Polk County Utilities, Florida

POLK COUNTY UTILITIES CODE

Polk County Board of County Commissioners

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Jim Freeman County Manager	Bill Beasley, PE Deputy County Manager	Gary Fries, PE Utilities Director

December 2010

PREFACE

December 2010

The Polk County Utilities Code contains the various operating policies, minimum acceptable design standards, and minimum acceptable construction specifications for PCU's water distribution and transmission facilities, wastewater collection and transmission facilities including wastewater pump stations, and reclaimed water distribution and transmission facilities.

It is the sincere hope of the PCU staff that the material presented herein is more readily accessible and up-to-date with the latest and proven technology. The entire process for approval and acceptance of water and wastewater systems by PCU is clear and timelier. If this has been accomplished, then the almost four years of work that went into its preparation will have been worthwhile.

PCU would like to thank the following individuals for their time and effort regarding the development of this revision of the Polk County Utilities Code:

Utilities Code Stakeholders Review Committee:

Bob Adams – Highland Homes

Jim Chastain, PE – Chastain-Skillman and Associates

Renee Heath – Cassidy Homes

Carlton Hodges – LeMan's Properties

Stephanie Hutton – Polk County Builders Association

Sam Killebrew (Bill Thomas, PE) – Killebrew Inc.

Alan Rayl, PE – Rayl Engineering and 2009/2010 President – FES Ridge Chapter

Bruce Scamehorn – Tucker Construction and Engineering

Scott Short – Censtate Construction

Bob Wilson (Mark Wilson, PE) – Kimley-Horn, and Associates

Gary Fries, PE – Polk County Utilities Director

Mike Crumpton, PE – Utilities Code Revision Editor and Staff Advisor to the Committee

The Public:

Robert F. Harper – Harper Development Group

Mark Johnson – Wager Company

Jay Hicks – A Y McDonald Mfg.

Michael Green – Homeland Security Products

Scott Fergerson – American Cast Iron Pipe

Bill Thomas, PE, PhD – Killebrew, Inc.

James Dickerson – Killebrew, Inc.

Clay Galloway – Star Pipe Products

PREFACE

December 2010

Rick Ratcliffe – American Flow Control
David Waters – Porter Associates
Eric Barfield – Ferguson Waterworks
Mark Frederick, PE – Kimley-Horn, and Assoc.
Chuck Freed, PE – The Colinas Group, Inc
Jim Servis – Mueller Company
Valerie Tutor – Valerie Tutor and Associates
Kevin Stine – Sigma Corp.
Bill Goodman – SpectraShield
Richard Neal – Underground Solutions
Kim Keefer, PE – PBS&J
Larry Brosious – L.J. Ruffin and Assoc.
Paul Blastic – Paul Blastic and Company

Polk County Staff:

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Jacqueline McCauley

PCU would like to also give a special thanks to the Orange County Utilities Department, which provided its 2007 Manual's digital source document for PCU's use in developing its completely revised "Utilities Standards and Specifications Manual".

UTILITIES CODE REVISION STAKEHOLDERS REVIEW COMMITTEE

Completion of Review Summer 2010

We, the undersigned, as participants of the Utilities Code Revision Stakeholders Review Committee have completed our review of the proposed revision of the Polk County Utilities Code and find it to be in the best interest of the citizens of the County. As such, we recommend that the proposed revision be presented to the Polk County Board of County Commissioners for adoption at the earliest possible date.

Jim Chastain, PE (Chastain-Skillman and Associates) _____

Rennie Heath (Cassidy Homes) _____

Carlton Hodges (LeMan's Properties) _____

Stephanie Hutton (Polk County Builders Association) _____

Sam Killebrew (Killebrew Inc.) _____

George Lindsey (Highland Homes) _____

Alan Rayl, PE (Rayl Engineering) _____

Scott Short (Censtate Construction) _____

Bruce Scamehorn (Tucker Construction and Engineering) _____

Bill Thomas, PE, PhD (Killebrew Inc.) _____

Mark Wilson, PE (Kimley- Horn, and Associates) _____

Gary Fries, PE (Polk County Utilities Director) _____

Mike Crumpton, PE (Utilities Code Revision Editor) _____

ORDINANCE NUMBER 10 -081

AN ORDINANCE REGULATING THE INSTALLATION OF CERTAIN POTABLE WATER, WASTEWATER AND RECLAIMED WATER UTILITY SYSTEMS IN POLK COUNTY, FLORIDA; PROVIDING FOR A SHORT TITLE TO BE KNOWN AS THE "POLK COUNTY UTILITIES CODE"; PROVIDING FOR A STATEMENT OF PURPOSE; PROVIDING FOR SCOPE AND APPLICABILITY; PROVIDING FOR PREEMPTION; PROVIDING DEFINITIONS; PROVIDING FOR INCORPORATION OF REFERENCE MANUALS 6(A) THROUGH 6(G); DESCRIBING THE REGIONAL UTILITY SERVICE AREAS; ESTABLISHING POLK COUNTY UTILITIES (PCU) AS THE EXCLUSIVE PROVIDER OF UTILITY SERVICE IN PCU'S UTILITY SERVICE AREAS; ESTABLISHING CONNECTION CHARGES; ESTABLISHING DEVELOPER REIMBURSEMENT METHODOLOGY; ESTABLISHING THE UTILITIES CODE COMMITTEE; ESTABLISHING REFERENCE MANUAL REVISION PROCEDURE; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR REMEDIES FOR NON-PAYMENT OF UTILITY SERVICE; PROVIDING FOR A BASIS FOR GRANTING VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF POLK COUNTY ORDINANCES 03-21 AND 04-08; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, that:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as the "Polk County Utilities Code".

SECTION 2: PURPOSE

The purpose of this Ordinance is to promote the health, safety, and welfare of the public by regulating the installation of, operation of, and connection to certain utility systems, including potable water, wastewater, and reclaimed water. This Ordinance shall also ensure that the Polk County Comprehensive Plan is implemented so that land development shall not be permitted unless adequate capital facilities with the appropriate levels of service exist, or the construction of which is assured, with the Developer bearing a proportionate financial share to install new or expanded capital facilities required by such development. In the event of a conflict between the provisions of this Ordinance and the Polk County Comprehensive Plan, the Polk County Comprehensive Plan shall govern.

SECTION 3: SCOPE AND APPLICABILITY

The provisions of this Ordinance shall apply to:

A) any person or entity that undertakes to be served by, connect to, construct, expand, or improve any portion of a water, wastewater or reclaimed water

utility system contained within one of the PCU Regional Utility Services Areas (RUSA);

B) all proposed or existing developments within a PCU RUSA;

C) any proposed or existing development within any unincorporated area of Polk County that is subject to the jurisdiction of the Polk County Land Development Code; and

D) all Polk County Utilities (PCU) Community Investment Program projects, including rehabilitation and replacement projects.

Any development that will have its potable water, wastewater, and/or reclaimed water infrastructure owned and operated by a municipality, as part of that entity's Florida Statutes Chapter 180 extended service area, shall be exempt from this Ordinance unless the municipality elects to utilize the provisions of this Ordinance, as a whole or any part thereof.

SECTION 4: PREEMPTION

In the event any provision contained in this Ordinance is preempted by State or Federal statute, or if the subject matter of any provision fails under the exclusive jurisdiction of the State or Federal government, the State and/or Federal statute, rule, or regulation governing such provision shall be followed.

SECTION 5: DEFINITIONS

The following terms and phrases, as used in this document, shall have the meanings hereinafter designated, unless context clearly changes the meaning or unless a provision explicitly states otherwise. Definitions related to potable water, wastewater, and reclaimed water utility systems in this Ordinance which are not included herein shall have the same meanings as provided by Florida Statute (FS) and Florida Administrative Code (FAC).

Board: the Polk County Board of County Commissioners, Polk County, Florida.

Board of County Commissioners (BOCC): the Polk County Board of County Commissioners, Polk County, Florida.

Community Investment Plan (CIP): County documents that identify improvements to the PCU Water Systems, Wastewater Systems, and Reclaimed Water Systems that will be funded and constructed as identified within the current 5 year Master Plan for each PCU Regional Utility Service Area's water, wastewater, and reclaimed water system.

Comprehensive Plan: the Polk County Comprehensive Plan.

Connection Charges: fees charged by PCU, as based on an Equivalent Residential Connection, to pay for the replacement of potable water and wastewater capacity.

County: the Polk County Board of County Commissioners, Polk County, Florida and its employees.

Customer or **User:** any person or entity which receives, or may receive, utility service provided by PCU.

Developer: any private or public person, firm, corporation, or government entity engaged in developing or improving real estate for use or occupancy.

Development (aka Developer), Utilities, or Interlocal Agreement: a written agreement between the BOCC and a developer, property owner, or governmental entity setting forth in detail the terms and conditions under which PCU will provide utility service to the developer's project, the property owner's property, or the governmental entity. Such agreement will be made at the option of PCU where it deems such an agreement is in its best interest in order to facilitate the construction of capital project improvements that are designated in the Community Investment Plan and/or Master Plan for a particular RUSA, or as otherwise deemed necessary by PCU.

Director: the person who is responsible for the day to day administration and management of Polk County Utilities.

Engineer: an individual currently licensed to practice engineering in the State of Florida.

Equivalent Residential Connection (ERC): the unit of measurement used by PCU to estimate the utility service capacity usage of all classes of utility system users using a single family residential detached dwelling unit as a common denominator. One water ERC shall equate to the estimated gallons per day of potable water to be used and one wastewater ERC shall equate to the estimated gallons per day of wastewater to be generated. The daily flow rate for water and wastewater ERC's shall be as established by the Polk County Comprehensive Plan.

Land Development Code: the Polk County Land Development Code.

Master Plans: the current County approved documents that provide guides for the planned and orderly expansion of each PCU Regional Utility Service Area's Master Wastewater System, Master Water System, and Master Reclaimed Water System over a 5 year planning period, and that identifies financing requirements and revenue sources to implement the Community Investment Plan (CIP) for a given period.

Master Reclaimed Water Systems: major elements of the reclaimed water systems that include regional reclaimed water facilities, structures, equipment, processes, land, and appurtenances thereto, required to operate and maintain a system which produces and distributes reclaimed water for irrigation purposes and other authorized uses that are part of a PCU Reclaimed Water System Master Plan.

Master Wastewater Systems: major elements of the wastewater systems that include regional wastewater treatment and disposal facilities, reclaimed water use facilities, large collection mains and interceptors, regional wastewater pumping stations and force mains, land, and related facilities that are part of a PCU Wastewater System Master Plan.

Master Water Systems: major elements of the water systems that include regional supply wells, pumping stations, treatment facilities, storage tanks, transmission mains,

monitoring wells, land, and related facilities that are part of a PCU Water System Master Plan.

Polk County Utilities (PCU): the Polk County entity which has the responsibility of administering, operating, and maintaining the potable water, wastewater, and reclaimed water facilities and infrastructure owned and/or operated by the County.

Reclaimed Water System: the structures, equipment, processes, augmentation wells, land, and appurtenances required to operate and maintain a system which produces and distributes reclaimed water for irrigation purposes and other authorized uses.

Regional Utility Service Areas: those designated portions of Polk County in which PCU maintains the exclusive right to provide public utility systems.

Registered Holder: any individual that enters into the official Polk County Utilities Code web page and provides the requested voluntary information for future notifications regarding the Utilities Code.

User or Customer: any person or entity which receives, or may receive, utility service provided by PCU.

Utilities Code Committee: shall be comprised of the Utilities Capital Projects Section Manager, Utilities Customer Services Section Manager, Operations and Maintenance Section Manager, and representatives from the County Engineer Section and the County Purchasing Division, or designees. The Committee shall perform all duties described in Section 11 of this Ordinance. The Utilities Director shall be in-eligible to serve on the Utilities Code Committee.

Utility Service: the provision of potable water, wastewater, and/or reclaimed water service to a customer.

Utility System: the potable water, reclaimed water, and wastewater transmission mains, distribution mains, pipes, fittings, valves, hydrants, services, meters, pumps, pump stations, production facilities, treatment facilities, and miscellaneous related appurtenances required to operate and maintain a water, wastewater, or reclaimed water system.

Wastewater System: the structures, equipment, processes, land, reclaimed water system augmentation wells, and appurtenances thereto, required to operate and maintain a system to collect, convey, and treat wastewater and dispose of the effluent and sludge. Wastewater systems shall not include storm water facilities.

Water Conservation Plans: the current PCU documents that provide a guide for the most efficient use of PCU's water resources and that identify water conservation elements as required by the rules of Florida Department of Environmental Protection and the Water Management Districts of each regional utility service area.

Water Resource: any potable, reclaimed, alternative, or supplement water furnished by PCU. Treated wastewater shall also be considered a resource.

Water System: the structures, equipment, processes, land, sources, and appurtenances thereto, required to operate and maintain a system to treat, pump, store, distribute, and meter potable water.

SECTION 6: REFERENCE MANUALS

Each of the technical and administrative Reference Manuals described below will further describe the implementation of certain technical and administrative aspects of this Ordinance. Each Reference Manual is hereby incorporated into and made a part of this Ordinance and shall be updated in accordance with Section 12 herein, "Reference Manual Revision Procedure" of this Ordinance. Reference to these Manuals is made herein by the Title or Ordinance Section and Letter Identifier stated below, i.e., 6 (A), 6 (B), etc., as determined appropriate.

(A) Utilities Administration Manual: This Manual contains the procedures and policies that have been established by PCU for the administration of its utility system, including the following: (1) processing of new connections, deposits, disconnections, transfers, name changes, disconnections for seasonal absence, adjustments, and terminations: (2) connection charge calculation and reassessments; (3) processing and administering payments (walk-in, mail, telephone, bank drafting, IVR, and internet), bulk service late charges, liens and remedies for non-payment of utility service and returned checks; (4) installation of permanent and temporary water meters and irrigation meters, changes in meter size, relocations of meters, obscured meters, and meter testing; and (5) procedures governing meter reading requirements, schedules and rates, connection charges, and bulk rates. The rate and charge schedules shall be established from time to time by a separate resolution adopted by the BOCC. This Manual shall contain the legal descriptions in text and map for each of the 6 PCU Regional Utility Service Areas and the Connection Fee Calculation Methodology that is to be utilized to determine connection charges.

(B) Utilities Standards and Specifications Manual: This Manual describes the minimum acceptable standards and specifications that have been established by PCU for the design and construction of wastewater collection and transmission systems and potable water and reclaimed water distribution and transmission facilities to be served by or owned, operated, and maintained by PCU and as otherwise intended by this Ordinance. This Manual establishes procedures and requirements for coordination through the review process of plans for developments that intend to utilize PCU potable water, reclaimed water, or wastewater service. This Manual delineates the processes for submittals, reviews, approvals, and acceptance of potable water, reclaimed water, and wastewater systems and facilities to be served by or owned, operated and maintained by PCU.

(C) Utilities Cross-Connection Control Policy Manual: This Manual describes the program and policy that has been established by PCU to meet the requirements of all applicable federal, state, and local water regulations relating to the prevention and elimination of cross-connections and backflow in all PCU

public potable water systems. Specifically, the purpose of this program is to protect the PCU potable water supply from possible contamination by isolating, at the point of the customer's water service connection to the PCU water system, such contaminants or pollutants that could backflow or back-siphon into the public system, and to eliminate any actual or potential cross-connection between the PCU system and other water sources of unsafe or unknown quality.

(D) Reclaimed Water Policy Manual: This Manual describes the program and policy that has been established by PCU to meet the requirements of all applicable federal, state, and local regulations regarding reclaimed water and its availability for irrigation purposes and other authorized non-potable uses in certain areas of Polk County where it is determined by PCU that the construction of a reclaimed water distribution system is necessary, practical, and beneficial, and for the regulation thereof.

(E) Industrial Wastewater Pretreatment Policy Manual: This Manual describes the program and policy that has been established by PCU to meet the requirements of all applicable federal, state, and local regulations regarding requirements for its wastewater customers to utilize in order to prevent the introduction of pollutants into the wastewater system that could interfere with the normal operation of the system, contaminate the resulting residuals, or pass through the system into receiving waters or the atmosphere. In addition, this program seeks to ensure the quality of the treated wastewater and residuals in order to provide high quality products for reuse and recycling in compliance with applicable federal, state, and local regulations.

(F) Utilities Water Conservation Policy Manual: This Manual describes the program and policy that has been established by PCU to meet the requirements of all applicable federal, state, and local regulations to promote the most efficient and beneficial use of the PCU's water resources with a combination of educational, financial, operational and regulatory initiatives, without lowering the quality of service to PCU customers. The program includes specific water conservation plans for each regional utility service area as follows:

(1) Central Regional Utility Service Area (CRUSA)
(2) East Regional Utility Service Area (ERUSA)
(3) Northeast Regional Utility Service Area (NERUSA)
(4) Northwest Regional Utility Service Area (NWRUSA)
(5) Southeast Regional Utility Service Area (SERUSA)
(6) Southwest Regional Utility Service Area (SWRUSA)

(G) Utilities Fats, Oils, and Grease Policy Manual: This Manual describes the program and policy that has been established by PCU to meet the requirements of all applicable federal, state, and local regulations in order to prevent the introduction of fats, oils, and grease into PCU's wastewater system from its wastewater customers that could interfere with the normal operation of the system or result in overflow discharges of wastewater into receiving waters and the environment.

SECTION 7: REGIONAL UTILITY SERVICE AREAS

Regional Utility Service Areas (RUSAs), as set forth in Reference Manual 6 (A), are established for the purpose of planning for the provision of utility service to existing and future PCU customers. Because of the large size and topographic diversity of Polk County, it is not practical to construct a single unified or a completely interconnected system of utility facilities. Therefore, a series of separate regional utility systems is provided as needed in accordance with reasonable and acceptable engineering standards and economic principles. Changes to the boundaries of the Regional Utility Service Areas shall be accomplished in accordance with State Statutes.

SECTION 8: PCU AS EXCLUSIVE PROVIDER OF UTILITY SERVICE IN PCU REGIONAL UTILITY SERVICE AREAS

Except as otherwise provided herein and approved by PCU, PCU shall be the exclusive provider of utility service within a PCU RUSA. Connection to a potable water, wastewater, or reclaimed water system shall be required in accordance with the Land Development Code and Comprehensive Plan. Once a customer is connected to a public utility system, it shall be unlawful for that customer to disconnect without the express written approval of the utility provider.

SECTION 9: CONNECTION CHARGES

Water and wastewater connection charges, as revised from time to time by a separate Resolution adopted by the BOCC and made part of the "Utilities Administration Manual", shall be imposed for each structure that requires an individual Building Permit and/or Certificate of Occupancy to be issued by the Building Official, regardless of ownership unless exempted by State or Federal statutes. All other connections to the PCU system shall also be subject to connection charges. The purpose of these charges shall be to offset the costs of providing utility service. The charges shall be based on the structure's or connection's estimated amount of required utility service capacity as determined by PCU utilizing the Connection Charge Calculation Methodology contained in the "Utilities Administration Manual". Changes to the Connection Charge Calculation Methodology shall be accomplished by a separate BOCC adopted resolution.

SECTION 10: DEVELOPER REIMBURSEMENT

A) When a DEVELOPER proposes to construct an extension or improvement of a PCU utility system, PCU may reimburse the DEVELOPER for the eligible costs of the utility system extension or improvement project on the basis of reasonable and customary costs of materials and labor, and as further described below.

   1) PCU will reimburse the DEVELOPER, in accordance with a BOCC approved Development, Utilities, or Interlocal Agreement, for eligible actual costs, including applicable state sales taxes, to construct PCU CIP utility system extension and improvement projects when the construction timeline for an affected proposed development's utility system extension

and improvement projects parallel the current PCU 5-Year CIP funding timeline. PCU will reimburse the DEVELOPER for the eligible actual installation and material costs for such utility system extension and improvement projects. As the proposed development's construction timeline will parallel the PCU CIP funding timeline, it is anticipated that PCU will have approved final construction plans and all applicable permits available for the use of the DEVELOPER to construct the PCU utility system extension and improvement projects.

2) PCU will reimburse the DEVELOPER, in accordance with a BOCC approved Development, Utilities, or Interlocal Agreement, for the eligible costs, including applicable state sales taxes, of utility system extension and improvement projects which a) are above the design needs of the proposed development, b) do not have a construction timeline that parallels the current PCU 5-Year CIP funding timeline, c) are determined by PCU to be in its best interest to oversize or otherwise participate in the utility system extension or improvement project, and d) found financially feasible by PCU for reimbursement. PCU will reimburse the DEVELOPER for the increased eligible material costs only of such over-sizing up to two pipe sizes for distribution, collection, and transmission mains. PCU will reimburse the DEVELOPER for the increased eligible design, installation, and material costs of such over-sizing over two pipe sizes and related improvements for distribution, collection, and transmission mains. PCU will reimburse the DEVELOPER for all increased eligible over-sizing costs related to the design, permitting, and construction of non-main improvements.

3) For utility system extension and improvement projects required by a proposed development to meet its design needs which are not included in the affected subject RUSA's current 5-Year CIP Program, the costs of all such utility system extension or improvement projects shall be paid for in their entirety by the DEVELOPER.

B) Design, installation, and material costs for system extension and improvement projects that are eligible for reimbursement may include the costs of surveying, designing, engineering, permitting, constructing, inspection, and testing the utility systems, plus the preparation of Record Drawings. Costs that are not eligible for reimbursement include legal costs, real estate and easement acquisition costs, interest costs, and administration costs and corporate management.

C) Reimbursement payments shall be no more frequent than quarterly, and the payment period shall not extend beyond ten years from the date of the agreement between the DEVELOPER and the BOCC.

D) Prior to the BOCC's formal acceptance of the utility system improvement or reimbursement to the DEVELOPER, the DEVELOPER shall pay all applicable charges.

E) Reimbursement will occur only after the BOCC's formal acceptance of the subject utility system improvements.

F) Reimbursement to a DEVELOPER or other property owner shall not be based on future connections by a third party to a system extension.

G) Nothing contained herein shall be construed as restricting or preventing PCU's ability to enter into a special arrangement with a user, as determined by PCU to be in its best interest, whereby the specific terms of obtaining service are set forth in a Developer Agreement.

SECTION 11: UTILITIES CODE COMMITTEE

The UTILITIES CODE COMMITTEE, as defined in Section 5 "Definitions" above, shall be charged with updating the seven REFERENCE MANUALS on a periodic basis in accordance with Section 12 "Reference Manual Revision Procedure" below, to systematically evaluate and approve products in accordance with the "Utilities Standards and Specifications Manual", and perform all other duties as established by this Ordinance. The Chair Person of the UTILITIES CODE COMMITTEE shall be selected by and from the members of the UTILITIES CODE COMMITTEE on an annual rotating basis.

SECTION 12: REFERENCE MANUAL REVISION PROCEDURE

To meet the needs of PCU and the changes in technology, it is necessary to periodically revise and update the seven REFERENCE MANUALS. These revisions will be administered by the UTILITIES CODE COMMITTEE. Such revisions, amendments, and additions shall be binding and in full force and effect when published in the manner set forth below.

A) With the exception of revisions to forms, tables, charts, and flow charts that are solely intended for the internal use of PCU, proposed revisions to a REFERENCE MANUAL will be emailed to REGISTERED HOLDERS of the REFERENCE MANUAL for comment. Recipients of the proposed revisions will have **30 calendar days** to provide written comments to the web site.

B) At least one informal workshop will be scheduled by the UTILITIES CODE COMMITTEE to discuss the proposed revisions. All REGISTERED HOLDERS of the REFERENCE MANUAL will receive electronic mail notification of any scheduled workshop at least five business days in advance of the workshop.

C) After the informal workshop, the UTILITIES CODE COMMITTEE will recommend revisions in the best interest of PCU and note dissenting viewpoints to the DIRECTOR for action.

D) Proposed revisions will be posted on the web site for a period of **30 calendar days** prior to the DIRECTOR taking action.

E) All proposed revisions approved by the DIRECTOR will become part of the subject REFERENCE MANUAL. Proposed revisions not approved shall be posted on the web site along with the justification for denial.

F) The revisions will be placed on the web site and the REGISTERED HOLDERS of the subject REFERENCE MANUAL will be notified in a timely manner by electronic mail of the effective date of the change. The effective date of such revisions shall be **30 calendar days** from the date of approval and shall supersede the prior REFERENCE MANUAL.

Whenever errors or conflicts occur that can impact the environment, the public health, safety, and welfare, or the best interests of PCU, a recommendation will be forwarded to the DIRECTOR by the UTILITIES CODE COMMITTEE for approval of a revision to resolve or remove the conflict. The effective date for this type of revision will be the date of the approval by the DIRECTOR.

REGISTERED HOLDERS will be notified of the change in a timely manner via electronic mail. It will be each REGISTERED HOLDER's responsibility to maintain a current set of the REFERENCE MANUALS.

Each REFERENCE MANUAL that has been revised in accordance with this Section shall be presented to the BOCC at an interval of not more frequently than once a calendar year for BOCC adoption by separate resolution.

SECTION 13: APPEAL PROCESS

This Section regarding the appeal process shall apply only to privately constructed projects within the jurisdiction of the LAND DEVELOPMENT CODE. The appeal process shall not apply to PCU Community Investment Program projects.

A) Appeals to the UTILITIES CODE COMMITTEE

Any person aggrieved by a decision of an individual COUNTY staff member, relative to any REFERENCE MANUAL, may appeal such decision to the UTILITIES CODE COMMITTEE. Such appeal must be in writing and made within **7 calendar days** of the decision of the staff member. The appeal shall include a summary of the decision being appealed and the basis for the appeal. The UTILITIES CODE COMMITTEE will meet, within **15 calendar days** of the receipt of the appeal, to discuss the matter and will render a decision within **7 calendar days** of conclusion of the meeting. The person making the appeal to the UTILITIES CODE COMMITTEE may attend the meeting and will have an opportunity to present information to the Committee regarding their interest.

B) Appeals to DIRECTOR

Any person aggrieved by an appeal decision made by the UTILITIES CODE COMMITTEE, relative to any REFERENCE MANUAL, may appeal such

decision to the DIRECTOR. Such appeal must be in writing and made within **7 calendar days** of the decision by the UTILITIES CODE COMMITTEE. The appeal shall include a summary of the decision being appealed and the basis for the appeal. The DIRECTOR shall have **15 calendar days** from the receipt of the appeal to render a decision.

C) Appeals to the COUNTY MANAGER

Any person aggrieved by an appeal decision made by the DIRECTOR, relative to any REFERENCE MANUAL, may appeal such decision to the COUNTY MANAGER. Such appeal must be in writing, made within 7 calendar days of the DIRECTOR's decision, and a copy of the appeal must be forwarded to the DIRECTOR. The appeal shall include a summary of the decision being appealed and the basis for the appeal. The COUNTY MANAGER shall have **15 calendar days** from the receipt of the appeal to render a decision.

D) Appeals to the BOCC

Any person aggrieved by an appeal decision, made by the COUNTY MANAGER, relative to any REFERENCE MANUAL, may appeal such decision to the BOCC upon written request of the affected party. Each such appeal shall be submitted with an Appeals Fee as established by a separate resolution adopted by the BOCC. In deciding such appeals, the BOCC shall consider the provisions and intent of this Ordinance and shall consider the legitimate interest of the affected party as well as the interest of existing PCU customers.

SECTION 14: LIENS AND REMEDIES FOR NON-PAYMENT OF SERVICE

Subject to the provisions of F.S. 125.485, if the fees, rates or charges for the services and facilities of the PCU water, wastewater and reclaimed water systems shall not be paid as and when due, and shall be in default for 30 days or more, then the unpaid balance thereof, together with attorneys' fees and costs, may be recovered by the COUNTY in a civil action, by recording of a Notice of Lien, by referring the delinquent account to a collection agency, or a combination thereof. In the event the delinquent account holder is the owner of the property to which utility service was provided, a Notice of Lien, in such form as the Board of County Commissioners shall determine appropriate, may be filed in the office of the Clerk of the Circuit Court of Polk County, Florida and shall be recorded as other liens are recorded. Any such lien, upon recording, shall be constructive notice of such lien and may be foreclosed or otherwise enforced by the COUNTY by action or suit in equity. Any lien provided for in this section shall accrue interest at the statutory rate, as provided for in F.S. 687.01 and F.S. 55.03 as amended from time to time, from the date of recording. Such interest as provided for in this Section shall also constitute a lien against the property assessed of equal dignity to that of the underlying lien.

SECTION 15: VARIANCES

The BOCC may grant variances from the provisions of this Ordinance provided the applicant presents evidence of compliance with Section 13 "Appeals Process" above and demonstrates that compliance with the literal terms of this Ordinance is impossible or will result in undue hardship. It shall be the burden of the applicant to demonstrate that the granting of the variance will neither subvert the spirit or intent of this Ordinance nor be prejudicial to the interests of PCU's customers.

SECTION 16: SEVERABILITY

If any provision of this Ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 17: REPEAL OF ORDINANCES 03-21 AND 04-08

Polk County Ordinance 03-21, as amended by 04-08, and its Reference Documents are hereby repealed upon the effective date of this Ordinance, with the exception that the design standards only as contained within Reference Document 6 (C) of Ordinance 03-21, as amended by 04-08, shall continue to apply to proposed projects that are formally received by the COUNTY prior to the effective date of this Ordinance. The construction and material specifications adopted as part of this Ordinance shall apply to such proposed projects. Said non-renewable exception shall be valid for a maximum of either three calendar years from the date of COUNTY Level 2 approval <u>or</u> four calendar years from the date of formal receipt of the proposed project by the COUNTY, whichever is more restrictive.

SECTION 18: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

DULY ADOPTED in regular session, this 1st day of Dec., 2010

STATE OF FLORIDA)

COUNTY OF POLK)

I Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida hereby certify that the foregoing is a true and correct copy of Ordinance No. 10-081 adopted by the Board on December 01, 2010.

WITNESS my hand and official seal of said Board this 2nd day of December 2010.

Richard M. Weiss
Clerk to the Board

By Kathryn Courtney
Kathryn Courtney
Deputy Clerk