

RESOLUTION NO. 88-90
RESOLUTION OF ST. JOHNS COUNTY
ON CANCELLATION OF TEMPORARY PERMITS

WHEREAS, St. Johns County has issued and may hereafter issue temporary permits to connect with the water and sewer lines of the County.

WHEREAS, the permit holders are required to pay a minimum monthly service charge to extend the temporary permits beyond their date of expiration.

WHEREAS, the permit holders which become delinquent in payment of the monthly service charges for more than sixty (60) calendar days are subject to cancellation of their permits and forfeiture of all unit connection fees and other charges.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Director of Utilities, and his successor in office, is authorized to cancel all temporary permits and declare the forfeiture of all unit connection fees and other charges upon a determination by the Director that any permit holder has failed or refused to pay any monthly service charge or portion thereof for more than Sixty (60) calendar days from the delinquency date stated on the regular monthly bill.

2. That prior to cancelling any temporary permits and declaring a forfeiture of the unit connection fees and other charges, the Director of Utilities shall provide the permit holder with a hearing to determine whether the delinquency for the sixty (60) day time period has in fact occurred.

3. That notification of the hearing shall be furnished to the permit holder at his last known address at least seven (7) days in advance of the hearing by hand delivery or by mail (registered or certified with return receipt).

4. That the hearing shall be held at a date, time and place specified in said notice, but shall be no earlier than ten (10) days after expiration of the sixty (60) delinquency period.

5. That at the hearing, the permit holder and any witnesses he may have shall be permitted to speak and furnish such papers and records as may pertain to the matter. A record shall be made of the hearing by tape recorder or other means. The Director of Utilities shall determine at the conclusion of the hearing whether any monthly service charge or portion thereof has been delinquent for more than sixty (60) days, and if so, shall cancel all permits and declare a forfeiture of all unit connection fees and other charges. If it is found that there is no delinquency for the requisite sixty (60) day period due to accounting or billing errors on the part of the County, the Director of Utilities shall so note in the records of the County. A determination that a delinquency did not exist for the sixty (60) day period shall not prejudice the County's rights to recover any unpaid monthly service charges, or to cancel all temporary permits and declare a forfeiture of all unit connection fees and other charges when a delinquency for the sixty (60) day period shall thereafter accrue.

6. That Director of Utilities shall notify the permit holder of the cancellation of all temporary permits and forfeiture of all unit connection fees and other charges by written notice at the conclusion of the hearing or immediately thereafter.

7. That the permit holder may appeal any adverse decision of the Director of Utilities to the Board of County Commissioners of St. Johns County by filing a notice of appeal and a filing fee of One Hundred (\$100.00) Dollars with the Director of Utilities within thirty (30) days from the date of the written notification under Paragraph Six (6) above. A hearing to review the decision of the Director of Utilities will be held within sixty (60) days after the filing of the notice of appeal.

8. That a permit holder may avoid cancellation and forfeiture by paying all delinquent monthly service charges due the County at any time prior to issuance of the written notification under paragraph Six (6) above, plus a service charge for administrative

expenses in the sum of Fifty (\$50.00) Dollars. The administrative service charge of Fifty (\$50.00) Dollars shall not be imposed if payment is made prior to the issuance of the notification under Paragraph Three (3) above.

9. THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

10. THIS RESOLUTION IS PASSED AND MADE EFFECTIVE THIS 12th DAY OF APRIL, 1988.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY Lawrence O. Hartley
Its Chairman

ATTEST: Carl "Bud" Markel, Clerk

BY: Lynn M. McDonald
Deputy Clerk