

ORDINANCE NO. 2011- 1277

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; AMENDING SECTIONS 74-69, 74-91, 74-94, 74-97, 74-122, 74-222, 74-224, 74-226, 74-255, 74-257, 74-259, 74-263 AND 74-264, POLK CITY CODE; REPEALING SECTION 74-260, POLK CITY CODE, AS SUPERFLUOUS; CREATING NEW SECTION 74-260, POLK CITY CODE, ENTITLED "OTHER RATES, FEES, & CHARGES; MODIFYING CERTAIN WATER AND SEWER RATE REGULATIONS; PROVIDING FINDINGS; UPDATING CERTAIN MISCELLANEOUS CHARGES; MODIFYING THE BASIS FOR BILLING BASE MONTHLY CHARGES FROM METER SIZE TO ERCS; MODIFYING ERC VALUE TO 300 GPD FOR WATER ERC AND 250 GPD FOR SEWER ERC; MODIFYING AND RENAMING THE WATER AND SEWER AVAILABILITY CHARGES AS READINESS TO SERVE CHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the Polk City Code, the City Council of Polk City, Florida, hereby makes the following findings:

(1) The City is authorized, pursuant to general and special law and its home rule powers contained in statutes and the Florida Constitution, to own, operate, provide and extend central water, wastewater, and reclaimed water services both within and without the City of Polk City, Florida.

(2) Following the acquisition of a water system from the City of Lakeland, the City declared beginning in 2002 and continuously thereafter an exclusive water, wastewater, and reclaimed water service area both within and without the City limits.

(3) Beginning in 1998, the City began the acquisition and expansion of a sewer/wastewater system which also included the purchase of a sewer system previously owned by Polk County.

(4) The City has determined that development at urban level densities should be served by a central potable water supply and central wastewater service.

(5) The City has also incurred bonded indebtedness to expand and maintain its central water system and central wastewater system.

(6) The City's debt includes loans from the Florida Department of Environmental Protection, the United States Department of Agriculture, and other lending institutions.

(7) To more effectively and efficiently operate, expand, and manage its water and sewer systems, the City created a wastewater master plan in August of 2006, a water master plan in 2009, and updated the plans periodically.

(8) The City performed a full rate study in 2006 which assumed certain high growth projections and also concluded that without increases to impact and connection fees, monthly rates would have to increase.

(9) Based upon assumptions of high growth, the City acquired the Mount Olive sewer plant and constructed the Cardinal Hill sewer plant.

(10) The projected growth failed to materialize as predicted by consultants and former city staff and as predicted in the City's comprehensive plan.

(11) In February of 2009, the City's rate consultant proposed developing a charge that more fairly distribute debt service between existing customers and future customers to whom service had been made available.

(12) Jones Edmunds, a city consultant, presented a report to the City Council in February of 2009 recommending that the City develop some type of charge or assessment to more equitably spread the cost of debt service between existing and new customers to whom service was available.

(13) Based upon these reports and other competent, substantial evidence, the City adopted a water availability charge and a sewer availability charge in October of 2009.

(14) The water availability charge and the sewer availability charge are "readiness to serve" charges recognized under Florida law as a valid means of distributing debt service amongst customer classes based upon the availability of service.

(15) The Florida Governmental Utility Authority and its consultants also prepared and delivered a report to the City Council in early 2010 recommending 80-90 % user rate increase to address debt and operational cost issues for the City's water and sewer systems, and recommending a continuation of the sewer and water availability charges.

(16) The City has again received a series of studies and reports from GAI Consultants, including but not limited to the Water and Wastewater System Financial Optimization, Revenue Sufficiency, and Rate Study and other engineering studies that recommend retention of the readiness to

serve/availability charges, as well as other modifications to the City's rate regulations and structure.

(17) Failure to maintain such charges, the City's existing rates, and failure to adopt the other recommendations from GAI contained in their studies and reports will harm the City's ability to borrow necessary funds to properly manage, operate, and maintain the City's system and to pay its lawful debts.

(18) Failure to require adjoining property owners as specified herein to connect to the City's water and wastewater systems and pay minimum charges will harm the financial feasibility of the City's operation of its water and wastewater systems. Any risk of contamination to the public water supply must be eliminated by prohibiting interconnections of well water via inside plumbing systems with the City's water supply.

(19) Providing a water line and/or wastewater line adjacent to property in effect provides central fire service, available water service, and available wastewater service to that property, increasing the value of said property and enabling said property to be developed with central utilities and fire protection, and other benefits.

(20) For these and other reasons, it is necessary for the City to adopt the changes and modifications proposed within this ordinance.

(21) The City has full and exclusive authority over the management, operation, and control of all of the City's utilities and the authority to prescribe rules and regulations governing the use of such facilities whenever

such are provided by the City, and to make such changes from time to time in such rules and regulations as it deems necessary.

(22) The City has provided the required public notice and held the necessary public hearing(s) in order to adopt these rules.

SECTION 2. AMENDMENT TO SEC. 74-69, POLK CITY CODE. Section 74-69, of the Code of Ordinances, City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-69. Charges.

(a) There shall be paid by all users connecting to the wastewater system of the town, at the time application is made for a building or mobile home setup permit, wastewater connection charges to defray the necessary capital costs of the construction of sewer utilities; provided, however, the town may require and accept the prepayment of connection charges whenever it shall determine that such prepayments are required in the funding of all or part of the capital costs of new or expanded utility system improvements.

(b) All connection charges as set forth in tables 1--4 in this section shall be paid by the user on the basis of the number of equivalent residential connections (ERCs) proposed to be connected to the wastewater system. An ERC equates all classes of utility users to a common denominator. All other types and classes of users shall be equated to such value as listed in tables 1--4 in this section.

(c) The connection charge structure may be amended by resolution of the town council.

TABLE 1
POLK CITY RESIDENTIAL SEWAGE FLOW AND ERC VALUES
TABLE INSET:

Type of Residence	Sewer		Water
	GPD/ Unit	ERCs/ Unit	<u>GPD/ Unit</u>
Single-family detached dwelling units on lots of 1.0 acre or less	270 <u>250</u>	1.00	<u>300</u>
Single-family detached dwelling units on lots of more than 1.0 usable acre	270 <u>250</u>	1.00	<u>300</u>
Multifamily units, including apartments, condominiums, duplexes, triplexes, etc.	180 <u>167</u>	0.67	<u>200</u>
Mobile homes on lots of less than 6,000 sq. ft.	180 <u>167</u>	0.67	<u>200</u>

Mobile homes on lots of 6,000 sq. ft. or more	270 — <u>250</u>	1.00	<u>300</u>
Permanent park model RVs	449 — <u>137</u>	0.55	<u>165</u>
Destination RVs (a)	180 — <u>167</u>	0.67	<u>200</u>
All other RVs, including transient RVs (b)	N/A	1.00 — <u>0.67</u>	<u>200</u>

NOTES:

(a) A destination RV must be:

1. Sited on a lot owned in fee simple by the user;
2. Sited in a park that is a platted subdivision;
3. Sited on a lot 3,000 sq. ft. or larger; and
4. Sited in a park that does not have a dump station or undivided interest in lot sales or time share lot sales.

This category of user is subject to inspection by the town to ensure that destination RVs are not transient RVs. Destination RV lots used by transient RVs will be subject to a ~~1.00~~ 0.67 ERC sewer connection charge.

(b) Higher flow value is assigned to compensate for odor suppressing chemicals and high strength sewage in holding tanks which, when released into the system, adversely impact on the biological treatment process at the central treatment plant.

TABLE 2

UNIT FLOW VALUES AND SAMPLE ERC VALUE CALCULATIONS FOR COMMERCIAL, INDUSTRIAL AND PUBLIC FACILITIES DEVELOPMENT
TABLE INSET:

Type of Use or Establishment		Average Daily Water Consumption Estimates (gpd--gallons per day)
1.	Airports	5 per passenger and 20 per employee per 8-hour shift
2.	Assembly halls, auditoriums and movie theaters	
	a. Without food service	3 per seat
	b. With food service	5 per seat
3.	Barbershops	100 per chair
4.	Beauty shops	270 per station
5.	Bowling alleys	
	a. Without food service	75 per lane

	b.	With food service	90 per lane
6.	Car washes		
	a.	Customer stall type	1.5 per square foot
	b.	Automatic and drive-through	4.8 per square foot
7.	Houses of worship		
	a.	Without kitchen facilities	3 per seat
	b.	With kitchen facilities	5 per seat
8.	Clubs		
	a.	Country or golf	100 per member
	b.	Swimming or pool	15 per member
	c.	Lodges and fraternal organizations	10 per member
9.	Cocktail lounges		30 per seat
10.	Dancehalls		
	a.	Without food service	0.24 per square foot
	b.	With food service	0.29 per square foot
11.	Dental offices		200 per wet chair
12.	Department stores		0.22 per square foot
13.	Detention centers and jails		100 per bed
14.	Factories and industrial facilities		
	a.	Without showers and industrial wastes	25 per shift per employee

	b.	With showers and without industrial wastes	35 per shift per employee
15.	Hospitals		300 per bed
16.	Hotels/motels		
	a.	Without food service and/or meeting facilities	100 per room
	b.	With food service and/or meeting facilities	250 per room
17.	Institutions (resident)		100 per person
18.	Commercial laundries		0.25 per square foot
19.	Laundromats		400 per unit
20.	Light industrial use without industrial wastes		15 per employee
21.	Nursing homes, resthomes and boardinghomes		135 per bed
22.	Office buildings		
	a.	General offices	0.24 per square foot
	b.	Medical offices	0.6 per square foot
23.	Parks		
	a.	Without toilets	5 per person
	b.	With toilets	10 per person
24.	Restaurants		
	a.	Conventional	60 per seat
	b.	Conventional--24 hours	100 per seat

	c.	Fast food	100 per seat
25.	Service, filling or gas stations		0.3 per square foot of enclosed space
26.	Schools		
	a.	Nursery, kindergarten, elementary and junior high	15 per student
	b.	Senior high	24 per student
	c.	Boarding	75 per student
27.	Stadiums, frontons, ball parks		3 per seat
28.	Supermarkets and grocery stores		0.15 per square foot of total roofed area
29.	Theater, dinner		24 per seat
30.	Warehouses		
	a.	Without water closets	0.24 per square foot
	b.	With water closets	Add 200 gpd per water closet
31.	A minimum of 1.0 ERC per unit will be assigned in the absence of actual water consumption data for commercial units; including:		
	a.	Appliance stores	
	b.	Bookstores	
	c.	Camera and hobby shops	
	d.	Card shops	
	e.	Gift shops	

	f.	Hardware stores	
	g.	Jewelry stores	
	h.	Paint stores	
	i.	Record and tape stores	
	j.	Clothing stores	
	k.	Travel agencies	
	l.	Similar retail establishments not listed	

OTHER CRITERIA

- A. Each commercial use, unit or establishment shall have a minimum value of 1.0 ERC or 1.0 ERC per water meter, whichever is greater.
- B. Where an applicant furnishes detailed water consumption and/or sewage flow records for an establishment not in conformance with any of the above, these records may be used in determining the number of ERCs at the sole option of the ~~town~~ City and as detailed in the ~~town~~City's sewer code. The City may also on its own initiative recalculate usage and projected usage to insure that the applicant or existing customer has paid for those ERCs it is using.
- C. If deemed necessary by the ~~town~~City, the estimated sewer demands and corresponding connection charges shall be redetermined based on actual usage when the development is at or very near full/maximum occupancy/use. If the redetermined use and ERC value is larger than originally computed, the additional connection charge will be collected from the user/developer. The town shall have the right to redetermine the connection charges and require the customer to pay any additional charges.
- D. Where a commercial usage changes so as to increase the sewer demand (for example: from a shoe store to a coin laundry) the additional sewer demand and corresponding ERC value and connection charges shall be computed by the town and paid by the user prior to the issuance of a building permit.
- E. Matters of interpretation and definition shall rest with the town.

SAMPLE ERC VALUE CALCULATIONS

- (1) Assume a fastfood restaurant with 50 seats.
 - A) Determine unit flow value: refer to item 24(c) in table 2 to ascertain flow value.
 - B) Determine water demand: 50 seats × 100 gpd/seat = 5,000 gpd.
 - C) Determine ERC value: calculate to the nearest 0.01 ERC.
 Sewer ERCs – 5,000 gpd/~~270~~ 250 gpd/sewer ERC = ~~18.52~~ 20.00 sewer ERCs
- (2) Assume a supermarket of 100,000 square feet.
 - A) Determine unit flow value: refer to item 28 in table 2 to ascertain flow value.
 - B) Determine water demand: (100,000 sq. ft.) × (0.15 gpd/sq. ft.) = 15,000 gpd.

- C) Determine ERC value: calculate all ERC values to the nearest 0.01 ERC.
 Sewer ERC's – $15,000/270 \underline{250} \text{ gpd/ERC} = 55.56 \underline{60} \text{ sewer ERCs}$

TABLE 3

RESIDENTIAL SEWER USAGE, ERC VALUES AND CONNECTION CHARGES
 TABLE INSET:

Type of Residence	Sewer			
	ERC Value Per Unit	Usage Per Unit (gpd)	Connection Charge	Connection Charge Outside City
Single-family detached dwelling units on lots of 1.0 acre or less	1.00	270 <u>250</u>	\$4,415.00	\$5,519.00 -
Single-family detached dwelling units on lots of more than 1.0 usable acre	1.00	270 <u>250</u>	4,415.00	5,519.00
Multifamily units, including apartments, condominiums, duplexes, triplexes, etc.	0.67	180 <u>167</u>	2,958.05	3,698.00
Mobile homes on lots of less than 6,000 sq. ft.	0.67	180 <u>167</u>	2,958.05	3,698.00
Mobile homes on lots of 6,000 sq. ft. or more	1.00	270 <u>250</u>	4,415.00	5,519.00
Permanent park model RVs	0.55	149 <u>137</u>	2,428.25	3,036.00
Destination RVs (a)	0.67	180 <u>167</u>	2,958.05	3,698.00
All other RVs, including transient RVs	1.00	N/A	4,415.00	5,519.00

(a) A destination RV must be:

5. Sited on a lot owned in fee simple by the user;
6. Sited in a park that is a platted subdivision;
7. Sited on a lot 3,000 sq. ft. or larger; and
8. Sited in a park that does not have a dump station or undivided interest in lots sales, or time share lot sales.

This category of user is subject to inspection by the town to ensure that destination RVs are not transient RVs. Destination RV lots used by transient RVs will be subject to a 1.0 ERC sewer connection charge.

TABLE 4

SAMPLE CONNECTION CHARGE CALCULATIONS FOR COMMERCIAL,
 INDUSTRIAL AND PUBLIC FACILITIES DEVELOPMENT

- 1) Assume a fast food restaurant with 50 seats.

- A) Determine unit flow value: refer to item 24(c) in table 2 to ascertain flow value.
- B) Determine water demand: 50 seats × 100 gpd/seat = 5,000 gpd.
- C) Determine ERC value: calculate to the nearest 0.01 ERC.
 Sewer ERCs – 5,000 gpd/270 250 gpd/sewer ERC = ~~18.52~~ 20.00 sewer ERCs
- D) Calculate connection charge: sewer connection charge
 (~~18.52~~ 20 sewer ERCs) × (\$4,415.00/ERC) = ~~\$81,765.80~~ 88,300.00 inside city
 (~~18.52~~ 20 sewer ERCs) × (\$5,519.00/ERC) = ~~\$102,211.88~~ 110,380.00 outside city
- 2) Assume a supermarket of 100,000 square feet.
- A) Determine unit flow value: refer to item 28 in table 2 to ascertain flow value.
- B) Determine water demand: (100,000 sq. ft.) × (0.15 gpd/sq. ft.) = 15,000 gpd.
- C) Determine ERC value: calculate all ERC values to the nearest 0.01 ERC.
 Sewer ERCs – 15,000/270 250 gpd/ERC = ~~55.56~~ 60 sewer ERCs
- D) Calculate connection charge: sewer connection charge
 (~~55.56~~ 60 sewer ERCs) × (\$4,415.00/ERC) = ~~\$245,297.40~~ 264,900.00 inside city
 (~~55.56~~ 60 sewer ERCs) × (\$5,519.00/ERC) = ~~\$306,635.64~~ 331,140.00 outside city

SECTION 3. AMENDMENT TO SEC. 74-91, POLK CITY CODE. Section 74-91, of the Code of Ordinances, City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-91. Established.

- (a) The rate structure for sewer service within the city shall be amended by ~~resolution~~ ordinance of the city council. All customer billings for sewer services issued by the city through its utility franchise shall reflect and be based upon the rates set forth in this Ordinance and made a part hereof.
- (b) Rates for commercial sewer services shall be based upon water usage, ~~as depicted in Exhibit A attached to [Ordinance No. 1246] and made a part hereof”~~

SECTION 4. AMENDMENT TO SEC. 74-94, POLK CITY CODE. Section 74-94, of the Code of Ordinances, City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-94. Free service prohibited.

~~Sewage disposal~~ All utility services of any kind provided by the City shall not be furnished or rendered free of charge to any person, and the town and each agency, department or instrumentality which uses such service shall pay for such service at the rates fixed by this article City ordinance.”

SECTION 5. AMENDMENT TO SEC. 74-97, POLK CITY CODE. Current Sec. 74-97, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-97. Sewer availability charge (SAC) Sewer Readiness to Serve Charge.

(a) *Charge established.* For the purpose of ~~providing funds for more equitably allocating the existing debt applicable to~~ the city's wastewater treatment, force mains, lift stations and sewage collection systems, and the plant and facilities connected therewith, and the payment of ~~capital charges represented by debt service on~~ bonds, certificates of indebtedness or otherwise, which may be used to finance the ~~sewer system costs of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof,~~ there is hereby imposed upon each lot, parcel of land, or premises that does not have its own septic tank or sewer service by the city but having the immediate availability for connection with the city's public sewer system a ~~sewer availability charge (SAC)~~ Sewer Readiness to Serve Charge (SRSC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

(b) *Determination and administration of charge.* The availability readiness to serve charge as hereinabove authorized shall be imposed in lieu of the user charges for sewer service and shall be determined and administered as follows:

(1) *Payment required:*

a. Payment required prior to connection. Prior to the issuance of the applicable permit and before connecting to the city's sewer system, all ~~sewer availability charges~~ SRSC's as hereinafter provided for shall be paid.

b. ~~The availability charge~~ SRSC shall equal the base monthly charge of the sewer fees as determined by rate studies and set by city council multiplied by 12 months.

c. ~~The availability charge~~ SRSC shall be invoiced on an annual basis the first year and shall be included on the tax bill in each subsequent year until such time as the parcel or lot has been issued a construction permit.

~~d. Change by resolution. Any change in the city sewer availability charge, as hereinafter set forth shall be by council resolution.~~

(2) *Determination of charge:*

a. *Residential lots.* The amount of the ~~availability charge~~ SRSC shall be determined by the city to be one ERC per parcel or lot based on the typical three-quarter-inch meter.

b. *Commercial lots.* The amount of the ~~availability charge~~ SRSC shall be determined by the city to be two ERC per acre based on the typical two-inch commercial meter.

(3) *Credit:* The City may grant a credit against SRSC's to be paid equal to but not exceeding the amount of sewer connection charges paid to the City by the lot or parcel owner for any lot or parcel connected to and receiving service from the City. This shall be known as the "Sign up and Save Program."

SECTION 6. AMENDMENT TO SEC. 74-121, POLK CITY CODE.

Current Sec. 74-121, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-121. High strength waste discharges.

(a) If any wastes are discharged, or proposed to be discharged, to a wastewater treatment plant which contains pollutants in excess of normal concentrations as defined in subsection (b) of this section, or such wastes possess characteristics which, in the judgment of the City town, may have a deleterious effect upon the wastewater treatment plant, or which otherwise create a hazard to life or constitute a public nuisance, the town may, either alone or in combination:

- (1) Refuse to accept the waste;
- (2) Require pretreatment to an acceptable condition for discharge to the wastewater treatment plant;
- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment of a surcharge to cover the added cost of handling and treating the wastes.

(b) Regular user charges shall apply to wastes that are at or below normal concentrations, as follows:

- (1) Biochemical oxygen demand (BOD), 300 mg/l.
- (2) Total suspended solids, 300 mg/l.
- (3) Nitrogen, 50 mg/l. ~~Nitrates, 12 mg/l~~
- (4) Grease, 100 mg/l.

Applicable concentrations shall be based on average concentrations weighed in proportion to volume of flow determined during each billing period by the most practicable method possible. If the average concentration of any constituent exceeds the allowable concentration stated in this subsection, an individual surcharge for constituents exceeded shall apply for the applicable billing period, in accordance with the formula set forth in subsection (c) of this section.

(c) The surcharge in dollars for allowable constituents exceeded shall be computed by multiplying the total mg/l of BOD and suspended solids above 600 mg/l times the metered water used during the billing period in millions of gallons times a treatment surcharge factor. The surcharge factor shall be derived annually from the following formula and shall be set forth in the schedule of fees:

Surcharge factor = Cost of treatment per million gallons/600

Cost of treatment per million gallons equals operational costs of the City's wastewater treatment facilities town sewage treatment costs for the preceding fiscal year, including prorata administrative costs, divided by the total sewage flow through all City town owned or City town -contracted plants in millions of gallons. Six hundred (600) equals maximum normal BOD plus suspended solids content expressed in milligrams per liter.

The surcharge in dollars for fats, waxes, grease, oil and solvent-soluble substances shall be computed on a basis of \$0.02 per part per million (ppm) over a maximum of 100 ppm.

The surcharge in dollars for nitrogen shall be computed on a basis of \$0.02 per ppm over a maximum of 50 ppm.

(d) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined from suitable samples taken at the control manhole in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Waterworks Association and the Water Environment Federation. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or other multiple samples should be taken. All costs for measurements, tests and analyses shall be the responsibility of the user.
(Ord. No. 97-5, § 10, 12-18-1997)

SECTION 7. AMENDMENT TO SEC. 74-122, POLK CITY CODE.

Current Sec. 74-122, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-122. Equivalent residential connection (ERC).

For the purposes of connection charges, users shall be defined based upon equivalent residential connection (ERC) value. All types and classes of users shall be related to such value.

(1) Commercial users shall be assigned an ERC value based upon the following:

a. *Commercial user with water meter.* For metered flow consideration, the user shall provide authenticated monthly water use data documenting water consumption for the most recent 12-month period. The ERC value shall be calculated based upon the following formula:

TABLE INSET:

ERC	=	Annual average daily potable water use (gpd) × 80%
		Sewer usage per single-family detached unit (gpd)

b. *Commercial users without 12 months' authenticated water use data.* The ERC value for commercial users without 12 months' authenticated water use data shall be calculated based upon estimated sewage flow as defined in F.A.C. ch. 64E-6.008, or subsequent regulations for system size determinations. The ERC value shall be calculated based upon the following formula:

TABLE INSET:

ERC	=	Estimated sewage flow (gpd)
		Sewer usage per single-family detached unit (gpd)

c. A commercial user shall not be assigned an ERC value of less than 1.00.
 (2) All residential users shall be assigned an ERC value based upon potential usage, as follows:

TABLE INSET:

Type of Residential User	Sewer Usage Per Unit (gpd)	ERC Value Per Unit
Single-family detached units	210 - <u>250</u>	1.00
Multifamily units, including apartments, condominiums, duplexes, triplexes, etc.	147 - <u>167</u>	0.67
Mobile homes on lots of 6,000 square feet or more	210 - <u>167</u>	0.67
Mobile homes on lots of less than 6,000 square feet	147 - <u>167</u>	0.67
All recreational vehicles	147 - <u>167</u>	0.67
All other residential users	210 - <u>250</u>	1.00

SECTION 8. AMENDMENT TO SEC. 74-222, POLK CITY CODE.

Current Sec. 74-222, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-222. Water rates.

The rates and charges for the use and service of the water system of the town shall be based on the minimum charges or the amount of water supplied to the user by the ~~town~~ City waterworks system as shown on the meter reading for each month. ~~Water rates shall be set in place as shown on exhibit B printed at the end of this article.~~ Water rates shall be reviewed from time to time as required by town council and any subsequent revisions thereto shall be by ordinance resolution. ~~Such resolution shall be in conformance with all applicable state and local laws and the Town of Polk City Charter.”~~

SECTION 9. AMENDMENT TO SEC. 74-224, POLK CITY CODE.

Current Sec. 74-224, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

Sec. 74-224. Water impact fee; Water ERC Calculation

(a) Each new user of the waterworks system shall pay a one-time impact fee as provided herein. The revenue generated hereunder shall be deposited in the waterworks reserve account and shall be used only for the expansion of the waterworks system.

(b) The amount of the impact fee is \$1747.00 per Water ERC. Impact fees shall be reviewed from time to time as required by ~~town~~ city council and any subsequent revisions thereto shall be by resolution ordinance. ~~Such resolution shall be in conformance with all applicable state and local laws and the Town of Polk City Charter.~~

(c) Each new user with six or more separate connections who comes online and pays the periodic user rates all at substantially the same time shall pay an impact fee which is negotiable with the ~~town~~ city council in accord with the following economic considerations:

(1) The degree to which the development brings online ratepayers with great diversity of demand.

(2) The degree to which the development provides system capacity or future system capacity in excess of that needed to supply the development.

(3) The degree to which the development provides design, inspection or installation (or a monetary consideration in lieu thereof) services which would normally be the ~~town~~city's obligation.

(d) A water equivalent residential connection ("Water ERC") is the projected water demand (excluding fire flows) from a single family residence and is declared to be equal to 300 gallons per day, maximum daily demand.

(1) Each commercial use, unit or establishment shall have a minimum value of 1.0 ERC or 1.0 ERC per water meter, whichever is greater.

(2) Where an applicant furnishes detailed water consumption records for an establishment not in conformance with any of the above, these records may be used in determining the number of ERCs at the sole option of the ~~town~~ City and as detailed in the City's water code. The City may also on its own initiative recalculate usage and projected usage to insure that the applicant or existing customer has paid for those ERCs it is using.

(3) If deemed necessary by the City, the estimated water demands and corresponding impact fees shall be redetermined based on actual usage when the development is at or very near full/maximum occupancy/use. If the redetermined use and ERC value is larger than originally computed, the additional connection charge will be collected from the user/developer. The City shall have the right to redetermine the impact fees and require the customer to pay any additional charges.

(4) Where a commercial usage changes so as to increase the water demand (for example: from a shoe store to a coin laundry) the additional water demand

and corresponding ERC value and impact fees shall be computed by the City and paid by the user prior to the issuance of a building permit.

(5) Matters of interpretation and definition shall rest with the City.

SECTION 10. AMENDMENT TO SEC. 74-226, POLK CITY CODE.

Current Sec. 74-226, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-226. Meter testing, calibration fee.

Upon request of the ratepayer and the payment of a fee of ~~\$25.00~~ 150.00, any water meter shall be tested for accuracy and calibrated. If upon testing the meter it is not within plus or minus three percent accurate, the meter shall be repaired and the ~~\$25.00~~ 150.00 fee shall be returned to the ratepayer.”

SECTION 11. AMENDMENT TO SEC. 74-255, POLK CITY CODE.

Current Sec. 74-255, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-255. Reconnection charges.

In the event water utility service has been terminated or otherwise interrupted by the city for nonpayment of account or if a customer appears on the cutoff list, a charge of ~~\$50~~5.00 is hereby imposed for the reconnection of water utility service. If reconnection is requested outside the city's normal business hours, then the \$100.00 after business hours activation fee as described in section 74-256 also applies.”

SECTION 12. AMENDMENT TO SEC. 74-257, POLK CITY CODE.

Current Sec. 74-257, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-257. Delinquent charge.

A service charge of ~~\$5.00~~ 10.50 shall be applied to a customer's bill if such bill is not paid upon delinquency. A bill is considered delinquent after 2:00 p.m. on the 25th of each month. Payments received after 2:00 p.m. are credited on the next business day.”

SECTION 13. AMENDMENT TO SEC. 74-259, POLK CITY CODE.

Current Sec. 74-259, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-259. Service charge for unpaid checks.

There shall be a service charge for each check returned to the ~~Town~~ City of Polk City unpaid. The service charge shall follow the guidelines of the state attorney, currently as follows:

TABLE INSET:

Amount of Check	Amount of Service Charge
\$ 50.00 or less	\$30.00 <u>25.00</u> per check
50.01--300.00	35.00 <u>30.00</u> per check
300.00 or more	50.00 <u>40.00</u> per check

SECTION 14. REPEAL OF SEC. 74-260, POLK CITY CODE. Current Sec. 74-260, of the Code of Ordinances of the City of Polk City, Florida, is hereby repealed as it is superfluous to and provides the same requirements as Sec. 74-94, Polk City Code.

SECTION 15. CREATION OF NEW SEC. 74-260, POLK CITY CODE. A new Section 74-260 of the Code of Ordinances of the City of Polk City, Florida, is hereby created to read as follows:

“Sec. 74-260. Other Miscellaneous Charges.

The city hereby adopts six additional miscellaneous charges as follows:

- (1) Premises visit-a charge when a service representative visits the premises of the customer, which is hereby set at \$40.00.
- (2) Grease Trap Surcharge-a charge for service costs and inspection of grease traps, which is hereby set at \$65.00 plus contractor’s fee.
- (3) RV Dump Fee-Fee imposed to RV owners who dump their waste tanks into the city’s wastewater system, which is hereby set at \$5.00.
- (4) Account Transfer Fee-Charge to cover costs of transferring customer information from one account to another, which is set at \$15.00.
- (5) Illegal Water use (Fine Plus Actual Usage)-Charges levied to an account for illegal water use, which is set at a \$500 fine per event, plus the actual usage cost as would be calculated under the City’s applicable rates. “

SECTION 16. AMENDMENT TO SEC. 74-263, POLK CITY CODE.

Current Sec. 74-263, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-263. Schedule of rates.

(a) *Schedule.* The schedule of rates has been amended in its entirety and may be found in Exhibit A of this section.

~~(b) *Rate increases.* Rates shall be increased annually each October 1 by the Consumer Price Index for the previous year or four percent whichever is greater to ensure the city has sufficient revenues for the operation and maintenance of the water treatment system.~~

EXHIBIT A
 INSIDE CITY LIMITS
 FY 2010 Rate Schedule
 Effective Date: _____, 2011
 WATER CHARGES
 Base Monthly Charges (per ERC)

TABLE INSET:

Meter Size	Residential	General Service	Irrigation Meters
3/4-inch	\$ 17.09 <u>per ERC</u>	\$ 17.09 <u>per ERC</u>	\$ 17.09 <u>per ERC</u>
1.0-inch	42.74	42.74	42.74
1.5-inch	85.47	85.47	85.47
2.0-inch	136.76	136.76	136.76
3.0-inch	273.51	273.51	273.51
4.0-inch	427.36	427.36	427.36
6.0-inch	854.72	854.72	854.72
8.0-inch	1,367.55	1,367.55	1,367.55

Usage Charges

TABLE INSET:

Monthly Usage	Residential	General Service	Irrigation Meters
Block 1	1--6,000	All Use	See Table Below for Use by Meter Size (Up to 4")
Block 2	6,001--12,000	N/A	
Block 3	12,001--18,000	N/A	
Block 4	>18,000	N/A	

TABLE INSET:

Rate Per 1,000 Gallons	Residential	General Service	Irrigation Meters
Block 1	\$ 2.62	\$ 5.23	\$ 5.23

Block 2	5.23	N/A	9.15
Block 3	9.15	N/A	14.63
Block 4	14.63	N/A	N/A

The level of service for one water ERC is 300 gpd/ERC or approximately 9,000 gallons per month. If over any 12-month period the City audits a customer who exceeds the average by 100% or over approximately 18,000 gpd average, then for each 9,000 gallons per month or increment thereof another ERC of system capacity fees for water and wastewater will be due and payable. The customer may pay the current system capacity charges for the number of additional ERC(s) determined or pay the additional Capital Recovery charge on the monthly bill until the then system capacity charge is paid within 240 payments plus 5% interest.

SEWER CHARGES
Base Monthly Charges (per ERC)

TABLE INSET:

Meter Size	Residential	General Service
3/4-inch	\$ 34.70 <u>per ERC</u>	\$ 34.70 <u>per ERC</u>
1.0-inch	86.74	86.74
1.5-inch	173.48	173.48
2.0-inch	277.56	277.56
3.0-inch	555.12	555.12
4.0-inch	867.38	867.38
6.0-inch	1,734.75	1,734.75
8.0-inch	2,775.60	2,775.60

Usage Charges

TABLE INSET:

Monthly Usage	Residential	General Service
Block 1	1--6,000	All Use
Block 2	6,001--12,000	N/A
Block 3	>12,001	N/A

TABLE INSET:

Rate Per 1,000 Gallons	Residential	General Service
Block 1	\$ 9.74	\$14.60
Block 2	\$19.47	N/A
Block 3	N/A	N/A

Irrigation Use Ranges by Meter Size

TABLE INSET:

Monthly Usage (Gallons)	3/4"	1"	1.5"	2"	3"	4"
Block 1	1--6,000	1-- 15,000	1-- 30,000	1-- 48,000	1--96,000	1-- 150,000
Block 2	6,001-- 12,000	15,001-- 30,000	30,001-- 60,000	48,001-- 96,000	96,001-- 192,000	150,001-- 300,000
Block 3	>12,001	>30,000	>60,000	>96,000	>192,000	>300,000

The level of service for one sewer ERC is 250 gpd/ERC or approximately 7,500 gallons per month. If over any 12-month period the City audits a customer who exceeds the average by 100% or over approximately 15,000 gpd average, then for each 7,500 gallons per month or increment thereof another ERC of system capacity fees for water and wastewater will be due and payable. The customer may pay the current system capacity charges for the number of additional ERC(s) determined or pay the additional Capital Recovery charge on the monthly bill until the then system capacity charge is paid within 240 payments plus 5% interest.

~~OUTSIDE CITY LIMITS
FY 2010 Rate Schedule
Effective Date: July 9, 2010
WATER CHARGES
Base Monthly Charges~~

TABLE INSET:

Meter Size	Residential	General Service	Irrigation Meters
3/4-inch	\$ 21.37	\$ 21.37	\$ 21.37
1.0-inch	53.43	53.43	53.43

1.5-inch	106.84	106.84	106.84
2.0-inch	170.94	170.94	170.94
3.0-inch	341.89	341.89	341.89
4.0-inch	534.20	534.20	534.20
6.0-inch	1,068.40	1,068.40	1,068.40
8.0-inch	1,709.44	1,709.44	1,709.44

Usage Charges

TABLE INSET:

Monthly Usage	Residential	General Service	Irrigation Meters
Block 1	1-6,000	All Use	See Table Below for Use by Meter Size (Up to 4")
Block 2	6,001-12,000	N/A	
Block 3	12,001-18,000	N/A	
Block 4	>18,000	N/A	

TABLE INSET:

Rate Per 1,000 Gallons	Residential	General Service	Irrigation Meters
Block 1	\$ 3.27	\$ 6.54	\$ 6.54
Block 2	6.54	N/A	11.43
Block 3	11.43	N/A	18.29
Block 4	18.29	N/A	N/A

SEWER CHARGES
Base Monthly Charges

TABLE INSET:

Meter Size	Residential	General Service
3/4-inch	\$ 43.37	\$ 43.37
1.0-inch	108.42	108.42
1.5-inch	216.84	216.84
2.0-inch	346.95	346.95
3.0-inch	693.90	693.90

4.0-inch	1,084.22	1,084.22
6.0-inch	2,168.44	2,168.44
8.0-inch	3,469.50	3,469.50

Usage Charges

TABLE INSET:

Monthly Usage	Residential	General Service
Block 1	1-6,000	All Use
Block 2	6,001-12,000	N/A
Block 3	>12,001	N/A

TABLE INSET:

Rate Per 1,000 Gallons	Residential	General Service
Block 1	\$12.17	\$18.25
Block 2	24.34	N/A
Block 3	N/A	N/A

Irrigation Use Ranges by Meter Size

TABLE INSET:

Monthly Usage (Gallons)	3/4"	1"	1.5"	2"	3"	4"
Block 1	1-6,000	1-15,000	1-30,000	1-48,000	1-96,000	1-150,000
Block 2	6,001-12,000	15,001-30,000	30,001-60,000	48,001-96,000	96,001-192,000	150,001-300,000
Block 3	>12,001	>30,000	>60,000	>96,000	>192,000	>300,000

Meter installation/ Initial Connection Charges*

***Note:** Meter installation/Initial Connection larger than 2 inches will be charged based on the actual time and materials required to make the connection.

EFFECTIVE: March 1, 2007

TABLE INSET:

Size	Present
5/8 x 3/4"	\$280.00 <u>435.00</u>
1"	358.80 <u>508.80</u>
1 1/2"	561.60
2"	821.60

Charge for Increase in Service Size

TABLE INSET:

Change in Meter Size		Present (\$)
From (Inches)	To	
3/4	1	\$338.00
3/4	1 1/2	540.80
3/4	2	800.80
1	1 1/2	530.40
1	2	790.40
1 1/2	2	733.20

System Capacity Fees/Water Impact Fees

TABLE INSET:

Tap Size (Inches)	Inside	Outside	
5/8 x 3/4 <u>Per ERC (300 gpd)</u>	\$1,747	\$2,184	
1	3,992	4,990	
1 1/2	9,206	11,508	
2	25,384	31,730	
3	76,992	96,240	
4	142,352	177,940	

6—	394,205—	492,756—	
8—	1,837,687—	2,297,109—	

Fire Protection Service Capacity Fees

TABLE INSET:

Fire Flow Class	Fire Flow Range (GPM)		Present Fees		—
	From	To	Inside	Outside—	
1	-	500	\$ 0	\$ 0—	—
2	501	750	2,006	2,508—	—
3	751	1,000	3,820	4,775—	—
4	1,001	1,500	7,086	8,858—	—
5	1,501	2,000	10,028	12,535—	—
6	2,001	3,500	14,783	18,479—	—
7	3,501	5,000	23,207	29,009—	—

Monthly Private Fire Line Fees

TABLE INSET:

Fire Line Size (Inches)	Present Fees		
	Inside	Outside—	
2	\$ <u>42.74</u>	\$—	
3	\$ <u>85.47</u>	—	
4	18.31 <u>136.76</u>	\$22.88—	
6	26.21 <u>273.51</u>	32.76—	
8	52.42 <u>427.36</u>	65.63—	
10	98.19 <u>854.72</u>	123.14—	
12—	131.15—	164.01—	

Standard Charge for Wet Taps

Including
Fire Line Installations
Taps Greater Than 2 Inches*

*These costs include only work required for tapping. There are no costs for jack and bores, special preparations or completion costs included. These costs will be

in addition to those indicated above. Costs are based on using a four (4) man crew.

Consumption charge on private fire lines is set at \$2.62 per 1,000 gallons consumed.

TABLE INSET:

Tap Size (Inches)	Size of Pipe Tapped (Inches)						
	2	4	6	8	10	12	16
2	N/A	\$ 955.00	\$1,337.00	\$1,356.10	\$1,375.20	\$1,375.20	\$1,375.20
3	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	N/A	1,432.50	2,062.80	2,158.30	2,272.90	2,272.90	2,674.00
6	N/A	N/A	2,368.40	2,463.90	2,463.90	2,463.90	3,514.40
8	N/A	N/A	N/A	2,884.10	2,979.60	2,979.60	3,514.40
10	N/A	N/A	N/A	N/A	2,979.60	2,979.60	3,514.40
12	N/A	N/A	N/A	N/A	N/A	4,832.30	4,832.30
16	N/A	N/A	N/A	N/A	N/A	N/A	4,832.30

N/A - Not Available

Standard Charge

for
Hydrant Flow Testing
(Performing or Witnessing Hydrant Flow Tests)
\$39.52 per Test
Standard Charge

for
Fire Hydrant Use Permit Charges
All Tank Sizes \$102.96 per Quarter

Temporary Hydrant Meter
All Tank Sizes \$34.32 per Month

Standard Charge

for
Temporary Hydrant Meter Set
TABLE INSET:

Meter Size (Inches)	Meter Set	Equipment Deposit	Total Charge
5/8 x 3/4	\$124.80	\$109.20	\$234.00
1	124.80	213.20	338.00
2	124.80	535.60	660.40

Standard Charge

for
Water Meter Relocation
TABLE INSET:

Meter Size (Inches)	Relocation Charge
5/8 x 3/4 to 1	\$114.40
1 1/2 to 2	223.60

SECTION 17. AMENDMENT TO SEC. 74-264, POLK CITY CODE.

Current Sec. 74-264, of the Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

“Sec. 74-264. ~~Water availability charge (WAC)~~ Water Readiness to Serve Charge.

(a) *Charge established.* For the purpose of ~~providing funds for~~ more equitably allocating the existing debt applicable to the city's wells, water treatment, water storage and water distribution systems, and the plant and facilities connected therewith, and the payment of ~~capital charges represented by~~ debt service on bonds, certificates of indebtedness or otherwise, which may be used to finance ~~the sewer system costs of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof,~~ there is hereby imposed upon each lot, parcel of land, or premises that does to have its own well and/or city water but having the immediate availability for connection with the city's public water system a ~~water~~

~~availability charge (WAC)~~ Water Readiness to Serve Charge (WRSC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

(b) *Determination and administration of charge.* The availability readiness to serve charge as hereinabove authorized shall be imposed in lieu of the user charges for water service and shall be determined and administered as follows:

(1) *Payment required:*

a. Payment required prior to connection. Prior to the issuance of the applicable permit and before connecting to the city's sewer system, all ~~water availability charges~~ WRSC's as hereinafter provided for shall be paid.

b. The ~~availability charge~~ WRSC shall equal the base monthly charge of the water fees as determined by rate studies and set by city council multiplied by 12 months.

c. The ~~availability charge~~ WRSC shall be invoiced on an annual basis the first year and shall be included on the tax bill in each subsequent year until such time as the parcel or lot has been issued a construction permit.

~~d. Change by resolution. Any change in the city water availability charge, as hereinafter set forth shall be by council resolution.~~

(2) *Determination of charge:*

a. *Residential lots.* The amount of the ~~availability charge~~ WRSC shall be determined by the city to be one ERC per parcel or lot based on the typical three-quarter-inch meter.

b. *Commercial lots.* The amount of the ~~availability charge~~ WRSC shall be determined by the city to be two ERC per acre based on the typical two-inch commercial meter.

(3) Credit: The City may grant a credit against WRSC's to be paid equal to but not exceeding the amount of water impact fees paid to the City by the lot or parcel owner for any lot or parcel connected to and receiving service from the City. This shall be known as the "Sign up and Save Program."

SECTION 18. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 19. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of the City of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 20. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

PASSED ON FIRST READING this _____ day of _____, 2011.

PASSED ON SECOND READING this _____ day of _____, 2011.

CITY OF POLK CITY, FLORIDA

Joseph LaCascia, Mayor

ATTEST:

Patricia Jackson, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Thomas A. Cloud, Esquire
City Attorney