

ORDINANCE NO. 2017-1664

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 78 “UTILITIES” OF THE TOWN CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 11 of the Town of Surfside (the “Town”) Charter authorizes the Town Commission to levy, assess, and collect fees on all property within the Town; and

WHEREAS, on October 12, 2010, the Town Commission adopted Ordinance No. 10-1560 amending Chapter 78 “Utilities” of the Town’s Code of Ordinances (“Code”); and

WHEREAS, on May 10, 2016, the Town Commission adopted Resolution No. 16-2375 approving Black & Veatch to review and analyze the Town’s current water, sewer, and stormwater rates and to develop a series of revenues of adjustments to meet the requirement for each utility for the next five fiscal years; and

WHEREAS, the Town Commission wishes to amend Chapter 78 of the Town’s Code based upon the rate study and establish amended service charges for the Town’s utilities for the fiscal year beginning October 1, 2017; and

WHEREAS, the Town Commission finds that amending Chapter 78 of the Town’s Code and revising the Town’s utility charges is in the best interest of the Town, will assist the Town in recovering the cost of providing utility services, will promote equity in utility rates, will assist the Town in establishing reserve policies to avoid future rate hikes, will encourage water conservation throughout the Town, will improve the Town’s water and sewer capital infrastructure (which are mandated by DERM), and will enable the Town to secure funding for capital improvement debt service costs.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

Section 2. Amending Chapter 78 of the Town Code. That Chapter 78 of the Town Code is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein.

Section 3. Codification. That it is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective on November 14, 2017.

PASSED on first reading on the 18th day of September, 2017.

PASSED AND ADOPTED on second reading on the 10th day of October, 2017.

First Reading:

Motion by: Commissioner Karukin
Second by: Commissioner Paul

Second Reading:

Motion by: Commissioner Karukin
Second by: Commissioner Gielchinsky

FINAL VOTE ON ADOPTION

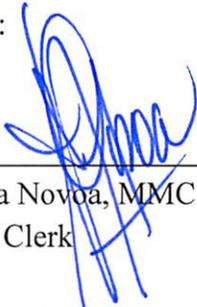
Commissioner Daniel Gielchinsky	<u>yes</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>yes</u>
Vice Mayor Barry Cohen	<u>Absent</u>
Mayor Daniel Dietch	<u>yes</u>

[SIGNATURE PAGE FOLLOWS]



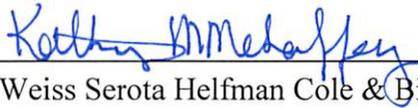
Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



Kathy M. Mehalley
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT A

CHAPTER 78 - UTILITIES

* * *

ARTICLE II. - WATER SERVICE

* * *

Sec. 78-27. - Amendment of regulations.

The changes and variations in the sections comprising Chapter 110, Miami Beach City Code, as further amended by section 78-26, as made by the town commission are enumerated as follows:

Section 110-166 is amended to read as follows:

1. The consumption rate of nonmunicipal single-family residential, duplex, triplex, and quadraplex consumers for water supply service in the territory shall be established by resolution of the Town Commission. ~~based on an inclining block rate structure as follows:~~

6,000 gallons	\$2.97 per 1,000 gallons
6,001 — 12,000 gallons	\$3.56 per 1,000 gallons
12,001 and above	\$5.94 per 1,000 gallons

The consumption rate for nonmunicipal consumers, excluding single-family residential, duplex, triplex, and quadraplex consumers for water supply service in the territory shall be a uniform block rate of \$3.67 per 1000 gallons established by resolution of the Town Commission. ~~established by resolution of the Town Commission.~~

110-166. Section 110-166 is amended to read as follows:

2. Any municipality within town limits, which purchases its water supply in whole or in part from the town shall be charged at the rate of \$2.97 per 1,000 gallons established by resolution of the Town Commission. Any municipality outside town limits shall be charged at the rate of \$3.67 per 1000 gallons established by resolution of the Town Commission. ~~of \$2.97 per 1,000 gallons established by resolution of the Town Commission. Any municipality outside town limits shall be charged at the rate of \$3.67 per 1000 gallons established by resolution of the Town Commission.~~

110-166. Subsection (a) of section 110-166 is amended to read as follows:

Every water supply service shall have a monthly service charge on each service installed. The monthly service charge on each service shall vary with and be based upon the size of the service pipe required and installed. This service charge shall be in accordance with the following schedule and shall entitle the consumer, without excess charge, to have supplied through the meter the number of 4 gallons of water set forth in the table.

All bills for water service shall be paid within thirty days from date of bill. If such bills are not paid by the first day of the second month following that in which the service was rendered, such service shall be discontinued.

The monthly service charge shall be established by resolution of the Town Commission. as follows:

Size of Service (in inches)	Monthly Base (Fixed) Service Charge
5/8	\$13.90
1	20.22
1½	30.76
2	43.40
3	72.90
4	115.03
6	220.37
8	346.78

There shall not be a rental charge on meters.

110-166. Subsection (d) of section 110-166 is amended to read as follows:

Upon the application of the owner or consumer for water service, on premises to which there has not been any previous service for water, or for an additional, enlarged or reduced service, the following tapping charges, as established by resolution of the Town Commission, shall be made to cover the cost of the tap and the installation of the service to the property line of the lot to be supplied with water service.:

Up to 1-inch tap and service	\$350.00*
1½-inch tap and service	\$500.00*
2-inch tap and service	650.00*
Over 2-inch tap and service	Actual cost, plus 15 percent
*Additional charge where a street, sidewalk, curb or gutter is cut	Actual cost of replacement, plus 15 percent

There shall not be a rental charge on meters.

All water meters and meter boxes servicing private property shall be located upon said property, and in no case shall be in the public right-of-way.

110-166. Subsection (e) of section 110-166 is amended to read as follows:

Every owner or consumer making an application for water service shall be required to make a deposit for each meter with the public works department called a guarantee of payment deposit. The amount of such deposit shall be according to the size of the service for each meter in the following schedule as established by resolution of the Town Commission.:

Minimum Guarantee Deposits

Service	Owner, per Meter
5/8"	\$160.00
1"	200.00
1½"	300.00
2"	400.00
3"	600.00
4"	800.00
6"	1,200.00
8"	1,600.00

If no refund has been applied for within one year after water service has been discontinued to the party making the guarantee deposit for water service at the specific location mentioned in the receipt, such deposit shall be forfeited and be transferred to the water revenue account of the town.

110-192. Subsection (a) of section 110-192 is amended to read as follows:

All delinquent accounts, including metered water supply service, may cause the service of the water department to be discontinued and the water supply to be shut off from and to the premises of the owner or consumer from whom such account is in arrears, immediately upon such account becoming delinquent or as soon thereafter as practicable, without notice, and such service will not be resumed and the water turned on to such premises until the amount of the delinquent account and ~~the sum of \$25.00 for the first occurrence then \$50.00 for the second and subsequent occurrence(s) within a rolling 12-month calendar period~~ such sums as may be established by resolution of the Town Commission for turning on the supply to each premises so shut off ~~has~~ have been paid. All accounts shall be settled in person at town hall or by mail.

110-3. Section 110-3 is amended to read as follows:

Any person found guilty of a violation of any of the foregoing rules and regulations in this chapter, or who shall fail to observe any of the foregoing regulations, or who shall take and use water of the town without paying therefor, or who shall connect his premises with any water main of the town without the permission of the water department, shall, upon conviction thereof, be punished as provided in section 1-8 of the Code of the Town of Surfside, Florida.

* * *

ARTICLE III. - SEWERS AND SEWAGE DISPOSAL

* * *

Sec. 78-56. - Sewer service charges.

- (a) There is hereby imposed, upon all premises within the town connected to or using the facilities of the town's sanitary sewer system, a monthly sewer service charge based on effluent flow. Such sanitary sewer service charge shall be ~~in an amount equal to \$5.41 per 1,000 gallons of billed sewer flow per account or dwelling unit delivered to the consumer~~ established by resolution of the Town Commission. In addition to the flow-based charge there shall be a base (fixed) monthly charge ~~in the amount of \$3.44 per account or dwelling unit~~ established by resolution of the Town Commission. The amount of such sanitary sewer system service charges shall be shown as a separate item on such water bills and shall be paid by the owner or occupant in possession of such premises at the same time and in the same manner as is provided in this chapter for the payment of water bills. Further, provided that the provisions of this section shall not be applicable to any water sold and delivered through separate meters measuring water delivered and consumed solely for swimming pools, lawn sprinkler systems or other purposes not requiring the use of the sanitary sewer system facilities of the town.
- (b) In addition to the penalty for violation of this section as set forth in this article, all delinquent accounts may cause the service of the water department to be discontinued and the water supply to be shut off from and to the premises in accordance with this article.

Sec. 78-57. - Review of service rates.

Rates set forth in this article shall be reviewed annually at the time the town's general operating budget is reviewed and adopted. The town commission shall, from time to time, amend this article, so that revenues expected to be generated by the sewer service and other charges shall be sufficient to pay the projected operating, ~~and maintenance,~~ and debt service requirements costs for providing such services as well as providing for desired unrestricted and restricted net asset reserves, The town commission shall also provide the funds necessary in accordance with this article. Sewer system customers of the town shall be notified of rates and other charges applicable to such sewer service.

Secs. 78-58—78-80. - Reserved.

* * *