

AN ORDINANCE ACCEPTING THE OFFER OF THE CITY OF FORT WALTON BEACH TO SERVE WATER TO THE CITIZENS OF THE TOWN OF CINCO BAYOU; GRANTING A FRANCHISE TO THE CITY OF FORT WALTON BEACH TO SERVE WATER FOR A PERIOD UNTIL MARCH 1, 1981; PROVIDING FOR AN OPTION TO RENEW SUCH FRANCHISE FOR AN ADDITIONAL FIFTEEN (15) YEARS; PROVIDING FOR THE TERMS OF SERVICE; PROVIDING FOR PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS HEREOF; REPEALING ORDINANCES INCONSISTENT WITH SAID ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1: That the Town of Cinco Bayou, Florida, accepts the offer of the City of Fort Walton Beach made pursuant to City of Fort Walton Beach Ordinance No. 452.1 to furnish water to the residents of the Town of Cinco Bayou, Florida, according to the terms set out in the Sections of this Ordinance below.

SECTION 2: That the City of Fort Walton Beach will furnish all water required by the residents of the Town of Cinco Bayou at a premium of 25% more than that charged to the residents of the City of Fort Walton Beach. Any increase in rates to the residents of the City of Fort Walton Beach shall immediately increase the rates to the water users in Cinco Bayou accordingly. The City of Fort Walton Beach shall install, at its cost, four (4) fire hydrants within the Town limits of Cinco Bayou at locations selected by the City Engineer of Fort Walton Beach after consultation with the Consulting Engineer for the Town of Cinco Bayou.

SECTION 3: That the City of Fort Walton Beach will charge a 10% utility tax on water sold within the Town of Cinco Bayou and such tax will be remitted to the Town of Cinco Bayou monthly.

SECTION 4: That where more than one unit (such as dwellings, apartments, and commercial businesses, other than mobile homes) is now served by the City of Fort Walton Beach on which the property owner has a meter deposit with the City of Fort Walton Beach and where such property is served by only one meter, the total consumption of that meter shall be divided by the number of different businesses or units in order to arrive at the

average consumption for which to bill each unit for water. The average billing will then be multiplied by the number of units to arrive at the monthly charge for that particular parcel of property or the minimum bill or whichever is greater.

SECTION 5: Where multiple dwelling units are served by one meter, the property owner shall be required to pay the connection fee for each meter if the property owner requires separate meters to be installed. However, if the property owner continues to serve multiple units through one meter, the property owner will be assessed \$1.50 per lineal foot for pipe run by his property less the \$150.00 credit for tap-in fee previously assumed paid, or \$150.00, whichever is greater. Multiple units served by one meter will be permitted only as to existing units in the Town of Cinco Bayou served by the City of Fort Walton Beach as of the effective date of Ordinance No. 452 of the City of Fort Walton Beach.

SECTION 6: All units in existence in the Town of Cinco Bayou, whether dwelling or business or which are constructed in the future that are not currently connected up directly to the City system will be required to pay separate water and connection deposits. Units being served by the system now connected to a two-inch meter serving Oakland Trailer Court will not be considered as receiving water from the City on the effective date of Fort Walton Beach Ordinance No. 452.1, which will prevent units other than the trailer park being served on the one water line.

SECTION 7: That the meter deposit of multiple units in the Town of Cinco Bayou now being served will be double the minimum monthly bill but not less than \$15.00.

SECTION 8: Every person residing in the Town of Cinco Bayou, Florida, who owns or occupies a structure using water shall connect to the water system installed or to be installed by the City of Fort Walton Beach under this franchise with the Town of Cinco Bayou within the limits of the Town of Cinco Bayou at such time as such water system becomes available to each particular resident.

SECTION 9: The connection fee and meter fee payable by the aforesaid residents shall be equal to the charge made by the City of Fort Walton Beach to its residents at the time such connection is made or at such time as the meter deposit is deposited with the City of Fort Walton Beach.

SECTION 10: The Town of Cinco Bayou, Florida, does and it hereby grants to the City of Fort Walton Beach, Florida, easements for all water lines, on, through and along rights-of-way in the Town of Cinco Bayou, Florida, without cost to the City of Fort Walton Beach, Florida; provided, however, the City of Fort Walton Beach, Florida, will, at its cost, repair all damage to such rights-of-way occurring in the installation, maintenance or operation of its water lines in such rights-of-way and shall indemnify the Town of Cinco Bayou, Florida, against all liability for damage to the property of third persons caused by the City of Fort Walton Beach or its agents and employees in the installation, operation or maintenance of its water lines within the limits of the Town of Cinco Bayou, Florida. The City of Fort Walton Beach shall, within a reasonable time after adoption of this Ordinance, begin installation of a water system within the limits of the Town of Cinco Bayou, which system shall meet all applicable local, state and federal requirements.

SECTION 11: The Town of Cinco Bayou, Florida, does and hereby grants the City of Fort Walton Beach, Florida, a franchise for a period from date hereof until March 1, 1981, to furnish water service to water users residing within the town limits of the Town of Cinco Bayou, Florida, in accordance with the terms hereof. Provided, however, the Town of Cinco Bayou shall have an option to renew this franchise on the same terms and provisions for an additional fifteen (15) years thereafter.

SECTION 12: No water user residing within the town limits of Cinco Bayou, Florida, shall run a water line to an adjacent water user without the consent of the City of Fort Walton Beach.

SECTION 13: The person occupying or owning real property serviced by water furnished by the City of Fort Walton Beach shall be liable for damage to any water meters located on private property and for damage to any portion of the water system installed by the City of Fort Walton Beach which meter or property has been negligently or willfully or maliciously damaged. The City of Fort Walton Beach shall be empowered to sue persons liable under this ordinance for such damage directly and in its own name and recover their lawful damages for the same.

SECTION 14: Trailer parks within the Town limits of the Town of Cinco Bayou shall be charged in accordance with the rates charged to trailer parks in the City of Fort Walton Beach, Florida, plus a premium of 25% as prescribed in Section 2 of this Ordinance.

SECTION 15: No person, unless properly authorized by written permission of the City Engineer of Fort Walton Beach, Florida, shall be permitted to tap or make any connection to the mains or distribution system or water pipes of the Cinco Bayou City Water System.

SECTION 16: Application for water service shall be made at the Fort Walton Beach City Hall upon an application form provided by such City. The applicant shall furnish a description of the property to which service is requested.

SECTION 17: No person, except duly authorized members of the Water Department of the City of Fort Walton Beach shall hereafter be permitted to turn on water without written permission of the Superintendent of the Fort Walton Beach Water Distribution System, the Fort Walton Beach City Engineer, or the Fort Walton Beach City Manager. No licensed plumber will be permitted to turn on water for any user except for the purpose of testing his work, service pipe or fixture. After testing these, he shall immediately turn off the water. All applicable connection fees shall be paid to the City of Fort Walton Beach before connection shall be made and the City shall make the connection at its cost.

SECTION 18: The applicant, user or owner of the property serviced by city water shall be responsible for maintaining

the water pipes between the plumbing fixtures on the property to the property line or water meter in good operating condition and free from all internal obstructions.

SECTION 19: It shall be unlawful for any person to use water within the town limits of Cinco Bayou after the water has been turned off by the City of Fort Walton Beach for non-payment, and said person or persons in possession of the premises shall be deemed to have violated the provisions of this Section.

SECTION 20: Each person, firm or corporation using water within the town limits of Cinco Bayou, Florida, furnished by the City of Fort Walton Beach shall pay to the City of Fort Walton Beach a fee of \$5.00 to turn on the water where the water has been turned off by the City of Fort Walton Beach for the non-payment of a water bill.

SECTION 21: Any violation of the provisions of this Ordinance shall be considered a misdemeanor and shall subject the offender to punishment by a fine not exceeding \$200.00 or imprisonment not exceeding 60 days or by both such fine and imprisonment. Each day any such violation shall continue shall constitute a separate offense. The authorities of the Town of Cinco Bayou, Florida, agree to cooperate with the authorities of the City of Fort Walton Beach, Florida, in the prosecution of any violations hereof.

SECTION 22: All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

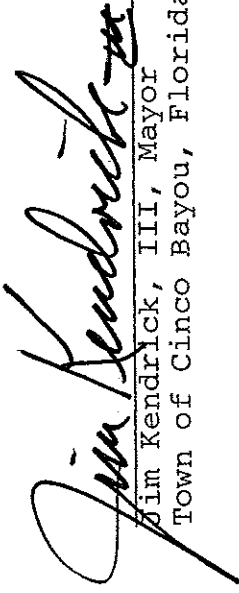
SECTION 23: If any section, portion or clause of this ordinance, for any reason, shall be void, inoperative or unconstitutional, such invalidity or unconstitutionality shall not affect or invalidate the remaining sections or provisions.

SECTION 24: This ordinance shall be enacted as an emergency ordinance without the necessary readings and public notices required by Florida Statute 166.041 (3) (A) because of the deadline for use of federal funds by the City of Fort Walton Beach, Florida, for the installation of additional

water lines.

SECTION 25: This ordinance shall take effect immediately upon passage hereof.

PASSED AND ADOPTED BY A TWO-THIRDS MAJORITY THIS 20th DAY OF OCTOBER, 1977.


Jim Kendrick, III, Mayor
Town of Cinco Bayou, Florida

ATTEST:

James O. Godwin, Sr., Town Clerk

APPROVED AND ACCEPTED THIS 25th DAY OF OCTOBER, 1977.


Winston G. Walker, City Manager
City of Fort Walton Beach, Florida