



# City of North Port

## ORDINANCE NO. 2023-05

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

### SECTION 1 – FINDINGS

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

**SECTION 2 – ADOPTION**

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

**“Chapter 78 – UTILITIES**

...

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

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

(u) ~~Discontinuance~~ Abandonment and reconnection of service.

(1) Abandonment. Once connection to the system is made by setting a meter being set, base facility charges begin to be billed on a monthly basis. If ~~after connection~~, a customer on a property without improvements (~~no structures~~), requests in writing, ~~discontinuance to abandon of service in order to and stop~~ the base facility charges, the customer will forfeit the right to the capacity previously reserved for that location ~~and new capacity fees and meter installation charges at the then current rate will apply when reconnection to the system is requested.~~ Unless excepted by subsection (2)(A), all fees on the account (including but not limited to the meter removal fee and base facility charges through the date of removal) must be paid prior to removal of the meter.

(2) Reconnection. When reconnection to the system is requested, the following charges apply:

(A) If service was abandoned during and as the result of a declared local, state, or federal emergency, deferred base facility charges accrued from the date of abandonment (removal of the meter) to the date of restored service (reinstallation of the meter) and the deferred meter removal fee, for a maximum of 60 months; or

(B) New capacity fees, line extension fees (if applicable), and meter installation charges at the then-current rate.

No reimbursement will be made for ~~any~~ prior base facility charges or capacity fees paid. A meter removal fee will be charged on the account, ~~and all fees on the account, including but not limited to the meter removal fee and base facility charges through the date of removal, must be paid prior to removal of the meter.~~

...”

**SECTION 3 – CONFLICTS**

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

**SECTION 4 – SEVERABILITY**

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

**SECTION 5 – CODIFICATION**

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

**SECTION 6 – EFFECTIVE DATE**

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on February 28, 2023.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on March 30, 2023.

CITY OF NORTH PORT, FLORIDA

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BARBARA LANGDON  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON, B.C.S.  
CITY ATTORNEY