

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

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE SUBCHAPTER TITLED "FEES AND CHARGES" OF CHAPTER 52 ("SEWER USE") OF THE CODE OF ORDINANCES; AMENDING REGULATIONS REGARDING TAPPING CHARGES, CONNECTION DEPOSITS AND RATES AND CHARGES FOR USE OF THE SANITARY SEWER SYSTEM.

WHEREAS, Chapter 52 of the Code of Ordinances, titled "SEWER USE," regulates the sanitary sewer system owned and operated by the City of Hollywood, Florida, including the fees and charges paid by its customers; and

WHEREAS, the Department of Public Utilities has reviewed the subchapter of Chapter 52 titled "Fees and Charges" and recommends amendments to sections regarding tapping charges, connection deposits and rates and charges for use of the sanitary sewer system;

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

Section 1: That Section 52.50 of the Code of Ordinances is hereby amended to read as follows:

TITLE V: PUBLIC WORKS

\* \* \*

CHAPTER 52: SEWER USE

\* \* \*

*FEES AND CHARGES*

§ 52.50 TAPPING CHARGE.

\* \* \*

(C) The tapping charge shall cover the costs of the tap line into the sewer line to the property line. If a property owner has previously been assessed for the cost of such lateral connection, he or she shall not be required to pay such charge. The charge shall be based on an individual, itemized bill issued for each sewer tap, based on the total cost to the city for performing such connection, including materials, labor, cost of fringe

(Coding: Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.)

benefits and an administrative processing fee. The labor charge shall be the actual salary paid to city workers for the actual time required to do the work. The fringe benefit costs, to cover the cost of the city employees' pension benefits, insurance and social security, shall be assessed at a flat rate of 50% of salary. An administrative processing fee established by resolution of the City Commission ~~of \$100~~ shall also be assessed. The total of each of these four items shall constitute the tapping charge.

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Section 2: That Section 52.52 of the Code of Ordinances is hereby amended to read as follows:

## TITLE V: PUBLIC WORKS

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## CHAPTER 51: SEWER USE

\* \* \*

### *FEES AND CHARGES*

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#### § 52.52 CONNECTION DEPOSIT.

(A) Every customer making application for sanitary sewer service shall be required to make a deposit with the utility customer service office for the purposes of guaranteeing payment. The rates shall be established by resolution of the City Commission ~~as follows for the different types of classifications:~~

~~—Residential—Single-family, Duplex~~

~~—Triplex—\$75 per unit~~

~~—Residential—Multifamily 4 Units and~~

~~—More/Hotels and Motels—\$60 per unit~~

~~—Meter Size—Amount~~

~~—5/8—\$ 100~~

~~—1.0—200~~

~~—1.5—430~~

~~—2.0—830~~

~~—3.0—1,800~~

~~—4.0—3,600~~

~~—6.0—6,000~~

~~—>6.0—Average monthly billings multiplied by 2.5~~

\* \* \*

~~(B) If, at any time, the consumer's monthly charges exceed 50% of the amount of the deposit for at least three consecutive months, the city reserves the right to require an additional deposit amount equal to the average monthly billing for the higher use period multiplied by 2.5.~~

(B ~~€~~) Deposits shall be refunded only at the time the customer account is closed, except as provided herein. When an account is closed, the deposit, if any, shall be applied toward any remaining final charges. Any remaining portion of the deposit after such application shall be refunded to the customer. Any remaining unpaid charges after such application shall be due and owing by the customer within 20 days of the bill date. After the owner of an owner-occupied single-family, duplex or triplex residence has established a satisfactory payment record and has had continuous service for a period of 23 months, the deposit shall be refunded, provided the owner has not, in the preceding 12 months:

- (1) Made more than one late payment of a bill (after the bill has become past due as provided in § 52.53);
- (2) Paid with a check refused by a bank;
- (3) Had water service disconnected;
- (4) Tampered with the water meter, or
- (5) Used service in a fraudulent or unauthorized manner.

(C ~~Đ~~) Deposits will accrue simple interest at the average annual rate earned by the city on its pooled investments. The interest will be applied to the account for which the deposit is held, at the close of the fiscal year on those accounts having been held for at least one year.

(D ~~€~~) A utility deposit may be transferred from one account to another account of the same customer, provided the deposit is eligible for refund pursuant to subsection (B ~~€~~) above, or provided the account from which the deposit is being transferred is closed and all final charges have been paid or transferred to the new account.

Section 3: That Section 52.53 of the Code of Ordinances is hereby amended to read as follows:

## TITLE V: PUBLIC WORKS

\* \* \*

## CHAPTER 52: SEWER USE

\* \* \*

### *FEES AND CHARGES*

\* \* \*

#### § 52.53 RATES AND CHARGES FOR USE OF SYSTEM.

\* \* \*

(H) Abatements and deductions of sewer charges will be governed in the same manner as § 51.143 with the following exception:

(1) When an affidavit signed and submitted by the customer<sub>1</sub> stating the dimension of the pool and gallons used to fill the pool<sub>1</sub> is filed with the utility customer service office, reduction of sewer charges by the amount of water used to fill the pool multiplied by the sewer usage rate is authorized. Only one such credit will be allowed in a 12-month period.

(2) When an affidavit signed and submitted by the customer<sub>1</sub> indicating the source of a significant leak of over 500 cubic feet or approximately 3700 gallons<sub>1</sub> is filed with the utility customer service office, a credit to the sewer charges will be granted for 80% of any water consumption over the average water consumption for a 12-month period multiplied by the sewer usage rate. In addition to the affidavit, the customer shall provide supporting documentation of the existence and subsequent repair of a leak on the service line. Only one such credit will be allowed in a 12-month period, and the maximum period of adjustment of such monthly overage will be two months. Said credit will be for a maximum period of four months.

~~(3) When an affidavit signed and submitted by the customer, indicating circumstances, other than a pool fill or significant leak, causing an overage of more than 500 cubic feet or approximately 3700 gallons, is filed with the utility customer service office, a credit to the sewer charges will be considered for not more than 80% of any water consumption over the average water consumption for a 12-month period multiplied by the sewer usage rate. Only one such credit will be allowed in a 60-month period, and the maximum period of adjustment of such monthly overage will be two months.~~

~~Only one credit is allowed in a 12-month period under this section. If the customer has a situation where they would be able to apply for a second credit in the 12-month period and the second credit would be more, then the difference shall be granted. The 12-month prohibition will begin again from the date the second credit is granted. Additionally, as further evidence of the occurrence of a pool fill<sub>1</sub> or a significant leak<sub>1</sub>, or~~

~~other circumstances causing an overage~~ as described herein, the city must verify a concurrent increase in water consumption on the customer bill before authorizing any credit.

\* \* \*

Section 4: 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 5: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 6: 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 herewith be and the same are hereby repealed to the extent of such conflict.

Section 7: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on \_\_\_\_\_, 2014.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
PETER BOBER, MAYOR

ATTEST:

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

APPROVED AS TO FORM & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida only:

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JEFFREY P. SHEFFEL, CITY ATTORNEY