

ORDINANCE 16-20

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA AMENDING ARTICLES IV, V, AND VIII OF CHAPTER 78 OF THE CODE OF ORDINANCES; AMENDING SECTION 78-172 TO REVISE THE DEFINITION OF "NONRESIDENTIAL PROPERTY"; AMENDING SECTION 78-174 TO PROVIDE FOR AN INDEXED STORMWATER MANAGEMENT UTILITY FEE TABLE AS SET FORTH IN ORDINANCE 14-14; AMENDING SECTION 78-214 TO CLARIFY RESIDENTIAL AND NONRESIDENTIAL CONSUMPTION RATES AND PROVIDE FOR A 25 PERCENT SURCHARGE ON FEES AND CHARGES OF ALL ACCOUNTS OUTSIDE THE CITY LIMITS; AMENDING SECTION 78-211 TO DELETE THE DEFINITION OF "ROOMING UNIT", TO REVISE THE DEFINITION OF "COMMERCIAL ACCOUNT" AND "UNIT", AND TO CREATE THE DEFINITION OF "EQUIVALENT RESIDENTIAL UNIT (ERU)" AND "NEW CONSTRUCTION ACCOUNT"; AMENDING SECTION 78-215 AND SECTION 78-216 TO ESTABLISH A SEPARATE WATER AND SEWER UNIT CHARGE, ESTABLISH A 4 YEAR WATER, SEWER AND UNIT CHARGE RATE INCREASE BEGINNING OCTOBER 1, 2017, TO PROVIDE FOR A SINGLE ERU CHARGE FOR NON-POTABLE WATER USES, AND TO PROVIDE FOR A 25 PERCENT SURCHARGE ON FEES AND CHARGES OF ALL ACCOUNTS OUTSIDE THE CITY LIMITS; AMENDING SECTION 78-217 TO AMEND THE TENANT DEPOSIT; AMENDING SECTION 78-423 TO REVISE THE WATER AND SEWER DEVELOPMENT (IMPACT) FEE CALCULATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City has conducted a study of the City's Water and Sewer System Financial Management Plan; and

WHEREAS, the Board of Finance considered and unanimously recommended acceptance of the rate study; and

WHEREAS, the City Commission considered the study and directed the implementation of the recommended rate changes for water and sewer rates; and

WHEREAS, City staff has reviewed the provisions regulating stormwater, water, sewer and impact fees and recommended revisions address the rate change and provide for consistency; and

WHEREAS, the City Commission has found it necessary to separate the existing unit charge fee into two separate charges: a water unit charge and a sewer unit charge fee, and to implement a four year water, sewer and unit charge rate increase beginning October 1, 2017; and

WHEREAS, the City Commission has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the definition of “nonresidential property” within Section 78-172 of Article IV of Chapter 78 of the Code of Ordinances is amended to read as follows:

Nonresidential property means developed property which is not classified as residential property and shall be deemed to include, but not be limited to, dormitories, hospitals, nursing homes, sanitariums, recreational vehicle spaces, hotels and motels. Any property that contains both residential and ~~commercial~~ nonresidential facilities may be treated as either residential or nonresidential whichever method of computation results in the larger number of equivalent residential units (ERUs).

Section 2. That Section 78-174 of Article IV of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-174. - Schedule of rates.

~~(a) The ERU rate shall be established by ordinance of the city commission for each ERU.~~

~~(b) Stormwater management utility fee.~~

~~(1) For each equivalent residential unit (ERU) the stormwater management utility fee is \$9.72 per month.~~

~~(2) The city shall charge itself 25 percent of the equivalent residential unit (ERU) stormwater management utility fee.~~

~~(3) The stormwater management utility fee shall be reviewed annually to determine any change in the ERU.~~

(a) The monthly stormwater equivalent residential unit (ERU) rate is identified in the indexed rate chart below. The annual increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account. The rate established on October 1, 2024 shall continue until subsequently amended by ordinance adopted by the City Commission.

	<u>Stormwater ERU</u>
<u>October 1, 2014</u>	<u>\$9.72</u>
<u>October 1, 2015</u>	<u>\$10.16</u>
<u>October 1, 2016</u>	<u>\$10.62</u>
<u>October 1, 2017</u>	<u>\$11.10</u>
<u>October 1, 2018</u>	<u>\$11.49</u>
<u>October 1, 2019</u>	<u>\$11.89</u>
<u>October 1, 2020</u>	<u>\$12.07</u>
<u>October 1, 2021</u>	<u>\$12.25</u>
<u>October 1, 2022</u>	<u>\$12.43</u>
<u>October 1, 2023</u>	<u>\$12.62</u>
<u>October 1, 2024</u>	<u>\$12.81</u>

- (b) The city shall charge itself, for services at city-owned facilities, 25 percent of the equivalent residential unit (ERU) stormwater management utility fee.
- (c) The stormwater management utility fee shall be calculated for each developed property as follows:
- (1) The fee for residential property is the rate of one ERU multiplied by the number of dwelling units existing on the property; that is, Fee = ERU rate × number of dwelling units.
 - (2) The fee for nonresidential property is the rate of one ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the total impervious area in square feet of the nonresidential property by 1,708 square feet. The resulting calculation is, Fee = ERU rate × impervious area expressed in square feet/1,708 square feet, but not less than the rate for one ERU.
- (d) The minimum fee for developed property, whether residential or nonresidential, within the city is equal to the rate for one ERU subject to reduction as set forth in subsection (e) of this section.
- (e) On-site stormwater quality management facilities fee credit shall be allowed and calculated as follows:
- (1) In order to encourage the improvement of the quality of stormwater runoff, a reduction in the stormwater management utility fee is authorized for those developed properties which are served by a private stormwater quality management facility designed and constructed for the purpose of stormwater collection, storage, treatment, conveyance and stormwater pollution reduction.

- (2) A reduction in the fee is allowed for any developed property only if the stormwater runoff from the property is retained, treated and conveyed by a stormwater quality management facility that has been designed, constructed and is maintained properly for the purpose of stormwater retention and pollution reduction. If it is determined by the director that the stormwater quality management facility has not been, nor is currently being, properly maintained as designed, the director may disallow the on-site stormwater quality management facility credit.
- (3) For applicable properties meeting the standards set forth in this section, the fee shall be reduced up to 100 percent of the fee. All properties which have designed, built and maintained retention basins with no outflow or outlet, as permitted by the city engineer, and which have been designed and maintained to retain and treat stormwater runoff in excess of existing or predevelopment release rates and having sufficient storage capacity constructed on the property to retain and treat stormwater based on the 100-year storm recurrence interval and a rainfall of 24-hour duration which is equal to 10.35 inches may qualify for up to a 100 percent credit of the fee. The amount of reduction of the fee shall be equal to the percentage of on-site retention and treatment for which the stormwater quality management facility has been designed and continuously maintained by the property owner. Such calculations shall be submitted to the city by a properly qualified professional engineer and shall be confirmed by the city. The reduced fee will thereafter be calculated as the fee determined, multiplied by the factor of the percentage of allowable reduction.

Section 3. That the definition of “rooming unit” within Section 78-211 of Article V of Chapter 78 of the Code of Ordinances is hereby deleted.

Section 4. That the definitions of “commercial account” and “unit” within Section 78-211 of Article V of Chapter 78 of the Code of Ordinances are amended to read as follows:

Commercial Nonresidential account means an account for business enterprise of any type which is required to possess a city occupational license. This shall include multifamily residences, motels, hotels, mobile home parks, and apartments.

Unit means any facility that is connected to the utility system, either water or sewer. The facility may be any of the following: A single-family residence; each facility of a multifamily residence; each rooming unit whether located in a roominghouse, ~~hospital, nursing home, rest home, dormitory,~~ hotel, bed and breakfast facility, apartment, condominium, townhome or motel; and each prepared park site within a mobile home park.

Section 5. That a definition for “equivalent residential unit (ERU)” and “new construction account” is created within Section 78-211 of Article V of Chapter 78 of the Code of Ordinances to read as follows:

Equivalent residential unit (ERU) means each residential unit served by the city through a single sewer connection and/or water main.

New construction account means an account utilized for water unit and service charges during either new construction or existing building demolition where no stormwater, sewer or trash service is provided, charged at the rate of either residential or non-residential water unit charges and ERU rates set forth within this article. Upon the issuance of a Certificate of Occupancy, the account will no longer be categorized as a new construction account.

Section 6. That Section 78-214 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Section 78-214. – Water rates, generally; utility deposit required.

- (a) ~~The r~~Residential (single-family and multi-family units) rates accounts for water furnished by the city to premises located within the city limits shall pay a monthly fee pursuant to section 78-216 at the consumption rate set forth as follows:

Residential Monthly Consumption Charges (per 1,000 gallons)

First Block	Second Block	Third Block
\$3.84	\$5.76	\$8.66
0—5,000 gal.	5,001—20,000 gal.	Over 20,000 gal.

~~The residential monthly consumption charges as of October 1, 2010, as reflected above, shall be in effect. Commission shall review charges annually during the budget process and adopt changes accordingly.~~

- (b) Water consumption of multiple residential units served by one meter shall be billed based on the average of all units connected to the meter and shall be billed as individual residential units regardless of the definition of residential accounts and ~~commercial~~ non-residential accounts in section 78-211.

- (bc) ~~The r~~Nonresidential (all uses other than single-family and multifamily uses) rates accounts for water furnished by the city to premises located within the city limits shall pay a monthly fee pursuant to section 78-216 at the consumption rates set forth as follows:

Non-residential Monthly Consumption Charges (per 1,000 gallons)

Meter Size	First Block	Second Block	Third Block
5/8-inch	\$3.84	\$5.76	\$8.66
	0—5,000 gal.	5,001—20,000 gal.	Over 20,000 gal.

1-inch	\$3.84	\$5.76	\$8.66
	0—13,000 gal.	13,001—50,000 gal.	Over 50,000 gal.
1½-inch	\$3.84	\$5.76	\$8.66
	0—25,000 gal.	25,001—100,000 gal.	Over 100,000 gal.
2-inch	\$3.84	\$5.76	\$8.66
	0—40,000 gal.	40,001—160,000 gal.	Over 160,000 gal.
3-inch	\$3.84	\$5.76	\$8.66
	0—75,000 gal.	75,001—300,000 gal.	Over 300,000 gal.
4-inch	\$3.84	\$5.76	\$8.66
	0—125,000 gal.	125,001—500,000 gal.	Over 500,000 gal.
6-inch	\$3.84	\$5.76	\$8.66
	0—250,000 gal.	250,001—1,000,000 gal.	Over 1,000,000 gal.
8-inch	\$3.84	\$5.76	\$8.66
	0—400,000 gal.	400,001—1,600,000 gal.	Over 1,600,000 gal.

~~The non-residential monthly consumption charges as of October 1, 2010, as reflected above, shall be in effect. The city shall charge itself, for services at city-owned facilities, 25 percent of the non-residential monthly consumption charge. Commission shall review charges annually during the budget process and adopt changes accordingly.~~

- (ed) The city shall require a minimum deposit as set forth in this subsection (c) for all water, sewer and sanitation service accounts that are hereafter opened or transferred to another name. Upon discontinuance of service, and rendering of final bill, the deposit shall be returned, less any amount remaining unpaid:
- (1) Residential account (per unit) (subject to increase pursuant to section 78-220)\$100.00
 - (2) Nonresidential account (estimate) by the city manager based on the average monthly utility bill, but not less per unit than100.00

Interest on deposits held by the city shall accrue beginning as of October 1, 1993. The interest rate shall be established as of October 1 of each year and shall remain in effect through the next September 30. The interest rate shall be the average of the six months rate on interest earned on savings accounts on a national bank doing business in the city for the period January through June immediately preceding the October 1 adjustment date, but not more than the average interest rate earned on deposits in the state board of administration local government investment pool for the same period. The interest rate shall be adjusted annually on October 1. Annual payment will occur as a credit posted to the customer's account commencing with the first bill rendered on or after October 1. A customer who terminates service, whose service is

terminated or whose deposit is returned, will receive a prorated interest credit to the termination date on the final bill or the refund date. Upon application therefore, any customer who has received a cash refund of a deposit after October 1, 1993, shall be entitled to receive a credit on a utility bill or a refund if such person is not a present customer of the city. For all property, the existing deposit may be returned on the request of the person making the deposit after the expiration of a period of two years with no delinquency notice late fee issued to the property. This subsection shall apply to all existing deposits and the qualification period for all existing deposit returns shall commence January 1, 1986. The city manager may waive a single delinquency if paid within five days of the date of delinquency.

- (de) The rates, fees and charges of all accounts outside the city limits shall be the same as set forth in Section 78-216 subsection (c) of this section, plus 25 percent. Charges for service outside the city limits, in proper instances, may be established by ordinance under the provisions of F.S. § 180.191(b).

Section 7. That Section 78-215 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-215216. – Water rates, sewer rates, Unit charge and advanced metering device fee.

- (a) The monthly water, sewer, and unit charge rates are identified in the indexed rate charts below. The effective rates established on October 1, 2019 shall continue until subsequently amended by ordinance adopted by the City Commission.

	<u>Oct. 1, 2016</u>	<u>Oct. 1, 2017</u>	<u>Oct. 1, 2018</u>	<u>Oct. 1, 2019</u>
<u>Water Usage Charge: First Block (per 1,000 gallons)</u>	<u>\$ 3.84</u>	<u>\$ 4.02</u>	<u>\$ 4.21</u>	<u>\$ 4.41</u>
<u>Water Usage Charge: Second Block (per 1,000 gallons)</u>	<u>\$ 5.76</u>	<u>\$ 6.03</u>	<u>\$ 6.32</u>	<u>\$ 6.62</u>
<u>Water Usage Charge: Third Block (per 1,000 gallons)</u>	<u>\$ 8.66</u>	<u>\$ 9.07</u>	<u>\$ 9.50</u>	<u>\$ 9.95</u>
<u>Sewer Usage Charge (per 1,000 gallons)</u>	<u>\$ 5.51</u>	<u>\$ 5.77</u>	<u>\$ 6.04</u>	<u>\$ 6.33</u>

- (b) The city shall charge itself, for services at city-owned facilities, 25 percent of the non-residential monthly consumption charge for water usage and 25 percent of the non-residential monthly consumption charge for sewer usage.
- (ac) A unit charge per month shall be applied to each facility connected to either the water or the sewer system of the city. The unit charge shall be computed based on an equivalent residential unit (ERU). ~~The ERU rate shall be \$13.08 per month for each ERU.~~

(d) The monthly water and sewer unit charges are identified in the indexed rate chart below. The effective rates established on October 1, 2019 shall continue until subsequently amended by ordinance adopted by the City Commission.

	<u>Oct. 1, 2016</u>	<u>Oct. 1, 2017</u>	<u>Oct. 1, 2018</u>	<u>Oct. 1, 2019</u>
<u>Water Unit Charge</u>	<u>\$ 6.50</u>	<u>\$ 6.81</u>	<u>\$ 7.13</u>	<u>\$ 7.47</u>
<u>Sewer Unit Charge</u>	<u>\$ 9.00</u>	<u>\$ 9.43</u>	<u>\$ 9.88</u>	<u>\$ 10.35</u>

~~(e) The unit charge as of October 1, 2010, as reflected above, shall be in effect. The city shall charge itself, for services at city-owned facilities, 25 percent of the unit charge. Commission shall review charges annually during the budget process and adopt changes accordingly.~~

~~(b) The unit charge shall be calculated for each developed property as follows:~~

~~(1) The fee for residential property accounts is the rate of one ERU multiplied by the number of dwelling units existing on the property, that is, fee = ERU x number of dwelling units. This charge is not related to actual usage of either water or sewer service and shall continue even though utility service may have been turned off on a temporary basis. This charge shall apply to every facility either upon issuance of a certificate of occupancy or upon enactment of this article for facilities already connected to the utility system. The charge shall be discontinued only upon permanent discontinuance of utility service to a facility. A separate unit charge shall be applied to sprinkling meter accounts.~~

~~(2) The fee for nonresidential property accounts is the rate of one ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the total water consumption in the nonresidential property by 5,000 gallons. The resulting calculation is Fee = ERU rate x consumption expressed in 5,000 gallon units, but not less than the rate of one ERU.~~

~~(3) For either residential or nonresidential accounts, a single ERU shall be applied to each additional meter connected to the potable water system for non-potable uses. This includes but is not limited to: irrigation, fire sprinkling and fire backflow assemblies.~~

~~(g) An advanced metering device fee of \$3.00 per month, per meter shall be charged on accounts that utilize cellular meters.~~

Section 8. That Section 78-216 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-216215. - Sewer rate generally; gGreenbriar service area.

(a) The rates for sewer service furnished by the city to premises located within the city ~~shall be \$5.51~~ are set forth in Section 78-216 per 1,000

gallons of water used by the premises up to a maximum of ~~\$55.10~~
10,000 gallons monthly for residential accounts.

- (b) Sewer charges shall not be made against special accounts wherein the water delivered through city water meters is not disposed of through the sanitary sewer system.
- (c) A residential account not served by water by the city shall be charged as provided in subsection (a) of this section unless such residential account is not supplied water through a water meter, and, in such instances, such accounts shall be charged ~~at the rate of \$55.10 monthly~~ a rate equal to 10,000 gallons.
- (d) A nonresidential account not being served by water by the city shall be charged a the rate of \$5.51 set forth in Section 78-216 per 1,000 gallons for the gallonage of water which is estimated by the city manager to be disposed of through the sanitary sewer system by the account holder, but not less than ~~\$55.10~~ 10,000 gallons monthly.
- (e) Sewer charges shall not be applied against water delivered through ~~sprinkler meters~~ installed and connected to the city water system ~~prior to April 21, 1975. Additionally, sewer charges shall not be applied against water delivered through sprinkler meters allowed to be installed in accordance with the exception set forth in section 78-32(a) for non-potable uses; such as irrigation, fire sprinkling or fire backflow assemblies.~~
- ~~(f) The sewer charge as of October 1, 2010, as reflected above, shall be in effect. The city shall charge itself, for city-owned facilities, 25 percent of the sewer charge. Commission shall review charges annually during the budget process and adopt changes accordingly.~~
- (gf) The rates, fees and charges for all accounts outside the city limits shall be the same as set forth in Section 78-216~~this section~~, plus 25 percent. Charges for service outside the city limits, in proper instances, may be established by ordinance under the provisions of F.S. § 180.191(b).

Section 9. That Section 78-217 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-217. - Water and sewer fees chargeable to property owner; additional tenant deposit; lien procedures.

- (a) Water and sewer services are held to be furnished to the property, and the fees therefor are chargeable to the property owner, unless the property is tenant-occupied. Each city utility account will have a separate contract relative to responsibility for payment of the account. If the property is tenant-occupied, a ~~\$50.00~~ \$100.00 deposit, in addition to the deposit called for in section 78-214(ed), shall be collected.
- (b) Any payment remaining unpaid on owner-occupied property for a period of 30 days that is chargeable to the property shall constitute a lien in

favor of the city against the property serviced, and the proper city officials are authorized and directed to record such lien in the county public records. Such lien shall be superior to any encumbrances on the property, except for tax liens, and may be foreclosed by the city attorney as is provided by law.

Section 10. That Section 78-423 of Article VIII of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-423. - Development fee imposed.

There is hereby imposed a development fee, based on the equitable portion of the cost of financing the extension of the city's sewer and water systems, on the equivalent single-family residential unit responsible for creating the need for additional system financing. The obligation for payment of the such fee shall occur at the time the first of the water permit, sewer permit or building permit is issued. The development fee shall be as follows:

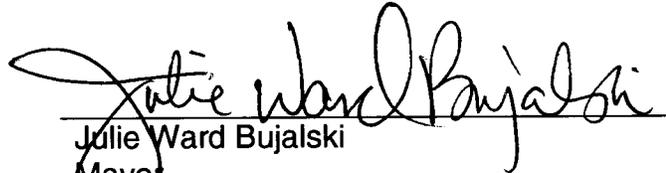
- (1) Equivalent single-family residential unit (ERU) water and sewer development fees shall be established by resolution following a public hearing.
- (2) Each nonresidential, commercial and industrial account will, for the purpose of establishing the development fee, be considered to comprise multiple single-family residential units based on the use of the future unit count as defined in the most recent plumbing fixture value table published by the American Water Works Association or a fixture count acceptable to the building official, based on sufficient and acceptable data furnished him in accordance with the following: every 25 fixture units, or its part, equal one equivalent single-family residential unit 25 fixture units, or part thereof, shall be equal to one equivalent single-family residential unit, or part thereof, according to the number of equivalent residential units for each structure so connecting or so expanding into the respective utility system.
- (3) Each additional equivalent single-family residential unit occasioned by changes in property usage subsequent to the effective date of this section shall be subject to a development fee computed in accordance with whichever of the foregoing criteria is applicable.
- (4) The development fee established shall increase or decrease annually on October 1 as determined by the percentage by which the Construction Cost Index published by Engineering News-Record (commonly referred to as the ENR-CCI) has increased or decreased.

If a building permit is issued for an existing nonresidential commercial or industrial connection which will increase water or sewer demand, or if a building changes from residential to nonresidential occupancy, the total number of equivalent single-family residential units for the old and new parts of the facility shall be computed as outlined in subsection (2) of this section. The number of new equivalent single-family residential units shall be

determined by subtracting the number of old equivalent single-family residential units in the entire facility. The development fee will be assessed on the number of new equivalent single-family residential units, or part thereof.

Section 11. That this Ordinance shall become effective October 1, 2016.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 16th day of June, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: June 02, 2016

READ SECOND TIME AND ADOPTED: June 16, 2016