

## WATER AND WASTEWATER IMPACT FEES

### § 171.50 WATER AND WASTEWATER IMPACT FEES.

(A) *Adoption.* The City hereby adopts and establishes pursuant to general law, a water capital charge, and a wastewater capital charge as set forth in paragraph (1) herein below, the purpose of which will be to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply, treatment and transmission system, the wastewater transmission, treatment, and effluent disposal system, and the reclaimed treatment and transmission system.

(1) *Implementation.* The amount of each capital charge per equivalent residential connection (ERC) shall be effective January 1, 2021 as follows:

<b>Date</b>	<b>Water Capital Charge</b>	<b>Wastewater Capital Charge</b>
Jan. 1, 2021	\$2,049.00	\$3,300.00

(B) *Applicability.* Except for those customers who have previously paid plant capacity charges to the previous owner of the utility and having previously been connected to the System, the capital charges set forth herein shall be paid by those new customers who (1) connect to said System, (2) request service from the City, or (3) request an increase in water and/or wastewater service capacity. The City may exempt any customer from the payment of all or a portion of the water and wastewater capital charges to the extent that the City accepts a permanent contribution in aid of construction related to the water supply, treatment or transmission facilities or the wastewater transmission, treatment, or effluent disposal facilities having a value of not less than the portion of the water or wastewater capital charges being exempted.

(C) *Time of payment.* All water and wastewater capital charges shall be paid prior to connection of a structure or structures to be served by the City, or such other time as may be specifically provided by City resolution, by City ordinance, by agreement, or permit; provided, however, that the City may permit installment payments for owners of existing single-family residences where utility services are available for any water, or waste-water capital charges, and main line extension charges upon such terms and conditions as the City deems appropriate. Installment payments shall be paid in accordance with an Installment Payment Agreement approved by the City and such Installment Payment Agreement shall be and constitute a lien against the premises and shall become effective and binding as a lien from the date the owner of the property and the City enter into the said Installment Payment Agreement, such lien shall remain a lien co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles and claims, until paid and shall bear interest annually at a rate not to exceed the legal rate allowed for such liens and may be foreclosed pursuant to the procedure set forth in Fla. Stat. Chapter 173. Furthermore, the balance due on any such installment agreement shall become immediately due and payable upon the sale or transfer of interest of the property by the Customer to any other person or entity or upon refinancing of the property. For purposes of this subchapter, transfer of interest shall be defined as set forth in any Installment Payment Agreement entered into pursuant to this subchapter.

(1) When the utility applicant is not required to obtain a State of Florida Department of Environmental Protection permit to connect proposed water, wastewater and/or reuse water treatment or transmission facilities to the City's utility system, all utility charges and fees shall be paid at or before the time of application for water, wastewater, and/or reuse service.

(2) When the applicant must obtain a Florida Department of Environmental Protection permit to connect proposed facilities to the utility system for a residential project equal to or greater than 100 Equivalent Residential Connections (ERCs), a payment in an amount equal to twenty-five percent (25%) of the amount of capital connection charges as set forth by City Code attributable to a proposed development to be ultimately constructed shall be payable to the City within thirty (30) days after final approval of the Florida Department of Environmental Protection application. In the event a permit application is denied by the Florida Department of Environmental Protection, the City shall, upon request of the applicant, refund only the capital connection charges paid by the applicant for the denied permit application. If a valid Department of Environmental Protection permit expires prior to construction of the utility system and acceptance of conveyance thereof by the City, or if a permit has expired, then the applicant shall be entitled to a refund less a five percent (5%) administrative fee based on total funds paid to the City. The City shall not be further obligated to the applicant or the applicant's heirs, assigns or successors to provide the utility capacity. Additionally, upon denial or expiration of a permit, and upon request of the applicant, all bonds or letters of credit posted hereunder shall be released by the City. The remainder seventy-five percent (75%) of all fees and charges due the City for connecting the development to the utility system is due and payable within five (5) business days after final plat approval by the City. Residential projects of less than 100 Equivalent Residential Connections shall be exempt from the previously stated requirement.

(3) The City shall be entitled to recover all costs, including but not limited to reasonable attorney's fees and/or collection service charges, incurred in collecting delinquent utility fees and charges. Any fee or charge due under this section which shall not be paid when due may be recovered by referring the account to a third party collection agency and/or by bringing an action at law.

(4) Commitments and permits are not transferable or negotiable for properties other than as shown on the original application approved by the City.

(5) No building permit shall be issued prior to the receipt of all utility capital connection fees and charges, or such other time as may be specifically provided for by ordinance, resolution or agreement.

(D) *Determination of equivalent residential connection factors for water and wastewater services.*

(1) For purposes of calculating and imposing the water and wastewater capital charge provided for in this Section (D), the ERC factor for any particular connection shall be calculated and imposed in the manner provided as follows:

<b>Establishment</b>	<b>Unit</b>	<b>ERC Factor</b>
<b>Establishment</b>	<b>Unit</b>	<b>ERC Factor</b>
Residential		
Single Family Home	Per Unit	1.000
Duplex (1 or 2 bedrooms)	Per Unit	0.833
Duplex (3 or more bedrooms)	Per Unit	1.000
Multi-Family (1 or 2 bedrooms)	Per Unit	0.833
Multi-Family (3 or more bedrooms)	Per Unit	1.000
Mobile Home (1 or 2 bedrooms)	Per Unit	0.667
Mobile Home (3 or more bedrooms)	Per Unit	0.833
Commercial		
Auditorium/Meeting Rooms	Per Seat	0.019
Barber/Beauty Shop	Per Opr. Sta.	0.340
Food Service		
Restaurant/Cafeteria	Per Seat	0.113
Restaurant (24 hours)	Per Seat	0.189
Restaurant ("Fast Food")	Per Seat	0.057
Bar/Cocktail Lounge	Per Seat	0.075
Hotel/Motel (not including food service banquet & meeting rooms, & guest laundry)	Per Room	1.000
Motel (See Hotel)		
Office Building (not including food service and retail space)	Per 100 Sq. Ft.	0.038
Service Station	Per Bay	1.132
Add	Per Wash Bay	3.663
Add	Per Toilet	1.132
Theater	Per Seat	0.012
Dinner Theater	Per Seat	0.075
Trailer Park (Overnight)	Per Space	0.377
Dentist Office	Per Dentist	0.943
	Per Wet Chair	0.755
Doctor Office	Per Doctor	0.943
Church	Per Seat	0.011
Schools (Middle & High)	Per Student	0.075
Schools (Elementary, Day Care & Nursery)	Per Student	0.028
Schools (Boarding)	Per Student	0.472
Laundry (Self-Service)	Per Machine	1.510
Retail Store/w Self Service Gas Pumps	Per Restroom	1.500
(Add remaining fixture units)		
(Without pumps use fixture units)		
Automotive Repair & Maintenance Stores	Per Bay	0.500
Hospital (Medical)	Per Bed	0.730
	Per Employee	0.055
Hospital (Mental)	Per Bed	0.480
	Per Employee	0.055
Prison	Per Inmate	0.480

	Per Employee	0.055
Nursing Home	Per Resident	0.370
	Per Employee	0.055

(2) One equivalent residential connection (ERC) shall, for purposes of this Section, have an assigned value of 1.00. For wastewater service capacity, one ERC is hereby established and determined to be equal to a flow of 210 gallons per day, average annual basis (210 GPD), or such other value as may be later, approved or determined by the Florida Department of Environmental Regulation.

(3) For water service capacity, one ERC is hereby established and determined to be equal to a flow of 225 gallons per day, average annual basis (225 GPD).

(4) The "total equivalent residential connection value" for an establishment shall be calculated by multiplying the ERC factor listed above by the number of units. The minimum ERC factor for each non-residential establishment shall be one (1).

(5) For all establishments not listed above, the total wastewater equivalent residential connection (ERC) value for wastewater service capacity shall be determined by multiplying the number of fixture units, as published in the Standard Plumbing Code, by fifteen (15), and then dividing that numerator by two hundred ten (210). For example:

$$\text{Total Wastewater ERC Value} = \frac{\text{Number of Fixture Units} \times 15}{210 \text{ GPD/ERC}}$$

The wastewater capital charge shall be determined by using the following formula:

$$\text{Total ERC Value} \times \text{wastewater prevailing rate} = \text{wastewater capital charge}$$

(6) For all establishments not listed above, the total water equivalent residential connection (ERC) value for water service capacity shall be determined by multiplying the number of fixture units, as published in the Standard Plumbing Code, by fifteen (15), and then dividing that numerator by two hundred twenty-five (225). For example:

$$\text{Total ERC Value} = \frac{\text{Number of Fixture Units} \times 15}{225 \text{ GPD/ERC}}$$

The water capital charge shall be determined by using the following formula:

$$\text{Total ERC Value} \times \text{water prevailing rate} = \text{water capital charge}$$

(7) Connections that have not paid the wastewater capital charge and are not specifically exempt from paying the wastewater capital charge are required to pay a wastewater capital charge recovery usage component. The wastewater capital charge recovery usage component shall be the rate as set forth in Table 1 below per one thousand (1,000) gallons of water metered for wastewater billing purposes. These charges will continue to be paid until such time that the wastewater capital charges in effect at time of connection to the system are satisfied.

(8) Connections that have not paid the water capital charge and are not specifically exempt from paying the water capital charge are required to pay a water capital charge recovery usage component. The water capital charge recovery usage component shall be the rate as set forth in Table 1 below per one thousand (1,000) gallons of water metered for water billing purposes. These charges will continue to be paid until such time that the water capital charges in effect at time of connection to the system are satisfied.

(9) The amount of each capital charge recovery usage component shall be effective January 1, 2021 as follows:

<b>Date</b>	<b>Water Capital Charge Recovery Usage Component</b>	<b>Wastewater Capital Charge Recovery Usage Component</b>
January 1, 2021	\$1.28	\$1.94

(10) The above ERC Schedule applies to establishments being connected to the City of Palm Bay Utilities Water and Wastewater System.

(E) *Capital improvement funds; establishment; expenditure guidelines; application and pledge to revenue bonds.*

(1) The water and water with reclaimed water capital charges and capital charge recovery usage components collected pursuant to this tariff shall be deposited into a fund called the "Connection Fee Fund". The wastewater and wastewater with reclaimed water capital charges and capital charge recovery usage component shall likewise be deposited into a fund called the "Connection Fee Fund". The water and water with reclaimed water capital charges and capital charge recovery usage component so deposited shall be used only for the acquisition of the City's water system and all components thereof and additions thereto, and the construction and acquisition of additions and extensions to the City's water system and all components thereof including raw water supply facilities, transmission facilities, mains, ground storage facilities, new pumping facilities, water treatment plants, and distribution facilities in order to provide additional water treatment capacity or

water service capacity to those new customers who connect to the City's water system. The wastewater and wastewater with reclaimed water capital charges and capital charge recovery usage component so deposited in the above-mentioned fund shall be used only for the acquisition of the City's wastewater system and all components thereof and additions thereto, and the construction and acquisition of additions and extensions to the City's wastewater system and all components thereof, including collection facilities, transmission facilities, treatment facilities, and effluent disposal facilities, in order to provide additional sewage treatment capacity, effluent disposal capacity, or wastewater service capacity to those new customers who connect to the City's wastewater system. The reclaimed water capital charges and capital charge recovery usage components collected pursuant to this Tariff shall be deposited into a fund called the "Connection Fee Fund". The reclaimed water capital charges and capital charge recovery usage component so deposited shall be used only for the acquisition of the City's reclaimed system and all components thereof and additions thereto, and the construction and acquisition of additions and extensions to the City's reclaimed system and all components thereof including filtration facilities, disinfection facilities, storage tanks, transmission facilities, mains, remote storage facilities, new pumping facilities, and distribution facilities in order to provide additional reclaimed treatment capacity or reclaimed service capacity to those new customers who connect to the City's reclaimed system.

(2) The City may by resolution provide for the application of some or all of the water, wastewater, and/or reclaimed water capital charges to the payment or security for the payment of revenue bonds issued in whole or in part for the purpose set out in Subsection (E)(1) hereof, provided that the amount of water and/or wastewater capital charges applied to the payment of such bonds shall not exceed the amount of bond proceeds actually expended for such purpose with interest at the average rate borne by said bonds. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security there for.

(F) *Application; allocation of water and/or wastewater service capacity.* The City may require all information on said application that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application for water and/or wastewater service shall contain a legal description of the land constituting the service area for which the said permit is to be issued. The legal description shall include only those lands owned by the applicant for which the water and/or wastewater developer's agreement is to serve. If any such person described hereinabove fails to apply for and purchase water and/or wastewater service capacity under these rules, the City Council may consider said failure in determining whether or not to grant or deny any connection to the system. The City Council shall by separate ordinance establish rules for the allocation of water and/or wastewater service capacity, and may by resolution establish a fee for application review payable by applicants.

(Am. Ord. 2011-21, passed 3-17-11; Am. Ord. 2011-48, passed 10-6-11; Am. Ord. 2012-24, passed 9-18-12; Am. Ord. 2013-51, passed 10-3-13; Am. Ord. 2014-39, passed 9-4-14; Am. Ord. 2015-34, passed 8-6-15; Am. Ord. 2020-79, passed 11-19-20)