

ORDINANCE NO. 0-2019-17

AN ORDINANCE OF THE CITY HOLLYWOOD, FLORIDA,
AMENDING CHAPTER 52 OF THE HOLLYWOOD CODE OF
ORDINANCES ENTITLED "SEWER USE" TO UPDATE THE
REGULATIONS FOR RATES, FEES, CHARGES AND
PROCEDURES.

WHEREAS, Chapter 52 of the Hollywood Code of Ordinances establishes the regulations related to sewer use and establishes the guidelines relating to rates, deposits, charges, and fees; and

WHEREAS, the Department of Public Utilities staff have reviewed the current rules and regulations and have determined that these rules and 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 52 of the Hollywood Code of Ordinances entitled "Sewer Use" is hereby amended as follows:

TITLE V: PUBLIC WORKS

* * *

CHAPTER 52: SEWER USE

* * *

FEES AND CHARGES

* * *

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

* * *

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

CUSTOMER. Any person contracting (expressly or implicitly) with the City, having or using sewer connections with, or sewer taps to, the sewer system of the City and in obtaining, having or using water and other related services furnished by the City.

(1) ~~**RETAIL CUSTOMERS.** These customers occupying any residential, commercial or industrial facility within or outside the city, which is connected directly or indirectly to the city sewage collection system and is charged in accordance with the rate schedule contained herein.~~

(2) ~~**BULK CUSTOMERS (LARGE USERS).** These public entities having intergovernmental agreements with the city for treatment and disposal of wastewater based on a charge per 1,000 gallons.~~

* * *

SEWAGE. ~~The spent water of community. Liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank, or other wastes from Customers, whether treated or untreated, which are discharged into the City's sewer system.~~ The equivalent term is **WASTEWATER.**

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§ 52.51 SEWER RESERVE CAPACITY CHARGE.

(A) (1) Except as provided in division (C) below, each owner, or consumer or developer who, acting on his or her own behalf or through authorized agents, makes application for a building permit for any new construction or any addition or alteration that results in additional reserve capacity necessary for the wastewater treatment plant in accordance with the schedule below, shall incur and pay before issuance of any such permit, in addition to the tapping charge, a sewer reserve capacity charge. In the event that the City makes the sanitary sewer system available to a parcel of property, the property owner will be assessed the sewer capacity charges 90 days after being notified of such availability and regardless of the connection being performed. In the event a project is abandoned in whole or in part prior to the issuance of a certificate of occupancy, or a building permit expires, the City shall refund the sewer reserve capacity charge attributable to such abandoned or expired project or part thereof to the owner or consumer, except that the City shall be entitled to retain 25% of the reserve capacity charge as an administrative fee. In the event such abandoned or expired project or part thereof is revived, the owner or consumer shall apply and pay for a new building permit and associated sewer reserve capacity charges in full. ~~provided, however, that such payment of sewer reserve capacity charges other than provided in division (C) below may be made over a specified period of time as more specifically provided in subdivision (2) below.~~

(2) Sewer reserve capacity charges may be paid, at the option of the owner or consumer, in accordance with one of the alternatives set forth below. However, if the

said owner, consumer or developer of new construction for which additional capacity is necessitated intends to convey or conveys the property prior to the completion of all payments under the agreement, the owner, consumer or developer shall pay all final amounts owing under the agreement prior to the conveyance. The sewer reserve capacity charges constitute a lien against the property, and the agreement shall provide for the City to record a claim of lien for said charges immediately upon execution of the agreement.

* * *

(b) ~~Five~~ One hundred twenty equal annual monthly payments, with the first payment due before issuance of any building permit and subsequent payments due on the anniversary date of issuance of the first building permit. The owner or consumer or developer shall enter into a formal agreement with the City reflecting the terms of this payment.

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(B)

(4) The sewer reserve capacity charge shall be established by resolution of the City Commission as indicated in the following tables:

Wastewater

RCC

Residential Per Unit

—Single Family	\$ 2,130.00
—Duplex	2,130.00
—Multi-Family 3 + Units	1,521.66
—Mobile Home	608.34

Non-Residential Per Meter Size

—Meter Size (Inches)	
—5/8 inch	2,130.00
—1.00 inch	5,325.00
—1.50 inch	10,650.00
—2.00 inch	17,040.00
—3.00 inch	34,080.00
—4.00 inch	53,250.00
—6.00 inch	106,500.00
—8.00 inch	170,400.00

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§ 52.52 CONNECTION DEPOSIT.

(A) Sewer deposits will be governed in the same manner as set forth in §51.034 of the Hollywood Code of Ordinances.

~~(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~~

(B) Deposits shall be refunded only at the time the customer account is closed. 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.

~~(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) Used service in a fraudulent or unauthorized manner.~~

* * *

§52.53 RATES AND CHARGES FOR USE OF SYSTEM.

(A) A base charge shall be levied against each unit supplied by a connected service for each month of each applicable year in the amounts established by resolution of the City Commission as follows:

<i>Wastewater Rates and Charges</i>						
	<i>10/1/2013</i>	<i>10/1/2014</i>	<i>10/1/2015</i>	<i>10/1/2016</i>	<i>10/1/2017</i>	<i>10/1/2018</i>
Monthly Base Charge:						
Residential Charge Per Unit						
Single Family	\$6.48	\$6.48	\$6.48	\$6.48	\$6.48	\$6.48
Multi-Family	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60
Non-Residential Charge by Meter Size						
<i>Meter Size (Inches)</i>	<i>Base Charge</i>	<i>Base Charge</i>	<i>Base Charge</i>	<i>Base Charge</i>	<i>Base Charge</i>	<i>Base Charge</i>
5/8	\$6.48	\$6.48	\$6.48	\$6.48	\$6.48	\$6.48
1	\$16.19	\$16.19	\$16.19	\$16.19	\$16.19	\$16.19
1-1/2	\$32.37	\$32.37	\$32.37	\$32.37	\$32.37	\$32.37
2	\$51.79	\$51.79	\$51.79	\$51.79	\$51.79	\$51.79

3	\$97.10	\$97.10	\$97.10	\$97.10	\$97.10	\$97.10
4	\$161.83	\$161.83	\$161.83	\$161.83	\$161.83	\$161.83
6	\$323.65	\$323.65	\$323.65	\$323.65	\$323.65	\$323.65
8	\$517.84	\$517.84	\$517.84	\$517.84	\$517.84	\$517.84
<p>*All rates shown are for inside city customers. Outside city customer rates are 1.25 times rates shown. ** CCF= Cubic Feet</p>						

A unit shall include, but not be limited to, a single-family residence; an additional, detached dwelling unit or noncommercial guest house at a single-family residence; each dwelling or rental unit in a duplex apartment, cooperative, condominium, trailer or mobile home park or similar multi-family building, complex or housing area; each rental unit, with or without cooking facilities, in a hotel or motel; each common area, club house or cabana in any multi-unit facility, including a hotel or motel, serviced by a meter; each available unit in a commercial business establishment; and each hospital, school, non-profit organization, local government or governmental agency serviced by a meter.

* * *

(C) In addition to the base charge, any each sewer user who shall use water shall pay the sewer flow charges for sewer service at the applicable rate to be established by the resolution of the City Commission beginning upon the effective date of the applicable year as follows:

<i>Wastewater Rates and Charges</i>						
	10/1/2013	10/1/2014	10/1/2015	10/1/2016	10/1/2017	10/1/2018
<i>Flow Rate per CCF</i>						
<i>Single Family Residential</i>						
Cubic Feet From: To:	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF
0 — 2000	\$7.15	\$7.15	\$7.15	\$7.15	\$7.15	\$7.15
2001 — And Over	—	—	—	—	—	—
<i>Multi-Family Residential Block Ranges Adjusted by Unit Count</i>						
Cubic Feet From: To:	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF
0 — 1400	\$7.15	\$7.15	\$7.15	\$7.15	\$7.15	\$7.15
1401 — And Over	—	—	—	—	—	—
<i>Non-Residential</i>						
Cubic Feet From: To:	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF	Flow Rate per CCF

All flow	\$7.15	\$7.15	\$7.15	\$7.15	\$7.15	\$7.15
* All rates shown are for inside-city customers. Outside-city customer rates are 1.25 times rates shown.						
** CCF = 100 Cubic Feet						

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

(1) When an affidavit signed and submitted by the customer stating the dimension of the pool and gallons used to fill the pool, is filed with the utility customer service office, reduction of sewer charges by the amount of water used to fill the pool multiplied by sewer usage is authorized. Only one such credit will be allowed in a 12 month period. The granting of the reduction of the sewer charges previously indicated will be subject to the approval of both the Director of Financial Services and the Director of Public Utilities, or their designees.

(2) When an affidavit signed and submitted by the customer, indicating the source of a significant leak of over 500 cubic feet or approximately 3700 gallons, 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. The granting of the credit of the sewer charges previously indicated will be subject to the approval of both the Director of Financial Services and the Director of Public Utilities, or their designees.

(3) When otherwise provided by agreement.

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(J) Any other provision of this Chapter to the contrary notwithstanding, the City shall not refuse services or discontinue services to the owner of any rental unit or a tenant or prospective tenant of such rental unit for nonpayment of service charges incurred by a former occupant of the rental unit; any such unpaid service charges incurred by a former occupant will not be the basis for any lien against the rental property under this section or legal action against the present tenant or owner to recover such charges except to the extent that the present tenant or owner has benefitted directly from the service provided to the former occupant. This subsection applies only if the former occupant of the rental unit contracted for such services with the City or if the City provided services with knowledge of the former occupant's name and the period the occupant was provided the services. The provisions of this subsection may not be waived through any contractual agreement between the City and a landlord whereby the landlord agrees to be responsible for a tenant's or future tenant's payment of service charges. Nothing in this subsection shall be construed to limit the City's rights, if any, under F.S. 159.17, as amended from time to time.

~~(K) Commencing on October 1, 2019 and continuing on October 1 of each year thereafter, a utility price index adjustment, which corresponds to the price index established, on or before March 31 of each year, by the Florida Public Service Commission pursuant to F.S. §367.081(4)(a), shall be applied to the base charge and flow rate then in effect.~~

~~(K) (L) Usage will be billed on a monthly basis, or as otherwise provided by agreement, and the number of days in a monthly billing period may vary between 28 and 33 days. Any read not obtainable will be estimated based upon the historical data for the previous three months if available. If the number of days in a specific monthly billing period is greater than 30, the maximum limit of each consumption tier will be prorated on the basis of a 30-day month to allow for additional consumption in that tier. Specifically, the prorated maximum limit will be calculated by dividing the applicable maximum limit of each consumption tier as provided in division (C) above by 30 and then multiplying the result by the actual number of days in the specific monthly billing period. The result will be the adjusted maximum limit of each tier for purposes of calculating the charge for usage falling within the tier for the specific monthly billing period. If the number of days in a monthly billing period is 30 days or less, there will be no proration of the maximum limits of the different tiers.~~

(L) Billing errors on metered and unmetered service charges will be governed in the same manner as § 51.141, or as otherwise provided by agreement.

* * *

Section 2: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated into this Ordinance.

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.

AN ORDINANCE OF THE CITY HOLLYWOOD, FLORIDA, AMENDING CHAPTER 52 OF THE HOLLYWOOD CODE OF ORDINANCES ENTITLED "SEWER USE" TO UPDATE THE REGULATIONS FOR RATES, FEES, CHARGES AND PROCEDURES.

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

ADVERTISED on September 4, 2019.

PASSED on the first reading this 28 day of August, 2019.

PASSED AND ADOPTED on the second reading this 18 day of September, 2019.



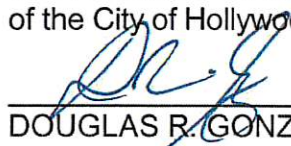
JOSH LEVY, MAYOR

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



DOUGLAS R. GONZALES, CITY ATTORNEY 