

**ORDINANCE NO. 2882**

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA; AMENDING SECTION 70-125 (USAGE CHARGES GENERALLY); SECTION 70-276 (ESTABLISHMENT); SECTION 70-129 (CHARGES FOR FIRE PROTECTION SYSTEMS); SECTION 70-131 (DISCONTINUANCE OF SERVICE); SECTION 70-135 (ACCOUNT ADMINISTRATION AND CONNECTION FEE) TO PROVIDE FOR AN AVAILABILITY FEE FOR ALL PREMISES; A SEWER CHARGE ESTABLISHED BY RESOLUTION; AN AUTOMATIC ANNUAL ADJUSTMENT FOR ALL UTILITY CHARGES AND FEES; DELETING SECTION 70-133 (SUSPENSION OF SERVICE); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has decided to change the structure of the utility billing to provide for an availability fee and to provide that a sewer charge shall be established by resolution instead of being a multiple of the water charge; and

**WHEREAS**, the City has previously amended the Code of Ordinance to provide that the utility rates shall be established by resolution. However, all the other charges and fees are not automatically adjusted on an annual basis consistent with the water and sewer charges; and

**WHEREAS**, the City desires to provide that all rates and charges shall be amended annually by the greater of three percent or a cost index and the City wants to change the index that is utilized by the City; and

**WHEREAS**, words which are underlined (underlined) are additions to the text and words with strike through (~~strike through~~) the characters are deletions from the text.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:**

**Section 1.** The City Commission of the City of Holly Hill hereby amends Section

70-125(Usage charges generally.) to read as follows:

Sec. 70-125. Usage charges generally.

(a) The City Commission shall establish by resolution the charges for the availability fee, the per thousand gallon charge, administrative charges for collection, the charge for bench test, connection charges, meter deposits, service charges, method of billing and any other fees and charges required by this article . The monthly potable water charge for single-family and multifamily residences; motel and hotel; commercial and industrial and all other accounts shall include an availability charge. Monthly water bills shall be rendered and the minimum monthly water bill shall be as set forth by resolution of the city commission.

(b) Effective October 1, 2011, and on October 1 of each subsequent year, the potable water usage charges shall change by a percentage equal to the greater of three percent (3%) or the Annual 12 month percentage change based on the month of April Consumer Price Index – All Urban Consumers (Area: South urban, Item: All items) as published by the Bureau of Labor Statistics. most recent 12-month percentage change in the annual consumer price index (CPI), as published by the Bureau of Labor Statistics, U.S. Federal Government.

~~(c) There shall be a conservation charge of 120 percent of the per-1,000-gallon-charge for water consumption in excess of 15,000 gallons per month. However, this conservation charge shall not be considered when determining the sewer charge.~~

~~(d c) The monthly water charge to users of water outside the city limits shall be 125 percent the rate charged to users inside the city limits. However, r~~ Residents of the City of Ormond Beach shall be charged the same rate as residents of Holly Hill as long as the City of Ormond Beach offers the same consideration to the residents of Holly Hill served by Ormond Beach.

~~(e d) In the case of multiple occupancy units served by a single meter, each occupancy unit shall be considered a separate customer for purposes of establishing an availability fee a minimum monthly charge. As used herein, an occupancy unit shall be defined as a structure, or separated part of a structure, with plumbing connections sufficient to enable the occupant to obtain potable water from, or return waste to, the municipal water and sanitary sewer system. Each connection, either individual outlet or individual return or combination thereof, shall be treated as a separate occupancy unit unless the occupant can demonstrate that the actual use of the multiple connections within a given structure are under the exclusive control of a single person. In case a meter is installed in the potable water connection to each individual occupancy unit, each monthly bill for water furnished to such unit shall be based on the established availability fee plus actual usage. above-mentioned minimum monthly bill. In case a single meter is installed in the water connection to two or more such units, each monthly bill for water furnished shall be rendered for an amount not less than the availability fee for each unit plus the actual usage for all~~

units served by the single meter, above minimum monthly bill for each occupancy unit served, together with the above-mentioned gallonage rate for water in excess of 2,000 gallons per unit. This multiple unit provision shall apply to users of the potable water system, residential structures and commercial structures.

~~(f) Inspections to determine the number and type of unit shall be performed by the city on a semiannual basis. An inspection charge as established by resolution of the city commission shall be added to the water bill for the month of inspection. The determination of the inspector may be appealed to the city manager, whose decision with respect to the classification of the unit shall be final.~~

~~(g e) In addition to the CPI adjustment provided in subsection (b) above, the city commission shall may review the potable water rates as appropriate and adjust the potable water rates accordingly conduct an annual review of water rates on or before September 1 of each year and shall adjust the rates effective October 1 of each year to reflect the anticipated cost of operating the system as well as the anticipated debt service on all outstanding obligations, and anticipated capital expenditures.~~

~~(f) The monthly potable water charge shall not be suspended during vacation periods or such periods of time that a property is vacated and the minimum charge (availability charge) shall be levied in the amount as provided and established by resolution of the city council.~~

**Section 2.** The City Commission of the City of Holly Hill hereby amends Section 70-276 (Establishment) to read as follows:

Sec. 70-276. Establishment.

~~(a) The City Commission shall establish by resolution the charges for the availability fee, the per thousand gallon charge, administrative charges for collection, the charge for bench test, connection charges, meter deposits, service charges, method of billing and any other fees and charges required by this article . The monthly sewer charge for single-family and multifamily residences; motel and hotel; commercial and industrial and all other accounts shall include an availability charge. The rates, fees and charges (herein sometimes called the "sewer service charges") for the use of, and for the services and facilities furnished or to be furnished by, the sewer system of the city, to be paid by the owner, tenant or occupant of each lot or parcel of land which is connected with the sewer system, shall be based or computed upon the quantity of water used on or about such lot or parcel of land as determined by gauging or metering and shall be as follows:~~

~~(1) The sewer service charges to be paid by the owner, tenant or occupant of each such lot or parcel to whom a bill shall be rendered for water furnished by the waterworks system of the city and used on or about such lot or parcel shall be 115 percent of the gross monthly water bill.~~

~~(2) In any case where water is furnished by the waterworks system of the city under a contract with the owner, tenant or occupant of any such lot or parcel, the sewer service charges to be paid by such owner, tenant or occupant shall be based upon 115 percent of what the monthly water bill would be for the same quantity of water if such water bill should be computed on the basis of the meter rate and minimum monthly referred to above; provided, however, that such sewer service charges shall be subject to the provisions of any contract heretofore entered into.~~

(3 b) The rate charged by the city for high volume water users, purchasers of over 100,000 gallons of water per month, shall be determined based on the following formula:

a. (1) For the first 100,000 gallons of water purchased per month the current sewer rate will be applied to the number of gallons of water purchased to determine the sewer charge;

b. (2) If a user purchases more than 100,000 gallons of water per month, the current sewer rate will be applied to only the number of gallons of sewage actually returned for treatment;

e. (3) The difference between the number of gallons of water purchased each month and the number of gallons of sewage returned for treatment each month for high volume water purchasers (in excess of 100,000 gallons per month) shall be charged a rate equal to 20 percent of the current sewer rate, provided, however, that in no event shall the total monthly charge for sewer service be less than 60 percent of the charges which would have been incurred by non high-volume water purchasers.

(4) For an owner, tenant or occupant to be eligible for the special sewage rate as set forth in subsection (3) of this subsection, such owner, tenant or occupant shall install a city approved meter so that the amount of sewage flow can be determined. This meter shall be calibrated annually to insure the accuracy of the readings. All costs associated with the installation and calibration are the responsibility of owner, tenant or occupant. The owner, tenant or occupant shall enter into an agreement with the city which shall include the above-described responsibilities of the owner, tenant or occupant.

~~(b) No monthly bill for sewer service charges shall be for less than an amount equal to 115 percent of the corresponding minimum water bill.~~

(c) If the city or any department, agency or instrumentality thereof shall avail itself of the services and facilities of the sewer system, it shall pay for the use of such services and facilities at the established rates, and all water used by the city for municipal purposes (other than water which does not enter the sewer system of the city) shall be measured by meter, and the sewer service charges paid by the city. shall be computed on the basis of 115 percent of what the monthly water bill would be for the quantity of water so used as shown by such meter measurement.

(d) Effective October 1, 2011, and on October 1 of each subsequent year, the sewer usage charges shall change by a percentage equal to the greater of three percent (3%) or the Annual 12 month percentage change based on the month of April Consumer Price Index – All Urban Consumers (Area: South urban, Item: All items) as published by the Bureau of Labor Statistics.

(e) In the case of multiple occupancy units served by a single meter, each occupancy unit shall be considered a separate customer for purposes of establishing an availability fee. As used herein, an occupancy unit shall be defined as a structure, or separated part of a structure, with plumbing connections sufficient to enable the occupant to obtain sewer from, or return waste to, the municipal water and sanitary sewer system. Each connection, either individual outlet or individual return or combination thereof, shall be treated as a separate occupancy unit unless the occupant can demonstrate that the actual use of the multiple connections within a given structure are under the exclusive control of a single person. In case a meter is installed in the water connection to each individual occupancy unit, each monthly bill for sewer service to such unit shall be based on the established availability fee plus actual water usage. In case a single meter is installed in the water connection to two or more such units, each monthly bill for sewer service shall be rendered for an amount not less than the availability fee for each unit plus the actual water usage for all units served by the single meter. This multiple unit provision shall apply to users of the sewer system.

(f) Residents of the City of Ormond Beach shall be charged the same rate as residents of Holly Hill as long as the City of Ormond Beach offers the same consideration to the residents of Holly Hill served by Ormond Beach.

(g) In addition to the cost index adjustment provided in subsection (b) above, the city commission may review the water rates as appropriate and adjust the water rates accordingly to reflect the anticipated cost of operating the system as well as the anticipated debt service on all outstanding obligations, and anticipated capital expenditures.

(h) The monthly sewer charge shall not be suspended during vacation periods or such periods of time that a property is vacated and the minimum charge (availability charge) shall be levied in the amount as provided and established by resolution of the city council.

**Section 3.** The City Commission of the City of Holly Hill hereby amends Section 70-129 (Charges For Fire Protection Systems.) to read as follows:

Sec. 70-129. Charges for fire protection systems.

The city commission shall establish by resolution the rates to be charged for water service when connected to sprinkling systems or other fire protection systems in buildings only, and the expense of all connection to an extension from the water mains is borne by the user. Effective October 1, 2011, and on October 1 of each subsequent year, the charge for fire protection systems

~~shall change by a percentage equal to the greater of three percent (3%) or the Annual 12 month percentage change based on the month of April Consumer Price Index – All Urban Consumers (Area: South urban, Item: All items) as published by the Bureau of Labor Statistics. The rates established shall be automatically adjusted annually by a percentage equal to the most recent 12-month percentage change in the annual consumer price index (CPI) as published by the Bureau of Labor Statistics, U.S. Federal Government.~~

**Section 4.** The City Commission of the City of Holly Hill hereby amends Section 70-131 (Discontinuance of Service.) to read as follows:

Sec. 70-131. Discontinuance of service.

(a) If potable water service is discontinued for nonpayment of bills, the premises shall be disconnected from the waterworks system of the city, and shall not be reconnected until a service fee as established by resolution of the city commission shall have been paid to the city. This fee shall be called a delinquent account fee and shall be levied on an account once the city begins the administrative process of disconnecting water service. The delinquent account fee shall be due and owing to the city even if the potable water service is not ultimately disconnected due to payment of the delinquent bill by the customer. Even if potable water service is discontinued, the account or the property owner shall continue to be billed for the monthly availability fee.

(b) If service is disconnected three times during a 12-month period, for nonpayment of bills, an additional security deposit equal to the average two-month bill shall be paid to the city.

**Section 5.** The City Commission of the City of Holly Hill hereby deletes Section 70-133 (Suspension of Service.) in its entirety and the remaining Code sections are hereby re-numbered accordingly.

**Section 6.** The City Commission of the City of Holly Hill hereby amends Section 70-135 (Account Administration and Connection Fee) to read as follows:

Sec. 70-135. Account administration and connection fee.

Water and sewer customers requesting service subsequent to September 9, 1986, shall pay a one-time, nonrefundable, account administration and connection fee as established by resolution of the city commission prior to receiving service. Effective October 1, 2011, and on October 1 of each subsequent year, the account administration and connection fee shall change by a percentage equal to the greater of three percent (3%) or the Annual 12 month percentage change based on the month of April Consumer Price Index – All Urban Consumers (Area: South urban, Item: All items) as published by the Bureau of Labor Statistics.

**Section 7.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 8.** That all ordinances made in conflict with this Ordinance are hereby repealed.

**Section 9.** That this Ordinance shall become effective immediately upon its adoption.

The within and foregoing Ordinance was introduced and read on first reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 12<sup>th</sup> day of October, 2010.

It was moved by Commissioner Glass and seconded by Commissioner Penny that said Ordinance be approved on first reading. A roll call vote of the Commission held on said motion for approval of the Ordinance resulted as follows:

**ROLL CALL VOTE AS FOLLOWS: (Ordinance 2882):**

Mayor Roland D. Via	Yes
Commissioner John Penny	Yes
Commissioner Rick Glass	Yes
Commissioner Mark Reed	Yes
Commissioner Liz Towsley	Yes

**ADOPTED THIS 12<sup>th</sup> DAY OF OCTOBER, 2010.**

The within and foregoing Ordinance was introduced and read on the second reading before the City Commission of the City of Holly Hill, Florida, at its regular meeting held in Commission Chambers at City Hall on the 26<sup>th</sup> day of October, 2010.

It was moved by Commissioner Penny and seconded by Commissioner Reed that said Ordinance be adopted. A roll call vote of the Commission held on said motion to adopt the Ordinance resulted as follows:

**ROLL CALL VOTE AS FOLLOWS: (Ordinance 2882):**

Mayor Roland D. Via	Yes
Commissioner John Penny	Yes
Commissioner Rick Glass	Absent
Commissioner Mark Reed	Yes
Commissioner Liz Towsley	Yes

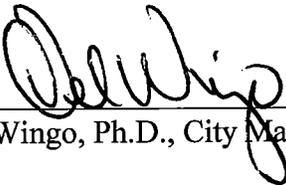
**ADOPTED THIS 26<sup>th</sup> DAY OF OCTOBER, 2010.**

**WHEREUPON**, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 26<sup>th</sup> day of October, 2010 for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA



\_\_\_\_\_  
Roland D. Via, Mayor



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Oel Wingo, Ph.D., City Manager

Attest:



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Joshua Fruecht, City Clerk