

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY HOLLYWOOD, FLORIDA, AMENDING CHAPTER 54 OF THE HOLLYWOOD CODE OF ORDINANCES ENTITLED "STORMWATER MANAGEMENT" TO UPDATE THE REGULATIONS FOR RATES, FEES, CHARGES AND PROCEDURES.

WHEREAS, Chapter 54 of the Hollywood Code of Ordinances establishes the regulations related to stormwater management and includes regulations relating to stormwater management utility fees; and

WHEREAS, Department of Public Utilities staff has reviewed the current regulations and determined that these regulations need to be updated in order to enhance operational services.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 54 of the Hollywood Code of Ordinances entitled "Stormwater Management" is hereby amended as follows:

**TITLE V: PUBLIC WORKS**

\* \* \*

**CHAPTER 54: STORMWATER MANAGEMENT**

\* \* \*

*Stormwater Utility*

\* \* \*

**§ 54.03 STORMWATER MANAGEMENT UTILITY FEE.**

\* \* \*

(B) The Director is directed to prepare a list of lots and parcels within the Ceity and assign a classification of residential, non-residential or undeveloped to each lot or parcel.

(Coding: Words in ~~struck through~~ type are deletions from existing text; underscored words are additions to existing text.)

\* \* \*

(2) The fee imposed for residential properties shall be the rate for one ERU multiplied by a factor, ~~to be adopted or amended~~ established by a resolution of the City Commission upon recommendation of the Director, which represents the average amount of impervious surface for the particular type of residential use, and divided by the impervious area of one ERU.

$$\text{Fee} = \text{ERU rate} \times \frac{\text{impervious factor}}{\text{ERU (in acres)}}$$

(3) The fee imposed for non-residential properties as defined herein shall be the rate for one ERU, to be established by resolution of the City Commission multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the ERU.

(4) The fee imposed for undeveloped properties as defined herein shall be the rate for one ERU multiplied by a factor ~~established or amended by resolution~~ and then divided by the square footage by ERU. Said rate and factor shall be established by resolution of the City Commission.

\* \* \*

(6) The minimum fee for any non-residential parcel shall be equal to the rate for one ERU and shall be established by resolution of the City Commission.

(7) ~~All~~ The fee imposed to unoccupied developed lots and residential and non-residential parcels shall be the rate for one ERU multiplied by the numerical factor obtained by dividing the total impervious area measured by the ERU and said fee shall be established by resolution of the City Commission. ~~shall be subject to the stormwater management utility fee.~~

\* \* \*

#### **§ 54.05 ADJUSTMENT OF FEES.**

(A) Requests for adjustment of the stormwater utility fee shall be submitted by the Director, who shall be given the authority to administer the procedures and standards, and review criteria for the adjustment of fees as established herein. All requests shall be judged on the basis of the amount of impervious area on the site, or then need for additional/enhanced stormwater facilities. No credit shall be given for the installation of facilities required by any agencies having jurisdiction for stormwater management. The following procedures shall apply to all adjustment requests of the stormwater utility fee:

\* \* \*

(2) Requests for adjustment of stormwater utility fees shall be in writing ~~on forms provided by the city, and~~ shall set forth in detail, the grounds upon which relief is sought, and shall be filed with the Director ~~along with a processing fee as set by resolution.~~

(3) ~~Adjustment requests made during the first calendar year that the stormwater utility fee is imposed will be reviewed by the Director within a four month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of billings, but shall not exceed one year. Upon a determination of a valid request, the City will make the appropriate abatement or deduction for a maximum of 12 months prior to receipt of the adjustment request or the date the error was discovered, whichever is earlier.~~

\* \* \*

(C) When billing errors are discovered with the exercise of due diligence and the event of error was on the part of the City in the making of any charge or in the amount thereof, the City will make the appropriate adjustment for up to 12 months prior to the date the error was discovered.

\* \* \*

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2019.

PASSED on the first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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PASSED AND ADOPTED on the second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES  
CITY ATTORNEY