



A CERTIFIED TRUE COPY
BILL KINSAUL CLERK
OF COURT & COMPTROLLER

BY

A handwritten signature in blue ink, appearing to read "Bill Kinsaul", written over a horizontal line.

Deputy Clerk

ORDINANCE NO. 23-45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, AMENDING CHAPTER 25, UTILITIES, OF THE BAY COUNTY CODE OF ORDINANCES; AMENDING SECTIONS 25-46, 25-48, 25-61, 25-63, 25-64, 25-76, 25-77, 25-81, 25-92, 25-100.5 AND 25-100.6 OF THE BAY COUNTY CODE OF ORDINANCES TO CHANGE IMPACT FEES TO CONNECTION FEES; AMENDING SECTION 25-61 TO MODIFY THE RELATIONSHO BETWEEN EQUIVALENT RESIDENTIAL CONNECTION BETWEEN METER SIZE, CAPACITY, AND ERCS; AMENDING SECTION 25-62 TO CORRECT GRAMMAR; AMENDING SECTION 25-63 TO MODIFY THE METHOD USED TO CALCULATE CONNECTION FEES AND THE AMOUNTS; AMENDING SECTION 25-64 TO MODIFY THE AMOUNT OF THE WHOLESALE CONNECTION FEE; AMENDING SECTION 25-79 TO MODFIY THE METHOD USED TO CALCULATE SEWER CONNECTION FEES AND THE AMOUNTS; AMENDING SECTION 25-199.1 TO MODIFY THE RELATIONSHIP BETWEEN EQUIVALENT RESIDENTIAL CONNECTION, METER SIZE AND CAPACITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.E

BE IT ORDAINED by the Board of County Commissioners of Bay County, Florida:

SECTION 1. PURPOSE.

This ordinance revises a number of provisions of the Bay County Utility Code, Chapter 25, of the Bay County Code of Ordinances.

SECTION 2. AMENDMENTS.

The Bay County Code of Ordinances is hereby amended as reflected on the attached Exhibit. Additions shown by underlined. Deletions shown by ~~striketrough~~.

SECTION 3. SEVERABILITY.

It is hereby declared to be the intent of the board of county commissioners of Bay County that if any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. REPEAL.

All ordinances, or parts of ordinances in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 5. INCLUSION IN CODE.

It is the intention of the board of county commissioners of Bay County Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Bay County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 6. EFFECTIVE DATE.

A certified copy of this ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

DULY ADOPTED in regular session this 19 day of October 2023.

ATTEST:



Bill Kinsaul, Clerk

**BOARD OF COUNTY COMMISSIONERS
BAY COUNTY FLORIDA**



Tommy Hamm, Chairman



Reviewed and Approved as to Form:



Office of County Attorney
Brian D. Leebrick

DIVISION 2. INSTALLATION, AND CONNECTION FEES

Subdivision I. General Provisions

Sec. 25-46. Authority to enforce payment.

The county may shut off the water of services and facilities if fees and other charges for services are not paid when due, and may also enforce payment by any lawful method of enforcement. Pursuant to Florida Statutes, a lien may be placed on any property if charges for services or connection fees are not paid when due.

(Ord. No. 87-11, § 4, 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

State law reference(s)—County action limited, F.S. § 125.485.

Sec. 25-47. Conflicting provisions.

All prior schedules of rates, fees and other charges for the use of and for the services furnished or to be furnished by the county, to the extent that they are inconsistent with those established in this chapter, are hereby superseded.

(Ord. No. 87-11, § 6, 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Sec. 25-48. Establishing water and sewerwastewater accounts.

Contractors and other persons, firms or entities constructing future buildings to be connected to the Bay County Water and SewerWastewater System as a retail customer shall, as a condition of receiving a building permit and receiving water and sewerwastewater service:

- (1) File an application with the county for water and sewerwastewater service,
- (2) Pay then applicable water and sewerwastewater connection fees to the county,
- (3) Pay then applicable connection charges, installation and deposits for water and sewerwastewater service, and
- (4) Be subject to all applicable requirements for water and sewerwastewater service as set forth in the Bay County Code and Resolutions.

Furthermore, said contractor or other person, firm, or entity shall pay to set a construction meter for each structure as determined by the county and pay for water usage only until a certificate of occupancy is issued for a given building. Upon issuance of any such certificate of occupancy, charges for water service shall continue in accordance with applicable rate schedules and charges for sewerwastewater service shall commence in accordance with applicable rate schedules and be paid by the contractor or other person, firm, or entity until transfer of the water and sewerwastewater account for that building has been approved by the county.

(Ord. No. 07-01, § 1, 1-16-07; Ord. No. 15-33, § 2, 7-7-15-)

Secs. 25-49-25-60. Reserved.

Subdivision II. Water

Sec. 25-61. Generally.

(a) It shall be unlawful for any person to connect or engage another to connect to the county water system without first paying the water installation fee and the water connection fee.

(b) When the county water system is available for service to a particular lot or parcel, applicants desiring water service for a proposed structure shall pay the appropriate water installation fee and water connection fee to the county building department prior to the issuance of a building permit. Applicants desiring water service for an existing structure

not previously served shall pay the appropriate water installation fee and connection fee to the county utility department prior to service being supplied. The water connection fee paid will be the connection fee prevailing on the date of payment.

- (c) If an applicant desires to increase the size of a water meter for an existing service connection, the applicant shall pay the difference between the water connection fee and other related charges for the requested meter size and the corresponding fee for the existing meter size. If an applicant desires to decrease the size of a water meter for an existing service, no refund shall be paid to the applicant.
- (d) Where one dwelling unit of a duplex served by a single meter desires separate metering or if an unmetered account installs a water meter, the water connection fee will not be charged, but all other fees and charges will apply.
- (e) If an existing service with one meter desires a two-meter installation, one for residential and one for irrigation, the water connection fee will be charged for the irrigation meter and all other fees and charges will apply.
- (f) If an existing metered structure is converted to a duplex, individual metering is required, but only one additional connection fee is to be charged.

(g) If a multiunit facility has metering on each dwelling unit or has paid the water connection fee for each dwelling unit and desires separate metering for purposes of irrigation of the immediately surrounding premises, there will be no additional connection fee for the irrigation meter. This exemption does not apply to golf courses or other common facilities.

(h) When there is a name change on an unmetered account, a meter must be installed. All fees and charges except the water connection fee shall apply.

(i) All monies received by the county from connection fees collected pursuant to this chapter shall be held by the county in a separate accounting fund, and any expenditures thereof shall be made only for the purpose of capital improvements, expansion of the county water system, or other purposes related to these functions. The monies received shall be accounted for and reported in accordance with generally accepted accounting principles.

(j) Any administrative charges for the collection of connection fees shall be based on actual costs.

(k) Equivalent residential connection and ERC shall mean the water usage or wastewater discharge for a user in the quantity and strength as determined by this Code. For the retail water and retail wastewater systems, 1.0 ERC is equivalent to a 3/8-inch water meter. The equivalent ERC's for the larger required meters is as follows:

Meter Size	AWWA (capacity)	ERC's
<u>5/8[DH1]"</u>	<u>20</u>	<u>1.00</u>
<u>3/4"</u>	<u>30</u>	<u>1.50</u>
<u>1"</u>	<u>50</u>	<u>2.50</u>
<u>1 1/2"</u>	<u>100</u>	<u>5.00</u>
<u>2"</u>	<u>160</u>	<u>8.00</u>
<u>3"</u>	<u>300</u>	<u>15.00</u>
<u>4"</u>	<u>500</u>	<u>25.00</u>
<u>6"</u>	<u>1,000</u>	<u>50.00</u>
<u>8"</u>	<u>1,600</u>	<u>80.00</u>
<u>10"</u>	<u>2,300</u>	<u>115.00</u>
<u>12"</u>	<u>4,300</u>	<u>215.00</u>

.(Ord. No. 87-11, § 2B.(4), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Sec. 25-62. Installation fee.

The installation fee, or tapping fee, a one-time charge, includes the cost of a meter, installation of the meter, connection to the distribution system, and administrative and engineering costs. Actual costs based on labor and materials will be charged. For meters two inches and larger, prices will vary dependent upon field conditions. All residential facilities are required to have individual meters for each dwelling unit. Master metering is to be minimized. Master meter installations are subject to the approval of the director of the water and wastewater department. Unless otherwise authorized by the water and wastewater department, all meters will be installed at

(Supp. No. 19)

the street property line. The owners are responsible for keeping new and existing meter sites readily accessible. If obstruction or other lack of accessibility is not corrected within two weeks after notification, the water and wastewater department may correct the condition at the owners' expense. In view of the water and wastewater department's responsibility to provide its customer at the service connection with water that is reasonably safe under all foreseeable circumstances, the water and wastewater department will take such reasonable measures as it deems necessary to ensure that the community water distribution system is protected from contamination originating on the premises of its customers through cross-connection or backflow. Such action shall include the installation of American Water Works Association approved backflow prevention devices at the owner's expense, the type dependent upon the degree of hazard as determined by the water and wastewater department. Any customer may, upon approval of the director of the water and wastewater department, provide the labor and materials necessary to connect to the distribution system, and the installation fee will be adjusted accordingly.

(Ord. No. 87-11, § 2B(1), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Sec. 25-63. Water connection fee.

- (a) There is hereby established a water connection fee for any applicant for retail service within the unincorporated areas of the county desiring to take and use water from the county water system. ~~The fee shall be computed according to relative water usage.~~ The size of service shall be based on calculations provided in writing by a Florida registered engineer. This water connection fee shall be in addition to all other charges relating to water services. The connection fee is not transferrable to real property located elsewhere, but it is to be paid for each premises to which service is provided.

The county may amend the connection fee, including the amount and assessment units, from time to time by resolution of the county.

- (b) There is hereby established a water connection fee rate schedule in accordance with the following schedule:

Water Connection Fee by Customer Classification

<u>Classification</u>	<u>Water Connection Fee</u>
<u>Single-Family Residences and Mobile Homes</u>	<u>1.0 ERC</u>
<u>Duplex</u>	<u>Two meters are required and water connection fee applies for each meter</u>
<u>Multifamily</u>	<u>1.0 ERC per unit</u>
<u>Age Restricted Communities</u>	<u>One Adult Restricted Unit (Age 55+ and maximum 2-person occupancy) equals 0.67 per ERC</u>
<u>Combined Residential and Commercial</u>	<u>Must be separately metered and applicable water connection fees charged for each meter; residential per ERC based on 5/8" meter equivalent usage or average daily flow as determined by the Utility Services Director divided by the ERC value 350 GPD</u>
<u>Industrial and other Commercial</u>	<u>Usage Connection Fees are charged per ERC based on 5/8" meter equivalent ERC usage or average daily flow as determined by the Utility Services Director by the ERC value 350 GPD</u>
<u>Wholesale</u>	<u>For additional reserve capacity, if available at the discretion of the County, the connection fee for each individual wholesale customer shall be based upon cost of service.</u>

(Ord. No. 87-11, § 2B(2), (3), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Ord. No. 15-33, § 2, adopted July 7, 2015, changed the title of § 25-63 from connection fee to read as set out herein.

Sec. 25-64. Wholesale connection fee~~{DH3}~~:

- (a) The county does hereby levy a uniform wholesale connection fee on each municipal wholesale customer (the "wholesale connection fee"). The wholesale connection fee shall be ~~650.50715.93~~ per equivalent residential connection (ERC), and the county may amend the wholesale connection fee, including the amount and assessment units, from time to time by resolution of the ~~county~~County.
- (b) Each municipal wholesale customer shall collect the wholesale connection fee from its retail customers at the time building permits are obtained for new structures. After collection of a wholesale connection fee from its new retail customers, each wholesale customer will remit the revenues of the wholesale connection fees to the county.
- (c) The revenues from the wholesale connection fees shall then be segregated in an interest bearing escrow account, accounted for separately from other connection fees and used only for the purposes permitted by law and for future expansion of the wholesale water system.

(Ord. No. 01-04, §§ 1-3, 3-20-01; Ord. No. 15-33, § 2, 7-7-15-)

Secs. 25-65-25-75. Reserved.

Subdivision ~~III~~. Sewers~~III~~. Wastewater

Sec. 25-76. Generally.

- (a) When the county ~~sewerwastewater~~ system is available for services to a particular lot or parcel, applicants desiring wastewater service for a proposed structure shall pay the appropriate ~~sewerwastewater~~ connection fee to the county utilities department prior to the issuance of a building permit. Applicants desiring wastewater service through a new service connection for an existing structure not presently served shall pay the appropriate ~~sewerwastewater~~ installation fee, connection fee, connection fee to the county utility services department prior to installation of the new service connection. The ~~sewerwastewater~~ connection fee paid will be the connection fee prevailing on the date of payment.
- (b) If an applicant desires to increase the size of a water meter for an existing service, the applicant shall pay the difference between the ~~sewerwastewater~~ connection fee for the requested meter size in relation to equivalent household units and the corresponding current fee for the existing meter size, to the county utilities department, prior to the issuance of a utilities department work order. If an applicant desires to decrease the size of a water meter for an existing service, no refund shall be paid to the applicant by the county utilities department.
- (c) An applicant may demonstrate, through a report by a firm of qualified consulting engineers to the satisfaction of the utility services department, that a specific amount of water to be used by the applicant will not be returned to the ~~sewerwastewater~~ in the form of wastewater. At the discretion of the utility services director, the applicant may be charged a lower ~~sewerwastewater~~ connection fee corresponding to the proximate use of the ~~county sewerCounty's wastewater~~ system. If at a future time the applicant increases the amount of wastewater delivered to the ~~county sewerCounty's wastewater~~ system above that on which the initial fee was based, the applicant shall pay the difference between the ~~sewerwastewater~~ connection fee for the new level of the use of the system, as determined by the utility services director, and the corresponding current fee for estimated initial level of use.
- (d) The ~~sewerwastewater~~ connection fee for ~~sewerwastewater~~-only accounts will be based on water usage calculation provided by a Florida registered engineer and approved by the director of the water and wastewater department. Alternatives may be specified by the director of the utility services department.

(Ord. No. 87-11, § 3B.(4), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Sec. 25-77. Installation fee.

The sewerwastewater installation fees are computed on the actual cost to the utility services department incurred in the inspection of the connection made to the county sewerwastewater system, including administrative and engineering costs. Any customer may, upon approval of the director of the utility services department, provide the labor and materials necessary to connect to the sewerwastewater system, and the installation fee will be adjusted accordingly.

(Ord. No. 87-11, § 3B(1), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Sec. 25-78. ~~Sewer~~Wastewater connection fee.

There is hereby established a sewerwastewater connection fee for any applicant for sewerwastewater service within the unincorporated areas of the county utilizing the county sewerwastewater system. The fee shall be computed according to relative water usage per ERC. The size of service demand shall be based on calculations provided in writing by a Florida registered engineer. The sewerwastewater connection fee is not transferable to real property located elsewhere, but it is to be paid for each premises for which service is provided. The wastewater connection fee shall per equivalent residential connection (ERC), and the county may amend the wholesale connection fee, including the amount and assessment units, from time to time by resolution of the county.

(Ord. No. 87-11, § 3B(2), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Ord. No. 15-33, § 2, adopted July 7, 2015, changed the title of § 25-78 from connection fee—established to read as set out herein.

Sec. 25-79. ~~Sewer Impact~~Wastewater connection fee rate schedule.

There is hereby established a sewerwastewater connection fee rate schedule for each ERC, in accordance with the following schedule:

Creating: 2017-10-17 13:46:24 (EST)

<u>Classification</u>	<u>Wastewater Connection Fee</u>
<u>Single-Family Residences and Mobile Homes</u>	<u>1.0 ERC</u>
<u>Duplex</u>	<u>Two meters are required and water connection fee applies for each meter</u>
<u>Multifamily</u>	<u>1.0 ERC per unit</u>
<u>Age Restricted Communities</u>	<u>One Adult Restricted Unit (Age 55+ and maximum 2-person occupancy) equals 0.67 per ERC</u>
<u>Combined Residential and Commercial</u>	<u>Must be separately metered and applicable water connection fees charged for each meter; residential per ERC based on 5/8" meter equivalent usage or average daily flow as determined by the Utility Services Director divided by the ERC value 250 GPD</u>
<u>Industrial and other Commercial</u>	<u>Usage Connection Fees are charged per ERC based on 5/8" meter equivalent ERC usage or average daily flow as determined by the Utility Services Director by the ERC value 250 GPD</u>
<u>Wholesale</u>	<u>For additional reserve capacity, if available at the discretion of the County, the connection fee for each individual wholesale customer shall be based upon cost of service.</u>

(Ord. No. 87-11, § 3B(3), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Ord. No. 15-33, § 2, adopted July 7, 2015, changed the title of § 25-79 from same—rate schedule to read as set out herein.

Sec. 25-80. Reserved.

Ord. No. 15-33, § 2, adopted July 7, 2015, deleted § 25-80, which pertained to connection fee—wholesale customers and derived from Ord. No. 87-11, § 3B(5), adopted Sept. 1, 1987.

Sec. 25-81. Surcharge for extra-strength wastewater.

(a) The sewerwastewater connection fees for wastewater service are based on the assumption that the connection fees will provide capital funds for the purpose of retiring debt on current and existing sewerwastewater facilities to an extent that the sewerwastewater hook-on fills capacity of the present system. Should the applicant desire to discharge wastewater of a greater strength than is normally associated with household waste, it shall be necessary to provide for the recovery of cost associated with above-average-strength contributions, and an extra-strength surcharge rate is established.

(b) The charge will be based on the following formula:

$$S=G \times (Fa(BOD-200)+Fb(s.s.-250))$$

G	=	Gallons measured/1,000 gallons
Fa	=	Charge factor for small mg/I BOD in excess of 200 mg/I
BOD	=	Biochemical oxygen demand measured in mg/I
200	=	Maximum allowable BOD
Fb	=	Charge factor for mg/I of suspended solids measured in mg/I
250	=	Maximum allowable suspended solids in mg/I
Fa and Fb	=	Charge factors based on current actual standard cost for treatment

(Ord. No. 87-11, § 3B(6), 9-1-87; Ord. No. 15-33, § 2, 7-7-15-)

Subdivision IV. Reserved

~~Secs.~~**Sec. 25-82-25-90. Reserved.**

Ord. No. 15-33, § 2, adopted July 7, 2015, repealed Subdiv. IV, §§ 25-82-25-90, which pertained to North Bay Rates and derived from Ord. No. 07-41, § 3, adopted Sept. 18, 2007.

Subdivision V. Bay County Exclusive service areas and Capacity Sale Rules

Sec. 25-91. Application for service.

- (1) It shall be unlawful for any person to connect county retail water and/or water and wastewater services without first making application in writing for water and/or water and wastewater service and paying all charges incident to said application. Application shall be made on forms furnished by the county, shall constitute an agreement by the customer to abide by the utility rules in regard to its service, and shall be in accord with the county's rate ordinance and other county rules, regulations, ordinances, resolutions, codes, and policies (hereafter "county requirements"). Applications for services requested by firms, partnerships, associations and corporations shall be tendered only by their duly authorized agents, and the official title of the agent shall be shown on the application.
- (2) All applications for an extension of the county's retail water and water and wastewater system shall be addressed to the county stating the location, beginning and termination thereof, with plans and specifications in triplicate attached where such plans and specifications are required.
- (3) Effective immediately, the county hereby designates a period of time (hereinafter referred to as an "allocation period") when all those persons or entities who own land within all or a portion of the exclusive service areas subsequently defined may now apply and pay applicable fees to the county for water and water and wastewater service capacity in the county's retail water and water and wastewater system. This

allocation period shall continue indefinitely unless and until the county terminates the period. The county may require all information on said application that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application shall contain a legal description of the land constituting the service area for which such permit is to be issued. The legal description shall include only those lands owned by the applicant for which the permit is to be issued. If any such person described hereinabove fails to apply for and purchase water and/or water and wastewater service capacity under these rules, the county may consider such failure in determining whether or not to grant or deny any development or construction permit or approval or rezoning application filed by such person.

- (4) If an application is approved, a written agreement containing all terms and conditions relating to such system extensions, approved by the county or its designee, shall be made and executed by and between the applicant property owner(s) and county.

(Ord. No. 07-28, § 3, 8-8-07; Ord. No. 08-38, § 2, 6-17-08; Ord. No. 09-17, § 1(3), 5-5-09)

Sec. 25-92. Allocation and sale of water and wastewater service capacity.

Upon a determination by the board of county commissioners that water and/or wastewater service capacity is available and unallocated in the county's retail water and wastewater system (whether or not a Florida Department of Environmental Protection Construction Permit has been issued for the construction of facilities necessary to create said capacity), the board of county commissioners may allocate any and all such available, unallocated water and/or wastewater service capacity of the county's retail water and wastewater system in the following manner:

- (1) The ~~board~~Board of ~~county commissioners~~County Commissioners may allocate any available and unallocated water and/or wastewater service capacity to those qualified applicants as determined by the board of county commissioners in the order of time and date of application and only after payment of applicable water and/or wastewater capital charges connection fees in accordance with the county rate resolutions and ordinances by applicants whose applications have been accepted by the county and in accordance with the terms of any applicable developer's agreement.

(Ord. No. 07-28, § 4, 8-8-07)

Sec. 25-93. Capacity allocation and sale.

The ~~board~~Board of ~~county commissioners~~County Commissioners hereby declares pursuant to section 25-92 hereof a capacity sale within the geographic area described in Exhibit A attached to and incorporated in this subdivision by reference (the "North Bay Capacity Sale Area"). This capacity allocation is intended to allocate water and/or water and wastewater service capacity within the North Bay Capacity Sale Area. The allocation will be subject to the following terms and conditions:

- (1) Capacity shall be available to those potential customers and developers with lands located within the North Bay Capacity Sale Area.
- (2) Allocations shall be subject to execution by applicants of a developer's agreement upon such terms and conditions as those set forth herein and required by the board of county commissioners.
- (3) Subject to applicable requirements, the county shall fulfill all requests for allocation for those applicants that execute and make the upfront payments on a first come, first served basis up to but not exceeding available capacity. If there are more requests for capacity than capacity is then available, then those applicants seeking the additional but then unavailable capacity shall have the option to receive an allocation in the next plant phase by paying or leaving ten percent of the applicable capital costs with the county, then paying forty percent of the applicable capital costs upon FDEP permitting of the next plant phase.
- (4) If any capacity allocated hereunder or a portion thereof remains unused ten years after the effective date of the applicable developer's agreement, or in any event prior to the issuance of a development order authorizing development that could utilize all of or a portion of the allocated capacity, the county shall have the option to buy back all or a portion of the capacity at the rate per equivalent residential unit originally paid by the applicant for the water and wastewater service capacity without interest.

- (5) Transfers of service capacity must run with the land and resales of service capacity in excess of established rates and charges are prohibited.

(Ord. No. 07-28, § 5, 8-8-07; Ord. No. 08-04, § 3, 1-8-08; Ord. No. 08-34, § 2, 6-17-08)

Sec. 25-94. Creation of exclusive water, wastewater, and reclaimed water service area.

The county hereby creates the Bay County Exclusive Water, Wastewater, and Reclaimed Water Service Area (hereafter "exclusive service areas") for the purpose of delivering to that area water, wastewater, and reclaimed water services and exercising within that area the powers provided by law. The area to receive the services set forth above shall be as described in Exhibit "B" and depicted in Exhibit "B" attached to and incorporated in this subdivision as if set out herein.

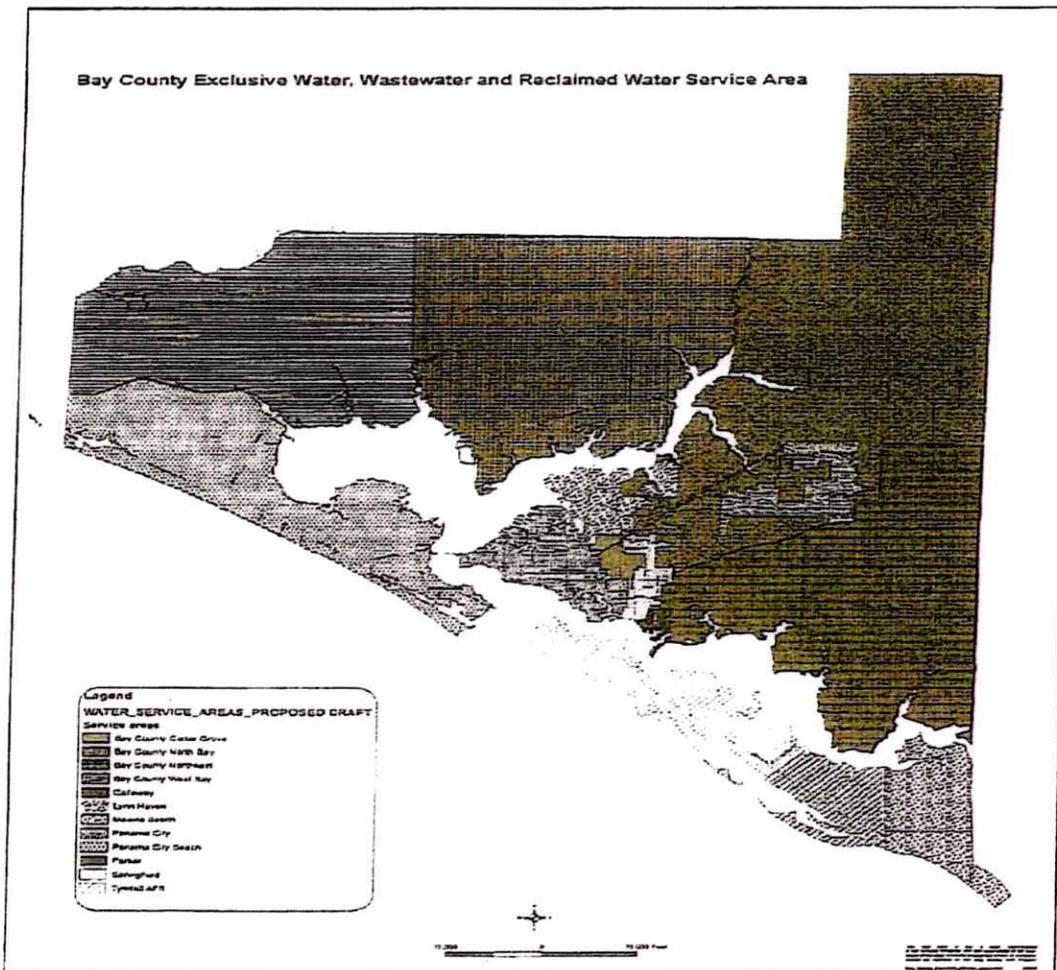
The ~~utility services director~~ Utility Services Director shall direct and include customers amongst and between the various service areas as needed to promote the efficient and cost effective delivery of water and wastewater service in Bay County.

The board may set [any] different retail water and ~~sewerwastewater~~ rates, fees and other charges within the exclusive service areas by resolution.

(Ord. No. 07-28, § 6, 8-8-07; Ord. No. 09-17, § 1(3), (4), 5-5-09)

~~Repealed - 2022-10-17 10:48:23 (2022)~~

Exhibit B



Sec. 25-95. Duty to serve.

The county hereby declares that, subject to a customer's or property owner's compliance with county rate resolutions and ordinances, and service extension policies, the county has a duty to serve water, wastewater, and reclaimed water service to all property owners and potential customers within the county's exclusive service areas, provided the Florida Public Service Commission ("FPSC") or the county has not certified or franchised that area.

(Ord. No. 07-28, § 7, 8-8-07; Ord. No. 09-17, § 1(3), 5-5-09)

Sec. 25-96. Other utilities of similar character prohibited.

No person or entity other than the county and/or its designee shall provide water, wastewater, or reclaimed water service (other than bottled water) to any person, firm, corporation, government, or location within the county's exclusive service areas without the county's express written permission which shall not be unreasonably ~~created—2022-10-17-13-18-22~~ withheld. No person or entity other than the county and/or its designee shall construct or use water, wastewater, and/or reclaimed water transmission lines, pipes, mains, pump stations or the like on or within the established rights-of-way for the purpose of providing water, wastewater, and/or reclaimed water service to land located within the county's exclusive service areas without the county's express written permission. These prohibitions shall not be deemed to prohibit private water wells and/or septic tanks for individual structures or require mandatory connection where service is not available pursuant to county regulation or state law as amended from time to time. When cost effective and in the best interest of the county's citizens and existing rate payers, the county may contract with other water, wastewater, and/or reclaimed water utilities that meet county standards to operate within portions of the county's exclusive service areas.

(Ord. No. 07-28, § 8, 8-8-07; Ord. No. 09-17, § 1(3), 5-5-09)

Sec. 25-97. Criteria for extension of services.

Water, wastewater, and reclaimed water services will be extended within the exclusive service areas identified in Exhibit "B" hereof. Such extensions are or will be in accordance with the county's most recent comprehensive plan and capital improvements program as accepted or approved by the county. Extension of water, wastewater, and reclaimed water facilities and infrastructure within the exclusive service areas as identified in Exhibit "B" hereof shall be subject to the following additional criteria:

- (1) The county central treatment facilities must have available capacity.
- (2) The developer pays all costs for extending the distribution, collection, or transmission facilities, unless specified in the county's capital improvements program or comprehensive plan as amended;
- (3) If an FPSC-regulated utility or county franchised utility has a prior legal right to provide water, wastewater, or reclaimed water service pursuant to a certificate of authority to a parcel or development within the exclusive service areas, the county shall not provide such service unless the said regulated utility consents thereto, or unless the FPSC-regulated county franchised utility does not have a present ability to promptly and efficiently meet its legal duty to provide service to the parcel or development, as governed by applicable law.

(Ord. No. 07-28, § 9, 8-8-07; Ord. No. 09-17, § 1(3), 5-5-09)

Editor's note(s)—Exhibit B is on file and available for inspection in the office of the Bay County Board of County Commissioners.

Secs. 25-98-25-100. Reserved.

Sec. 25-100.1. Definitions.

[As used in this subdivision:]

~~Created: 2015-10-15 10:28:24 (EST)~~

Availability distances shall mean the following distances in a direct line from the Bay County retail water and/or retail wastewater facility to the unconnected structure's parcel boundary:

- (1) For single-family residential dwelling units-660 linear feet.
- (2) For single structure commercial units-1,320 linear feet.
- (3) For all public/institutional, residential, seasonal resort, airport, commercial, planned unit, mixed use, sector plan, and other land use categories with multiple structure development-2,640 linear feet.

Equivalent residential connection and ERC shall mean the water usage or wastewater discharge for a user in the quantity and strength as determined by this Code. For the retail water and retail wastewater systems, 1.0 ERC is equivalent to a ~~¾-5/8-inch~~ ~~or ¾-inch~~ water meter. The equivalent ERC's for the larger required meters is as follows~~[DH6]~~:

Meter Size	ERC's
¾-5/8"	1.00
¾"	1.50
1"	2.50
1 1/2"	5.00
2"	8.00
3"	15.00
4"	25.00
6"	50.00
8"	80.00
10"	115.00
12"	215.00

Date of availability shall mean the calendar date on which notice of service availability is mailed or delivered to the affected property owner by Bay County Utilities.

(-Ord. No. 15-34, § 1(25-101), 7-7-15-)

Sec. 25-100.2. Mandatory connection.

Mandatory connection to the Bay County retail water and/or retail wastewater system shall be required within the exclusive water, wastewater, and reclaimed water service area and availability distances as provided herein.

- (1) No person shall be required to cross the private property of another to make connection to the retail water or retail wastewater facilities unless by appropriate easement or right-of-way.
- (2) Mandatory connection of non-residential structures existing on July 1, 2015, shall only be required if the parcel is directly adjacent to retail water or retail wastewater facilities.
- (3) Mandatory connection of residential structures existing on July 1, 2015, shall not be required. ~~4~~

~~Ord. No. 15-34, § 1(25-102), 7-7-15-)~~

(Ord. No. 15-34, § 1(25-102), 7-7-15-~~Created: 2015-10-15 10:28:24 (EST)~~)

Sec. 25-100.3. Notice of service availability.

The Bay County Utilities Services Director shall provide notice of the availability of retail water and/or retail wastewater service by mailing or by delivering notice to the affected property owner.

(-Ord. No. 15-34, § 1(25-103), 7-7-15-)

Sec. 25-100.4. Time period to connect.

Those properties receiving the notice of service availability shall connect to the Bay County retail water and/or retail wastewater utility facilities as designated by the Bay County Utilities Services Director, in accordance with the Bay County Utility standards for construction and connection, within 180 days of the date of availability.

(-Ord. No. 15-34, § 1(25-104), 7-7-15-)

Sec. 25-100.5. Credit for applicable connection fees.

Until September 30, 2020, property owners receiving notice of service availability that connect structures existing on July 1, 2015, to Bay County retail water and retail wastewater utility facilities shall receive a connection credit for the actual cost of the connection to the retail water and retail wastewater utility systems respectively and individually, to be applied to the applicable connection fees due respectively for the retail water and retail wastewater systems up to the total amount of connection fees due. If the cost to connect is greater than the connection fees due, then the connection fees will be waived. If the cost to connect is less than the applicable connection fees, then the cost to connect will be subtracted from the applicable connection fees to determine the net connection fees due.

(-Ord. No. 15-34, § 1(25-105), 7-7-15-)

Sec. 25-100.6. Monthly payments of net connection fees.

___For those properties connecting to the Bay County retail water and/or retail wastewater utility system and entitled to the credit for applicable connection fees, the county will permit monthly payments of the net connection fees due based on the number of months from the date of connection until September 30, 2020, divided into the amount of the net connection fees due.

(-Ord. No. 15-34, § 1(25-106), 7-7-15-)