



City of North Port

ORDINANCE NO. 2025-35

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, the City of North Port owns and operates utility systems that provide essential water and sanitary sewer services to residences and businesses; and

WHEREAS, the operational and financial sustainability of the City's utility systems is vital to the public health and safety of the City's residents; and

WHEREAS, the City must construct and/or upgrade water and sewer infrastructure to support and provide adequate capacity to meet both current demand and future growth within the City's utility service area; and

WHEREAS, water and sewer capacity fees, which are assessed as "connection fees," are restricted-use funds that may only be used for infrastructure related to system capacity; and

WHEREAS, Section 163.31801, Florida Statutes (the "Florida Impact Fee Act"), establishes specific requirements governing the adoption, collection, and use of impact fees; and

WHEREAS, pursuant to Section 163.31801(12), Florida Statutes, the Florida Impact Fee Act does not apply to water and sewer connection fees; and

WHEREAS, in Fiscal Year 2025, GovRates, Inc. conducted a formal analysis of the City's water and wastewater utility rates, fees, and charges, which determined that an update to the capacity fees is necessary to reflect the current cost of providing water and sewer capacity for growth; and

WHEREAS, the current capacity fees have been in effect since February 2023; 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.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.

SECTION 2 - ADOPTION

- 2.01 Chapter 78 of the Code of the City of North Port, Florida is hereby 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 ~~\$2,319.00~~ \$2,610.00 per ERC, and the wastewater capacity fee shall be ~~\$2,255.00~~ \$4,045.00 per ERC.

. . .

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

. . .

- (5) For all establishments not listed above:

. . .

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

$\frac{\text{Total ERC Value} \times \cancel{\$2,319.00}}{\cancel{\$2,610.00}}$	=	Water Capacity Fee
---	---	--------------------

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

$\frac{\text{Total ERC Value} \times \cancel{\$2,255.00}}{\cancel{\$4,045.00}}$	=	Wastewater Capacity Fee
---	---	-------------------------

. . .

- (9) *Effective date.* The effective date of the change in capacity fees shall be on ~~the first day of the utility billing cycle in February 2023~~ January 1, 2026.”

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 this November 18, 2025.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on December 9, 2025.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST:

HEATER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

MICHAEL FUINO, B.C.S.
CITY ATTORNEY