

Table 2 - Comparison: Existing Ordinance vs. Proposed Ordinance

Repealed Chapter 30	Proposed Chapter 30- Utilities
<p>The existing code lacks a General Provisions section, whereas all general information was scattered throughout the following sections...</p> <p>Sec. 30-7 Rates, fees, and charges generally;</p> <p>Sec. 30-8 Fees for connection to utility and services systems;</p> <p>Sec. 30-9 Subsection (2) Users generally;</p> <p>Sec. 30.10 Subsection (a) Monthly billing; Subsection (2);</p> <p>Subsection (c) Disputing of additional charge; Removed</p> <p>(e) <u>Disputing of additional charge.</u> Any person disputing an additional charge based on late payment shall file a statement or make a claim based on the dispute with the finance department within 90 days of making the payment. <u>In such case, the date of a legible postmark affixed by the United States Postal Service appearing on the envelope in which any services bill payment made by mail is contained shall presumptively establish the date of payment, and the finance department shall retain all envelopes containing such payments for 90 days.</u></p> <p><u>Revised due date to 20 days & Deleted section where it differentiates the interest charges for a single billing address customer with multi units from other account holders. Under the current system all account holders are charged the same interest rate.</u></p> <p>(1) When any services bill, including all applicable service charges, rendered to any user of services has not been paid in full on or before the <u>15th</u> day after the billed date, a late charge equal to ten percent of the unpaid balance shall be added and</p>	<p>Article I. In General. Added Article I. General Provisions in order to re-organize the general information which governs all utility services (water, sewer, stormwater, solid waste) into one cohesive section.</p> <p><u>Article I. In General</u></p> <p><u>Sec. 30-1. General Provisions.</u></p> <p><u>Debt collections.</u> The City of Hallandale Beach may pursue the collection of any fees, interest, service charges, fines or costs to which it is entitled which remain unpaid for ninety (90) days or more by referring the account to a collection agent which is registered and in good standing pursuant to Chapter 559, F.S. The collection fee paid to any collection agent may be added to the balance owed, in an amount not to exceed forty (40) percent of the amount owed at the time the account is referred to the agents for collection.</p> <p><u>Disputing of additional charge.</u> Any person disputing an additional charge based on late payment shall file a statement or make a claim based on the dispute with the finance department within 90 days of making the payment.</p> <p><u>Fees for connection to utility and services systems.</u> Connection charges shall apply to bring City utilities and services to the owner's property line.</p> <p><u>Lien collections.</u> The City of Hallandale Beach may issue a lien on a property for any fees, interest, service charges, fines or costs to which it is entitled that remains unpaid for ninety (90) days or more. Liens are recorded with Broward County.</p> <p><u>Policy Dispute.</u> Any dispute between the customer or prospective customer regarding the meaning or application of any provision of this ordinance shall upon written request by either party be resolved by the administration.</p>

Repealed Chapter 30- Cont.

shall be due and payable as if such amount had been a part of the services bill as rendered; ~~provided that where a single customer, with a single billing address, receives service for more than one unit, and all such units are on the same or contiguous lots or parcels, a maximum late charge for a single billing cycle may be established by resolution for the first 30 days during which such customer's bill shall have been delinquent; and further, from and after such 30th day, the aggregate amount due, including the late charge, shall be increased by interest computed at the legal rate; and, further,~~ if the customer's services bill payment history shows no delinquent payments during the prior 24-month period, the delinquent penalty shall be waived.

Proposed Chapter 30- Cont.

Rates, fees, and charges generally. Any rate, fee, charge or penalty provided for in this chapter shall be set and/or revised by resolution of the City Commission, on file in the City clerk's office.

- a) Any residence or business, shall pay, in addition to the base charges a monthly rate for usage as set by resolution; except water meters used exclusively for irrigation or swimming pool purposes shall not be subject to sewer service charges.
- b) Bills for services shall be rendered monthly unless otherwise decided by the City Manager or his/her designee.
- c) Water, sewer, stormwater, and solid waste accounts shall be established in the name of the property owner. A duplicate bill shall be mailed in care of person residing at serviced property, per written request from the owner/agents for an additional fee. Property owners are responsible for all charges, and in the event that a tenant vacates leaving unpaid charges, it shall be the responsibility of the property owner to pay the charges.
- d) It is the responsibility of the property owner(s) to keep a current mailing address and telephone number on file with the Utility Billing Department and provide written notice within 15 days of changes in property ownership.
- e) All accounts shall be due and payable on the date statements are submitted to the consumers and, in the event of the failure of any consumer of water supplied by the City to pay

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

the account within twenty (20) days after the same shall become due and payable, a late charge equal to ten percent of the unpaid balance shall be added and shall be due and payable as if such amount had been a part of the services bill as rendered; however if the customer's services bill payment history shows no delinquent payments during the prior 24-month period, the delinquent penalty shall be waived.

For purposes of determining the amount of any late charge which may be payable, and in computing the amount of interest which may be due, the services bill shall include all services so that the late charge established in this section shall apply in respect of the aggregate amount billed for all services specified herein.

Reestablishing service after discontinuance or disconnection of premises from public works system will require payment by cash, money order, credit card (MasterCard, Visa or American Express), or certified check.

Payment plans shall only be established when owner agrees to have automatic bank draft of agreed upon payments.

Services. The term services and utility shall be used interchangeable throughout this ordinance.

Wastewater. The term wastewater and sewer shall be used interchangeably throughout this ordinance.

Repealed Chapter 30- Cont.	Proposed Chapter 30- Cont.
<p><u>Originally Sec. 30-1. Definitions. Include the following definition; Services. Definitions from sections; Sec 30-1, 47, 102, 161, 241, 250, & 255 were dispersed throughout the chapter and the terms are as follows...</u></p> <p>Affordable housing; Availability; Building; Building permit; Comprehensive plan; Developer; District; Dwelling unit; Encumbered (in reference to funds for capital improvements); Equivalent residential unit (ERU); Existing structure; Human excrement; Impervious area; Impervious surface; Land; New structure; Non-residential property; Non-residential structure; Other available funds; Recovery system; Sanitary water closet; Schedule of accrued guaranteed revenue charges (AGRCs); Schedule of impact fees; Septic Tank; Services; Undeveloped property.</p> <p><u>The following definitions were removed due to the actual title inserted in place of director and ?.</u></p> <p><u>Director:</u> The city manager or those to whom he has charged the interpretation, administration, or enforcement of this Code, or selected portions of this code.</p> <p><u>City Commission or City:</u> The City Commission of the City of Hallandale Beach, Florida a political subdivision of the state.</p>	<p><u>Sec 30-2. Definitions was expanded to include all chapter definitions into a central location. The following definitions were added to better clarify terms used throughout the code.</u></p> <p><u>Sec. 30-2. Definitions.</u></p> <p><u>The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:</u></p> <p><u>Affordable housing:</u> <u>Housing intended for occupancy by persons of low or moderate income as defined in F.S. § 420.9071, or any successor statute, and as to which the monthly rent or mortgage payment does not exceed 30 percent of the income levels specified for persons of low or moderate income in F.S. § 420.9071 or any successor statute.</u></p> <p><u>Applicant:</u> <u>The owner of a residential, multi-family, or commercial property.</u></p> <p><u>Availability:</u> <u>The sewer system or lines are available to any owner of property where such property is situated within 300 feet of any sewer line or main, and it is not necessary to cross the private property of another to make connection.</u></p> <p><u>Base charge:</u> <u>A charge to assist in covering the fixed costs associated with the water and sewer systems for the City of Hallandale Beach.</u></p> <p><u>Building:</u> <u>Any structure whether temporary or permanent, built for the support, shelter, or enclosure of persons or property of any kind. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a "building." This term shall not include temporary</u></p>

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

construction sheds or trailers erected to assist in construction and maintenance during the term of a building permit.

Building permit: An official document or certificate issued by the authority, City or county, having jurisdiction authorizing the commencement of construction of any building or parts thereof; the term also includes construction plan approval for new mobile home development and new recreational vehicle spaces.

City: The City of Hallandale Beach.

Commercial: A use of land or a building for non-residential purposes and shall encompass all uses not characterized as residential service as defined below.

Comprehensive plan: The Comprehensive Plan of the City of Hallandale Beach adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Act.

Customer/Consumer: Any person, firm, corporation or other entity which is served by the City water system.

Deduct Meter: A deduct water meter measures the amount of water not discharging into the sanitary sewer system. This would include water used for lawn irrigation systems or outside hose connections. There shall be no permanent or temporary water piping system that passes water from the deduct meter to any interior water outlet. The measurement of the deduct meter shall be deducted from the consumers sewer usage based upon the reading of the primary water meter.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Delinquent: Charges for public utility service which have not been paid in full by the due date stated on the bill.

Developer: The person or entity responsible for developing and constructing affordable housing.

District: The South Florida Water Management District.

Dwelling unit: Any housing unit for the purpose of providing residential shelter; each single-family residential unit, residential condominium, duplex, triplex, mobile home, modular housing, manufactured home, or multiple family unit designated or intended to provide human habitation.

Encumbered (in reference to funds for capital improvements): Funds committed in the capital improvements program for a specified improvement on a specified time schedule.

Equivalent residential unit (ERU): The statistical average horizontal impervious area of a residential property within the City which has been determined to be 0.022 acres. The horizontal impervious area includes but is not limited to all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. ERU shall also mean the level of service (LOS) expressed as the amount of usage (gallons) allocated on an average daily basis, and whereas one ERU represents the reserve capacity (average daily usage) of one residential unit.

Existing structure: A structure for which a building permit was issued before the effective date of this article.

Human excrement: The bowel and kidney discharges of human beings.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Impervious area: The area of land, measured in a horizontal plane that has impervious surface.

Impervious surface: The surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes but is not limited to semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Land: The earth, water and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Master Meter: A single meter serving a multi-family residential, or multi-unit commercial facility.

Multi-Family: Five (5) or more dwelling units on a lot.

New structure: A structure for which the building permit was issued on or after the effective date of this article.

Non-residential property: Developed property that is classified by the property appraiser as land use types 10 through 99 under the Florida Department of Revenue Land Use Codes, as may be amended from time to time, and shall be deemed to include, but not be limited to, dormitories, hospitals, nursing homes, professional buildings, commercial, industrial buildings, hotels and motels.

Non-residential structure: Any building which encloses space for the occupancy by persons or their activities, other than residential dwellings, including but not limited to professional buildings, commercial and industrial buildings, hotels, and motels.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Other available funds: Any funds so designated by the City of Hallandale Beach to be used for economic development incentives.

Owner: The person, firm, corporation, association, or occupant having a legal interest, sole or only partial, in any premises which is, or is about to be, supplied with water by the City and the word "owners" means all interested.

Recovery system: means a system which collects water employed to wash vehicles and recycles such water for reuse at a vehicle wash. Such system shall be designed to minimize water consumption by a vehicle wash.

Residential: A single family dwelling, duplex, triplex, 4-plex, multi-family, and mobile homes.

Sanitary water closet: Any flush toilet which is properly connected with the City sewer.

Schedule of accrued guaranteed revenue charges (AGRCs): means the schedule of charges incorporated in section 30-254 of this article.

Schedule of impact fees: means the schedule of fees incorporated in section 30-253 of this article.

Septic Tank: An underground cavity with watertight walls into which flows the effluent of sanitary water closets and from which the effluent does not come to the surface of the ground.

Services: Are not limited to the following: water, sewer, solid waste collection, fire inspection, recycling, fire line inspection and stormwater drainage.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Stormwater: The portion of precipitation that does not naturally percolate into the ground or evaporates, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body, or a constructed infiltration facility.

System: The water and wastewater systems of the City.

Tampering: Unauthorized access or manipulation of meter boxes, locking devices, pad locks or other water metering equipment.

Tiered rate schedule (conservation tier charge): The water and sewer usage charge billed on a monthly basis for a connection which varies by metered water usage, which is designed in a manner that encourages conservation.

Undeveloped property: Land which has not been improved by the addition of any building, structure or impervious surface. For new construction, a property shall be considered developed pursuant to this article:

- (1) Upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or
- (2) Where construction is at least 50 percent complete and construction is halted for a period of three months.

Usage Charge: The charge per 1,000 gallons per unit billed on a monthly basis for metered water and sewer usage. Usage is charged under a tiered rate schedule.

Utility: Water, sewer, solid waste, and stormwater services owned and operated by the City.

Repealed Chapter 30- Cont.

Article I. In General. Sec. 30-2 did not elaborate on types of properties and how the application process works for each type.

Sec. 30-2. Applications.

Applications for services from the city utility and services systems must be made to the city on appropriate forms furnished for that purpose; and each application must be signed by the owner of the property, agent, tenant or consumer.

Proposed Chapter 30- Cont.

Article II. Utility Billing. Sec. 30-3 Split application process into two sections; existing properties and new/expanded properties. Added reference to Article VI Water and Wastewater Impact Fees. Added a tenant conversion section explaining the process for changing from tenant to owner only accounts and also a change of ownership section to better define the process.

Article II. Utility Billing

Sec. 30-3. Applications.

(1) Existing Properties.

- a) Tenant Conversion. The City Utility Billing Department shall upon the effective date of this Ordinance begin implementation of a program to convert all residential, multi-family, and commercial customer accounts for all utilities presently held in the name of a person other than that of the property owner of record to the name of the property owner of record for each residential, multi-family, and commercial property served by the City. (Grandfather clause for existing tenant): Existing tenants as of the effective date will not be required to close their account. Only when an existing tenant closes their account; the City will finalize and shut off water/sewer services to the property; and the deposits refunded to any unpaid balance owed. After which time, a new account will be established for the same property location under the owner of records name and billed for all utilities provided to the property by the City. The water and sewer services shall be restored when the owner of record applies to the City for services.
- b) Applications. Before any person shall be entitled to City utility services, they must execute and sign

Repealed Chapter 30- Cont.

Article V. Water and Wastewater Impact Fees. Sec. 30-252. Payment of water and wastewater impact fees and AGRC restate first sentence to new Article II. Sec. 30-3 (1)(b) to include and introduce all services charged upon application of service.

Sec. 30-252. Payment of water and wastewater impact fees and AGRC.

(a)

Imposed. Any person who seeks to connect to the City of Hallandale Beach's water and/or wastewater system, or whom expands and/or changes the use of an existing facility beyond the current reserved capacity for such facility is hereby required to pay a water and/or wastewater impact fee in the manner and amount set forth in the schedule of impact fees, and is required to pay a water and/or wastewater accrued guaranteed revenue charge in the manner and amount set forth in the schedule of accrued guaranteed revenue charges.

Article V. Sec. 30-256. Required time of payment moved to new Article II. Sec. 30-3 (2)(b).

Sec. 30-256. Required time of payment.

Impact fees and AGRCs must be paid prior to the issuance of a building permit. A building permit will not be issued until these fees have been paid.

Proposed Chapter 30- Cont.

a written application with the City and pay a security deposit in the amount established by ordinance.

- c) Change of ownership. When a change of ownership occurs for any property supplied by the City with water, wastewater, stormwater, and/or solid waste services, written notice thereof shall be given at the Utility Billing Department not less than three days prior to the date of change by the outgoing owner. The outgoing owner shall be responsible for all charges rendered at the premises until written notice is received by the City and the City has had reasonable time to discontinue all services. However, if written notice, such as a warranty deed, has been received by a new owner, the application of the succeeding owner for all services will automatically terminate the prior account.

(2) New and Expanded Properties.

- a) Applicants for new and expanded properties must complete the appropriate applications and follow the same guidelines as stated in Sec. 31-3 (1)(b).
- b) Water and Wastewater Impact Fee. Any person who seeks to connect to the City's water and/or wastewater system, or whom expands and/or changes the use of an existing facility beyond the current reserved capacity for such facility is hereby required to pay a water and/or wastewater impact fee pursuant to the schedule of impact fees as set forth in Article VI. Water and Wastewater Impact Fees will be assessed on the

<p align="center">Repealed Chapter 30- Cont.</p>	<p align="center">Proposed Chapter 30- Cont.</p>
	<p align="center"><u>property before building permits are issued and calculations will be done by the City Engineer.</u></p> <p>c) <u>Water Meter required. All properties are required to have a water meter installed for each dwelling unit.</u></p>
<p><u>Article I. Sect. 30-3. Unpaid water and sewer charges constitute lien on property moved to new Article II. Utility Billing. Sec. 30-11.</u></p>	
<p>Sec. 30-5. Purpose of deposit; refund on disconnection.</p> <p>Deposits required in this article shall be and constitute a guarantee to the city that all sums of money due by virtue of the furnishing of all services included in the monthly services billing to the person making such deposit are fully paid; and upon the payment of all such sums, the city shall, upon the discontinuance of all service, refund and return to the person making such deposit the amount of such deposit or the net amount of the deposit, after deducting such sums as may be due the city.</p>	<p><u>Sec. 30-4. Purpose of deposit; refund on disconnection. No change.</u></p> <p><u>Deposits required in this article shall be and constitute a guarantee to the City that all sums of money due by virtue of the furnishing of all services included in the monthly services billing to the person making such deposit are fully paid; and upon the payment of all such sums, the City shall, upon the discontinuance of all service, refund and return to the person making such deposit the amount of such deposit or the net amount of the deposit, after deducting such sums as may be due the City.</u></p>
<p><u>Article I. Sec. 30-4. Lacks definition of responsibility for deposit; does not offer a deposit refund for good pay history; did not define when a deposit could be increased; and separate meter is an improper term.</u></p>	<p><u>Article II. Sec. 30-5 (1) to reflect the owner’s responsibility for the deposit; (a) titled the subcategory; (b) added if customer has good pay history for 24 months of continuous service they can request for a deposit refund; (c) defined a specific amount of time that customer is delinquent whereas the city can increase the deposit; and (d) No change same verbiage as original Article I. Sec. 30-4(c).</u></p>

Repealed Chapter 30- Cont.

Sec. 30-4. Deposit required for city services.

(a) The city shall collect a services deposit from any person making application for service with the city.

(1) For those applicants in buildings utilizing master meters who request separate meters, whose monthly usage will be subtracted from the master meter, to avoid paying the sewer charge for swimming pools, sprinklers and cooling towers, a separate deposit will not be required. However, the applicant will have to pay for the meter, monitoring the installation, and the administrative charge. The administrative charge would apply to each of these meters. If two separate meters are installed and have separate billings, a deposit is collected for each meter.

~~(2) Where delinquent payment experience indicates, with respect to a particular water user, that the existing deposit is insufficient to guarantee payment of water charges, the city manager may increase the amount of the required deposit by an amount sufficient to guarantee payment of water charges.~~

~~(3) Where the city manager requires the increase of any deposit, notice shall be sent to the user or person in whose name the account is maintained, at the address shown in departmental records; and the required additional deposit shall be paid not later than 30 days from the date of the notice. If any additional deposit required by such notice is not timely paid, all services shall be discontinued and the premises of such delinquent customer disconnected~~

Proposed Chapter 30- Cont.

Sec. 30-5. Deposit required for City services.

(1) The City shall collect a services deposit from the owner, for services with the City in accordance with the City's rate schedule approved by the City Commission.

a) Deduct meters. For those applicants in buildings utilizing master meters who request a deduct meter, whose monthly usage will be subtracted from the master meter, to avoid paying the sewer charge for swimming pools, sprinklers and cooling towers, a separate deposit will not be required. However, the applicant will have to pay for the meter, monitoring the installation, and the administrative charge. The administrative charge would apply to each of these meters. If two deduct meters are installed and have separate billings, a deposit is collected for each meter.

b) Deposit refund. Upon notification of cancellation of service or after a customer has received and timely paid for continuous utility services for a period of twenty-four (24) months from the date the deposit was made and meets the following requirements, or upon notification of cancellation of service, the customers deposit(s) will be refunded as a credit to their utility account if the:

i. Customer has not been disconnected for non-payment;

Repealed Chapter 30- Cont.

~~from the utility and services system of the city immediately upon the expiration of such 30 days; and a disconnecting charge and a reinstallation charge shall be made by the city. The provisions of this chapter pertaining to discontinuance of service and disconnection from the utility and services system and reconnection shall, except as provided in this subsection, be applicable.~~

~~(4) When a deposit is increased pursuant to the standards set forth in this section, the user shall have the right to appeal the decision of the city manager to the city commission by filing a letter of objection within the 30-day period provided in subsection (a)(3) of this section with the city manager. The matter shall then, as soon as practicable, be heard by the city commission which may either affirm, reverse or modify the decision of the city manager. During such appeal, the water service shall not be disconnected.~~

~~(b) No existing deposit shall be increased unless a delinquency history occurs.~~

~~(c) Such deposits shall bear no interest and shall remain with the city as long as the customer continues to receive services, to guarantee the payment of such services, penalties and interest.~~

Proposed Chapter 30- Cont.

- ii. Customer has not had a payment returned for any reason in the prior the 12 months;
- iii. Customer has not tampered with the meter; and
- iv. Customer has not used service in a fraudulent or unauthorized manner.(NP)

c) Deposit increase. Where an account has been delinquent on more than two (2) billings within a twelve (12) month period the City reserves the right to increase the required deposit by an amount sufficient to guarantee payment of charges. A letter will be sent to the owner at the address shown in departmental records, of any increase in deposit; and the required additional deposit shall be paid not later than 30 days from the date of the notice. If any additional deposit required by such notices is not timely paid, all services shall be discontinued and disconnected from the utilities system of the City immediately upon the expiration of such 30 days; and disconnection and reconnection fee charged.

d) Interest. Such deposits shall bear no interest and shall remain with the City as long as the customer continues to receive services, to guarantee the payment of such services, penalties and interest.

<p align="center">Repealed Chapter 30- Cont.</p>	<p align="center">Proposed Chapter 30- Cont.</p>
<p><u>Article I. Sec. 30-5. Purpose of deposit; refund on disconnection; moved to new Article II. Sec. 30-4, for continuity.</u></p>	
<p>Sec. 30-6. Fund to which deposit payable.</p> <p>The water revenue fund is designated as the fund to receive all services deposits made under the provisions of this article.</p>	<p><u>Sec. 30-6. Fund to which deposit payable. No change.</u></p> <p><u>The water revenue fund is designated as the fund to receive all services deposits made under the provisions of this article.</u></p>
<p><u>Article I. Sec. 30-7. Rates, fees, and charges generally; moved to new Article I. Sec. 30-1 General provisions.</u></p>	
<p><u>Article I. Sec. 30-8. Fees for connection to utility and services systems; moved to new Article 1. Sec. 30-1 General provisions.</u></p>	
<p><u>Article I. In General. Sec. 30-9 Lacked explanation of the water and sewer fees; included a type of user (bulk user) that does not exist within the city; moved (2) to new Article I. Sec. 30-1 General provisions; deleted (3) duplicate statement in new Sec. 30-1; deleted (4) outdated, no resolution generated; moved (5) to new Article II. Sec. 30-8.</u></p> <p>Sec. 30-9. Service rates schedule.</p> <p>The following schedule shall determine the amount to be charged for service availability:</p> <p>(1) <i>Base charge.</i> Any residence or business, other than a bulk rate user, shall pay a monthly base charge. The base charge shall be assessed for so long as the services remain available to the property, whether the service is turned on or off. For the purpose of this section, each unit of any building having separate units which has a certificate of occupancy for commercial purposes, for residential</p>	<p><u>Article II. Sec. 30-7 (1) Removed bulk users; added base charges shall be charged unless the property is demolished; (a) added section for unit changes and deduct meters; (2-4) breakdown of charges per utility service; (3)(a) stormwater sec moved from original Article IV. Sec. 30-242; solid waste billing added from Chapter 32, Div. 18, Sec. 32-640 & Sec. 32-642; and (5) moved from original Article III. Sec. 30-178.</u></p> <p><u>Sec. 30-7. Service rates schedule.</u></p> <p>(1) <u>Water and sewer base charge.</u> Any residence or business, shall pay a monthly base charge for water and wastewater. The base charge shall be assessed for so long as the services remain available to the property, whether the service is turned on or off or meter is removed. Only demolished properties are exempt from base charges. For the purpose of this section, each unit</p>

Repealed Chapter 30- Cont.

purposes or for both such purposes, and each mobile home space of any mobile home park shall be considered a separate user. Each dwelling unit, or motel or hotel room, shall, without limitation, be considered a unit.

(2) ~~Users generally.~~ Any residence or business, other than a bulk rate user, shall pay, in addition to the base charges described in subsection (1) of this section, a monthly rate for usage as set by resolution, except water meters used exclusively for irrigation or swimming pool purposes shall not be subject to sewer service charges.

(3) ~~Monthly base charges and monthly rates.~~ The monthly base charges for services and the monthly rates are established by resolution. Special or unusual situations are to be negotiated with the city manager.

(4) ~~Fire hydrant rental.~~ The city shall pay a fee as set by resolution and on file in the city clerk's office to the credit of the waterworks system for public fire protection service.

(5) ~~Water lines for fire protection purposes.~~ A separate fee will be charged annually for water service when used for sprinkling systems or other fire protection systems.

(6) ~~Bulk rate users.~~ Persons using more than an average of 1,300,000 gallons of water per week between the hours of 9:00 p.m.

Proposed Chapter 30- Cont.

of any building having separate units which has a certificate of occupancy for commercial purposes, for residential purposes or for both such purposes, and each mobile home space of any mobile home park shall be considered a separate user. Each dwelling unit, or motel or hotel room, shall, without limitation, be considered a unit.

a) Unit Changes. All property owners have the right to request a review of their property for the purpose of changing the number of units the City has assigned for base charge billing.

(2) Water and sewer consumption charge. All metered accounts, shall pay a monthly consumption charge based on individual or master metered usage.

a) Deduct meter. Accounts who request a deduct meter for sprinklers, swimming pools, and/or cooling towers will have the deduct meter usage subtracted from the master meter and avoid paying sewer charges for the sprinklers, swimming pools, and cooling towers.

(3) Stormwater Drainage Fee. A stormwater utility fee is imposed upon each lot and parcel within the City for services and facilities provided by the stormwater management utility. Bills or statements for the stormwater utility fee shall be rendered at least annually. Bills shall be payable in the same manner and are subject to the same penalties as set forth in this chapter for water bills.

a) Residential. For purposes of imposing the stormwater utility fee, each residential dwelling unit shall be billed a flat fee

Repealed Chapter 30- Cont.

~~and 7:00 a.m. the following morning, which is lawfully not returned to the sanitary sewer system, may receive water at a rate per 1,000 gallons of water as set in a large user agreement. Water used at other hours shall be billed at the regular rate.~~

~~Service to such users may be discontinued or reduced by the city where it would interfere with existing or reasonably anticipated commitments to provide water for customers other than bulk rate users. Bulk rate users shall provide a meter which records the amount and times of water consumption as a precondition to obtaining bulk rate service and shall further be required to enter into a bulk rate user agreement with the city prior to obtaining bulk rate service.~~

Article IV. Sec. 30-242. Stormwater management utility fee moved to new Article II. Sec. 30-7 (3).

(a) A stormwater utility fee is imposed upon each lot and parcel within the city for services and facilities provided by the stormwater management utility. For purposes of imposing the stormwater utility fee, each residential dwelling unit shall be billed a flat fee established for residential units as the rate established for one equivalent residential unit (ERU).

Article III. Sec. 30-178. No service free. Moved to new Article II. Sec. 30-7 (5)

No sewage disposal service shall be furnished or rendered free of charge to any person whatsoever; and the city and each agency, department or instrumentality which uses the sewage disposal service shall pay for such service at the rates fixed by this article.

Proposed Chapter 30- Cont.

established for residential units as the rate established for one equivalent residential unit (ERU).

b) Non-residential. All nonresidential properties shall be billed as set forth in Article V. Stormwater management utility.

(4) Solid waste and recycling charges. Pursuant to Chapter 32, Div. 18, Sec. 32-640 & Sec. 32-642.

a) Residential. Charged a monthly base fees for both solid waste and recycling per unit.

b) Non-Residential. Multi-family and commercial accounts are charged per container and frequency under separate rate schedules as specified in the current fee booklet.

(5) No service free. No water and sewer service shall be furnished or rendered free of charge to any person whatsoever; and the City and each agency, department or instrumentality which uses water and sewer services shall pay for such services at the current rates adopted by resolution.

Repealed Chapter 30- Cont.

Article I. Sec. 30-9 (5) moved to new Article II, Sec. 30-8 in order to include fire protection charges in one section.

(5) Water lines for fire protection purposes. A separate fee will be charged annually for water service when used for sprinkling systems or other fire protection systems.

Article I. Sec. 30-47 moved to new Article II, Sec. 30-8

Sec. 30-47. Use of fire line water.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Water user means an owner, tenant or other person lawfully occupying premises in whose name an account for services is maintained.

(b) Installation of detecto check meters. On or before May 16, 1995, all water users are required and directed to install and maintain detecto check meters and detecto checkvalves or backflow preventers on all existing unmetered fire lines.

(c) Unauthorized consumption; penalties.

(1) It shall be unlawful for any person to use or consume unmetered fire line water unless such use or consumption is for fire protection.

(2) Violations of this section shall be subject to the imposition of penalties applicable generally to municipal ordinance violations; and, in addition, persons violating the provisions of this section shall be subject to the jurisdiction of the code enforcement board established by ordinance.

(d) Unauthorized consumption; charges.

Proposed Chapter 30- Cont.

Article II. Sec. 30-8. Title and description moved from original Article I. Sec. 30-9(5); remaining sections moved from original Article II. Sec. 30-47.

Sec. 30-8 Water lines for fire protection purposes.

A separate fee will be charged annually for water service when used for sprinkling systems or other fire protection systems.

(1) Installation of detecto check meters. On or before May 16, 1995, all water users are required and directed to install and maintain detecto check meters and detecto check valves or backflow preventers on all existing unmetered fire lines.

(2) Unauthorized consumption; penalties.

a) It shall be unlawful for any person to use or consume unmetered fire line water unless such use or consumption is for fire protection.

b) Violations of this section shall be subject to the imposition of penalties applicable generally to municipal ordinance violations; and, in addition, persons violating the provisions of this section shall be subject to the jurisdiction of the code enforcement board established by ordinance.

(3) Unauthorized consumption; charges.

a) Whenever fire line water is used or consumed but such use or consumption is not for fire protection, the City shall send to the water user, by certified mail, return receipt requested, a notice requiring him to discontinue such unlawful use or consumption immediately and warning that failure to do so will result in the City's installing a full flow meter at his expense, the approximate amount of which shall be included in the notice. The water user shall pay the appropriate charges for the water estimated by the City to have been unlawfully used or consumed. Any utility bill that includes charges for estimated use or consumption as provided in this section shall also contain a notice of the utility user's right to appeal such charges.

b) If unlawful use or consumption of fire line water continues for more than 20 days after the water user receives notice pursuant to subsection (3)(a) of this section and a timely appeal is not

Repealed Chapter 30- Cont.

(1) Whenever fire line water is used or consumed but such use or consumption is not for fire protection, the city shall send to the water user, by certified mail, return receipt requested, a notice requiring him to discontinue such unlawful use or consumption immediately and warning that failure to do so will result in the city's installing a full flow meter at his expense, the approximate amount of which shall be included in the notice. The water user shall pay the appropriate charges for the water estimated by the city to have been unlawfully used or consumed. Any utility bill that includes charges for estimated use or consumption as provided in this section shall also contain a notice of the utility user's right to appeal such charges.

(2) If unlawful use or consumption of fire line water continues for more than 20 days after the water user receives notice pursuant to subsection (d)(1) of this section and a timely appeal is not filed, the city shall send to the water user, by certified mail, return receipt requested, a notice advising him of the city's intention to install a full flow meter at his expense, the approximate amount of which shall be included in the notice. Such notice shall also advise him of his right to appeal the city's decision.

~~(e) Appeal to city commission. Within 30 days of any services bill that includes charges for estimated use or consumption as provided in subsection (d) of this section, and within 30 days of notice of the city's intention to install a full flow meter pursuant to subsection (d)(2) of this section, the water user shall have the right to file an appeal of the decision to the city commission, subject to the following procedures:~~

~~(1) The water user shall be granted a hearing on the matter before the city commission.~~

Proposed Chapter 30- Cont.

filed, the City shall send to the water user, by certified mail, return receipt requested, a notice advising him of the City's intention to install a full flow meter at his expense, the approximate amount of which shall be included in the notice. Such notice shall also advise him of his right to appeal the City's decision.

(4) Installation of full flow meters.

a) If the City gives notice of its intention to install a full flow meter and a timely appeal is not filed, the City shall promptly install, at the expense of the water user, a full flow meter with required appurtenances.

b) If the City gives notice of its intention to install a full flow meter and such decision is sustained by the City Commission on appeal, the City shall promptly install, at the expense of the water user, a full flow meter with required appurtenances.

c) After the installation of the full flow meter as provided in this subsection, the City shall bill the water user for all use or consumption measured by such meter that is not for fire protection at the current rate as authorized by resolution

(5) Annual Fire Line Inspection Fee. The City is required to provide an annual inspection and testing of all fire line metering systems. There shall be an annual inspection fee, which is subject to amendment by resolution.

Proposed Chapter 30- Cont.

~~(2) A time and place for the hearing shall be established promptly upon receipt of the water user's request.~~

~~(3) The water user shall be given written notice of the time and place of the hearing.~~

~~(4) At the hearing, the water user shall be given an opportunity to be heard and to show why the decision should be modified or withdrawn.~~

~~(5) After the hearing, the city commission shall sustain, modify or withdraw the decision under review.~~

~~(6) The city commission, for due cause or where hardship exists, may modify or waive the requirements set forth in subsections (a) — (f) of this section.~~

(f) Installation of full flow meters.

(1) If the city gives notice of its intention to install a full flow meter and a timely appeal is not filed, the city shall promptly install, at the expense of the water user, a full flow meter with required appurtenances.

(2) If the city gives notice of its intention to install a full flow meter and such decision is sustained by the city commission on appeal, the city shall promptly install, at the expense of the water user, a full flow meter with required appurtenances.

(3) After the installation of the full flow meter as provided in this subsection, the city shall bill the water user for all use or consumption measured by such meter that is not for fire protection.

(g) Annual inspection and inspection fee. The city manager or his designee is directed and required to provide an annual inspection and testing of all fire line metering systems. There shall be an annual inspection fee, which is subject to amendment by resolution.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Article II. Div. 1 Sec. 30-45. Moved to new Article II. Sec. 30-9 to include penalties in the utility billing section of the chapter.

Sec. 30-45. Penalties for tampering or illegal connection or use of water.

It shall be unlawful and a violation of this Code subject to the penalties provided in section 1-8 to violate the provisions of this chapter; and:

- (1) A fine will be imposed against anyone making an illegal tap into the city's water system. The owner of a property which has been illegally connected to the city's water system is responsible and liable for the payment of any fine unless the owner can furnish evidence that the illegal tap was made by another individual. In such instance, the property owner is required, within ten days of notification of the violation, to furnish to the city an affidavit setting forth the name and address of the person who made the illegal tap. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging an illegal water tapping violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for the illegal water tap.
- (2) A fine will be imposed against anyone reconnecting or tampering with a water meter which has been disconnected or locked by city personnel for any reason.
- (3) Enforcement may be by the police department or by the alternative procedures in chapter 2 of this Code.

Article II. Sec. 30-9. Title, description, (1) (2)(a)(b) moved from original Article II. Div. 1 Sec. 30-45; added limitation of use section to define remetering of water.

30-9. Penalties for tampering, illegal connection, and limitation of use.

It shall be unlawful and a violation of this Code subject to the penalties provided in section 1-8 to violate the provisions of this chapter; and:

- (1) Tampering and illegal connection. A fine will be imposed against anyone making an illegal tap into the City's water system. The owner of a property which has been illegally connected to the City's water system is responsible and liable for the payment of any fine unless the owner can furnish evidence that the illegal tap was made by another individual. In such instance, the property owner is required, within ten days of notification of the violation, to furnish to the City an affidavit setting forth the name and address of the person who made the illegal tap. The affidavit submitted pursuant to this subsection shall be admissible in a proceeding charging an illegal water tapping violation and shall raise the rebuttable presumption that the person identified in the affidavit is responsible for the illegal water tap.
 - a) A fine will be imposed against anyone reconnecting or tampering with a water meter which has been disconnected or locked by City personnel for any reason.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

- b) Enforcement may be by the police department or by the alternative procedures in chapter 2 of this Code.

(2) Limitation of Use.

- a) Remetered water/sewer service. Water/sewer service purchased from the City shall be used by the customer only for the purpose specified in the application for water/sewer service and the customer shall not sell or otherwise dispose of such water/sewer service supplied by the City. Water/sewer service furnished to the customer shall be rendered directly to the customer through City's individual meter and may not be remetered by the customer for the purpose of selling otherwise disposing of water/sewer service to lessees, tenants, or others and under no circumstances shall the customer or customer's agent or any other individual, association or corporation install meters for the purpose of so remetering said water/sewer service, except for the purpose of the allocation of the direct cost of water and sewer service among multiple residential users, and then only pursuant to the City's express approval and only to the extent thereof. In no case shall a customer, except with the written consent of the City, extend his lines across a street, alley, land, court, property line, avenue, or other way, in order to furnish water/sewer service for adjacent property through one (1) meter, even though such adjacent property be owned by him.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

- b) Penalties. In case of such unauthorized extension, remetering, sale or disposition of service, customer's water/sewer service shall be subject to disconnection until such unauthorized extension, remetering, sale or disposition is discontinued and full payment is made of bills for water/sewer service, calculated on proper classification and rate schedules and reimbursement in full made to the City. Customer shall be responsible for all costs incurred by the City associated with water testing and inspections.

Article I. Sec. 30-10. Difficult to interpret, needs reorganization; moved (a), (1), (3), and the first sentence of (c) to new Article I. Sec 30-1; removed remainder of (c) due to ineffectiveness of practice; removed (b) which is stated in new Article I. Sec. 30-1 increasing due date to 20 days.

Article II. Utility Billing. Sec. 30-10. Reorganized the layout; added locking the meter after 30 days, restoration of services, and payment methods for reconnection; and removed disputing of additional charges.

Sec. 30-10. Payment dates; delinquency; disconnection; meter removal; reconnection; charges.

Sec. 30-10. Delinquent: disconnection, meter removal, reconnection charges.

~~(a) Monthly billing. Bills for services shall be rendered monthly unless otherwise decided by the city manager.~~

- (1) Delinquent 30 days. If any services bill is not paid within 30 days from the original date of billing, all services shall be subject to...

~~(b) Late charges after 15 days.~~

- a) Disconnection from the City's public works system;
b) Meter locked;
c) Disconnection/Reconnection _____ fee charged.

~~(1) When any services bill, including all applicable service charges, rendered to any user of services has not been paid in full on or before the 15th day after the billed date, a late charge equal to ten percent of the unpaid balance shall be added and shall be due and payable as if such amount had been a part of the~~

Repealed Chapter 30- Cont.

~~services bill as rendered; provided that where a single customer, with a single billing address, receives service for more than one unit, and all such units are on the same or contiguous lots or parcels, a maximum late charge for a single billing cycle may be established by resolution for the first 30 days during which such customer's bill shall have been delinquent; and further, from and after such 30th day, the aggregate amount due, including the late charge, shall be increased by interest computed at the legal rate; and, further, if the customer's services bill payment history shows no delinquent payments during the prior 24-month period, the delinquent penalty shall be waived.~~

~~(3) For purposes of determining the amount of any late charge which may be payable, and in computing the amount of interest which may be due, the services bill shall include all services so that the late charge established in this section shall apply in respect of the aggregate amount billed for all services specified herein.~~

~~(c) Disputing of additional charge. Any person disputing an additional charge based on late payment shall file a statement or make a claim based on the dispute with the finance department within 90 days of making the payment. In such case, the date of a legible postmark affixed by the United States Postal Service appearing on the envelope in which any services bill~~

Proposed Chapter 30- Cont.

(2) Delinquent 60 days. If any service bill is not paid within 60 days from the original date of billing, all services shall be subject to...

- a) Meter removal;
- b) Account finalized;
- c) Deposit applied to final bill.

(3) Restoration of Services. Customer must pay delinquent bill in addition to any disconnection/reconnection fee in full by 5pm in order to have service restored same day. Payments received after thus time service will be restored the next business day. If meter was removed and account finalized a new deposit in addition to the final bill must be paid in order to have the meter reinstalled.

- a) See general provisions for acceptable payment methods for reestablishing service.

(4) Disconnection of service after first day of billing period. If the disconnection of service is made at any time after the first day of the next billing period, the monthly base charge shall be paid plus the amount of any usage that month.

Repealed Chapter 30- Cont.

payment made by mail is contained shall presumptively establish the date of payment; and the finance department shall retain all envelopes containing such payments for 90 days.

~~(d) Discontinuance of service and disconnection of premises from system after 30 days; disconnection charge. If any services bill is not paid within 30 days from the original date of billing, all services shall be discontinued and the premises of such delinquent customer disconnected from the waterworks system of the city immediately upon the expiration of such 30 days; and a disconnecting charge shall be made by the city.~~

~~(e) Prerequisites to reconnection within 60 days; removal of meter after 60 days. If within 30 days after disconnection pursuant to subsection (d) of this section the delinquent customer has not paid his bill in full, including disconnection and reconnection charges, the meter on the premises of such delinquent customer shall be removed or locked; and any balance in the deposit fund of such delinquent customer shall be refunded to him, if any remains after the amount of the bill due is deducted.~~

~~(f) Prerequisites to reinstalling meter. After removal or locking of a meter pursuant to subsection (e) of this section, such meter shall not be reinstalled or reactivated on the same premises until such delinquent bill is paid in full. If the bill exceeds the amount of the deposit in the customer's~~

Proposed Chapter 30- Cont.

account with the city, including the disconnecting or locking charge, a new deposit must be paid to the city for such premises, at the current required deposit amount. In addition, the cost of reinstalling or reactivating a meter must be paid.

(g) *Disconnection of service after first day of billing period.* If the disconnection of service is made at any time after the first day of the billing period, the monthly base charge shall be paid plus the amount of any usage that month.

Proposed Chapter 30- Cont.

Article I. Sec. 30-3 Removed. Change in practice to hold owner responsible for charges to account required deletion of section and rewrite.

Sec. 30-3. Unpaid water and sewer charges constitute lien on property.

Any unpaid water or sewer charges shall constitute a lien on the property served, whether the user is an owner, tenant or other person lawfully occupying the premises, provided that unpaid water or sewer charges incurred by a former occupant of a rental unit shall not be the basis for a lien against the rental property served except to the extent the present tenant or owner has benefited directly from the service provided to the former occupant. The city may elect to foreclose such lien in accordance with law for the collection of all charges, penalties and interest due; and if an action is filed, the city shall also be entitled to recover reasonable attorneys' fees. Additionally, the charges for utilities and services shall constitute and are imposed as special assessment liens against

Article II. Utility Billing. Sec. 30-11. Added verbiage in order to properly define our compliance with Florida Statute 153.67. Defined the owner's responsibility and process for change of ownership.

Sec. 30-11. Unpaid utility charges constitute a lien on property.

(1) Unpaid fees to constitute lien.—In the event that the fees, rates or charges for the services and facilities of any water or sewer system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby. Such liens shall be superior and paramount to the interest on such parcel or property of any owner, lessee, tenant, mortgagee or other person except the lien of county taxes and shall be on a parity with the lien of any such county taxes. In the event that any such service charge shall not be paid as and when due and shall be in default for thirty days or more the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered by the district in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the district by

Repealed Chapter 30- Cont.

~~the real property served and shall be liens equal in rank and dignity with the lien of ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved from the time the bill for services becomes delinquent according to its terms. Such liens need not be recorded.~~

Proposed Chapter 30- Cont.

action or suit in equity as for the foreclosure of a mortgage on real property.

(2) Property owner(s) responsibility for utility service. The property owner is responsible for all utility services provided to the property. In the event service is discontinued for non-payment, service will be restored only after property owner has fully complied with provisions of this article.

a) Unpaid fees constitute a lien against the property. In the event utility services have been discontinued for non-payment and any or all services are requested to be reinstated for the property in the future, this debt plus associated charges must be paid before water or sewer service will be furnished.

b) Such lien may be perfected, at the discretion of the city, by recordation of a notice of lien by the city in the public records of Broward County, Florida, if the delinquent amount has not been paid in full within 90 days after the bill was due.

(3) Transfer of ownership. All unpaid amounts due to the city for all utility serviced to a customer's property shall become immediately due and payable in full upon any transfer of ownership of the property.

Article I. Sec. 30-11. Need to distinguish between temporary and permanent disconnections.

Sec. 30-11. Disconnection of service at request of customer.

Article II. Utility Billing. Sec. 30-12. Separated temporary and permanent disconnection to offer a clear distinction.

Sec. 30-12. Disconnection of service at request of customer.

Repealed Chapter 30- Cont.

Any nondelinquent services customer may have a temporary disconnection of services, provided the deposit is retained and a service charge is paid. An additional fee will be charged upon reconnection. Base charges for water service and sewer service and for solid waste collection as provided in **section 32-640** shall be collected during the period of a temporary disconnection provided that customers holding disposal permits and serviced by a private hauler holding a hauling permit under **section 32-639** at the time of a temporary disconnection shall not be required to pay the base charge for solid waste collection but shall pay the other base charges specified in this section; and further provided that if for any reason the meter registers usage during the temporary disconnection period, the customer shall also be responsible for payment of the required charges in excess of the base charges specified in this section in addition to the reconnection fee. If permanent disconnection is requested, and the deposit withdrawn, there shall be a disconnection charge; and when reconnected, an additional fee shall be required in addition to payment of all outstanding obligations on that account and payment of the then required deposit. If permanent disconnection is requested by a customer, the base charges specified in this section shall become the obligation of the property owner starting with the second full billing cycle following the disconnection and continuing until such time as the account is assumed by a new customer who pays the then required deposit.

Proposed Chapter 30- Cont.

Temporary Disconnection: Any non-delinquent services customer may have a temporary disconnection of services, provided the deposit is retained. An additional fee will be charged upon reconnection. Base charges for water service and sewer service shall be collected during the period of a temporary disconnection. Base charges for solid waste collection as provided in section 32-640 shall be collected at a fifty (50) percent reduction during the period of a temporary disconnection provided that customers holding disposal permits and serviced by a private hauler holding a hauling permit under section 32-639 at the time of a temporary disconnection shall not be required to pay the base charge for solid waste collection. If for any reason the meter registers usage during the temporary disconnection period, the customer shall also be responsible for payment of the required charges in excess of the base charges specified in this section in addition to the reconnection fee.

Permanent Disconnection: An owner selling a property may submit a request in writing with a copy of the signed and executed warranty deed, for services to be disconnected and final meter reading done. At the time the account is finalized a disconnection fee will be charged and the deposit applied to the account, and the remaining balance will be due and payable immediately. When a permanent disconnection is requested by a customer, the base charges specified in this section shall become the obligation of the property owner starting with the second full billing cycle following the disconnection and continuing until such time as the account is assumed by a new customer who pays the then required deposit.

<p align="center">Repealed Chapter 30- Cont.</p>	<p align="center">Proposed Chapter 30- Cont.</p>
<p><u>Article I. Sec. 30-12. Needs to offer ability if approved by the City for other types of connections; an state that a service deposit is required based on meter size.</u></p> <p>Sec. 30-12. Temporary connection to the system.</p> <p><u>A temporary connection to the city water and sewer system may be made for purposes such as showing unoccupied property or testing the plumbing system on such property or other similar uses of a temporary nature as determined by the city manager. The city manager shall promulgate an administrative policy in order to implement this section.</u></p>	<p><u>Article II. Utility Billing. Sec. 30-13. Added a service deposit is required regardless of time and based off the meter size.</u></p> <p><u>Sec. 30-13. Temporary connection to the system.</u></p> <p><u>A temporary connection to the City water and sewer system may be made for purposes such as showing unoccupied property or testing the plumbing system on such property or other similar uses of a temporary nature as determined by the City. A service deposit will be required regardless of time frame of temporary service. The service deposit will be based on the size of the meter used in accordance to the current adopted rate schedule.</u></p>
<p>Secs. 30-13—30-40. Reserved.</p>	<p><u>Secs. 30-14—30-40. Reserved.</u></p>
<p><u>Article II. Water Service.</u></p> <p><u>Division 1. Generally</u></p> <p>Sec. 30-41. Meters required; exception.</p> <p>A meter shall be installed in the water connection to each building or outlet, except fire hydrants, whether public or private. The expense of all connections to and extensions from the water service for fire protection purposes shall be borne by the user. No taps will be allowed which may be used for other than fire protection purposes.</p> <p>Sec. 30-42. Responsibility for plumbing.</p> <p>(a) <i>Generally.</i> All plumbing, pipes, fittings and fixtures shall be maintained in good order and repair so as to be leak free. It shall be the responsibility of the owner of the premises to maintain such plumbing and fixtures in leakfree condition.</p> <p>(b) <i>Sanctioning procedures.</i></p>	<p><u>Article III. Water Service.</u></p> <p><u>Division 1. Generally</u></p> <p><u>Sec. 30-41. Meters required; exception. No Change.</u></p> <p><u>A meter shall be installed in the water connection to each building or outlet, except fire hydrants, whether public or private. The expense of all connections to and extensions from the water service for fire protection purposes shall be borne by the user. No taps will be allowed which may be used for other than fire protection purposes.</u></p> <p><u>Sec. 30-42. Responsibility for plumbing. No Change.</u></p> <p><u>(a) <i>Generally.</i> All plumbing, pipes, fittings and fixtures shall be maintained in good order and repair so as to be leak free. It shall be the responsibility of the owner of the premises to maintain such plumbing and fixtures in leakfree condition.</u></p> <p><u>(b) <i>Sanctioning procedures.</i></u></p> <p>(1) <u>It is found and declared that continued waste of water because of leaking pipes, plumbing systems, fixtures</u></p>

Repealed Chapter 30- Cont.

- (1) It is found and declared that continued waste of water because of leaking pipes, plumbing systems, fixtures or fittings is a hazard to the public health and safety and that failure to correct such conditions following reasonable notice constitutes an abuse which can and may justify cessation of the water supply service; however, it is declared to be the policy of the city that the sanctions provided by this subsection (b) shall be invoked only after reasonable effort has been made to achieve voluntary compliance by the responsible party; further, this provision is intended to be administered with due regard to the rights and interests of innocent affected parties.
- (2) If the growth management director or his designee, following investigation, reasonably believes that the owner of the premises or the person in whose name the service is supplied, or both, has failed to maintain plumbing, pipes, fittings or fixtures in a leakfree condition, the growth management director or his designee shall notify such person of his determination by certified mail, return receipt requested. Such notification shall provide a reasonable time for repair of the pipes, plumbing system, fixtures or fittings not in excess of 30 days and shall further advise the respondent that failure to timely repair the leaking pipes, plumbing system, fittings or fixtures shall result in discontinuance of the respondent's water supply.
- (3) Persons so desiring may appeal the proposed action of the growth management director or his designee by filing a written request for a hearing with the city manager's office within five days of the receipt of the letter described in subsection (b)(2) of this section. If such a request is timely filed, the appeal shall be promptly heard by the city manager, who shall at such hearing consider and hear the statements and submitted documents of both the respondent and the director of growth management. The city manager may thereafter affirm, deny

Proposed Chapter 30- Cont.

or fittings is a hazard to the public health and safety and that failure to correct such conditions following reasonable notice constitutes an abuse which can and may justify cessation of the water supply service; however, it is declared to be the policy of the City that the sanctions provided by this subsection (b) shall be invoked only after reasonable effort has been made to achieve voluntary compliance by the responsible party; further, this provision is intended to be administered with due regard to the rights and interests of innocent affected parties.

- (2) If the growth management director or his designee, following investigation, reasonably believes that the owner of the premises or the person in whose name the service is supplied, or both, has failed to maintain plumbing, pipes, fittings or fixtures in a leakfree condition, the Director of Development Services or his/her designee shall notify such person of his determination by certified mail, return receipt requested. Such notification shall provide a reasonable time for repair of the pipes, plumbing system, fixtures or fittings not in excess of 30 days and shall further advise the respondent that failure to timely repair the leaking pipes, plumbing system, fittings or fixtures shall result in discontinuance of the respondent's water supply. Plumbing permit shall be obtained by a licensed contractor for all repairs.
- (3) Persons so desiring may appeal the proposed action of the Director of Development Services or his/her designee by filing a written request for a hearing with the City manager's office within five days of the receipt of the letter described in subsection (b)(2) of this section. If such a request is timely filed, the appeal shall be promptly heard by the City Manager or his/her designee, who shall at such hearing consider and hear the statements and submitted documents of both the respondent and the director of growth management. The City manager may thereafter affirm, deny or modify the proposed action of the director of Director of Development Services or his/her designee; however, if the City Manager or

Repealed Chapter 30- Cont.

or modify the proposed action of the director of growth management or his designee; however, if the city manager shall affirm the director's or his designee's action, the water service shall not be disconnected before the expiration of the time given to make repairs provided in subsection (b)(2) of this section; and further, the city manager may modify the action of the director of growth management or his designee by extending or shortening the time given to make repairs or by modifying the scope of repairs found necessary or the type of repairs previously found to be necessary.

- (4) If the condition is not remedied and following the time period specified in subsection (b)(2) of this section if no appeal is filed, or following the hearing provided under subsection (b)(3) of this section if an appeal is filed and violation is upheld, the city shall discontinue water service to the affected premises and the meter to the premises shall be disconnected. A disconnecting charge which is on file in the city clerk's office shall be made, which shall be debited against the deposit the customer maintains with the city.
- (5) After the disconnection of a meter pursuant to subsection (b)(4) of this section, such meter shall not be reconnected unless the pipes, plumbing, fittings or fixtures to which water services desired are in leakfree condition and a sum which is on file in the city clerk's office has been paid to the city for reinstallation of the meter, which sum shall be in addition to any disconnection charge provided in subsection (b)(4) of this section.
- (c) *Penalty.* Failure to comply with the requirements contained in this article shall be subject to punishment as provided in section 1-8.

Proposed Chapter 30. Cont.

his/her designee shall affirm the Director's or his/her designee's action, the water service shall not be disconnected before the expiration of the time given to make repairs provided in subsection (b)(2) of this section; and further, the City Manager or his/her designee may modify the action of the Director of Development Services or his designee by extending or shortening the time given to make repairs or by modifying the scope of repairs found necessary or the type of repairs previously found to be necessary.

- (4) If the condition is not remedied and following the time period specified in subsection (b)(2) of this section if no appeal is filed, or following the hearing provided under subsection (b)(3) of this section if an appeal is filed and violation is upheld, the City shall discontinue water service to the affected premises and the meter to the premises shall be disconnected. A disconnecting charge which is on file in the City clerk's office shall be made, which shall be debited against the deposit the customer maintains with the City.
- (5) After the disconnection of a meter pursuant to subsection (b)(4) of this section, such meter shall not be reconnected unless the pipes, plumbing, fittings or fixtures to which water services desired are in leak free condition and a sum which is on file in the City clerk's office has been paid to the City for reinstallation of the meter, which sum shall be in addition to any disconnection charge provided in subsection (b)(4) of this section.
- (c) *Penalty.* Failure to comply with the requirements contained in this article shall be subject to punishment as provided in section 1-8.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Sec. 30-43. Tampering with water plant or system; fraudulent use of water generally.

Sec. 30-43. Tampering with water plant or system; fraudulent use of water generally. No change.

- (a) It is unlawful to injure or knowingly to suffer to be injured any meter, pipe or fittings connected with or belonging to the city water plant or system or to tamper or meddle with any meter or other appliance or any part of such plant or system in such manner as to cause loss or damage to the city; or to prevent any meter installed for registering water from registering the quantity which otherwise would pass through the system; or to alter the index or break the seal of any such meter; or in any way to hinder or interfere with the proper action of just registration of any such meter; or fraudulently to use, waste or suffer the waste of water passing through any such meter, pipe or fitting, or other appliance or appurtenance connected with or belonging to such plant, after such meter, pipe, fitting, appliance or appurtenance has been tampered with, injured or altered.
- (b) The existence of any connection, wire, conductor, meter alteration or any device whatsoever which effects the diversion of water without the water's being measured or registered by or on a meter installed for that purpose by the city, or the use or waste of water furnished by the city, without its being measured or registered on a meter provided by the city, shall be prima facie evidence of intent to violate and of the violation of this section by the person using or receiving the direct benefits from the use of water passing through such connection, device or altered meter, or being used without being measured or registered on a meter.

- (a) It is unlawful to injure or knowingly to suffer to be injured any meter, pipe or fittings connected with or belonging to the City water plant or system or to tamper or meddle with any meter or other appliance or any part of such plant or system in such manner as to cause loss or damage to the City; or to prevent any meter installed for registering water from registering the quantity which otherwise would pass through the system; or to alter the index or break the seal of any such meter; or in any way to hinder or interfere with the proper action of just registration of any such meter; or fraudulently to use, waste or suffer the waste of water passing through any such meter, pipe or fitting, or other appliance or appurtenance connected with or belonging to such plant, after such meter, pipe, fitting, appliance or appurtenance has been tampered with, injured or altered.
- (b) The existence of any connection, wire, conductor, meter alteration or any device whatsoever which effects the diversion of water without the water's being measured or registered by or on a meter installed for that purpose by the City, or the use or waste of water furnished by the City, without its being measured or registered on a meter provided by the City, shall be prima facie evidence of intent to violate and of the violation of this section by the person using or receiving the direct benefits from the use of water passing through such connection, device or altered meter, or being used without being measured or registered on a meter.

Sec. 30-44. Illegal connections; diversion of water.

Sec. 30-44. Illegal connections; diversion of water. No change.

- (a) It is unlawful to make or cause to be made any connection with any main service pipe or other pipe, appliance or appurtenance used for or in connection with the city water plant or system in such manner as to cause to be supplied water from such plant to any faucet or other outlet whatsoever without such water's passing through a meter provided by the city and used for measuring

- (a) It is unlawful to make or cause to be made any connection with any main service pipe or other pipe, appliance or appurtenance used for or in connection with the City water plant or system in such manner as to cause to be supplied water from such plant to any faucet or other outlet whatsoever without such water's passing through a meter provided by the City and used for

<p align="center">Repealed Chapter 30- Cont.</p>	<p align="center">Proposed Chapter 30- Cont.</p>
<p>and registering the quantity of water passing through the system; or to make or cause to be made, without the consent of the city, any connection with any such plant or system or any main, pipe, service pipe, or other instrument or appliance connected with such plant in such manner as to take or use, without the consent of the city, any water; or to take or use any water from any fire hydrant or other hydrant of such plant or system without the consent of the city.</p> <p>(b) The existence of any connection, meter alteration or any device whatsoever which effects the diversion of water without its being measured or registered by or on a meter installed by the city, or which effects the use of water furnished by the city without its being measured or registered on a meter, shall be prima facie evidence of intent to violate and of the violation of this section by the person using or receiving the direct benefits from the use of water passing through such connection, device or altered meter, or being used without being measured or registered on a meter.</p>	<p><u>measuring and registering the quantity of water passing through the system; or to make or cause to be made, without the consent of the City, any connection with any such plant or system or any main, pipe, service pipe, or other instrument or appliance connected with such plant in such manner as to take or use, without the consent of the City, any water; or to take or use any water from any fire hydrant or other hydrant of such plant or system without the consent of the City.</u></p> <p>(b) <u>The existence of any connection, meter alteration or any device whatsoever which effects the diversion of water without its being measured or registered by or on a meter installed by the City, or which effects the use of water furnished by the City without its being measured or registered on a meter, shall be prima facie evidence of intent to violate and of the violation of this section by the person using or receiving the direct benefits from the use of water passing through such connection, device or altered meter, or being used without being measured or registered on a meter.</u></p>
<p><u>Article II. Sec. 30-45. Penalties for tampering or illegal connection or use of water. Moved to new Article II. Sec. 30-9.</u></p>	
<p>Sec. 30-46. Prohibited connection of air conditioning system to city water supply system.</p> <p>(a) After May 17, 1978, no permits shall be issued for the installation of any air conditioning system connected to or using the city water supply system; and it shall be unlawful for any person to install or have installed that air conditioning system or to connect the city's water supply system to any air conditioning system permitted after that date.</p> <p>(b) For the purposes of this section, the term "air conditioning system" is one or more units for the cooling or dehumidification, or both, of space for human occupancy.</p>	<p><u>Sec. 30-45. Prohibited connection of air conditioning system to City water supply system. No change.</u></p> <p>(a) <u>After May 17, 1978, no permits shall be issued for the installation of any air conditioning system connected to or using the City water supply system; and it shall be unlawful for any person to install or have installed that air conditioning system or to connect the City's water supply system to any air conditioning system permitted after that date.</u></p> <p>(b) <u>For the purposes of this section, the term "air conditioning system" is one or more units for the cooling or dehumidification, or both, of space for human occupancy.</u></p>

Repealed Chapter 30- Cont.

- (c) All systems permitted prior to that date and installed under that permit may, after proper inspection and approval, be issued a permit for operation.
- (d) Notwithstanding the provisions of subsection (a) of this section, water-cooled air conditioning systems using recirculating water (water towers) designed and sized to cool/heat single-family dwellings shall be permitted in single-family dwellings provided the following criteria are met:
 - (1) The aggregate tonnage per water tower shall not exceed 15 tons.
 - (2) One water tower shall be permitted per single-family dwelling.
 - (3) All condensate water produced by the system shall be captured and routed to the sump of the water tower.
 - (4) The water tower shall be the next size larger than the aggregate tonnage of the air conditioning units (e.g., if a single-family dwelling has two five-ton units and the available towers are ten, 12 and 15 tons, a 12-ton water tower must be used).
 - (5) The water tower pipe system shall have a swing checkvalve on the suction pipe of the pump.
 - (6) The water tower shall have a fan temperature control to govern the water temperature in order to minimize water evaporation.
 - (7) The water tower shall have a fan control.
 - (8) All air conditioning units shall be interlocked with the circulating pump of the water tower.
 - (9) Excess condensate water shall not discharge into the sanitary sewer system or into any body of water.
 - (10) All specifications, including water consumption, shall accompany the building permit application.

Proposed Chapter 30- Cont.

- (c) All systems permitted prior to that date and installed under that permit may, after proper inspection and approval, be issued a permit for operation.
- (d) Notwithstanding the provisions of subsection (a) of this section, water-cooled air conditioning systems using recirculating water (water towers) designed and sized to cool/heat single-family dwellings shall be permitted in single-family dwellings provided the following criteria are met:
 - (1) The aggregate tonnage per water tower shall not exceed 15 tons.
 - (2) One water tower shall be permitted per single-family dwelling.
 - (3) All condensate water produced by the system shall be captured and routed to the sump of the water tower.
 - (4) The water tower shall be the next size larger than the aggregate tonnage of the air conditioning units (e.g., if a single-family dwelling has two five-ton units and the available towers are ten, 12 and 15 tons, a 12-ton water tower must be used).
 - (5) The water tower pipe system shall have a swing check valve on the suction pipe of the pump.
 - (6) The water tower shall have a fan temperature control to govern the water temperature in order to minimize water evaporation.
 - (7) The water tower shall have a fan control.
 - (8) All air conditioning units shall be interlocked with the circulating pump of the water tower.
 - (9) Excess condensate water shall not discharge into the sanitary sewer system or into any body of water.
 - (10) All specifications, including water consumption, shall accompany the building permit application.

<p align="center">Repealed Chapter 30- Cont.</p>	<p align="center">Proposed Chapter 30- Cont.</p>
<p><u>Article II. Sec. 30-47. Use of fire line water. Moved to new Article II. Sec. 30-8 in order to consolidate all fire line water charges/penalties in one section.</u></p>	
<p>Secs. 30-48—30-70. Reserved.</p>	<p><u>Secs. 30-45—30-70. Reserved.</u></p>
<p><u>Division 2. Reserved.</u></p> <p>Secs. 30-71—30-100. Reserved.</p>	<p><u>Division 2. Reserved</u></p> <p><u>Secs. 30-71—30-100. Reserved. No Change.</u></p>
<p><u>Division 3. Water Shortage</u></p> <p>Sec. 30-101. Intent and purpose.</p> <p>It is the intent and purpose of this division to protect the water resources of the city from the harmful effects of overutilization during periods of water shortage and allocate available water supplies by assisting the South Florida Water Management District in the implementation of its water shortage plan.</p>	<p><u>Division 3. Water Shortage</u></p> <p><u>Sec. 30-101. Intent and purpose. No change.</u></p> <p><u>It is the intent and purpose of this division to protect the water resources of the City from the harmful effects of overutilization during periods of water shortage and allocate available water supplies by assisting the South Florida Water Management District in the implementation of its water shortage plan.</u></p>
<p><u>Article II. Div. 3 Sec. 30-101 Definitions. Moved to new Article I. Sec. 30-2.</u></p>	
<p>Sec. 30-103. Application of division.</p> <p>The provisions of this division shall apply to all persons using the water resource within the geographical areas subject to the water shortage or water shortage emergency, as determined by the district, whether from public or privately owned water utility systems private wells, or private connections with surface water bodies. This division shall not apply to persons using treated effluent or saltwater.</p>	<p><u>Sec. 30-102. Application of division. No change.</u></p> <p><u>The provisions of this division shall apply to all persons using the water resource within the geographical areas subject to the water shortage or water shortage emergency, as determined by the district, whether from public or privately owned water utility systems private wells, or private connections with surface water bodies. This division shall not apply to persons using treated effluent or saltwater.</u></p>
<p>Sec. 30-104. Amendments to water shortage plan.</p> <p>F.A.C. ch. 40E-21 is incorporated in this section by reference as a part of this Code of Ordinances.</p>	<p><u>Sec. 30-103. Amendments to water shortage plan. No change.</u></p> <p><u>F.A.C. ch. 40E-21 is incorporated in this section by reference as a part of this Code of Ordinances.</u></p>

Repealed Chapter 30- Cont.	Proposed Chapter 30- Cont.
<p>Sec. 30-105. Declaration of water shortage; water shortage emergency.</p> <p>The declaration of a water shortage or water shortage emergency within all or any part of the city by the governing board or the executive director of the district shall invoke the provisions of this division. Upon such declaration, all water use restrictions or other measures adopted by the district applicable to the city shall be subject to enforcement action pursuant to this division. Any violation of the provisions of F.A.C. ch. 40E-21, or any order issued pursuant to that chapter, shall be a violation of this division.</p>	<p><u>Sec. 30-104. Declaration of water shortage; water shortage emergency. No change.</u></p> <p><u>The declaration of a water shortage or water shortage emergency within all or any part of the City by the governing board or the executive director of the district shall invoke the provisions of this division. Upon such declaration, all water use restrictions or other measures adopted by the district applicable to the City shall be subject to enforcement action pursuant to this division. Any violation of the provisions of F.A.C. ch. 40E-21, or any order issued pursuant to that chapter, shall be a violation of this division.</u></p>
<p>Sec. 30-106. Enforcement.</p> <p>Every police officer, code enforcement officer or sheriff having jurisdiction in the area governed by this division shall, in connection with all other duties imposed by law, diligently enforce the provisions of this division. In addition, the city manager may also delegate enforcement responsibility for this division to agencies and departments of city government in accordance with state and local law.</p>	<p><u>Sec. 30-105. Enforcement. No change.</u></p> <p><u>Every police officer, code enforcement officer or sheriff having jurisdiction in the area governed by this division shall, in connection with all other duties imposed by law, diligently enforce the provisions of this division. In addition, the City Manager or his/her designee may also delegate enforcement responsibility for this division to agencies and departments of City government in accordance with state and local law.</u></p>
<p>Sec. 30-107. Penalties.</p> <p>(a) Violation of any provision of this division shall be subject to the following penalties:</p> <p>(1) First violation, \$50.00.</p> <p>(2) Second and subsequent violations, a fine not to exceed \$250.00 and/or imprisonment in the county jail not to exceed 60 days.</p> <p>(b) Each day in violation of this division shall constitute a separate offense. In the initial stages of a water shortage or water shortage emergency, law enforcement officials may provide violators with no more than one written warning. The city, in addition to the criminal sanctions contained in this section, may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this division.</p>	<p><u>Sec. 30-106. Penalties. No change.</u></p> <p><u>(a) Violation of any provision of this division shall be subject to the following penalties:</u></p> <p><u>(1) First violation, \$50.00.</u></p> <p><u>(2) Second and subsequent violations, a fine not to exceed \$250.00 and/or imprisonment in the county jail not to exceed 60 days.</u></p> <p><u>(b) Each day in violation of this division shall constitute a separate offense. In the initial stages of a water shortage or water shortage emergency, law enforcement officials may provide violators with no more than one written warning. The City, in addition to the criminal sanctions contained in this section, may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this division.</u></p>

<p align="center">Repealed Chapter 30- Cont.</p> <p><u>Secs. 30-108—30-130. Reserved.</u></p>	<p align="center">Proposed Chapter 30- Cont.</p> <p><u>Secs. 30-107—30-130. Reserved.</u></p>
<p><u>Division 4. Water Conservation</u></p> <p>Sec. 30-131. Water users to accept provisions of division.</p> <p>No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this division. The acceptance of water service shall be in itself the acceptance of the provisions of this division.</p>	<p><u>Division 4. Water Conservation</u></p> <p><u>Sec. 30-131. Water users to accept provisions of division. No change.</u></p> <p><u>No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this division. The acceptance of water service shall be in itself the acceptance of the provisions of this division.</u></p>
<p><u>Article II. Sec. 30-132. Moved definitions in (a) an (b) to new Article I. 30-2.</u></p> <p>Sec. 30-132. Use of recovery system and cutoff systems required.</p> <p>(a) The term "vehicle wash" means any building or premises for washing motor vehicles using a chain conveyor or other method of moving the vehicle along or in which the vehicle moves under its own power and automatically or semiautomatically applies cleaner, brushes, rinse water or heat for drying.</p> <p>(b) The term "recovery system" means a system which collects water employed to wash vehicles and recycles such water for reuse at a vehicle wash. Such system shall be designed to minimize water consumption by a vehicle wash.</p> <p>(c) All vehicle washes shall employ a liquid recovery system to recycle water used to wash vehicles.</p> <p>(d) Existing vehicle washes shall comply with this requirement within nine months of the effective date of Ordinance Number 87-27.</p> <p>(e) All self-service stalls, wash operations or persons using a hose to wash vehicles or trailers shall employ a trigger for such hose which cuts off the supply of water when pressure on the trigger is released.</p>	<p><u>Sec. 30-132. Use of recovery system and cutoff systems required. Condensed from original (definitions moved to Article I. Sec. 30-2.</u></p> <p>a) <u>All vehicle washes shall employ a liquid recovery system to recycle water used to wash vehicles.</u></p> <p>(1) <u>Existing vehicle washes shall comply with this requirement within nine months of the effective date of Ordinance Number 87-27.</u></p> <p>b) <u>All self-service stalls, wash operations or persons using a hose to wash vehicles or trailers shall employ a trigger for such hose which cuts off the supply of water when pressure on the trigger is released.</u></p>

Repealed Chapter 30- Cont.

Sec. 30-133. Restrictions on landscape irrigation.

- (a) Residents and businesses with odd-numbered addresses (address ending in the numbers 1, 3, 5, 7, 9, or the letters N—Z) may accomplish necessary landscape irrigation only on Wednesday and/or Saturday before 10:00 a.m. or after 4:00 p.m. only. No area may be irrigated more than twice per week.

Residents and businesses with even-numbered addresses (address ending in the numbers 0, 2, 4, 6, 8, or no address, or the letters A—M) and rights-of-way may accomplish necessary landscape irrigation only on Thursday and/or Sunday before 10:00 a.m. or after 4:00 p.m. only. No area may be irrigated more than twice per week.

Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided herein. Watering restriction applies to all water sources for irrigation, such as utility, lake, pond, canal, well, etc. The use of low-volume irrigation methods, including micro-irrigation, container watering and hand-watering with a hose and automatic shut-off nozzle, is allowed any time. Irrigation using reclaimed water is allowed any time before 10:00 a.m. or after 4:00 p.m. only. Irrigation using harvested rainwater is allowed any time.

Irrigation of new landscaping shall comply with the following provisions:

On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is also allowable without regard to the normal allowable watering days and times. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice. Irrigation of new landscaping which has been in

Proposed Chapter 30- Cont.

Article II. Div. 4 Sec. 30-133. Added verbiage to illustrate that the city follows the restrictions as set forth by South Florida Water Management District.

Sec. 30-133. Restrictions on landscape irrigation.

- (a) For landscape and irrigation the City shall follow the restrictions set forth by the South Florida Water Management District as established by Chapter 40E-24, F.A.C. not otherwise stated herein. Residents and businesses with odd-numbered addresses (address ending in the numbers 1, 3, 5, 7, 9, or the letters N—Z) may accomplish necessary landscape irrigation only on Wednesday and/or Saturday before 10:00 a.m. or after 4:00 p.m. only. No area may be irrigated more than twice per week.
- (b) Residents and businesses with even-numbered addresses (address ending in the numbers 0, 2, 4, 6, 8, or no address, or the letters A—M) and rights-of-way may accomplish necessary landscape irrigation only on Thursday and/or Sunday before 10:00 a.m. or after 4:00 p.m. only. No area may be irrigated more than twice per week.

Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided herein. Watering restriction applies to all water sources for irrigation, such as utility, lake, pond, canal, well, etc. The use of low-volume irrigation methods, including micro-irrigation, container watering and hand-watering with a hose and automatic shut-off nozzle, is allowed any time. Irrigation using reclaimed water is allowed any time before 10:00 a.m. or after 4:00 p.m. only. Irrigation using harvested rainwater is allowed any time.

Irrigation of new landscaping shall comply with the following provisions:

On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is also allowable without regard to the normal allowable watering days and times. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice. Irrigation of new landscaping which has been in place for 30

Repealed Chapter 30- Cont.

place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.

Irrigation of new landscaping which has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday. The 90-day period begins the day the new landscaping is installed. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least 50 percent new landscaping. If a zone contains less than 50 percent new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

- (b) Irrigation systems may be operated outside restricted hours for the purpose of system repair and maintenance, as well as landscape maintenance activities, such as required application of water to apply fertilizer, herbicides and pesticides.
- (c) If the district imposes restrictions on landscape irrigation for new and existing installations, which are more restrictive than those imposed by this section or which specify different days than those herein specified, such more restrictive regulations or differently scheduled regulations shall apply in the geographic areas of the county subject to such regulations.
- (d) All other uses of the water resources as defined in this article, including but not limited to commercial uses such as car washers, cleaning of structures such as barns, agricultural, nursery and golf course uses, shall be restricted pursuant to the rules, orders and regulations issued from time to time by the district, provided that water shall be cut off or shut off from use

Proposed Chapter 30- Cont.

days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.

- (a) Irrigation of new landscaping which has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday. The 90-day period begins the day the new landscaping is installed. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least 50 percent new landscaping. If a zone contains less than 50 percent new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.
- (b) Irrigation systems may be operated outside restricted hours for the purpose of system repair and maintenance, as well as landscape maintenance activities, such as required application of water to apply fertilizer, herbicides and pesticides.
- (c) If the district imposes restrictions on landscape irrigation for new and existing installations, which are more restrictive than those imposed by this section or which specify different days than those herein specified, such more restrictive regulations or differently scheduled regulations shall apply in the geographic areas of the county subject to such regulations.
- (d) All other uses of the water resources as defined in this article, including but not limited to commercial uses such as car washers, cleaning of structures such as barns, agricultural, nursery and golf course uses, shall be restricted pursuant to the rules, orders and regulations issued from time to time by the district, provided that water shall be cut off or shut off from use while the

<p style="text-align: center;">Repealed Chapter 30- Cont.</p> <p>while the principal reason for its use is not being performed.</p> <p>(e) <i>Enforcement and penalties.</i> A violation of this section shall be subject to the following:</p> <p>(1) Every police officer, code enforcement officer or sheriff having jurisdiction in the area governed by this division shall, in connection with other duties imposed by law, diligently enforce the provision of this division.</p> <p>(2) Violation of any provision of this division shall be subject to the following penalties:</p> <p>a. Each day in violation of this division shall constitute a separate offense. The enforcement official may provide violators with no more than one written warning. The city, shall not take criminal sanctions for violation contained in this section, may take any other appropriate legal action.</p> <p>b. First violation, \$50.00.</p> <p>c. Second and subsequent violations, a fine not to exceed \$250.00.</p>	<p style="text-align: center;"><u>Proposed Chapter 30- Cont.</u></p> <p><u>principal reason for its use is not being performed.</u></p> <p>(e) <u><i>Enforcement and penalties.</i> A violation of this section shall be subject to the following:</u></p> <p>(1) <u>Every police officer, code enforcement officer or sheriff having jurisdiction in the area governed by this division shall, in connection with other duties imposed by law, diligently enforce the provision of this division.</u></p> <p>(2) <u>Violation of any provision of this division shall be subject to the following penalties:</u></p> <p>a. <u>Each day in violation of this division shall constitute a separate offense. The enforcement official may provide violators with no more than one written warning. The City, shall not take criminal sanctions for violation contained in this section, may take any other appropriate legal action.</u></p> <p>b. <u>First violation, \$50.00.</u></p> <p>c. <u>Second and subsequent violations, a fine not to exceed \$250.00.</u></p>
<p>Sec. 30-134. Serving of water by restaurants.</p> <p>In an effort to reduce water consumption, restaurants within the city shall not permit, or allow, nor serve water to any customer of the restaurant, unless the customer specifically requests it.</p>	<p><u>Sec. 30-134. Serving of water by restaurants. No change.</u></p> <p><u>In an effort to reduce water consumption, restaurants within the City shall not permit, or allow, nor serve water to any customer of the restaurant, unless the customer specifically requests it.</u></p>

<u>Repealed Chapter 30- Cont.</u>	<u>Proposed Chapter 30- Cont.</u>
<p>Sec. 30-135. Distribution of plants and trees by the city.</p> <p>Trees and plants distributed by the city to the public shall be of a type that are resistant to drought conditions.</p>	<p><u>Sec. 30-135. Distribution of plants and trees by the City. No change.</u></p> <p><u>Trees and plants distributed by the City to the public shall be of a type that are resistant to drought conditions.</u></p>
<p>Secs. 30-136—30-160. Reserved.</p>	<p>Secs. 30-136—30-160. Reserved.</p>
<p><u>Article III. Sewer Service</u></p> <p><u>Division 1. Generally</u></p>	<p><u>Article IV. Sewer Services</u></p> <p><u>Division 1. Generally</u></p>
<p><u>Article III. Div. 1 Sec. 30-161. Definitions. Moved to new Article I. Sec. 30-02.</u></p>	
<p><u>Article III. Div. 1 Sec. 30-162. Removed septic tank; due to current requirements that all accounts must be connected to the city sewer service.</u></p> <p>Sec. 30-162. Sanitary method of disposal.</p> <p><u>Every residence and/or building within the city in which human beings reside, are employed or congregate shall be required to have a sanitary method of disposing of human excrement, namely, either a sanitary water closet that is connected with the city sewer or with an approved type septic tank.</u></p>	<p><u>Sec. 30-161. Sanitary method of disposal.</u></p> <p><u>Every residence and/or building within the City in which human beings reside, are employed or congregate shall be required to have a sanitary method of disposing of human excrement, namely, a sanitary water closet that is connected with the City sewer.</u></p>
<p>Sec. 30-163. Water closet required; flushing capacity.</p> <p>(a) It shall be unlawful to dispose of any human excreta within the city except in a sanitary water closet.</p> <p>(b) Water closet tanks for all building or plumbing permits issued after the effective date of the ordinance from which this section is derived shall meet the following requirements:</p>	<p><u>Article IV. Div. 1 Sec. 30-162. Change water closet maximum flushing capacity from 3.5 gallons to 1.28 gallons based on current plumbing code.</u></p> <p><u>Sec. 30-162. Water closet required; flushing capacity.</u></p> <p>(a) <u>It shall be unlawful to dispose of any human excreta within the City except in a sanitary water closet.</u></p> <p>(b) <u>Water closet tanks for all building or plumbing permits issued after the effective date of the ordinance from which this section is derived shall meet the following requirements:</u></p> <p>(1) <u>Water closet tanks shall have a flushing capacity sufficient to properly flush the water closet bowls with which they are connected, as provided in the</u></p>

Repealed Chapter 30- Cont.	Proposed Chapter 30- Cont.
<p>(1) Water closet tanks shall have a flushing capacity sufficient to properly flush the water closet bowls with which they are connected, as provided in the current edition of the South Florida Building Code as adopted from time to time by the county board of rules and appeals.</p> <p>(2) There is created a presumption that a water closet using a maximum of 3½ gallons of water during the flushing cycle shall have a flushing capacity sufficient to properly flush the water closet bowl with which it is connected; therefore all water closet tanks shall be of a design that provides a maximum flush not to exceed 3½ gallons of water.</p>	<p><u>current edition of the Florida Building Code or local ordinance as adopted from time to time by the county board of rules and appeals.</u></p> <p>(2) <u>There is created a presumption that a water closet using a maximum of 1.28 gallons of water during the flushing cycle shall have a flushing capacity sufficient to properly flush the water closet bowl with which it is connected; therefore all water closet tanks shall be of a design that provides a maximum flush not to exceed 1.28 gallons of water or as subsequently adopted by code or ordinance.</u></p>
<p>Sec. 30-164. Responsibility of landlord.</p> <p>It shall be unlawful for any person owning or leasing any premises in the city to permit the disposal of any human excrement on any property, leased or rented by any such person or his agent, except in a sanitary water closet where sewage lines are available.</p>	<p><u>Sec. 30-163. Responsibility of Owner/Landlord. Minor change to title.</u></p> <p><u>It shall be unlawful for any person owning or leasing any premises in the City to permit the disposal of any human excrement on any property, leased or rented by any such person or his agent, except in a sanitary water closet where sewage lines are available.</u></p>
<p>Sec. 30-165. New structures.</p> <p>No person shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the city which is within 300 feet of a public sanitary sewer line unless it is provided with water-carried sewer facilities.</p>	<p><u>Sec. 30-164. New structures. No change.</u></p> <p><u>No person shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the City which is within 300 feet of a public sanitary sewer line unless it is provided with water-carried sewer facilities.</u></p>
<p><u>Article III. Div. 1 Sec. 30-166. Removed due to current city requirements for connection to the city sewer system.</u></p> <p><u>Sec. 30-166. Approved septic tank.</u></p> <p><u>No septic tank other than those approved by the state division of health shall be constructed within the city.</u></p>	<p><u>Article IV. Div. 1 Sec. 30-165. Changed to state that septic tanks are not allow within the city.</u></p> <p><u>Sec. 30-165. Septic tanks prohibited.</u></p> <p><u>No septic tank shall be constructed within the City.</u></p>

Repealed Chapter 30- Cont.	Proposed Chapter 30- Cont.
<p>Sec. 30-167. Privies prohibited.</p> <p>It shall be unlawful to keep or maintain any privy or dry closet within the city.</p>	<p><u>Sec. 30-166. Privies prohibited. No change.</u></p> <p><u>It shall be unlawful to keep or maintain any privy or dry closet within the City.</u></p>
<p>Sec. 30-168. Maintenance of plumbing system; responsibility of owner.</p> <p>The owner of the property shall be responsible for maintaining and keeping clean the sewer pipe leading and connecting from the plumbing system to the city main sewers.</p>	<p><u>Sec. 30-167. Maintenance of plumbing system; responsibility of owner. No change.</u></p> <p><u>The owner of the property shall be responsible for maintaining and keeping clean the sewer pipe leading and connecting from the plumbing system to the City main sewers.</u></p>
<p>Sec. 30-169. Cutoff of water for failure to maintain sewer pipe.</p> <p>Failure to keep the sewer pipe clean and maintained in proper manner, viz, the pipe leading from the plumbing system to the city main, will give the city the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In these instances where the owner has his own private water supply, the city shall have the right to cut off such water supply to the plumbing system; and the owner shall have no right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the city main has been maintained and cleaned and in proper condition. Any violation of this section by reconnecting his private water supply or the connection from the city water main, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this Code and subject to the punishment provided in <u>section 1-8.</u></p>	<p><u>Sec. 30-168. Cutoff of water for failure to maintain sewer pipe. No change.</u></p> <p><u>Failure to keep the sewer pipe clean and maintained in proper manner, via, the pipe leading from the plumbing system to the City main, will give the City the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In these instances where the owner has his own private water supply, the City shall have the right to cut off such water supply to the plumbing system; and the owner shall have no right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the City main has been maintained and cleaned and in proper condition. Any violation of this section by reconnecting his private water supply or the connection from the City water main, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this Code and subject to the punishment provided in section 1-8.</u></p>
<p>Sec. 30-170. Connections with sewer; when required; compliance.</p> <p>The owner of each lot or parcel of land within the city upon which lot or parcel of land any building or trailer used as a dwelling is now situated or shall hereafter be situated, for either residential, commercial or industrial use, shall connect or cause such buildings or trailers to be connected with the public sewer system of the city and use</p>	<p><u>Sec. 30-169. Connections with sewer; when required; compliance. No change.</u></p> <p><u>The owner of each lot or parcel of land within the City upon which lot or parcel of land any building or trailer used as a dwelling is now situated or shall hereafter be situated, for either residential, commercial or industrial use, shall connect or cause such buildings or trailers to be connected with the public sewer system of the City and use the facilities of such sewer system, within three months after notification to do so</u></p>

<u>Repealed Chapter 30- Cont.</u>	<u>Proposed Chapter 30- Cont.</u>
<p>the facilities of such sewer system, within three months after notification to do so by the city clerk. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the city commission, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such commission may fix and determine; however, no connection shall be required where the sewer system or line is more than 300 feet from such lot or parcel of land; and no person shall be required to cross the private property of another to make such sewer connections.</p>	<p><u>by the Director of Development Services or his/her designee. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the City Commission, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such commission may fix and determine; however, no connection shall be required where the sewer system or line is more than 300 feet from such lot or parcel of land; and no person shall be required to cross the private property of another to make such sewer connections.</u></p>
<p>Sec. 30-171. Sewer connections may be made by city.</p> <p>If any such owner of any lot or parcel of land within the city shall fail and refuse to connect with and use the facilities of the sewer system of the city after notification by the city clerk, as provided in section 30-170, the city shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The city shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such cost of making such connections, the city shall have a lien on such lot or parcel of land for such cost, which lien shall be an equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the city in the same manner provided by the law for the foreclosure of mortgages upon real estate.</p>	<p><u>Sec. 30-170. Sewer connections may be made by City. No change.</u></p> <p><u>If any such owner of any lot or parcel of land within the City shall fail and refuse to connect with and use the facilities of the sewer system of the City after notification by the City clerk, as provided in section 30-170, the City shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The City shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such cost of making such connections, the City shall have a lien on such lot or parcel of land for such cost, which lien shall be an equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the City in the same manner provided by the law for the foreclosure of mortgages upon real estate.</u></p>
<p>Sec. 30-172. Consent and supervision of city for connection.</p> <p>No person shall be allowed to connect any sewer owned by the city without the written consent of the city, and the connection with such sewer shall only be made under the direction and supervision of the city.</p>	<p><u>Sec. 30-171. Consent and supervision of City for connection. No change.</u></p> <p><u>No person shall be allowed to connect any sewer owned by the City without the written consent of the City, and the connection with such sewer shall only be made under the direction and supervision of the City.</u></p>

Repealed Chapter 30- Cont.

Sec. 30-173. Connection of old plumbing.

Whenever it is desirable to connect old plumbing with the city sewer main, the owner or plumber contemplating doing such work shall notify the city plumbing inspector, who will inspect the old plumbing and notify the owner or plumber what alterations will be necessary to place the old plumbing in an acceptable condition for connection with the sewer main. Any owner or plumber who shall make any connection without the approval of the plumbing inspector shall upon conviction be subject to punishment as provided in section 1-8.

Proposed Chapter 30- Cont.

Sec. 30-172. Connection of old plumbing. No change.

Whenever it is desirable to connect old plumbing with the City sewer main, the owner or licensed plumber contemplating doing such work shall apply for permit with the Building Division prior to making connection. . Any owner or plumber who shall make any connection without an approved permit shall upon conviction be subject to punishment as provided in section 1-8.

Sec. 30-174. Service rates; charges imposed.

There is established and levied a schedule or system of rates and charges for sanitary sewage disposal service against each person owning, maintaining, operating or using any buildings in the city, inhabited or used by human beings as a place of residence, business or otherwise, that shall be connected with or available to connection with any line of the sanitary sewer system.

Sec. 30-173. Service rates; charges imposed. No change.

There is established and levied a schedule or system of rates and charges for sanitary sewage disposal service against each person owning, maintaining, operating or using any buildings in the City, inhabited or used by human beings as a place of residence, business or otherwise, that shall be connected with or available to connection with any line of the sanitary sewer system.

Article III. Div. 1 Sec. 30-175 Removed; no longer an active project.

Sec. 30-175. Additional charge in Sanitary Improvement District No. IV.

- (a) Each owner of real property located within the boundaries of Sanitary Sewer Improvement District No. IV shall, prior to connecting to the city sewer system, pay, in addition to the fee covering the physical costs of connection, a sanitary sewer utility user capital contribution charge per square foot of the entire land area of the site or parcel of land connecting to the system.
- (b) The moneys collected pursuant to this subsection shall be kept and placed in a separate interest-bearing account, designated the sanitary sewer utility user capital fund, to be used only for payment, or reimbursement of various city funds having made payment, of the cost and expense of past, present and future expansion of the sanitary sewer system within the district.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

~~(c) Payment of the capital contribution charge shall be in accordance with the following provisions:~~

~~(1) At the time of connection, the property owner, as shown on the latest records of the county property appraiser, will be rendered a bill indicating the total capital contribution charge. The property owner may pay it in full, or choose to pay it in 12 equal quarterly installments. However, any property owner who has not connected to the city's system prior to January 1, 1994, shall not be entitled to elect the 12-payment option.~~

~~(2) If the property owner chooses to pay the charge in quarterly installments, the city will send a bill, separate from the water and sewer bill, for each installment; and payment will be due on or before the 15th day after the date of billing. There shall be no interest on this unpaid balance.~~

~~(3) If any quarterly payment is not paid when due, there shall be added a penalty at the rate of one percent per month until paid. If any quarterly payment is not made within the 30 days from the date of billing, the city may make the entire remaining balance due and payable at once; and if the payment is not paid within 30 days of the date of acceleration, the entire amount due, including penalties and reasonable attorney's fees, may be foreclosed in the same manner as provided by law to foreclose mortgages. All unpaid balances, including penalties and reasonable attorney's fees, shall constitute a lien on the property, coequal with all other municipal liens, until satisfied or released.~~

Article III. Div. 1 Sec. 30-176. Removed; stated in the new Article I. Sec. 30-1 General provisions.

Sec. 30-176. Payment; bills; delinquency.

Bills for the monthly sewage disposal fees shall be rendered on the services bill described in

<u>Repealed Chapter 30- Cont.</u>	<u>Proposed Chapter 30- Cont.</u>
<p>section 30-10 and are subject to all of its provisions.</p>	
<p><u>Article III. Div. 1 Sec. 30-177. Remove; main water supply comes only from the city water system, all customer are connected to city water. Only irrigation connected to private wells.</u></p> <p><u>Sec. 30-177. Collection where owner has private water supply.</u></p> <p>Where sewage disposal fees are not paid in accordance with provisions outlined in this division, in those instances where the owner has his own private water supply, the city shall have a right to cut off such water supply to the plumbing system; and the owner shall have no right to reconnect his own private water supply until the sewage disposal fees shall have been paid in full. Any violation of this provision by reconnecting his private water supply, until such sewage disposal fees are paid in full, shall be considered a violation of this Code and subject to the penalties provided in <u>section 1-8.</u></p>	
<p><u>Article III. Div. 1 Sec. 30-178, No Service Free. Moved to Sec. 30-7(5) to include with service charges.</u></p>	
<p><u>Sec. 30-179. Illegal use of sewer plant or system.</u></p> <p>It shall be unlawful for any person, without the consent of the city, to tap any pipe or main belonging to the city sewer plant or system for the purpose of using such plant or system from such pipe or main, or for any other purpose; or without the consent of the city to use such plant or system; or to willfully injure, interfere with or destroy any pipe, main, fitting or appliance of such plant or system without the consent of the city.</p>	<p><u>Sec. 30-174. Illegal use of sewer plant or system. No change.</u></p> <p><u>It shall be unlawful for any person, without the consent of the City, to tap any pipe or main belonging to the City sewer plant or system for the purpose of using such plant or system from such pipe or main, or for any other purpose; or without the consent of the City to use such plant or system; or to willfully injure, interfere with or destroy any pipe, main, fitting or appliance of such plant or system without the consent of the City.</u></p>

<u>Repealed Chapter 30- Cont.</u>	<u>Proposed Chapter 30- Cont.</u>
<p>Sec. 30-180. Penalties.</p> <p>Any person violating any of the provisions of this article shall upon conviction for each such offense be subject to punishment as provided in <u>section 1-8</u>. Any failure or refusal by an owner to connect to the city sewer system after notification to do so, or any failure or refusal to pay the charges or rates provided in this article shall be construed to be a violation of this Code.</p>	<p><u>Sec. 30-175. Penalties. No change.</u></p> <p><u>Any person violating any of the provisions of this article shall upon conviction for each such offense be subject to punishment as provided in section 1-8. Any failure or refusal by an owner to connect to the City sewer system after notification to do so, or any failure or refusal to pay the charges or rates provided in this article shall be construed to be a violation of this Code.</u></p>
<p><u>Secs. 30-180—30-200. Reserved.</u></p>	<p><u>Secs. 30-175—30-200. Reserved.</u></p>
<p><u>Article III. Sewer Service. Div. 2 Sec. 30-202 thru 30-205. Removed city does not foresee the need for an interim package sewer treatment plant.</u></p> <p><u>Division 2. Interim Package Sewage Treatment Plant</u></p> <p><u>Sec. 30-201. Limitation on issuance of permits.</u></p> <p><u>No permits shall be granted for the construction of interim package sewage treatment plants within the city, subject to the exceptions as specifically set forth in this division.</u></p> <p><u>Sec. 30-202. For temporary installation; conditions.</u></p> <p><u>The city will issue permits for the temporary installation of the interim package sewage treatment plants which have been previously approved by the city commission, subject, however, to each of the following conditions, all of which shall survive the issuance of such permit and construction of such facility:</u></p> <p>(1) <u>A permit to construct such sewage treatment facility has been issued by the state department of environmental regulations.</u></p>	

Repealed Chapter 30- Cont.

- (2) A permit to construct such sewage treatment plant has been issued by the county pollution control department.
- (3) That such plant will be concealed from public view with landscaping and such other requirements as the building department, the utilities department and the impact board may require after examination and approval of the final plans and drawings for such facility.
- (4) Such facility shall be constructed in compliance with all applicable rules, regulations, laws and ordinances of the city, including but not limited to supervision during construction by a city registered engineer to ensure property compliance with the requirements as set forth in appendix "A" of Ordinance No. 1009, on file in the city clerk's office.
- (5) The applicant shall, at his expense, construct, install, operate and maintain such facility plus all service lines and other appurtenant equipment necessary to serve such sewage treatment facility.
- (6) The applicant shall, at such time as sewer service into a public collection is available for direct hookup, dismantle and remove the interim package sewage treatment plant, and further will perform and pay for all required installation, engineering, etc., including hookup charges, connection charges to tie into such public sewer main within 90 days.

Proposed Chapter 30- Cont.

Repealed Chapter 30- Cont.

Sec. 30-203. Permit application procedure.

The following procedure shall be followed by all persons applying for a permit from the city to construct a package sewage treatment facility:

- (1) The applicant shall design and provide the city with the plans and specifications for the facility and, when accepted by the city, will be considered as approved plans and specifications (in accordance with design criteria in appendix "A" of Ordinance No. 1009 on file in the city clerk's office).

- (2) The applicant shall be required to obtain a permit from the city to construct a package sewage treatment facility. The scope of the particular project shall be as described in the state "Application for Permit To Construct Wastewater Pollution Sources." The applicant will pay a fee for preparation and review of the application, an amount established and on file in the city clerk's office. Payment is to be made at the time the application is approved and a permit is issued by the city.

- (3) Upon approval by the city commission, the applicant shall enter into a written agreement with the city, assuming the responsibility for the operation of the package sewage treatment facility, and agreeing to connect the subject property to the public collection system at such time the sewer lines are constructed to a point on the improved public street nearest to the applicant's project. (See appendix "B" of Ordinance No. 1009, on file in the city clerk's office). This agreement shall be executed when the applicant is granted

Proposed Chapter 30- Cont.

Repealed Chapter 30- Cont.

approval to construct and install a package sewage treatment facility.

Sec. 30-204. Responsibility for operation.

The applicant for a permit under this division shall assume the responsibility for the operation of the package sewage treatment facility, and his responsibilities shall be as follows:

- (1) The applicant shall provide competent, trained, licensed operators for such facility, and in addition will deposit a cash bond representing five percent of the construction costs of the sewage plant and lift station with the city, which sum shall be retained by the city until dismantling and removal of the plant, and can be utilized by the city to supply or to contract for the supply of necessary services for such operation and maintenance.

- (2) The posting of a deposit of such sum shall not relieve the record title holder of full compliance with the requirement of supplying competent, trained, licensed operation and proper maintenance of the facility.

- (3) The title owner of record of the physical location of the facility will be held responsible and liable by and to the city for all that is done on, in or about the operation and maintenance of such facility by any agent or tenant or other person not in the employ of the city who may gain access to such facility relevant to such operation or maintenance.

Proposed Chapter 30- Cont.

Repealed Chapter 30- Cont.

~~(4) Any person who has apparent authority or control, actual or constructive, of the premises shall be constituted and construed to be the agent of the owner for the purpose of any notices served by the city; and such notices shall be deemed to have been properly served if delivered to the premises of the owner or if mailed to the owner, directed to or left or delivered to his address as shown on the records of the city. All notices relating to the operation and maintenance of such facility affecting or likely to affect more than one owner shall be deemed to have been properly given or served if advertised at least once in a newspaper of general circulation.~~

~~(5) The applicant has assured and agreed and represented and warranted upon applying for a permit from the city to construct a package sewage treatment facility that he is the owner of the subject property and has authority to bind himself and all of his heirs and assigns and does so bind himself and his heirs and assigns to consent to the imposition of an operation and maintenance sewer service charge to be levied by the city if the city determines the charge to be required in order to properly operate and maintain such facility upon failure to do so with competent help as set forth in this section.~~

~~**Sec. 30-205. Compliance prerequisite to issuance of certificate of occupancy.**~~

~~The city will issue no certificates of occupancy for buildings already under construction or building~~

Proposed Chapter 30- Cont.

<p align="center"><u>Repealed Chapter 30- Cont.</u></p> <p>permits for new construction for buildings requiring a package sewage treatment facility until the owner and/or developer has complied with the terms and requirements of this article and has obtained approval of the city commission, which approval shall not be unreasonably withheld.</p>	<p align="center"><u>Proposed Chapter 30- Cont.</u></p>
	<p><u>Secs. 30-201—30-206. Reserved.</u></p>
<p><u>Secs. 30-206—30-240. Reserved.</u></p>	<p><u>Secs. 30-206—30-240. Reserved.</u></p>
<p><u>Article IV. Stormwater Management Utility</u></p> <p><u>Article IV. Sec. 30-241. Definitions. Moved to new Article I. Sec. 30-2.</u></p>	<p><u>Article V. Stormwater Management Utility</u></p>
<p><u>Sec. 30-242. Stormwater management utility fee.</u></p> <p>(a) A stormwater utility fee is imposed upon each lot and parcel within the city for services and facilities provided by the stormwater management utility. For purposes of imposing the stormwater utility fee, each residential dwelling unit shall be billed a flat fee established for residential units as the rate established for one equivalent residential unit (ERU).</p> <p>(b) All nonresidential properties shall be billed based on their estimated impervious area divided by the ERU impervious area and then multiplied by the rate established for one ERU. The estimated impervious area of a nonresidential property shall be determined by multiplying the property area by the appropriate impervious factor as follows:</p>	<p><u>Sec. 30-241. Stormwater management utility fee. No change.</u></p> <p>(a) <u>A stormwater utility fee is imposed upon each lot and parcel within the City for services and facilities provided by the stormwater management utility. For purposes of imposing the stormwater utility fee, each residential dwelling unit shall be billed a flat fee established for residential units as the rate established for one equivalent residential unit (ERU).</u></p> <p>(b) <u>All nonresidential properties shall be billed based on their estimated impervious area divided by the ERU impervious area and then multiplied by the rate established for one ERU. The estimated impervious area of a nonresidential property shall be determined by multiplying the property area by the appropriate impervious factor as follows:</u></p>

Repealed Chapter 30- Cont.

Use Designation	Impervious Factor
Commercial (B-O)	0.80
Commercial	0.85
Industrial	0.85
Commercial Recreational	0.25
Public and Institutional	0.75

Formula: stormwater utility fee for nonresidential property =

ERU Rate	×	$\frac{\text{total area of property (in acres)} \times \text{Impervious factor}}{\text{ERU (in acres)}}$
----------	---	--

The minimum fee for any nonresidential parcel shall be equal to the rate for one ERU.

- (c) Undeveloped property and city-owned property shall be exempt from the stormwater utility fee.
- (d) The city commission may, by resolution, change the average impervious area of one ERU.
- (e) The rate for one ERU shall be established in the schedule of fees and charges ("fee book"). This rate may be amended by resolution of the city commission.

Proposed Chapter 30- Cont.

Use Designation	Impervious Factor
Commercial (B-O)	0.80
Commercial	0.85
Industrial	0.85
Commercial Recreational	0.25
Public and Institutional	0.75

Formula: stormwater utility fee for nonresidential property =

ERU Rate	×	$\frac{\text{total area of property (in acres)} \times \text{Impervious factor}}{\text{ERU (in acres)}}$
----------	---	--

The minimum fee for any nonresidential parcel shall be equal to the rate for one ERU.

- (c) Undeveloped property and City-owned property shall be exempt from the stormwater utility fee.
- (d) The City Commission may, by resolution, change the average impervious area of one ERU.
- (e) The rate for one ERU shall be established in the schedule of fees and charges ("fee book"). This rate may be amended by resolution of the City Commission.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Article IV. Sec. 30-243. Remove; stated in new Article II. Sec. 30-7 in order to include all billing/penalties in a central location.

Sec. 30-243. Billing and payment; penalties.

- (a) ~~Bills or statements for the stormwater utility fee shall be rendered at least annually for all properties subject to the fee. Bills shall be payable in the same manner and are subject to the same penalties as set forth in this chapter for water bills. Any unpaid stormwater utility fees shall constitute a lien against the property, which lien shall be prior to all other liens on such property except the liens of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by state law for the foreclosure of mortgages on real property.~~
- (b) ~~The bill or statement for the stormwater utility fee shall be sent to the owner of the property as determined from the tax rolls. The appropriate billing interval shall be determined by the director.~~
- (c) ~~The owner of a property is ultimately responsible for all fees imposed under this article.~~

Article IV. Sec. 30-244. Lacked definition of director; outdated appeal process.

Sec. 30-244. Adjustment of fees.

- (a) Requests for adjustment of the stormwater utility fee shall be submitted through the director, who shall be given authority to administer the procedures and standards, and review criteria for the adjustment of fees as established in this section. All requests shall be judged on the basis of the amount of impervious area on the site, or the need for additional/enhanced stormwater facilities. No credit shall be given for the installation of facilities required by any agencies having jurisdiction for stormwater management. The following procedures

Article V. Sec. 30-242. Replaced director throughout with Public Works Engineer; and updated appeal process.

Sec. 30-242. Adjustment of fees.

Requests for adjustment of the stormwater utility fee shall be submitted through the Public Works Engineer or his/her designee, who shall be given authority to administer the procedures and standards, and review criteria for the adjustment of fees as established in this section. All requests shall be judged on the basis of the amount of impervious area on the site, or the need for additional/enhanced stormwater facilities. No credit shall be given for the installation of facilities required by any agencies having jurisdiction for stormwater management. The following procedures shall apply to all adjustment requests of the stormwater utility fee:

- (1)** Any owner who has paid his stormwater utility fees and who believes the impervious area determination to be

Repealed Chapter 30- Cont.

shall apply to all adjustment requests of the stormwater utility fee:

- (1) Any owner who has paid his stormwater utility fees and who believes the impervious area determination to be incorrect may, subject to the limitations set forth in this article, submit an adjustment request to the ~~director~~.
- (2) Requests for adjustment of stormwater utility fees shall be in writing on forms provided by the city, shall set forth in detail the grounds upon which relief is sought, and shall be filed with the ~~director~~ along with a processing fee as set by resolution.
- (3) Adjustment requests made during the first calendar year that the stormwater utility fee is imposed will be reviewed by the ~~director~~ within a four-month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of billings but shall not exceed one year.
- (4) The owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the ~~director~~, including but not limited to survey data and engineering reports, performed by either a registered professional land surveyor (R.P.L.S.) or a professional engineer (P.E.) currently registered in the state. Failure to provide such information may result in the denial of the adjustment request.
- (5) Adjustments to the stormwater utility fee will be made upon the granting of the adjustment request, in writing, by the ~~director~~. Denials of adjustment requests shall be made in writing by the ~~director~~.
- (b) ~~The director or his designee shall prepare an administrative policy which sets forth an appeal procedure to be followed by an owner whose request for adjustment is denied. Such procedure shall be designed so that an owner may receive timely review~~

Proposed Chapter 30- Cont.

incorrect may, subject to the limitations set forth in this article, may submit an adjustment request to the Public Works Engineer.

- (2) Requests for adjustment of stormwater utility fees shall be in writing on forms provided by the City, shall set forth in detail the grounds upon which relief is sought, and shall be filed along with a processing fee as set by resolution.
- (3) Adjustment requests made during the first calendar year that the stormwater utility fee is imposed will be reviewed by the Public Works Engineer or his/her designee within a four-month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of billings but shall not exceed one year.
- (4) The owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the Public Works Engineer or his/her designee, including but not limited to survey data and engineering reports, performed by either a registered professional land surveyor (R.P.L.S.) or a professional engineer (P.E.) currently registered in the state. Failure to provide such information may result in the denial of the adjustment request.
- (5) Adjustments to the stormwater utility fee will be made upon the granting of the adjustment request, in writing, by the Public Works Engineer or his/her designee. Denials of adjustment requests shall be made in writing by the Public Works Engineer or his/her designee.
- (6) Any property owner who disputes the results of a request made to the Public Works Engineer for adjustment may petition in writing to the City Manager or his/her designee for a review of said charges. The decision of the manager shall be final.

<p align="center"><u>Repealed Chapter 30- Cont.</u></p>	<p align="center"><u>Proposed Chapter 30- Cont.</u></p>
<p>of a denial of adjustment and shall provide for a final appeal of an adverse determination to the city commission.</p>	
<p>Sec. 30-245. Program responsibility.</p> <p>It shall be the duty of the director to administer the stormwater utility program. The director shall keep an accurate record of all properties benefiting from the services and facilities of the municipal stormwater management utility and make changes in accordance with the ERU rate and the ERU area established in this article or by resolution.</p> <p>Sec. 30-246. Stormwater utility enterprise fund.</p> <p>There shall be established a stormwater utility enterprise fund for the deposit of all fees and charges collected by the stormwater utility. These funds shall be for the exclusive use of the city's stormwater management utility, including but not limited to the following:</p> <ol style="list-style-type: none"> (1) Stormwater management services. (2) Operation and maintenance of the stormwater management system. (3) Project costs for approved improvements to the municipal stormwater management system. (4) Administrative costs associated with the management of the stormwater utility. (5) Costs required for the city to comply with the NPDES stormwater permit requirements. (6) Debt service of stormwater related capital improvements. (7) Funding of studies associated with the planning of the stormwater related infrastructure. 	<p><u>Sec. 30-243. Program responsibility. Minor change.</u></p> <p><u>It shall be the duty of the Public Works Director or his/her designee to administer the stormwater utility program. The director shall keep an accurate record of all properties benefiting from the services and facilities of the municipal stormwater management utility and make changes in accordance with the ERU rate and the ERU area established in this article or by resolution.</u></p> <p><u>Sec. 30-244. Stormwater utility enterprise fund. No change.</u></p> <p><u>There shall be established a stormwater utility enterprise fund for the deposit of all fees and charges collected by the stormwater utility. These funds shall be for the exclusive use of the City's stormwater management utility, including but not limited to the following:</u></p> <ol style="list-style-type: none"> (1) <u>Stormwater management services.</u> (2) <u>Operation and maintenance of the stormwater management system.</u> (3) <u>Project costs for approved improvements to the municipal stormwater management system.</u> (4) <u>Administrative costs associated with the management of the stormwater utility.</u> (5) <u>Costs required for the City to comply with the NPDES stormwater permit requirements.</u> (6) <u>Debt service of stormwater related capital improvements.</u> (7) <u>Funding of studies associated with the planning of the stormwater related infrastructure.</u>

<u>Repealed Chapter 30- Cont.</u>	<u>Proposed Chapter 30- Cont.</u>
<p><u>Article V. Water and Wastewater Impact Fees</u></p> <p>Sec. 30-247. Short title.</p> <p>This article shall be known and may be cited as the "City of Hallandale Beach Water and Wastewater Impact Fee Ordinance."</p>	<p><u>Article VI. Water and Wastewater Impact Fees</u></p> <p><u>Sec. 30-245. Short title. No change.</u></p> <p><u>This article shall be known and may be cited as the "City of Hallandale Beach Water and Wastewater Impact Fee Ordinance."</u></p>
<p>Sec. 30-248. Authorization.</p> <p>This article is enacted pursuant to law, and F.S. ch. 180 which provides local municipalities with the authority to establish and operate water and wastewater utility systems.</p>	<p><u>Sec. 30-246. Authorization. No change.</u></p> <p><u>This article is enacted pursuant to law, and F.S. ch. 180 which provides local municipalities with the authority to establish and operate water and wastewater utility systems.</u></p>
<p>Sec. 30-249. Commission findings.</p> <p>The Hallandale Beach City Commission hereby makes and expresses the following findings, purposes, and intent:</p> <ol style="list-style-type: none"> (1) Significant growth is expected to occur in the areas that are provided water and wastewater utility services by the city. (2) Growth within the service area has resulted in the need to expand the water production and distribution system, to expand the wastewater transmission system, and to negotiate available, treatment (purchased) capacity with the City of Hollywood to accommodate the demands imposed by such growth without decreasing the current level of utility services at the cost of existing users. (3) Expansion of water and wastewater utility services to accommodate new growth shall promote and protect the interests and general welfare of the residents of Hallandale Beach. (4) In order for future growth to pay more equitably the cost of expanding the water production and distribution system and the wastewater system to meet the demands imposed by such growth, the city commission finds that the adoption of water and wastewater impact fees, to be levied as 	<p><u>Sec. 30-247. Commission findings. No change.</u></p> <p><u>The Hallandale Beach City Commission hereby makes and expresses the following findings, purposes, and intent:</u></p> <ol style="list-style-type: none"> (1) <u>Significant growth is expected to occur in the areas that are provided water and wastewater utility services by the City.</u> (2) <u>Growth within the service area has resulted in the need to expand the water production and distribution system, to expand the wastewater transmission system, and to negotiate available, treatment (purchased) capacity with the City of Hollywood to accommodate the demands imposed by such growth without decreasing the current level of utility services at the cost of existing users.</u> (3) <u>Expansion of water and wastewater utility services to accommodate new growth shall promote and protect the interests and general welfare of the residents of Hallandale Beach.</u> (4) <u>In order for future growth to pay more equitably the cost of expanding the water production and distribution system and the wastewater system to meet the demands imposed by such growth, the City Commission finds that the adoption of water and wastewater impact fees, to be levied as one-time charges upon new users (connections) or new demand on the system created through expansions or renovations, is an appropriate and equitable method of capital cost recovery.</u> (5) <u>The intent of the water and wastewater impact fees is to recover only the pro rata share of the costs incurred to meet the demands of growth.</u>

Repealed Chapter 30- Cont.

one-time charges upon new users (connections) or new demand on the system created through expansions or renovations, is an appropriate and equitable method of capital cost recovery.

- (5) The intent of the water and wastewater impact fees is to recover only the pro rata share of the costs incurred to meet the demands of growth.
- (6) In order for the city to recover the carrying costs associated with providing new capacity today to meet the needs of future growth, the city commission recognizes that the adoption of accrued guaranteed revenue charges (AGRCs) would reimburse the city for the costs of constructing and maintaining water and wastewater capacity in advance of new growth, and that such charges provide equity between existing and future customers of the water and wastewater system (the "system").
- (7) The report entitled "City of Hallandale Beach, Florida Water and Wastewater Impact Fee Study," dated July 2008, and the report entitled "Wastewater Treatment Impact Fee Study," dated 2009, set forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional water and wastewater transmission capital facilities in the City of Hallandale Beach and the estimation of accrued guaranteed revenue charges.
- (8) The commission's intent is to expend the water and wastewater impact fees collected pursuant to this article only for the purposes for which they were collected, specifically, to defray the capital cost incurred to meet the demands imposed by growth.
- (9) The Commission's intent is to recognize the revenues received from the accrued guaranteed revenue charges as unrestricted and available for any lawful purpose of the system since such revenues are collected to reimburse the city for operating carrying costs.

Proposed Chapter 30- Cont.

- (6) In order for the City to recover the carrying costs associated with providing new capacity today to meet the needs of future growth, the City Commission recognizes that the adoption of accrued guaranteed revenue charges (AGRCs) would reimburse the City for the costs of constructing and maintaining water and wastewater capacity in advance of new growth, and that such charges provide equity between existing and future customers of the water and wastewater system (the "system").
- (7) The report entitled "City of Hallandale Beach, Florida Water and Wastewater Impact Fee Study," dated July 2008, and the report entitled "Wastewater Treatment Impact Fee Study," dated 2009, set forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional water and wastewater transmission capital facilities in the City of Hallandale Beach and the estimation of accrued guaranteed revenue charges.
- (8) The commission's intent is to expend the water and wastewater impact fees collected pursuant to this article only for the purposes for which they were collected, specifically, to defray the capital cost incurred to meet the demands imposed by growth.
- (9) The Commission's intent is to recognize the revenues received from the accrued guaranteed revenue charges as unrestricted and available for any lawful purpose of the system since such revenues are collected to reimburse the City for operating carrying costs.

<p align="center"><u>Repealed Chapter 30-Cont.</u></p>	<p align="center"><u>Proposed Chapter 30- Cont.</u></p>
<p><u>Article V. Sec. 30-250. Definitions. Moved to new Article I. 30-2.</u></p>	
<p>Sec. 30-251. Applicability.</p> <p>This article shall apply within the water and wastewater service territory of the City of Hallandale Beach, including those areas that are annexed into the city after the effective date of this article.</p>	<p><u>Sec. 30-248. Applicability. No change.</u></p> <p><u>This article shall apply within the water and wastewater service territory of the City of Hallandale Beach, including those areas that are annexed into the City after the effective date of this article.</u></p>
<p>Sec. 30-252. Payment of water and wastewater impact fees and AGRC.</p> <p>(a) <i>Imposed.</i> Any person who seeks to connect to the City of Hallandale Beach's water and/or wastewater system, or whom expands and/or changes the use of an existing facility beyond the current reserved capacity for such facility is hereby required to pay a water and/or wastewater impact fee in the manner and amount set forth in the schedule of impact fees, and is required to pay a water and/or wastewater accrued guaranteed revenue charge in the manner and amount set forth in the schedule of accrued guaranteed revenue charges.</p> <p>(b) <i>Residential basis.</i> The residential water and wastewater impact fees and accrued guaranteed revenue charges are based on equivalent residential units (ERUs). An ERU shall mean any structure which provides living accommodations for a single family (single-family residence). A residential structure shall be charged according to the number of ERUs located in each structure. The City of Hallandale Beach defines and ERU as 350 and 315 gallons per day for the water and wastewater systems, respectively.</p> <p>(c) <i>Non-residential basis.</i> The non-residential water and wastewater impact fees and accrued guaranteed revenue charges are</p>	<p><u>Sec. 30-249. Payment of water and wastewater impact fees and AGRC. No change.</u></p> <p>(a) <i>Imposed.</i> <u>Any person who seeks to connect to the City of Hallandale Beach's water and/or wastewater system, or whom expands and/or changes the use of an existing facility beyond the current reserved capacity for such facility is hereby required to pay a water and/or wastewater impact fee in the manner and amount set forth in the schedule of impact fees, and is required to pay a water and/or wastewater accrued guaranteed revenue charge in the manner and amount set forth in the schedule of accrued guaranteed revenue charges.</u></p> <p>(b) <i>Residential basis.</i> <u>The residential water and wastewater impact fees and accrued guaranteed revenue charges are based on equivalent residential units (ERUs). An ERU shall mean any structure which provides living accommodations for a single family (single-family residence). A residential structure shall be charged according to the number of ERUs located in each structure. The City of Hallandale Beach defines and ERU as 350 and 315 gallons per day for the water and wastewater systems, respectively.</u></p> <p><u><i>Non-residential basis.</i> The non-residential water and wastewater impact fees and accrued guaranteed revenue charges are based on a charge per gallon of capacity reservation. Each development's water and wastewater capacity reservation is determined using unique attributes for various facilities that estimate water demand. The non-residential attributes are based on the guidelines presented in FAC Chapter 64E, which is included as Appendix A of the impact fee report. FAC Chapter 64E is a recognized source of</u></p>

Repealed Chapter 30- Cont.

Water Impact Fee Schedule

Residential		
<i>Dwelling Type</i>	<i>ERU Factor per Unit</i>	<i>Impact Fee per Unit</i>
Single-family	1.00	\$1,318.00
Duplex	0.73	\$962.00
Triplex, 4-plex, 5-plex, condo or co-op apartments	0.60	\$791.00
Triplex/3 meters	0.67	\$883.00
Duplex/2 meters	0.80	\$1,054.00
Single house and apartment	0.67	\$883.00
Trailer or trailer park	0.47	\$619.00
Townhouse	0.87	\$1,147.00
4-plex/4 meters	0.53	\$698.00

Non-Residential [*]

	<i>Impact Fee</i>
Cost per gallon of capacity reservation	\$3.77

[*] Amount multiplied by the total reserved gallons as determined using non-residential designations within Appendix A of the impact fee report.

Proposed Chapter 30- Cont.

Water Impact Fee Schedule

Residential		
<i>Dwelling Type</i>	<i>ERU Factor per Unit</i>	<i>Impact Fee per Unit</i>
Single-family	1.00	\$1,318.00
Duplex	0.73	\$962.00
Triplex, 4-plex, 5-plex, condo or co-op apartments	0.60	\$791.00
Triplex/3 meters	0.67	\$883.00
Duplex/2 meters	0.80	\$1,054.00
Single house and apartment	0.67	\$883.00
Trailer or trailer park	0.47	\$619.00
Townhouse	0.87	\$1,147.00
4-plex/4 meters	0.53	\$698.00

Non-Residential [*]

	<i>Impact Fee</i>
Cost per gallon of capacity reservation	\$3.77

[*] Amount multiplied by the total reserved gallons as determined using non-residential designations within Appendix A of the impact fee report.

Repealed Chapter 30- Cont.

Wastewater Impact Fee Schedule

Residential		
<i>Dwelling Type</i>	<i>ERU Factor per Unit</i>	<i>Impact Fee per Unit</i>
Single-family	1.00	\$1,672.00
Duplex	0.73	\$1,220.00
Triplex, 4-plex, 5-plex, condo or co-op apartments	0.60	\$1,003.00
Triplex/3 meters	0.67	\$1,120.00
Duplex/2 meters	0.80	\$1,337.00
Single house and apartment	0.67	\$1,120.00
Trailer or trailer park	0.47	\$785.00
Townhouse	0.87	\$1,454.00
4-plex/4 meters	0.53	\$886.00
Non-Residential [*]		
		<i>Impact Fee</i>
Cost per gallon of capacity reservation	\$5.31	
[*] Amount multiplied by the total reserved gallons as determined using non-residential designations within Appendix A of the impact fee report. All values are rounded to the nearest \$0.01.		

- (b) *Unspecified uses.* If the type of connection that is being applied for is not readily specified on the schedule of water and wastewater impact fees or Appendix A of the impact fee study report, the city manager or designee shall determine the appropriate fee by considering demographic or other documentation, which is available.
- (c) *Change in use or density.* In the case of change in use, redevelopment, or

Proposed Chapter 30- Cont.

Wastewater Impact Fee Schedule

Residential		
<i>Dwelling Type</i>	<i>ERU Factor per Unit</i>	<i>Impact Fee per Unit</i>
Single-family	1.00	\$1,672.00
Duplex	0.73	\$1,220.00
Triplex, 4-plex, 5-plex, condo or co-op apartments	0.60	\$1,003.00
Triplex/3 meters	0.67	\$1,120.00
Duplex/2 meters	0.80	\$1,337.00
Single house and apartment	0.67	\$1,120.00
Trailer or trailer park	0.47	\$785.00
Townhouse	0.87	\$1,454.00
4-plex/4 meters	0.53	\$886.00
Non-Residential [*]		
		<i>Impact Fee</i>
Cost per gallon of capacity reservation		\$5.31
[*] Amount multiplied by the total reserved gallons as determined using non-residential designations within Appendix A of the impact fee report. All values are rounded to the nearest \$0.01.		

- (b) *Unspecified uses.* If the type of connection that is being applied for is not readily specified on the schedule of water and wastewater impact fees or Appendix A of the impact fee study report, the City Manager or his/her designee shall determine the appropriate fee by considering demographic or other documentation, which is available.
- (c) *Change in use or density.* In the case of change in use, redevelopment, or expansion or modification of an existing use of a site, the water and wastewater impact fee shall be based upon the net increase in the water and wastewater capacity reservation for the new use as compared to the most intense previous use.

Repealed Chapter 30- Cont.

wastewater impact fee shall be based upon the net increase in the water and wastewater capacity reservation for the new use as compared to the most intense previous use.

Proposed Chapter 30- Cont.

Sec. 30-251. Schedule of water and wastewater accrued guaranteed revenue charges. No change.

(a) Specified uses. The water and/or wastewater AGRCs shall be payable when the building permit is issued for one or more dwelling units or when a request for capacity is requested using the following schedules:

Water Accrued Guaranteed Revenue Charge Schedule

Table attached.

Water Accrued Guaranteed Revenue Charge Schedule

Table attached.

Wastewater Accrued Guaranteed Revenue Charge Schedule

Table attached.

Wastewater Accrued Guaranteed Revenue Charge Schedule

Table attached.

(b) *Change in use or density.* In the case of change in use, redevelopment, or expansion or modification of an existing use of a site, the water and wastewater AGRCs shall be based upon the net increase in the water and/or wastewater capacity reservation for the new use as compared to the most intense previous use.

(b) Change in use or density. In the case of change in use, redevelopment, or expansion or modification of an existing use of a site, the water and wastewater AGRCs shall be based upon the net increase in the water and/or wastewater capacity reservation for the new use as compared to the most intense previous use.

Article V. Sec. 30-255 (a). Exemptions. Definitions. Moved to new Article I. Sec. 30-2.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

Sec. 30-255. Exemptions.

(b)It is the intent of this article that all new users (connections) or new demand on the system created through expansions or renovations, pay its apportioned share of capital costs and carrying costs as outlined in section 30-254; therefore, all impact fees and AGRCs calculated are to be collected. The purpose of this section is to encourage development of affordable housing through the use of other available funds. When other available funds are designated and available for economic development incentives, the City of Hallandale Beach reserves the right to waive direct payment of the impact fees and/or AGRCs by the developer and to pay the charges from the other available funds account.

Applicants for building permits who wish to seek an exemption from water and wastewater impact fees and/or AGRCs shall apply for the exemption on forms prescribed by the city manager or his designee. The applicant must certify that the property is within a community redevelopment district and that upon completion the dwelling unit(s) will qualify as affordable housing and will be maintained as affordable housing in accordance to city policy after issuance of a certificate of occupancy. If the dwelling units are not maintained as affordable housing, then the impact fees and/or AGRCS which would have been payable but for this exemption shall be due and payable at once, prorated on an annual basis for the number of years less than the amount designated by city policy during which the dwelling units will not be maintained as affordable housing.

Any exemption sought must be approved by the city manager before it takes effect. Applicants will be expected to meet with the city manager or his or her designee to provide evidence in support of their claim to an exemption. No exemption shall be automatic and it shall be within the sole discretion of the city manager whether to grant or deny any exemption, based not only on the criteria specified herein to qualify for the

Sec. 30-252. Exemptions. No change.

It is the intent of this article that all new users (connections) or new demand on the system created through expansions or renovations, pay its apportioned share of capital costs and carrying costs as outlined in section 30-254; therefore, all impact fees and AGRCs calculated are to be collected. The purpose of this section is to encourage development of affordable housing through the use of other available funds. When other available funds are designated and available for economic development incentives, the City of Hallandale Beach reserves the right to waive direct payment of the impact fees and/or AGRCs by the developer and to pay the charges from the other available funds account.

Applicants for building permits who wish to seek an exemption from water and wastewater impact fees and/or AGRCs shall apply for the exemption on forms prescribed by the City Manager or his/her designee. The applicant must certify that the property is within a community redevelopment district and that upon completion the dwelling unit(s) will qualify as affordable housing and will be maintained as affordable housing in accordance to City policy after issuance of a certificate of occupancy. If the dwelling units are not maintained as affordable housing, then the impact fees and/or AGRCS which would have been payable but for this exemption shall be due and payable at once, prorated on an annual basis for the number of years less than the amount designated by City policy during which the dwelling units will not be maintained as affordable housing.

Any exemption sought must be approved by the City Manager or his/her designee before it takes effect. Applicants will be expected to meet with the City Manager or his/ her designee to provide evidence in support of their claim to an exemption. No exemption shall be automatic and it shall be within the sole discretion of the City Manager or his/her designee whether to grant or deny any exemption, based not only on the criteria specified herein to qualify for the exemption but also on the availability of other available funds and such other considerations as the City Manager or his/her designee deems appropriate in the public interest.

No other exemptions and/or provisions are expressed or implied by this section.

Repealed Chapter 30- Cont.

Proposed Chapter 30- Cont.

exemption but also on the availability of other available funds and such other considerations as the city manager deems appropriate in the public interest.

No other exemptions and/or provisions are expressed or implied by this section.

Sec. 30-256. Required time of payment.

Impact fees and AGRCs must be paid prior to the issuance of a building permit. A building permit will not be issued until these fees have been paid.

Sec. 30-253. Required time of payment. No change.

Impact fees and AGRCs must be paid prior to the issuance of a building permit. A building permit will not be issued until these fees have been paid.

Sec. 30-254. Financing policy. No change.

In order to be eligible for financing required payments of water and/or wastewater impact fees and AGRCs, the cumulative fees must exceed \$20,000.00. In addition, the development or project for which financing is being sought must qualify either as affordable housing as defined in this article, or must constitute a commercial or industrial venture.

Sec. 30-257. Financing policy.

In order to be eligible for financing required payments of water and/or wastewater impact fees and AGRCs, the cumulative fees must exceed \$20,000.00. In addition, the development or project for which financing is being sought must qualify either as affordable housing as defined in this article, or must constitute a commercial or industrial venture.

Any applicant who seeks to finance impact fees and AGRCs shall apply on forms promulgated by the city manager or his or her designee, and shall include with the application proof of qualification as affordable housing, or a commercial or industrial venture. Any application for financing must be approved by the city manager, which shall have sole discretion to approve or reject any application based on the criteria in this article, the financial health and status of the trust funds created by this article, and such other factors as the city manager deems relevant in the public interest. Financing of impact fees and AGRCs is not a matter of right.

(1) *Financing terms.*

- a. Financing will be established at a five-year fixed rate, which the rate shall be equal to the prime rate which is available at that time at local banking institutions.
- b. The customer shall pay 20 percent of the total impact fees and AGRCs at the time financing is extended and the balance

Any applicant who seeks to finance impact fees and AGRCs shall apply on forms promulgated by the City Manager or his/her designee, and shall include with the application proof of qualification as affordable housing, or a commercial or industrial venture. Any application for financing must be approved by the City Manager or his/her designee, which shall have sole discretion to approve or reject any application based on the criteria in this article, the financial health and status of the trust funds created by this article, and such other factors as the City Manager or his/her designee deems relevant in the public interest. Financing of impact fees and AGRCs is not a matter of right.

(1) *Financing terms.*

- a. Financing will be established at a five-year fixed rate, which the rate shall be equal to the prime rate which is available at that time at local banking institutions.
- b. The customer shall pay 20 percent of the total impact fees and AGRCs at the time financing is extended and the balance shall be paid over five years and the deferred balance shall bear interest at the prime rate available at local banks on the date the financing is extended.

<p align="center"><u>Repealed Chapter 30- Cont.</u></p>	<p align="center"><u>Proposed Chapter 30- Cont.</u></p>
<p>shall be paid over five years and the deferred balance shall bear interest at the prime rate available at local banks on the date the financing is extended.</p> <p>c. The impact fee and AGRC obligation shall be paid in monthly installments.</p> <p>d. The balance due to the city may be paid in full at any time before the maturity date without payment of penalty.</p>	<p>c. <u>The impact fee and AGRC obligation shall be paid in monthly installments.</u></p> <p>d. <u>The balance due to the City may be paid in full at any time before the maturity date without payment of penalty.</u></p>
<p>Sec. 30-258. Water and wastewater impact fee reserve accounts established.</p> <p>There is hereby established two non-lapsing reserve accounts: the water impact fee reserve account and wastewater impact fee reserve account.</p> <p>Impact fees collected pursuant to this article shall be placed in the appropriate reserve account.</p> <p>Funds withdrawn from the water impact fee reserve account and wastewater impact fee reserve account shall be used in accordance with the provisions of this article.</p>	<p><u>Sec. 30-255. Water and wastewater impact fee reserve accounts established. No change.</u></p> <p><u>There is hereby established two non-lapsing reserve accounts: the water impact fee reserve account and wastewater impact fee reserve account.</u></p> <p><u>Impact fees collected pursuant to this article shall be placed in the appropriate reserve account.</u></p> <p><u>Funds withdrawn from the water impact fee reserve account and wastewater impact fee reserve account shall be used in accordance with the provisions of this article.</u></p>
<p>Sec. 30-259. Use of impact fee funds.</p> <p>At least once each fiscal year, the city manager or designee shall present to the city commission a proposed capital improvement program for water and wastewater services assigning funds from the impact fee reserve accounts to specific improvement projects and related capital costs. Monies not assigned in any fiscal year shall be retained in the impact fee reserve accounts until the next fiscal year.</p> <p>(1) <i>Debt service.</i> In the event that bonds or other debt instruments are issued for advance provision of water production and distribution capital requirements and/or wastewater collection capital requirements for which the impact fees were intended to fund the growth related demands, impact fees may be used to pay debt service on</p>	<p><u>Sec. 30-256. Use of impact fee funds. No change.</u></p> <p><u>At least once each fiscal year, the City Manager or his/her designee shall present to the City Commission a proposed capital improvement program for water and wastewater services assigning funds from the impact fee reserve accounts to specific improvement projects and related capital costs. Monies not assigned in any fiscal year shall be retained in the impact fee reserve accounts until the next fiscal year.</u></p> <p>(1) <u><i>Debt service.</i> In the event that bonds or other debt instruments are issued for advance provision of water production and distribution capital requirements and/or wastewater collection capital requirements for which the impact fees were intended to fund the growth related demands, impact fees may be used to pay debt service on such bonds or other debt instruments to the extent that the proceeds of the bonds (and a pro rata share of the cost of issuance) are expended upon the capital facilities.</u></p>

Repealed Chapter 30- Cont.

such bonds or other debt instruments to the extent that the proceeds of the bonds (and a pro rata share of the cost of issuance) are expended upon the capital facilities.

- (2) *Water production and distribution services.* Funds collected for water production and distribution services can be used for the purpose of acquiring or expanding capital equipment and/or facilities under the jurisdiction of the city.
- (3) *Wastewater collection/transmission services.* Funds collected for wastewater collection/transmission services can be used for the purpose of acquiring or expanding capital equipment and/or facilities under the jurisdiction of the city.
- (4) *Wastewater treatment services.* Funds collected for wastewater treatment services can be used for the purpose of either payment for qualified expenses at the Southern Regional Wastewater Treatment Plant or for the purpose of acquiring or expanding capital equipment and/or facilities.

Proposed Chapter 30- Cont.

- (2) *Water production and distribution services.* Funds collected for water production and distribution services can be used for the purpose of acquiring or expanding capital equipment and/or facilities under the jurisdiction of the City.
- (3) *Wastewater collection/transmission services.* Funds collected for wastewater collection/transmission services can be used for the purpose of acquiring or expanding capital equipment and/or facilities under the jurisdiction of the City.
- (4) *Wastewater treatment services.* Funds collected for wastewater treatment services can be used for the purpose of either payment for qualified expenses at the Southern Regional Wastewater Treatment Plant or for the purpose of acquiring or expanding capital equipment and/or facilities.

Sec. 30-260. Personal liability, lien for collection.

Any person securing a building permit, and any person performing activities for which a building permit is required, and all owners of the land upon which such activities are performed, shall be jointly and severally liable for the water and wastewater impact fees and AGRCs imposed by this article. In addition to any other remedy provided by law, the city may proceed in a court of competent jurisdiction to collect such fee from any or all of such persons as provided by law. The term "person" means any natural person, corporation, limited liability company, partnership, firm or other entity or organization, and with regard to any entity which is not a natural person, shall include the officers and directors of any corporation; the general partners of any general or limited partnership, the members of any limited liability company, and the equity owners of any other entity not specifically listed.

Sec. 30-257. Personal liability, lien for collection. No change.

Any person securing a building permit, and any person performing activities for which a building permit is required, and all owners of the land upon which such activities are performed, shall be jointly and severally liable for the water and wastewater impact fees and AGRCs imposed by this article. In addition to any other remedy provided by law, the City may proceed in a court of competent jurisdiction to collect such fee from any or all of such persons as provided by law. The term "person" means any natural person, corporation, limited liability company, partnership, firm or other entity or organization, and with regard to any entity which is not a natural person, shall include the officers and directors of any corporation; the general partners of any general or limited partnership, the members of any limited liability company, and the equity owners of any other entity not specifically listed.

Failure to pay the water and/or wastewater impact fees and AGRCs when determined by the City as required to satisfy the impact of development shall result in the amount becoming a

Repealed Chapter 30- Cont.

Failure to pay the water and/or wastewater impact fees and AGRCs when determined by the city as required to satisfy the impact of development shall result in the amount becoming a lien against the property, as provided for herein. The city shall provide written notice of the fees due by one of the following:

- (1) Personal service;
- (2) Certified United States mail, return receipt requested; or
- (3) Federal Express or other equivalent overnight letter carrier.

Upon failure to pay the fees within 30 days of the date of notice, a notice of lien shall be served by one of the following:

- (1) Personal service;
- (2) Certified United States mail, return receipt requested; or
- (3) Federal Express or other equivalent overnight letter carrier, advising the property owner that the city shall file a claim of lien against the property in question.

Once recorded, the claim of lien may be foreclosed as provided for in F.S. chs. 170 and 173, or in the same manner as a real estate mortgage, or in any other manner now or hereafter specified by applicable law. The lien for unpaid impact fees shall be coequal with the lien for state, county, special district, and other taxes and superior in right to all other liens and encumbrances, including mortgages and judgment liens regardless of the date of creation or perfection thereof. The liens shall have duration of 20 years from the date of issuance of the building permit.

Proposed Chapter 30- Cont.

Lien against the property, as provided for herein. The City shall provide written notice of the fees due by one of the following:

- (1) Personal service;
- (2) Certified United States mail, return receipt requested; or
- (3) Federal Express or other equivalent overnight letter carrier.

Upon failure to pay the fees within 30 days of the date of notice, a notice of lien shall be served by one of the following:

- (1) Personal service;
- (2) Certified United States mail, return receipt requested; or
- (3) Federal Express or other equivalent overnight letter carrier, advising the property owner that the City shall file a claim of lien against the property in question.

Once recorded, the claim of lien may be foreclosed as provided for in F.S. chs. 170 and 173, or in the same manner as a real estate mortgage, or in any other manner now or hereafter specified by applicable law. The lien for unpaid impact fees shall be coequal with the lien for state, county, special district, and other taxes and superior in right to all other liens and encumbrances, including mortgages and judgment liens regardless of the date of creation or perfection thereof. The liens shall have duration of 20 years from the date of issuance of the building permit.