



City of North Port

ORDINANCE NO. 2023-05

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE**
2 **CITY OF NORTH PORT, FLORIDA, SECTION 78-24(u), PERTAINING TO DISCONTINUANCE**
3 **AND ABANDONMENT OF WATER, WASTEWATER AND RECLAIMED WATER SERVICE;**
4 **PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR**
5 **SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**
6

7 **WHEREAS**, on September 28, 2009, the City Commission adopted Ordinance No. 09-01 codifying Section
8 78-24(u) in the Code of the City of North Port, Florida (“City Code”), in response to a request for
9 discontinuance of service for a property that no longer had an improvement (structure) on it; and
10

11 **WHEREAS**, every utilities customer is charged a monthly base facility charge known as a “readiness-to-
12 serve” charge, regardless of whether the water is on or any water is being used; and
13

14 **WHEREAS**, the City Commission finds that the catastrophic damage from Hurricane Ian requires a change
15 in the discontinuance of services provision of the City Code to accommodate properties that will
16 experience a delay in rebuilding destroyed homes; and
17

18 **WHEREAS**, the City is required to comply with the covenants of Utility System Revenue Bond Ordinance
19 No. 92-30, which states: “Section 5.09. No Free Service. The Issuer will not render, or cause to be rendered,
20 any free services of any nature by its System or any part thereof, including reservation of capacity, nor
21 will any preferential rates be established for users of the same class.”; and
22

23 **WHEREAS**, the City Commission finds that these amendments will allow property owners financially
24 impacted by Hurricane Ian, options to help rebuild, while still maintaining compliance with the relevant
25 bond covenants; and
26

27 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare
28 of the citizens of the City of North Port, Florida.
29

30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**
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32 **SECTION 1 – FINDINGS**

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34 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
35

36 **SECTION 2 – ADOPTION**

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38 2.01 Chapter 78 of the Code of the City of North Port, Florida is hereby amended as follows:

39
40 **“Chapter 78 – UTILITIES**

41 . . .

42 **ARTICLE II. – WATER AND WASTEWATER UTILITY**

43 . . .

44 **Sec. 78–24. – General terms and conditions regarding water, wastewater and reclaimed water**
45 **service.**

46
47 (u) ~~Discontinuance~~ Abandonment of service. Once connection to the system is made by a
48 meter being set, base facility charges begin to be billed on a monthly basis. If after
49 connection, a customer on a property without improvements (~~no~~ structures), requests in
50 writing, ~~discontinuance~~ abandonment of service in order to stop the base facility charges,
51 the customer will forfeit the right to the capacity previously reserved for that location,
52 and new capacity fees and meter installation charges at the then-current rate will apply
53 when reconnection to the system is requested. When reconnection to the system is
54 requested, the following charges will apply: (i) if service was abandoned during and as the
55 result of a declared local, state, or federal emergency, base facility charges accrued from
56 the date of abandonment (removal of the meter) to the date of restored service
57 (reinstallation of the meter), for a maximum of 60 months; or (ii) new capacity fees, line
58 extension fees (if applicable), and meter installation charges at the then-current rate. No
59 reimbursement will be made for any prior base facility charges or capacity fees paid. A
60 meter removal fee will be charged on the account and all fees on the account, including
61 but not limited to the meter removal fee and base facility charges through the date of
62 removal, must be paid prior to removal of the meter.

63 . . .”

64
65 **SECTION 3 – CONFLICTS**

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67 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
68 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

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70 **SECTION 4 – SEVERABILITY**

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72 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
73 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
74 deemed a separate, distinct, and independent provision and will not affect the validity of the
75 remaining portions of the ordinance.

76
77 **SECTION 5 – CODIFICATION**

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79 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any
80 additional codification information and notations appear in *italics*. These editorial notations are
81 not intended to appear in the codified text.

82
83 **SECTION 6 – EFFECTIVE DATE**

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85 6.01 This ordinance takes effect immediately upon adoption.

86
87
88 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
89 session on _____, 2023.

90
91 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
92 public session on _____, 2023.

93
94
95 CITY OF NORTH PORT, FLORIDA

96
97
98 _____
99 BARBARA LANGDON
100 MAYOR

101
102 ATTEST

103
104
105 _____
106 HEATHER FAUST, MMC
107 CITY CLERK

108
109
110 APPROVED AS TO FORM AND CORRECTNESS

111
112
113 _____
114 AMBER L. SLAYTON, B.C.S.
115 CITY ATTORNEY

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