



# City of North Port

## ORDINANCE NO. 2022-23

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING WATER AND WASTEWATER CAPACITY FEES; AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, SECTION 78-30; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 2019 a formal analysis of the City’s water and wastewater utility rates, fees, and charges was performed, and the current water and wastewater capacity fees have been in effect since October 1, 2019; and

**WHEREAS**, the City contracted with GovRates, Inc., to review and analyze the City’s water and wastewater utility rates, fees, charges, and capacity fees; and

**WHEREAS**, on July 26, 2022, the City Commission held a properly noticed public meeting to review the analysis, findings, and recommendations of GovRates, Inc., and to receive public comments on adjusting the City’s water and wastewater utility rates, fees, and charges; and

**WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

### **SECTION 1 - FINDINGS**

1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

### **SECTION 2 - ADOPTION**

2.01 Chapter 78 of the Code of the City of North Port, Florida is amended as follows:

**“Chapter 78 – UTILITIES**

. . .

**ARTICLE II. – WATER AND WASTEWATER UTILITY**

. . .

**Sec. 78-30. – Water and wastewater capacity fees.**

(a) *Adoption.* The city hereby adopts and establishes pursuant to general law, a water capacity fee and a wastewater capacity fee, the purpose of which will be to finance capital expenditures and the payment of city indebtedness associated with the expansion of the city's water treatment and transmission system and the wastewater collection, treatment, and effluent disposal system. The water capacity fee imposed by the city shall be ~~\$1,872.00~~ \$2,319.00 per ERC, and the wastewater capacity fee shall be ~~\$2,213.00~~ \$2,255.00 per ERC.

(d) *Determination of equivalent residential connection factors "ERC" for water and wastewater services.*

(5) For all establishments not listed above:

a. The total water equivalent residential connection (ERC) value for water service capacity shall be determined by multiplying the number of fixture units, as published in the Standard Plumbing Code, as amended, by ~~30~~ 20, and then dividing that numerator by 170. For example:

<i>Total Water ERC Value</i>	=	(Number of Fixture Units x <del>30</del> <u>20</u> ) divided by 170 GPD/ERC
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b. The total water equivalent residential connection (ERC) value for wastewater service capacity shall be determined by multiplying the number of fixture units, as published in the Standard Plumbing Code, as amended, by ~~30~~ 20, and then dividing that numerator by 155. For example:

<i>Total Wastewater ERC Value</i>	=	(Number of Fixture Units x <del>30</del> <u>20</u> ) divided by 155 GPD/ERC
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c. The water capacity fees shall be determined by using the following formula:

<i>Total ERC Value x <del>\$1,872.00</del> <u>2,319.00</u></i>	=	Water Capacity Fee
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d. The wastewater capacity fees shall be determined by using the following formula:

<i>Total ERC Value x <del>\$2,213.00</del> <u>2,255.00</u></i>	=	Wastewater Capacity Fee
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(9) *Effective date.* The effective date of the change in capacity fees shall be on the first day of the utility billing cycle in ~~October 2019~~ February 2023."

**SECTION 3 – CONFLICTS**

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of such conflict.

**SECTION 4 – SEVERABILITY**

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

**SECTION 5 – CODIFICATION**

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

**SECTION 6 – EFFECTIVE DATE**

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on September 13, 2022.

READ BY TITLE ONLY at second reading by the City Commission of the City of North Port, Florida, in public session on October 6, 2022.

ADOPTED by the City Commission of the City of North Port, Florida, on the third and final reading in public session on October 25, 2022.

CITY OF NORTH PORT, FLORIDA

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PETE EMERICH  
MAYOR

ATTEST:

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HEATER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON, B.C.S.  
CITY ATTORNEY