

CITY COMMISSION OF THE CITY OF DADE CITY

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY OF DADE CITY AMENDING SECTIONS 98-49 AND 98-95 OF CHAPTER 98 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF DADE CITY TO INCREASE THE SYSTEM DEVELOPMENT CHARGES FOR CONNECTION TO THE CITY'S WATER SYSTEM AND WASTEWATER TREATMENT AND TRANSMISSION SYSTEM; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City operates a water and wastewater utility system, both inside the City and in part of unincorporated Pasco County; and

WHEREAS, in 2008 the City completed a comprehensive evaluation of the City's water and wastewater infrastructure, and the study noted that the City's water and wastewater systems were in need of significant upgrades, which were driven by regulatory requirements, aging infrastructure, and pipe conditions; and

WHEREAS, the City Commission thereafter adopted a Comprehensive Water and Wastewater Improvement Plan ("2008 PLAN") to plan for infrastructure improvements for the next twenty years through 2028 to improve the City's water and wastewater systems; and

WHEREAS, the City updated the water component of the 2008 Plan in 2013, with a 20-year planning period through 2035, which was ultimately adopted in Resolution 2015-27; and

WHEREAS, the City Commission increased the system development charges for water and wastewater services in Ordinance No. 2021-10 to reflect the increased capital costs of its public utility systems and to ensure that new residential and commercial developments are paying their fair share of costs of buying into the existing utility systems and the need for expansion of infrastructure for the City's water and wastewater systems; and

WHEREAS, as growth and development continue in the areas serviced by the City's water and wastewater systems, additional revenues are needed to offset increased costs of service delivery, operations, capital outlay, infrastructure improvements and debt service of the City's water and wastewater systems for new residential and commercial developments; and

WHEREAS, the City finds that the cost of expansion of the utility system caused by new growth should not be paid for by existing customers; and

WHEREAS, to properly manage and budget for the current and future operation of the City's water and wastewater systems, the City commissioned the Raftelis Financial Consultants, Inc., to conduct a water and wastewater system development charge study to determine if the City's system development charges needed to be increased to finance necessary improvements to the utility system; and

WHEREAS, Raftelis issued a final report on April 3, 2023, in which it recommended that the City's water system development charges be increased by 21.2% and the City's wastewater

system development charges be increased by 16.5% to generate additional revenue to provide funding for needed expansions and improvements to the water and wastewater systems; and

WHEREAS, the City Commission conducted two readings and a public hearing on April 11, 2023, and April 25, 2023, on this Ordinance as required by Section 166.341(3)(a), *Florida Statutes*.

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

SECTION 1. RECITALS. The recitals set forth in this Ordinance are included to reflect the findings of fact of the City Commission and are made a part of this Ordinance.

SECTION 2. AMENDMENT OF SECTION 98-49. Section 98-49 of the Code of Ordinances of the City of Dade City is amended to read as follows with the deletion of the stricken provisions and the addition of the underlined provisions as set forth in this Section:

Sec. 98-49. Connection charges and system development charges.

- (a) *Connection charges.* Each customer for water service shall apply for service. All connection charges are due and payable prior to a connection to the city water system. A connection charge to provide and install the service line, water tap, and meter is as shown in section 98-223, Table C.
- (b) *Costs of new water service lines and facilities.* The cost of providing any new or extended water lines, pumping and lift stations or other water facilities, whether on or off the development site, necessary to provide water service, shall be borne by the developer or property owner requesting utility service. Provided funding is available, the city may participate in the cost of such facilities based on a proportionate share of the facilities' cost not attributable as a benefit to the development. The city shall prescribe the size of all lines, facilities and service connections based upon approved engineering plans.
- (c) *System development charges.*
 - (1) A system development charge is a fee imposed on new connections to the utility system to help defray the capital cost of constructing new public facilities necessitated by the impact of growth. It is a new user's contribution to those facilities that are required in order to provide a comparable level of service being provided to existing customers. The use of recognized industry standard referred to as an equivalent residential unit will be used by the city in imposing the system development charge. An equivalent residential unit is equal to the relative service requirements of a five-eighths-inch single-family water meter.
 - (2) Based on various customer and usage statistics, utility norms and engineering judgment, it is estimated that one equivalent residential unit for the water system has a capacity of approximately 300 gallons per day. The obligation for payment of such fee shall be payable prior to the time a building permit is issued. The following development charges vary depending on meter size requested, based on a minimum equivalent units per meter size (AWWA Equivalency Table which serves as a basis to relate all meter sizes to a five-eighths-inch meter).

Water System Development Charge

Water Meter Size (in inches)	Minimum Equivalent Unit Per Meter Size	Water System Development Charges	
5/8	1	\$1,745.00	<u>\$2,115.00</u>
3/4	1	1,745.00	<u>\$2,115.00</u>
1	2.5	4,362.00	<u>\$5,287.00</u>
1 1/4	4	6,980.00	<u>\$8,460.00</u>
1 1/2	5	8,725.00	<u>\$10,575.00</u>
2	8	13,960.00	<u>\$16,920.00</u>
3	16	27,920.00	<u>\$33,840.00</u>
4	25	43,625.00	<u>\$52,875.00</u>
6	50	87,250.00	<u>\$105,750.00</u>
8	80	139,600.00	<u>\$169,200.00</u>

- (3) The system development charges provided for in this section shall be imposed on every new user of the city's water service based on the appropriate equivalent unit standard provided in this section. A new user shall mean any new or existing unit not connected to the city water service at the effective date of this article and is within the city's water service area.
- (4) For any change in the existing water service to a larger meter, credit shall be given for the existing meter size toward the development charge for the larger meter.
- (5) The proceeds and interest accumulated by reason of the establishment of a system development charge shall be deposited in an escrow fund and can be used only for the purpose of extending or oversizing existing lines, separating or constructing water transmission lines and upgrading or expanding water treatment plants. The proceeds accumulated cannot be used for improving or updating the water system as it existed at the time of passage of the adoption date of the ordinance from which this article was derived.
- (6) A system development charge fee capital improvement escrow fund for expansion of the primary water system shall be established. All system development fees paid to the city shall be deposited in the separate escrow fund account. Funds may be disbursed from these funds for only the purposes of this section and in the customary manner provided by general law.
- (7) Any funds on deposit in such escrow fund which are not immediately necessary for expenditure may be invested pursuant to F.S. ch. 218, pt. IV, or as otherwise provided by law. Any income derived from such investments shall be deposited in the escrow fund. Investments made pursuant to this provision shall not restrict the city's access to such fund for the purposes outlined in this section.

(Code 1956, § 26-16; Ord. No. 702, § 5, 8-27-1996; Ord. No. 2009-02, §§ 4, 5, 2-24-2009; Ord. No. 2017-07, § 4, 10-10-2017; Ord. No. 2021-10, § 2, 3-23-2021)

SECTION 3. AMENDMENT OF SECTION 98-95. Section 98-95 of the Code of Ordinances of the City of Dade City is amended to read as follows with the deletion of the stricken provisions and the addition of the underlined provisions as set forth in this Section:

Sec. 98-95. Billing deposits.

(a) *Billing deposits.*

- (1) *Deposit required.* The owner, tenant or occupant of each lot or parcel of land within or outside the city who is now or may hereafter become obligated to pay the water service charges set forth in section 98-94, shall deposit simultaneously with the filing of an application for sewer service an amount prescribed in this subsection as reasonable and equitable, to ensure payment of such sewer service charge as it becomes due and payable. Deposits must be paid in full prior to the initiation of sewer service. Deposits must be brought up to current levels when a user transfers to a different account.
- (2) *Deposit refunds.* Deposits of single-family residential accounts in the name of the property owner or tenant for a rental property may be refunded, without interest, after 24 billing periods provided that there have been no late payments, no returned payments, and no disconnections on the account during that time period. Otherwise, upon final settlement of the user's account, any unused balance of the deposit will be refunded. Any refund issued pursuant to this subsection may be made by way of application of the refund as a credit on the account and not a refund check, without interest, to the account name as listed on the deposit receipt. The provisions of this section shall also apply to tenant residential accounts. Deposits cannot be changed and are not transferable to another user except in situations where appropriate legal documentation is provided.
- (3) *Deposit amounts.* Deposits shall be as shown in section 98-223, Table C.

(b) *Bills; penalties; nonpayments; transfers; disconnections.*

- (1) *Bills, penalties; due dates.* Bills for sewer service shall normally be rendered monthly, but the failure of the user to receive such bill shall not release or diminish the obligations of the user with respect to the payment thereof. If any account is not paid in full by the delinquent date, which shall be 15 days after the billing date, a penalty charge of five percent of outstanding charges and fees or a minimum penalty charge of \$5.00 shall be added. For the purposes of this section, the term "paid in full" shall mean the date payment is received as evidenced by the date or other similar indication printed on the payment stub or receipt. Governmental units and their agencies are exempt from the penalty charge. Persons over 65 years of age with accounts in their names may receive an exemption from the penalty charge upon providing proof of their age.
- (2) *Nonpayments.* Upon the delinquency of all or part of a user's billings for one month, all past due amounts are immediately payable and utility service shall be disconnected for reason of nonpayment. Partial payments of past due amounts shall not be sufficient to prevent the service from being disconnected. Delays in the disconnection of service shall not relieve the user of the obligation to pay all past due amounts immediately. A pre-termination notice fee of \$15.00 shall be applied to the account when a disconnect order is issued. A reconnection fee of \$45.00 shall be imposed once an account has been disconnected for service. If a reconnection fee has been paid in error, the fee shall be

either repaid to the customer or provided as a credit on the customer's account. If service is discontinued for nonpayment of bills, all amounts due must be paid before service can be restored. The city may, at its option, select to send out reminder notices, however, failure by the user to receive a reminder notice shall not be sufficient to keep the service from being disconnected.

- (3) *Transfers; disconnections.* A user may transfer their utility service from one account to another account within the city's utility system upon completing a written request for transfer and paying all amounts outstanding on their current account. A user shall be allowed to maintain service at both locations for a period of up to three calendar days without having to pay an additional deposit. A user shall be responsible for the payment of all billings on their account until such time as the city receives a written application from the user for the disconnection of their service.
- (4) Users which have both water and sewer service shall only be charged penalty charges and nonpayment charges on the account as a whole and not on the services individually.
- (c) *Connection charges.* Each customer for sewer service shall apply for service. All connection charges are due and payable prior to a connection to the city sewer system. The connection charge includes a four-inch service line and connection to the sewer main. The charges are as shown in section 98-223, Table C.
- (d) *Costs of new sewer service lines and facilities.* The costs of providing any new or extended sewer lines, pumping and lift stations or other sewer facilities necessary to provide sewer service, whether on or off the development site, shall be borne by the developer or property owner requesting utility service. Provided funding is available, the city may participate in the costs of such facilities based on a proportionate share of the facilities' costs not attributable as a benefit to the development. The city shall prescribe the size of all lines, facilities and service connections based upon approved engineering plans.
- (e) *System development charges.*
 - (1) A system development charge is a fee imposed on new connections to the utility system to help defray the capital cost of constructing new public facilities necessitated by the impact of growth. It is a new user's contribution to those facilities that are required in order to provide a comparable level of service being provided to existing customers. The use of recognized industry standard referred to as an equivalent residential unit will be used by the city in imposing the system development charges. An equivalent residential unit is equal to the relative service requirements of a five-eighths-inch single-family water meter.
 - (2) Based on various customer and usage statistics, utility norms and engineering judgment, it is estimated that one equivalent residential unit for the wastewater system has a capacity of approximately 230 gallons per day. The obligation for payment of such fee shall be payable prior to the time a building permit is issued. The following development charges vary depending on meter size requested, based on a minimum equivalent units per meter size (AWWA Equivalency Table which serves as a basis to relate all meter sizes to a five-eighths-inch meter).

Development Charge Wastewater System

Water Meter Size (in inches)	Minimum Equivalent Unit Per Meter Size	Wastewater System Development Charges
$\frac{5}{8}$	1	\$4,988.00 <u>\$5,811.00</u>
$\frac{3}{4}$	1	4,988.00 <u>\$5,811.00</u>
1	2.5	12,470.00 <u>\$14,527.00</u>
1 $\frac{1}{4}$	4	19,952.00 <u>\$23,244.00</u>
1 $\frac{1}{2}$	5	24,940.00 <u>\$29,055.00</u>
2	8	39,904.00 <u>\$46,488.00</u>
3	16	79,808.00 <u>\$92,976.00</u>
4	25	124,700.00 <u>\$145,275.00</u>
6	50	249,400.00 <u>\$290,550.00</u>
8	80	399,040.00 <u>\$464,880.00</u>

- (3) The system development charges provided for in this section shall be imposed on every new user of the city's wastewater service based on the appropriate equivalent residential unit standard provided in this section. A new user shall mean any new or existing unit not connected to the city wastewater service at the adopted date of the ordinance from which this article was derived and is within the city's wastewater service area.
- (4) For any change in the existing service to a larger meter, credit shall be given for the existing meter size toward the development charge for the larger meter.
- (5) The proceeds and interest accumulated by reason of the establishment of a system development charge shall be deposited in an escrow fund and can be used only for the purpose of extending or oversizing existing lines, collection or interceptor systems and upgrading or expanding wastewater treatment plants. The proceeds accumulated cannot be used for improving or updating the sanitary sewer system as it existed at the adopted date of the ordinance from which this article was derived.
- (6) A system development charge capital improvement escrow fund for expansion of the sanitary sewer system shall be established. All system development charges paid to the city shall be deposited in the separate escrow fund account. Funds may be disbursed from these funds for only the purposes of this section and in the customary manner provided by general law.
- (7) Any funds on deposit in such escrow fund which are not immediately necessary for expenditure may be invested pursuant to F.S. ch. 218, pt. IV, or as otherwise provided by law. Any income derived from such investments shall be deposited in the escrow fund. Investments made pursuant to this provision shall not restrict the city's access to such fund for the purposes outlined in this section.

(Code 1956, § 26-21; Ord. No. 702, § 6, 8-27-1996; Ord. No. 2000-0747, § 5, 2-8-2000; Ord. No. 2008-0986, §§ 2, 6, 9-22-2008; Ord. No. 2009-02, §§ 8—10, 2-24-2009; Ord. No. 2017-07, § 6, 10-10-2017; Ord. No. 2021-10, § 2[3], 3-23-2021; Ord. No. 2022-01, § 2, 1-25-2022)

SECTION 4. CONFLICTS. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

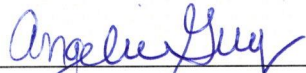
SECTION 5. CODIFICATION. This Ordinance shall be incorporated into the Dade City Code of Ordinances as Section 98-49 and 98-95. Any section, paragraph number, letter or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be made freely.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective pursuant to the Dade City Charter and Florida law. With the passage of this Ordinance, notice is hereby given amended system development charges payable pursuant to this Ordinance will go into effect 90 days from the effective date of this Ordinance.

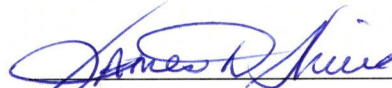
Adopted by the City Commission after introduction and first reading on April 11, 2023, and following second reading and adoption on April 25, 2023.

ATTEST:



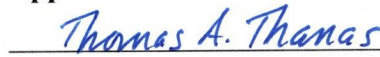
Angelia Guy, City Clerk

CITY OF DADE CITY, FLORIDA



James D. Shive, Mayor

Approved as to form:



Thomas A. Thanas
City Attorney