

ORDINANCE 24-15

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 78, UTILITIES, ARTICLE IV, STORMWATER UTILITY, SECTION 78-171.5, FINDINGS AND INTENT, AND SECTION 78-174, SCHEDULE OF RATES OF THE CITY OF DUNEDIN CODE OF ORDINANCES TO REVISE THE CITY'S SCHEDULE OF RATES FOR STORMWATER UTILITY SERVICES, TO CORRECT TYPOGRAPHICAL ERRORS AND TO REVISE THE STORMWATER MANAGEMENT UTILITY FEE REDUCTION CALCULATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, the City completed a Stormwater Rate Study report which found that the City's existing stormwater fees were not adequate to fully recover the City's projected revenue requirements during the forecasted period and recommended adopting certain increases to the stormwater rates;

WHEREAS, the City desires to revise the schedule of fees for stormwater utility services in accordance with the Stormwater Rate Study report; and

WHEREAS, City staff reviewed the City of Dunedin Code of Ordinance Chapter 78, Utilities, Article IV, Stormwater Utility, and has recommended amendments to sections 78-171.5, Findings and intent, and 78-141, Schedule of rates, to provide for a revised schedule of rates, typographical corrections, and revisions to stormwater management utility fee reduction calculation ; and

WHEREAS, the recommendations of staff have been found meritorious by the City Commission; and

WHEREAS, the City Commission finds that enacting this Ordinance is consistent with its police powers and will protect the public health, safety, and welfare of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the above recitals are true, correct, and incorporated herein by reference as the findings of the City.

Section 2. That Section 78-171.5, Findings and intent, of the City of Dunedin Code of Ordinances shall be amended to read as follows:

Sec. 78-171.5. Findings and intent.

- (a) The city has established a stormwater drainage utility as a city utility enterprise in accordance with F.S. § 403.0893 and F.S. ch. 166 and has established a program of user charges for stormwater management service to be charged to all developed property within the city that contribute stormwater runoff to the city's stormwater management system and/or surrounding waters, or otherwise impact these systems or receiving water and/or enjoy the benefits of said utility. These fees constitute a rational means for the city to accomplish the functions of such utility. It is the intent of this article that these functions include, but are not limited to, administration, maintenance, planning, design, construction, regulation, surveying, and inspection as they relate to stormwater management facilities within the city to, where applicable and by suitable means, both minimize stormwater contributions to flooding and to minimize stormwater contributions that would have adverse effects on the water quality of receiving water, protect the receiving waters adjacent to the city from further degradation, to improve the quality of stormwater runoff entering these bodies of water, and to seek the cooperation of the county and other municipalities in minimizing the contribution of all such systems and other sources of accelerated runoff to such flooding and water quality degradation.
- (b) Those elements of the system for the collection, retention, detention, treatment and disposal of storm and surface water are of benefit and provide services to all property within the city. The treatment of stormwater runoff being discharged into the bodies of water within and adjacent to the city that enters the stormwater management system is of benefit to all property owners within the city. Water discharged into the streets which finds its way into the stormwater management system or adjacent bodies of water is partially treated and improved by the street sweeping program which is an integral part of the city's stormwater management system and all developed properties not retaining all stormwater onsite and which waters ultimately find their way to a street or to an adjacent body of water contribute to the flooding and pollution problem which is intended to be addressed by the management of the street sweeping program and the construction of other capital features of the stormwater management system.
- (c) Development of land modifies the runoff response from rainfall. Changes made to the land result in an increase rate of stormwater runoff, an increased volume of runoff and an increase in the pollution in the runoff, unless the stormwater runoff is completely contained onsite. These adverse impacts create a need for government stormwater services. Those services can be legally funded through the collection of a stormwater user fee. This user fee is to manage the impacts from the modified hydrologic response to rainfall that results from a party electing to develop his or her property. When a party elects to develop their land, a choice has been made to undertake an activity which will create a need for government services. Those

services are mandatory unless the party chooses to ~~eliminate~~ eliminate the need for any such services by completely retaining those impacts on site. The conversion of pervious surfaces to impervious is one of the primary factors that result in the adverse hydrologic response from land development.

Section 3. That Section 78-174, Schedule of rates, of the City of Dunedin Code of Ordinances shall be amended to read as follows:

Sec. 78-174. Schedule of rates.

- (a) The monthly stormwater equivalent residential unit (ERU) rate is identified in the indexed rate chart below. The annual increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account. The rate established on October 1, ~~2024~~ 2026 shall continue until subsequently amended by ordinance adopted by the city commission.

	Stormwater ERU
October 1, 2014 <u>2024</u>	\$9.72 <u>\$16.37</u>
October 1, 2015 <u>2025</u>	\$10.16 <u>\$20.12</u>
October 1, 2016 <u>2026</u>	\$10.62 <u>\$23.87</u>
October 1, 2017	\$11.10
October 1, 2018	\$11.49
October 1, 2019	\$11.89
October 1, 2020	\$12.07
October 1, 2021	\$12.25
October 1, 2022	\$12.43
October 1, 2023	\$12.62
October 1, 2024	\$12.81

- (b) The city shall charge itself, for services at city-owned facilities, 25 percent of the equivalent residential unit (ERU) stormwater management utility fee.
- (c) The stormwater management utility fee shall be calculated for each developed property as follows:
- (1) The fee for residential property is the rate of one ERU multiplied by the number of dwelling units existing on the property; that is, $\text{Fee} = \text{ERU rate} \times \text{number of dwelling units}$.
 - (2) The fee for nonresidential property is the rate of one ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the total impervious area in square feet of the nonresidential property by 1,708 square feet. The resulting calculation is, $\text{Fee} = \text{ERU rate} \times \text{impervious area expressed in square feet} / 1,708 \text{ square feet}$, but not less than the rate for one ERU.

- (d) The minimum fee for developed property, whether residential or nonresidential, within the city is equal to the rate for one ERU subject to reduction as set forth in subsection (e) of this section.
- (e) On-site stormwater quality management facilities fee credit shall be allowed and calculated as follows:
 - (1) In order to encourage the improvement of the quality of stormwater runoff, a reduction in the stormwater management utility fee is authorized for those developed properties which are served by a private stormwater quality management facility designed and constructed for the purpose of stormwater collection, storage, treatment, conveyance and stormwater pollution reduction.
 - (2) A reduction in the fee is allowed for any developed property only if the stormwater runoff from the property is retained, treated and conveyed by a stormwater quality management facility that has been designed, constructed and is maintained properly for the purpose of stormwater retention and pollution reduction. If it is determined by the director that the stormwater quality management facility has not been, nor is currently being, properly maintained as designed, the director may disallow the on-site stormwater quality management facility credit.
 - (3) ~~For applicable properties meeting the standards set forth in this section, the fee shall be reduced up to 100 percent of the fee. All properties which have designed, built and maintained retention basins with no outflow or outlet, as permitted by the city engineer, and which have been designed and maintained to retain and treat stormwater runoff in excess of existing or predevelopment release rates and having sufficient storage capacity constructed on the property to retain and treat stormwater based on the 100-year storm recurrence interval and a rainfall of 24-hour duration which is equal to 10.35 inches may qualify for up to a 100 percent credit of the fee. The amount of reduction of the fee shall be equal to the percentage of on-site retention and treatment for which the stormwater quality management facility has been designed and continuously maintained by the property owner. Such calculations shall be submitted to the city by a properly qualified professional engineer and shall be confirmed by the city. The reduced fee will thereafter be calculated as the fee determined, multiplied by the factor of the percentage of allowable reduction. For applicable properties meeting the standards set forth in this section, the fee may be reduced up to 100 percent of the fee. All properties which have designed, built and maintained retention or detention basins, as permitted by the city engineer, and which have been designed and maintained to treat stormwater runoff in excess of existing or predevelopment release rates on the property may qualify for up to 100 percent credit of fee. The amount of reduction of the fee shall be equal to 25% for the first ½ inch runoff treated. No reduction will be given for treatment volumes less than ½ inch. Additional fee reductions above 25%, up to 100%, shall be determined based on additional treated runoff amounts up to 1 inch over the entire site.~~

Calculations shall be submitted to the city by a properly qualified professional engineer and shall be confirmed by the city. The reduced fee will thereafter be calculated as the fee determined multiplied by the factor of the percentage of allowable reduction.

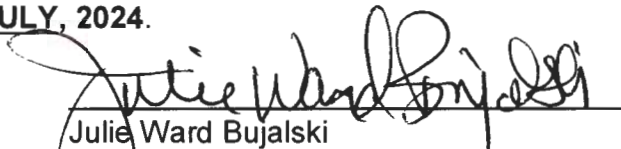
Section 4. This Ordinance shall be codified and made part of the Code of Ordinances, City of Dunedin, Florida, and all existing section numbers in Subpart A of the Dunedin City Code, together with any cross-references thereto, may be renumbered to accomplish such codification.

Section 5. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.


Section 6. That all ordinances or parts thereof inconsistent herewith are repealed and superseded.

Section 7. This Ordinance shall become effective on July 11, 2024.

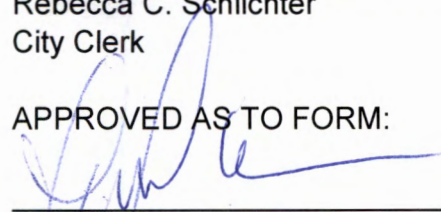
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 11 DAY OF JULY, 2024.


Julie Ward Bujalski
Mayor

ATTEST:


Rebecca C. Schlichter
City Clerk

APPROVED AS TO FORM:


Jennifer R. Cowan
City Attorney

READ FIRST TIME AND PASSED: June 6, 2024

READ SECOND TIME AND PASSED: July 11, 2024

Sec. 78-174. Schedule of rates.

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(UDC 1990, § 27-7-4-4; Ord. No. 03-25, § 1, 10-16-2003; Ord. No. 05-25, § 1, 7-7-2005; Ord. No. 07-08, § 1, 3-15-2007; Ord. No. 10-15, § 1, 9-23-2010; Ord. No. 11-29, §§ 1, 2, 9-22-2011; Ord. No. 12-39, § 1, 9-27-2012; Ord. No. 14-14, § 1, 9-25-2014; Ord. No. 16-20, § 2, 6-16-2016)

Editor's note(s)—Ord. No. 14-14, § 3, adopted September 25, 2014, contained the following language: "That the stormwater ERU rate reflected above shall be increased by 4.5% on October 1, 2015 through 2017; by 3.5% on October 1, 2018 through 2019; and by 1.5% on October 1, 2020 through 2024, inclusive. Said automatic increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account."