code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Section 23-105, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 23-105. - Billing and payment.

- (a) The stormwater utility fee is to be paid as billed to the owner, tenant, or occupant of each utility account, which is subject to the stormwater fee. Persons using the services and facilities of the stormwater management system shall be rendered bills or statements. The bills for stormwater management shall be submitted on the same bills as the charges for water and sewer services; provided, however, that stormwater management service be made a separate item on such bills.

Such bills for stormwater management shall be due and payable monthly. Each utility account shall be billed a flat rate fee as established by the resolution of the city council for both residential and nonresidential classes.

- (b) Additional charge for delinquent payment. If any bill for the uses of the services and facilities of the stormwater management system, shall be and remain due and unpaid on or after the twenty-first (21st) day after the bill shall have been submitted to the consumer, an additional charge of ten (10) percent thereof shall be added thereto. If any bill for the use of the services and facilities of the stormwater management system shall be and remain unpaid after the twentieth (20th) day of each billing cycle in which the same shall have been submitted to the customer, a written notice shall be provided, which shall apprise such customer of the past due amount, the disconnection and availability of an administrative hearing. Upon such request, the city manager or his designee will afford an administrative hearing at the convenience of the customer to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error. Should such customer either fail for a period of nine (9) days to seek such an administrative hearing or fail to pay any sum determined to be properly due as a result of such administrative procedures, all services to such customer so in arrears shall be immediately disconnected/discontinued and shall not be reconnected or service shall not be re-established until all past due bills for water, trash/garbage collection, stormwater and/or sewer services are paid in full together with a reconnection charge of twenty-five dollars (\$25.00) during normal City Hall business hours and seventy-five dollars (\$75.00) during other hours.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	ABSENT
Councilor Josh Messinger	YES

Passed on First Reading this 5th day of April, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	ABSENT
Councilor Josh Messinger	YES


Passed on Second and Final Reading this 3rd day of May, 2021.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, City Clerk

Approved as to form and content:


Zachary Roth, City Attorney

