

Sec. 94-261. - Water, wastewater, and irrigation liens.

- (a) As authorized by F.S. § 159.17 *Lien of Service Charges*, a lien is hereby imposed on each property that is served by the city's water, sewer and/or irrigation system to secure the payment of delinquent city utility services.
- (1) All water, wastewater, and/or irrigation charges shall be due and payable within 28 days following the date of billing. There shall be added to and collected on each and every charge a late fee of \$5.00 or five percent of bill, whichever is greater.
 - (2) If failure to pay the water, wastewater, and/or irrigation charges continues for a period of 90 days from when said charges are due, the city shall send the property owner a notice that a lien for the unpaid charges shall be placed upon the real property so served. This notice shall be sent by certified mail, return receipt requested. If within ten days of the mailing of the certified letter, the city has not received payment in full, the city shall be entitled to impose a lien.
 - (3) Said lien for delinquent utility bills, shall not apply to any category of real property owner specifically exempted from such a lien pursuant to the provisions of state law, including:
 - a. Property of which service was connected in a tenant's name, after notice by the property owner to the city that the property is rental property;
 - b. Property with delinquent bills incurred by a tenant of the property prior to the effective date of this section.
 - (4) The city's lien for delinquent utility bills shall be perfected by filing in the public records of Lake County, Florida, a notice of lien containing the legal description of the property and the utility's account number for the delinquent charges. Said lien may include late fees, attorney's fees, penalties, interest, and collection costs.
 - (5) The city's lien shall be a continuing lien on the property and shall include and secure all subsequent utility charges, base rates, and related penalties incurred on the subject property until the lien is satisfied. The lien shall have such priority over all other liens on such lands or premises served except the lien relating to state, county, and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes.
 - (6) The city has the authority to remove a utility meter once a water, wastewater and/or irrigation lien is recorded. The removal of the meter will be at no charge to the property owner. An assessed fee will occur for installation and connection of a meter to the city's utility system.
- (b) Release of lien.
- (1) Whenever a person or entity pays all principal, interest, the filing fee, and associated costs of a lien validly filed pursuant to this section, the manager of customer service or designee shall execute a release of that lien and surrender it to the paying party.
 - (2) The city shall not be responsible for filing the release.