

CITY OF CLEWISTON
ORDINANCE NO. 2025-07

**AN ORDINANCE OF THE CITY COMMISSION OF THE
CITY OF CLEWISTON, FLORIDA AMENDING THE
CLEWISTON CODE OF ORDINANCES, AMENDING
CHAPTER 74 UTILITIES; CREATING ARTICLE VII.
UTILITY LIENS; PROVIDING INCLUSION IN THE CODE
OF ORDINANCES; CONFLICT; SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the city currently provides water, wastewater, electrical, solid waste and mosquito service to customers within the city; and

WHEREAS, existing law does not address a lien implementation process for unpaid utility service charges serving properties within the city; and

WHEREAS, an unpaid utility service charge lien imposition process is important for the proper functioning and enforcement of the city's utility services and is necessary for the proper administrative functioning of the city's utility division in order to promote, protect and improve the health, safety and welfare of the citizens by ensuring the continued provision of utility services.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:**

SECTION 1. The Clewiston Code of Ordinances, Chapter 74 – Utilities is hereby amended to create Article VII. Utility Liens which shall hereafter read as follows:

ARTICLE VII. – UTILITY LIENS

Sec. 74-220 Lien for unpaid utility service; notice of lien to consumers; public hearings; recording of lien in public records of county; foreclosure of lien.

(a) Unpaid water, wastewater, or electric service charges shall become a lien against the property served as provided for in this section and in accordance with Fla. Stat. 180.135.

(b) The director of utilities, or his designee, shall send by certified mail, a notice to the customer at the account name and address, and to the owner of the property, if different, at the address shown of the county's ad valorem tax rolls of the delinquency and the amount of the non-payment of unpaid water, wastewater, or electrical service charges. The owners, tenants, or lessees shall severally and jointly be responsible for these service charges.

(c) The notice shall specify the delinquent billings, individual and total, and shall notify the consumer and/or owner that the delinquency must be paid within 30 days from the date of the notice and that if such amounts remain unpaid the date of the magistrate hearing in which lien imposition will be considered.

(d) Unless the consumer and/or owner pays the amount of the delinquency within 30 days of notice postmark date, the magistrate shall by order impose a lien on the subject property in the amount of the delinquency.

(e) At the public lien imposition hearing, any person shall have the opportunity to speak regarding the justice or fairness of the assessment of the lien or the amount of the delinquency.

(g) After such public hearing, the magistrate may by order levying such charges, assess against the property served, a lien in the amount of the delinquency then outstanding or in such lesser amount as the magistrate shall decide is just and fair and costs incurred . The date of the order shall be the date of levy of the assessment. Assessments shall be due on the date of levy and shall become delinquent 30 days thereafter.

(h) Assessment liens levied in this manner shall be filed in the office of the city clerk as a lien against the property, prior in dignity to all other liens against the property, save and except a lien for taxes. The city clerk shall cause the liens to be recorded in the public records in Hendry County, Florida, by recording the resolution levying the assessments.

(i) The assessment shall bear interest at the rate prescribed for judgments by the Florida Chief Financial Officer per annum as amended from time to time from the date of delinquency provided in the resolution. The assessment shall be subject to foreclosure if not fully paid within three years of the date of delinquency. The lien shall be foreclosed in the same manner in which mortgage liens are foreclosed.

(j) Nothing in this article shall prevent the city from enforcing unpaid utility service charges by any other method available under law or by pursuing any other applicable relief.

(k) No new utility accounts shall be opened for any individuals who have existing unpaid utility service charges until such outstanding charges are paid in full.

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

Commissioner _____ offered the foregoing ordinance. Commissioner _____ seconded the motion, and upon being put to a vote, the vote was as follows:

| | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|-------------------------------|--------------------------|--------------------------|--------------------------|
| JAMES PITTMAN, MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| GREG THOMPSON, VICE MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BARBARA EDMONDS, COMMISSIONER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MILA GARDNER, COMMISSIONER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HILLARY HYSLOPE, COMMISSIONER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 20__.

Commissioner _____ offered the foregoing ordinance. Commissioner _____ seconded the motion, and upon being put to a vote, the vote was as follows:

| | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|-------------------------------|--------------------------|--------------------------|--------------------------|
| JAMES PITTMAN, MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| GREG THOMPSON, VICE MAYOR | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BARBARA EDMONDS, COMMISSIONER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MILA GARDNER, COMMISSIONER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HILLARY HYSLOPE, COMMISSIONER | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON SECOND READING, THIS ____ DAY OF _____, 20__.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Lakisha Burch, City Clerk

James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Dylan J. Brandenburg, City Attorney