

ORDINANCE NO. 2014- 06

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA; MODIFYING SECTION 22-98, CODE OF ORDINANCES OF THE CITY OF WAUCHULA, FLORIDA (“CODE”); REPEALING SECTION 22-99 OF THE CODE; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the City Code of Ordinances, the City Commission of Wauchula, Florida, hereby makes the following findings:

(1) The City is authorized, pursuant to general and special law and its home rule powers contained in statutes and the Florida Constitution, to own, operate, provide and extend central water, wastewater, and reclaimed water services both within and without the City of Wauchula, Florida.

(2) The City operates, controls, and manages an exclusive water, wastewater, and reclaimed water service area both within and without the City limits.

(3) The City has determined that development at urban level densities should be served by a central potable water supply and central wastewater service.

(4) The City has also incurred bonded indebtedness to expand and maintain its central water system and central wastewater system.

(5) Demands for potable water and wastewater capacity led to the construction of new expanded central utilities plant and facilities and extensions of the City’s utility system to areas where new customers may connect.

(6) Stringent state and federal water and wastewater treatment and operation standards have been promulgated, and with these increasing costs of constructing central water and wastewater facilities, the City’s ability to provide central water and wastewater service within the City may be limited.

(7) The financing of central water and wastewater facilities is complex, requires extensive planning and engineering, and calls for advanced participation by the development community so that adequate public facilities can be provided to meet the impacts of that development.

(8) Impact fees became widespread in Florida during the 1980's when Florida was experiencing rapid growth. The cost of providing the facilities to serve the influx of new residents resulted in a dramatic increases in taxes and utility rates. Additionally during this time, more stringent environmental regulations were also driving utility rates higher. Municipalities and other governmental entities imposed impact fees to recover the cost of the new facilities required to serve Florida's rapid growth.

(9) The Florida Supreme Court and the Florida Legislature have mandated that, to be valid, impact fees must meet the dual rational nexus test.

(10) In 1982, the City adopted its first set of water and sewer impact fees, providing that the rate of impact fees would be set by resolution.

(11) On May 8, 2006, the City adopted resolution No. 06-16, which currently controls the water and sewer impact fees levied by the City.

(12) These impact fees were adopted prior to the national economic recession which began in 2008 and which has significantly slowed the growth of the City's utility system.

(13) These fees were also adopted prior to the implementation of section 163.31801, Fla. Stat., which has codified the requirements for establishing a valid impact fee in Florida.

(14) The City has received a report from WHH Enterprises that constitutes an impact fee study and that recommends reductions to the City's capital charge structure consistent with the criteria in section 163.31801, Fla. Stat., and in line with other neighboring communities.

(15) For these and other reasons, it is necessary for the City to adopt the changes and modifications proposed within this ordinance.

(16) The City has full and exclusive authority over the management, operation, and control of all of the City's utilities and the authority to prescribe

rules and regulations governing the use of such facilities whenever such are provided by the City, and to make such changes from time to time in such rules and regulations as it deems necessary.

(17) The City has provided the required public notice and held the necessary public hearing(s) in order to adopt these rules.

SECTION 2. MODIFICATION OF SEC. 22-97, CITY CODE. Section 22-97, of the Code of Ordinances, City of Wauchula, Florida, is hereby amended to read as follows:

“Sec. 22-97. Water and Sewer Impact Fees Imposed; declared additionalCalculation.

~~An impact fee is hereby imposed on each new connection or addition to the City's water system or sewer system. This fee shall be charged in addition to all other charges for sewer and water connections and servicing.~~

(1)(a) Each new user of the City's waterworks system shall pay a one-time water impact fee as provided herein. The revenue generated hereunder shall be deposited in the water system impact fees account specified in section 22-100 and shall be used only for the expansion of the waterworks system.

(b) The amount of the water impact fee is set forth below:

Table 7
Proposed Water Impact Fees

<u>Connection Size</u>	<u>Annual Consumption Gallons</u>	<u>Plant Cost per Gallon</u>	<u>Annual Consumption per Customer</u>	<u>Proposed Impact Fees</u>
<u>3/4" meter</u>	<u>131,684,078</u>	<u>\$0.01168</u>	<u>58,190</u>	<u>\$680</u>
<u>1" meter</u>	<u>6,439,445</u>	<u>\$0.01168</u>	<u>107,324</u>	<u>\$1,250</u>
<u>1 1/2" meter</u>	<u>5,668,170</u>	<u>\$0.01168</u>	<u>188,939</u>	<u>\$2,200</u>
<u>2" meter</u>	<u>22,685,060</u>	<u>\$0.01168</u>	<u>482,660</u>	<u>\$5,640</u>
<u>3" & 4" meter</u>	<u>10,415,900</u>	<u>\$0.01168</u>	<u>946,900</u>	<u>\$11,059</u>

Impact fees shall be reviewed from time to time as required by the City Commission and any subsequent revisions thereto shall be by ordinance.

(c) Where an applicant furnishes detailed water consumption records for an establishment not in conformance with any of the above, these records may be used in determining the value of the water impact fee at the sole option of the City. The City may also on its own initiative recalculate usage and projected

usage to insure that the applicant or existing customer has paid for those ERCs it is using.

(d) If deemed necessary by the City, the estimated water demands and corresponding impact fees shall be redetermined based on actual usage when the development is at or very near full/maximum occupancy/use. If the redetermined use is larger than originally computed, the additional impact fee will be collected from the user/developer. The City shall have the right to redetermine the impact fees and require the customer to pay any additional charges.

(e) Where a commercial usage changes so as to increase the water demand (for example: from a shoe store to a coin laundry) the additional water demand and impact fees shall be computed by the City and paid by the user prior to the issuance of a building permit.

(f) Matters of interpretation and definition shall rest with the City.

(2)(a) Each new user of the City's wastewater system shall pay a one-time wastewater impact fee as provided herein. The revenue generated hereunder shall be deposited in the wastewater system impact fees account specified in section 22-100 and shall be used only for the expansion of the wastewater system.

(b) The amount of the water impact fee is set forth below:

Table 8
Wastewater Impact Fees

<u>Connection Size</u>	<u>Annual Consumption gallons</u>	<u>Plant Cost per Gallon</u>	<u>Annual Consumption per Customer</u>	<u>Proposed Impact Fees</u>
<u>3/4" meter</u>	<u>131,684,078</u>	<u>\$0.03936</u>	<u>58,190</u>	<u>\$2,290</u>
<u>1" meter</u>	<u>6,439,445</u>	<u>\$0.03936</u>	<u>107,324</u>	<u>\$4,200</u>
<u>1 1/2" meter</u>	<u>5,668,170</u>	<u>\$0.03936</u>	<u>188,939</u>	<u>\$7,400</u>
<u>2" meter</u>	<u>22,685,060</u>	<u>\$0.03936</u>	<u>482,660</u>	<u>\$19,000</u>
<u>3" & 4" meter</u>	<u>10,415,900</u>	<u>\$0.03936</u>	<u>946,900</u>	<u>\$37,300</u>

(d) If deemed necessary by the City, the estimated wastewater demands and corresponding impact fees shall be redetermined based on actual usage when the development is at or very near full/maximum occupancy/use. If the redetermined use is larger than originally computed, the additional impact fee will be collected from the user/developer. The City shall have the right to redetermine the impact fees and require the customer to pay any additional charges.

(e) Where a commercial usage changes so as to increase the wastewater demand (for example: from a shoe store to a coin laundry) the additional wastewater demand and impact fees shall be computed by the City and paid by the user prior to the issuance of a building permit.

(f) Matters of interpretation and definition shall rest with the City.

SECTION 3. REPEAL OF SEC. 22-98, CITY CODE. Section 22-98, of the Code of Ordinances, City of Wauchula, Florida, is hereby repealed as follows:

Sec. 22-98. Computation of amount.

~~(a) Each single-family residence, each unit of a duplex or other multi-unit residential structure, and each distinguishable commercial unit, industrial unit or other individual unit will be considered a separate unit and the appropriate water and sewer impact fee shall be charged per unit.~~

~~(b) Impact fees for institutional, commercial, or industrial developments which do not meet the individual unit criteria will be based on the number of equivalent residential units (ERU) equal to their estimated daily flow of water and/or wastewater. Such fees shall be set by the City Administrator or designee based on the recommendation of the City's consulting engineers.~~

~~(c) The rates upon which impact fees for water and sewer will be determined shall be as set by resolution.~~

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions, including but not limited to Resolution No. 2006-16 of the City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage. However, the City hereby suspends and waives the collection of all City Water Impact Fees and City Wastewater Impact Fees

from the date of adoption of this Ordinance until May 1, 2015.

INTRODUCED and PASSED on first reading in regular session of the City Commission of the City of Wauchula, Florida, this _____ day of _____, 2014.

ATTEST:

CITY OF WAUCHULA, FLORIDA

Holly Smith, City Clerk

Richard Keith Nadaskay, Jr., Mayor

PASSED on second and final reading by the City Commission of the City of Wauchula, Florida, at regular session this _____ day of _____ 2014. This ordinance was moved for approval by Commissioner_____. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Neda Cobb	_____ insert yes or no
Commissioner John D. Freeman	_____ insert yes or no
Commissioner Kenneth Lambert	_____ insert yes or no
Commissioner Richard Keith Nadaskay, Jr.	_____ insert yes or no
Commissioner Peter Preston	_____ insert yes or no
Commissioner Gary D. Smith	_____ insert yes or no
Commissioner Russell Graylin Smith	_____ insert yes or no

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Holly Smith, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Thomas A. Cloud, City Attorney