



City of North Port

ORDINANCE NO. 2019-31

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 78 – UTILITIES, ARTICLE II – WATER AND WASTEWATER UTILITY, TO ADJUST CAPACITY FEES AND PROVIDE REQUIREMENTS RELATED TO RECLAIMED WATER CHARGES AND WASTEWATER SYSTEM RATE SCHEDULES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a formal analysis of the City’s water and wastewater utility rates was last performed in 2015 and the current water and wastewater user rates have been in effect since October 1, 2017; and

WHEREAS, the City contracted with GovRates, Inc. to review and analyze the City’s water and wastewater utility rates and to prepare a financial forecast for Fiscal Year 2019 through Fiscal Year 2029; and

WHEREAS, on June 11, 2019, 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 and fees; and

WHEREAS, the City Commission has determined that the proposed 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 recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION

2.01 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

“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 ~~\$1,890.00~~ \$1,872.00 per ERC, and the wastewater capacity fee shall be ~~\$2,575.00~~ \$2,213.00 per ERC.

...

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

...

- (2) One equivalent residential connection (ERC) shall, for purposes of this section, have an assigned value of 1.00. For wastewater service capacity, one ERC is hereby established and determined to be equal to a flow of ~~225~~ 155 gallons per day, average annual basis (~~225~~ 155 GPD).

- (3) For water service capacity, one ERC is hereby established and determined to be equal to a flow of ~~250~~ 170 gallons per day, average annual basis (~~250~~ 170 GPD).

...

- (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, and then dividing that numerator by ~~250~~ 170. For example:

<i>Total Water ERC Value</i>	=	$\frac{\text{Number of Fixture Units} \times 30}{250 \text{ GPD/ERC}}$
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$$\underline{\text{Total Water ERC Value}} = \frac{\text{Number of Fixture Units} \times 30}{170 \text{ GPD/ERC}}$$

- 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, and then dividing that numerator by ~~225~~ 155. For example:

<i>Total Wastewater ERC Value</i>	=	$\frac{\text{Number of Fixture Units} \times 30}{225 \text{ GPD/ERC}}$
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$$\underline{\text{Total Wastewater ERC Value}} = \frac{\text{Number of Fixture Units} \times 30}{155 \text{ GPD/ERC}}$$

- c. The water capacity fees shall be determined by using the following formula:

Total ERC Value x \$1,890.00	=	Water Capacity Fee
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$$\text{Total ERC Value} \times \$1,872.00 = \text{Water Capacity Fee}$$

- d. The wastewater capacity fees shall be determined by using the following formula:

Total ERC Value x \$2,575.00	=	Wastewater Capacity Fee
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$$\text{Total ERC Value} \times \$2,213.00 = \text{Wastewater Capacity Fee}$$

...

- (9) ~~Effective date. In accordance with Florida Statute and to allow for customers currently contemplating connecting to the city's water and/or wastewater system(s) to connect at the lower rate,~~ The effective date of the increase change in capacity fees shall be on the first day of the utility billing cycle in October 2019.~~effective on January 1, 2017."~~

- 2.02 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

"Chapter 78 – UTILITIES

...

ARTICLE II. – WATER AND WASTEWATER UTILITY

...

Sec. 78-35. - Reclaimed water charges.

The city shall establish and adopt by separate resolution, a utility rate schedule and incorporate a retail rate and a wholesale rate for the sale of reclaimed water. Billing shall be handled as provided in section 78-24 hereof.

...

Sec. 78-39. - Establishment of a wastewater system rate schedule.

The city commission shall establish and adopt by separate resolution a wastewater system rate schedule to include a base facility charge, flat rate, and a usage charge. The city commission may modify the wastewater rate schedule from time to time by resolution."

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

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

SECTION 5 – CODIFICATION

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

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this _____ day of _____ 2019.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session this _____ day of _____ 2019.

CITY OF NORTH PORT, FLORIDA

CHRISTOPHER HANKS
MAYOR

ATTEST

KATHRYN WONG
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY