

ORDINANCE 2007 - 38

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF DELAND, "UTILITIES", BY AMENDING SECTION 30-20(e) REGARDING DEVELOPMENT FEES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Hartman Consulting & Design prepared a Water and Wastewater Impact Fees and Miscellaneous Charges study in order to review and update the City's current water and wastewater sewer system impact fee rates of new development in the City; and

WHEREAS, the proposed adjustments to water and wastewater impact fee rates are intended to assist the revenues of the system keep pace with inflation, replenish the Utility Enterprise Fund reserves, and future capital improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Chapter 30, Article II, Section 30-20, "Development Fees," of the Code of Ordinances of the City of DeLand, is hereby amended by amending Section 30-20 (e) (1), 4th paragraph described as "*Method B: An equivalent family unit,*" by deleting the stricken through language and adding the underlined language to read, as follows:

Method B: An equivalent family unit. A family unit is entitled to 128,000 gallons of water per year (.128 MGY) and is equivalent to 20 fixture units. A large commercial or industrial customer's fee would be based on an equivalent family unit and would be computed as follows: Determine the estimated annual water quantity, then divide by 128,000, then multiply by 20, then multiply by the water unit rate per fixture unit.

~~For reclaimed and potable irrigation, a family unit is entitled to 183,000 for reclaimed water and potable irrigation and both are equivalent to 20 fixture units.~~

For potable irrigation where a separate new residential construction has been approved by the City a water development fee equivalent to the 20 fixture unit shall be charged. For estimated quantities not to exceed 128,000 gallons per year. For estimated quantities in excess of 128,000 development fees shall be calculated using method B above.

In determining the water development fee for large commercial or industrial customers, the city reserves the right to review and charge the customer the water development fee which is the higher of the above methods.

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Section 2. Chapter 30, Article II, Section 30-20, "Development Fees," Subsection (e)(2) of the Code of Ordinances of the City of DeLand, is hereby amended to read in full as follows:

(2) Declaration of the unit rate for the water development fee computation: The development fee for each water system connector will be computed by multiplying the total number of fixture units determined for the connector to be served by a unit rate per fixture unit. Effective January 1, 2008, the customer will be required to pay \$72.98 for each water system connection. On October 1, 2008, the customer will be required to pay \$109.21 for each water system connection.

Section 3. Chapter 30, Article II, Section 30-20, "Development Fees," Subsection (e)(3) of the Code of Ordinances of the City of DeLand, is hereby amended to read in full as follows:

(3) Declaration of the unit rate for the wastewater development fee computation: The development fee for each wastewater system connector will be computed by multiplying the total number of fixture units determined for the connector to be served by a unit rate per fixture unit. Effective January 1, 2008, the customer will be required to pay \$107.10 for each water system connection. On October 1, 2008, the customer will be required to pay \$151.05 for each water system connection.

Section 4. Chapter 30, Article II, Section 30-20, "Development Fees," Subsection (e) of the Code of Ordinances of the City of DeLand, is hereby amended to include the following underlined subparagraphs regarding ERC development fee computations to be inserted numerically in the existing computations, and for the existing subparagraphs to be renumbered accordingly:

(1) *Declaration of the fixture unit schedule for the computation of the water and wastewater development fees:*

[...]

(2) *Declaration of the unit rate for the water development fee computation:*

[...]

(3) *Declaration of the unit rate for the wastewater development fee computation:*

[...]

(4) *Declaration of the unit rate for the water development fee computation:* The development fee for each water system connector will be computed by multiplying the total number of ERUs determined for the connector to be served by a unit rate per ERU. Effective January 1, 2008, the customer will be required to pay \$1,459.50 for each

water system connection. On October 1, 2008, the customer will be required to pay \$2,184.00 for each water system connection.

(5) Declaration of the unit rate for the wastewater development fee computation: The development fee for each wastewater system connector will be computed by multiplying the total number of ERUs determined for the connector to be served by a unit rate per ERU. Effective January 1, 2008, the customer will be required to pay \$2,142.00 for each water system connection. On October 1, 2008, the customer will be required to pay \$3,021.00 for each water system connection.

(6) Water and wastewater development fee adjustment rates: Effective October 1, 2009, and on or before October 1 of each subsequent year, all water and wastewater development fee rates shall be increased to account for inflation. The increase shall be based on the latest available publication promulgated by the U.S. Department of Labor to determine the average annual change in the cost-of-living index (all urban consumers) for the 12 months immediately preceding that date for which data is available.

(4 7) Credit given against development fee when individuals connect who have been previously paying monthly service availability charges for utility service, although not connected to the system:

[...]

(5 8) Charge for development fee for water only service meters for new connectors:

[...]

(6 9) Provisions for delayed payment of development fees:

[...]

(10) Provisions for rebate: Customers/builders of single family residential homes will receive a 15% rebate on water and sewer impact fees for each residential unit for which impact fees have been paid, if they meet the new home certification requirements detailed in the St. Johns River Water Management District of Florida's Water Star Program.

(7 11) Demolition; credit given against water and wastewater development fees for fixture units existing prior to internal renovation or demolition of structure:

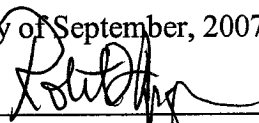
[...]

Section 5. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. All ordinances or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. This Ordinance shall become effective January 1, 2008.

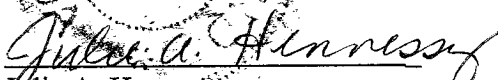
PASSED AND DULY ADOPTED this 4th day of September, 2007.



Robert F. Apgar
Mayor – Commissioner

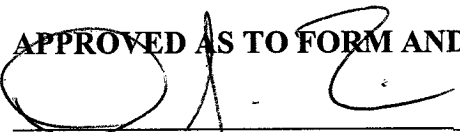


ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: August 20, 2007
Adopted on second reading: September 4, 2007

APPROVED AS TO FORM AND LEGALITY:


Darren J. Elkind
City Attorney