REVISED AFTER 9-6-12 COUNCIL MEETING PACKET DISTRIBUTION

ORDINANCE 12 – 48

COUNCIL ITEM 10E
DATE 9/10/12

AN ORDINANCE OF THE PORT ST. LUCIE CITY CODE, AMENDING THE TITLE OF CHAPTER 61 OF THE PORT ST. LUCIE CITY CODE; AMENDING SECTION 61.03, DEFINITIONS; AMENDING SECTION 61.04, GENERAL TERMS AND CONDITIONS REGARDING WATER, WASTEWATER, AND RECLAIMED WATER; AMENDING SECTION 61.05, WATER METER INSTALLATION CHARGE; AMENDING SECTION 61.06, METER TESTING; AMENDING SECTION 61.07, CUSTOMER DEPOSITS; AMENDING SECTION 61.09, CHARGES FOR CANCELLATION OF A WATER AND/OR WASTEWATER SERVICE APPLICATION OR UTILITY SERVICE AGREEMENT/PERMIT TO CONNECT; AMENDING SECTION 61.10, WASTEWATER INSTALLATION CHARGE; AMENDING SECTION 61.11, PROVIDING FOR WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; AMENDING SECTION 61.16, RECLAIMED WATER CONNECTIONS; AMENDING SECTION 61.24, PROVIDING FOR WATER LINE AND WASTEWATER LINE CAPITAL CHARGES; AMENDING SECTION 61.25, TEMPORARY METER PERMITS; AMENDING THE APPENDIX TO CHAPTER 62 SETTING FORTH WATER, WASTEWATER RATE SCHEDULE; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Chapter 61, Port St. Lucie City Code, is hereby amended to read as follows:

Chapter 61. WATER, WASTEWATER AND RECLAIMED WATER RATES ~~GAS UTILITY RATE~~.

Sec. 61.01. - Title.
Sec. 61.02. - Reserved.
Sec. 61.03 - Definitions
Sec. 61.04. - General terms and conditions regarding water, wastewater, and reclaimed water.
Sec. 61.05. - Water meter installation charge.
Sec. 61.06. - Meter testing.
Sec. 61.07. - Customer deposits.
Sec. 61.08. - Reconnection charges, transfer service charges, and new billing account charges for same day service.
Sec. 61.09. - Charges for cancellation of a water and/or wastewater service application or utility service agreement/permit to connect.
Sec. 61.10. - Wastewater installation charge.
Sec. 61.11. - Water and wastewater treatment capital charges; adoption; calculating application; time of payment.
Sec. 61.12. - Responsibility for collection, distribution and transmission costs.
Sec. 61.13. - Returned check charge.
Sec. 61.14. - Late payment fees.

Sec. 61.15. - Guaranteed revenue fee; adoption; applicability; calculation; time of payment; forfeiture.
Sec. 61.16. - Reclaimed water connections.
Sec. 61.17. - Annual index adjustments.
Sec. 61.18. - Establishment of a water system rate schedule.
Sec. 61.19. - Establishment of a wastewater system rate schedule.
Sec. 61.20. - Establishment of a reclaimed water system rate schedule.
Sec. 61.21. - Abnormal strength waste surcharge factor.
Sec. 61.22. - Enforcement; violations; penalties.
Sec. 61.23. - Liberal construction and interpretation.
Sec. 61.24. - Water line and wastewater line capital charges; adoption; applicability; time of payment.
Sec. 61.25. - Temporary meter permits.

Section 2. That Section 61.03, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.03. Definitions.

Applicant. The owner of real property or the person or legal entity which has the legal right to utilize real property ~~by means of any form of ownership which real property~~ that the applicant desires to be served by water service or wastewater service. ~~The terms "applicant," "developer" and "property owner" are synonymous and may be used interchangeably herein.~~

Application. A written request from an applicant requesting that, pursuant to a utility agreement, specific water service, wastewater and/or ~~wastewater~~ reclaimed water service be provided to and for certain real property.

Base Facility Charge. A monthly readiness to serve fee that is applied to each water, wastewater and/or reclaimed water bill regardless of whether there is any usage recorded for that month.

Biochemical oxygen demand or *BOD.* The quantity of oxygen in the biochemical oxidation of the organic matter in wastewater under standard laboratory procedures in five days at 20°C, expressed in milligrams per liter. The BOD shall be determined in accordance with procedures set forth in the standard methods for the examination of water and wastewater.

City. The City of Port St. Lucie, in St. Lucie County, Florida, a municipal corporation of the State of Florida.

Collection facilities. The lines, pipes, and appurtenance equipment and all other related equipment or facility, of whatever type or nature, used to collect sewage from sewer facilities, buildings, structures or facilities and

to transmit it to wastewater transmission facilities.

Council. The City Council of the City of Port St. Lucie, Florida.

Cross connection. Any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage 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. Any person, firm or corporation who has entered into an agreement to receive water, wastewater, or ~~gas~~ reclaimed water service from the City ~~city~~ and may be ~~who is~~ liable for the payment of that water, wastewater or ~~gas~~ reclaimed water.

Customer installations. All water, wastewater, and ~~gas~~ reclaimed water facilities which ordinarily and customarily exist on the consumers' side of the point of service ~~delivery, such as, by way of example and not limitation, curb stops and lateral connections~~.

Distribution facilities. The lines, pipes, meters, and appurtenant equipment and any other related equipment or facility, of whatever type or nature, used to distribute water from the utility to the customer for usage.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ~~One or more rooms in a residential or commercial building which are used or intended for use as a living facility for no more than one family and generally including provisions for living, sleeping, eating, cooking, and sanitation. A hotel or motel room is not considered as a dwelling unit.~~

Easement. An acquired legal right for the specific use of land owned by others.

Effluent disposal facilities. Those wastewater facilities necessary to detain, transmit, store, and dispose of wastewater previously treated at treatment facilities.

Equivalent residential connection or *ERC.* A factor used to convert a given average daily flow (ADF) to the equivalent number of residential connections. For this purpose the ADF of one ERC is deemed to be 250 gallons per day (GPD) of water usage for wastewater service and 250 GPD for water service. The number of ERC's contained for a given ADF is initially determined hereunder by dividing that ADF by 250 GPD of water

usage for wastewater or 250 GPD for water. ERC's shall be calculated as a number rounded up to the nearest tenth, but shall in no event be less than one ERC per meter connection. The rounding of ERCs to whole numbers shall be calculated as follows: 0.5 and greater shall be rounded up to the next whole number and 0.49 and less shall be rounded down to the next whole number.

FDEP. The Florida Department of Environmental Protection~~,~~ or its successor agency.

~~*Gallons per day* or~~ *GPD.* Gallons per day ~~on an annual average basis~~.

Hazardous waste. Any substance, waste, or product that is potentially damaging to environmental health as a result of toxicity, ignitibility, corrosivity, chemical reactivity, radioactivity, infectious characteristics, or any other reason.

Mains. Refers to a pipe, conduit or other facilities installed to convey water, wastewater or reclaimed water ~~service~~ to individual service lines or to other mains, ~~or in the case of sewer lines, to convey sewer service from individual service lines to other mains~~.

Master meter. A single meter serving a multi-family residential or a multi-unit nonresidential facility. This term includes, but is not limited to, master meters serving condominiums, apartments, mobile home parks, hotels, motels, travel trailer parks, shopping centers, and office buildings.

Meter. A device used to measure water, wastewater or reclaimed water use. ~~delivered to "point of delivery " by the city.~~

Point of ~~delivery~~ service. The designated point at which the applicant's property is connected to the City's water, ~~facilities or~~ wastewater or reclaimed water facilities.

Private fire protection. The existence of separate fire connections, standpipes with hose attachments and automatic fire sprinkler systems which serve a customer.

Property. The real property owned or controlled by an applicant for which water service capacity ~~allocation~~, wastewater service capacity ~~allocation,~~ or ~~both~~ reclaimed water service capacity, is requested or allocated.

Property owner's responsibility for monthly bills. The Property owner is responsible for all water, wastewater, and/or reclaimed water bills unless another person or entity has entered into an agreement for service for said property.

Rates. The City's applicable schedules of rates and charges for water, wastewater, and/or reclaimed water, including, but not limited to,

connection fees, capital charges, meter installation charges, and any and all other fees or charges which may be in effect from time-to-time adopted by the City. The schedules of service rates shall be of general and uniform application within the City's water, wastewater, and reclaimed water system.

Reclaimed water. Water, treated wastewater or sewer 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 uses.

Reclaimed water capital charge. A fee or charge paid to the City ~~city~~ by an applicant for the purpose of obtaining reclaimed water service capacity, the purpose of which is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's reclaimed water supply and treatment systems.

Septic tank. A subsurface impervious tank designed to temporarily return wastewater or similar waterborne wastes together with:

(1) A sewer line constructed of solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and

(2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

Service lines. ~~The pipes~~ Pipes ~~of the city~~ which are connected from the mains to the "point of ~~delivery~~ service."

~~*Service rates or rates.* The city's applicable schedules of rates and charges for water, wastewater, and gas services, including, by way of illustration and not limitation, connection fees, capital charges, meter installation charges, and any and all other fees or charges which may be in effect from time-to-time adopted by the city. The schedules of service rates shall be of general and uniform application within the city-wide water, wastewater, and gas utility system.~~

Sewer or *wastewater.* A combination of any type of the water-carried wastes from residences, business buildings, institutions, industrial establishments, any and all other customers facilities, together with such ground, surface and storm waters as may be present, but does not mean or include hazardous or toxic wastes.

Standard residential meter. A meter that is ⅝" ~~inch~~ by ¾" ~~inch~~ in size.

System. The City of Port St. Lucie Water, Wastewater, and ~~Gas~~ Reclaimed

Water System.

Transmission lines. Those lines and appurtenance facilities used to either transmit wastewater from the collection system to wastewater treatment facilities or transmit treated wastewater to a final effluent disposal site or transmit water from water treatment and production facilities to the distribution system. Transmission lines are generally ~~six~~ eight inches or greater in size and serve or are intended to serve more than one parcel of property.

Utility service agreement. A written agreement between the City ~~city~~ and ~~a~~ an applicant or property owner which establishes the terms and conditions pursuant to which the City ~~city~~ will provide water and/or wastewater service.

Utility facilities, facilities or *installations.* By way of illustration and not limitation, all equipment, fixtures, pumps, lines, mains, manholes, lift stations, pumping stations, laterals, service connections, and all appurtenances thereto together with all real property, easements and rights-of-way necessary to provide water, wastewater, and ~~gas~~ reclaimed water service to property whether located on-site or off-site.

Wastewater capital charge. A fee or charge paid to the City ~~city~~ by an applicant for the purpose of obtaining wastewater service capacity, the purpose of which is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's wastewater treatment and effluent disposal systems. ~~Capital charges are utilized for the acquisition, improvements, expansion and construction of facilities deemed necessary by the city to furnish wastewater service capacity and related service to the property and to adequately fund capital improvements in the system. The term specifically does not include the costs of collection facilities as defined previously or customer installations, the costs for which shall be fully borne by the applicant.~~

Wastewater service capacity. The rate of wastewater flow on an average daily basis measured in gallons per day, which can be treated and disposed of according to a wastewater facilities design.

Wastewater treatment facilities. Those facilities used to treat and filter sewage prior to effluent disposal. Wastewater treatment facilities may also be used to produce reclaimed water. Wastewater treatment facilities do not include any portions of the collection facilities, wastewater transmission facilities, or effluent disposal facilities.

Water capital charge. A fee or charge paid to the City ~~city~~ by an applicant for the purpose of obtaining water service capacity, the purpose of which is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply and treatment

systems. ~~Capital charges are utilized for the acquisition, improvement, expansion and construction of facilities deemed necessary by the city to furnish water service capacity and related services to property and to adequately fund capital improvements in and for the system. The term specifically does not include distribution facilities or customer installations, the cost of which shall be fully borne by the applicant.~~

Water service capacity. The amount of potable water which can be pumped, treated, transmitted and distributed, on an average daily basis, where such amount is measured in gallons per day and may include ~~includes~~ fire flows.

Water treatment facilities. Any treatment and production facilities, including wells, plants, pumps and necessary appurtenant equipment necessary to withdraw and treat raw water in order to produce potable water.

Section 3. That Section 61.04, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.04. General terms and conditions regarding water, wastewater, and reclaimed water.

~~(a) *Signed application required.* Water, wastewater, and reclaimed water service capacity may be furnished only after a signed application or agreement and payment of the applicable water, wastewater, and reclaimed water capital charges are accepted by the city. The conditions of such application or agreement are binding upon the customer as well as upon the city. A copy of the application or agreement for water and wastewater service accepted by the city will be furnished to the applicant on request. The applicant shall furnish to the city the correct name and street address, and/or property legal description at which water, wastewater, or reclaimed water service is to be rendered.~~

~~(b) *Withholding service.* The city may withhold or discontinue water, wastewater and/or reclaimed water service rendered under application made by any member or agent of a household, organization, or business unless all prior indebtedness to the city of such household, organization, or business for water, wastewater, and reclaimed water service has been settled in full in accordance with city policy. Service may also be discontinued for any violation made by the customer of any rule or regulation set forth in this rate chapter.~~

~~(c) *Limitation of use.* Water, wastewater, and reclaimed water service purchased from the city shall be used by the customer only for the purposes specified in the application for water, wastewater, and reclaimed water service.~~

(d) *Continuity of service.* The city will at all times use reasonable diligence to provide continuous water, wastewater, and reclaimed water service and, having used reasonable diligence, shall not be liable to the customer for failure or interruption of continuous water, wastewater, and reclaimed water service. The city shall not be liable for any act or omission caused directly or indirectly by strikes, labor trouble, accidents, litigation, breakdowns, shutdowns for emergency repairs or adjustments, acts of sabotage, enemies of the United States, wars, United States, state, municipal or other governmental interferences, acts of God or other causes beyond its control.

(e) *Type and maintenance.* The customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the rules and regulations of the city. The city shall not be responsible for the maintenance and operation of the customer's pipes and facilities. The customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected, or which may adversely affect water, wastewater or reclaimed water service provided by the city. The city reserves the right to discontinue or withhold water, wastewater, and reclaimed water service to such apparatus or device.

(f) *Change of customer's installation.* No changes or increases in the customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the city, shall be made without written consent of the city. The customer shall be liable for any change resulting from a violation of this rule.

(g) *Protection of city's property.* The customer shall exercise reasonable diligence to protect the city's property on the customer's premises and shall knowingly permit no one, but the city's agent or persons authorized by law, to have access to the city's pipes and appurtenances. In the event of any loss or damage to property of the city caused by or arising out of carelessness, neglect, or misuse by the customer, the cost of making good such loss or repairing such damage shall be paid by the customer.

(h) *Access to premises.* The duly authorized agents of the city shall have access to the premises of the customer for the purpose of installing, maintaining, inspecting, or removing the city's property or the performance under or termination of the city's agreement with the customer and under such performance shall not be liable for trespass.

(i) *Billing periods.* Bills for water, wastewater and/or reclaimed water service will be rendered monthly as stated in the rate schedule and shall become due when rendered and be considered as received by the customer when delivered or mailed to the service address or some other place mutually agreed upon. Nonreceipt of bills by the customer shall not release or diminish the obligation of the customer with respect to payment

~~thereof.~~

~~(j) *Delinquent bills.* Bills are due when rendered and become delinquent if not paid within 20 days after the bill has been mailed or presented to the customer for payment. Water, wastewater, and reclaimed water service may then be discontinued only after a written notice has been mailed or presented within five working days to the customer of the delinquency in payment. Water, wastewater, and reclaimed water service shall be restored only after the city has received payment for all past due bills and reconnect charges from the customer. There shall be no liability of any kind against the city for the discontinuance of water, wastewater, and reclaimed water service to a customer for that customer's failure to pay the bills on time. Partial payment of a bill of the water, wastewater, and reclaimed water service rendered will not be accepted by the city, except by the city's agreement thereof.~~

~~(k) *Payment of water and wastewater service bills concurrently.* When both water and wastewater service are provided by the city, payment of any wastewater service bill rendered by the city to a customer shall not be accepted by the city without the simultaneous or concurrent payment of any water service bill rendered by the city. The city may discontinue both water service and wastewater service to the customer's premises for nonpayment of the wastewater service bill or water service bill or if payment is not made concurrently. The city shall not reestablish or reconnect wastewater service and/or water service until such time as all wastewater and water service bills and all charges are paid.~~

~~(l) *Tax clause.* Any tax which may be levied upon the city's water, wastewater or reclaimed water system shall not be incorporated into the rate for water, wastewater or reclaimed water service but shall be shown as a separate item on the city's bills to its customers receiving such service.~~

~~(m) *Change of occupancy.* When a change of occupancy takes place on any premises supplied by the city with water and wastewater service, written notice thereof shall be given at the office of the city not less than three days prior to the date of change by the outgoing customer. The outgoing customer shall be held responsible for all water and wastewater service rendered on such premises until such written notice is so received by the city and the city has had reasonable time to discontinue the water and wastewater service. However, if such written notice has been received, the application of such a succeeding occupant for water and wastewater service will automatically terminate the prior account. The customer's deposit may be transferred from one service location to another, if both locations are supplied water and wastewater service by the city. The customer's deposit may not be transferred from one person's or entity's name to another. Notwithstanding the above, the city will~~

~~accept telephone orders, for the convenience of its customers, to discontinue or transfer water and wastewater service from one service address to another and will use all reasonable diligence in the execution thereof. However, oral orders or advice shall not be deemed binding or be considered formal notification to the city.~~

~~(n) *Unauthorized connections.* Connections to the city's water wastewater, or reclaimed water system for any purpose whatsoever are made only by employees of the city. Any unauthorized connections to the customer's water wastewater, or reclaimed water service shall be subject to immediate discontinuance without notice. Water wastewater, or reclaimed water service shall not be restored until such unauthorized connections have been removed and until settlement is made in full to the city for all water wastewater, or reclaimed water service estimated by the city to have been used by reason of such unauthorized connection.~~

~~(o) *Adjustment of bills.* When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedule, incorrect reading of a water, wastewater or reclaimed water meter, or other similar reasons, the amount may be credited or billed to the customer in accordance with the policies of the city.~~

(a) *Access to premises.* The duly authorized agents of the City shall have access to the premises of the customer for the purpose of installing, maintaining, inspecting, or removing the City's utility facilities or the performance under or termination of the subject property's utility service agreement and under such performance shall not be liable for trespass. In some cases, access to the interior of the premises may be required and shall not be unreasonably denied.

(b) *Billing periods.* Bills for water, wastewater and/or reclaimed water service will be rendered monthly as stated in the rate schedule and shall become due when rendered and be considered as received by the customer when delivered or mailed to the service address or some other place mutually agreed upon. Non-receipt of bills by the customer shall not release or diminish the obligation of the customer with respect to payment thereof.

1. *Adjustment of bills.* When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedule, incorrect reading of a water, wastewater or reclaimed water meter, or other similar reasons, the amount may be credited or billed to the customer in accordance with the policies of the City.

2. *Delinquent bills.* Bills are due and payable when rendered and become delinquent if not paid within 20 days after the bill has

been mailed or presented to the customer for payment. Water, wastewater, and reclaimed water service may then be discontinued only after a written notice has been mailed or presented within five working days to the customer of the delinquency in payment. Water, wastewater, and reclaimed water service shall be restored only after the City has received payment for all past due bills and reconnect charges from the customer. There shall be no liability of any kind against the City for the discontinuance of water, wastewater, and reclaimed water service to a customer for that customer's failure to pay the bills on time. Partial payment of a bill of the water, wastewater, and reclaimed water service rendered will not be accepted by the City, except by the City's written agreement thereof.

3. *Payment of water and wastewater service bills concurrently.* When both water and wastewater service are provided by the City, payment of any wastewater service bill rendered by the City to a customer shall not be accepted by the City without the simultaneous or concurrent payment of any water service bill rendered by the City. The City may discontinue both water service and wastewater service to the customer's premises for nonpayment of the wastewater service bill or water service bill or if payment is not made concurrently. The City shall not reestablish or reconnect wastewater service and/or water service until such time as all wastewater and water service bills and all charges are paid.

(d) *Change of customer's installation.* No changes or increases in the customer's installation, which will materially affect the proper operation of the City's utility facilities shall be made without written consent of the City. The customer shall be liable for any change resulting from a violation of this rule.

(e) *Change of occupancy.* When a change of occupancy takes place on any premises supplied by the City with water and wastewater service, written notice thereof shall be given at the office of the City not less than three days prior to the date of change by the outgoing customer. The outgoing customer shall be held responsible for all water and wastewater service rendered on such premises until such written notice is so received by the City and the City has had reasonable time to discontinue the water and wastewater service. However, if such written notice has not been received, the application of such a succeeding occupant for water and wastewater service will automatically terminate the prior account. The customer's deposit may be transferred from one service location to another, if both locations are supplied water and wastewater service

by the City. The customer's deposit may not be transferred from one person's or entity's name to another. Notwithstanding the above, the City will accept telephone orders, for the convenience of its customers, to discontinue or transfer water and wastewater service from one service address to another and will use all reasonable diligence in the execution thereof. However, oral orders or advice shall not be deemed binding or be considered formal notification to the City. In all cases, the responsibility for accounts for unoccupied premises shall default to the owner of record and Base Facility Charges shall be due and payable each month.

(f) *Continuity of service.* The City will at all times use reasonable diligence to provide continuous water, wastewater, and reclaimed water service and, having used reasonable diligence, shall not be liable to the customer for failure or interruption of continuous water, wastewater, and reclaimed water service. The City shall not be liable for any act or omission caused directly or indirectly by strikes, labor trouble, accidents, litigation, breakdowns, shutdowns for emergency repairs or adjustments, acts of sabotage, enemies of the United States, wars, United States, state, municipal or other governmental interferences, acts of God or other causes beyond its control.

(g) *Limitation of use.* Water, wastewater, and reclaimed water service purchased from the City shall be used by the customer only for the purposes specified in the application for water, wastewater, and reclaimed water service.

(h) *Obtaining Service.* Water, wastewater, and reclaimed water service capacity may be furnished only after an original signed application and/or agreement and payment of the applicable water, wastewater, and reclaimed water capital charges are accepted by the City. The applicant shall furnish to the City the correct name and street address, and/or property legal description at which water, wastewater, or reclaimed water service is to be rendered.

(i) *Protection of utility facilities.* The customer shall exercise reasonable diligence to protect the City's property on the customer's premises. No one, but the City's agent or persons authorized by law, shall knowingly have access to the City's utility facilities. In the event of any loss or damage to the City's property caused by or arising out of carelessness, neglect, or misuse by the customer, the cost of making good such loss or repairing such damage shall be paid by the customer.

(j) *Tax clause.* Any tax which may be levied upon the City's water, wastewater or reclaimed water system shall not be incorporated into the rate for water, wastewater or reclaimed water service but shall

be shown as a separate item on the City's bills to its customers receiving such service.

(k) *Type and maintenance.* The customer's pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice and shall conform with the rules and regulations of the City. The City shall not be responsible for the maintenance and operation of the customer's pipes and facilities. The customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and protected, or which may adversely affect water, wastewater or reclaimed water service provided by the City. The City reserves the right to discontinue or withhold water, wastewater, and reclaimed water service to such apparatus or device.

(l) *Unauthorized connections.* Connections to the City's water, wastewater, or reclaimed water system for any purpose whatsoever are made only by employees of the City. Any unauthorized connections to the customer's water, wastewater or reclaimed water service shall be subject to immediate discontinuance without notice. Water wastewater, or reclaimed water service shall not be restored until such unauthorized connections have been removed and until settlement is made in full to the City for all water, wastewater or reclaimed water service estimated by the City to have been used by reason of such unauthorized connection.

(m) *Withholding service.* The City may withhold or discontinue water, wastewater and/or reclaimed water service rendered under application made by any member or agent of a household, organization, or business unless all prior indebtedness to the City of such household, organization, or business for water, wastewater, and reclaimed water service has been settled in full in accordance with City policy. Service may also be discontinued for any violation of any rule or regulation governing the City's utility systems.

Section 4. That Section 61.05, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.05. Water meter installation charge.

(a) Each applicant for water service shall be charged for the meter, meter service box and for installation of the water meter as follows:

Meter size ~~(inch)~~	Service fee
⅝" × ¾"	~~$577.00~~ 594.00
1"	~~627.00~~ 646.00

1½"	~~821.00~~ 846.00
2"	~~1,359.00~~ 1,399.00
~~3 or above~~ Above 2"	~~To be determined at time of application for service~~ Applicant is responsible for purchase and installation

~~(b) Service charges for connections requiring installation of a meter greater than two inches will be based on the actual cost of materials, labor, and overhead. A customer may elect to purchase, and have installed by a qualified contractor, his own meter if the required meter's size exceeds two inches; provided, however, that such meter must be approved by the city prior to installation.~~

(~~c~~ b) Backflow preventer—commercial installation charge. If the utility systems department determines that a backflow preventer is required to be installed on an existing water meter, the City ~~city~~ will, at the customer's request, install a backflow preventer and charge the customer a fee for said installation based on the following installation charges:

Backflow Prevention Assembly	Charge
¾" RPZ Backflow	~~$361.00~~ $371.00
1" RPZ Backflow	~~366.00~~ 377.00
1" Pressure Vacuum Breaker	~~311.00~~ 320.00
1½" RPZ Backflow	~~555.00~~ 572.00
2" RPZ Backflow	~~599.00~~ 617.00
Above 2"	~~Customer~~ Applicant is responsible for purchase and installation

(~~d~~ c) Irrigation meters: Potable water meters connected solely to landscape irrigation systems are not allowed, provided however that the Utility Director may, at his/her sole discretion, authorize exceptions to this section.

Section 5. That Section 61.06, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.06. Meter testing.

Meter testing shall be done at the customer's request, and in accordance with the following guidelines and schedules:

(a) *Meter test request.* If any customer requests a test of the water meter, the City ~~city~~ will perform the test. Should the meter test show that the

meter is registering properly and tests results fall within the acceptable accuracy limits as established by the AWWA Manual of Water Supply Practices M6, the following fee shall be applied to the customer's next monthly bill. ~~require a deposit to defray the cost of testing; such deposit shall not exceed the following schedule of fees:~~

Meter size	Service deposit
⅝" × ¾", 1", and 1½"	~~$75.00~~ $78.00
2" and over	~~Actual cost, plus overhead~~ Customer is responsible for having the meter tested and shall likewise be responsible for all associated costs.

(b) ~~The fee is retained by the city only if the test shows that the meter is registering within the acceptable accuracy limits as established by the city.~~ If the meter is determined by the City ~~city~~ to be registering outside of the acceptable accuracy limits, the meter test service fee will be refunded and an adjustment to the extent possible ~~is~~ will be made to the ~~bill~~ account for the proper amount of water consumption.

~~(c) For tests of meters equal to or greater than two inches, the test will be based on actual costs incurred as determined by the city.~~

Section 6. That Section 61.07, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.07. Customer Deposits.

(a) Establishment of credit.

(1) Before rendering water or wastewater service, the City ~~city may~~ shall require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the City's ~~city~~ rules for prompt payment. Credit will be deemed so established if:

a. The applicant pays a ~~cash~~ deposit in the form of cash, money order, cashier's check, credit card, or other form acceptable to the City, or

b. The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond, in form and content and otherwise acceptable to the City ~~city~~.

(2) Any ~~cash~~ deposit received by the City ~~city~~ shall be held in a non-interest bearing account. ~~Cash d~~Deposits will not be refunded until the customer has timely paid (without any late charges) all charges for water or wastewater services for a period of 36 consecutive months. Any deposit to be refunded will be applied to the next bill issued and shall be a credit against any charges due.

(3) A deposit may not be transferred from one person to another except when a request is made to transfer the deposit to a surviving spouse's name.

(a) *Amount of deposit.* The amount of initial deposit shall be the following according to customer class and meter size:

	Customer deposits	
Customer class	Water	Wastewater
Residential single family:	$ 50.00	$ 90.00
Residential multi-family: Per unit (when master metered)	10.00	40.00
Nonresidential:		
⅝" × ¾" ~~inch~~	50.00	125.00
1"	95.00	275.00
1½"	150.00	925.00
2"	425.00	1,175.00
3"	500.00	1,400.00
4" and above	Two months estimated bill	

(c) *Additional water and/or wastewater deposit.* The City ~~city~~ may require a new deposit (where previously waived, returned, or forfeited) based on meter sizes as outlined in subsection 61.07 (b), and/or an additional deposit in the amount of $150.00 in order to secure payment of utility bills as the result of the following:

(1) If more than two (2) checks are returned as uncollectable ~~uncollectible~~ within a 12-month period;

(2) If the customer's service has been shut off for non-payment of service charges more than three (3) times in any 12-month period;

(3) If the customer has received stolen water and/or wastewater services as the result of tampering or an illegal connection;

(4) If, in the discretion of the City ~~city~~, there is a documented pattern or risk that would cause the City ~~city~~ to reasonably believe there is a likelihood of potential non-payment.

Additional deposits shall be made in the form of cash, money order, cashier's check, ~~or~~ credit card, or other form acceptable to the City. Additional deposits maybe eligible for refund pursuant to subsection 61.07 (a)(2).

The City ~~city~~ shall provide the customer with reasonable written notice of any additional deposit requirement not less than 30 days before it is due where such request or notice is separate and apart from any bill for service.

Section 7. That Section 61.09, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.09. Charges for cancellation of a water and/or wastewater service application or utility service agreement. ~~/permit to connect.~~

Cancellations of water and/or wastewater service applications or utility service agreements shall be requested in writing and they are subject to the following:

~~(a)~~ 1. So long as no active building permit shall exist for a subject property, and ~~the associated water and/or wastewater service application or utility service agreement/permit to connect may be cancelled subject to the following:~~

~~(b) Single-family residential:~~

2. When circumstances beyond the City's control have prevented the installation and connection process from commencing, the City shall have the right to cancel the associated water and/or wastewater service application, or,

3. In those cases where the City has made multiple attempts to schedule the installation and the customer or property owner have refused for the installation and connection to the system to be completed, the City shall have the right to cancel the associated water and/or wastewater service application.

(a) Single family residential:

(1) The fee to cancel a single-family residential water and/or wastewater service application shall be $300.00 payable up front if a Capital Charge Agreement (CCA) exists for the property, or withheld from any refund in those cases where the charges were paid in full.

(2) Any refund that is due as the result of a service application cancellation shall only be payable to the applicant ~~property owner of record on the date of cancellation~~.

(3) In cases where the City may have already provided services, including, but not limited to, septic tank pump outs, the costs for those services shall be due in addition to the cancellation fee. The cancellation fee and the costs of any services provided shall be withheld from any monies due and payable to the applicant. ~~The $300.00 fee shall be withheld by the city from any monies due and payable to the property owner of record~~.

(4) If the property owner previously executed a (CCA), the charges for any services already provided by the City, including, but not limited to, septic tank pump outs, shall be paid in addition to the cancellation fee before the application can be cancelled. ~~In cases where the city may have already provided services, such as septic tank pump outs, the costs for those services shall be charged in addition to the $300.00 cancellation fee and shall be withheld from any monies due and payable to the property owner.~~

~~(c)~~ (b) Multi-family and nonresidential (commercial):

a. If a customer or property owner requests to cancel or amend a utility service agreement~~/permit to connect~~, the fee shall be $300.00 in addition to all other fees that are usual and customary to this type of transaction.

(2) If a ~~Any~~ refund ~~that~~ is due as the result of a utility service agreement~~/permit to connect~~ cancellation shall only be payable to the record ~~property~~ owner ~~of record~~ on the date of cancellation.

(3) The $300.00 fee shall be withheld by the City ~~city~~ from any monies due and payable to the ~~property~~ record owner ~~of record~~.

(4) All guaranteed revenue that is due to the City as of the date of cancellation shall be withheld by the City from any monies due and payable to the record owner.

Section 8. That Section 61.10, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.10. Wastewater installation charge.

(1) When more than one grinder system is required to provide wastewater service to any single-family residence, all of the required grinders systems shall be provided by and installed by the City. ~~Each applicant for wastewater service shall be charged the cost associated with the installation of a service and tapping into the wastewater main.~~

(2) Customers utilizing step or grinder systems for single-family residences shall be charged as follows: ~~When more than one grinder system is required to provide wastewater service to any single-family residence, all of the required grinders systems shall be provided by and installed by the City.~~

~~(3) Customers utilizing step or grinder systems for single-family residences shall be charged as follows:~~

	Per System
Step tank	~~$2,810.00~~ $2,894.00
Grinder system	~~$2,810.00~~ $2,894.00
Retrofit existing on-site systems to step or grinder systems, in addition to the above charges	~~496.00~~ $511.00

(3) If a low pressure main must be extended in order to permit a residential customer to connect to the system, all costs and expenses associated with such extension shall be borne by the customer and shall be paid to the City in full prior to the City's construction of the main extension.

(4) If a service installation is required in order to provide the customer ~~wastewater utility~~ a ~~service~~ connection to the City's gravity sanitary sewer system, ~~the~~ all costs and expenses

associated with ~~of~~ such installation~~, except for single family residential customers utilizing step or grinder systems will be based on the actual cost of installation,~~ shall be borne by the customer and shall be paid to the City in full prior to the City's construction of the required service.

(5) If a single-family residential customer requests that the existing step or grinder systems be relocated by the City to a different place on the customer's property, then all costs and expenses associated with the relocation shall be borne by the customer and shall be paid to the City in full prior to said requested relocation. The initial charge to the customer shall be based on a cost estimate prepared by the utility systems department, and any actual costs incurred by the City ~~city~~ on behalf of the customer for said relocation which exceeds the estimate shall be added to the customer's next monthly service bill as an additional charge that will be due and owing at the same time as the service bill.

Section 9. That Section 61.11, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.11. Water and wastewater capital charges; adoption; calculating application; time of payment.

(a) *Adoption.* The City ~~city~~ hereby adopts and establishes pursuant to general law, water and wastewater capital charges, each of which shall consist of a plant capacity charge, the purpose of which will be to finance capital expenditures and the payment of City ~~city~~ indebtedness associated with the expansion of the City's ~~city~~ water supply, water treatment, wastewater treatment, and effluent disposal systems. ~~Unless otherwise designated below, the~~ The water and wastewater capital charges imposed per ERC by the City ~~city~~ shall be as follows:

Plant Capacity Capital Charges	Amount per ERC
Water	~~$1,185.00~~ $1,221.00
Wastewater	~~$2,009.00~~ $2,069.00

(b) *Applicability.* The City ~~city~~ may exempt any customer from the payment of all or a portion of the water and wastewater capital charges to the extent that the City ~~city~~ accepts a permanent contribution in aid of construction related to the water supply, water treatment, wastewater treatment, or effluent disposal facilities having a value of not less than the portion of the water or wastewater capital charges being exempted.

(c) *Time of payment.* All water and wastewater capital charges shall be paid prior to connection of a structure or structures to be served by the City ~~city~~, or such other time as may be specifically provided by City ~~city~~ resolution, ordinance, agreement, or permit; provided, however, that the City ~~city~~ may allow the payment of any water or wastewater capital charges in monthly installments and upon any such terms and conditions that the City ~~city~~ deems appropriate.

(d) *Capacity Reserved to Real Property.* All water and wastewater plant capacity purchased for a real property in accordance with this section shall be reserved only to that ~~that~~ specific real property.

(e) *Non-Refundable Reserved Capacity.* Any water or wastewater capacities purchased or reserved in accordance with this section shall be nonrefundable; provided however that the Utility Director may, at his/her sole discretion, authorize exceptions to this section to allow for the refunding of capacities on a case-by-case basis. The manner and timeframe by which the City refunds such capacities shall be at the Utility Director's sole discretion.

(f) *Determination of equivalent residential unit factors for water and wastewater services.*

(1) For purposes of calculating and imposing the water and/or wastewater capital charges provided for in this section, the ERC factor for any particular connection may be calculated and imposed in the manner provided as follows:

Establishment	*ERC Factor*
Residential:	
Single family per meter	1.000
Multi-family master metered:	
a. ~~One bedroom or less than~~ Up to 750 square feet	0.5000
b. ~~Two bedroom or m~~More than ~~749~~ 750 square feet	0.9000
Multi-family non-master metered (same as single family)	
Commercial:	
Airports, bus terminals, train stations, port and dock facilities:	
a. Per passenger	0.0188
b. Add per employee per eight hour shift	0.0706

Barber and beauty shops per service chair 0.3529

Bowling alley per lane 0.2353

Country club:

a. Per resident 0.4706

b. Add per member or patron 0.1176

c. Add per employee per eight hour shift 0.0706

Doctor and dentist offices:

a. Per practitioner 1.1765

b. Add per employee per eight hour shift 0.0706

Factories, exclusive of industrial wastes (gallons per employee per eight hour shift):

a. No showers provided 0.0706

b. Showers provided 0.1176

Flea market open three or less days per week:

a. Per nonfood service vendor space 0.0706

b. Add per food service establishment using single service articles only per 100 square feet 0.2353

c. Per limited food service establishment 0.1176

Flea market open more than three days per week (estimated flows shall be doubled)

Food operations:

a. Restaurant operating 16 hours or less per day per seat 0.1882

b. Restaurant operating more than 16 hours per day per seat 0.2824

c. Restaurant using single service articles only and operating 16 hours or less per day per seat 0.0941

d. Restaurant using single service articles only and operating more than 16 hours per day per seat 0.1647

e. Bar and cocktail lounge:

1. Per seat 0.0941

2. Add per pool table or video game 0.0706

f. Drive-in restaurant per car space..... ....0.2353

g. Carry out only, including caterers:

1. Per 100 square feet of floor space..... ... ..0.2353

2. Add per employee per eight hour shift... .....0.0706

h. Institutions per meal.....0.0235

i. Food outlets excluding delis, bakery or meat department per 100 square feet of floor space.....0.0471

1. Add for deli per 100 square feet of deli floor space...

.....0.1882

2. Add for bakery per 100 square feet of bakery floor space.....0.1882

3. Add for meat department per 100 square feet of meat department floor space..... 0.3529

4. Add per water closet.....0.9412

Hotels and motels:

a. Regular per room.....0.4706

b. Resort hotels, camps, cottages, per room..... .....0.9412

c. Add for establishments with self service laundry facilities per machine 3.5294

Laundromat per washing machine.....1.0000

Mobile home park:

a. Per single wide mobile home space, less than four single wide spaces connected to a shared onsite system.....1.1765

b. Per single wide mobile home space four or more single wide spaces are connected to a shared onsite system ...1.0588

c. Per double wide mobile home space, less than four double wide mobile home spaces connected to a shared onsite system 1.4118

d. Per double wide mobile home space, four or more double wide mobile home spaces connected to a shared onsite system 1.2941

Office building:

Per employee per eight hour shift or per 100 square feet of floor space, whichever is greater 0.0706

Transient recreational vehicle park:

a. Recreational vehicle space for overnight stay, without water and sewer hookup per vehicle space 0.2353

b. Recreational vehicle space for overnight stay, with water and sewer hookup per vehicle space 0.3529

Service stations per water closet

a. Open 16 hours per day or less 1.1765

b. Open more than 16 hours per day 1.5294

Shopping centers without food or laundry per square foot of floor space

..... 0.0005

Stadiums, racetracks ~~race tracks~~, ballparks ~~ball parks~~ per seat 0.0188

Stores, per bathroom..... 0.4706

Swimming and bathing facilities, public per person 0.0471

Theaters and auditoriums, per seat 0.0188

Veterinary clinic:

a. Per practitioner..... 1.1765

b. Add per employee per eight hour shift 0.0706

c. Add per kennel, stall or cage 0.0941

Warehouse:

a. Add per employees ~~s~~ per eight hour shift..... 0.0706

b. Add per loading bay 0.4706

c. Self-storage, per unit 0.0047

Institutional:

Churches:

a. Per seat which includes kitchen flows unless meals prepared on a routine basis..... 0.0141

b. If meals served on a regular basis, add per meal prepared . 0.0235

Hospitals:

a. Per bed which does not include kitchen flows..... 0.9412

b. Add per meal prepared..... 0.0235

Nursing, rest homes, adult congregate living facilities:

a. Per bed which does not include kitchen flows 0.4706

b. Add per meal prepared 0.0235

Parks, public picnic:

a. With toilets only, per person 0.0188

b. With bathhouse, showers and toilets, per person ... 0.0471

Public institutions other than schools and hospitals:

a. Per person which does not include kitchen flows ... 0.4706

b. Add per meal prepared 0.0235

Schools, day cares, or other child care centers, per student:

a. Day-type 0.0471

b. Add for showers 0.0188

c. Add for cafeteria 0.0188

d. Add for day school workers 0.0706

e. Boarding type 0.3529

Work/construction camps, semi-permanent per worker 0.2353

(2) One equivalent residential unit (ERC) shall, for purposes of this section, have an assigned value of 1.00.

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

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

(5) The "total equivalent residential unit value" for an establishment may be calculated by multiplying the ERC factor listed above by the number of units, and shall be rounded up to the nearest 0.1 ERC factor.

(6) There shall not be less than one ERC reserved for any and all establishments, users or customers that will use metered water or wastewater services of the City ~~city~~.

(7) For all establishments not listed above, the total wastewater equivalent residential unit (ERC) value for wastewater service capacity may be determined by multiplying the number of

fixture units, as published in the Standard Plumbing Code, by 30, and then dividing that numerator by 250. For example:

W.W. = Wastewater

$$\text{Total W.W. ERC Value} = \frac{\text{Number of Fixture Units x 30}}{\text{250 GPD/ERC}}$$

(8) For all establishments not listed above, the total water equivalent residential unit (ERC) value for water service capacity may ~~shall~~ be determined by multiplying the number of fixture units, as published in the Standard Plumbing Code, by 30, and then dividing that numerator by 250. For example:

$$\text{Total ERC Value} = \frac{\text{Number of Fixture Units x 30}}{\text{250 GPD/ERC}}$$

(9) Historical Flows: The City ~~city~~ may accept, for other than single-family residences, metered water use data from similar establishments in lieu of flow estimates based on the ERC factors set forth in subsections 61.11 (d)(1), (5), or (6) above. Historical water use data from the City's own billing records will supersede any data submitted from another water or wastewater utility provider. The use of this flow calculation method shall require:

a. Submittal of copies of the most recent twelve consecutive months of water bills from comparable servicing utilities for a minimum of six separate similar establishments.

i. Similar establishments shall be considered those that are alike or similar in size, located in a similar geographic environment, and that operate a similar number of days per week and hours per day.

ii. Similar establishment metered flow values may not be considered reliable indicators of typical water use where one or more of the establishments utilized in the sample has exceeded the monthly flow average for all six establishments by more than 25 percent or where the different establishments demonstrate wide variations in monthly flow totals.

b. Food operations electing to utilize this method shall require submittal of copies of the most recent

twenty-four months of water bills from comparable servicing utilities for a minimum of six separate similar establishments.

c. When metered water use data is excepted by the City ~~city~~ in lieu of flow estimates based on the ERC factors set forth in subsections 61.11 (d)(1), (5), or (6) above, the highest flow that occurred in any month for any of the six similar establishment shall be used for system sizing and plant capacity reservation and line charges if line charges are applicable to the subject property.

(10) The above ERC Schedule applies to establishments being connected to the City ~~city~~ water and wastewater.

(11) Notwithstanding the foregoing, the City ~~city~~ reserves the right to review and monitor actual flows, as compared to flows expected to be generated by the calculated ERC value, and upon which capital charges were calculated and paid to the City ~~city~~. For purposes of an accurate review, such monitoring will cover flows generated during three consecutive peak months occurring during the previous 12-month ~~6-month~~ period. If actual flows exceed expected flows by 10% or more, the customer shall promptly pay such additional capital charges for such excess flow as shall be required by the City ~~city~~.

(g) *Capital improvement funds; establishment; expenditure guidelines; application and pledge to revenue bonds.*

(1) The water capital charges collected pursuant to this chapter shall be deposited into a fund called the Port St. Lucie Water System Capital Improvement Fund and the wastewater capital charges shall likewise be deposited into a fund called the Port St. Lucie Wastewater System Capital Improvement Fund. The water capital charges so deposited shall be used only for capital expenditures and the payment of City ~~city~~ indebtedness associated with the expansion of the City's ~~city's~~ water supply, and water treatment systems and all components thereof and additions thereto, in order to provide additional water treatment capacity or water service capacity to those new customers who connect to the city's water system. The wastewater capital charges so deposited in the above-mentioned fund shall be used only for capital expenditures and the payment of City ~~city~~ indebtedness associated with the expansion of the City's ~~city's~~ wastewater treatment systems, wastewater pumping facilities, effluent disposal facilities, and all

components thereof and additions thereto, in order to provide additional sewage treatment capacity, effluent disposal capacity, or wastewater service capacity to those new customers who connect to the City's ~~city's~~ wastewater system.

(2) The City ~~city~~ may by resolution provide for the application of some or all of the water and/or wastewater capital charges to the payment or security for the payment of revenue bonds issued in whole or in part for the purpose set out in subsection ~~(e)~~ (g)(1) of this section, provided that the amount of water and/or wastewater capital charges applied to the payment of such bonds shall not exceed the amount of bond proceeds actually expended for such purpose with interest at the average rate borne by said bonds. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefore.

(h) *Application; allocation of water and/or wastewater service capacity.* No water and/or wastewater service capacity shall be sold pursuant to the water and/or wastewater agreement, nor shall any such agreement be issued until application therefore is received by the City ~~city~~. The City ~~city~~ may require any information on said application that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application for water and/or wastewater service or an agreement shall contain a legal description of the land constituting the service area for which the said service is to be provided. The legal description shall include only those lands owned by the applicant for which the water and/or wastewater shall serve. If any such person described hereinabove fails to apply for and purchase water and/or wastewater service capacity under these rules, the City ~~city~~ may consider said failure in determining whether or not to grant or deny any development or construction permit or approval or rezoning application filed by said person. The City ~~city~~ may by resolution establish a fee for application review payable by applicants.

Section 10. That Section 61.16, Port St. Lucie City Code, is hereby amended to read as follows:

Section 61.16. Reclaimed water connections.

(a) ~~*Reclaimed unit (RU) definition:* A factor used to convert a given daily flow to an equivalent numerical unit. For this purpose, an RU is deemed to be 500 gallons~~. Reclaimed water capacity shall be reserved in increments of 1,000 gallons per day.

(b) *Reclaimed system ~~connection fee~~ capital charges:* The City ~~city~~ hereby adopts and establishes pursuant to general law, a reclaimed system ~~connection fee~~ capital charge, the purpose of which is to defray the cost of the reclaimed water system. The reclaimed system ~~connection fees~~ capital charges by the City ~~city~~ shall be calculated as set forth as follows:

$813.70 per 1,000 gallons

~~79¢ per gallon × 500 gallons = $395.00 per RU~~

(c) *Industrial reclaimed water customer:* An industrial reclaimed water customer shall reserve not less than 1.0 million gallons of water per day and shall commit to a continuous usage 24-hours per day, 365-days per year, equal to the customer's plant capacity reservation.

(d) *Reclaimed Capacity Reserved to Real Property.* All reclaimed ~~unit~~ capacity purchased for a real property in accordance with this section shall be reserved only to that specific real property.

(e) *Non-Refundable Reserved Capacity.* Any reclaimed water ~~unit~~ capacities purchased or reserved in accordance with this section shall be non-refundable; ~~provided however that the Utility Director may, at his/her sole discretion, authorize exceptions to this section to allow for the refunding of capacities on a case-by-case basis. The manner and timeframe by which the City refunds such capacities shall be at the Utility Director's sole discretion.~~

Section 11. That Section 61.24, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.24. Water line and wastewater line capital charges; adoption; applicability; time of payment.

(a) *Adoption.* The City ~~city~~ hereby adopts and establishes pursuant to general law, a water line capital charge and a wastewater line capital charge, the purpose of which shall be to finance capital expenditures and the payment of City ~~city~~ indebtedness associated with the expansion of the City's ~~city's~~ water transmission and wastewater collection systems. Unless otherwise designated below, the water line and wastewater line capital charge per ~~ERC~~ ERC imposed by the City ~~city~~ shall be:

Line Capital Charges	Amount per ERC
Water	~~$505.00~~ $520.00
Wastewater	~~$185.00~~ $191.00

(b) *Applicability.* Water line and wastewater line capital charges shall not apply to any property located within the boundaries of the following Special Assessment Districts or Utility Service Areas:

Special Assessment Districts (SAD) and Utility Service Areas (USA)	
SAD 1–Phase 1	East Lake Village SAD
SAD 1–Phase 2	Glassman SAD / aka Portofino Isles
USA 3 & 4	River Point SAD / aka Tesoro Preserve
USA 5, 6, & 7-A	Tesoro SAD
USA 9 Units 4, 6, and 8 (exempt from wastewater only)	USA 9 Viking's Lookout and Bay St. Lucie (exempt from water only)
St. Lucie Land Holdings SAD (only the first 5,300 ERCs are exempt)	
City Center (only the first 1,418 ERCs are exempt)	

With the approval of the City's Council, the City may add to or delete SADs or USAs from the above table.

(c) *Exemptions.* The City ~~city~~ may exempt any customer from the payment of all or a portion of the water line capital charges and wastewater line capital charges to the extent that the City ~~city~~ accepts a permanent contribution in aid of construction related to the water transmission facilities or the wastewater transmission facilities having a value of not less than the portion of the water line or wastewater line capital charges being exempted.

(d) *Time of payment.* All water line and wastewater line capital charges shall be paid prior to connection of a structure or structures to be served by the City ~~city~~, or such other time as may be specifically provided by City ~~city~~ resolution, ordinance, agreement, or permit; ~~provided, however, that the city may allow the payment of any water line or wastewater line capital charges in monthly installments and upon such terms and conditions that the city deems appropriate~~.

(e) *Line Capacity Reserved to Real Property.* All water and wastewater line capacity purchased for a real property in accordance with this section shall be reserved only to that specific real property.

(f) *Non-Refundable Reserved Line Capacity.* Any water or wastewater line capacities purchased or reserved in accordance with this section shall be non-refundable; provided however that the Utility Director

may, at his/her sole discretion, authorize exceptions to this section to allow for the refunding of water and/or wastewater line charges on a case-by-case basis. The manner and timeframe by which the City refunds such line charges shall be at the Utility Director's sole discretion.

Section 12. That Section 61.25, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.25. Temporary Meter Permits

(a) *Signed application and agreement required.* Before rendering temporary water service, the City shall require a signed permit application and agreement for service. Said application shall be made on forms furnished by the City and shall constitute an agreement by the customers to abide by the utility's rules and policies for such service, and shall be tendered only by the duly authorized agents of the firm, partnership, association or corporation requesting service.

(b) *Permit period.* Each permit shall allow for temporary metered water usage for up to 180 consecutive days. Permits may be extended in 180-day increments at the sole discretion of the City.

(c) *Permit Fees.* Any applicant requesting temporary water service for up to 180 days shall be required to pay fees based on the size of the meter as follows:

Meter Size	Refundable Deposit	Installation Fees	Collected at Time of Application for Service
5/8 × ¾"	$197.00	$240.00	$437.00
1"	$273.00	$246.00	$519.00
2"	$710.00	$290.00	$1,000.00
3"	$4,371.00	$656.00	$5,027.00
4"	$2,759.00	$456.00	$3,215.00
6"	$4,972.00	$712.00	$5,684.00
8"	$8,744.00	$1,089.00	$9,833.00
10"	$12,711.00	$1,485.00	$14,196.00
Rates for meters above ~~3"~~ 10" are to be determined at time of application for service.			

(d) *Temporary Meter Relocation Fees.* Permittees may request the relocation of a specific permitted temporary meter if it is to be relocated within the boundaries of the property for which it originally

provided service. A ~~$56.00~~ $58.00 fee shall be charged for the relocation of each temporary meter.

(e) *Permit Time Extensions.* Permittees are responsible for monitoring their permit's expiration date. A permittee may request permit time extension in 180-day increments. If a time extension is not requested, the City will remove the permitted temporary meter assemblies on the 181st day after the original date of installation (the permit date).

A $58.00 fee shall be charged for each 180-day permit time extension.

(f) *Termination of service.* Temporary meter permittees who no longer need service from a permitted temporary meter are responsible for contacting City to request that the assembly be removed. Upon termination of the temporary meter assembly's use, the City will evaluate the assembly's condition. Damage resulting from a permittee's negligent use or misuse of any assembly will result in the City retaining the full amount of the permittee's deposit.

(g) *Monthly billings required.* The City shall perform monthly temporary meter readings. The following rates and fees shall apply to the monthly usage billings for temporary meters.

Temporary Meter Size	BFC
5/8" × 3/4"	~~$6.29~~ $6.48
1"	~~$15.73~~ $16.20
2"	~~$50.32~~ $51.83
3"	~~$93.17~~ $95.97
4"	~~$145.65~~ $150.02
6"	~~$291.43~~ $300.17
8"	~~$466.43~~ $480.42
10"	~~$943.77~~ $972.08

Plus gallonage rate per 1,000 gallons according to the Block 1 rates then in effect.

(h) In the event of loss, theft or vandalism, the refundable deposit is forfeited.

Section 13. That the Appendix to Chapter 62, Port St. Lucie City Code, WATER, WASTEWATER, AND RECLAIMED WATER RATE SCHEDULE, is hereby amended to read as follows:

APPENDIX: WATER, WASTEWATER AND RECLAIMED WATER RATE SCHEDULE

(a) *Base Facility Charges.* "Readiness to serve" fee: A monthly Base Facility Charge (BFC) or "readiness to serve" fee, shall be applied to ~~each customer's~~ all water, wastewater or reclaimed water bill regardless of whether there is any usage recorded for that month.

(b) Lien of service charges. The City of Port St. Lucie has issued revenue bonds for the acquisition, construction, and expansion of the City's ~~city's~~ water, wastewater, and reclaimed water facilities pursuant to Chapter 159, Florida Statutes. The City shall have a lien against all lands or premises served by any water (potable and reclaimed), or sewer system for all service charges for such facilities until paid. Such liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes pursuant to section 159.17, Florida Statutes.

(c) Monthly water, ~~and~~ wastewater, and reclaimed water gallonage charges and rates are based upon the metered use.

(1) *Billing Charge for all customer classes*: A charge totaling ~~$2.71~~ $2.80 per month shall be added to all bills.

(2) *Residential single-family base facility charge (BFC)*:

Meter size	Water BFC	Wastewater BFC
$^{5}/_{8}$" X $^{3}/_{4}$"	~~6.29~~ 6.48	~~13.44~~ 13.84
1"	~~15.73~~ 16.20	~~33.60~~ 34.61
$1^{1}/_{2}$"	~~31.45~~ 32.39	~~67.20~~ 69.22
2"	~~50.32~~ 51.83	~~107.52~~ 110.75

Plus gallonage rate per 1,000 gallons as follows:

	Water rate	Wastewater rate	Water gallons	Wastewater cap (gal)
Block 1	~~3.57~~ 3.67	~~7.00~~ 7.21	0--5000	8,000
Block 2	~~4.65~~ 4.79	n/a	5,001—12,000	n/a
Block 3	~~5.72~~ 5.89	n/a	12,001 and above	n/a

(3) *Residential multi-family BFC individually metered (includes condominiums and townhomes*:

	Water BFC	Wastewater BFC
Per dwelling unit: (when master metered)	~~4.47~~ 4.61 per unit	~~12.64~~ 13.02 per unit

Plus gallonage rate per 1,000 gallons as follows:

	Water rate	Wastewater rate	Water gallons	Wastewater cap (gal)
Block 1	~~3.57~~ 3.67	~~7.00~~ 7.21	0—3,600	Up to 6,000 gal/mo/unit
Block 2	~~4.65~~ 4.79	n/a	3,601—8,500	n/a
Block 3	~~5.72~~ 5.89	n/a	8,501 and above	n/a

(4) *Nonresidential BFC (includes, but is not limited to, commercially leased residential properties such as apartment complexes)*:

ERCs	Water BFC rate per ERCs Reserved	Wastewater BFC Rate per ERCs Reserved
Calculations shall be based upon the number of ERCs reserved.	~~6.29~~ 6.48	~~13.44~~ 13.84

Plus gallonage rate per 1,000 gallons as follows:

	Water Rate	Wastewater Rate
Block 1	~~3.57~~ 3.67	~~7.00~~ 7.21
Block 2	~~4.65~~ 4.79	n/a
Block 3	~~5.72~~ 5.89	n/a

There shall be no wastewater cap for this class of users and customers.

Monthly water and wastewater block gallonage shall be based upon the number of ERCs reserved. The block thresholds for each commercial water or wastewater meter shall be calculated by multiplying the number of ERCs reserved for that meter times the number of gallons shown in the following table:

Block 1 Threshold	Block 2 Threshold	Block 3 Threshold
Usage up to 5,000 gallons multiplied by the number of ERCs reserved shall be billed at the Block 1 rate	Usage greater than 5,000 up to 12,000 gallons multiplied by the number of ERCs reserved shall be billed at the Block 2 rate	Usage greater than 12,000 gallons multiplied by the number of ERCs reserved and above shall be billed at the Block 3 rate

(5) *Wastewater only*:

a. Single family flat rate: ~~$55.44~~ $57.10 ~~($13.44 BFC + $7.00 per gallon x 6,000 gallons)~~ (based on $13.84 BFC + $7.21 per gallon x 6,000 gallons)

b. Multi-family flat rate: ~~$54.64~~ $56.28 per unit ~~($12.64 BFC + $7.00 per gallon x 6,000 gallons)~~ (based on $13.02 BFC + $7.21 per gallon x 6,000 gallons)

c. Non-residential: ~~$13.44~~ $13.84 BFC x ERCs reserved

Plus

~~$56.00~~ $57.68 (based on ~~$7.00~~ $7.21 per gallon x 8,000 gallons)

(~~6~~ 7) *Reclaimed Water Usage Rates*:

Monthly Consumption Rates:

Monthly billings shall be handled as provided in Section 61.04.

	Rate
Base Facility Charge (BFC):	~~$1.33 per RU~~ $2.74 per 1,000 gallons of capacity reserved
Plus	
Per 1,000 gallons of metered use	15¢

Industrial reclaimed water customer rates:

Per 1,000 gallons of metered use	22¢

(b) Guaranteed revenue fee. The rate per ERC shall be equal to the BFC for the ~~standard~~ 5/8" x 3/4" residential meter as set forth above, and the calculation shall be based upon the number of ERC's reserved in a service agreement.

Section 14. This ordinance shall become effective October 1, 2012.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of_____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

_____
Karen A. Phillips, City Clerk

By:_____
JoAnn M. Faiella, Mayor

APPROVED AS TO FORM

By:_____
Roger G. Orr, City Attorney

Karen Phillips

From: Greg Oravec
Sent: Thursday, September 06, 2012 2:17 PM
To: Jesus Merejo
Cc: Patty Lipp; MaryAnn Verillo; Karen Phillips
Subject: RE: Response to CM's e-mail RE: Proposed Ordinance 12-48

Jesus,

Thank you for your response. Are you providing Karen with an updated ordinance or will you wait until second reading?

Thanks,

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371
(772) 871-5248 [fax]

PORT ST. LUCIE
A GROUP OF PEOPLE DEDICATED
TO ONE THING:
MAKING THE WORLD A BETTER PLACE,
STARTING WITH PORT ST. LUCIE.

From: Jesus Merejo
Sent: Thursday, September 06, 2012 2:02 PM
To: Greg Oravec
Subject: FW: Response to CM's e-mail RE: Proposed Ordinance 12-48

Greg. Attached is the revised ordinance that reflects changes per your comments. Thanks Jesus

From: Greg Oravec <GOravec@cityofpsl.com>
Date: September 5, 2012 2:15:55 PM EDT
To: Jesus Merejo <jmerejo@cityofpsl.com>, Stefanie Beskovoyne <SBeskovoyne@cityofpsl.com>
Cc: Roger Orr <RogerO@cityofpsl.com>, MaryAnn Verillo <DeliaM@cityofpsl.com>, Patty Lipp <PLipp@cityofpsl.com>
Subject: Proposed Ordinance 12-48

Jesus,

After reviewing the subject ordinance, I'd like to offer the following questions and/or comments:

1. Subparagraph a on Page 10 of 36 includes the following language: "In some cases, access to the interior of the premises may be required and shall not be denied". This seems a little far-reaching and I think some property rights advocates could really have a field day with

that. I'm sure it would be spelled out in the utility service agreement, and it wouldn't be abused; but, it sure seems like the literal interpretation would give you the right to go into someone's home or business any time you want. In similar applications, we have used language like "shall not unreasonably be denied" because if I deny you at 2 a.m. it is reasonable. ☺ Please let me know what you are trying to achieve there.

Utility Response: The first sentence already existed, but has been relocated to put it in alpha order. The last sentence about access not being denied was added to address past cross connection inspection issues in plazas that have had significant interior bay remodeling, and for food service businesses where issues have arisen in the past with regards grease interceptor functions and in some cases sizing issues (to verify whether full food prep areas are in use vs. the sales of pre-packaged products is one scenario, verifying seating capacities is another scenario that can affect interceptor sizing). The City Manager's point about "shall not unreasonably be denied" is well taken and the ordinance has been revised to reflect the addition of the word, "unreasonably" in paragraph (a) on page 10.

2. Are there any other SADs or USAs wihich paid capital charges? I thought City Center may have. Did SW SAD No. 1?

City Center: Research indicates that based on projected 1,418 ERC's, roughly $3 million dollars was transferred from the City Center bond to the Utility for its estimated hydraulic share of future off-site improvements. Therefore, a line has been added to the Section 61.24 exemption table (page 30) in the ordinance to exempt the first 1,418 ERCs within City Center from having to pay Line Charges.

SW SAD No. 1: These properties do have to pay Line Charges. They have not contributed to the cost of the distribution and collection trunk lines between their developments and the City's water and wastewater treatment facilities. The Utility funded the costs to install new or upsize existing lines. The Line Charges are supposed to reimburse the City for a development's impact on the City's distribution and collection facilities.

All of the SAD/USA properties originally identified in the table in Section 61.24 (b) have been assessed a similar line charge via the backbone infrastructure component of their respective assessment fees that were levied against the districts.

3. It would be beneficial for you to reach out to the individual members of City Council on Friday to discuss high points and address any questions regarding this proposed legislation.

Utility Response: Patty Lipp is working with Bonnie Cruz to try to schedule individual meetings with Council Members on Friday, but I believe the Mayor wants to meet Monday morning.

Thank you,

Greg

Gregory J. Oravec
City Manager
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(772) 344-4371

INTEROFFICE MEMORANDUM

TO: Gregory J. Oravec, City Manager

FROM: Jesus A. Merejo, Utility Systems Director

SUBJECT: FY 2012-13 Utility Rate Increase Ordinance

DATE: September 4, 2012

Attached is an ordinance reflecting a 3% increase to most utility fees and charges. It was developed in accordance with the City of Port St. Lucie Utility System Refunding Revenue Bonds, Series 2012 and is proposed to become effective October 1, 2012.

The document very much mirrors ordinances adopted for past rate increases in that most fees were rounded to the nearest whole dollar, but in keeping with past practice, monthly usage rates do reflect dollars and multiple cents.

It should be noted that for the second year in a row, fees and charges generally associated with land development and commercial property development (plan review fees, inspection fees, etc.) are not proposed to be increased.

Housekeeping: Utility Systems and Finance-Customer Service staff members are in the process of reviewing all City Codes governing Utility matters with Assistant City Attorney, Stefanie Beskovoyne. They have completed their review of Section 61 and with this ordinance are putting forth recommendations to amend certain areas of the Code have had little or no change since the City acquired the Utility in 1994.

Considered housekeeping measures, the proposed amendments are intended to delete redundant language and to clarify and better organize definitions, terms, service conditions, service cancellation policies, and residential wastewater installation policies. The proposed amendments are primarily concentrated in Sections 61.03 - 61.07, 61.09 and 61.10.

Notice to Customers: As required by Florida State Statute 180.136, a message has appeared on customer bills to notify them that the City Council will meet September 10, 2012 and again on September 24, 2012 to consider utility rate increases.

Assistant City Attorney, Stefanie Beskovoyne has reviewed and approved the ordinance as to form and sufficiency.

It is respectfully requested that the ordinance be scheduled for consideration at the September 10th and 24th City Council meetings.

RECEIVED

SEP 05 2012

City Manager's Office

Should you have questions about the rates or proposed Code amendments that appear in the ordinance, I will be happy to address them at your convenience.

/dr

Attachment: Ordinance 12-48

c: Roger G. Orr, City Attorney
Stefanie Beskovoyne, Assistant City Attorney
Ed Fry, Finance Director / City Treasurer
Karen Phillips, City Clerk
Bradley Macek, Assistant Utility Systems Director
Daniel Segui, Deputy Utility Systems Director
Laney Southerly, P.E., Utility Engineering Mgr.
Donna Rhoden, Utility Safety & Public Affairs Mgr.
Jeanette Thompson, Utility Budget & Procurement Mgr.
Denise Peters, Customer Service Mgr.