

- **ARTICLE II. - SUWANNEE WATER AND SEWER DISTRICT**

- **Sec. 30-27. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Board* means the Board of Commissioners of the Suwannee Water and Sewer District.

*Bonds* means and includes bonds or revenue certificates or other financial obligations of the district which are part or all of an issue of such obligations, any one (1) or more of which mature over three (3) years from date of issue, issued pursuant to this article.

*County commissioners* means the Board of County Commissioners of Dixie County.

*District* means the Suwannee Water and Sewer District created and established by this article in Dixie County.

*Sewer* includes in its meaning the word sewerage.

*Sewer system* embraces both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto.

*Sewerage* means the water-carried wastes created in and carried or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public building, together with such surface water or groundwater or household and industrial waste as may be present.

*Sewerage disposal system* means and includes any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the district for the operation thereof.

*Sewers* include mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system including pumping stations where deemed necessary by the district.

*System* means and includes a water system or sewer system or any one (1) or more thereof.

*Water system* means and includes all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply, transportation or distribution of water, and any integral part thereof, including but not limited to water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and all necessary appurtenances and equipment, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the district for the operation thereof.

*(Ord. No. 94-04, § 3, 5-5-1994)*

- **Sec. 30-28. - Declaration of policy.**

The undertakings enumerated in this article constitute a proper public purpose for the benefit and welfare of the owners and inhabitants of the district and it is hereby found and declared that in the construction, acquisition, improvement, maintenance, operation, extension and improvement of any or all of its systems, the district will be exercising a proper governmental function.

*(Ord. No. 94-04, § 12, 5-5-1994)*

- **Sec. 30-29. - Created; boundaries.**

(a)

There is hereby created in the county a special district to be known as Suwannee Water and Sewer District. The district will include all that portion of the county described as follows:

(b)

Beginning at the Northwest corner of Section 24 in Township 13 South, Range 11 East and running South a distance of two (2) miles, to a point east of Axe Island, run thence East a distance of one and one-half (1½) miles more or less to the mean high water line of the Suwannee River, run thence north and easterly along the meander of the mean high water line of the Suwannee River a distance of fourteen (14) miles more or less to the North line of Section 20, Township 12 South, Range 13 East thence leaving said river run West along the North line of Sections 20, 19, 24, 23, 22, 21, 20, and 19 a distance of eight (8) miles to the Northwest corner of Section 19 in Township 12 South, Range 12 East, run thence South six (6) miles along the West line of Sections 19, 30, 31, 6, 7, and 18, to the Southwest corner of Section 18 in Township 13 South, Range 12 East, run thence West to the point of beginning.

*(Ord. No. 94-04, § 2, 5-5-1994)*

- **Sec. 30-30. - District to be dependent district.**

The county hereby evidences its intent that the district shall be a dependent special district within the meaning of F.S. § 189.403.

*(Ord. No. 95-08, § 3, 8-3-1995)*

- **Sec. 30-31. - Objects and purposes.**

The objects and purposes of the district are to acquire, purchase, lease, construct, improve, extend, operate, maintain and finance any water system or systems or parts thereof, and/or any sewer system or systems or parts thereof serving such unincorporated areas and other customers and users as the district may determine. The district may acquire a supply of water either within or without the county and either within or without the state. The district may itself own and operate water and sewer systems in unincorporated territory and may also sell and transport water to other systems, whether publicly or privately owned, and other users and consumers, provided the district shall not acquire, construct or own any water distribution system in any other area except as stated herein.

*(Ord. No. 94-04, § 4, 5-5-1994)*

- **Sec. 30-32. - Governing body.**

(a)

The first commissioners of the district shall be the governing board of the water system for the Town of Suwannee, known as the Suwannee Water Association, Inc., a Florida not-for-profit corporation as of May 5, 1994. Such governing board shall exercise all powers and responsibilities authorized by this article.

(b)

Commissioners of the district shall be owners of property within the district who are registered electors in the county. All members shall be elected for terms of two (2) years each. Commissioners may be removed at any time by the board of county commissioners.

(1)

The election shall be held in the same manner and time as the general elections of the county. The election shall be a plurality election with the five (5) candidates receiving the highest number of votes being elected to the seats. The commissioners shall be sworn in and take office at the same time as other county officers.

(2)

To qualify, each candidate shall file a sworn petition with the supervisor of elections of the county that the candidate is a legally qualified registered elector in the county in the state owning property in the territory within the district and is qualified to hold the office of commissioner of the district.

(3)

For purposes of elections under this article, each person qualified to vote must first register with the supervisor of elections for the county and file an affidavit as follows:

"I do solemnly swear or affirm that I am a registered voter of the county and that I own real property within the boundaries of the Suwannee Water and Sewer District as designated in Dixie County Ordinance No. 94-04".

(c)

Each commissioner, before he assumes office, shall be required to give the governor a sufficient surety bond in the sum of \$2,000.00, the cost thereof being borne by the district, conditioned on the faithful performance of the duties of his office, said bond to be approved and filed in the same manner as is that of the board of county commissioners. The failure of any person to make and file this bond within ten (10) days after his election shall create a vacancy on said board.

(d)

Members of the board of commissioners may be entitled to compensation up to \$100.00 per month, as may be determined by resolution of the board of commissioners. Said member shall be reimbursed for traveling expenses incurred in the performance of their duties as provided by law. The board of commissioners shall hold a regular monthly meeting and special meetings as needed in an appropriate place within the district or in the county courthouse. A quorum shall consist of four (4) commissioners at any meeting.

*(Ord. No. 94-04, § 5, 5-5-1994; Ord. No. 94-11, § 1, 8-4-1994; Ord. No. 95-08, §§ 1—7, 8-3-1995; Ord. No. 2002-09, 7-18-2002; Ord. No. 02-11, §§ 1—3, 11-7-2002; Ord. No. 03-02, 3-6-2003)*

- **Sec. 30-33. - Organization of governing body; terms of offices; reimbursement of expenses.**

(a)

As soon as practical and as provided by law, after the first district commissioners have been appointed or elected and have qualified, they shall meet and organize by election from among their

number a chairperson, a vice-chairperson, a secretary and a treasurer, who shall serve a term of one (1) year, and elected annually thereafter. The secretary need not be a commissioner.

(b)

The members of the board shall serve four-year terms. Board members may be reimbursed for expenses incurred incident to the legitimate transaction of business of the district as authorized by F.S. § 112.061 and only when such expenses are approved by a majority of the board members at a regular or special meeting.

*(Ord. No. 94-04, § 6, 5-5-1994; Ord. No. 95-02, § 1, 2-16-1995)*

- **Sec. 30-34. - Compliance with state statute.**

The county hereby acknowledges that the district board will be directed and required to comply with the provisions of F.S. ch. 189 regarding special districts, including the provisions of F.S. § 189.415 regarding annual public facilities reports; the provisions of F.S. § 189.416 regarding the designation of a registered office and agent; the provisions of F.S. § 189.417 regarding meetings and required reports; and the provisions of F.S. § 189.418 regarding audits and reports.

*(Ord. No. 95-08, § 4, 8-3-1995)*

- **Sec. 30-35. - Funds.**

No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, and the construction, care, maintenance, upkeep, operation and repair of sewers and sewer and water systems in the district, as the board may determine to be for the best interest of the district and inhabitants thereof. All disbursements of the funds of the district shall be made pursuant to warrants or checks signed any one (1) of the chairperson, vice-chairperson, or treasurer and countersigned by another board member or the office secretary.

*(Ord. No. 94-04, § 7, 5-5-1994)*

- **Sec. 30-36. - Powers of governing body.**

The board of commissioners of the Suwannee Water and Sewer District, in addition to and supplementing other powers granted by law, is authorized and empowered to:

(1)

Acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, or to construct and to reconstruct, improve, extend, enlarge, equip, repair, maintain and operate waterworks or sewerage facilities, either within or without the territorial limits of the district.

(2)

Issue revenue bonds or assessment bonds of the district payable from the water rates or sewer service charges or other revenues of the district.

(3)

Fix and collect rates and charges for water furnished by any waterworks facilities and to fix and collect charges for making connections with any waterworks facilities.

(4)

Fix and collect sewer service charges for the services furnished by any sewerage facilities and to fix and collect charges for making connections with any sewerage facilities.

(5)

Acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, such lands and rights-of-way and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection with the construction or operation of waterworks or sewerage facilities, and to hold and dispose of all real and personal property under its control.

(6)

Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such employees and agents as may, in the judgment of the board, be deemed necessary and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this article.

(7)

Exercise jurisdiction, control and supervision over any waterworks facilities and any sewerage facilities owned, operated or maintained by it, and to make and enforce such rules and regulations for the maintenance and operation of any such facilities as may in its judgment be necessary or desirable.

(8)

Establish sewer and water service charges for the services furnished by any sewerage or water facilities, and charge and collect the same. Any such rates and charges shall be so fixed and revised as to provide funds, with other funds available for such purpose, sufficient at all times:

a.

To pay the cost of maintaining, repairing and operating the waterworks or sewerage facilities of the district and to provide reserves therefor and for replacements and depreciation and necessary extensions and enlargements.

b.

To pay the principal of and the interest on all outstanding bonds for the payment of which such rates and charges are pledged as the same shall be come due and provide reserves therefor.

c.

To provide a margin of safety for making such payments and providing such reserves, such rates and charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the state or any political subdivision of the state. Such rates and charges shall be just and equitable and the sewer service charges shall be just and equitable and the sewer service charges may be based or computed upon:

1.

The quantity of water used or upon the number and size of sewer connections;

2.

The number and kind of plumbing fixtures in use in the premises connected with the sewerage facilities;

3.

The number of persons residing or working in or otherwise connected with such premises; or

4.

The type of character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors.

In cases where the character or sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewerage facilities, an additional charge may be made therefor, or the board may, if it deems advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage

in a manner as shall be specified by the board before discharging the sewage into any sewer lines owned or maintained by the district.

d.

No rates, fees or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the proposed sewer system or water system, or both, or owners, tenants or occupants served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees and charges shall given by one (1) publication in a newspaper published in the county and circulating in a district at least ten (10) days before the date fixed for the hearing, which may be adjourned from time to time. If there is no such newspaper published in the county and circulating in the district, the notice of such rate hearing shall be posted as provided for in F.S. § 153.56. After such hearing, such schedule or schedules, either as initially adopted or as modified or amended, may be finally adopted.

*(Ord. No. 94-04, § 8, 5-5-1994)*

- **Sec. 30-37. - Authorization to issue revenue bonds.**

The district is hereby authorized to issue revenue bonds for the purpose of acquiring and constructing water and/or wastewater treatment and distribution facilities in and for the district and for the acquisition of improvements and other appurtenances necessary thereto. In connection therewith, the district shall have the powers specified in F.S. § 153.63.

*(Ord. No. 95-08, § 5, 8-3-1995)*

- **Sec. 30-38. - Authorization to assume Suwannee Water Association, Inc. indebtedness.**

The district is hereby authorized to assume the indebtedness previously incurred by the Suwannee Water Association, Inc. for the acquisition of the water treatment of distribution facilities acquired by the district from the Suwannee Water Association, Inc.

*(Ord. No. 95-08, § 6, 8-3-1995)*

- **Sec. 30-39. - Collection of rates and charges.**

The board of commissioners may provide in the resolution authorizing the issuance of bonds under this article or in any trust agreement securing such bonds that any sewer service shall be included in bills rendered for water used on the premises and that if any water rates or sewer service charges shall not be paid within thirty (30) days from the rendition of any such bills, the district may discontinue furnishing water to such premises and may disconnect the same from the waterworks facilities. Moreover, the board may establish a late fee by resolution. Any such resolution or trust agreement may include any or all of the following provisions, and may require the board to adopt such resolutions or to take such other lawful action as shall be necessary to effectuate such provisions, and the board is hereby authorized to adopt such resolutions and to take such other action:

(1)

That the district may require the owner, tenant or occupant of each lot or parcel of land within the district who is obligated to pay water rates or sewer service charges to the district to make a reasonable deposit with the district in advance to ensure the payment of such rates or charges and to be subject to application to the payment thereof, if and when delinquent.

(2)

That if any water rates or sewer service charges payable to the district shall not be paid within thirty (30) days after the same shall be due and payable, the district may at the expiration of such thirty (30) day period disconnect the premises from the waterworks or sewerage facilities; and the district may proceed to recover the amount of any such delinquent rates or charges, with interest and late charges, in action of assumpsit in the small claims court or otherwise as provided by law.

(3)

That if any sewer service charges for the use of any sewerage facilities by or in connection with any premises not served by any waterworks facilities of the district shall not be paid within thirty (30) days after the same shall become due and payable, the owner, tenant or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewerage facilities of the district until such sewer service charges, with interest, shall be paid; that if such owner, tenant or occupant shall not cease such disposal at the expiration of such thirty (30) day period it shall be the duty of any public or private corporation, board, body or person supplying water to or selling water for use on such premises to cease supplying water to or selling water for use on such premises within five (5) days after the receipt of notice of such delinquency from the district; and that if such corporation, board, body or person shall not, at the expiration of such five (5) day period, cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

*(Ord. No. 94-04, § 9, 5-5-1994)*

- **Sec. 30-40. - Connection with sewer system.**

Upon the construction of sewerage facilities under the provisions of this article, the owner, tenant or occupant of each lot or parcel of land within the district which abuts upon a street or other public way containing a sanitary sewer as a part of such sewerage facility or a sanitary sewer served or which may be served by such sewerage facilities and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall connect with such building such sanitary sewer, and shall cease to use any other method for the disposal of sewage wastes or other polluting matter. All such connections shall be made in accordance with rules and regulations and which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the board may fix and establish. This article, being necessary for the welfare of the inhabitants of the district, shall be liberally construed to effect the purpose thereof.

*(Ord. No. 94-04, § 10, 5-5-1994)*

- **Sec. 30-41. - Connection with water system.**

Upon the acquisition or construction of water facilities under the provisions of this article, the owner, tenant or occupant of each lot or parcel of land within the district which abuts upon a street or other public way containing a water line as a part of such water facility served or which may be served by such water facility and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall connect with such building such water facility, and shall cease to use any other water for potable purposes and, further, is prohibited from allowing any of said water from a source other than the public water system from entering any potable water line or lines on said property or elsewhere. All such connections shall be made in accordance with rules and regulations and may provide for a charge for making any such connection in such reasonable amount as the board may fix and establish. This article, being necessary for the welfare of the inhabitants of the district, shall be liberally construed to effect the purpose thereof.

*(Ord. No. 94-04, § 11, 5-5-1994)*

- **Sec. 30-42. - Annual audit.**

The accounts and records of the district shall be post audited annually, at the expense of the district, by an independent certified public accountant.

*(Ord. No. 94-04, § 13, 5-5-1994)*