

ORDINANCE NO. C-19-

AN ORDINANCE AMENDING CHAPTER 28, WATER, WASTEWATER AND STORMWATER, SECTIONS 28-255 AND 28-256 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND THE WASTEWATER PLANT AND COLLECTION SYSTEM CAPITAL EXPANSION FEE, THE POTABLE WATER PLANT AND DISTRIBUTION CAPITAL EXPANSION FEE, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, pursuant to adequacy requirements as provided in the City of Fort Lauderdale's ("City") Unified Land Development Regulations of the Code of Ordinances of the City of Fort Lauderdale Comprehensive Plan and the State of Florida growth management laws as provided in the Florida Statutes, no development permits are to be issued by the City unless certain services and facilities are adequate to serve the proposed development including wastewater and potable water service; and

WHEREAS, the City adopted Resolution No. 85-265 approving a policy relating to the collection of capital expansion charges for water and sewer facilities, and a plan review fee to determine flow allocations ("Policy"); and

WHEREAS, since the adoption of the Policy, the City has been collecting and expending these charges for water and sewer capital expansion in order to serve new development; and

WHEREAS, pursuant to Resolution No. 02-206, the City approved the Guidelines for Calculating an Equivalent Residential Connection Fee ("Guidelines") associated with the Waterworks 2011 Program ("Program") that was accepted pursuant to Resolution 02-205; and

WHEREAS, the City authorized the consultants to conduct a study analyzing the City's Policy to determine the Policy's adequacy to address future water and sewer needs, and if necessary, to recommend revisions to the methodology for calculating capital expansion fees for new connections, which contribute to the need for expansion; and

WHEREAS, the results of this study are included in a document entitled FY 2018 Water & Wastewater Comprehensive Rate Study ("Study"); and

WHEREAS, it has been determined by the City that based on the Study, changes to the capital expansion fees are needed in order to ensure that the required funds are

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

available to pay for the necessary improvements to the potable water and wastewater systems to provide adequate potable water and wastewater service for future development;

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

SECTION 1. That Section 28-255 - Wastewater Plant and Collection System Capital Expansion Fee of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

**Sec. 28-255. Wastewater plant and collection system capital expansion fee.**

(a) An applicant for a building permit to construct a new facility, expand or change the existing use requiring additional capacity for the applicant's property shall pay appropriate capital expansion fees of ~~two dollars and seventeen cents (\$2.17)~~ ten dollars and seventy-nine cents (\$10.79) per gallon or ~~six hundred fifty-one dollars (\$651.00)~~ one thousand eight hundred eighty-eight dollars (\$1,888.00) per equivalent residential connection (~~three hundred (300)~~ one hundred seventy-five (175) gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the ~~department of public services~~ public works department and adopted by resolution of the city commission.

(b) An applicant for a building permit to connect to the sanitary sewer system under the WaterWorks 2011 Program shall be exempt.

(c) ~~Existing c~~Customers who connected to the sanitary sewer system under the WaterWorks 2011 Program expanding or changing usage which requires additional capacity for the applicant's property shall pay appropriate capital expansion fees of ~~two dollars and seventeen cents (\$2.17)~~ ten dollars and seventy-nine cents (\$10.79) per gallon or ~~six hundred fifty-one dollars (\$651.00)~~ one thousand eight hundred eighty-eight dollars (\$1,888.00) per equivalent residential connection (~~three hundred (300)~~ one hundred seventy-five (175) per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the ~~department of public services~~ public works department and adopted by resolution of the city commission, calculated on the amount of additional capacity needed.

(d) Capital expansion fees as provided in this section shall be collected and held in a separate fund of the city to be used to pay only the cost, expenses and fees associated with capital expenditures and existing debt service related to system expansion for the sanitary sewer system required to meet the needs of development occurring on or after the effective date of this section.

SECTION 2. That Section 28-256 - Potable Water Plant and Distribution Capital Expansion Fee of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to read as follows:

**Sec. 28-256. Potable water plant and distribution capital expansion fee.**

(a) An applicant for a building permit to construct a new facility, expand or change the existing use requiring additional capacity for the applicant's property shall pay appropriate capital expansion fees of ~~four dollars and sixty-two cents (\$4.62)~~ six dollars and fifty-nine cents (\$6.59) per gallon or ~~one thousand three hundred eighty-six dollars (\$1,386.00)~~ one thousand nine hundred seventy-seven dollars (\$1,977.00) per equivalent residential connection (three hundred (300) maximum gallons per day) as determined in accordance with Table A contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the ~~department of public services~~ public works department and adopted by resolution of the city commission.

(b) Capital expansion fees as provided in this section shall be collected and held in a separate fund of the city to be used to pay only the cost, expenses and fees associated with capital expenditures and existing debt service related to system expansion for the potable water system required to meet the needs of development occurring on or after the effective date of this section.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect upon completion of ninety (90) days required advertised public notice.

PASSED FIRST READING this the 12<sup>th</sup> day of September, 2019.

PASSED SECOND READING this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI