

ORDINANCE NO. 2014-08

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA; AMENDING SECTIONS 22-52, 22-53, 22-67, 22-68, 22-69, AND 22-70, CODE OF ORDINANCES OF THE CITY OF WAUCHULA (“CODE”); MODIFYING CERTAIN WATER AND SEWER RATE REGULATIONS; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA:

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the Wauchula Code, 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 has received a water and sewer rate study from the Florida Rural Water Association dated April 2014.

(3) The rate study recommends an indexing clause.

(4) 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.

(5) The City advertised the required public notice by newspaper, provided direct notice to its customers through its billing system as required by section 180.136, Fla. Stat., and held the necessary public hearing(s) in order to adopt these rules, regulations, and rates.

SECTION 2. AMENDMENT TO SEC. 22-52, WAUCHULA CODE.

Section 22-52, of the Code of Ordinances, City of Wauchula, Florida, is hereby amended to read as follows:

“Sec. 22-52. Water rates.

The rates and charges for the use and service of the City’s water system shall be based on the minimum base facility charges or the amount of water supplied to the user by the City water system as shown on the meter reading for each month. Water rates shall be reviewed from time to time as required by the City Commission and any subsequent revisions thereto shall be by ordinance, except for annual indexing of rates as adopted by this or subsequent ordinances. The following water rates are hereby established:

(a)City water rates. The rates for all water used through a customer's water meter service shall be due and payable on a monthly basis and will consist of a ~~flat rate service~~ minimum fixed base facility charge based on the size of the customer's water meter; plus a ~~flat~~ variable usage rate for each unit of 1,000 gallons, or portion thereof, of water consumed. The rates are as follows:

(1)Monthly service Minimum Charge. The monthly service minimum charge for each customer's water meter to be paid whether or not there is consumption shall be ~~at the rates set by resolution as set forth below.~~ This is a service charge and will include the first 5,000 gallons of water used through the customer's water meter.

WATER RESIDENTIAL (INSIDE CITY)

Category of Rates	Existing Rates
	2013
Water System (includes 3,000 gallons)	
Base Facility Charge	\$10.48
3,000 – 5,999	\$1.527 per thousand
6,000 – 8,999	\$2.980 per thousand
9,000 – 14,999	\$3.368 per thousand
15,000 – and over	\$3.769 per thousand

**WATER BULK RATE CHARGE
METERS**

Category of Rates	Proposed Base
	2012
Meter Charges	
4" Meter	\$146.25
6" Meter	\$292.50

Usage Charge
\$ 2.38 per one thousand gallons

(2) Gallonage charge. The rates for all water used through a customer's water meter shall be due and payable on a monthly basis at the rate set by resolution per unit of each 1,000 gallons, or portion thereof, ~~in excess of 5,000 gallons~~ as set forth above. The gallonage charge will be in addition to the customer's monthly ~~service~~ minimum base facility charge.

(3) Annual Indexing of Water Rates. Beginning on October 1, 2014, rates shall be increased annually each October 1 by the Consumer Price Index for the previous year or three (3%) percent, whichever is greater, to ensure the city has sufficient revenues for the operation and maintenance of the water treatment system. The schedule of rates and charges and the percent of automatic annual adjustment shall be reviewed annually, may be waived,

postponed, or increased from time to time as may be necessary to produce revenues from the utility system sufficient to pay the costs of managing, operating, maintaining, repairing, renewing, replacing, rehabilitating, and improving the City's water system.

(24) Separate units. Each separate residential living unit, or separate commercial business unit or professional office unit, shall be served by an individual water service which shall be metered individually, and shall pay the monthly service charge as a single customer plus the gallonage charge.

(45) Multiple units on one meter. For existing buildings served by one water meter and occupied by more than one residential living unit and/or commercial unit, a monthly service charge at the applicable rate for each unit plus the gallonage charge shall be billed to the owner or, at the discretion of the City Clerk, may be billed to the renter, leaseholder or occupant for each unit.

(56) Home occupations. Customary home occupation customers shall pay residential user rates.

(b) ~~Rural~~ Outside City Limits Water Rates. All water customers located beyond the corporate limits of the City and connected to and served by the City water system shall pay a monthly charge for all water used through the customer's water meter equal to 125 percent of the City water rates. Bills for ~~rural~~ outside water service shall be due and payable on a monthly basis.”

SECTION 3. AMENDMENT TO SEC. 22-53, WAUCHULA CODE.

Section 22-53, of the Code of Ordinances, City of Wauchula, Florida, is hereby amended to read as follows:

“Sec. 22-53. Installation and tapping charges.

(a) There shall be an installation and tapping charge for water services ~~as set by resolution~~. When over three-inch services are required, estimates will be furnished upon application for service.

<u>Size</u>	<u>Present</u>
<u>5/8 x 3/4"</u>	<u>\$435.00</u>
<u>1"</u>	<u>508.80</u>
<u>1 1/2"</u>	<u>561.60</u>
<u>2"</u>	<u>821.60</u>

(b) In addition to the above charges, a charge for a lawn or irrigation service which is in addition to the service for the structure shall be seven hundred dollars per lot (\$700.00) include actual cost of materials for the tap and meter installation and shall not be considered a separate service for the purpose of impact fees.

(c) Such installation and tapping charges shall be paid before water service will be furnished by the City.

(d) The above rates shall apply except where casing is required under State highways, railroads, etc.; then the actual cost of labor and materials will be charged and such facilities shall be installed in accordance with State highway, railroad or other governing bodies' specifications.

(e) There shall be a charge for a temporary water connection as set by resolution of seven hundred dollars (\$700.00), which shall be known as a fire hydrant water meter deposit. For construction purposes, the contractor may connect to a fire hydrant so long as the contractor obtains the meter for said connection. The city shall hold the fee as a deposit. Once construction is complete, the contractor may close the account. The cost of the water consumed via the meter for construction based upon the rate shall be applied to the deposit, and the remaining balance, if any, shall be refunded to contractor upon return of the meter."

SECTION 4. AMENDMENT TO SEC. 22-67, WAUCHULA CODE.

Section 22-67, of the Code of Ordinances, City of Wauchula, Florida, is hereby amended to read as follows:

“Sec. 22-67. Sewer rates.

The rates and charges for the use and service of the City’s sewer system shall be based on the minimum base facility charges or the amount of water supplied to the user by the City water system as shown on the meter reading for each month. Sewer rates shall be reviewed from time to time as required by the City Commission and any subsequent revisions thereto shall be by ordinance, except for annual indexing of rates as adopted by this or subsequent ordinances. The following sewer rates are hereby established:

MINIMUM SEWER CHARGES
Base Monthly Charges

<u>Meter Size</u>	<u>Residential</u>	<u>Commercial Service</u>
<u>3/4-inch</u>	<u>\$ 40.35</u>	<u>\$ 40.35</u>
<u>1.0-inch</u>	<u>47.21</u>	<u>47.21</u>
<u>1.5-inch</u>	<u>81.89</u>	<u>81.89</u>
<u>2.0-inch</u>	<u>85.58</u>	<u>117.00</u>
<u>3.0-inch</u>	<u>211.47</u>	<u>211.47</u>
<u>4.0-inch</u>	<u>327.69</u>	<u>327.69</u>

(a) Residential sewer rates.

(1) Each residential sewer customer connected to the City sewer system located within or beyond the corporate limits of the City shall be billed based on the customer's water meter size and water consumption. The rates of charges are as follows:

a. Minimum charge. The minimum charge for each customer's sewer service shall be as set by ~~resolution~~ this ordinance based on the size of the customer's water meter. This is a minimum charge and will be separate and above the gallonage charge levied for sewer service based on the water consumption as registered through the water meter each month.

b. Gallonage charge. The rates for all sewer usage based on the customer's water consumption as registered through the customer's water meter shall be due and payable on a monthly basis at the rate ~~set by resolution~~ of Six Dollars and 82.3/100s (\$6.823) per unit of each 1,000 gallons, or portion thereof, in excess of ~~56,000 gallons, up to a maximum residential charge per month, as set by resolution.~~ The gallonage charge will be in addition to the customer's minimum charge.

(2) When a customer is not connected to the City's water system, but connected to the sewer system, the customer shall pay the monthly minimum base facility charge as set forth hereinabove ~~there shall be a charge per month, as set by resolution for sewer service.~~

(3) In addition to the charges outlined in Paragraphs (1)a and (1)b, customers outside the City limits shall be charged a 25 percent surcharge.

(4) Customary home occupation customers shall pay residential sewer rates.

(b) Commercial sewer rates.

(1) Each commercial sewer customer connected to the City sewer system located within or beyond the corporate limits of the City shall be billed based on the customer's water meter size and water consumption. The rates of charges are as follows:

a. Minimum charge. The minimum charge for each customer's sewer service shall be as set by ~~resolution~~ this ordinance based on the size of

the customer's water meter. This is a minimum charge and will be separate and above the gallonage charge levied for sewer service based on the water consumption as registered through the water meter each month.

b. Gallonage charge. The rates for all sewer usage based on the customer's water consumption as registered through the customer's water meter shall be due and payable on a monthly basis at the rate as set ~~by resolution of~~ Six Dollars and 82.3/100s (\$6.823) per unit of each 1,000 gallons, or portion thereof, in excess of ~~56~~,000 gallons. The gallonage charge will be in addition to the customer's minimum charge.

(2) When a customer is not connected to the City's water system, but connected to the sewer system, there shall be a charge per month in an amount as set by resolution for sewer service.

(3) In addition to the charges outlined in Paragraphs (1)a and (1)b, customers outside the City limits shall be charged a 25 percent surcharge.

(c) Industrial sewerage or waste rates.

(1) Whenever it shall appear that the sewage or industrial waste discharge from any lot, parcel of land or premises into the sewer system of the City has a biochemical oxygen demand in excess of 200 parts per million, or a volume in excess of 400 gallons per day; then the rates and charges to be paid on account of the sewage so discharged from such lot, parcel of land or premises shall be calculated as follows:

Industrial users: Each pound of biochemical oxygen demand per month at a rate per pound of 0.13 ~~as set by resolution.~~

In addition to the above charges, each industrial user shall also pay a monthly sewer charge on the metered flow of waste water discharged by such industrial user into the City's sewer system at the rate as set by ~~resolution~~

ordinance per 1,000 gallons, or portion thereof, which shall be an additional \$1.22 per 1,000 gallons.

(d) Annual Indexing of Sewer Rates. Beginning on October 1, 2014, rates shall be increased annually each October 1 by the Consumer Price Index for the previous year or three (3%) percent, whichever is greater, to ensure the city has sufficient revenues for the operation and maintenance of the sewer treatment system. The schedule of rates and charges and the percent of automatic annual adjustment shall be reviewed annually, may be waived, postponed, or increased from time to time as may be necessary to produce revenues from the utility system sufficient to pay the costs of managing, operating, maintaining, repairing, renewing, replacing, rehabilitating, and improving the City's sewer system."

SECTION 5. AMENDMENT TO SEC. 22-68, WAUCHULA CODE.

Section 22-68, of the Code of Ordinances, City of Wauchula, Florida, is hereby amended to read as follows:

"Sec. 22-68. Other sewer charges.

(a) There shall be an installation and tapping charge for sewer taps as set by agreement with the City for each such installation~~by resolution~~. Such installation and tapping charges shall be paid before sewer service will be furnished by the City. Taps of four inch (4") diameter shall cost \$500.00, taps of six inch (6") diameter shall cost \$700.00, and for all other taps, the applicant shall pay the actual costs of the tap.

(b) ~~The above rates shall apply except where casing is required under State highways, railroads, etc.;~~ then the actual cost of labor and materials will be charged and such facilities shall be installed in accordance with State highway, railroad or other governing bodies' specifications.

(c) Owners, tenants or occupants of each building located on a lot or parcel of land abutting upon a street or other public way containing a sanitary sewer service shall be billed the maximum monthly charge after receiving three months' notice as set out in Section 22-133 that sanitary sewer service is available, even if the building is not connected to the sewer.”

SECTION 6. 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 7. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of the City of WAUCHULA in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect, including but not limited to Ordinance Numbers 2006-11 and 2006-12.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

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