

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA REGULATING CITY OF MOUNT DORA SEWER CONNECTION FEES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; ADOPTING A SEWER CONNECTION FEE STUDY DATED MAY 1, 2024; PROVIDING FOR MODIFICATION OF SEWER CONNECTION FEES AND REGULATIONS PERTAINING THERETO TO BE EFFECTIVE NINETY (90) DAYS FROM ADOPTION OF THIS ORDINANCE; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under its home rule powers and pursuant to §163.31801, *Florida Statutes* and judicially created law, the City of Mount Dora may impose fees to ensure that new development pays for its proportional share of capital facilities required by such new development; and

WHEREAS, the City Council of the City of Mount Dora has studied the necessity for and implications of the adoption of an ordinance updating sewer connection fees and has retained a professional consulting firm to prepare a study relating to sewer connection fees (the “Study”) to determine the proportionate demand that new development generates for additional sewer improvements and facilities; and

WHEREAS, the Study has been presented to, and reviewed by, the City Council of the City of Mount Dora, and it has been determined (1) that sewer connection fees are necessary to offset the costs associated with meeting future demands for the City’s sewer facilities pursuant to the projections set forth in the Study; (2) that the sewer connection fees bear a reasonable relationship to the burden imposed upon the City to provide sewer facilities to new City residents; (3) sewer connection fee revenues will provide a direct benefit to such new City residents reasonably related to the fees assessed; (4) that an essential nexus exists between projected new development and the need for additional sewer facilities to be funded with sewer connection fees and the benefits that accrue to new development paying the fees; (5) that the amount of the sewer connection fees are roughly proportional to the *pro rata* share of the additional sewer facilities needed to serve new development; and

WHEREAS, the costs of real property for use in sewer facilities development and the costs of various facilities and equipment have been used by the City’s consultant in developing a development impact cost per property use type as set forth in the Study; and

WHEREAS, the decisions of the City Council as set forth herein are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future; and

WHEREAS, the City is projected to significantly grow in population and further economically develop in the future; and

WHEREAS, this Ordinance contains an administrative framework to ensure that the benefit of sewer facilities funded with sewer connection fees will accrue proportionately to new development paying the fees; and

WHEREAS, Section 163.3202(3), *Florida Statutes*, encourages the use of innovative land use regulations and impact fees by local governments to manage growth and to provide the necessary public facilities and for the imposition by local governments of impact fees on development to fund the capital cost of facilities necessitated by such development; and

WHEREAS, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices, and principles; and

WHEREAS, accordingly, the City of Council of the City of Mount Dora finds this ordinance to be in the best interests of the health, safety, and welfare of the public.

Note: Underlined words of this constitute the new text of the City of Mount Dora Code of Ordinances, asterisks (***) indicate an omission from the original text of the Code of Ordinances, City of Mount Dora, which is intended to remain unchanged, and ~~striketrough~~ constitutes deletions from the original Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mount Dora, Florida, as follows:

SECTION 1. The above recitals, or “Whereas” clauses, are hereby adopted as the City Council’s legislative findings and are incorporated herein by reference.

SECTION 2. Chapter 44 – ‘Utilities,’ Article IV – ‘Rates, Charges, Fees, and Collection Procedure.’ Division 1, ‘Generally’ of the City of Mount Dora Code of Ordinances is hereby amended as follows:

CHAPTER 44 – UTILITIES.

ARTICLE IV – RATES, CHARGES, FEES, AND COLLECTION PROCEDURE.

DIVISION 1. GENERALLY.

Sec. 44-254. Connection charges.

(c) *Sewer.* ~~See section 44-256.~~ See Division 2 of this Article.

SECTION 3. Chapter 44 – ‘Utilities,’ Article IV – ‘Rates, Charges, Fees, and Collection Procedure.’ Division 2, ‘Sewer Connection Fee’ of the City of Mount Dora Code of Ordinances is hereby amended as follows:

CHAPTER 44 – UTILITIES.

ARTICLE IV – RATES, CHARGES, FEES, AND COLLECTION PROCEDURE.

DIVISION 2. SEWER CONNECTION FEE.

Sec. 44-279. Definitions.

Unless specifically defined in this section, words or phrases used in this division shall be interpreted to give this division its most reasonable application, consistent with state and federal law and other city and county requirements. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City rate resolutions and ordinances means all resolutions and ordinances, either in effect or to be adopted, by the city council or its successors, which establish and fix rates, fees and charges for the city wastewater system.

City wastewater system means all facilities and interests in real and personal property owned, operated, managed or conditioned by the city and used to provide sewer or wastewater service to customers within the service area of the city.

Collection facilities means the lines, pipes, meters, and appurtenant equipment used to collect sewage from the building sewer and transmitted to the transmission facilities.

Effluent disposal facilities means those wastewater facilities necessary to detain, transmit, store and dispose of wastewater previously treated at treatment facilities.

ERU means an equivalent residential unit.

GPD means gallons per day on an annual average basis.

MGD means million gallons per day on an average annual basis.

Sewage or wastewater means a combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments and other customers of the city wastewater system, together with such groundwater, surface water and stormwater as may be present.

Sewage service capacity or wastewater service capacity means the amount of sewage, measured in GPD or MGD, which can be collected, transmitted, treated and disposed of.

Sewer or Wastewater facilities means all wastewater collection, transmission, treatment and effluent disposal facilities, including all interceptors, lines, pipes, meters, couplings, pumps, force mains and appurtenant equipment necessary to provide sewer service capacity or wastewater service capacity.

Transmission facilities means those lines, pipes, force mains, pumps, meters and appurtenant equipment used to transmit sewage from the collection facilities to the headworks of the treatment facilities, as defined and determined by the city.

Treatment facilities means those facilities used to treat and filter sewage prior to effluent disposal. The term "treatment facilities" does not include any portions of the collection facilities, transmission facilities or effluent disposal facilities.

~~*Wastewater facilities* means all wastewater collection, transmission, treatment and effluent disposal facilities, including all interceptors, lines, pipes, meters, couplings, pumps, force mains and appurtenant equipment necessary to provide sewer service capacity or wastewater service capacity.~~

Sec. 44-280. Adoption of Sewer Connection Fee Study.

- (a) The City Council hereby adopts by reference the study entitled "City of Mount Dora Connection Fee Study," dated May 1, 2024, as prepared by Raftelis Financial Consultants, Inc. It relates to the computation and allocation of the capital costs of the City of Mount Dora to provide wastewater service to users of such wastewater service.
- (b) The City Council finds there is a reasonable connection, or rational nexus, between the need for capital wastewater facilities in the city and the growth in population anticipated within the city. In addition, the city council finds there is a reasonable connection, or rational nexus, between the anticipated expenditures of the sewer connection fees collected and the benefits accruing to anticipated new development.

Sec. 44-280. Sec. 44-281. Adoption of Sewer Connection Fee.

(a) A sewer connection fee shall be imposed for each equivalent residential unit (ERU) connection within the city: as specified by the following fee schedule:

<u>Property Use</u>	<u>ERU Factor</u>	<u>Connection Fee</u>
<u>Single Family</u>	<u>1.00</u>	<u>\$7,975.00</u>
<u>Duplex (1-2 Bedrooms)</u>	<u>.833</u>	<u>\$6,642.00</u>
<u>Duplex (3+ Bedrooms)</u>	<u>1.00</u>	<u>\$7,975.00</u>
<u>Multi Family (1-2 Bedrooms)</u>	<u>.833</u>	<u>\$6,642.00</u>
<u>Multi Family (3+ Bedrooms)</u>	<u>1.00</u>	<u>\$7,975.00</u>
<u>Mobile Home (1-2 Bedrooms)</u>	<u>.667</u>	<u>\$5,319.00</u>
<u>Mobile Home (3+ Bedrooms)</u>	<u>1.00</u>	<u>\$6,642.00</u>
<u>Multifamily Apartment Assisted Living (per unit)</u>	<u>.667</u>	<u>\$5,319.00</u>
<p><u>***Note: For all property uses not listed above, the ERU Factor shall be determined by multiplying the number of fixture units (as published in the Florida Plumbing Code) by twenty-five (25) and dividing that numerator by 225 GPD/ERU. The Connection Fee shall then be calculated by multiplying the calculated ERU Factor by \$7,975.00.</u></p>		

(b) ~~The city shall adopt and establish the sewer connection fee from time to time by resolution. The sewer connection fee outside the city limits shall be set from time to time by the city and shall not exceed 1.25 times the rate for an ERU connection inside the city limits, unless reduced, at the City's option, pursuant to the terms of an annexation agreement, pursuant to state law. The sewer connection fee outside the city limits, for those parties who have entered into an agreement to be annexed, at the city's option, when the property qualifies under state law to be annexed, shall be set by resolution adopted from time to time by the city for each ERU connection. The sewer connection fee contained in this subsection shall be applied to the sewer plant and treatment process and effluent disposal facilities. Sewer connection fees required under section 44-286 shall be set by resolution adopted from time to time by the city as on a per ERU connection basis.~~

Sec. 44-281. Determination of equivalent residential unit factors.

(a) ~~For purposes of calculating and imposing the sewer connection fee provided for in section 44-280, the total equivalent residential unit (ERU) value shall be determined by multiplying the number of fixture units, as published in the Florida Plumbing Code by 25, and then dividing that numerator by the GPD/ERU value as set by resolution adopted from time to time by the city.~~

- ~~(b) For any establishment that does not have a fixture unit count at the time of permit application, the ERU factor for any particular connection shall be calculated and imposed in the manner provided by resolution adopted from time to time by the city.~~

Sec. 44-282. Applicability.

- (a) The sewer connection fee set forth in section ~~44-280-44-281~~ shall be paid by those new customers who connect to the city wastewater system, except as follows:
- (1) Those customers who connect to interim, temporary package wastewater facilities for which, as determined by the city, there is no existing plan or concept to disconnect the interim wastewater facilities and transmit such flows to regional, subregional, or area-wide treatment facilities owned, operated or participated in by the city, shall be exempt from the sewer connection fee.
 - (2) Those customers who connect to interim wastewater facilities for which, as determined by the city, there is an existing plan or concept to disconnect such interim facilities and connect the customers thereof to regional, subregional or area-wide treatment facilities owned, operated or participated in by the city, shall pay all applicable sewer connection fees; however, the city may, by contract, allow the developer to defer the payment of such sewer connection fees by providing to the city security which is adequate and satisfactory to the city to ensure the payment of all sewer connection fees at the time the interim facilities are disconnected and the customers thereof connected to regional, subregional or area-wide treatment facilities owned, operated or participated in by the city. If, after adequate security is provided by the developer, the city should determine that the interim facilities will not be disconnected and the customers thereof will not be connected to regional, subregional or area-wide treatment facilities, upon making such determination, the security given by the developer shall be released and returned to the developer.
- (b) Any change in the use of property that increases the property's ERU calculation shall require payment of a sewer connect fee in an amount corresponding to the increased ERU calculation.

Sec. 44-283. Sewer Use Permit Required.

- (a) Sewer customers desiring to make connection to the city's wastewater system shall make application to the city for a sewer use permit prior to the time of the project approval by the city. Such application shall be in the form determined by the city and shall, at a minimum, contain:
- (1) The name of the owner;
 - (2) The name of the registered professional engineer;
 - (3) The property location;
 - (4) The project description;
 - (5) The anticipated ERUs; and
 - (6) The wastewater characteristics.
- (b) This permit is in addition to any other permits and approvals required by the city, the state department of environmental protection or any other jurisdictional body.

Sec. 44-284. Time of Payment.

- (a) The sewer connection fee for each ERU shall be paid prior to the issuance of a building permit for a structure or structures to be served by the city's wastewater system, or such other time as may be specifically provided by city resolution, ordinance or agreement. A connection fee credit agreement shall be permitted in the sole discretion of the city.
- (b) If a building permit expires, impact fees shall be recalculated and charged as of the date that a new building permit is issued. An extension of a building permit shall not cause additional impact fees to be due.
- (b) (c) The issuance of a sewer permit shall create no vested rights in the permittee and shall not be construed as a guarantee of sewer service capacity to the permittee. The city may permit connections to its sewer systems only if it may lawfully do so and would not thereby violate any permit, license, restriction, injunction, moratorium or denial of permission to connect imposed or issued by any court of competent jurisdiction or by any applicable agency of the United States, the state or the city.

Sec. 44-285. Capital Improvements Funds.

- (a) The sewer connection fees collected pursuant to this division shall be deposited into a fund called the "Mount Dora Sewer Improvement Fund." The fees deposited in the fund shall be used only for the construction and acquisition of additions and extensions to the city wastewater system and all components thereof, including collection facilities, transmission facilities, treatment facilities and effluent disposal facilities, in order to provide additional wastewater service capacity to those new customers who connect to the city's wastewater system including, but not limited to expenses for: (i) design or construction plan preparation; (ii) permitting and related fees; (iii) land or system acquisition, including acquisition or condemnation costs; (iv) construction and design of wastewater buildings, facilities, or improvements and additions thereto; (v) design and construction of drainage facilities reasonably required by, or convenient to, the construction of wastewater transmission, facilities, or improvements and additions thereto; (vi) relocating utilities required by the construction of wastewater transmission, facilities, or improvements and additions thereto; (vii) construction management, inspection, or both; (viii) surveying, soils and material testing, and the evaluation and development of reuse water resources and supplies; (ix) acquisition of equipment necessary or convenient to expand the wastewater transmission system; and (x) payment of principal and interest, reserves and costs of issuance under any bonds or other indebtedness issued by the city to fund growth impacted improvements, and additions to the sewer transmission system. No part of such sewer connection fee revenues shall be budgeted or used for the operating expenses of the City's sewer system.
- ~~(b) The city council may by resolution provide for the application of some or all of the sewer connection fee to the payment or security for the payment of revenue bonds issued in whole or in part for the purpose set out in subsection (a) of this section, provided that the amount of sewer connection fee 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 ensure such insurer of additional security therefor.~~

Sec. 44-286. Responsibility for Collection and Transmission Costs; Authority to Create Collection and Transmission Benefit Districts.

In addition to the sewer connection fee, the developer or customer shall either provide or pay the capital costs, including land costs, of the required capital improvements for both the collection of raw sewage within the boundaries of the property owned by the developer or customer and to which the city intends to provide wastewater service capacity, and the transmission of sewage from those boundaries to the city transmission force mains prior to connection to treatment facilities. The city shall allow the developer or customer to connect to the transmission system at the nearest feasible point, as determined by the city. If the city determines that it is in the best interest of the city to develop the required capital improvements for the transmission of sewage from the boundaries of a property to the city transmission force mains, the city may create collection and transmission benefit districts. The resolution creating a collection and transmission benefit district shall also require a sewer connection fee pursuant to sections 44-280 and 44-281, and shall reflect the actual cost of the sewer improvement.

Secs. 44-287—44-305. Reserved.

SECTION 4. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS. The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS.

A. The revisions to Chapter 44, City of Mount Dora Code of Ordinances, as set forth in Sections 2 and 3 of this Ordinance shall be codified in the City of Mount Dora Code of Ordinances.

B. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Code of Ordinances.

C. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 6. SAVINGS CLAUSE. All prior actions of the City pertaining to the City of Mount Dora Code of Ordinances, Chapter 44 – ‘Utilities,’ as well as any and all other applicable matters set forth herein, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 7. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective on September 2, 2024, which is ninety (90) days from the date of adoption of this Ordinance, pursuant to §163.31801, Florida Statutes.

FIRST READING: May 21, 2024

SECOND READING: June 4, 2024

PASSED AND ADOPTED this 4th day of June, 2024.

Crissy Stile, Mayor

ATTEST:

Jeanann Hand, City Clerk

For the use and reliance of City of Mount Dora only.
Approved as to form and legality:

Patrick Brackins, City Attorney