

ORDINANCE NO. 12-06

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA REVISING THE CODE OF ORDINANCES CHAPTER 52 "UTILITIES" AND ARTICLE III "UTILITY OPERATION AND REGULATIONS" OF CHAPTER 18 "ENVIRONMENT"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marco Island, Florida (the "City") has established utility operation and regulations for the water and wastewater utility within the City of Marco Island and the urban service area pursuant to Ordinance Nos. 2002-31, 2003-13, 2003-19, 2003-20, 2004-06, 2006-09, 2006-16, 2007-05, 2008-12, 2009-07, 2009-13, 2010-01, 2010-05, 2011-04, and 2012-02; and

WHEREAS, the City desires to combine parts of the City's Code of Ordinances, Chapter 52 – Utilities and Chapter 18 – Environment, Article III – Utility Operations and Regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida:

Section 1. Omnibus Chapter 52 – Utilities revisions. That Exhibit "A" Part II – Code of Ordinances Chapter 52 – Utilities, attached hereto and made a part hereof, is hereby approved.

Section 2. Omnibus Article III – Utility Operation and Regulations of Chapter 18 – Environment revisions. That Exhibit "B" Part II – Code of Ordinances Chapter 18 Environment, Article III – Utility Operation and Regulations, attached hereto and made a part hereof, is hereby approved.

Section 3. Effective Date. This ordinance shall take effect immediately upon approval by the Marco Island City Council on second reading and public hearing.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 16th day of July 2012.

ATTEST:



Laura Litzan, City Clerk

CITY OF MARCO-ISLAND, FLORIDA

By: 

Larry Magel, Chairman

Approved as to Form:



Burt L. Saunders, City Attorney

PART II - CODE OF ORDINANCES
Chapter 52 - UTILITIES

Chapter 52 - UTILITIES

ARTICLE I. - IN GENERAL
ARTICLE II. - ~~WATER SERVICE~~ UTILITY OPERATION AND REGULATIONS
ARTICLE III. - RESERVED

ARTICLE I. - IN GENERAL

Secs. 52-1—52-30. - Reserved.

ARTICLE II. - ~~WATER SERVICE~~ UTILITY OPERATION AND REGULATIONS ^[30]

⁽³⁰⁾ **Editor's note—** Ord. No. 03-20, §§ 1—38, adopted Jan. 5, 2004, repealed art. III and enacted a new article as set out herein. The former art. III, §§ 18-71—18-76, pertained to water irrigation restrictions and derived from Ord. No. 02-31, §§ 1.1—1.3, 2.1, 3.1—3.12, 4.1—4.4, 5.1, 5.2 and 6.1, adopted Nov. 4, 2002. See the Code Comparative Table for further information. Section 1 of Ord. No. 06-09, adopted Aug. 7, 2006, amended the title of art. III, conservation regulations, to read as herein set out.

DIVISION 1. - GENERALLY
DIVISION 2. - ~~IMPACT FEES~~ WATER
DIVISION 3. - WASTE WATER
DIVISION 4. - RECLAIMED WATER
DIVISION 5. - GREASE DAMAGE PREVENTION REGULATIONS
DIVISION ~~2~~ 6. - IMPACT FEES

DIVISION 1. - GENERALLY

Sec. 52-31. - Findings.

It is hereby ascertained, determined and declared that:

(a) The City of Marco Island, Florida, ~~is actively engaged in the attempt to acquire~~ in November 2003 acquired all potable and nonpotable water supply, treatment, storage and distribution systems and wastewater collection, transmission, treatment, disposal, reuse and reclaimed water systems located in the city and adjacent unincorporated areas of Collier County and owned by Florida Water Services Corporation ("FWSC"), together with any future extensions or expansions thereof (the "FWSC System").

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(b) The City of Marco Island, Florida, possesses and/or will contract for the technical and professional capacity to own, operate, maintain and administer the FWSC System and is capable of providing other services set forth in F.S. § 180.06.

(c) The City of Marco Island desires to avail itself of the provisions and benefits of F.S. ch. 180, and to create a zone or area and prescribe reasonable regulations requiring all persons or entities living or doing business within said area to connect, when available, with any water, wastewater, or re-use water system or alternative water supply system, including but not limited to reclaimed water; aquifer storage and recovery, and desalination systems.

(d) The service area created includes the property lying within the corporate boundaries of the city and areas in adjacent unincorporated areas of Collier County ~~currently~~ previously served directly by the FWSC system. The Key Marco (CDD) area, a certificated area, is served potable water by the county pursuant to a bulk purchase agreement with FWSC and is now incorporated within the city's limits. The service area also includes adjacent areas currently with systems owned and operated by Collier County, including parts of the Goodland Area, that ~~may be~~ is provided by the city upon the execution of an interlocal agreement(s) between the city and Collier County. The areas lying beyond the corporate limits of the city are described on ~~Exhibit "A"~~ Figures "1A" and "1B" and shall be generally referred to herein as "adjacent service area." This article does not amend any boundary of any utility service area, nor affect any utility service agreement. The city shall not provide any utility service listed in subsection (a), above, into any Collier County Water-Sewer District area except to the extent authorized by the county.

(e) The service area described herein ~~presently lacks~~ possesses long-range capital improvements adequate to protect the health, safety and welfare of the persons or corporations, living or doing business therein in the following respects, among others:

- (1) The cleaning or environmental improvement of bodies of water for sanitary purposes;
- (2) The providing of a water supply for domestic, municipal or industrial uses;
- (3) The collection and disposal of sewage including wastewater reuse and other liquid wastes;
- (4) The construction of reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works incidental;
- (5) The construction of such other buildings and facilities as may be required to properly and economically operate and maintain the foregoing facilities and utility systems for the fulfillment of the purposes of F.S. ch. 180.

(f) There exists a need for the provision and enhancement of the services and facilities described in subsection (e) above to the residents, landowners and other persons and entities living in and conducting business within the city and in the adjacent service area.

(g) It is in the best interest of the citizens of the City of Marco Island, Florida, and adjacent service area for the city to provide the above enumerated services for the orderly growth of the city and the adjacent service area in an efficient manner for their collective health, safety and welfare both now and in the future.

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(Ord. No. 03-13, § 1, 8-18-2003)

Editor's note— Exhibit A cited above has not been set out in the Code, but is on file in the office of the city clerk.

Sec. 52-32. - Declaration.

The City of Marco Island hereby declares there to exist an urban service area within which the city ~~intends to engage~~ is engaged in certain activities authorized by F.S. § 180.06, ~~which upon the city's acquisition of the FWSC system~~ such activities shall specifically include the duty, obligation, power and authority to acquire, obtain, construct, maintain, provide, collect, distribute, dispose of, regulate, finance and charge for the supply of potable and nonpotable water, treatment, storage, or distribution systems, facilities and associated services and wastewater collection, transmission, treatment, disposal, reuse or nonpotable water systems, facilities, and associated services to customers and land served by the FWSC system, or any future expansion thereof. Such urban service area shall be composed of and include the area located within the city's corporate limits and the adjacent service area. By declaring the existence of this urban service area, the city proposes and intends to exert its influence and control as the general purpose local government regarding the services to be provided through the enactment of this article to the exclusion of the control of any other local government. This declaration is provided in conformance with F.S. ch. 180 and is necessary for the promotion of the health, safety and welfare of the public. For those systems currently owned and operated by Collier County, such control and ownership shall remain with Collier County unless such control and/or ownership is transferred to the city through an interlocal agreement.

(Ord. No. 03-13, § 2, 8-18-2003)

Sec. 52-33. - Amendment of the urban service area boundary.

It is recognized that future conditions may exist from time to time, which would necessitate amending the boundaries of the urban service area to include more or less area. Such amendments shall be made by the city council in accordance with F.S. § 180.02.

(Ord. No. 03-13, § 3, 8-18-2003)

Sec. 52-34. - Provision of reasonable regulations.

~~Upon acquisition of the FWSC system, the~~ The city may prescribe by subsequent ordinance or amendment hereto, adopted in accordance with F.S. ch. 180, reasonable regulations regarding all persons or entities living or doing business within the urban service area regarding their connection, when available, with any service or utility facilities constructed, provided, operated or to be constructed, provided or operated under provisions of F.S. ch. 180.

(Ord. No. 03-13, § 4, 8-18-2003)

Sec. 52-35. - Reservation.

~~Upon acquisition by the city of the FWSC system, the~~ The city reserves the right to determine the manner, location, degree and extent of any utility service extensions within the urban service area by subsequent ordinance or resolution adopted in accordance with the procedures set forth in F.S. ch. 180.

(Ord. No. 03-13, § 5, 8-18-2003)

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Sec. 52-36. - Purpose.

The purposes of declaring an urban service area for the City of Marco Island and the surrounding area by this article are as follows:

- (a) To prepare for the city's proposed acquisition of the FWSC system and to provide for long-range capital improvements for the betterment of the health, safety and welfare of the public as a part of the city's long-range planning activities within the city and adjacent service area.
- (b) To clearly identify an area for long range capital improvements relating to water and wastewater utility facilities and services.
- (c) To provide for the efficient extension of municipal or urban services upon acquisition by the city of the FWSC system.
- (d) To work with Collier County as the adjacent service provider and clearly identify that, upon acquisition of the FWSC system, the city will provide water and wastewater related services and facilities within the urban service area defined herein and avoid the duplication of such services, and to provide opportunities for the transfer of ownership and/or operation of systems between Collier County and the city upon execution of an interlocal agreement between Collier County and the city.

(Ord. No. 03-13, § 6, 8-18-2003)

Sec. 52-37. - Absence of mortgage revenue certificates or debentures.

There are currently no mortgage revenue certificates or debentures issued by the city to finance any water or wastewater related project within the urban service area; and, upon the city's acquisition of the FWSC system, the lien of any indebtedness owed by FWSC relating to the FWSC system will be paid, defeased or released as it relates to the FWSC system and the urban service area defined herein.

(Ord. No. 03-13, § 7, 8-18-2003)

~~**Sec. 52-38. - Rates, fees, and charges. See section 18-06(a) 52-50.**~~

~~Initial rates, fees and charges established by the city for water and wastewater service shall be as set forth in Exhibit "A", attached hereto and made a part hereof.~~

~~(Ord. No. 03-19, § 1, 10-20-2003)~~

~~Editor's note — Exhibit A cited herein and being attached to Ord. No. 03-19, has not been set out in the Code, but is on file in the office of the city clerk.~~

Sec. 52-3839. - Annual rate adjustment by index.

Effective and commencing on October 1, 2004, and for each annual anniversary thereafter, there shall be an automatic rate adjustment for monthly water and wastewater usage fees, provided that, initially, such adjustment shall be subject to customer notice and Council meeting as required by law. Rate adjustment shall be based upon and equal to the then-current percentage increase of the Florida Public Service Commission Deflator Index (the "deflator index"). In the event that the deflator index exceeds three percent, the proposed increase in water and wastewater rates shall be presented to city council of the city (the "city council") for approval by resolution. The automatic rate adjustment provided herein

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shall not preclude the city council from increasing or decreasing rates as deemed necessary or appropriate at any time by resolution.

(Ord. No. 03-19, § 2, 10-20-2003)

Sec. ~~52-40.~~ Fees and charges. See section ~~48-96(a)~~ 52-50.

~~Water system capital facility fees, sewer system capital facility fees, connection fees, and miscellaneous charges, shall be reviewed and adjusted by the adoption of a resolution by city council as deemed necessary or appropriate.~~

~~(Ord. No. 03-19, § 3, 10-20-2003)~~

Sec. 52-39 41. - Current customers.

Prior to acquisition in November 2003, the city provided ~~The city provides~~ wastewater services to approximately 1,200 accounts billed on flat monthly rates. Those customers with accounts established prior to the effective date of the acquisition of the water and wastewater systems from Florida Water Services, Inc. shall continue to be billed on that established schedule, included as Exhibit "A". The city reserves the right to modify the monthly rates that these original customers are charged.

(Ord. No. 03-19, § 4, 10-20-2003)

Editor's note— Exhibit A cited above has not been set out in the Code, but is on file in the office of the city clerk.

Sec. ~~48-61~~ 52-40. - General provisions.

(a) *Compliance.* All water, wastewater, and/or reclaimed water service users are required to comply with all regulations and ordinances of the city governing such use.

(b) *Responsibility of city.* The city shall only be responsible for a good faith effort to provide reasonable water, wastewater, and reclaimed water service. Water service is subject to the continuing availability of raw water supply, and water, wastewater, and reclaimed water service is subject to the availability of the respective treatment plants capacity and all requirements of the law.

(c) *Service not guaranteed.* Location within the service areas of the city does not guarantee water or wastewater service. In the event that service or service capacity is not available for any reason, the property affected may be removed by ordinance from the service area without any liability attaching to the city.

(d) *Promulgation and enforcement of procedures and regulations.* The city manager shall have the power to promulgate procedures and regulations relative to the water, wastewater, and reclaimed water system. Such procedures and regulations shall be provided in the Utilities Department Manual of Standards and Specifications. Said manual will be adopted by city council and amended when necessary, by resolution. Water, wastewater, and reclaimed water construction improvements, rehabilitation, and repairs shall meet or exceed the requirements of the manual.

(Ord. No. 03-20, § 1, 1-5-2004)

Sec. ~~48-62~~ 52-41. - Definitions.

The following words and phrases as used in this article shall have the following meanings:

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Address means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address it shall be considered "even-numbered".

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l).

City means the City of Marco Island, a Florida municipality. As used interchangeably, it means the city, the city utility department, and the water, wastewater, and reclaimed water systems owned and operated by the city.

Companion meter means a meter used to record a single family residential user's non-sewer related usage also known as outdoor usage. It is used to determine the amount of water that is not entering into the sewer system and thus is not subject to the monthly wastewater consumption charge. Connection and meter installation is regulated by the Florida Department of Environmental Protection code, Utilities Department Manual of Standards and Specifications (also known as Marco Island Utilities Technical Standards Manual), the Florida Building Code and Marco Island Land Development Code.

Cross connection means any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, wastewater, drain, conduit, pool, storage reservoir, plumbing fixture, or any other device, facility or system which contains or may contain contaminated water, sewage, waste material, or other material or substance of unknown or potentially unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, changeable devices, or other devices through which or because of which backflow could occur are deemed to constitute cross connections.

Customer means any person, firm, corporation, or government entity, using or receiving water, reclaimed water, or wastewater collection services from the city.

Department means the Marco Island Utilities Department of the City of Marco Island.

Director means the director, or designated representative, in charge of the department, who is hereby invested with the authority and responsibility to administer and operate the water, wastewater, and reclaimed water systems of the city, and implement and enforce the provisions of this article.

Discontinuation of service means the cessation of a service.

Engineering manager means the individual or firm who approves technical specifications and drawings relating to the installation, construction, and rehabilitation of city utilities.

Equivalency factor means a factor used to represent the relative relationship between service connections based on water meter size. The equivalency factor is determined by dividing the continuous flow criteria per meter size by the continuous flow criteria of a five-eighths-inch meter as published by the American Water Works Association, and incorporated in F.A.C. 25-30.055.

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Existing landscaping means any landscaping which has been planted and in the ground for more than 90 days.

Grease means a material either liquid or solid, composed primarily of fat or oil from animal or vegetable sources and is synonymous for the intent of this section with the terms fats, oils and grease.

Landscaping means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora, not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in F.A.C. 40E-24.101(2).

Living unit means any place of abode, which is suitable for permanent or transient family or individual residential use. Each such living unit shall be considered as single and separate.

Lot means any place, division or parcel of land.

Master control valve means the manually operated valve, located immediately downstream after the meter, which controls total flow to the customer's property.

Multifamily residence means all places of dwelling other than single-family residences and duplexes having three or more living units.

New landscaping means any landscaping which has been planted and in the ground for 90 days or less.

Persons means any individual, firm, company, association, society, partnership, corporation, or group.

Public wastewater systems means a central sanitary sewer collection system owned and operated by the City of Marco Island or owned and operated by a private utility company that has a franchise granted by the Collier County Water and Wastewater Authority to provide and operate a sewer collection and transmission system within the legal boundaries of the City of Marco Island.

Reclaimed water means water, treated wastewater or wastewater effluent that has been appropriately treated and which, as a result of the treatment of wastes, is suitable and usable for direct beneficial uses or a controlled use by and for public agricultural, commercial, residential, or industrial developments, projects or purposes including, but not limited to, irrigation purposes in green areas of developments or other appropriate areas; water that has received at least secondary treatment and is reused after flowing out of a wastewater treatment plant.

Residence with guesthouse occupying the same premises means a residence with a guest house occupying the same premises shall be considered as a single-family residence if served by a single water connection and meter.

Sanitary sewer is used interchangeably with sewer line and wastewater line. Sanitary sewer means a pipe which carries sewage and to which storm waters, service waters, and ground waters are not intentionally admitted.

Service line means that conduit for utility service directly after the meter or delivery box fittings.

Significant industrial user means any individual user of the city's wastewater disposal system who:

- (1) Has a discharge flow of 25,000 gallons or more per average workday; or

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- (2) Has a flow greater than five percent of the flow in the city's wastewater treatment system; or
- (3) Has in his wastes toxic pollutants as defined pursuant to federal or state statutes and rules; or
- (4) Is found by the city, the state control agency, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Single-family residence means any single-family dwelling; interchangeable with the word household. In the case of a duplex, each unit shall be regarded as a single-family dwelling.

System is used interchangeably with utility system. System means all water, wastewater, and reclaimed water mains, transmission lines, storage and pumping facilities, valves, service connections, meters, and treatment facilities.

Urban service area means the geographic area served by the city utilities as defined by Ordinance No. 03-13, as amended.

Utility agreement means a written agreement between the city and a property owner that establishes the terms and conditions pursuant to which the city will provide water, wastewater, and/or reclaimed water service.

Wasteful and unnecessary means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

Wastewater is used interchangeably with sanitary sewage and means a combination of any type of water-carried waste from residences, business buildings, institutions, industrial establishments, and any and all customer facilities together with such ground, surface, and storm waters as may be present, but does not mean nor include hazardous or toxic waste.

(Ord. No. 03-20, § 2, 1-5-2004; Ord. No. 06-09, § 2, 8-7-2006; Ord. No. 08-12, § 2, 10-6-2008; Ord. No. 10-05, § 2, 5-17-2010)

Sec. ~~18-63-52-42~~. - Illegal utility system connections.

(a) It shall be unlawful to make or cause to be made any connection with the city water, wastewater, and/or reclaimed water system for providing water, wastewater, or reclaimed water service to users; to use or be supplied with water or reclaimed water from the city without the water passing through a meter provided by the city; or in a manner so as to serve or connect any existing or additional dwelling units or commercial developments without paying all systems development charges, connection user fees, and all other required charges for said additional dwelling units or commercial development; or in a manner so as to enable a user to discharge into the wastewater collection system of the city without paying all system development charges, connection fees, user fees, and all other required charges for said wastewater service; or to make a connection in a manner that bypasses the proper recording of water usage passing through a meter or series of meters provided by the city or the user whether the

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meter(s) is (are) located within the easement or on the user's property.

(b) Any person who is found by the city to have made or caused to have made any connection prohibited by paragraph (a) above shall be required by the city, in addition to any penalties imposed by this Code for violation of the above, to pay the following to the city:

(1) An amount equal to three times the unpaid plant capacity fees, connection fees and utility service charges imposed by the city for such connection and water and/or wastewater service provided. Said fees and charges shall be computed using the rates in effect at the time of the discovery of said illegal connection. For residential connections, the utility service charges shall be estimated by using the average water, wastewater, and/or reclaimed water use for similar types and sizes of residential users during the entire period from the date a certificate of occupancy was issued for any dwelling unit found illegally connected to the system until the date of collection. For commercial connections, water, wastewater, and/or reclaimed water service charges shall be estimated by using the average water and/or wastewater use for similar types and sizes of commercial users during the entire period from the date a certificate of occupancy was issued for any portion of the project served until the date of collection.

(2) All costs of investigation and collection, including time, labor, material, attorneys' fees, court costs, and professional fees of any kind necessitated to determine that such illegal connection existed.

(c) All persons making or causing said connection to be made and/or receiving the benefit of the utility services shall be jointly and severally liable for the payment of the above-described amounts to the city. Water service shall be discontinued to such persons, firms, contractors, corporations, associations or partnerships until said amount is paid in full. In the event that any corporation is found to be liable for such sums and is not solvent or is without assets to make appropriate payment, the individual officers, directors and shareholders of such corporation shall be liable for such payment to the city.

(Ord. No. 03-20, § 3, 1-5-2004)

Sec. ~~18-64~~ 52-43. - Easements, planting shrubbery therein.

Any persons planting shrubbery, trees, or other plants in dedicated utility easements within the city does so at their own peril. Tree plantings or shrubbery shall not be placed so as to destroy any water, reclaimed water, or wastewater utility lines. Whenever plantings obstruct the ingress and/or egress for the purposes of the easement they shall be removed upon request by the city, and in the event of failure by the owner to so move them, the city shall do so and the expense of same charged to the property owner. When plantings placed over utility lines cause damage to the utilities systems, the property owner shall bear the cost of repair or replacement of the damaged utilities.

(Ord. No. 03-20, § 4, 1-5-2004)

Sec. ~~18-65~~ 52-44. - Connections.

(a) The owner of each lot or parcel of land within the city's exclusive urban service area or legal boundaries, upon which lot or parcel of land any improvement is now situated or shall hereafter be situated, shall connect or cause such improvement to be connected with the public water, wastewater, and/or reclaimed water facilities and use such facilities within 90 days following notification to do so. All such connections shall be made in accordance with the Utilities Department Manual of Standards and Specifications.

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(b) All connections to the water, wastewater, and reclaimed water system shall be approved by the city manager, or his designee. The fee to connect for utility services shall consist of the capital facilities fee (impact fee), tapping fee, meter or delivery box cost, connection charges, hydrants, lift stations, equipment, and when required, plan review fee, and line extensions. Such fees shall be paid upon issuance of a building permit unless otherwise provided by a utility agreement.

(c) No person, unless expressly authorized by the city manager or designee, shall tamper with, work on, or in any way alter or damage any part of the utility system. Tampering or work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or causing of any water to flow from the system.

(d) Connections to the city's water, wastewater, and/or reclaimed water system for any purpose whatsoever are to be made only by city employees or contractors in full approval of the director. No connection of any description, temporary or otherwise, is permitted on the customer's installation between that portion of the customer's installation for domestic water and reclaimed water service and that portion of the customer's installation for fire protection purposes. That portion of the customer's installation for domestic water and reclaimed water service shall be metered. The customer's fire protection service shall be installed with a detector check type of meter or any metering device approved by the director. No temporary pipes, nipples, or connections are permitted except during construction as authorized by the director, and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment.

(Ord. No. 03-20, § 5, 1-5-2004; Ord. No. 06-09, § 3, 8-7-2006)

Sec. 18-66 52-45. - Utility agreements.

The city manager shall be authorized to negotiate and execute utility agreements for the provision of water, wastewater, and/or reclaimed water. The utility agreement may provide for the allocation of service capacity, responsibilities for the construction and installation of utility systems, a schedule of payments for capacity charges, the obligation to provide easements, the obligation by a developer to install systems at its expense, inspections, transfer of reserved service capacity, payment of service charges, and other provisions as may be required.

(Ord. No. 03-20, § 6, 1-5-2004)

Sec. 18-67 52-46. - Extensions.

The city manager is authorized to extend utility mains and provide utility service to customers within the boundary of the urban service area.

(Ord. No. 03-20, § 7, 1-5-2004)

Sec. 18-85 52-47. - Powers and authority of inspectors. [Moved to General instead of Wastewater.]

(a) Duly authorized employees of the city bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the wastewater system or to distribution of the water system in accordance with the provisions of these regulations.

(b) While performing the necessary work on private properties referred to herein, the authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall, to the extent permitted by law, be held harmless for injury or death to

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the employees, and the city shall, to the extent permitted by law, indemnify the company against loss or damage to its property by city employees and against liability claims and demand for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by these regulations.

(c) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water and/or wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 03-20, § 25, 1-5-2004)

Sec. ~~48-89~~ 52-48. - Authority to disconnect service.[Moved to General instead of Wastewater]

The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:

- (1) Acids, grease, oil, or chemicals damaging to the wastewater lines or treatment process are released into the wastewater causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
- (3) The customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment systems;
 - c. Fails to pay monthly bills for water and sanitary wastewater services when due; or
 - d. Repeats a discharge of prohibited wastes into the public wastewater system.

(Ord. No. 03-20, § 29, 1-5-2004; Ord. No. 08-12, § 3, 10-6-2008)

Sec. ~~48-95~~ 52-49. - Meters. [Moved to General instead of Reclaimed Water]

(a) All new connections to the water and reclaimed water system shall be individually metered to include all residential, business, and industrial premises. Master meters (serving more than one residential, business, or industrial premises) may be permitted upon the expressed approval of the city manager.

(b) Meters shall be placed just within the property line at the right or left boundary at the nearest point to the tap-in main or as otherwise may be designated in the Utilities Department Manual of Standards and Specifications or authorized by a utility agreement. The meter and service valve shall always

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remain accessible to utilities personnel for reading, inspection, testing, and maintenance. Landscape plants and trees shall not hinder visual identification or direct physical access to the meter. Landscape shrubs and ground cover shall remain at least 18 inches from the edges of the meter box. Trees shall not be planted within four feet of the meter. The property owner shall ensure that the meter is accessible.

(c) If a customer requests a test of the meter to determine accuracy, the city will charge a testing fee as provided in the utility rate ordinance. Whenever a tested meter is found to register fast, in excess of tolerance provided in the Utilities Department Manual of Standards and Specifications, the director shall return the fee, replace the meter at no cost to the customer, and issue a credit for volume charges for the amount billed in error for the most recent billing cycle.

(d) In no event shall a refund or credit for utility service overcharges be granted for a period in excess of six months preceding.

(e) The property owner and/or customer shall be responsible for the installation and maintenance of a master control valve immediately downstream of the meter to isolate the customer's water system.

(Ord. No. 03-20, § 35, 1-5-2004)

Sec. 18-96 52-50. - Rates; security deposits. [Moved to General instead of Reclaimed Water] (See sections ~~52-38~~ and ~~52-40~~.)

(a) Rate schedules for water, wastewater, reclaimed water usage, fees, and charges shall be adopted by city council through a utility rate ordinance. Such ordinance may be amended by the adoption of a resolution by city council.

Editor's note— Exhibit A cited herein and being attached to Ord. No. 03-19, has not been set out in the Code, but is on file in the office of the city clerk.

(b) The city reserves the right to establish differential rate structures for customers within the urban service area, ~~however~~, in which case there shall not be imposed an additional surcharge of 25 percent as provided for in F.S. ch. 180. The city reserves the right to use the same rate structure for all customers within the urban service area and reserves the right to impose an additional surcharge as provided for in F.S. ch. 180.

(c) Security deposits. For utility accounts, security deposits are required as follows:

Meter Size	Deposit Amount
5/8" x 3/4"	\$125.00
3/4"	150.00
1"	200.00
1 1/2"	300.00
2"	450.00
3" and larger	As determined by the director

(1) For accounts in which the name of the account is the same as the owner, the deposit may, at the discretion of the city, be waived upon presentation by the customer of a statement from a

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previous utility verifying a history of timely payments by the customer.

(2) For accounts in which the name of the account is the same as the owner, and who make a deposit prior to receiving service, the deposit may be refunded after 12 months without a delinquent payment.

(3) Whenever service is discontinued, said deposit shall be returned to the customer after first deducting all outstanding charges for service. Where any outstanding charges exceed the amount of the deposit the customer is liable for settlement of said charges under all applicable codes, statutes, laws, and ordinances, and payment of all costs incident to the enforcement thereof.

(4) At the discretion of the director, the city may require a deposit or increase the deposit for any customer who is delinquent three or more times.

(5) All deposits shall accrue interest as required by Florida Statutes.

(d) Water rate structure. The rate structure for water service as set forth in the utility rate ordinance, is comprised of two distinct elements. Those elements and their definitions are:

(1) *Monthly base charge.* This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues. ~~This monthly base charge also recovers the costs associated with meter readings, billings, postage and related expenses.~~

(2) *Monthly consumption charges.* This is the cost of providing the water, such as chemicals, electricity, labor and other related costs. This cost is variable and depends on consumption.

(e) Wastewater rate structure. The rate structure for wastewater service is comprised of two distinct elements. Those elements and their definitions are:

(1) *Monthly base charge.* This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues. ~~This monthly base charge also recovers the costs associated with meter readings, billings, postage and related expenses.~~

(2) *Monthly consumption charge.* This is the cost of providing for the collection and treatment of sewage such as chemicals, electricity, labor and other related expenses. This charge is variable and depends on consumption.

(3) *Fees.* The city may adopt charges and fees which may include:

- a. Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- b. Fees for monitoring, inspection, and surveillance procedures;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications;
- e. Fees for filing appeals;
- f. Fees for consistent removal (by the city) of pollutants otherwise subject to federal

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pretreatment standards; and

g. Other fees as the city may deem necessary to carry out the requirements contained herein.

(4) *Surcharge for abnormal strength waste discharge.* Abnormal strength wastes are those that do not meet the limitations set forth in this article.

a. *Computation.* The surcharge in dollars shall be computed by multiplying the total milligrams per liter (mg/L) of Biochemical Oxygen Demand (BOD) and suspended solids above 500 mg/L times the metered water used during the billing period in millions of gallons times a treatment surcharge factor. The surcharge factor shall be derived annually from the following formula:

$$\text{Surcharge factor} = \text{Cost of treatment per million gallons} \div \text{multiplied by 500}$$

Where cost of treatment per million gallons equals operational costs of the city sewage treatment plant(s) for the preceding fiscal year (including pro rata administrative costs) divided by the total sewage flow through all plants in millions of gallons. Five hundred equals maximum normal BOD plus suspended solids content expressed in milligrams per liter. The surcharge in dollars for fats, waxes, grease, oil and solvent-soluble substances shall be computed by multiplying the total fats, waxes, grease, oil, and solvent-soluble substances above the legal limits as set forth in this section times the metered water used during the billing period in millions of gallons times the treatment surcharge factor.

b. These fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the city.

(f) *Customer Charge.* The rate structure as set forth in the utility rate ordinance is comprised of one element with the following definition:

Monthly Customer Charge base fee. This monthly base charge recovers the costs associated with meter readings, billings, postage and related expenses and is charged on every bill issued by the City.

For accounts in which both metered water service and wastewater service is obtained directly from the City, and at the discretion of the director, this customer charge base fee may be reduced upon verification that the same name is used on both the water service and wastewater service accounts and that both services are issued on the same billing statement created and sent by the City.

(fg) *Reclaimed water rate structure.* The rates for use of the city's reclaimed water system shall be based on a charge per 1,000 gallons as provided in the utility rate ordinance.

(gh) *Bulk or wholesale water, wastewater, or reclaimed water agreements and rate structure.* Agreements and/or rate structures may provide for the provision or receipt of bulk or wholesale water, wastewater, or reclaimed water services to or from private utilities, governments, or private entities.

(Ord. No. 03-20, § 36, 1-5-2004; Ord. No. 06-09, § 4, 8-7-2006)

Sec. 48-97 52-51. - Billing for water, wastewater, and reclaimed water service. [Moved to General

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instead of Reclaimed Water]

- (a) Billing shall begin upon installation of the water meter, reclaimed water meter, connection to the wastewater system, or 90 days following notification of the availability of wastewater or reclaimed water service, whichever occurs first.
- (b) All accounts shall be billed on a monthly basis. Bills are due when rendered and delinquent 21 days thereafter. Bills unpaid after 30 days of being rendered shall be assessed a delinquent fee equal to five percent of the unpaid balance. Service may be discontinued when delinquent for nonpayment of bills. The city reserves the right to place liens on property due to nonpayment of bills.
- (c) Errors in billing or meter reading should be reported promptly to the customer service office, so as to facilitate the immediate correction of such bill.
- (d) When water, wastewater, and/or reclaimed water services are provided or made available, payment of the services shall be made concurrently. In the event partial payment is received, such partial payment shall be applied first to penalty, interest and miscellaneous fees component of the total amount due (if any), next to the wastewater component of the total amount due, next to the reclaimed water component (if any), and lastly to the water component. The city may discontinue service for nonpayment of any portion of the service bill.
- (e) Whether occupied or unoccupied, all existing structures, at the earlier of connection to the city's water, wastewater, and/or reclaimed water system or 90 days following notification of the availability of wastewater service, shall incur a monthly base charge unless such building is destroyed, condemned, or demolished.
- (f) Whenever a customer discontinues service or vacates a dwelling or structure, the account will automatically revert to property owner of record and billing will resume.

(Ord. No. 03-20, § 37, 1-5-2004; Ord. No. 07-05, § 4, 6-18-2007)

Sec. 48-98 52-52. - Reinstatement following discontinued service. [Moved to General instead of Reclaimed Water]

- (a) When service has been discontinued for nonpayment of bills, service will be restored upon payment of unpaid bills, plus a service fee as set forth in the rate ordinance. Said service fees shall also be payable in the event the city attempts to restore service but is unable to do so due to meter obstruction.
- (b) The service line gate valve or curb stop valve may be locked in the off position or the meter removed from the premises. The monthly base facility charges shall continue. Should an applicant at a later time request renewal of service to said premises, service will be restored upon full payment of all bills due for service to the premises at the time of discontinuance and a reinstatement charge.
- (c) Where service has been disconnected for a violation of an ordinance or regulation, such service shall not be reconnected until the city manager, or his designee, receives adequate assurances and guarantees that such a violation will not recur.

(Ord. No. 03-20, § 38, 1-5-2004)

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Secs. 52-53 43—52-63 52. - Reserved.

DIVISION 2. - WATER

- Subdivision A. - In General
- Subdivision B. - Conservation Landscape Irrigation Regulations
- Subdivision C. - Cross Connection Control

Subdivision A. - In General

Sec. 48-68 52-64. - Water service.

(a) *Private water systems.* It shall be unlawful for any person to connect directly or indirectly any private water supply or system of pipes or connections thereof, with any part or pipes or other connection to the city water system which will permit directly or indirectly any intermingling of water from any other source with that of the city water system.

(b) *Public water system connection required.* Any lot within 200 feet of the city water system and within the city's urban service area shall be required to connect to the city water system.

(Ord. No. 03-20, § 8, 1-5-2004)

Sec. 48-69 52-65. - Materials for water transmission and distribution.

The materials and construction of water transmission and distribution systems shall be in accordance with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 9, 1-5-2004)

Subdivision B. - Conservation Landscape Irrigation Regulations

Sec. 48-70 52-66. - Water conservation and shortages—Definitions.

For purposes of this subdivision, the following terms, phrases, words and their derivations shall have the meanings given herein:

District means the South Florida Water Management District (SFWMD).

Enforcement officer means any authorized agent or employee of the city whose duty it is to enforce the city's codes, and state statutes.

Impervious surfaces means any surfaces that do not allow penetration of water, including, but not limited to, paved or concrete roads, paved or concrete sidewalks, paved or concrete driveways, paved or concrete parking lots, or highly compacted areas including shell or clay.

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Irrigation means the application of water by means other than natural precipitation.

Irrigation systems means equipment and/or devices which deliver water to landscaping being irrigated, including, but not limited to, pumping stations and controls, control structures, ditches, public or private wells, piping, hoses, valves, fittings, and emitters.

Landscape means all residential, commercial, institutional, industrial, and governmental areas which are considered as lawns or ornamentally planted, including, but not limited to, sod, grasses, turf, ground covers, flowers, shrubs, trees, mulch, hedges, and other similar plant materials.

Low volume hand watering means watering by one hose attended by one person, fitted with a self-canceling or automatic shutoff nozzle.

Low volume irrigation systems means the use of equipment and devices specifically designed to deliver a volume of water consistent with the water requirement of the plant being irrigated and which delivers the water with a high degree of efficiency directly to the root zone of the plant.

Low volume mobile equipment washing means the washing of mobile equipment with a bucket and sponge, a single hose with a self-canceling or automatic shutoff nozzle, low volume pressure cleaning equipment, or any combination of the preceding methods of washing.

Low volume pressure cleaning means pressure cleaning by means of equipment that is specifically designed to reduce the inflow volume as accepted by industry standards.

Pervious surface means every improved or unimproved surface that allows water to readily soak into or recharge the water aquifer under such surface.

Water resource means any and all water on or beneath the surface of the ground, including without limitation natural or artificial watercourses, lakes, ponds, or diffused surface water; and water percolating, standing or flowing beneath the surface of the ground.

Water shortage occurs when sufficient water is not available to meet present or anticipated needs, or when conditions are such as to require temporary reduction in total water usage within a particular area.

Water shortage emergency means that situation when the powers which can be exercised under F.A.C. ch. 40E-21 pt. II are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

(Ord. No. 03-20, § 10, 1-5-2004)

Sec. ~~18-71~~ 52-67. - Same—Applicability.

This section shall be in full force and effect throughout the city urban service area. The provisions of this section shall apply to all persons using the water resource, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This section shall not apply to persons using treated effluent or salt water. This section shall apply to all such persons using the water resource within the geographical areas subject to the water shortage or water shortage emergency as determined by the district.

(Ord. No. 03-20, § 11, 1-5-2004)

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F.A.C. ch. 40E-21, as amended from time to time, is incorporated herein by reference as a part of this section.

(Ord. No. 03-20, § 12, 1-5-2004)

Sec. ~~18-73~~ 52-69. - Declaration of water shortage; water shortage emergency.

(a) The declaration of a water shortage or water shortage emergency within all or any part of the city by the city manager or the executive director of the South Florida Water Management District shall invoke the provisions of this section. The district shall determine the appropriate phase of water shortage or water shortage emergency and the duration of the water shortage or water shortage emergency. Upon such declaration, all water use restrictions or other measures contained in F.A.C. ch. 40E-21, which chapter constitutes the water shortage plan, shall be subject to enforcement action pursuant to the enforcement and penalties set forth in this article. Any violation of the provisions of F.A.C. ch. 40E-21, as may be amended from time to time, or any order issued pursuant thereto, shall be a violation of this section.

(b) F.A.C. ch. 40E-21 establishes four phases of water shortage as a function of the estimated percent reduction in overall demand required to reduce estimated present and anticipated demand to estimated present and anticipated available water supply. The water shortage phase determines the type of water use restrictions which will be ordered in a declared water shortage. The following are the four phases as established by the district:

- (1) Moderate;
- (2) Severe;
- (3) Extreme;
- (4) Critical.

(c) The district may, from time to time, issue a "warning" which is an alert that water restrictions are imminent if existing conditions do not change. When a warning is issued, the city manager may implement specific restrictions governing the use of potable water from the city's water system for lawn and landscape irrigation.

(d) Specific restrictions. Upon declaration of a water shortage or water shortage emergency it shall be prohibited to use water in a manner inconsistent with the restrictions specified in F.A.C. ch. 40E-21, pts. II and V. The restrictions shall apply based on the level of phase declared by the district and described in ch. 40E-21, pt. V.

(Ord. No. 03-20, § 13, 1-5-2004)

Sec. ~~18-74~~ 52-70. - Mechanical failure; inadequate facilities.

(a) The following rules and regulations are hereby established governing the use of potable water from the city's water system in the event of mechanical failure or inadequate facilities. The city manager may implement water restrictions when a mechanical failure exists or facilities are inadequate to meet demands, which necessitates the implementation of said rules and regulations. Said implementation shall be predicated upon a finding by the city manager that said mechanical failure or inadequate

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facilities may affect the health, safety, welfare or comfort of the customers of the city water system.

(b) The city manager will evaluate each incident of mechanical failure or inadequate facilities to determine the specific restrictions to be implemented. To assure equitable distribution of available water resources among all city water customers during the affected period F.A.C. ch 40E-21, pt. V, will be used as a guideline to establish specific restrictions. Upon such declaration, all water use restrictions or other measures shall be subject to enforcement action pursuant to [this] article. ~~Anyone using the city's reclaimed water for the purpose of irrigating lawns shall be exempt from the restrictions set forth herein.~~

(Ord. No. 03-20, § 14, 1-5-2004)

Sec. ~~18-75~~ 52-71. - Year-round landscape irrigation restrictions.

(a) *Purpose and applicability.*

(1) The primary purpose of this section is to provide the regulatory framework to assist in conservation of water resources through consistent and uniform application of restrictions on use of water for irrigation in the city.

(2) This section shall be applicable notwithstanding any other city ordinance.

(b) *Irrigation; operational requirements.*

(1) All water irrigation activities within the city, which are not exempted by subsection 18-75(c), shall be restricted to the days and hours specified within Resolution 10-20 which provides for the permissible dates and times of irrigation, as authorized pursuant to this section.

(2) All wasteful and unnecessary water use, as defined in section 18-62, shall be prohibited. All water irrigation activities must and shall be operated in an efficient manner so as to not allow water to be applied to travel lanes on adjacent roadways, parking lots, sidewalks and other paved surfaces.

(3) All water irrigation systems shall be equipped with a properly installed rain sensor switch.

a. A rain sensor switch shall be required on all new installations of irrigation systems.

b. A rain sensor switch shall be retrofitted on existing systems, installed after May 1, 1991, within one year of the effective date of the ordinance from which this section derives.

c. The rain sensor switch shall be maintained in fully-operational condition at all times by the owner/operator of the irrigation system.

(c) *Exemptions; variances.*

(1) The following are exempt from all provisions of this section:

a. Landscaping irrigation from which the source of the water is 100 percent reclaimed water.

b. Landscaping irrigation from which the source of the water is 100 percent saltwater.

c. Irrigation wholly from a low volume irrigation system.

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d. Use of low volume mobile equipment washing, provided all unused water drains into only a pervious ground surface.

(2) A variance from specific day or days identified in Resolution 10-20 may be granted if strict application of the restrictions would lead to unreasonable or unfair result in particular instances, provided that the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant requiring a variance or those served by the applicant. Where a contiguous property is divide into different zones a variance may be granted hereunder so that each zone may be irrigated on days different than other zones of the property. However, no single zone may be irrigated more than three days per week.

a. The city manager, or designee, shall be the only individual(s) authorized to grant or deny variances pursuant to this subsection. A decision to grant or deny the variance should be made within ten days after actual receipt of a complete application for the variance.

b. Any individual or entity aggrieved by the denial of a variance from this section shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city manager, within 14 days after notice of the denial of the variance has been delivered to such person or entity's last known address, a written statement setting forth fully the grounds for the appeal. The city manager shall set a hearing on such appeal for the next available city council meeting. Notice of such hearing shall be given to the appellant at least ten days before the date of said hearing. The decision and order of the city council on such appeal shall be final.

c. An application for variance and/or the granting of a variance shall operate prospectively and shall not affect any then pending enforcement action pursuant to this section or otherwise.

d. The city hereby recognizes any and all variances issued by the South Florida Water Management District to those users who operate and maintain smart irrigation systems which meet the requirements of F.S. § 373.62(7).

(d) *Penalties.* Violators of the landscape irrigation requirements of this section, including requirements adopted by Resolution 10-20 as authorized under subsection (b)(1), shall be issued a verbal or written warning, or a "notice of violation" with a special period to correct violation. Persons who violate this section after receiving a warning or notice, or refuse to comply with such warning or notice, shall be issued a citation and fine of \$75.00. Persons who commit repeat violations may also be punished pursuant to F.S. § 162.21, as a civil infraction with a maximum civil penalty not to exceed \$500.00. Any person who violates any provision of this section shall also be subject to the city's remedies as authorized the city's Code of Ordinances, or as otherwise then allowed by law. The applicable penalties shall be determined by the forum selected to enforce the violation.

Each day, or part thereof commencing at noon of the respective day, that a violation of this section occurs by the same individual or entity may be deemed by the finder of fact to constitute a separate violation.

(Ord. No. 03-20, § 15, 1-5-2004; Ord. No. 10-05, § 2, 5-17-2010)

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Subdivision C. - Cross Connection Control

Sec. ~~48-76~~ 52-72. - Cross connections.

Cross connections shall be governed by the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 16, 1-5-2004)

Secs. 52-73—52-83. - Reserved.

DIVISION 3. - WASTEWATER

Sec. ~~48-77~~ 52-84. - Wastewater collection in general.

The part of a wastewater sewage system that receives and transports sewage is referred to as a wastewater collection system.

(Ord. No. 03-20, § 17, 1-5-2004)

Sec. ~~48-78~~ 52-85. - Owner's responsibility for wastewater lines.

(a) All sanitary sewer lines from the wastewater collection main to the building are the property and responsibility of the property owner.

(b) All stoppage in the sanitary sewer line from the wastewater collection main to the building are the responsibility of the property owner.

(c) No stoppage complaint will be accepted for investigation by the department, unless all sanitary sewer lines between the gravity main and the building have been examined by a licensed plumber.

(Ord. No. 03-20, § 18, 1-5-2004)

Sec. ~~48-79~~ 52-86. - Use of public wastewater system required.

(a) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.

(b) No person shall dispose of human excrement except in a toilet.

(c) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provision of these regulations.

(d) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(e) All structures used for human occupancy, and all sinks, dish washing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to a public or private wastewater system.

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(Ord. No. 03-20, § 19, 1-5-2004)

Sec. ~~18-80~~ 52-87. - Public wastewater system.

At such time as a public wastewater becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public wastewater within 365 days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable materials, according to the closure procedures described in Rule 64E-6.001, F.A.C., or latest revision thereof, of the department of health.

- (1) Wastewater system shall be considered available to an existing single-family dwelling when the dwelling can be connected to a sanitary sewer line in any public right-of-way or easement which passes the property at any point.
- (2) Wastewater system shall be considered available to any new single-family dwelling when the dwelling can be connected by the installation of 200 linear feet of gravity flow sanitary sewer line from the nearest point of the property.
- (3) The monthly base charge component of the wastewater rate structure shall be in effect 90 days following notification of the availability of wastewater service.
- (4) Notwithstanding the foregoing, after proper connection to the city central sewer system, a septic tank serving a single-family residence may be converted to a cistern consistent with the requirements of Rule 64E-6.011, part (4), effective June 25, 2009. Homeowners opting to convert the septic tank to cistern shall acquire the proper city and county health department permits prior to initiating the sewer connection and any septic tank conversion activities.
- (5) Any property owner who, prior to October 20, 2005, was permitted to connect to the city's wastewater collection system by means of an on-site wastewater pump station (grinder system) shall have the option to continue to send domestic sewage to the city's wastewater system through that grinder system or to convert to a gravity system connection. If such conversion is opted, the property owner shall pay to the city the per ERC construction cost (the "Neighborhood Construction Cost") for the installation of its respective district septic tank replacement program ("STRP") collection system, but shall not be required to pay an additional wastewater impact fee. The property owner shall acquire the proper city and county health department permits prior to initiating the conversion. No new private grinder systems will be permitted to connect to the wastewater system.

Any owner of a private grinder system who opts to continue the use of that system shall be responsible for the maintenance of the system both on its property and in the city's right-of-way through the connection to the city's wastewater collection system. Such owner shall be responsible for relocating the system if it comes in conflict with other city utilities located, now or in the future, in the right-of-way. Such owner shall also be responsible for the cost of any cleanup resulting from the failure of the system in the city's right-of-way.

(Ord. No. 03-20, § 20, 1-5-2004; Ord. No. 07-05, § 2, 6-18-2007; Ord. No. 09-07, § 2, 8-3-2009; Ord. No. 09-13, § 2, 9-21-2009)

Sec. ~~18-84~~ 52-88. - Private wastewater disposal.

- (a) Where a public sanitary sewer is not available under the provisions of this subsection, the building

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sewerage shall be connected to a private wastewater disposal system complying with the provisions of this subsection. No person shall construct a septic tank or other wastewater disposal facility without prior approval from the director and city manager.

(b) Septic tanks shall be constructed, repaired, altered, enlarged, and maintained in accordance with F.A.C. ch. 10D-6 and plans and specifications approved by the state health department.

(c) No person shall construct, repair, alter, or enlarge any septic tank unless he receives approval by the director or designee and shall hold a valid permit for such work issued by the state health department.

(d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all regulations of the state department of environmental protection (FDEP) and the State of Florida. No septic tank shall be permitted to discharge to any natural resource.

(e) No septic tank or other subsurface disposal facility shall be installed where a public wastewater is accessible to the premises involved.

(f) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(g) No pit privy shall be installed.

(h) Discharge of septic tanks into wastewater system:

(1) *Restricted.* It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the city wastewater system, or any system connected with and discharging into the wastewater system, the contents of any septic tank, sludge, sewage or other similar matter or material, except as provided in the paragraph below.

(2) *Permits.* The director is hereby authorized to grant permits to discharge the contents of septic tanks (from domestic sources only) at locations specified by him and under his supervision. Such permits may be revoked at any time if, in the opinion of the director, continued dumping of such matter into the sewers will be injurious to the wastewater system or treatment or treatment processes.

(3) *Charges.* A charge shall be made for the privilege of dumping contents of septic tanks, as provided in separate rules. A record shall be kept of such dumping and statements shall be payable within ten days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit and employing all penalties, as described in this article.

(i) Any premises that has a septic tank, privy or any other sewage, industrial waste or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within 30 days from the receipt of written notification from the state health department that said system is not functioning in a sanitary manner, and order that said system be corrected.

(j) Premises with private water systems shall not be connected to the public wastewater system unless approved by the city manager or designee.

(k) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state health department.

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(Ord. No. 03-20, § 21, 1-5-2004)

Sec. 48-82 52-89. - Building sewers and connections.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public wastewater or appurtenance thereof without first obtaining a written permit from the utilities permit coordinator as provided in the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 22, 1-5-2004)

Sec. 48-83 52-90. - Restricted use of public sanitary sewers.

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, swimming pool drains and filter discharge, or cooling water to any sanitary sewer unless otherwise provided in the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 23, 1-5-2004)

Sec. 48-84 52-91. - Malicious damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions.

(Ord. No. 03-20, § 24, 1-5-2004)

Sec. 48-85. - Powers and authority of inspectors. [Moved to General instead of Wastewater.]

~~(a) Duly authorized employees of the city bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the wastewater system in accordance with the provisions of these regulations.~~

~~(b) While performing the necessary work on private properties referred to herein, the authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall, to the extent permitted by law, be held harmless for injury or death to the employees, and the city shall, to the extent permitted by law, indemnify the company against loss or damage to its property by city employees and against liability claims and demand for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by these regulations.~~

~~(c) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.~~

~~(Ord. No. 03-20, § 25, 1-5-2004)~~

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Sec. 18-86 52-92. - Pretreatment of industrial wastewater.

There shall be pretreatment of wastewater by industrial users discharging into the city wastewater collection and treatment systems and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403) and shall be regulated by the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 26, 1-5-2004)

Sec. 18-87 52-93. - Compliance with regulatory requirements.

The provisions of these regulations shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered as a part of these regulations upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in Title 40 of the Code of Federal Regulations, Part 403, as provided in the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 27, 1-5-2004)

Sec. 18-88 52-94. - Violations.

(a) Violation of these regulations shall be a misdemeanor punishable under the laws of the state.

(b) The director may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater system or causes the city to violate any ~~condition of this NPDES permit~~ federal, state or local laws.

(c) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary including initiation of legal action by the city attorney and immediate severance of the wastewater connection, to prevent or minimize damage to the wastewater system or endangerment to any individuals. The director shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the utility director or designee within 15 calendar days of the date of occurrence.

(d) Any user who violates the following conditions of these regulations, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this subsection:

- (1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge.
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or

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monitoring.

(4) Violation of conditions of the permit.

(e) Whenever the department finds that any user has violated or is violating these regulations, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the department may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for satisfactory correction thereof shall be submitted to the department by the user.

(f) In the event of violation of these regulations, the authorized employees may verbally instruct the owner as to the necessary corrective action. If the owner fails to carry out verbal instructions in a timely manner or if a serious violation or hazard to public health exists, the director may issue to the owner a written order stating the nature of the violation, the corrective action, and the time limit for completing the corrective action. This time limit will be not less than 24 hours nor more than 120 days depending upon the type and severity of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. The record of the mailing of said notice or order shall be prima facie evidence thereof and failure of said owner or owners to receive same shall in no way affect the validity of any proceedings conducted pursuant to these regulations.

(g) If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of these regulations, federal or state pretreatment requirements, or any order of the city, the city's attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court.

(h) A person violating any provisions of this section authorizing the aforementioned action by the designated employee shall be charged the normal and usual charges for discontinuance and disconnection of said water and wastewater services and the usual charges for recommencing said water and wastewater services.

(Ord. No. 03-20, § 28, 1-5-2004)

Sec. 18-89. — Authority to disconnect service.[Moved to General instead of Wastewater]

~~The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:-~~

~~(1) Acids, grease, oil, or chemicals damaging to the wastewater lines or treatment process are released into the wastewater causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;-~~

~~(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or~~

~~(3) The customer:~~

~~a. — Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;~~

~~b. — Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause~~

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~~an imbalance in the wastewater treatment systems;~~

~~c. — Fails to pay monthly bills for water and sanitary wastewater services when due; or~~

~~d. — Repeats a discharge of prohibited wastes into the public wastewater system.~~

~~(Ord. No. 03-20, § 29, 1-5-2004; Ord. No. 08-12, § 3, 10-6-2008)~~

Sec. ~~18-90~~ 52-95. - Compliance by dischargers.

It shall be unlawful to discharge without a city permit to the wastewater system any wastewater except as authorized by the director in accordance with the provisions of these regulations.

(Ord. No. 03-20, § 30, 1-5-2004)

Sec. ~~18-94~~ 52-96. - Wastewater contribution permits.

(a) All significant industrial users proposing to connect to or to contribute to the wastewater system shall obtain a wastewater discharge permit before connecting to or contributing to the utility system.

(b) All existing significant industrial users connected to or contributing to the wastewater system shall obtain a wastewater contribution permit within 180 days after the effective date of these regulations.

(Ord. No. 03-20, § 31, 1-5-2004)

Sec. ~~18-92~~ 52-97. - Materials.

The materials and construction of wastewater collection and treatment systems shall be in accordance with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.

(Ord. No. 03-20, § 32, 1-5-2004)

Secs. 52-98—52-108. - Reserved.

DIVISION 4. - RECLAIMED WATER

Sec. ~~18-93~~ 52-109. - Generally.

(a) *Generally.* When an application is received for connection to the city's water and/or wastewater systems and where the city offers to extend a reclaimed water transmission line to the applicant's parcel for purposes of irrigation, the applicant shall be required to connect to the reclaimed water system as a condition of connection to either the city's potable water or wastewater system. Reclaimed water service charges shall become effective and begin to accrue once the meter is installed.

(b) *Cross connections.* No cross connection between the reclaimed water system and any potable water system shall be permitted. Cross connections between the reclaimed water system and other sources of irrigation water, including but not limited to, surface water and wells, shall be subject to approval by the director after review of the construction plans for such connection.

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(c) *Materials for reclaimed water system.* The materials and construction of reclaimed water systems shall be in accordance with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.

(d) At such time as public reclaimed water becomes available to a multifamily or hotel/timeshare property, a direct connection shall be made to the reclaimed water line within 90 days following notice of availability, and reclaimed water shall be used for the purpose of irrigation. Following connection to the reclaimed water system, the rate structure applicable to potable water may be charged for the use of reclaimed water for the time required to allow the difference between the potable water rate and the reclaimed water rate to pay the capital investment required to install the reclaimed water system.

(Ord. No. 03-20, § 33, 1-5-2004; Ord. No. 07-05, § 3, 6-18-2007)

Sec. 18-94 52-110. - Discontinuance of service.

The city may suspend or discontinue reclaimed water service to any customer who violates the provisions of this article, including delinquency of any amounts owed the city.

(Ord. No. 03-20, § 34, 1-5-2004)

Sec. 18-95. - Meters. [Moved to General instead of Reclaimed Water]

~~(a) All new connections to the water and reclaimed water system shall be individually metered to include all residential, business, and industrial premises. Master meters (serving more than one residential, business, or industrial premises) may be permitted upon the expressed approval of the city manager.~~

~~(b) Meters shall be placed just within the property line at the right or left boundary at the nearest point to the tap-in main or as otherwise may be designated in the Utilities Department Manual of Standards and Specifications or authorized by a utility agreement. The meter and service valve shall always remain accessible to utilities personnel for reading, inspection, testing, and maintenance. Landscape plants and trees shall not hinder visual identification or direct physical access to the meter. Landscape shrubs and ground cover shall remain at least 18 inches from the edges of the meter box. Trees shall not be planted within four feet of the meter. The property owner shall ensure that the meter is accessible.~~

~~(c) If a customer requests a test of the meter to determine accuracy, the city will charge a testing fee as provided in the utility rate ordinance. Whenever a tested meter is found to register fast, in excess of tolerance provided in the Utilities Department Manual of Standards and Specifications, the director shall return the fee, replace the meter at no cost to the customer, and issue a credit for volume charges for the amount billed in error for the most recent billing cycle.~~

~~(d) In no event shall a refund or credit for utility service overcharges be granted for a period in excess of six months preceding.~~

~~(e) The property owner and/or customer shall be responsible for the installation and maintenance of a master control valve immediately downstream of the meter to isolate the customer's water system.~~

~~(Ord. No. 03-20, § 35, 1-5-2004)~~

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Sec. 18-96. ~~Rates; security deposits.~~ [Moved to General instead of Reclaimed Water]

~~(a) Rate schedules for water, wastewater, reclaimed water usage, fees, and charges shall be adopted by city council through a utility rate ordinance. Such ordinance may be amended by the adoption of a resolution by city council.~~

~~(b) The city reserves the right to establish differential rate structures for customers within the urban service area, however, there shall not be imposed an additional surcharge of 25 percent as provided for in F.S. ch. 180.~~

~~(c) Security deposits. For utility accounts, security deposits are required as follows:~~

Meter Size	Deposit Amount
2" x 3/4"	\$125.00
3/4"	150.00
1"	200.00
1 1/2"	300.00
2"	450.00
3" and larger	As determined by the director

~~(1) For accounts in which the name of the account is the same as the owner, the deposit may, at the discretion of the city, be waived upon presentation by the customer of a statement from a previous utility verifying a history of timely payments by the customer.~~

~~(2) For accounts in which the name of the account is the same as the owner, and who make a deposit prior to receiving service, the deposit may be refunded after 12 months without a delinquent payment.~~

~~(3) Whenever service is discontinued, said deposit shall be returned to the customer after first deducting all outstanding charges for service. Where any outstanding charges exceed the amount of the deposit the customer is liable for settlement of said charges under all applicable codes, statutes, laws, and ordinances, and payment of all costs incident to the enforcement thereof.~~

~~(4) At the discretion of the director, the city may require a deposit or increase the deposit for any customer who is delinquent three or more times.~~

~~(5) All deposits shall accrue interest as required by Florida Statutes.~~

~~(d) Water rate structure. The rate structure for water service as set forth in the utility rate ordinance, is comprised of two distinct elements. Those elements and their definitions are:-~~

~~(1) Monthly base charge. This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues.~~

~~(2) Monthly consumption charges. This is the cost of providing the water, such as chemicals, electricity, labor and other related costs. This cost is variable and depends on consumption.~~

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~~(c) Wastewater rate structure. The rate structure for wastewater service is comprised of two distinct elements. Those elements and their definitions are:-~~

~~(1) Monthly base charge. This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues.~~

~~(2) Monthly consumption charge. This is the cost of providing for the collection and treatment of sewage such as chemicals, electricity, labor and other related expenses. This charge is variable and depends on consumption.~~

~~(3) Fees. The city may adopt charges and fees which may include:-~~

- ~~a. Fees for reimbursement of costs of setting up and operating the city's pretreatment program;~~
- ~~b. Fees for monitoring, inspection, and surveillance procedures;~~
- ~~c. Fees for reviewing accidental discharge procedures and construction;~~
- ~~d. Fees for permit applications;~~
- ~~e. Fees for filing appeals;~~
- ~~f. Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards; and~~
- ~~g. Other fees as the city may deem necessary to carry out the requirements contained herein.~~

~~(4) Surcharge for abnormal strength waste discharge. Abnormal strength wastes are those that do not meet the limitations set forth in this article.~~

~~a. Computation. The surcharge in dollars shall be computed by multiplying the total mg/L of BOD and suspended solids above 500 mg/L times the metered water used during the billing period in millions of gallons times a treatment surcharge factor. The surcharge factor shall be derived annually from the following formula:-~~

$$\text{Surcharge factor} = \text{Cost of treatment per million gallons} \div 500$$

~~Where cost of treatment per million gallons equals operational costs of the city sewage treatment plant(s) for the preceding fiscal year (including pro rata administrative costs) divided by the total sewage flow through all plants in millions of gallons. Five hundred equals maximum normal BOD plus suspended solids content expressed in milligrams per liter. The surcharge in dollars for fats, waxes, grease, oil and solvent-soluble substances shall be computed by multiplying the total fats, waxes, grease, oil, and solvent-soluble substances above the legal limits as set forth in this section times the metered water used during the billing period in millions of gallons times the treatment surcharge factor.~~

~~b. These fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the city.~~

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~~(f) Reclaimed water rate structure. The rates for use of the city's reclaimed water system shall be based on a charge per 1,000 gallons as provided in the utility rate ordinance.~~

~~(g) Bulk or wholesale water, wastewater, or reclaimed water agreements and rate structure. Agreements and/or rate structures may provide for the provision or receipt of bulk or wholesale water, wastewater, or reclaimed water services to or from private utilities, governments, or private entities.~~

~~(Ord. No. 03-20, § 36, 1-5-2004; Ord. No. 06-09, § 4, 8-7-2006)~~

Sec. 18-97. Billing for water, wastewater, and reclaimed water service. [Moved to General instead of Reclaimed Water]

~~(a) Billing shall begin upon installation of the water meter, reclaimed water meter, connection to the wastewater system, or 90 days following notification of the availability of wastewater or reclaimed water service, whichever occurs first.~~

~~(b) All accounts shall be billed on a monthly basis. Bills are due when rendered and delinquent 21 days thereafter. Bills unpaid after 30 days of being rendered shall be assessed a delinquent fee equal to five percent of the unpaid balance. Service may be discontinued when delinquent for nonpayment of bills. The city reserves the right to place liens on property due to nonpayment of bills.~~

~~(c) Errors in billing or meter reading should be reported promptly to the customer service office, so as to facilitate the immediate correction of such bill.~~

~~(d) When water, wastewater, and/or reclaimed water services are provided or made available, payment of the services shall be made concurrently. In the event partial payment is received, such partial payment shall be applied first to the wastewater component of the total amount due, next to the reclaimed water component (if any), and lastly to the water component. The city may discontinue service for nonpayment of any portion of the service bill.~~

~~(e) Whether occupied or unoccupied, all existing structures, at the earlier of connection to the city's water, wastewater, and/or reclaimed water system or 90 days following notification of the availability of wastewater service, shall incur a monthly base charge unless such building is destroyed, condemned, or demolished.~~

~~(f) Whenever a customer discontinues service or vacates a dwelling or structure, the account will automatically revert to property owner of record and billing will resume.~~

~~(Ord. No. 03-20, § 37, 1-5-2004; Ord. No. 07-05, § 4, 6-18-2007)~~

Sec. 18-98. Reinstatement following discontinued service. [Moved to General instead of Reclaimed Water]

~~(a) When service has been discontinued for nonpayment of bills, service will be restored upon payment of unpaid bills, plus a service fee as set forth in the rate ordinance. Said service fees shall also be payable in the event the city attempts to restore service but is unable to do so due to meter obstruction.~~

~~(b) The service line gate valve or curb stop valve may be locked in the off position or the meter removed from the premises. The monthly base facility charges shall continue. Should an applicant at a later time request renewal of service to said premises, service will be restored upon full payment of all bills due for service to the premises at the time of discontinuance and a reinstatement charge.~~

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~~(c) Where service has been disconnected for a violation of an ordinance or regulation, such service shall not be reconnected until the city manager, or his designee, receives adequate assurances and guarantees that such a violation will not recur.~~

~~(Ord. No. 03-20, § 38, 1-5-2004)~~

Secs. 52-111—52-121. - Reserved.

DIVISION 5. - GREASE DAMAGE PREVENTION REGULATIONS

Sec. ~~48-99~~ 52-122. - Grease traps, interceptors or separators.

Grease traps, interceptors, or separators shall be required in accordance with the applicable plumbing provisions of the Florida Building Code, its implementing administrative rules and as required herein for all commercial or institutional establishments that use grease or oil in the preparation of food, to prevent damage from grease as defined herein to the public wastewater system. These regulations are intended to be supplemental to the provisions of the Florida Building Code, its implementation administrative rules and the utilities department manual of standards and specifications. Any conflict between these regulations and the Florida Building Code, its implementing administrative rules and the utilities department manual of standards and specifications shall be resolved in favor of the Florida Building Code or its implementing administrative rules. For purposes of this section, "institutional establishments" shall include any governmental or non-profit entity including, but not limited to, churches (or other houses of worship), associations and clubs, which establishment serves meals produced on site for 20 persons or more at any one meal.

- (1) The maximum volume of a combined or an individual single grease or oil trap, interceptor or separator chamber shall be 1,250 gallons. When the required effective capacity of the single or combined grease or oil trap, interceptor, or separator is greater than 1,250 gallons, as required by the plumbing provisions in the Florida Building Code, plumbing for a multi-chambered grease or oil trap, interceptor or separator or a series of grease or oil traps, interceptors and separators shall be installed and required.
- (2) Grease traps, interceptors and separators shall be in a location that is readily and easily accessible for cleaning and inspection. No under cabinet grease trap, interceptor or separator will be permitted. The size, type and location of each grease trap(s), interceptor(s) or separator(s) shall be approved by the City of Marco Island Building Official.
- (3) Cooking oil shall not be disposed of through the trap, interceptor, or separator.
- (4) An annual grease trap, interceptor or separator permit shall be obtained from the building inspections services division of the community development affairs department. The permit holder shall provide city staff with access to the grease trap, interceptor or separator for inspection purposes as provided in section 18-85. Permits shall be secured between August 1 and November 1 each year. The annual inspection, as described in subparagraph (6), may be made on any preceding date in the same calendar year. Fees, if any, for the annual grease trap permit may be established by resolution.
- (5) Grease traps, interceptors, and separators shall be pumped out and cleaned as often as

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necessary to maintain their containment capacity, but not less than once per year.

(6) Annual cleaning, pump-out, inspection and maintenance of grease traps, interceptors and separators shall be performed by a licensed septic tank service company. Records shall be maintained by the property owner and posted in the kitchen or discharge area showing the date and company's name that performed the cleaning, pump-out, inspection and maintenance. A copy of the record shall be provided annually to the building services division.

(7) The property owner shall be responsible for the proper removal and disposal by appropriate means of the captured material in accordance with any applicable federal, state or local laws or regulations, chapter 18 of this Code and the utilities department manual of standards and specifications. The use of biological degreasers to prevent build up in a property owner's waste water system inside a building is prohibited.

(8) A property owner whose grease trap, interceptor, or separator is found not in compliance with chapter 18 or the utilities department manual of standards and specifications or is otherwise not functioning, is clogged, improperly maintained, or has blocked the city's wastewater collection lines, manholes or stations, located immediately downstream of the property owner's service connection for whatever period of time shall be a violation of this Article and subject to the provisions of and penalties contained in section 18-88, including but not limited to recovery of the cost to repair any and all damage to the city's system.

(Ord. No. 08-12, § 4, 10-6-2008; Ord. No. 11-04, § 2, 5-2-2011)

Secs. 52-123—52-132. - Reserved.

DIVISION 2 6. - IMPACT FEES

Sec. 52-53 133. - Findings.

It is hereby ascertained, determined and declared:

(a) The Florida Legislature has adopted growth management legislation which requires local governments to plan for and provide for capital infrastructure facilities and services.

(b) Development necessitates additional water and wastewater facilities and such development must contribute its fair share toward the costs of funding improvements and additions to such facilities.

(c) Implementation of an impact fee to require future development to contribute its fair share of the cost of improvements and additions to the water and wastewater facilities is an integral and vital element of the regulatory plan of growth management by the city.

(d) The level of service standards for the water and wastewater facilities as adopted in the City of Marco Island Comprehensive Plan and Utility Master Plans, as may hereafter be adopted and amended from time to time, are controlling upon this division and are incorporated throughout this division.

(e) Capital planning is an evolving process and the level of service standards for the water and wastewater facilities constitutes a projection of anticipated need for water and wastewater facilities, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns

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and the dynamic nature of population growth, it is the intent of the city that the level of service standards, system capacity, and required capacity expansions for the water and wastewater facilities and the impact fee imposed should be reviewed and adjusted periodically to try to ensure that the impact fees are imposed equitably and lawfully and are based upon actual and anticipated growth at the time of their imposition.

(f) The imposition of the impact fee is to provide a source of revenue to fund the construction or improvement of the water and wastewater facilities necessitated by growth.

(g) The city council finds that water and wastewater facilities benefit all residents of the urban service area and, therefore, the impact fee shall be imposed in all areas of the urban service area.

(h) This division is not intended to, and shall not be construed to, permit the collection of impact fees from development in excess of the amount reasonably anticipated to offset the reasonably allocated demand on each of the water and wastewater facilities generated by the respective development.

(i) The revenue derived from the impact fee shall be utilized only for capital improvements and additions to the water and wastewater facilities which are reasonably determined to be caused by the impacts of new development.

(Ord. No. 04-06, § 1, 5-3-2004)

Sec. 52-54 134. - Purpose.

It is the purpose of this division to:

- (1) Plan for the necessary capacity expansion of the water and wastewater facilities;
- (2) Provide for the health, safety, welfare and economic well-being of the residents and visitors of the city;
- (3) Implement and be consistent with the City of Marco Island Comprehensive Plan and the Florida Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161, et seq.;
- (4) Require all development that places additional demand on the water and wastewater facilities to contribute its proportionate share of the funds, land or water and wastewater facilities to accommodate any impacts having a rational nexus to the proposed development and for which the need is reasonably attributable to the proposed development; and
- (5) Ensure that no funds, land or water and wastewater facilities are collected from new development in excess of the actual amount reasonably determined necessary to offset the demand on the water and wastewater facilities generated by new development.

This division is intended to be consistent with the principles applied to allocate a fair share of the cost of new water and wastewater facilities to new users and new development as established in Florida Statutes or applicable judicial decisions, or both.

(Ord. No. 04-06, § 2, 5-3-2004)

PART II - CODE OF ORDINANCES
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The city council hereby adopts and incorporates by reference the following studies with regard to the respective water and wastewater facilities:

- (a) "City of Marco Island Comprehensive Plan," as amended; "Water and Wastewater Capital Facilities Fees Study" prepared by Public Resources Management Group (September 28, 2006).
- (b) The foregoing studies are hereby adopted in their entirety, as well as any updates or supplements thereto, including the assumptions, conclusions, and findings in such studies and their amendments.

(Ord. No. 04-06, § 3, 5-3-2005; Ord. No. 2006-16, § 1, 11-6-2006)

Sec. 52-56 136. - General definitions.

When used in this division, the following terms shall have the following meanings, unless the context clearly indicates otherwise. Terms contained in the rate schedules supercede these general definitions to the extent of any conflict(s).

Accessory building or structure shall mean a detached, subordinate structure, the use of which is clearly indicated and related to the use of the principal building or use of the land and which is located on the same lot as the principal building. Plumbing in the accessory building or structure may render same to be subject to water and wastewater impact fees.

Alteration shall mean any change in size, shape, occupancy, character, or use of a building or structure.

Alternative impact fee shall mean any modification in impact fee approved by the city council pursuant to section 52-64 141.

Applicant shall mean the person who applies for a building permit, development order, development permit, or other approval, permission or authorization for development.

Appraisal shall mean a real estate appraisal prepared in accordance with the "Uniform Standards of Professional Appraisal Practice" (published by the Appraisal Standards Board of The Appraisal Foundation) by an MAI-certified appraiser authorized to practice in the State of Florida.

Bedroom shall mean any room in a single-family residence, which is other than a kitchen, bathroom, living room, or great room (Florida room) which may be used for sleeping quarters.

Building shall mean any tangible thing, with or without walls, constructed on the site, installed on the site, or placed on the site, to support, shelter or enclose persons and/or support, shelter or enclose tangible property, and the use of the "building" is deemed to create demand upon, or increase demand upon, one or more of the water and wastewater facilities. "Building" includes parking lots and other foundations, permanent and semipermanent tents, sheds, trailers, mobile homes, and vehicles that shall in any way function as a building. "Building" includes additions to a building, such as adding a new room, or enlargement of a then existing room. "Building" excludes tents erected for less than approximately 60 days for the temporary selling of seasonal items.

Building permit shall mean an official document issued by the city or county which authorizes placing a building on the site, including, but not limited to, by construction or installation occurring on the site and

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including, but not limited to, an item that is complete or substantially complete prior to its being placed on the site, such as a manufactured home or a communications tower that was substantially constructed elsewhere. For purposes of this division, "building permit" shall include tie-down permits for buildings, such as for a mobile home, or other approvals that do not require any other type of permit before the respective item may lawfully be occupied, used, or operated. "Building permit" when used in the context of the use of land (or water) and in situations where a typical, conventional permit is not issued by the city or county for the respective improvement or use means whatever is the last written approval or permission issued by the city or county to authorize the respective improvement.

Capital recovery fee or impact fee shall mean the fee imposed by the city pursuant to section 52-57-137 or, if applicable, the alternative impact fee.

City shall mean the City of Marco Island, a political subdivision of the State of Florida, and shall include the Marco Island Utilities Department of the city.

City attorney shall mean the individual appointed by the city council to serve as its counsel, or the designee of such attorney.

City manager shall mean the chief administrative officer of the city, appointed by the city council, or the designee of such officer.

Commercial development shall mean a development where commercial activity occurs. A commercial development may include one or more "building"(s) and may or may not include any "residential" units.

Comprehensive plan shall mean the comprehensive plan of the city adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Act as contained in F.S. ch. 163, pt. II, or its successor in function.

Condominium shall mean a single-family or time-sharing ownership unit that has at least one other similar unit within the same building structure. The term condominium includes all fee simple or title multiunit structures, including townhouses and duplexes.

Contribution shall mean the actual construction, installation, or improvement of a water or wastewater facility or portion thereof or addition thereto for the benefit of the city.

Council shall mean the City Council of the City of Marco Island.

County shall mean Collier County, a political subdivision of the State of Florida.

Date of value shall mean, for purposes of determining a developer contribution credit, the market value of the contribution as of the date of the contribution; date of commencement of construction; date of land dedication; or, for dedications, the day before the development order approval (zoning amendment, site plan approval, PUD approval, or other development order approval) wherein the contribution, construction or land dedication was proffered or required; whichever occurs first.

Dedication shall mean the conveyance or donation of an interest in land or water and wastewater facilities to the city.

Development shall mean any installation, siting, construction, use of land, or other activity or improvement, or any additional square footage (area) of a then existing building or use, or any net increase in the size or use of a then existing building or land, in a manner that is deemed to increase the demand for, or impact upon, any water and wastewater facility.

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Dwelling unit shall mean a building or portion of a building designated for or whose primary purpose is for residential occupancy, and which consists of one or more rooms which are arranged, designed or used as living quarters for one or more persons. A dwelling unit must contain, as an integral part therein, sleeping quarters, toilet/bathing facilities, and a primary kitchen.

Equivalent residential connection or *ERC* generally represents the equivalent usage requirements of a single-family residential customer. The term "equivalent residential unit" or "ERU", often used instead of ERC, and has the same definition as an ERC. One ERC is deemed to be equal to a flow of 440 gallons per day (GPD) for water; and one ERC is deemed to be equal to a flow of 220 gallons per day (GPD) for wastewater. The assumed ERC gallonage has been based on statistical data establishing an average residential use, and it is recognized that the uses for some types of residential units may be greater or smaller than the average assumed for this calculation.

Equivalent residential unit or *ERU* generally represents the equivalent usage requirements of a single-family residential customer. For the purpose of this division, an ERU will have an assigned value of 1.0. One ERU is deemed to be equal to a flow of ~~450~~ 440 gallons per day (GPD) for water; and one ERU is deemed to be equal to a flow of ~~275~~ 220 gallons per day (GPD) for wastewater. The assumed ERU gallonage has been based on statistical data establishing an average residential use, and it is recognized that the uses for some types of residential units may be greater or smaller than the average assumed for this calculation.

Guesthouse or *cottage* shall mean a dwelling unit as defined in the city's land development code. For the purpose of assessing water and wastewater impact fees, guesthouses or cottages shall be considered as additional square footage to the primary residential building.

Impact fee or *capital recovery fee* shall mean the fee imposed by the city pursuant to section 52-57 137 or, if applicable, the alternative impact fee.

Impact fee rate shall mean the formula or calculation that when applied to the respective development determines the applicable impact fee that results because of the impacts deemed by this division to be applicable to the respective water and wastewater facility caused by particular development.

Impact fee study shall mean a report of the findings of research and analysis conducted to develop fees assessed on new development that represent the fair share cost of the expansion of the water and wastewater facility infrastructure made necessary by that new development. The report describes the methodology used to develop the fees and presents the formulas, variables, and data used as the basis of the fees.

Living area shall mean actual square footage, which could be air conditioned or heated spaces contained under roof, or areas under roof, except garages, that are normally protected against exterior elements. When calculating the required impact fee on a square foot criteria, the calculation shall be based on the living area.

Local Government Comprehensive Planning and Land Development Regulation Act means the provisions of F.S. ch. 163, pt. II, as amended or supplemented, or its successor in function.

Market value shall mean the most probable price for which a given property would sell, given adequate exposure in an open and competitive market, where both buyer and seller were knowledgeable, prudent and acting in their own self interests, with neither party being under undue stimulus to act, nor having an affiliation with one another, where payment is made in terms of cash in United States dollars (or in terms of financial arrangements comparable thereto), and where the price is unaffected by special

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or creative financing or sales concessions granted by any party associated with the sale.

Marco Island Utilities shall mean the city department responsible for the management and operation of the Marco Island water and wastewater and reuse water utility system.

Marco Island Utilities Director or *utilities director* shall mean the individual appointed by the city manager to manage and operate the Marco Island utility system, including the systems within the urban service area, which now or in the future assess any water and wastewater impact fee.

Meter size shall mean the water meter size as determined pursuant to any city ordinance, resolution, or policy.

Mixed use development shall mean a development in which more than one impact fee land use category is contemplated with each category constituting a separate and identifiable enterprise not subordinate to, or dependent on, other enterprises within the development.

Mobile home shall mean a detached dwelling unit with all of the following characteristics:

- (a) Designed for occupancy and containing sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems;
- (b) Designed for transportation after fabrication on streets or highways on its own wheels; and
- (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like.

Although a travel trailer, recreational vehicle, or park model is not generally considered a mobile home, the applicable impact fee in some instances may be the same as for a mobile home. For the purposes of computing the impact fee, a mobile home on a single-family lot (i.e., not located in a mobile home or similar park) shall be considered a single-family detached house.

Multiple-family dwelling units shall mean a group of two or more dwelling units within a single conventional building, attached side by side or one above the other, or both, and wherein each dwelling unit may be individually owned or leased mutually on land which is under common or single ownership. For purposes of determining whether a lot is in multiple-family uses, the following considerations shall apply:

- (a) Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management, or cooperative apartments. It may include the fee ownership of land beneath each dwelling unit following development from a common base of ownership.
- (b) Any multiple-family dwelling in which dwelling units are available for rental for periods of less than one week shall be considered a tourist home, a motel, motor hotel, or hotel, as the case may be.

Off-site improvements shall mean improvements located outside of the boundaries of a development, except for those water and wastewater facilities that are located within the boundaries of the development that are owned and maintained by the city, which may be required by the city.

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Owner shall mean the person(s) who, or that, owns legal title to the real property upon which development is proposed to occur. Owner includes every co-owner; such as property owned in tenancy by the entireties, joint-tenancy, tenants in common, or by more than one trustee.

Professional engineer shall mean one who is licensed by the State of Florida as a professional engineer.

Reuse system shall mean the reuse or reclaimed water system directly connected to treatment facilities operated by the city.

Residential shall mean apartments, condominiums, duplex dwellings, garden apartment dwellings, modular home dwellings, multiple-family dwellings, townhouse dwellings, mobile homes, single-family attached houses, single-family detached houses, adult congregate living facilities (ACLF), or assisted living facilities (ALF) as that term is defined in F.S. § 400.402, unless treated otherwise by the adopted rate schedules.

Single-family detached house shall mean a home on an individual lot or parcel of land intended, designed, used and/or occupied by no more than one family.

Square footage shall mean the gross area measured in feet from the exterior faces or exterior walls or other exterior boundaries of the building. For the calculation of the impact fees, square footage shall be the square foot measurement of the "living area" and excludes areas within the interior of the building which are utilized for parking.

Urban service area shall mean the boundaries of the area lying within the city and certain areas lying in unincorporated Collier County for which water and/or wastewater services are provided by the city, pursuant to Ordinance No. 2003-13, as amended by ordinance or interlocal agreement.

Wastewater or sewer systems shall mean the wastewater or sewer and reuse (reclaimed) utility system, including collection, treatment, and distribution facilities directly connected to treatment facilities operated by the city.

Water system shall mean the potable water utility system directly connected to treatment facilities operated by the city.

(Ord. No. 04-06, § 4, 5-3-2004; Ord. No. 2006-16, § 1, 11-6-2006)

Sec. 52-57 137. - Imposition of impact fees.

(a) *General requirements.* All development within the city and the urban service area shall pay all assessed impact fees unless such impact fees, in whole or in part, have been exempted, waived, or deferred pursuant to this division. The impact fee shall be assessed based on a calculation of the impact of the proposed development on the water and wastewater facilities.

(b) *Impact fee rates.* The city council hereby adopts the impact fee rates as set forth in Appendix A, appended hereto, which shall be imposed upon all development occurring within the city and the urban service area. These rates may be changed from time-to-time by resolution of the city council.

(c) *Change of size or use.* Impact fees shall be imposed and calculated for net increase, alteration, expansion, or replacement of a use or a commercial development, or a building, or part of a building (including dwelling unit), and each accessory or non-accessory building, provided such net increase, alteration, expansion, or replacement of the use, building, or part thereof or therein, by applying this

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chapter results in: a net increase in the number of dwelling units; a net increase in the size or square footage of a commercial development or building; a net increase in the size of the use; or intensification of the use so as to constitute an expansion of the same use category or result in a change to a higher impact fee land use category; or otherwise create additional demand or additional impacts on the water and wastewater facilities. The impact fee imposed under the applicable impact fee rate shall be calculated as follows:

- (1) In the event only the square footage of a use or building is increased, the impact fee shall be calculated only for the net increased square footage.
 - (2) The impact fee imposed for any accessory buildings shall be that applicable under the impact fee rate for the land use for the primary building unless the accessory building has its own impact fee rate.
 - (3) In the event that a change in use creates additional demand or impacts on the water and wastewater facilities, the impact fee imposed shall be the impact fee due for the new use minus the impact fee that would be paid at the current impact fee rate for the most recent lawful use that exists or existed on the commercial development unless previously unused credits can be documented and used. The commercial development may consist of a single parcel or adjacent parcels with one or more buildings. It is the responsibility of the current owner of the commercial development to provide the documentation that impact fees were paid for the number of ERCs for the facility before the change in use. If no documentation is provided to the city for previous ERCs then no credit will be given for those ERCs. There shall be no adjustment, off-set or credit for subsequent change of building or use that result in lower net impacts upon the water and wastewater facilities.
 - (4) A building that has been condemned, demolished, deemed unsafe, or abandoned more than two years before the date that the respective building permit application is first submitted to the city for approval shall not be entitled to any impact fee credit for any impact fee previously paid to the city.
- (d) *Exemptions.* The following development or change in use shall be exempted from paying additional impact fees:
- (1) New building(s) or addition to a building(s) or an accessory building that will not create additional net demand upon on the water and wastewater facility for which the exemption is sought over and above the then existing development impacts deemed to be created by the then lawfully existing building(s) or use(s).
 - (2) Lots, pads, sites, foundations or spaces for a single mobile home, recreational vehicle, travel trailer, or park model, when evidence is provided that the applicable impact fee has been previously paid.
 - (3) Development for which the respective impact fee is then expressly prohibited by Florida law, rule, or regulation, or by federal law, rule, or regulation.
- (e) *Impact fee reductions.* Development within the service area of another utility provider that is connected to the Marco Island Utilities may be eligible for a reduction from the impact fee rate if such reduction is provided in a written agreement between the other utility provider and the city.

(Ord. No. 04-06, § 5, 5-3-2004; Ord. No. 2006-16, § 1, 11-6-2006)

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Editor's note— Appendix A cited herein has not been set out in the Code, but is on file in the office of the city clerk attached to Ord. No. 04-06.

Sec. 52-58 138. - Payment.

(a) Unless deferred or waived by a written agreement with the city as a party thereto, or unless exempted, the impact fee shall be:

- (1) Paid in full prior to the issuance of a building permit for the development or any other authorization to use the land included in the development;
- (2) Whenever any building or use, which has not previously paid the applicable impact fees under this division is issued a permit to connect to the water and wastewater system;
- (3) Whenever a person is issued a building permit to alter an existing building, use or applicable improvement then connected to the water and wastewater system, if such alterations increase the demand or the potential demand on the water and wastewater system.

(b) If the issuance of a conventional building permit for the development is not required (e.g., golf course, park, change of use, etc.), then an applicant shall pay the impact fee prior to the occurrence of any one of the following events, whichever occurs first:

- (1) The date when the first building permit has been issued for any building or structure accessory to the principle use or structure of the development;
- (2) The date when the first building permit is issued for the first nonaccessory building or nonaccessory structure to be used by any part of the development;
- (3) The date when a final development order, final development permit or other final authorization is issued for a parking facility for any portion of the development;
- (4) Upon the issuance of a permit to connect to the water or wastewater facility;
- (5) The date when a final development order, final development permit or other final approval is issued for any part of the development in instances where no further building permit is required for that part of the development;
- (6) The date when the development first commences construction;
- (7) The date when any part of the development opens for business or goes into use; or
- (8) Prior to date of execution of FDEP permit application.

(Ord. No. 04-06, § 6, 5-3-2004)

Sec. 52-59 139. - Installment payments.

(a) Subject to availability of funds, the city may enter into agreements to extend payment (offer installment payments) of impact fees and associated costs with owners of then-existing buildings, structures or applicable improvements which are mandated to connect to the water and wastewater systems. Prior to the city entering into any agreement to extend payments, and from time-to-time thereafter, the city council shall identify a specific source of funds to be used relative to providing extended payment and the cost of such funds, including all expenses and costs incidental to obtaining

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or providing same, including interest at the interest rate that the city will employ in offering extended payment with interest, and a reasonable estimation of the administrative costs of expenses associated with administering the extended payment alternative to the respective land(s).

- (1) The city shall only enter into agreements to extend installment payment of the impact fees and associated costs with owners of then-existing buildings, structures or applicable improvements, mandated to connect to the water and wastewater systems.
 - (2) The amount of payment, including any title verification expenses and a reasonable estimation of the cost and expense associated with providing an extended payment alternative, shall be paid in equal monthly payments with an annual interest rate as determined by the city. State document stamp and recording fees will be upfront costs borne by the owner and shall be paid in full at the time the extended payment agreement is executed. The interest rate charged shall be representative of the city's cost of funds, including all expenses or costs incidental to obtaining or providing same, if any. The interest charged should be adjusted during January of any calendar year and shall be based on the city's cost of funds for the immediately preceding fiscal year. Failure to make such an adjustment in any given January shall not preclude retroactive adjustments of such interest rates.
 - (3) The city council hereby delegates to the city manager the power and authority to enter into, modify, and release such extended payment agreements in conformance with the provisions of this division.
 - (4) Upon satisfactory payment of all principal, interest, and associated costs under an extended payment agreement, the city shall execute a satisfaction of lien and record same in the Official Records of Collier County.
- (b) In the event a building permit issued for a development expires prior to commencement of any part of the development for which the building permit was issued, the applicant may, within 90 days of the expiration of the building permit, apply for a refund of the entire impact fee. Failure to timely apply for a refund of the impact fee shall result in the waiver of any right to a refund.
- (c) The obligation for payment of the impact fee shall run with the land. Assignment of impact fee credits from one parcel of land to another parcel of land shall not be permitted except in accordance with the requirements of section 52-62 142
- (1) The application for refund shall be filed with the city manager and shall include: the name and address of the applicant; the location of the property; the date the impact fee was paid; a copy of the receipt of payment for the impact fee; and the date the building permit was issued and the date of expiration.
 - (2) After verifying that the building permit has expired before the development had commenced, the city manager shall refund the impact fee.
 - (3) If a building permit is subsequently issued for a development on the same property, which was the subject of a refund, the impact fee in effect at the time the building permit is issued must be paid.
- (d) In the event the city issues separate building permits for a commercial development or building or part of a building within a development which by design contemplates phased (delayed) occupancy, the city and the applicant may enter into an agreement for the phased (installment) payment of the impact

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fee applicable to that portion of the development represented by such unoccupied units or space; provided, however, that all impact fees due shall be paid in full prior to issuance of a certificate of occupancy for occupancy of any delayed occupancy portion of the building.

(e) The impact fee shall be paid in addition to all other fees, charges, and assessments due for the issuance of a building permit.

(Ord. No. 04-06, § 7, 5-3-2004; Ord. No. 2006-16, § 1, 11-6-2006)

Sec. 52-60 140. - Use of funds.

(a) The city council hereby establishes or reaffirms the establishment of two separate accounts, one entitled "water impact fee account" for water and a second entitled "wastewater impact fee account" for wastewater.

(b) The funds deposited into each impact fee account shall be used solely for the purpose of providing growth necessitated improvements and additions to the water and wastewater facility for which the impact fee was assessed including, but not limited to the following:

- (1) Design and construction plan preparation;
- (2) Permitting and fees;
- (3) Design, construction, management, and inspection of water and wastewater facilities;
- (4) Land and materials acquisition, surveying, soil samples, material testing, including costs of acquisition and condemnation;
- (5) Aquifer storage facilities;
- (6) Right-of-way acquisition, including costs of acquisition and condemnation;
- (7) Development of raw water sources;
- (8) Acquisition of capital equipment and apparatus;
- (9) Debt service;
- (10) Update to impact fee studies;
- (11) Any other expenses as then allowed by law.

(c) The moneys deposited into the impact fee account shall be used solely to finance water and wastewater facilities required by growth as projected in the impact fee studies, the comprehensive plan, on in the city's then current utility master plan and/or capital improvement program.

(d) The impact fee collected pursuant to this division shall be returned to the then current owner of the property for which such fee was paid if such fees have not been expended or encumbered prior to the end of the fiscal year immediately following the sixth anniversary of the date when the respective impact fee was paid. Refunds shall be made only in accordance with the following procedure:

- (1) The then current owner shall petition the city manager for the refund prior to the end of the fiscal year immediately following the sixth anniversary of the date of the payment of the respective

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impact fee.

(2) Submittal to the city manager, and shall contain:

- a. A notarized sworn statement that the petitioner is the then current owner of the property for which the impact fee was paid;
- b. A copy of the dated receipt issued for payment of such fee or such other record as would clearly indicate payment of such fee;
- c. A certified copy of the latest recorded deed; and
- d. A copy of the most recent ad valorem tax bill.

(3) Within 90 days from the date of receipt of a complete petition for refund, the city manager will advise the owner of the status of the impact fee requested for refund, and if such impact fee has not been expended or encumbered within its applicable time period, then it shall be returned to the then current owner. For the purposes of this section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in shall be the first fee out. Such funds may be encumbered by contract, bond, resolution, ordinance, or otherwise.

(4) Impact fee moneys refunded by the city manager in accordance with this paragraph (d) shall be paid with interest accrued to the principal being refunded but not to exceed the rate of five percent simple interest.

(e) Failure to file a timely petition for a refund upon becoming eligible to do so shall be deemed to have waived any claim for a refund, and the city shall be entitled to retain and apply the impact fee for growth necessitated capital improvements and additions to the respective public facilities.

(Ord. No. 04-06, § 8, 5-3-2004)

Sec. 52-64 141. - Alternative fee calculation.

(a) The impact fee may be determined by an alternative fee calculation of the fiscal impact of the development on the water and wastewater facilities if:

(1) Any person commencing a development which increases demand on the water and wastewater facility chooses to have the impact fee determined by the alternative fee calculation; pays to the city in full the impact fee calculated pursuant to the applicable impact fee rate schedule; pays a nonrefundable alternative fee calculation review fee of \$2,500.00 initially, and the actual cost upon completed review if in excess of \$2,500.00; or any other review fee amount then established by the city council by ordinance or resolution; and

(2) The applicant believes that the nature, timing or location of the proposed development makes it likely to generate impacts costing less than the amount of the impact fee rate calculations in Appendix "A", as applicable for the water and wastewater facilities at issue; and

(3) The applicant commences the alternative fee calculation process by requesting in writing to the city manager, and attends a pre-application meeting within 180 days of the issuance of the building permit for the development.

(b) The alternative fee calculation shall be undertaken through the submission of an impact analysis

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for the water and wastewater facilities, which shall be based on data, information, methodology and assumptions contained in this division and/or the impact fee studies incorporated herein, or an independent source, including local studies for alternative impact fee calculations performed by others within the immediately preceding three years, provided that the independent source is a local study supported by a data base adequate for the conclusions contained in such study performed pursuant to a methodology generally accepted by professionals in the field of expertise for the water and wastewater facilities and based upon standard sources of information relating to facilities planning, cost analysis and demographics and generally accepted by professionals in the field of expertise for the water and wastewater facilities. Technical details of approach, methodology, procedures, and other matters relating to the alternative fee calculation may be addressed in an administrative procedures manual.

(c) The alternative fee calculation shall be submitted by the applicant for the proposed development and shall be prepared and certified as accurate by persons accepted by the city as qualified professionals in the field of expertise for the water and wastewater facilities, and shall be submitted to the city manager.

(d) If the city manager determines that the alternative fee calculation is acceptable, and the city's cost to accommodate the proposed development is substantially different than the impact fee established pursuant to section 52-57 137, the amount of the impact fee shall be reduced to a dollar amount consistent with the amount determined by the alternative fee calculation and presented to city council for review and approval.

(e) In the event the applicant disagrees with a decision of the city manager that effectively results in a denial of the alternative fee calculation, the applicant may file a written appeal petition with the city council not later than 30 days after receipt of notice of such a decision by the city manager. In reviewing the decision, the city council shall use the standards established herein. The appeal petition must advise the city council of all issues and shall explain the precise basis the applicant asserts that the decision(s) of the city manager is/are alleged to be incorrect.

(Ord. No. 04-06, § 9, 5-3-2004)

Note—See editor's note for § 52-57

Sec. 52-62 142. - Developer contribution credit.

(a) A person may apply for a credit against any impact fee owed, pursuant to section 52-57 137, for a water and wastewater facility for any contribution, construction, or land dedication conveyed to, accepted, and received by the city for the water and wastewater facility. The city may grant a credit against the impact fee imposed against a development for the construction, installation or contribution of water and wastewater facilities, or improvements and additions thereto, or land dedication related thereto, required pursuant to a development order for the development, or not required by such development order. Such construction, contribution or land dedication shall be subject to the approval of the city council as described herein and shall be an integral part of, and a necessary accommodation to, existing or contemplated water and wastewater facilities.

(b) A credit granted against the impact fee for certain dedications of land, contributions of construction or installation of water and/or wastewater systems, buildings, facilities and/or improvements and/or additions thereto, made to the water and wastewater systems, whether required to be made pursuant to a development order by the city or not, shall be subject to the following standards:

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- (1) The dedicated land shall be an integral part of, and a necessary accommodation to, contemplated off-site improvements to the water and wastewater system needs, whether onsite or off-site.
- (2) The credit for a dedication of land shall not exceed the fair market value of the land dedication as based upon a written appraisal by a qualified and professional appraiser acceptable to the city, based upon comparable sales of similar property between unrelated parties in a bargaining transaction as of the date of the contribution; the date of the commencement of the construction; the date of the land dedication; or for dedications, the day before the date of the issuance of the development order approval (zoning amendment, site plan approval, PUD approval, or other development order approval) wherein the contribution, construction or land dedication was proffered or required; whichever occurs first.
- (3) In the case of contributions of construction or installation of improvements, the value of the proposed contribution shall be adjusted upon completion of the construction to reflect the actual costs of construction or installation of improvements contributed by the developer. The actual cost of construction for the contribution shall be based upon costs certified by a professional engineer or architect, as appropriate. However, in no event shall any upward adjustment in the credit amount as set forth in the developer contribution agreement between the owner and the city exceed 15 percent above the initial certified estimate of costs for contributions as provided by the professional engineer or architect, as appropriate. Upon adjustment of the value of the developer's contribution, the contribution credit shall be adjusted accordingly.
- (4) Until the contribution credit is finally adjusted upon completion of construction, no more than 75 percent of the initial estimate of costs for contributions to the water and wastewater systems identified in the contribution agreement shall be actually applied or used in the calculations of available credit against water and wastewater systems impact fees.
- (5) No credit whatsoever for lands, easements, construction or infrastructure otherwise required to be built or transferred to the city shall be considered or included in the determination of any value of any developer's contribution.
- (6) All construction cost estimates shall be based upon, and all construction plans, specifications, and conveyances shall be in conformity with, the construction standards and procedures of the city. All plans, specifications, or designs must be approved by the city manager prior to commencement of construction.
- (7) No credit for a water and wastewater facility shall exceed the impact fee imposed by this division, unless a credit (developer's) agreement has been completed pursuant to the requirements of this section.
- (8) No credit shall be issued when such plan, viewed in conjunction with other existing or proposed plans, will adversely impact the cash flow or liquidity of the impact fee account in such a way as to frustrate or interfere with other planned or ongoing growth necessitated capital improvements and additions to such waster and wastewater systems; and the proposed time schedule for completion of the plan is consistent with the then most recently adopted five-year capital improvement program for the water and wastewater facility.
- (9) Except as provided in this section, no other dedications of land, contributions of off-site improvements, contributions of construction or installation of improvements shall be entitled to developer contribution credit from the impact fee.

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(c) An applicant who desires to make a dedication of land or contribution for impact fee credits shall, prior to issuance of a building permit, submit to the city a proposed plan for the dedication of land or for the contribution.

(d) Upon approval of a proposed plan of dedication or contribution, the city manager shall determine the amount of developer credit and shall approve the timetable for completion of construction.

(e) Upon approval of a plan for the dedication or contribution, a developer contribution agreement shall be entered into between the city and the owner. A nonrefundable processing, review and audit fee of \$2,500.00 shall be due once the voluntary plan has been approved and prior to the preparation of a contribution agreement by the city.

(f) Impact fee credits shall not be assigned or otherwise transferred from one commercial development to another commercial development except by written agreement executed by the city, and then, shall only be transferable from one commercial development to another commercial development owned by the same developer. No such assignment or transfer of impact fee credits shall be allowed until the original commercial development has been completed. Impact fee credits will be accomplished only through the operation of a credit agreement. Should an assignment of credit be approved by the city through execution of such an agreement, the assignee shall take the agreement as is and shall be bound by all of the terms and conditions of the agreement as originally executed by the assignor and other parties. No assignee (or transferee) of any such agreement shall have the right to any review procedure under this chapter except to the extent expressly granted in the agreement. The provisions of this paragraph shall apply to subsequent purchasers or successors in title to the owner.

(g) Any applicant who submits a proposed credit agreement pursuant to this division and desires the immediate issuance of a building permit shall pay the impact fee prior to or at the time of the application for the building permit. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights. Any difference between the amount paid and the amount due, as determined by the city manager, shall be refunded to the applicant or owner.

(h) In the event the amount of impact fee credit, pursuant to an approved contribution or dedication, exceeds the total amount of impact fee imposed upon the development, the contribution agreement may provide for the future reimbursement to the owner of the excess of such contribution credit from future receipts by the city of impact fees. However, no reimbursement shall be paid until such time as all development at the location that was subject to the credit has been completed. Such reimbursement shall be made over a period of five years from the date of completion of the development as determined by the city.

(Ord. No. 04-06, § 10, 5-3-2004; Ord. No. 2006-16, § 1, 11-6-2006)

Sec. 52-63 143. - Collection of impact fees in default.

Whenever the city determines that an impact fee was not paid prior to the issuance of a building permit for the affected development, or connection to the water or wastewater system, the city shall proceed to collect the impact fee as follows:

(a) The city shall serve a "notice of impact fee statement" upon the applicant at the address set forth in the application for building permit, and the owner at the address appearing on the most recent records maintained by the property appraiser of the county. The city shall also attach a copy of the "notice of impact fee statement" to the building permit posted at the affected

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development site if the building is under construction. Service shall be deemed effective on the date the return receipt indicates the notice was received by either the applicant or the owner or the date said notice was attached to the building permit, whichever occurs first, or by any other evidence of the date that the "notice" was received by the addressee. The "notice of impact fee statement" shall contain a description of the property and shall advise the applicant and the owner as follows:

- (1) The amounts due, the date that the impact fee became delinquent, and that as of that date the unpaid impact fee became subject to the delinquency fee, and that interest began to accrue on that date, and that such interest will continue to accrue thereafter until all amounts due are paid in full; that in the event the impact fee and the delinquency fee are paid in full within 30 days after receipt of the "notice," all interest that would have otherwise accrued will be waived; that in the event the impact fee is not paid in full within 30 days after receipt of the "notice", a lien against the property for which the building permit was secured may be recorded in the official records book of the county for all amounts then due after approval by the city manager.
- (b) Upon becoming delinquent, a delinquency fee equal to ten percent of the total impact fee imposed shall be assessed. Once delinquent, the total impact fee, plus delinquency fee, shall bear interest at the then applicable statutory rate for final judgments calculated on a calendar day basis, until paid in full.
- (c) Should the impact fee not be paid promptly, the city shall serve a "notice of lien" upon the delinquent applicant, if the building is under construction at the address indicated in the application for the building permit, and upon the delinquent owner at the address appearing on the most recent records maintained by the property appraiser of the county. The notice of lien shall notify the delinquent applicant and delinquent owner that due to their failure to pay the impact fee, the city may file a claim of lien with the clerk of the circuit court.
- (d) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to and in addition to, all other applicable procedures provided in any other ordinances or administrative regulations of the city or any applicable law or administrative regulation of the State of Florida. Failure of the city to follow the procedure set forth in this section shall not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city or any applicable law or administrative regulation of the State of Florida.
- (e) If the total impact fees have not been received by the city within 30 days of the posting of the notice of claim of lien (or receipt of the notice by the owner or trustee), the city manager may then, regardless of the filing of any appeal petition, file a claim of lien with the clerk of the circuit court and record same in the Official Records of Collier County. The recorded claim of lien shall contain the legal description of the property, the amount of the delinquent impact fee, plus the delinquency fee and interest, and the date the impact fee became due. Once recorded, the claim of lien shall constitute a lien against the property described therein. The city manager may proceed expeditiously to collect, foreclose, or otherwise enforce said lien.
- (f) After the expiration of 30 days from the date of recording of the claim of lien, as provided herein, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted, conducted and enforced in conformity with the procedures for the foreclosure of municipal special assessment liens, as set forth in F.S. ch. 173, as then amended, which provisions are hereby incorporated herein in their entirety to the same extent as if such provisions were set forth herein

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verbatim.

(g) The liens for delinquent impact fees imposed hereunder shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other filed liens and claims, until paid as provided herein.

(h) The foregoing paragraphs of this section notwithstanding, all impact fees not paid to the city in full when due shall automatically become "delinquent." Moreover, when any impact fees become delinquent anywhere throughout the unified whole of the respective development, the city is authorized to withhold every then unissued development order(s) and permits applied for by, or on behalf of, the landowner or the developer, and in addition apply any and all of the civil penalties and remedies set forth in the land development code until all such delinquent impact fees have been paid to the city in full.

(Ord. No. 04-06, § 11, 5-3-2004)

Sec. 52-64 144. - Update requirement.

(a) This division and the impact fee studies shall be reviewed by the city council initially in connection with its approval of the capital improvements element of its comprehensive plan as then, and to the extent, required by F.S. § 163.3177. This division and the impact fee studies should be reviewed at least every five years. All reviews shall consider new estimates of population and other socioeconomic data; changes in construction, land acquisition and related costs and adjustments to the assumptions, conclusions or findings set forth in the studies adopted by section 52-55 135. The purpose of this review is to evaluate and revise impact fees to assure that they do not exceed the reasonably anticipated costs associated with the improvements and additions necessary to offset the demand on the water and wastewater facilities generated by development. In the event the review of this division alters or changes the assumptions, conclusions and findings of the studies adopted by reference in section 52-55 135, revises or changes the water and wastewater facilities, or alters or changes the amount of impact fees, the studies adopted by reference in section 52-55 135 shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews.

(b) Simultaneous with the review of the impact fee studies required in subsection (a), the city council shall review the capital improvements element to determine the availability and adequacy of revenue sources to construct improvements and additions to the water and wastewater facilities determined in the impact fee study to be required to accommodate existing development.

(Ord. No. 04-06, § 12, 5-3-2004)

Sec. 52-65 145. - Incorporation of administrative procedures manual.

The currently existing administrative procedures manual(s) for the Marco Island Utilities Department are incorporated and referenced herein except to the extent that it conflicts or varies the terms of this division.

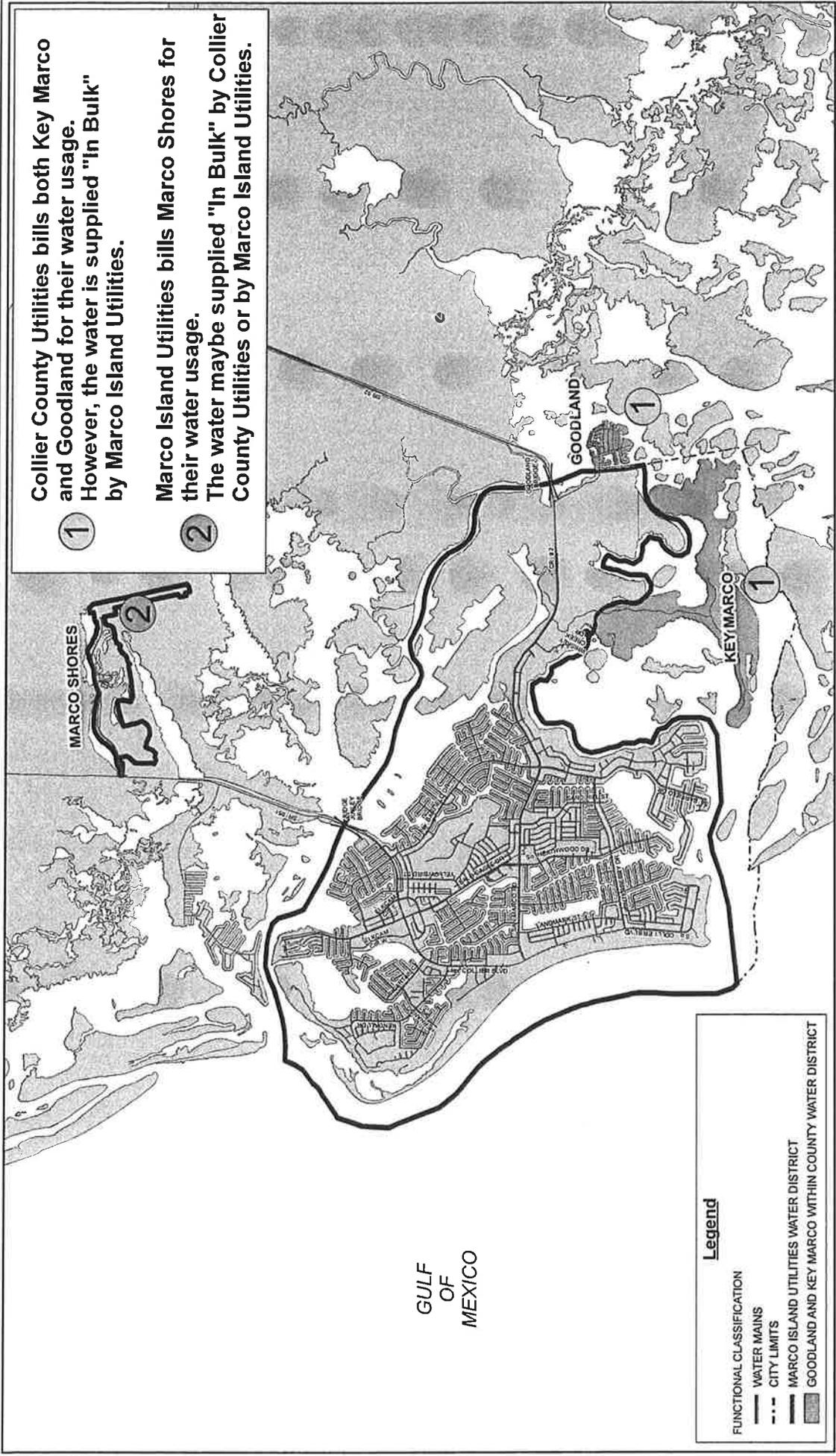
(Ord. No. 04-06, § 13, 5-3-2004)

Secs. 52-66 146—52-70 170. - Reserved.

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ARTICLE III. - RESERVED^[46]

⁽⁴⁶⁾ **Editor's note**— Ord. No. 12-02, § 1, adopted Feb. 21, 2012, repealed Art. III, §§ 52-71—52-76, in its entirety which pertained to utilities advisory board and derived from Ord. No. 10-01, § 2, adopted Jan. 4, 2010.



1 Collier County Utilities bills both Key Marco and Goodland for their water usage. However, the water is supplied "In Bulk" by Marco Island Utilities.

2 Marco Island Utilities bills Marco Shores for their water usage. The water may be supplied "In Bulk" by Collier County Utilities or by Marco Island Utilities.

**MARCO ISLAND WATER DISTRICT
AND EXTRA-TERRITORIAL DISTRICT LIMITS
OF ADJACENT SERVICE AREAS**

Figure 1B

Legend

FUNCTIONAL CLASSIFICATION

- WATER MAINS
- - - CITY LIMITS
- MARCO ISLAND UTILITIES WATER DISTRICT
- GOODLAND AND KEY MARCO WITHIN COUNTY WATER DISTRICT

City of Marco Island (City, Department
Asset Management Section
Map Created: 03/22/2005
Map Source: GIS/2005
FIG. 1B.MI.WaterDist_Limit.mxd

1 inch = 4,800 feet

0 1,200 2,400 3,600 4,800 6,000

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~~ARTICLE III. - UTILITY OPERATION AND REGULATIONS~~^[30]

~~(30) Editor's note - Ord. No. 03-20, §§ 1-38, adopted Jan. 5, 2004, repealed art. III and enacted a new article as set out herein. The former art. III, §§ 18-71-18-76, pertained to water irrigation restrictions and derived from Ord. No. 02-31, §§ 1.1-1.3, 2.1, 3.1-3.12, 4.1-4.4, 5.1, 5.2 and 6.1, adopted Nov. 4, 2002. See the Code Comparative Table for further information. Section 1 of Ord. No. 06-09, adopted Aug. 7, 2006, amended the title of art. III, conservation regulations, to read as herein set out.~~

~~DIVISION 1. - GENERALLY
DIVISION 2. - WATER
DIVISION 3. - WASTEWATER
DIVISION 4. - RECLAIMED WATER
DIVISION 5. - GREASE DAMAGE PREVENTION REGULATIONS~~

~~DIVISION 1. - GENERALLY~~

~~Sec. 18-61. - General provisions.~~

~~(a) Compliance. All water, wastewater, and/or reclaimed water service users are required to comply with all regulations and ordinances of the city governing such use.~~

~~(b) Responsibility of city. The city shall only be responsible for a good faith effort to provide reasonable water, wastewater, and reclaimed water service. Water service is subject to the continuing availability of raw water supply, and water, wastewater, and reclaimed water service is subject to the availability of the respective treatment plants capacity and all requirements of the law.~~

~~(c) Service not guaranteed. Location within the service areas of the city does not guarantee water or wastewater service. In the event that service or service capacity is not available for any reason, the property affected may be removed by ordinance from the service area without any liability attaching to the city.~~

~~(d) Promulgation and enforcement of procedures and regulations. The city manager shall have the power to promulgate procedures and regulations relative to the water, wastewater, and reclaimed water system. Such procedures and regulations shall be provided in the Utilities Department Manual of Standards and Specifications. Said manual will be adopted by city council and amended when necessary, by resolution. Water, wastewater, and reclaimed water construction improvements, rehabilitation, and repairs shall meet or exceed the requirements of the manual.~~

~~(Ord. No. 03-20, § 1, 1-5-2004)~~

~~Sec. 18-62. - Definitions.~~

~~The following words and phrases as used in this article shall have the following meanings:~~

~~Address means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is~~

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~~used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address it shall be considered "even numbered".~~

~~*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l).~~

~~*City* means the City of Marco Island, a Florida municipality. As used interchangeably, it means the city, the city utility department, and the water, wastewater, and reclaimed water systems owned and operated by the city.~~

~~*Cross connection* means any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, wastewater, drain, conduit, pool, storage reservoir, plumbing fixture, or any other device, facility or system which contains or may contain contaminated water, sewage, waste material, or other material or substance of unknown or potentially unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, changeable devices, or other devices through which or because of which backflow could occur are deemed to constitute cross connections.~~

~~*Customer* means any person, firm, corporation, or government entity, using or receiving water, reclaimed water, or wastewater collection services from the city.~~

~~*Department* means the Marco Island Utilities Department of the City of Marco Island.~~

~~*Director* means the director, or designated representative, in charge of the department, who is hereby invested with the authority and responsibility to administer and operate the water, wastewater, and reclaimed water systems of the city, and implement and enforce the provisions of this article.~~

~~*Discontinuation of service* means the cessation of a service.~~

~~*Engineering manager* means the individual or firm who approves technical specifications and drawings relating to the installation, construction, and rehabilitation of city utilities.~~

~~*Equivalency factor* means a factor used to represent the relative relationship between service connections based on water meter size. The equivalency factor is determined by dividing the continuous flow criteria per meter size by the continuous flow criteria of a five eighths inch meter as published by the American Water Works Association, and incorporated in F.A.C. 25-30.055.~~

~~*Existing landscaping* means any landscaping which has been planted and in the ground for more than 90 days.~~

~~*Grease* means a material either liquid or solid, composed primarily of fat or oil from animal or vegetable sources and is synonymous for the intent of this section with the terms fats, oils and grease.~~

~~*Landscaping* means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora, not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in F.A.C. 40E-24.101(2).~~

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~~Living unit means any place of abode, which is suitable for permanent or transient family or individual residential use. Each such living unit shall be considered as single and separate.~~

~~Lot means any place, division or parcel of land.~~

~~Master control valve means the manually operated valve, located immediately downstream after the meter, which controls total flow to the customer's property.~~

~~Multifamily residence means all places of dwelling other than single family residences and duplexes having three or more living units.~~

~~New landscaping means any landscaping which has been planted and in the ground for 90 days or less.~~

~~Persons means any individual, firm, company, association, society, partnership, corporation, or group.~~

~~Public wastewater systems means a central sanitary sewer collection system owned and operated by the City of Marco Island or owned and operated by a private utility company that has a franchise granted by the Collier County Water and Wastewater Authority to provide and operate a sewer collection and transmission system within the legal boundaries of the City of Marco Island.~~

~~Reclaimed water means water, treated wastewater or wastewater effluent that has been appropriately treated and which, as a result of the treatment of wastes, is suitable and usable for direct beneficial uses or a controlled use by and for public agricultural, commercial, residential, or industrial developments, projects or purposes including, but not limited to, irrigation purposes in green areas of developments or other appropriate areas; water that has received at least secondary treatment and is reused after flowing out of a wastewater treatment plant.~~

~~Residence with guesthouse occupying the same premises means a residence with a guest house occupying the same premises shall be considered as a single family residence if served by a single water connection and meter.~~

~~Sanitary sewer is used interchangeably with sewer line and wastewater line. Sanitary sewer means a pipe which carries sewage and to which storm waters, service waters, and ground waters are not intentionally admitted.~~

~~Service line means that conduit for utility service directly after the meter or delivery box fittings.~~

~~Significant industrial user means any individual user of the city's wastewater disposal system who:~~

- ~~(1) Has a discharge flow of 25,000 gallons or more per average workday; or~~
- ~~(2) Has a flow greater than five percent of the flow in the city's wastewater treatment system; or~~
- ~~(3) Has in his wastes toxic pollutants as defined pursuant to federal or state statutes and rules; or~~
- ~~(4) Is found by the city, the state control agency, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.~~

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ARTICLE III. - UTILITY OPERATION AND REGULATIONS

~~Single-family residence means any single-family dwelling; interchangeable with the word household. In the case of a duplex, each unit shall be regarded as a single-family dwelling.~~

~~System is used interchangeably with utility system. System means all water, wastewater, and reclaimed water mains, transmission lines, storage and pumping facilities, valves, service connections, meters, and treatment facilities.~~

~~Urban service area means the geographic area served by the city utilities as defined by Ordinance No. 03-13, as amended.~~

~~Utility agreement means a written agreement between the city and a property owner that establishes the terms and conditions pursuant to which the city will provide water, wastewater, and/or reclaimed water service.~~

~~Wasteful and unnecessary means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.~~

~~Wastewater is used interchangeably with sanitary sewage and means a combination of any type of water-carried waste from residences, business buildings, institutions, industrial establishments, and any and all customer facilities together with such ground, surface, and storm waters as may be present, but does not mean nor include hazardous or toxic waste.~~

~~(Ord. No. 03-20, § 2, 1-5-2004; Ord. No. 06-09, § 2, 8-7-2006; Ord. No. 08-12, § 2, 10-6-2008; Ord. No. 10-05, § 2, 5-17-2010)~~

~~Sec. 18-63. - Illegal utility system connections.~~

~~(a) It shall be unlawful to make or cause to be made any connection with the city water, wastewater, and/or reclaimed water system for providing water, wastewater, or reclaimed water service to users; to use or be supplied with water or reclaimed water from the city without the water passing through a meter provided by the city; or in a manner so as to serve or connect any existing or additional dwelling units or commercial developments without paying all systems development charges, connection user fees, and all other required charges for said additional dwelling units or commercial development; or in a manner so as to enable a user to discharge into the wastewater collection system of the city without paying all system development charges, connection fees, user fees, and all other required charges for said wastewater service.~~

~~(b) Any person who is found by the city to have made or caused to have made any connection prohibited by paragraph (a) above shall be required by the city, in addition to any penalties imposed by this Code for violation of the above, to pay the following to the city:~~

~~(1) An amount equal to three times the unpaid plant capacity fees, connection fees and utility service charges imposed by the city for such connection and water and/or wastewater service provided. Said fees and charges shall be computed using the rates in effect at the time of the discovery of said illegal connection. For residential connections, the utility service charges shall be estimated by using the average water, wastewater, and/or reclaimed water use for similar types and sizes of residential users during the entire period from the date a certificate of occupancy was~~

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~~issued for any dwelling unit found illegally connected to the system until the date of collection. For commercial connections, water, wastewater, and/or reclaimed water service charges shall be estimated by using the average water and/or wastewater use for similar types and sizes of commercial users during the entire period from the date a certificate of occupancy was issued for any portion of the project served until the date of collection.~~

~~(2) All costs of investigation and collection, including time, labor, material, attorneys' fees, court costs, and professional fees of any kind necessitated to determine that such illegal connection existed.~~

~~(c) All persons making or causing said connection to be made and/or receiving the benefit of the utility services shall be jointly and severally liable for the payment of the above-described amounts to the city. Water service shall be discontinued to such persons, firms, contractors, corporations, associations or partnerships until said amount is paid in full. In the event that any corporation is found to be liable for such sums and is not solvent or is without assets to make appropriate payment, the individual officers, directors and shareholders of such corporation shall be liable for such payment to the city.~~

~~(Ord. No. 03-20, § 3, 1-5-2004)~~

~~Sec. 18-64. Easements, planting shrubbery therein.~~

~~Any persons planting shrubbery, trees, or other plants in dedicated utility easements within the city does so at their own peril. Tree plantings or shrubbery shall not be placed so as to destroy any water, reclaimed water, or wastewater utility lines. Whenever plantings obstruct the ingress and/or egress for the purposes of the easement they shall be removed upon request by the city, and in the event of failure by the owner to so move them, the city shall do so and the expense of same charged to the property owner. When plantings placed over utility lines cause damage to the utilities systems, the property owner shall bear the cost of repair or replacement of the damaged utilities.~~

~~(Ord. No. 03-20, § 4, 1-5-2004)~~

~~Sec. 18-65. Connections.~~

~~(a) The owner of each lot or parcel of land within the city's exclusive urban service area or legal boundaries, upon which lot or parcel of land any improvement is now situated or shall hereafter be situated, shall connect or cause such improvement to be connected with the public water, wastewater, and/or reclaimed water facilities and use such facilities within 90 days following notification to do so. All such connections shall be made in accordance with the Utilities Department Manual of Standards and Specifications.~~

~~(b) All connections to the water, wastewater, and reclaimed water system shall be approved by the city manager, or his designee. The fee to connect for utility services shall consist of the capital facilities fee (impact fee), tapping fee, meter or delivery box cost, connection charges, hydrants, lift stations, equipment, and when required, plan review fee, and line extensions. Such fees shall be paid upon issuance of a building permit unless otherwise provided by a utility agreement.~~

~~(c) No person, unless expressly authorized by the city manager or designee, shall tamper with, work on, or in any way alter or damage any part of the utility system. Tampering or work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or causing of any water to flow from the system.~~

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~~(d) Connections to the city's water, wastewater, and/or reclaimed water system for any purpose whatsoever are to be made only by city employees or contractors in full approval of the director. No connection of any description, temporary or otherwise, is permitted on the customer's installation between that portion of the customer's installation for domestic water and reclaimed water service and that portion of the customer's installation for fire protection purposes. That portion of the customer's installation for domestic water and reclaimed water service shall be metered. The customer's fire protection service shall be installed with a detector check type of meter or any metering device approved by the director. No temporary pipes, nipples, or connections are permitted except during construction as authorized by the director, and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment.~~

~~(Ord. No. 03-20, § 5, 1-5-2004; Ord. No. 06-09, § 3, 8-7-2006)~~

~~**Sec. 18-66. Utility agreements.**~~

~~The city manager shall be authorized to negotiate and execute utility agreements for the provision of water, wastewater, and/or reclaimed water. The utility agreement may provide for the allocation of service capacity, responsibilities for the construction and installation of utility systems, a schedule of payments for capacity charges, the obligation to provide easements, the obligation by a developer to install systems at its expense, inspections, transfer of reserved service capacity, payment of service charges, and other provisions as may be required.~~

~~(Ord. No. 03-20, § 6, 1-5-2004)~~

~~**Sec. 18-67. Extensions.**~~

~~The city manager is authorized to extend utility mains and provide utility service to customers within the boundary of the urban service area.~~

~~(Ord. No. 03-20, § 7, 1-5-2004)~~

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DIVISION 2. WATER

Subdivision A. In General

~~**Sec. 18-68. Water service.**~~

~~(a) *Private water systems.* It shall be unlawful for any person to connect directly or indirectly any private water supply or system of pipes or connections thereof, with any part or pipes or other connection to the city water system which will permit directly or indirectly any intermingling of water from any other source with that of the city water system.~~

~~(b) *Public water system connection required.* Any lot within 200 feet of the city water system and within the city's urban service area shall be required to connect to the city water system.~~

~~(Ord. No. 03-20, § 8, 1-5-2004)~~

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~~Sec. 18-69. Materials for water transmission and distribution.~~

~~The materials and construction of water transmission and distribution systems shall be in accordance with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 9, 1-5-2004)~~

~~Subdivision B. Conservation Landscape Irrigation Regulations~~

~~Sec. 18-70. Water conservation and shortages—Definitions.~~

~~For purposes of this subdivision, the following terms, phrases, words and their derivations shall have the meanings given herein:~~

~~*District* means the South Florida Water Management District (SFWMD).~~

~~*Enforcement officer* means any authorized agent or employee of the city whose duty it is to enforce the city's codes, and state statutes.~~

~~*Impervious surfaces* means any surfaces that do not allow penetration of water, including, but not limited to, paved or concrete roads, paved or concrete sidewalks, paved or concrete driveways, paved or concrete parking lots, or highly compacted areas including shell or clay.~~

~~*Irrigation* means the application of water by means other than natural precipitation.~~

~~*Irrigation systems* means equipment and/or devices which deliver water to landscaping being irrigated, including, but not limited to, pumping stations and controls, control structures, ditches, public or private wells, piping, hoses, valves, fittings, and emitters.~~

~~*Landscape* means all residential, commercial, institutional, industrial, and governmental areas which are considered as lawns or ornamentally planted, including, but not limited to, sod, grasses, turf, ground covers, flowers, shrubs, trees, mulch, hedges, and other similar plant materials.~~

~~*Low volume hand watering* means watering by one hose attended by one person, fitted with a self-canceling or automatic shutoff nozzle.~~

~~*Low volume irrigation systems* means the use of equipment and devices specifically designed to deliver a volume of water consistent with the water requirement of the plant being irrigated and which delivers the water with a high degree of efficiency directly to the root zone of the plant.~~

~~*Low volume mobile equipment washing* means the washing of mobile equipment with a bucket and sponge, a single hose with a self-canceling or automatic shutoff nozzle, low volume pressure cleaning equipment, or any combination of the preceding methods of washing.~~

~~*Low volume pressure cleaning* means pressure cleaning by means of equipment that is specifically designed to reduce the inflow volume as accepted by industry standards.~~

~~*Pervious surface* means every improved or unimproved surface that allows water to readily soak into or recharge the water aquifer under such surface.~~

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~~Water resource means any and all water on or beneath the surface of the ground, including without limitation natural or artificial watercourses, lakes, ponds, or diffused surface water; and water percolating, standing or flowing beneath the surface of the ground.~~

~~Water shortage occurs when sufficient water is not available to meet present or anticipated needs, or when conditions are such as to require temporary reduction in total water usage within a particular area.~~

~~Water shortage emergency means that situation when the powers which can be exercised under F.A.C. ch. 40E-21 pt. II are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.~~

~~(Ord. No. 03-20, § 10, 1-5-2004)~~

~~**Sec. 18-71. Same Applicability.**~~

~~This section shall be in full force and effect throughout the city urban service area. The provisions of this section shall apply to all persons using the water resource, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This section shall not apply to persons using treated effluent or salt water. This section shall apply to all such persons using the water resource within the geographical areas subject to the water shortage or water shortage emergency as determined by the district.~~

~~(Ord. No. 03-20, § 11, 1-5-2004)~~

~~**Sec. 18-72. Chapter 40E-21, Florida Administrative Code, adopted by reference.**~~

~~F.A.C. ch. 40E-21, as amended from time to time, is incorporated herein by reference as a part of this section.~~

~~(Ord. No. 03-20, § 12, 1-5-2004)~~

~~**Sec. 18-73. Declaration of water shortage; water shortage emergency.**~~

~~(a) The declaration of a water shortage or water shortage emergency within all or any part of the city by the city manager or the executive director of the South Florida Water Management District shall invoke the provisions of this section. The district shall determine the appropriate phase of water shortage or water shortage emergency and the duration of the water shortage or water shortage emergency. Upon such declaration, all water use restrictions or other measures contained in F.A.C. ch. 40E-21, which chapter constitutes the water shortage plan, shall be subject to enforcement action pursuant to the enforcement and penalties set forth in this article. Any violation of the provisions of F.A.C. ch. 40E-21, as may be amended from time to time, or any order issued pursuant thereto, shall be a violation of this section.~~

~~(b) F.A.C. ch. 40E-21 establishes four phases of water shortage as a function of the estimated percent reduction in overall demand required to reduce estimated present and anticipated demand to estimated present and anticipated available water supply. The water shortage phase determines the type of water use restrictions which will be ordered in a declared water shortage. The following are the four phases as established by the district:~~

~~(1) Moderate;~~

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- ~~(2) Severe;~~
- ~~(3) Extreme;~~
- ~~(4) Critical.~~

~~(c) The district may, from time to time, issue a "warning" which is an alert that water restrictions are imminent if existing conditions do not change. When a warning is issued, the city manager may implement specific restrictions governing the use of potable water from the city's water system for lawn and landscape irrigation.~~

~~(d) Specific restrictions. Upon declaration of a water shortage or water shortage emergency it shall be prohibited to use water in a manner inconsistent with the restrictions specified in F.A.C. ch. 40E-21, pts. II and V. The restrictions shall apply based on the level of phase declared by the district and described in ch. 40E-21, pt. V.~~

~~(Ord. No. 03-20, § 13, 1-5-2004)~~

~~**Sec. 18-74. Mechanical failure; inadequate facilities.**~~

~~(a) The following rules and regulations are hereby established governing the use of potable water from the city's water system in the event of mechanical failure or inadequate facilities. The city manager may implement water restrictions when a mechanical failure exists or facilities are inadequate to meet demands, which necessitates the implementation of said rules and regulations. Said implementation shall be predicated upon a finding by the city manager that said mechanical failure or inadequate facilities may affect the health, safety, welfare or comfort of the customers of the city water system.~~

~~(b) The city manager will evaluate each incident of mechanical failure or inadequate facilities to determine the specific restrictions to be implemented. To assure equitable distribution of available water resources among all city water customers during the affected period F.A.C. ch 40E-21, pt. V, will be used as a guideline to establish specific restrictions. Upon such declaration, all water use restrictions or other measures shall be subject to enforcement action pursuant to [this] article. Anyone using the city's reclaimed water for the purpose of irrigating lawns shall be exempt from the restrictions set forth herein.~~

~~(Ord. No. 03-20, § 14, 1-5-2004)~~

~~**Sec. 18-75. Year-round landscape irrigation restrictions.**~~

~~(a) Purpose and applicability.~~

~~(1) The primary purpose of this section is to provide the regulatory framework to assist in conservation of water resources through consistent and uniform application of restrictions on use of water for irrigation in the city.~~

~~(2) This section shall be applicable notwithstanding any other city ordinance.~~

~~(b) Irrigation; operational requirements.~~

~~(1) All water irrigation activities within the city, which are not exempted by subsection 18-75(c), shall be restricted to the days and hours specified within Resolution 10-20 which provides for the permissible dates and times of irrigation, as authorized pursuant to this section.~~

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~~(2) All wasteful and unnecessary water use, as defined in section 18-62, shall be prohibited. All water irrigation activities must and shall be operated in an efficient manner so as to not allow water to be applied to travel lanes on adjacent roadways, parking lots, sidewalks and other paved surfaces.~~

~~(3) All water irrigation systems shall be equipped with a properly installed rain sensor switch.~~

~~a. A rain sensor switch shall be required on all new installations of irrigation systems.~~

~~b. A rain sensor switch shall be retrofitted on existing systems, installed after May 1, 1991, within one year of the effective date of the ordinance from which this section derives.~~

~~c. The rain sensor switch shall be maintained in fully operational condition at all times by the owner/operator of the irrigation system.~~

~~(c) Exemptions; variances.~~

~~(1) The following are exempt from all provisions of this section:~~

~~a. Landscaping irrigation from which the source of the water is 100 percent reclaimed water.~~

~~b. Landscaping irrigation from which the source of the water is 100 percent saltwater.~~

~~c. Irrigation wholly from a low volume irrigation system.~~

~~d. Use of low volume mobile equipment washing, provided all unused water drains into only a pervious ground surface.~~

~~(2) A variance from specific day or days identified in Resolution 10-20 may be granted if strict application of the restrictions would lead to unreasonable or unfair result in particular instances, provided that the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant requiring a variance or those served by the applicant. Where a contiguous property is divide into different zones a variance may be granted hereunder so that each zone may be irrigated on days different than other zones of the property. However, no single zone may be irrigated more than three days per week.~~

~~a. The city manager, or designee, shall be the only individual(s) authorized to grant or deny variances pursuant to this subsection. A decision to grant or deny the variance should be made within ten days after actual receipt of a complete application for the variance.~~

~~b. Any individual or entity aggrieved by the denial of a variance from this section shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city manager, within 14 days after notice of the denial of the variance has been delivered to such person or entity's last known address, a written statement setting forth fully the grounds for the appeal. The city manager shall set a hearing on such appeal for the next available city council meeting. Notice of such hearing shall be given to the appellant at least ten days before the date of said hearing. The decision and order of the city council on such appeal shall be final.~~

~~c. An application for variance and/or the granting of a variance shall operate prospectively~~

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~~and shall not affect any then pending enforcement action pursuant to this section or otherwise.~~

~~d. The city hereby recognizes any and all variances issued by the South Florida Water Management District to those users who operate and maintain smart irrigation systems which meet the requirements of F.S. § 373.62(7).~~

~~(d) Penalties. Violators of the landscape irrigation requirements of this section, including requirements adopted by Resolution 10-20 as authorized under subsection (b)(1), shall be issued a verbal or written warning, or a "notice of violation" with a special period to correct violation. Persons who violate this section after receiving a warning or notice, or refuse to comply with such warning or notice, shall be issued a citation and fine of \$75.00. Persons who commit repeat violations may also be punished pursuant to F.S. § 162.21, as a civil infraction with a maximum civil penalty not to exceed \$500.00. Any person who violates any provision of this section shall also be subject to the city's remedies as authorized the city's Code of Ordinances, or as otherwise then allowed by law. The applicable penalties shall be determined by the forum selected to enforce the violation.~~

~~Each day, or part thereof commencing at noon of the respective day, that a violation of this section occurs by the same individual or entity may be deemed by the finder of fact to constitute a separate violation.~~

~~(Ord. No. 03-20, § 15, 1-5-2004; Ord. No. 10-05, § 2, 5-17-2010)~~

~~Subdivision C. Cross Connection Control~~

~~Sec. 18-76. Cross connections.~~

~~Cross connections shall be governed by the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 16, 1-5-2004)~~

~~DIVISION 3. WASTEWATER~~

~~Sec. 18-77. Wastewater collection in general.~~

~~The part of a wastewater sewage system that receives and transports sewage is referred to as a wastewater collection system.~~

~~(Ord. No. 03-20, § 17, 1-5-2004)~~

~~Sec. 18-78. Owner's responsibility for wastewater lines.~~

~~(a) All sanitary sewer lines from the wastewater collection main to the building are the property and responsibility of the property owner.~~

~~(b) All stoppage in the sanitary sewer line from the wastewater collection main to the building are the~~

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~~responsibility of the property owner.~~

~~(c) No stoppage complaint will be accepted for investigation by the department, unless all sanitary sewer lines between the gravity main and the building have been examined by a licensed plumber.~~

~~(Ord. No. 03-20, § 18, 1-5-2004)~~

~~Sec. 18-79. Use of public wastewater system required.~~

~~(a) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.~~

~~(b) No person shall dispose of human excrement except in a toilet.~~

~~(c) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provision of these regulations.~~

~~(d) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.~~

~~(e) All structures used for human occupancy, and all sinks, dish washing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to a public or private wastewater system.~~

~~(Ord. No. 03-20, § 19, 1-5-2004)~~

~~Sec. 18-80. Public wastewater system.~~

~~At such time as a public wastewater becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public wastewater within 365 days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable materials, according to the closure procedures described in Rule 64E-6.001, F.A.C., or latest revision thereof, of the department of health.~~

~~(1) Wastewater system shall be considered available to an existing single family dwelling when the dwelling can be connected to a sanitary sewer line in any public right of way or easement which passes the property at any point.~~

~~(2) Wastewater system shall be considered available to any new single family dwelling when the dwelling can be connected by the installation of 200 linear feet of gravity flow sanitary sewer line from the nearest point of the property.~~

~~(3) The monthly base charge component of the wastewater rate structure shall be in effect 90 days following notification of the availability of wastewater service.~~

~~(4) Notwithstanding the foregoing, after proper connection to the city central sewer system, a septic tank serving a single family residence may be converted to a cistern consistent with the requirements of Rule 64E-6.011, part (4), effective June 25, 2009. Homeowners opting to convert the septic tank to cistern shall acquire the proper city and county health department permits prior to initiating the sewer connection and any septic tank conversion activities.~~

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~~(5) Any property owner who, prior to October 20, 2005, was permitted to connect to the city's wastewater collection system by means of an on-site wastewater pump station (grinder system) shall have the option to continue to send domestic sewage to the city's wastewater system through that grinder system or to convert to a gravity system connection. If such conversion is opted, the property owner shall pay to the city the per ERC construction cost (the "Neighborhood Construction Cost") for the installation of its respective district septic tank replacement program ("STRP") collection system, but shall not be required to pay an additional wastewater impact fee. The property owner shall acquire the proper city and county health department permits prior to initiating the conversion. No new private grinder systems will be permitted to connect to the wastewater system.~~

~~Any owner of a private grinder system who opts to continue the use of that system shall be responsible for the maintenance of the system both on its property and in the city's right of way through the connection to the city's wastewater collection system. Such owner shall be responsible for relocating the system if it comes in conflict with other city utilities located, now or in the future, in the right of way. Such owner shall also be responsible for the cost of any cleanup resulting from the failure of the system in the city's right of way.~~

~~(Ord. No. 03-20, § 20, 1-5-2004; Ord. No. 07-05, § 2, 6-18-2007; Ord. No. 09-07, § 2, 8-3-2009; Ord. No. 09-13, § 2, 9-21-2009)~~

~~Sec. 18-81. Private wastewater disposal.~~

~~(a) Where a public sanitary sewer is not available under the provisions of this subsection, the building sewerage shall be connected to a private wastewater disposal system complying with the provisions of this subsection. No person shall construct a septic tank or other wastewater disposal facility without prior approval from the director and city manager.~~

~~(b) Septic tanks shall be constructed, repaired, altered, enlarged, and maintained in accordance with F.A.C. ch. 10D-6 and plans and specifications approved by the state health department.~~

~~(c) No person shall construct, repair, alter, or enlarge any septic tank unless he receives approval by the director or designee and shall hold a valid permit for such work issued by the state health department.~~

~~(d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all regulations of the state department of environmental protection (FDEP) and the State of Florida. No septic tank shall be permitted to discharge to any natural resource.~~

~~(e) No septic tank or other subsurface disposal facility shall be installed where a public wastewater is accessible to the premises involved.~~

~~(f) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.~~

~~(g) No pit privy shall be installed.~~

~~(h) Discharge of septic tanks into wastewater system:~~

~~(1) *Restricted.* It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the city wastewater system, or any system connected with and discharging into the wastewater system, the contents of any septic tank, sludge, sewage~~

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~~or other similar matter or material, except as provided in the paragraph below.~~

~~(2) *Permits.* The director is hereby authorized to grant permits to discharge the contents of septic tanks (from domestic sources only) at locations specified by him and under his supervision. Such permits may be revoked at any time if, in the opinion of the director, continued dumping of such matter into the sewers will be injurious to the wastewater system or treatment or treatment processes.~~

~~(3) *Charges.* A charge shall be made for the privilege of dumping contents of septic tanks, as provided in separate rules. A record shall be kept of such dumping and statements shall be payable within ten days after rendition. Failure to pay the amounts due within such ten day period shall be cause for revoking the permit and employing all penalties, as described in this article.~~

~~(i) Any premises that has a septic tank, privy or any other sewage, industrial waste or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within 30 days from the receipt of written notification from the state health department that said system is not functioning in a sanitary manner, and order that said system be corrected.~~

~~(j) Premises with private water systems shall not be connected to the public wastewater system unless approved by the city manager or designee.~~

~~(k) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state health department.~~

~~(Ord. No. 03-20, § 21, 1-5-2004)~~

~~**Sec. 18-82. Building sewers and connections.**~~

~~No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public wastewater or appurtenance thereof without first obtaining a written permit from the utilities permit coordinator as provided in the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 22, 1-5-2004)~~

~~**Sec. 18-83. Restricted use of public sanitary sewers.**~~

~~No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, swimming pool drains and filter discharge, or cooling water to any sanitary sewer unless otherwise provided in the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 23, 1-5-2004)~~

~~**Sec. 18-84. Malicious damage.**~~

~~No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions.~~

~~(Ord. No. 03-20, § 24, 1-5-2004)~~

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~~Sec. 18-85. Powers and authority of inspectors.~~

~~(a) Duly authorized employees of the city bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the wastewater system in accordance with the provisions of these regulations.~~

~~(b) While performing the necessary work on private properties referred to herein, the authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall, to the extent permitted by law, be held harmless for injury or death to the employees, and the city shall, to the extent permitted by law, indemnify the company against loss or damage to its property by city employees and against liability claims and demand for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by these regulations.~~

~~(c) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.~~

~~(Ord. No. 03-20, § 25, 1-5-2004)~~

~~Sec. 18-86. Pretreatment of industrial wastewater.~~

~~There shall be pretreatment of wastewater by industrial users discharging into the city wastewater collection and treatment systems and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403) and shall be regulated by the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 26, 1-5-2004)~~

~~Sec. 18-87. Compliance with regulatory requirements.~~

~~The provisions of these regulations shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered as a part of these regulations upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in Title 40 of the Code of Federal Regulations, Part 403, as provided in the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 27, 1-5-2004)~~

~~Sec. 18-88. Violations.~~

~~(a) Violation of these regulations shall be a misdemeanor punishable under the laws of the state.~~

~~(b) The director may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater system or~~

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~~causes the city to violate any condition of this NPDES permit.~~

~~(c) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary including initiation of legal action by the city attorney and immediate severance of the wastewater connection, to prevent or minimize damage to the wastewater system or endangerment to any individuals. The director shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the utility director or designee within 15 calendar days of the date of occurrence.~~

~~(d) Any user who violates the following conditions of these regulations, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this subsection:~~

~~(1) Failure of a user to report factually the wastewater constituents and characteristics of his discharge.~~

~~(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.~~

~~(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.~~

~~(4) Violation of conditions of the permit.~~

~~(e) Whenever the department finds that any user has violated or is violating these regulations, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the department may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for satisfactory correction thereof shall be submitted to the department by the user.~~

~~(f) In the event of violation of these regulations, the authorized employees may verbally instruct the owner as to the necessary corrective action. If the owner fails to carry out verbal instructions in a timely manner or if a serious violation or hazard to public health exists, the director may issue to the owner a written order stating the nature of the violation, the corrective action, and the time limit for completing the corrective action. This time limit will be not less than 24 hours nor more than 120 days depending upon the type and severity of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. The record of the mailing of said notice or order shall be prima facie evidence thereof and failure of said owner or owners to receive same shall in no way affect the validity of any proceedings conducted pursuant to these regulations.~~

~~(g) If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of these regulations, federal or state pretreatment requirements, or any order of the city, the city's attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court.~~

~~(h) A person violating any provisions of this section authorizing the aforementioned action by the designated employee shall be charged the normal and usual charges for discontinuance and~~

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~~disconnection of said water and wastewater services and the usual charges for recommencing said water and wastewater services.~~

~~(Ord. No. 03-20, § 28, 1-5-2004)~~

~~Sec. 18-89. Authority to disconnect service.~~

~~The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:~~

~~(1) Acids, grease, oil, or chemicals damaging to the wastewater lines or treatment process are released into the wastewater causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;~~

~~(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or~~

~~(3) The customer:~~

~~a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;~~

~~b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment systems;~~

~~c. Fails to pay monthly bills for water and sanitary wastewater services when due; or~~

~~d. Repeats a discharge of prohibited wastes into the public wastewater system.~~

~~(Ord. No. 03-20, § 29, 1-5-2004; Ord. No. 08-12, § 3, 10-6-2008)~~

~~Sec. 18-90. Compliance by dischargers.~~

~~It shall be unlawful to discharge without a city permit to the wastewater system any wastewater except as authorized by the director in accordance with the provisions of these regulations.~~

~~(Ord. No. 03-20, § 30, 1-5-2004)~~

~~Sec. 18-91. Wastewater contribution permits.~~

~~(a) All significant industrial users proposing to connect to or to contribute to the wastewater system shall obtain a wastewater discharge permit before connecting to or contributing to the utility system.~~

~~(b) All existing significant industrial users connected to or contributing to the wastewater system shall obtain a wastewater contribution permit within 180 days after the effective date of these regulations.~~

~~(Ord. No. 03-20, § 31, 1-5-2004)~~

~~Sec. 18-92. Materials.~~

~~The materials and construction of wastewater collection and treatment systems shall be in accordance~~

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~~with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.~~

~~(Ord. No. 03-20, § 32, 1-5-2004)~~

~~DIVISION 4. - RECLAIMED WATER~~

~~Sec. 18-93. - Generally.~~

~~(a) *Generally.* When an application is received for connection to the city's water and/or wastewater systems and where the city offers to extend a reclaimed water transmission line to the applicant's parcel for purposes of irrigation, the applicant shall be required to connect to the reclaimed water system as a condition of connection to either the city's potable water or wastewater system. Reclaimed water service charges shall become effective and begin to accrue once the meter is installed.~~

~~(b) *Cross connections.* No cross connection between the reclaimed water system and any potable water system shall be permitted. Cross connections between the reclaimed water system and other sources of irrigation water, including but not limited to, surface water and wells, shall be subject to approval by the director after review of the construction plans for such connection.~~

~~(c) *Materials for reclaimed water system.* The materials and construction of reclaimed water systems shall be in accordance with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.~~

~~(d) At such time as public reclaimed water becomes available to a multifamily or hotel/timeshare property, a direct connection shall be made to the reclaimed water line within 90 days following notice of availability, and reclaimed water shall be used for the purpose of irrigation. Following connection to the reclaimed water system, the rate structure applicable to potable water may be charged for the use of reclaimed water for the time required to allow the difference between the potable water rate and the reclaimed water rate to pay the capital investment required to install the reclaimed water system.~~

~~(Ord. No. 03-20, § 33, 1-5-2004; Ord. No. 07-05, § 3, 6-18-2007)~~

~~Sec. 18-94. - Discontinuance of service.~~

~~The city may suspend or discontinue reclaimed water service to any customer who violates the provisions of this article, including delinquency of any amounts owed the city.~~

~~(Ord. No. 03-20, § 34, 1-5-2004)~~

~~Sec. 18-95. - Meters.~~

~~(a) All new connections to the water and reclaimed water system shall be individually metered to include all residential, business, and industrial premises. Master meters (serving more than one residential, business, or industrial premises) may be permitted upon the expressed approval of the city manager.~~

~~(b) Meters shall be placed just within the property line at the right or left boundary at the nearest point~~

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~~to the tap-in main or as otherwise may be designated in the Utilities Department Manual of Standards and Specifications or authorized by a utility agreement. The meter and service valve shall always remain accessible to utilities personnel for reading, inspection, testing, and maintenance. Landscape plants and trees shall not hinder visual identification or direct physical access to the meter. Landscape shrubs and ground cover shall remain at least 18 inches from the edges of the meter box. Trees shall not be planted within four feet of the meter. The property owner shall ensure that the meter is accessible.~~

~~(c) If a customer requests a test of the meter to determine accuracy, the city will charge a testing fee as provided in the utility rate ordinance. Whenever a tested meter is found to register fast, in excess of tolerance provided in the Utilities Department Manual of Standards and Specifications, the director shall return the fee, replace the meter at no cost to the customer, and issue a credit for volume charges for the amount billed in error for the most recent billing cycle.~~

~~(d) In no event shall a refund or credit for utility service overcharges be granted for a period in excess of six months preceding.~~

~~(e) The property owner and/or customer shall be responsible for the installation and maintenance of a master control valve immediately downstream of the meter to isolate the customer's water system.~~

~~(Ord. No. 03-20, § 35, 1-5-2004)~~

~~**Sec. 18-96. Rates; security deposits.**~~

~~(a) Rate schedules for water, wastewater, reclaimed water usage, fees, and charges shall be adopted by city council through a utility rate ordinance. Such ordinance may be amended by the adoption of a resolution by city council.~~

~~(b) The city reserves the right to establish differential rate structures for customers within the urban service area, however, there shall not be imposed an additional surcharge of 25 percent as provided for in F.S. ch. 180.~~

~~(c) Security deposits. For utility accounts, security deposits are required as follows:~~

Meter Size	Deposit Amount
2" x 3/4"	\$125.00
3/4"	150.00
1"	200.00
1 1/2"	300.00
2"	450.00
3" and larger	As determined by the director

~~(1) For accounts in which the name of the account is the same as the owner, the deposit may, at the discretion of the city, be waived upon presentation by the customer of a statement from a previous utility verifying a history of timely payments by the customer.~~

~~(2) For accounts in which the name of the account is the same as the owner, and who make a deposit prior to receiving service, the deposit may be refunded after 12 months without a delinquent payment.~~

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~~(3) Whenever service is discontinued, said deposit shall be returned to the customer after first deducting all outstanding charges for service. Where any outstanding charges exceed the amount of the deposit the customer is liable for settlement of said charges under all applicable codes, statutes, laws, and ordinances, and payment of all costs incident to the enforcement thereof.~~

~~(4) At the discretion of the director, the city may require a deposit or increase the deposit for any customer who is delinquent three or more times.~~

~~(5) All deposits shall accrue interest as required by Florida Statutes.~~

~~(d) Water rate structure. The rate structure for water service as set forth in the utility rate ordinance, is comprised of two distinct elements. Those elements and their definitions are:~~

~~(1) Monthly base charge. This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues. This monthly base charge also recovers the costs associated with meter readings, billings, postage and related expenses.~~

~~(2) Monthly consumption charges. This is the cost of providing the water, such as chemicals, electricity, labor and other related costs. This cost is variable and depends on consumption.~~

~~(e) Wastewater rate structure. The rate structure for wastewater service is comprised of two distinct elements. Those elements and their definitions are:~~

~~(1) Monthly base charge. This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues. This monthly base charge also recovers the costs associated with meter readings, billings, postage and related expenses.~~

~~(2) Monthly consumption charge. This is the cost of providing for the collection and treatment of sewage such as chemicals, electricity, labor and other related expenses. This charge is variable and depends on consumption.~~

~~(3) Fees. The city may adopt charges and fees which may include:~~

~~a. Fees for reimbursement of costs of setting up and operating the city's pretreatment program;~~

~~b. Fees for monitoring, inspection, and surveillance procedures;~~

~~c. Fees for reviewing accidental discharge procedures and construction;~~

~~d. Fees for permit applications;~~

~~e. Fees for filing appeals;~~

~~f. Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards; and~~

~~g. Other fees as the city may deem necessary to carry out the requirements contained herein.~~

~~(4) Surcharge for abnormal strength waste discharge. Abnormal strength wastes are those that~~

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~~do not meet the limitations set forth in this article.~~

~~a. — Computation. The surcharge in dollars shall be computed by multiplying the total mg/L of BOD and suspended solids above 500 mg/L times the metered water used during the billing period in millions of gallons times a treatment surcharge factor. The surcharge factor shall be derived annually from the following formula:—~~

$$\text{Surcharge factor} = \text{Cost of treatment per million gallons} \div 500$$

~~Where cost of treatment per million gallons equals operational costs of the city sewage treatment plant(s) for the preceding fiscal year (including pro rata administrative costs) divided by the total sewage flow through all plants in millions of gallons. Five hundred equals maximum normal BOD plus suspended solids content expressed in milligrams per liter. The surcharge in dollars for fats, waxes, grease, oil and solvent soluble substances shall be computed by multiplying the total fats, waxes, grease, oil, and solvent soluble substances above the legal limits as set forth in this section times the metered water used during the billing period in millions of gallons times the treatment surcharge factor.—~~

~~b. — These fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the city.—~~

~~(f) — Reclaimed water rate structure. The rates for use of the city's reclaimed water system shall be based on a charge per 1,000 gallons as provided in the utility rate ordinance.—~~

~~(g) — Bulk or wholesale water, wastewater, or reclaimed water agreements and rate structure. Agreements and/or rate structures may provide for the provision or receipt of bulk or wholesale water, wastewater, or reclaimed water services to or from private utilities, governments, or private entities.—~~

~~(Ord. No. 03-20, § 36, 1-5-2004; Ord. No. 06-09, § 4, 8-7-2006)—~~

~~**Sec. 18-97. — Billing for water, wastewater, and reclaimed water service.—**~~

~~(a) — Billing shall begin upon installation of the water meter, reclaimed water meter, connection to the wastewater system, or 90 days following notification of the availability of wastewater or reclaimed water service, whichever occurs first.—~~

~~(b) — All accounts shall be billed on a monthly basis. Bills are due when rendered and delinquent 21 days thereafter. Bills unpaid after 30 days of being rendered shall be assessed a delinquent fee equal to five percent of the unpaid balance. Service may be discontinued when delinquent for nonpayment of bills. The city reserves the right to place liens on property due to nonpayment of bills.—~~

~~(c) — Errors in billing or meter reading should be reported promptly to the customer service office, so as to facilitate the immediate correction of such bill.—~~

~~(d) — When water, wastewater, and/or reclaimed water services are provided or made available, payment of the services shall be made concurrently. In the event partial payment is received, such partial payment shall be applied first to the wastewater component of the total amount due, next to the reclaimed water component (if any), and lastly to the water component. The city may discontinue service for nonpayment of any portion of the service bill.—~~

~~(e) — Whether occupied or unoccupied, all existing structures, at the earlier of connection to the city's~~

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~~water, wastewater, and/or reclaimed water system or 90 days following notification of the availability of wastewater service, shall incur a monthly base charge unless such building is destroyed, condemned, or demolished.~~

~~(f) Whenever a customer discontinues service or vacates a dwelling or structure, the account will automatically revert to property owner of record and billing will resume.~~

~~(Ord. No. 03-20, § 37, 1-5-2004; Ord. No. 07-05, § 4, 6-18-2007)~~

~~**Sec. 18-98. Reinstatement following discontinued service.**~~

~~(a) When service has been discontinued for nonpayment of bills, service will be restored upon payment of unpaid bills, plus a service fee as set forth in the rate ordinance. Said service fees shall also be payable in the event the city attempts to restore service but is unable to do so due to meter obstruction.~~

~~(b) The service line gate valve or curb stop valve may be locked in the off position or the meter removed from the premises. The monthly base facility charges shall continue. Should an applicant at a later time request renewal of service to said premises, service will be restored upon full payment of all bills due for service to the premises at the time of discontinuance and a reinstatement charge.~~

~~(c) Where service has been disconnected for a violation of an ordinance or regulation, such service shall not be reconnected until the city manager, or his designee, receives adequate assurances and guarantees that such a violation will not recur.~~

~~(Ord. No. 03-20, § 38, 1-5-2004)~~

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~~**DIVISION 5. GREASE DAMAGE PREVENTION REGULATIONS**~~

~~**Sec. 18-99. Grease traps, interceptors or separators.**~~

~~Grease traps, interceptors, or separators shall be required in accordance with the applicable plumbing provisions of the Florida Building Code, its implementing administrative rules and as required herein for all commercial or institutional establishments that use grease or oil in the preparation of food, to prevent damage from grease as defined herein to the public wastewater system. These regulations are intended to be supplemental to the provisions of the Florida Building Code, its implementation administrative rules and the utilities department manual of standards and specifications. Any conflict between these regulations and the Florida Building Code, its implementing administrative rules and the utilities department manual of standards and specifications shall be resolved in favor of the Florida Building Code or its implementing administrative rules. For purposes of this section, "institutional establishments" shall include any governmental or non-profit entity including, but not limited to, churches (or other houses of worship), associations and clubs, which establishment serves meals produced on site for 20 persons or more at any one meal.~~

~~(1) The maximum volume of a combined or an individual single grease or oil trap, interceptor or separator chamber shall be 1,250 gallons. When the required effective capacity of the single or combined grease or oil trap, interceptor, or separator is greater than 1,250 gallons, as required by the plumbing provisions in the Florida Building Code, plumbing for a multi-chambered grease or oil~~

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~~trap, interceptor or separator or a series of grease or oil traps, interceptors and separators shall be installed and required.~~

~~(2) Grease traps, interceptors and separators shall be in a location that is readily and easily accessible for cleaning and inspection. No under cabinet grease trap, interceptor or separator will be permitted. The size, type and location of each grease trap(s), interceptor(s) or separator(s) shall be approved by the City of Marco Island Building Official.~~

~~(3) Cooking oil shall not be disposed of through the trap, interceptor, or separator.~~

~~(4) An annual grease trap, interceptor or separator permit shall be obtained from the building inspections division of the community development department. The permit holder shall provide city staff with access to the grease trap, interceptor or separator for inspection purposes as provided in section 18-85. Permits shall be secured between August 1 and November 1 each year. The annual inspection, as described in subparagraph (6), may be made on any preceding date in the same calendar year. Fees, if any, for the annual grease trap permit may be established by resolution.~~

~~(5) Grease traps, interceptors, and separators shall be pumped out and cleaned as often as necessary to maintain their containment capacity, but not less than once per year.~~

~~(6) Annual cleaning, pump out, inspection and maintenance of grease traps, interceptors and separators shall be performed by a licensed septic tank service company. Records shall be maintained by the property owner and posted in the kitchen or discharge area showing the date and company's name that performed the cleaning, pump out, inspection and maintenance. A copy of the record shall be provided annually to the building services division.~~

~~(7) The property owner shall be responsible for the proper removal and disposal by appropriate means of the captured material in accordance with any applicable federal, state or local laws or regulations, chapter 18 of this Code and the utilities department manual of standards and specifications. The use of biological degreasers to prevent build up in a property owner's waste water system inside a building is prohibited.~~

~~(8) A property owner whose grease trap, interceptor, or separator is found not in compliance with chapter 18 or the utilities department manual of standards and specifications or is otherwise not functioning, is clogged, improperly maintained, or has blocked the city's wastewater collection lines, manholes or stations, located immediately downstream of the property owner's service connection for whatever period of time shall be a violation of this Article and subject to the provisions of and penalties contained in section 18-88, including but not limited to recovery of the cost to repair any and all damage to the city's system.~~

~~(Ord. No. 08-12, § 4, 10-6-2008; Ord. No. 11-04, § 2, 5-2-2011)~~

~~**Sec. 18-100. - Reserved.**~~