

ORDINANCE 401 - 2008

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, ENTITLED SEWERS AND SEWAGE DISPOSAL, SECTION 14-4 DAMAGING FACILITIES, SECTION 14-5 SEWER PIPE TESTING AND INSPECTION, SECTION 14-5.1 CONNECTION CHARGES, SECTION 14-6 MONTHLY RATES AND CHARGES, SECTION 14-25 BUILDING SEWER MATERIALS, SECTION 14-32 MANNER OF CONNECTING TO PUBLIC SEWER, SECTION 14-51 DIVERSION OF FUNDS PROHIBITED; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach provides sewer facilities and bills residential property owners for those services quarterly and commercial customers monthly; and

WHEREAS, the quarterly and monthly rates have not increased since October 2004; and

WHEREAS, collections of user fees for fiscal year 2008 - 2009 are projected to be less than the amount needed to operate the sewer plant and system and therefore reserves will be reduced; and

WHEREAS, the City of Key Colony Beach charges a fee to connect to the sewer system and the connection charges have not increased since May 1999; and

WHEREAS, the Utility Board has recommended to the City Commission to not allow further reductions in reserves and to increase fees to pay for operational and capital costs of the sewer treatment plant and system; and

WHEREAS, the City Commission desires that the sewer treatment plant and system operate in a financially responsible manner and not deplete current reserves; and

WHEREAS, the City Commission recognizes that the sewer collection system was constructed many years ago and may need some repair; and

WHEREAS, the City Commission desires to protect the health and safety of the citizens against the contents of broken and leaking sewer pipes; and

WHEREAS, the City Commission desires to protect the environment from contamination from broken or leaking sewer pipes; and

WHEREAS, the City Commission desires to provide for inspection of existing sewer pipes and connections and to provide for all necessary repairs prior to development or redevelopment.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed out~~.)

CHAPTER 14. SEWERS AND SEWAGE DISPOSAL

Section 14-4. Damaging facilities.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage system.

Damage to the sewer system resulting from landscaping within the right-of-way shall be the financial responsibility of the property owner adjacent to the right of way.

Section 14-5. Sewer pipe testing and inspection.

No later than June 30, 2011 all properties within the city must be inspected and tested by a licensed plumbing contractor to determine if the sewer pipes are structurally sound or in need of repair or replacement. Test results must be provided to the building official.

Section 14-5.1. Connection charges.

(a) Sewerage system connection charges will be as follows:

Each individual residential living unit . . .	\$4,500.00	\$ 5,625.00
Each duplex dwelling unit . . .	9,000.00	<u>11,250.00</u>
Each apartment and/or condominium living unit . . .	4,500.00	<u>5,625.00</u>
Each motel room unit or motel efficiency unit . . .	4,500.00	<u>5,625.00</u>
Each time-sharing unit . . .	4,500.00	<u>5,625.00</u>
Each professional or business building; and each restaurant, bar and/or lounge facility, per square foot under roof . . .	4.50	<u>5.65</u>
Minimum connection fee . . .	4,500.00	<u>5,625.00</u>

Connection charges above are normal minimum. Connections by users not otherwise listed above, or with unusual requirements, shall be determined by use factors.

Redevelopment after the demolition of an existing structure shall be:

\$5,625.00 less the original connection fee paid by the original structure owner.

- (b) Connection charges listed above shall apply to all structures for which the building permit has been requested and paid for after October 1, ~~1997~~ 2008.
- (c) The payment of the connection charge is due in full upon the date of issuance of the building permit.
- (d) Any additions or modifications to existing facilities or structures shall be subject to charges listed, with the following exceptions: Additions ~~or modifications~~ to single-family or duplex units are exempt from charges, ~~unless such additions or modifications increase the number of family units in the structure or increase the impact on the sewage collection, treatment and disposal facilities.~~
- (e) Return of connection fee. In the event that a connection fee has been paid as aforesaid, and within sixty (60) days from the payment of said fee or the issuance of the building permit, whichever should first occur, said payor shall request the cancellation of said permit and refund of said fee. Then, the payor may appeal in writing to the city commission of the City of Key Colony Beach for refund in part or in whole of said fee. After said connection has been

- started and/or after the expiration of said sixty-day period, no refund shall be made.
- (f) Monies from connection fees as listed above shall be held by the utility board and be expended only for a specific purpose of replacement, extension, or major repairs of the system.
- (g) Use of the Key Colony Beach sewer system by entities outside the city limits shall be separately negotiated, and the city shall not be bound in such negotiations by the limits of this section.

Section 14-6. Monthly rates and charges.

The monthly rates and charges for the services and uses of the city sewer facilities will be as follows:

Residential living unit . . .	\$40.00	<u>\$50.00</u>
Apartment and condominium living unit . . .	40.00	<u>50.00</u>
Laundry machines, commercial, standard load (that are a part of apartments and condominiums) . . .	20.00	<u>25.00</u>
Laundry machines, commercial, large load (that are a part of apartments and condominiums) . . .	61.00	<u>76.25</u>
Recreational buildings (that are a part of apartments or condominiums) . . .	40.00	<u>50.00</u>
All commercial accounts, per 100 gallons of water consumed	1.39	<u>1.74</u>

Or a minimum of ~~\$40.00~~ \$50.00 per unit monthly, whichever is greater

User of sewer system facilities not otherwise listed above to be determined by use factors.

Monthly rates and charges listed above shall be effective October 1, ~~2004~~ 2008.

Section 14-25. Building sewer materials.

The building sewer shall be ~~cast iron pipe, ASTM Specifications A74; vitrified clay sewer pipe, ASTM Specifications C13; or PVC meeting ASTM D3034 SDR-35-77C, or ABS meeting requirements of ASTM D1788, Type 1, Grade 1.~~ Joints shall be tight and waterproof. ~~Any part of the building sewer that is installed within ten (10) feet of a water service shall be constructed of cast iron soil pipe.~~ Where possible, horizontal sewer lines should have a ten (10) foot separation with no less than five (5) feet separation from water service. Vertical sewer lines should be separated by one and one-half (1 1/2) feet in separate trenches. ~~Cast iron pipe may be required by the building official where the building sewer is exposed to damage by tree roots.~~

Section 14-32. Manner of connecting to public sewer.

The connection of the ~~building~~ building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the city shall install a "Y" branch in the public sewer at the location specified by the building official. ~~Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty five (45) degrees. A forty five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer.~~ The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the building official.

Section 14-51. Diversion of funds prohibited.

Revenues collected or funds received by the city for city sewer services or for interest investments or for debt repayment or any other system source, may not be diverted to any other function of the city. ~~The city will comply with the requirements of Resolution No. 71 (sewer bond revenue) as long as it remains in force (July 1999), and will comply with future resolutions pertaining to the city sewer system.~~

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective October 1, 2008.

Ronald A. Sutton, Mayor

Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

Thomas D. Wright, City Attorney

June 26, 2008 1st Reading
June 28, 2008 Date of Notice, Florida Keys Keynoter
July 10, 2008 Second Reading