

By the City Commission

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, PROVIDING FOR THE CREATION IN CHAPTER 98, UTILITIES, IN GENERAL, ARTICLE V, SECTIONS 201-212; CHAPTER 98, ARTICLE V, SECTION 98-201 PROVIDING FOR AUTHORITY; PROVIDING FOR SECTION 98-202 FINDINGS AND DETERMINATION; PROVIDING FOR SECTION 98-203 DEFINITIONS; PROVIDING FOR SECTION 98-204 ESTABLISHMENT OF STORMWATER UTILITY; PROVIDING FOR SECTION 98-205 FUNDING FOR OPERATING AND CAPITAL BUDGET; PROVIDING FOR SECTION 98-206 IMPOSITION OF UTILITY FEE AND RATE RESOLUTION; PROVIDING FOR SECTION 98-207 BILLING AND PAYMENT PENALTIES; PROVIDING FOR SECTION 98-208 ADJUSTMENT OF FEES, MINIMUM FEE, CREDIT, APPEAL PROCESS; PROVIDING FOR SECTION 98-209 CAPITAL CONTRIBUTIONS; PROVIDING FOR SECTION 98-210 PROGRAM RESPONSIBILITY; PROVIDING FOR SECTION 98-211 STORMWATER UTILITY FUNDS; PROVIDING FOR SECTION 98-212 VIOLATIONS AND ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dade City is responsible to protect the safety and general welfare of the citizens of Dade City, Florida; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the ordinances in furtherance thereof and authorizes the City to construct, reconstruct, improve, and extend revenue bonds and incur other debts if needed, to finance in whole or part the cost of such systems and to establish just and equitable rates, fees and charges for the services and facilities provided by the systems; and

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities, such as the City of Dade City, to implement stormwater management programs within prescribed time frames; and

WHEREAS, pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 et seq. The United States

WHEREAS, as a rural community, located adjacent to the Withlacoochee River Basin, the City recognizes that the current stormwater system is antiquated and inadequate to control and manage the stormwater runoff within the incorporated limits; and

WHEREAS, the quality of discharge must be monitored and the existing system design and construction requires corrective structures be included to direct and detain discharge, as included in the City's Master Plan Report for Stormwater Drainage Facilities, prepared by AMEC (2012). The report indicates that the present drainage is inadequate to control and manage stormwater runoff within the City; and

WHEREAS, all real property within the City receives a specific and direct benefit from stormwater management in and by the City; and

WHEREAS, at this time the City desires to provide the necessary and essential improvements and extensions to the existing stormwater system to ensure the adequate collection and disposal of stormwater within the incorporated City limits to protect the health, safety and welfare of the citizens of the City of Dade City and to enhance water quality in the surrounding waters of the Green Swamp Basin and the Withlacoochee River Basin; and

WHEREAS, the City Commission has determined that it is in the best interest of the City and the citizens, that this Ordinance be adopted to protect the public health, safety and welfare from adverse effects of non-managed stormwater, including flooding, the potential loss of life or property, and in order to comply with and further the City's Department of Environmental Protection permit for National Pollution Discharge Elimination System

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DADE CITY, as follows:

Section 1. Recitals. The recital clauses set forth above are hereby adopted and incorporated herein by reference.

Section 2. The City of Dade City Code of Ordinances Chapter 98, Utilities, is hereby amended to create Article V, Section 98-201 thru 98-212, as follows:

**Chapter 98, Utilities.**

Article V. **Stormwater Management Utility.**

**Section 98-201. Authority.**

The City of Dade City is authorized by the Florida Constitution and the provisions of Chapter 166 and Section 403.0893, Florida Statutes, to construct, reconstruct, improve, and extend stormwater utility systems and to issue revenue bonds and other debts, if needed, to finance, in whole or part, the cost of such system and to establish just and equitable rates, fees, and charges for the services and facilities provided by the system.

**Section 98-202. Findings of Fact and Determinations.**

It is hereby found, determined and declared, as follows:

1. Those elements of the system which provide for the collection, disposal, and treatment of stormwater benefit and provide services to all property within the City limits, including property not presently served by certain other elements of the Stormwater Management System.
2. The costs of operating and maintaining the City Stormwater Management System and financing necessary repairs, replacement, improvements and extension thereof, should, to the extent practical, be allocated in relationship to the benefits enjoyed and services received therefrom.
3. Furthermore, the benefits enjoyed and services received are directly and indirectly related to the contribution of stormwater runoff from all property within the City limits, which, in turn, is related to the amount of impervious areas within the property.
4. Bona-fide agricultural parcels and other similar properties benefit the overall stormwater program in the City with the implementation of onsite conservation related activities, preservation of open space and pollutant reduction activities, and in general, these benefits increase as parcel size increases.
5. It is the desire and intent of the City Commission, in adopting this Ordinance and creating the Stormwater Utility provided for herein, that the Utility Fees established by Resolution, after the date of adoption, be reviewed annually, during the regular budget process.

**Section 98-203. Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them by this section, except where the context clearly indicates a different meaning. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use.

“**Area of operation**” means the corporate limits of the City.

“**Availability Charge**” means a charge to a developer or individual resident to provide and make available the Stormwater Management System including the Debt Service and any cost for the extension, maintenance or replacement of a Stormwater Management System facility that was previously constructed, but which serves such developer or individual resident.

“**Bonds**” means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Costs of Construction.

“**City**” means the City of Dade City.

“**Costs of Construction**” means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of acquisition of all property, real or personal, and all interests in connection therewith including all rights-of way and easements therefore, physical construction, installation and testing, including the costs of labor, services, materials, supplies and utility services used in connection therewith; architectural, engineering, legal and other professional services; premiums incurred for insurance and sureties taken out and maintained during construction, to the extent not paid for by a contractor for construction; expenses incurred by the City or on its behalf with its approval in

seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction; principal and interest of any and all Bonds required or obtained for the Stormwater Management System or project that is part of the system; and any miscellaneous expenses incidental thereto.

**“Debt Service”** means with respect to any particular Fiscal Year and any particular Series of Bonds, an amount equal to the sum of all interest payable on such Bonds during such Fiscal Year, plus any principal installments of such Bonds during such Fiscal Year.

**“Developed Property”** means real property which has been altered from its “natural” state by the addition of any improvements, such as a building, structure, or impervious surface. For new construction, property shall be considered “developed” and required to pay a stormwater management fee pursuant to this Ordinance:

1. Upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate of occupancy is issued; or
2. If construction of the improvements has begun, but is halted for a period of three (3) months, the property shall pay the fee for stormwater management.

**“Director”** means the Director of Public Works.

**“Dwelling Unit”** means a single family residence providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For purposes of this Stormwater Ordinance, a hotel or motel, multi-family condominium, multi-family apartment, or recreational vehicle (RV) park development will be charged based on the non-residential utility customer rate.

**“Equivalent Residential Unit”** or **“ERU”** means the assigned unit of square footage of Impervious Area of residential Developed Property per Dwelling Unit located within the City as established in Exhibit (A.) hereto or by City Resolution.

**“ERU Rate”** means a Utility Fee charged on each ERU, as established in Exhibit (A.) hereto.

**“Extension and Replacement”** means the costs of extensions, additions, and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for the Stormwater Management System or land acquisition for that system and any related costs thereto, or for paying extraordinary maintenance and repair, including the Costs of Construction or any other expenses which are not costs of Operation and Maintenance or Debt Service.

**“Fee-in-lieu-of Charge”** means a charge to a developer or individual resident to recover the Costs of Construction and Debt Service on a new Stormwater Management System facility which serves such developer or individual resident.

**“Fiscal Year”** means a twelve month period commencing on the first day of October of any year, or such other twelve month period adopted as the Fiscal Year of the Utility.

**“Impervious Area”** means roofed and paved areas and any man-made surface which restricts the percolation of rain water into the soil, including, but not limited to, areas covered by roofs, roof extensions, patios, porches, driveways, sidewalks, parking areas and athletic courts. Gravel,

asphalt millings, turfblock, limerock, and other stabilizing materials are counted as impervious area.

**“Non-residential Utility Customer”** means a Stormwater Utility Customer that is not classified by the City as residential.

**“Operating and Maintenance”** means the current expenses, paid or accrued, of operation, maintenance and current repair of the System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing insurance premiums, administrative expenses, labor, executive compensation, the cost of materials, equipment and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

**“Residential Utility Customer”** means a Stormwater Utility Customer that is classified by the City as a single family residence, attached residence or single mobile home on a single lot (fee simple).

**“Revenues”** mean all rates, fees, assessments, rentals or other charges or other income received by the Utility, in connection with the management and operation of the System, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practices.

**“Stormwater Management System”** or **“System”** means the existing stormwater management of the City and all improvements thereto which by this Ordinance are the responsibility of the Utility, to be operated as an enterprise fund to, among other things, manage or conserve stormwater, control discharges necessitated by rainfall events, incorporate methods to manage, collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such stormwater system, including pipes, swales, conduits, retention ponds, canals and surface waters which accept drainage and stormwater discharges or sediment carried by stormwater discharges and the management and maintenance of all aspects of such systems.

**“Stormwater Utility System”** or **“Utility”** as used in this Ordinance means the Utility created by this Ordinance to operate, maintain and improve the Stormwater Utility System.

**“Stormwater Utility Customer”** means the City utility customer to whom the stormwater utility fee is assigned and billed.

**“Utility Fee”** means a utility fee, authorized by Florida law and this Ordinance, which is established to fund all or a portion of the Stormwater Management Operating Budget and the Stormwater Capital Improvement Budget and the Costs of Construction.

**Section 98-204. Establishment of Stormwater Utility.**

- A. The Stormwater Utility is hereby established by the Commission to provide for the general welfare of the City and its residents.
- B. The Director of Public Works or his designee shall be the chief staff member of the Utility.

**Section 98-205. Operating and Capital Improvement Project Budget.**

The City shall adopt an Operating Budget for the Stormwater Utility not later than the first day of each Fiscal Year. The Operating Budget shall set forth for such Fiscal Year, the estimated Revenues and the estimated costs for Operation and Maintenance, Extension and Replacement and Debt Service.

**Section 98-206. Required Levels of Rates for Utility Fees.**

The Commission shall ensure that adequate revenues are received to provide for a balanced operating budget by at least annually setting an ERU rate that will generate sufficient levels of utility fees to limit the amount of funds from other sources, such as the general fund, which would otherwise be needed to meet system requirements. The Commission shall set the ERU rates by resolution as may be amended from time to time.

**Section 98-207. Imposition of Utility Fees and Rate Schedule.**

The Commission hereby imposes utility fees on all non-exempt property within the service area.

- A. **Property Classification.** For purposes of determining the utility fee, all property within the service area shall be classified into one of the following classes:
1. Residentially Developed Property (DOR Codes 0000, 0100, and 0200);
  2. Non-Residentially Developed Property (DOR Codes 0300, 0400, 0500, 0600, 0700, 0800, 0900, 1000 to 4900, and 7000 to 9900);
  3. Bona-Fide Agriculturally Developed Property (DOR Codes 5000 to 6900); or
  4. Undeveloped Property.
- B. **Computation of Utility Fee for Residentially Developed Property.** The utility fee for residentially developed property shall be based on the average amount of impervious surface on a single family lot in the City, which is known as an “Equivalent Residential Unit” or ERU. The average amount of impervious surfaces on a single-family residential lot shall be defined by Commission resolution, as may be amended from time to time. The ERU rate for residentially developed property shall be a flat rate of one ERU for all residentially developed properties in the City limits.
- C. **Computation of Utility Fee for Non-Residentially Developed Property.** The utility fee for non-residentially developed property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious area of a non-residentially developed property by the amount of square footage of impervious area for one ERU. The minimum ERU’s for any non-residentially developed property shall be equal to 1.0 ERU.
- D. **Computation of Utility Fee for Bona-fide Agriculturally Developed Property.** The utility fee for agriculturally developed property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious area of an agriculturally developed property by the amount of square footage of impervious area for one ERU. The minimum ERU for any agriculturally developed property shall be equal to 1.0 ERU.
- E. **Rate Structure and Level of Service.** The rate structure shall be based on improving the drainage level of service to a minimum “C” rating within 18 years of adoption as defined by City’s Master Plan Report for Stormwater Drainage Facilities, prepared by AMEC (2012). The rate structure shall also fund the stormwater management and

maintenance practices as necessary to operate the system and fulfill state and federal regulatory requirements.

**Section 98-208. Exemptions and Credits.**

- A. **Exemptions.** The following areas on developed property will not be counted as part of the impervious areas of the developed property:
  - 1. Railroads;
  - 2. Public Roads (Including Federal, State, County and City); and
  - 3. Open Water.
  
- B. **Exempt Property.** Undeveloped property is exempt from the stormwater utility fee until it becomes developed at which time a fee will be incurred.

**Credits.** The City recognizes that some developed properties subject to the utility fee have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and reduce the burden on the City to maintain, operate and provide capital improvements to the stormwater management system. Additionally, the City recognizes that some property owners may wish to mitigate the stormwater utility fee by constructing and maintaining a stormwater facility that will reduce the impact of the subject property. The credit granted to the utility customer shall be defined by the “Stormwater Utility Policy and Procedures Manual” adopted by Commission resolution, as may be amended from time to time, and which is incorporated by reference. In addition, where the City has constructed or plans to construct stormwater facilities, the City may accept a capital contribution from the developer and allow certain adjustments to development plans to incorporate the capital improvements as part of the development plan if:

- A. The City improvement that is proposed by a developer will enhance detention and/or retention of stormwater runoff.
  
- B. There is a positive environmental or economic cost-benefit analysis over the short-term and long-term service, including construction, maintenance and operating costs over the expected life of the improvement.

The Capital Contribution shall take the form of “Payment-in-Lieu-of-Fee” or “Payment-in-Lieu-of-Availability Charges.” Each such request will be analyzed by the Director and require a specific written decision by the City Commission on the request.

**Section 98-209. Billing and Payment, Penalties.**

- A. The Commission adopted Resolution No. 2014-02 giving notice of its intent to utilize the Uniform Method of Collection and to place the utility fee on the tax bill as a non-ad valorem assessment pursuant to Section 197.3632, Florida Statutes.
  
- B. The Commission does hereby determine that the best interests of the citizens of the City of Dade City would be served by placing the utility fee on the tax bill, and the Commission shall hold a public hearing between June 1 and September 30 of each year to adopt a non-ad valorem assessment roll as required and provided by Section 197.3632(4), Florida Statutes, and give all statutory notices for the hearing. The Commission shall

adopt a rate resolution setting the ERU rate prior to adopting the non-ad valorem assessment roll. The rate resolution may be considered at the same public hearing set to adopt the roll.

- C. The collection of the utility fee shall be subject to all collection provisions as a non-ad valorem special assessment as set forth in Chapter 197, Florida Statutes, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment as provided by law. The utility fee may become a lien against homesteads, as well as other property, as provided in Section 4, Article X of the Florida Constitution.
- D. In the event the Commission determines to no longer place the utility fee on the tax bill, it shall establish an alternative method of collection.

**Section 98-210. Government Property.**

- A. For stormwater utility fees imposed against government property, the City shall provide stormwater utility bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:
  - 1. A brief explanation of the stormwater fee;
  - 2. A description of the ERU rate used to determine the amount of the stormwater fee;
  - 3. The number of ERU's contained within the parcel;
  - 4. The total amount of the parcel's stormwater fee for the appropriate period;
  - 5. The location at which payment will be accepted; and
  - 6. The date on which the stormwater fee is due.
- B. Stormwater fees imposed against governmental property shall be due on the same date as all other stormwater fees and, if applicable, shall be subject to the same discounts for early payment.
- C. A stormwater fee shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City shall notify the owner of any government property such fee was due. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.
- D. All costs, fees and expenses, including reasonable attorney's fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney's fees, in collection of such delinquent stormwater fees, and any other costs incurred by the City as a result of such delinquent stormwater fees, including, but not limited to, costs paid for draws on a credit facility, and the same shall be collectible as part of or addition to, the costs of the action.
- E. As an alternative to the foregoing, a stormwater fee imposed against government property may be collected on the bill for any utility service provided to such governmental property. The Commission may contract for such billing services with any utility not owned by the City.



**Section 98-211. Adjustment of Fees.**

- A. Adjustments shall not be available for residential property because all such property shall be charged a flat rate fee, which is not based on the amount of impervious area for a particular parcel. For non-residential property, requests by owners of real property for adjustment of the fee shall be submitted to the Director, who is hereby given the authority to develop and administer the procedures and standards for the adjustment of fees as established herein. All requests shall be judged on the basis of the amount of impervious area on the site. The following procedures shall apply to all requests for adjustment of the “Stormwater Fee”
1. Any customer who has paid the utility fee and who believes the fee to be incorrect may, subject to the limitations set forth in this Ordinance, submit an adjustment request to the Director.
  2. Adjustment requests for the utility fees paid by a customer must be in writing and shall set forth, in detail, the grounds upon which relief is sought.
  3. Adjustment requests made during the first calendar year in which the Utility Fee is imposed will be reviewed by the Director, within a two (2) 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 retroactive adjustment shall not exceed one (1) year and will be applied against future fee collections.
  4. Adjustment requests must be made within sixty (60) days after opening of the tax roll for collection and each request shall be initially reviewed by the Director within a four (4) month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of the fiscal year in which the owner is requesting an adjustment.
  5. The customer requesting the adjustment may be required, at his own cost, to provide supplemental information to the Director including, but not limited to, survey data approved by a registered professional land surveyor and engineering reports approved by a professional engineer, (PE). Failure to provide such information may result in the denial of the adjustment request.
  6. Adjustments to the 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 and copied to the City Clerk and City Commission.
  7. Consideration by the Director of the owner’s request for adjustment shall not relieve the owner of the obligation to make timely payment of the Utility fee. In the event an adjustment is granted by the Director which decreased the utility fee, the owner shall be entitled to a credit or refund as applicable, of the excess utility fees paid.
  8. Upon receipt of the written denial of the adjustment request, the owner who initially requested the adjustment may, within thirty (30) days of receipt of such denial, appeal to the City Commission for review of the denial. The Commission

shall complete their review within forty-five (45) days of receipt of the request for review. The Commission's determination on the review shall be in writing and set forth in detail the reasons for their decision. In reviewing denials of adjustment request, the Commission shall apply the standards and review criteria contained in this Ordinance.

9. Any errors in the utility fee or failure to charge a utility fee may be corrected by the Director within sixty (60) days after opening of the tax roll for collection. Corrections which result in an increase in the utility fee cannot be imposed until the owner has consented in writing to the increase or has been given at least ten (10) days notice by certified mail and an opportunity to be heard by the Commission. Once the utility fee is finalized, the Director shall send documentation reflecting the adjustment to the owner and documentation will also be sent to the Tax Collector.
10. Any errors in the utility fee due to errors or corrections in the property Appraiser's data found after twelve (12) months or less from the date after opening of the tax roll for collection shall be corrected by the Director within sixty (60) days of notice from the Property Appraiser, and the Director shall send documentation reflecting the adjustment to the owner and the Tax Collector. If the error results in an over-assessment of the utility fee, then the over-assessment will be credited or refunded (as applicable) for the period from the previous tax certificate. If the error results in an under-assessment of the utility fee, the corrected fee will be assessed starting from the subsequent non-ad valorem assessment roll.

**Section 98-212. Stormwater Management Utility Fund**

The Commission shall establish a Stormwater Utility Fund for the deposit of all fees and charges collected by the Stormwater Utility Fund. These funds shall be for the exclusive use of the City's Stormwater Utility, including but not limited to the following:

- A. Administrative Costs associated with the management of the Stormwater Utility;
- B. Planning and Engineering Costs for the Stormwater Utility;
- C. Operation and Maintenance of all aspects of the System, including Extension, Replacement, Maintenance, Cost of Construction, and System Capital Improvements Plan / Program (CIP);
- D. Funding of pollution abatement devices for the System;
- E. Debt Service financing; and
- F. Construction of flood control and water quality projects.

**Section 98-213. Liens of Stormwater Fees.**

Upon adoption of the annual stormwater rate resolution for each fiscal year, stormwater fees to be collected under the uniform method of collection set forth in Section 197.3632, Florida Statutes, shall constitute and lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Commission of the annual stormwater rate resolution and shall attach to the property included on the stormwater roll as of the prior January 1, the lien date for ad valorem taxes.

**Section 3. Repeal of Ordinances in Conflict.** Any Ordinance in conflict with the provisions of this Ordinance is repealed to the extent that it conflicts with this Ordinance. In the event of any conflict this Stormwater Ordinance shall prevail in any matter involving stormwater or stormwater utility fees.

**Section 4. Severability.** In the event that any section, provision or portion of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the remaining portions hereof.

**Section 5. Effective Date.** This Ordinance shall take effect as provided for by law.

The above ordinance was read and adopted following a public hearing on the 25 day of March, 2014.

ATTEST:

  
Suzanne DeAugustino  
City Clerk

CITY OF DADE CITY, FLORIDA

  
Camille S. Hernandez, Mayor

Approved as to Legal Form and Sufficiency

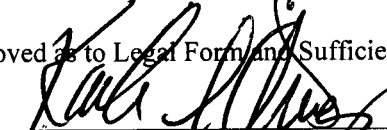
  
Karla S. Owens, City Attorney

Exhibit A  
Stormwater User Fees

The annual budget of the Stormwater Utility is determined by the City Commission annually. In order to establish equitable utility user fees, a method of determining the value of the Stormwater Utility Service must be established. In the City of Dade City, the basis for the Equivalent Residential Unit (ERU) value was determined to be the average impervious area for single family residential properties within the limits of the City of Dade City. The average impervious area for single family residential properties within the City Limits is 2,430 square feet (sf). This value was obtained from the Pasco County Property Appraiser's Office. In the case of all other developed property, the City used information provided by the Pasco County Property Appraiser's Office to determine the amount of impervious surface found on each of the non-residential properties in the community.

**Single Family Residential User Fee (Base Rate).** This is the fee that residential users within the city limits pay for their utility usage. The base rate in the City of Dade City has been established at \$3.75 per month for a single family residential dwelling (SFRD).

**Other Developed Property User Fee.** The fee that other developed property owners within the city limits pay for their usage consists of the base rate of \$3.75 per month multiplied by the non-residential ERUs established for each (non-residential) property. All properties with impervious surface area less than 2,430 sf shall pay a base fee of \$3.75 per month.

**Vacant Property User Fee.** Vacant and/or undeveloped property containing no impervious surface within the City Limits will not be charged a fee.

# Pasco Times

Published Daily

Port Richey, Pasco County, Florida

STATE OF FLORIDA  
COUNTY OF Pasco

} s.s.

Before the undersigned authority personally appeared **L. Phillips** who on oath says that he/she is **Legal Clerk** of the Pasco Times, an edition of the **Tampa Bay Times** a daily newspaper published at Port Richey, in Pasco County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: Ordinance No 2014-02** was published in said newspaper in the issues of **Classified Pasco**, **3/1/2014** **3/15/2014**.

Affiant further says the said **Pasco Times**, an edition of the **Tampa Bay Times** is a newspaper published at Port Richey, in said Pasco County, Florida: and that the said newspaper has heretofore been continuously published in said Pasco County, Florida: each day and has been entered as second class mail matter at the post office in Port Richey, in said Pasco County, Florida: for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature of Affiant

Sworn to and subscribed before me  
this **17th** day of **March** **A.D. 2014**



**JESSICA ATTARD**  
MY COMMISSION # EE 078485  
EXPIRES: March 28, 2015  
Bonded Thru Budget Notary Services

  
Signature of Notary Public

Personally known  X  or produced identification

Type of identification produced \_\_\_\_\_

## CITY OF DADE CITY NOTICE OF AMENDMENT TO THE DADE CITY CODE OF ORDINANCES

LEGAL NOTICE IS HEREBY GIVEN that the City Commission of the City of Dade City, Florida, will hold public hearings on Tuesday, March 11, 2014 and Tuesday, March 25, 2014 in City Commission Chambers at City Hall Annex, 14150 5th Street, Dade City, Florida, at 5:30 p.m., or as soon thereafter as the ordinance may be heard.

ORDINANCE No. 2014-02  
AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA, PROVIDING FOR THE CREATION IN CHAPTER 98, UTILITIES, IN GENERAL, ARTICLE V, SECTIONS 201-212; CHAPTER 98, ARTICLE V, SECTION 98-201 PROVIDING FOR AUTHORITY; PROVIDING FOR SECTION 98-202 FINDINGS AND DETERMINATION; PROVIDING FOR SECTION 98-203 DEFINITIONS; PROVIDING FOR SECTION 98-204 ESTABLISHMENT OF STORMWATER UTILITY; PROVIDING FOR SECTION 98-205 FUNDING FOR OPERATING AND CAPITAL BUDGET; PROVIDING FOR SECTION 98-206 IMPOSITION OF UTILITY FEE AND RATE RESOLUTION; PROVIDING FOR SECTION 98-207 BILLING AND PAYMENT PENALTIES; PROVIDING FOR SECTION 98-208 ADJUSTMENT OF FEES, MINIMUM FEE, CREDIT, APPEAL PROCESS; PROVIDING FOR SECTION 98-209 CAPITAL CONTRIBUTIONS; PROVIDING FOR SECTION 98-210 PROGRAM RESPONSIBILITY; PROVIDING FOR SECTION 98-211 STORMWATER UTILITY FUNDS; PROVIDING FOR SECTION 98-212 VIOLATIONS AND ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The ordinance may be inspected by the public in the Public Works office in City Hall, 14206 US Highway 98 Bypass, during regular office hours, 8:00 a.m. to 5:00 p.m. weekdays. All interested parties may appear at the meeting and may be heard with respect to the proposed ordinance or may submit written comments to the City Engineer at P.O. Box 1355, Dade City, Florida 33526-1355 by mail, or at the above-referenced address. If you are a person with a disability who requires reasonable accommodation in order to participate in this meeting, please contact the City Clerk at (352) 523-5052 at least 48 hours prior to the public hearing.

PLEASE NOTE: This is a public meeting. Should any interested party seek to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and for such purpose, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based pursuant to Section 286.0105, Florida Statutes.

Publish: March 1, 2014 and March 15, 2014 1004122682

**Section 98-213. Liens of Stormwater Fees.**

Upon adoption of the annual stormwater rate resolution for each fiscal year, stormwater fees to be collected under the uniform method of collection set forth in Section 197.3632, Florida Statutes, shall constitute and lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Commission of the annual stormwater rate resolution and shall attach to the property included on the stormwater roll as of the prior January 1, the lien date for ad valorem taxes.

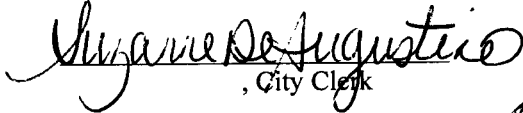
**Section 3. Repeal of Ordinances in Conflict.** Any Ordinance in conflict with the provisions of this Ordinance is repealed to the extent that it conflicts with this Ordinance. In the event of any conflict this Stormwater Ordinance shall prevail in any matter involving stormwater or stormwater utility fees.

**Section 4. Severability.** In the event that any section, provision or portion of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the remaining portions hereof.

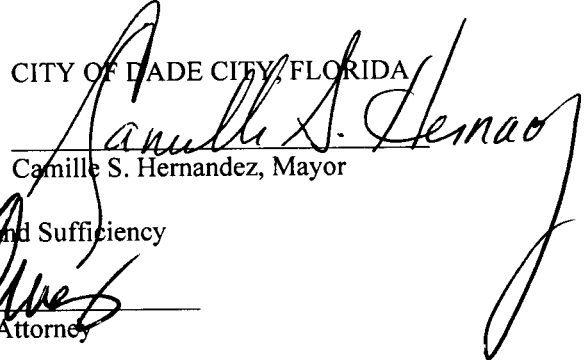
**Section 5. Effective Date.** This Ordinance shall take effect as provided for by law.

The above ordinance was read and adopted following a public hearing on the 25 day of March, 2014.

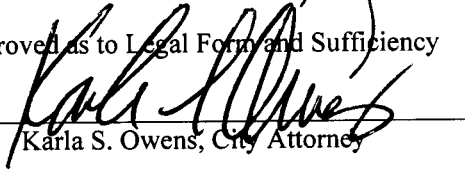
ATTEST:

  
\_\_\_\_\_  
Suzanne DeAugustino  
City Clerk

CITY OF DADE CITY, FLORIDA

  
\_\_\_\_\_  
Camille S. Hernandez, Mayor

Approved as to Legal Form and Sufficiency

  
\_\_\_\_\_  
Karla S. Owens, City Attorney