

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE 2010-17**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 86 UTILITIES ARTICLE IV OF THE CODE OF ORDINANCES PERTAINING TO THE RECLAIMED WATER SYSTEM; PROVIDING STAFF RESPONSIBILITIES; PROVIDING FOR CHANGE OF THE RECLAIMED WATER SYSTEM FROM A SPECIAL REVENUE FUND TO AN ENTERPRISE FUND; PROVIDING FOR THE ADJUSTMENT OF RECLAIMED WATER RATES TO PROMOTE FULL COST RECOVERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this Ordinance has been provided in accordance with applicable law; and

WHEREAS, the Community Services Department and Reclaimed Water Coordinator positions have been eliminated from the City's organizational structure; and

WHEREAS, an extensive and detailed rate study was conducted by the City to assess the past, current and future financial status and performance of the reclaimed water system; and

WHEREAS, the City Commission desires to utilize the results of this rate study to make the reclaimed water system self sufficient by changing it from a special revenue fund to an enterprise fund; and

WHEREAS, the City Commission wishes to adjust the reclaimed water rates to promote full cost recovery, cease borrowing from the general fund, repay the general fund monies borrowed to date, maintain the utility with a strong credit rating, and ensure a sound financial position for the reclaimed water system; and

WHEREAS, the City Commission has found this Ordinance to be in the best interest of the health, safety and welfare of the citizens of the City;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, DOES HEREBY ORDAIN:

Section 1. Section 86-96 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system definitions is hereby amended as follows:

Article IV. Reclaimed Water System. Division I. Generally. Sec. 86-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Availability means the date upon which connection can be made to the reclaimed water system and service received.

Billing means the charge made for reclaimed water service. The charge may be included on the bimonthly utility bill.

Connection fee means the charge made for connecting to the reclaimed system. The City connection fee is not related to separate fees which may be charged by the County for modifications or inspections of its

potable water system, nor is it related to the fees charged for the plumbing hookup to the actual point of use.

Cross connection means any physical connection or arrangement which could allow the movement of fluids between the potable water system and any other piping system, such as the reclaimed water system.

Customer means the actual user of the reclaimed water.

Discontinuation of service means cessation of a service or an appropriate method to ensure that no service can be received.

Distribution mains mean those conduits used to supply reclaimed water to service lines from trunk lines.

Department means the City ~~community services~~ department responsible for the reclaimed water system.

Dual check device means a device composed of two single independently active check valves.

Master control valve means the manually operated valve which controls total reclaimed water flow to the customer's property.

Meter means a flow measuring device to monitor the total reclaimed water flow to the customer's property.

PVC pipe means polyvinyl chloride pipe.

Rates means those charges which will be made on a monthly, bimonthly or quarterly basis and which are subject to change as approved by the City rate ordinance from time to time in relation to the costs of providing services.

Reclaimed water means water that has received at least advanced secondary treatment and is reused after flowing out of a wastewater treatment facility.

~~*Reclaimed water coordinator (RWC)* means the individual responsible for the technical and operational activities of reclaimed water within the city.~~

Reuse means the deliberate application of reclaimed water, in compliance with the State Department of Environmental Protection and district rules, for a beneficial purpose.

Service line means that conduit for reclaimed water from the distribution main to the property line.

Trunk mains mean those conduits used to supply reclaimed water from the pumping station or treatment plant to the distribution mains.

Section 2. Section 86-127 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system public easement requirements is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-127.

Public easement requirements.

No facilities shall be installed under this article and accepted by the City for maintenance unless they are in a dedicated public right-of-way or a dedicated public easement. Any new easement shall be adequately sized to accommodate construction and maintenance of any reuse system component. No obstruction of whatever kind shall be planted, built or otherwise created within the limits of the easement or right-of-way without written permission of the ~~reclaimed water coordinator~~ City Manager or his/her designee.

Section 3. Section 86-130 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system extension approval is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-130.

Extension approval.

Reclaimed water extensions for improvements shall be accepted by the City upon the appropriate approval of the ~~reclaimed water coordinator~~ City Manager or his/her designee. Applications for reclaimed water extension shall be submitted to the ~~community services department~~ City prior to construction.

Section 4. Section 86-131 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system right to refuse service is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-131.

Right to refuse service.

No payment of any costs, submittal of any petition or any other act to receive reclaimed water service shall guarantee such service. The City shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of reclaimed water, lack of payment of required fees, or for any other reason which, in the judgment of the ~~reclaimed water coordinator~~ City Manager or his/her designee, shall cause the extension not to be to the benefit of the City.

Section 5. Section 86-132 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system fire protection is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-132.

Fire protection.

Hydrants shall be installed on reclaimed water mains constructed within the City at such locations as deemed appropriate by the ~~reclaimed water coordinator~~ City Manager or his/her designee.

Section 6. Section 86-134 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system maintenance by customer is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-134.

Maintenance by customer.

Under this article, the property owner and customer shall be responsible for the maintenance of all irrigation lines and appurtenances on the property served by the City. The City reserves the right to disconnect the service to any property on which the system is not maintained. In addition, if the customer requires reclaimed water at different pressures or different quality or in any way different from that normally supplied by the City, he/she shall be responsible for the necessary devices to make these adjustments and obtaining approval by the ~~reclaimed water coordinator~~ City Manager or his/her designee.

Section 7. Section 86-137 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system discontinuing service by the customer is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-137.

Discontinuing service by customer.

There ~~shall not~~ be a fee for discontinuing reclaimed water service. A written request to discontinue service must be received by the ~~department~~ City at least ~~two~~ fourteen (14) days prior to discontinuation. All current bills shall be paid by the customer, including a bill for the use during the period current billing prior to discontinuation of service. All disconnection fees and reconnection fees shall be equal to the connection fee. However, disconnection is not allowed during the first five years of service, either by the original customer or subsequent customers of the reclaimed water system.

Section 8. Section 86-138 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system service interruption is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-138.

Service interruption.

(a) The City reserves the right to temporarily discontinue service to any portion of or the entire reclaimed water system as deemed necessary by the ~~reclaimed water coordinator~~ City Manager or his/her designee.

(b) The ~~reclaimed water coordinator~~ City Manager or his/her designee shall have the authority to establish schedules which restrict the use of the water reuse system at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited reuse water availability.

Section 9. Section 86-141 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system service application prerequisite customer responsibility is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-141.

Service application prerequisite; customer responsibility.

Before an application for reclaimed water service shall be approved, the customer must have a suitable irrigation system. The irrigation system shall consist of an underground system provided by the customer or a city-provided belowground hose bib contained in a locked valve box. No system with a cross connection to the potable water system shall be considered for connection to the reclaimed water system. The systems shall not include devices, aboveground faucets, or other connections that could permit the reclaimed water to be used for any purpose other than irrigation unless such uses and systems have been approved in writing by the ~~reclaimed water coordinator~~ City Manager or his/her designee. All new irrigation systems constructed in areas where the City has determined to make reclaimed water available shall require a permit and shall be constructed in accordance with the specifications and regulations established by the City. The owner shall provide the City with a schematic drawing of the irrigation system.

Section 10. Section 86-142 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system meter requirements is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-142.

Meter requirements.

(a) The City may require irrigation meters for any reclaimed water customer.

(b) Larger irrigation users may be required to provide an appropriate sized flowmeter. All meters for the reclaimed water system shall be installed by the City. An estimate for the installation cost shall be prepaid by the ~~reclaimed water coordinator~~ City Manager or his/her designee and submitted to the applicant for payment prior to installation. A refund or additional billing shall be made after installation to ensure the applicant pays the actual cost of installation.

Section 10. Section 86-143 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system cross connection control is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-143.

Cross connection control.

(a) In all premises where reclaimed water service is provided, the public or private potable water supply shall be protected by an approved cross connection control assembly. All devices and material installed for cross connection control must be approved by the ~~reclaimed water coordinator~~ City Manager or his/her designee and the ~~county water system director~~ County Administrator or his/her designee. Where any cross connection is found, it shall be disconnected. Before reconnection of that service, the public potable water system shall be protected against the possibility of future cross connections, and additional devices may be required as specified by the ~~director~~ County Administrator or his/her designee and installed at the customer's expense.

Section 11. Section 86-144 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system rates and charges is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-144.

Rates and charges.

A schedule of rates and charges for the use of the City reclaimed water system is established as provided in this section.

(1) ~~Impact fee~~ Connection fee. A ~~\$200.00 impact~~ \$250.00 connection fee shall be paid at the time of application to connect to the City reclaimed system.

(2) *Equivalent residential unit (ERU)*. An equivalent residential unit is defined as 3,150 square feet. All single-family properties shall be considered one equivalent residential unit. The equivalent residential units of all two-family, multi-family, commercial, and public-use properties shall be calculated by dividing the permeable parcel area by 3,150 square feet and rounding up to the nearest whole digit number. For parcels fronting upon the Gulf of Mexico, any land gulward of the dune preservation zone or submerged land shall not be included in the permeable parcel area calculated. The equivalent residential unit for billing purposes shall not be less than one unit.

(3) *Monthly user fee*. A user of the reclaimed water system shall pay to the City a monthly use fee as provided herein. All two-family, multi-family, commercial and public use properties shall pay to the City a monthly use fee for the first ERU and for each ERU thereafter. Reclaimed water customers shall be billed based on the size of the permeable parcel served, expressed as a whole number of equivalent residential units. The monthly use fee shall be composed of three fee components as follows:

a. ~~A component based upon the capital and financing cost of constructing and making available the reclaimed water distribution system. The capital charge shall be per month per equivalent residential unit, as defined in subsection (2) of this section. The charge shall be established by resolution of the city commission and is listed in appendix A of this Code.~~

b. ~~A component based upon the cost of operations and maintenance of the reclaimed water system. The operation and maintenance charge shall be per month per equivalent residential unit and shall be established by resolution of the city commission and listed in appendix A to this Code.~~

c. ~~A component fee based on the cost of administration and billing. The administration and billing charge shall be per month per bill rendered, and the charge shall be established by resolution of the city commission and is listed in appendix A to this Code.~~

d. ~~Monthly user fee schedule. Based on the foregoing factors, the following is the reclaimed water rate scheduled to be charged each user:~~

Monthly Reclaimed Water User Fees

1.	Basic service	\$11.50— <u>\$14.38 effective October 1, 2010</u> <u>\$16.39 effective October 1, 2011</u> (The basic service fee is made up of the following components:— -\$3.95—Capital charge per equivalent residential unit. -\$6.05—Operation and maintenance charge per equivalent residential unit \$1.50—Administration and billing charge)
2.	Multi-family, commercial, and public use property	<u>Effective October 1, 2010 \$11.50 \$14.38</u> for the first equivalent residential unit ERU and \$10.00 <u>\$12.50</u> for each additional equivalent residential unit ERU. <u>Effective October 1, 2011 \$16.39</u> for the first ERU and <u>\$14.25</u> for each additional ERU.
3.	Section 86-145(d) penalty	\$5.00

Section 12. Section 86-145 of the Code of Ordinances of the City of St. Pete Beach, Florida, pertaining to reclaimed water system billing and other procedures is hereby amended as follows:

Article IV. Reclaimed Water System. Division II. Reclaimed Water Use. Sec. 86-145.

Billing and other procedures.

(a) The monthly use fee for reclaimed water may be billed to the consumer on a combined bill with other City or County services, such as potable water. The billing shall be done on a bimonthly basis.

(b) If a customer fails to pay the amount due the City, the City may enforce collection of the rate by imposing a lien on the real property involved and by filing a civil action against the customer for the amount due to the City.

~~(c) All property within the City is subject to lien for nonpayment of the reclaimed water service charges. In addition to the other penalties prescribed in this chapter, if the owner of any improved property subject to payment of collection service charges fails to pay such charges on or before the final date set by the City for payment or fails to pay charges in advance when the service is commenced during the year, the City may forthwith impose a lien upon the property of such owner. The amount of such lien shall be based upon the total service charge due, plus eight percent interest, plus all costs, including reasonable attorney's fees, incident to filing and imposing the lien. Such lien shall be imposed against the land and may be enforced and the property sold to satisfy such lien in the manner prescribed by law.~~

~~(d) In addition to any other penalty prescribed by this chapter, if the owner of the improved property subject to payment of reclaimed water fees fails to pay the amount due within 60 days from the original date of billing, the City shall assess a penalty equivalent to one percent a month on the unpaid bill, plus a penalty as provided in section 86-144(d).~~

Section 13. Except as outlined in this Ordinance all other sections and content of Chapter 86 Utilities Article IV relating to the reclaimed water system remain intact and unchanged.

Section 14. If any portion, part or section of the Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 15. All Ordinances or parts of Ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 16. This Ordinance shall become effective upon passage.



Michael Finnerty, MAYOR

FIRST READING : 6-08-2010
PUBLISHED : 6-12-2010
SECOND READING : 6-22-2010
PUBLIC HEARING : 6-22-2010

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 22 day of June, 2010.



Theresa B. McMaster, City Clerk