

ORDINANCE NO. O-18-2016

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING CITY CODE CHAPTER 78 – UTILITIES, ARTICLE VIII. – RECLAIMED WATER SYSTEM, DIVISION 1. – GENERALLY, SECTION 78-405 – INTENT, SECTION 78-407 – AVAILABILITY OF SERVICE, SECTION 78-409 – CONNECTION TO SYSTEM, SECTION 78-410 – AUTHORITY TO ADOPT RATES, FEES AND CHARGES, SECTION 78-412 – SERVICE INTERRUPTION, SECTION 78-414 – SERVICE APPLICATION REQUIREMENTS, SECTION 78-415 – METER REQUIREMENTS, SECTION 78-417 – CONSTRUCTION SPECIFICATIONS, SECTION 78-424 – INSPECTIONS, SECTION 78-426 – FINES AND PENALTIES FOR VIOLATION OF ARTICLE; DELETING DIVISION 3. – SUPERCEDANCE OVER ALL PRIOR AGREEMENTS FOR THE SUPPLY OF WATER, SECTION 78-432 – SUPERCEDANCE; ADDING DIVISION 3. – RATES AND CHARGES, SECTION 78-432 – FREE SERVICE PROHIBITED, SECTION 78-433 – RECLAIMED WATER USAGE AND MONTHLY MINIMUM CHARGES, SECTION 78-434 – CHARGES FOR RESETTING AND RECONNECTING METER, SECTION 78-435 – BILLING AND COLLECTION PROCEDURES GENERALLY, SECTION 78-436 – ADJUSTMENT OF CHARGES, SECTION 78-437 – RECLAIMED WATER TAP CHARGES, SECTION 78-438 – RECLAIMED WATER IMPROVEMENT TRUST FUND (IMPACT FEES), SECTION 78-439 – USE OF FUNDS, ADDING DIVISION 4. – SUPERCEDANCE OVER ALL PRIOR AGREEMENTS FOR THE SUPPLY OF RECLAIMED WATER, SECTION 78-440 – SUPERCEDANCE; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Green Cove Springs City Council has determined City Code Chapter 78, Utilities, need certain modifications to upgrade numerous regulations and charges for facilities connected to the City's reclaimed water system.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA AS FOLLOWS:

Section 1. City Code Chapter 78, Utilities, Sections 78-405, 78-407, 78-409, 78-410, 78-412, 78-414, 78-415, 78-417, 78-424, 78-426, and 78-432 are hereby amended and Sections 78-433 through 78-440 are added to read as follows:

ARTICLE VIII. RECLAIMED WATER SYSTEM

DIVISION 1. GENERALLY

Sec. 78-405. Intent.

It is the intent of the City to make reclaimed water available for irrigation purposes and other authorized non-potable uses in certain areas of the ~~territory where the city council determines that the construction of a reclaimed water distribution system is desired or requested by customers, or is necessary for the city to abide by applicable regulatory conditions, and is practical and economical in the sole opinion of the city council. The reclaimed water distribution system shall be constructed in phases to provide service to designated areas as determined by the city council, pursuant to the terms and conditions set forth herein.~~ City's Utility Service Area identified as Reclaimed Water Service Areas as adopted and defined by the City Council on August 16, 2016. The City Council determined that the construction of a reclaimed water distribution system is desired to those locations within the Reclaimed Water Service Areas. The City will consider other reclaimed water distribution system extensions outside of the Reclaimed Water Service Areas as requested by customers, or that is necessary for the City to abide by applicable regulatory conditions, and is practical and economical in the sole opinion of the City Council. The reclaimed water distribution system shall be constructed in phases to provide service to designated areas as determined by the City Council, pursuant to the terms and conditions set forth herein.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-407. Availability of service.

The term “available” means that a functioning reclaimed water distribution main with sufficient plant capacity for supply is located within five hundred (500) feet of the property to be serviced or, in the alternative, that it is cost effective in the sole opinion of the City Council for the City to extend a reclaimed water distribution main to within five hundred (500) feet of the subject property. However, regardless of proximity to a distribution main, the City reserves the right to make a final determination of the availability of service to a property based on the practicality, economics and clear and measurable benefits of providing said service, as determined by the City Council. The City shall ensure that the provisions set forth herein shall be non-discriminatory in their applicability.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-409. Connection to system.

Customers in designated service areas may connect to the reclaimed water system when service is available and upon submission of a proper application, including projection of use, and land application calculation plans showing proposed tie-in points, signed and sealed by a Florida licensed engineer, and in compliance with all City requirements. When service is available, all customers that connect to the reclaimed water system will be charged a monthly usage charge. These charges shall be established by ordinance, which may be amended from time to time.

All connections to mains of the City's reclaimed water systems shall be made only by the City, except in special cases where prior written approval has been obtained from the City. New taps shall be applied for by a licensed utility contractor or licensed general contractor on the regular tap application form furnished by the City. A tap application will not be accepted by the City if the reclaimed water meter location is unspecified. Should it become necessary to renew or increase the size of a tap, the City will determine whether a new tap application is necessary. Tap application and service application, advance payment or deposit, are required for each building, and payment therefor must be made to the City at the time of application for service.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-410. Authority to adopt rates, fees and charges.

The City Council shall have the authority by ordinance, duly adopted after a public hearing, to establish rates, fees and charges for the reclaimed water system, including issuing credits for construction of storage tanks, and to provide terms and conditions for the payment and collection of same. Pursuant to the authority of Section 403.064, Florida Statutes, as amended, the City shall have the power to allocate the costs of the reclaimed water system in a reasonable manner and to recover all or a portion of such costs in the rates established for such a system. ~~The city specifically reserves the right to discount to users of a large volume of reclaimed water in the limited instance wherein the city council shall determine that the value of such customer allows the city to forego or delay substantial expenditures of wastewater system improvements which would otherwise be required by regulatory agencies or when a single reclaimed water customer uses 80 percent of the reclaimed water produced on an annual basis by a reclamation facility.~~ The City Council specifically reserves the right to discount large reclaimed water volume users.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-412. Service interruption.

The City reserves the right to temporarily discontinue service to any portion of, or the entire reclaimed water system as deemed necessary by the Director or as required by FDEP regulations, as amended, or for predictable as well as unforeseen shortages and reclaimed water supply issues, or maintenance to the system.

In addition, the Director shall have the authority to establish schedules which restrict the use of the reclaimed water system at certain times in order to control pressure and flow demands within the system and to regulate usage during periods of limited reclaimed water availability.

The City shall not guarantee any particular reclaimed water pressure at metered connections.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-414. Service application requirements.

- (a) No connection to the City reclaimed water system shall be permitted without a written agreement for reclaimed water service with the City, a completed application for service, and FDEP approval if legally required.
- (b) The application for service shall be on a form provided by the City and shall be filed with the Department.
- (c) The Agreement for Reclaimed Water Service shall provide that the customer consents to the reasonable entry by the City upon the property described in said application for the purpose of conducting all inspections permitted or required by this Article and waives the right to receive further notice from the City of inspections conducted pursuant to this Article and indemnifies the City, its agents and employees, from all claims, damages, judgments and expenses (including attorney fees) incurred by the City as a direct result of the use or discharge of reclaimed water by the customer in violation of the terms of this Article or other applicable laws or regulations. Notwithstanding the foregoing to the contrary, the City shall make a reasonable effort to notify the property owner before entry upon its property.
- (d) The City shall inspect each property prior to connection to the reclaimed water system as described in detail in Section 78-424 of this Article.
- (e) No connection shall be permitted until the customer has a CU-approved backflow prevention assembly installed on their potable water system to protect the potable water supply.
- (f) All connections to the reclaimed water system shall be inspected by the Department prior to the use of reclaimed water.
- (g) No applicant for reclaimed water services from the reclaimed water system of the City who has previously been disconnected from the reclaimed water system for nonpayment of reclaimed water charges or who has previously been disconnected from the water and/or sewerage system of the City for nonpayment of a garbage and/or electric service bill, shall be permitted to have a connection with the reclaimed water system until all such delinquent charges have been paid to the City, together with the amount of the applicable connection or reconnection charges as prescribed in this article.
- (h) An applicant for reclaimed water service may terminate his contract for such service at any time by giving notice in writing to the City at its office in the City Hall Building, and by paying all amounts due for services up to the date of receipt of such notice by the City. In case such notice is not given or the bills due for services are not paid, then such user shall continue liable for reclaimed water consumed thereafter and for the minimum monthly rate or charge in case no

reclaimed water is consumed, even though he may vacate the premises or the premises may be occupied by other parties who fail to make application for service. Verbal notices shall not be binding upon the City.

- (i) In the event of any change of ownership or occupancy of any premises served by the reclaimed water system of the City, such new owner or occupant shall immediately notify the City of such change in writing. If any such new owner or occupant shall fail to give such notice, or shall fail to apply for reclaimed water service, and if the prior owner or occupant shall have failed to terminate his contract with the City for reclaimed water service, then the use of the reclaimed water services of the reclaimed water system of the City shall be deemed to be an acceptance by such new owner or occupant of all of the contract obligation of the prior owner or occupant to the City, and such new owner or occupant shall continue to be subject to all of the provisions of this ordinance as fully and completely as if such new owner or occupant had applied for reclaimed water service and such application had been accepted by the City.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-415. Meter requirements.

Reclaimed water shall only be supplied through CU-approved metered connections. The Director shall determine the size and type of meter required for each service. All approved meters for the reclaimed water system shall be installed by the user, unless provided otherwise in a written agreement with the City. Non-residential bulk users, condos, apartments, and other multi-family customers may require master meters if beneficial to the system, as decided by the Director.

The City shall maintain the proper operation of all meters. No repairs to meters shall be made other than by the Department.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-417. Construction specifications.

The following specifications shall apply to irrigation systems, piping and appurtenances to be connected to the reclaimed water system:

- (1) All connections shall meet the specifications and be in accordance with all local, State and Federal regulations:
 - a. No reclaimed water is permitted inside any single-family or duplex dwelling unit, or any dwelling unit where the residents have access to the plumbing system for repairs or modifications.

- b. As approved by CU, reclaimed water may be used for air-conditioning cooling systems in commercial or industrial facilities or buildings, in accordance with FDEP regulations as amended.
 - c. No above ground reclaimed water hose bibs (spigots or hand-operated connections) shall be permitted for residential customers.
 - d. For non-residential reclaimed water users, below-ground reclaimed water hose bibs are permitted when they are clearly labeled as non-potable and can only be operated by use of a special tool to be approved by the Director and in accordance with FDEP regulations as amended. Reclaimed water valves will be located in an approved reclaimed water box.
- (2) Existing residential irrigation systems may connect to reclaimed water systems, provided there are no hose bibs, no cross-connections, and the potable water supply is protected by a CU-approved backflow prevention assembly.
 - (3) New residential irrigation systems shall comply with all local, State and Federal regulations and applicable codes and ordinances. In addition, there shall be no reclaimed water hose bibs and no cross-connections. Additionally, the potable water supply shall be protected by a CU-approved backflow prevention assembly.
 - (4) Existing non-residential irrigation systems that may connect to the reclaimed water system shall have no above ground reclaimed water hose bibs and no cross-connections. The potable water supply shall be protected by a CU-approved backflow prevention assembly.
 - (5) All connections, residential and non-residential, shall require the use of a licensed utility contractor or plumber.
 - (6) New reclaimed water distribution improvements dedicated to the City for maintenance shall meet, at a minimum, the specifications adopted by Resolution of the City Council.
 - (7) As required by State regulations, advisory signs shall be posted where reclaimed water is utilized in public areas. Advisory signs shall include, at a minimum, the following text in both English and Spanish: "Reclaimed Water – Do Not Drink," together with the equivalent standard international symbol.
 - (8) Advisory signs shall be posted adjacent to lakes and ponds used to store reclaimed water that are not located at the Wastewater Treatment Facility, as well as decorative water features that use reclaimed water. In such cases, the advisory signs shall include, at a minimum, the following text in both English and Spanish: "Reclaimed Water – Do Not Drink" and "Do Not Swim," together with the equivalent standard international symbols.

- (9) CU does not guarantee the supply of reclaimed water; therefore the user is responsible for the establishment of a backup system, if needed. Onsite storage ponds or tanks are a recommended means of ensuring an uninterrupted supply. All alternate water sources, such as canals, wells and ponds used as backup sources or to supplement the reclaimed water supply, must comply with local, State and Federal regulations, including regulations from FDEP and the St. Johns River Water Management District (SJRWMD).
- (10) All piping, fixtures, and sprinkler heads associated with the property owner's reclaimed water system shall be color coded and/or manufactured in accordance with FDEP rules and/or recommendations.
- (11) Irrigation and reclaimed water systems shall be constructed in accordance with the provisions of Chapter 62-610, F.A.C., the Reclaimed Water Standards Manual and this Chapter. All PVC components of the reclaimed water system, including the irrigation piping on the property owner's parcel, shall be color coded with Pantone Purple 522C.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-424. Inspections.

- (a) In order to ascertain and ensure compliance with the provisions of this Article and all regulations relating to reclaimed water, the City shall have the right to inspect, secure and disconnect all facilities and devices wherever located which connect to or control any discharge from the reclaimed water distribution system. The inspection shall include the following:
 - (1) A review of the information in the application for service or written agreement.
 - (2) A review of all applicable construction specifications.
 - (3) A cross-connection control review.
 - (4) Such other matters as the Director shall determine to be applicable.
- (b) Upon the execution of an Agreement for Reclaimed Water Service, the customer shall be deemed to have consented to the reasonable entry by the City upon the property described in said Agreement for the purpose of conducting all reasonable inspections permitted or required by this Article and waives the right to receive further notice from the City of inspections conducted pursuant to this Article. Notwithstanding the foregoing to the contrary, the City shall make a reasonable attempt to notify the customer in advance of an inspection on their property.

- (c) The denial of access to an authorized agent or employee of the City to any property receiving reclaimed water service for the purpose of conducting any inspection permitted under this Article shall constitute a violation of this Article and shall be grounds for the immediate discontinuance of reclaimed water service by the City to the subject property.
- (d) The City shall have the right to test meters to determine their accuracy whenever it deems such action advisable. If a user demands a field test the consumer shall pay a fee of fifteen dollars (\$15.00) for such field test if the accuracy of registration of the meter is found to be no more than one hundred two percent (102%) of the actual volume of reclaimed water passing through the meter.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Sec. 78-426. Fines and penalties for violation of article.

CU shall have the authority to impose fines and penalties, as established through City ordinance, for any violations of local, State and Federal rules relative to the provision of reclaimed water service.

Fines and penalties may include the costs to the City associated with the labor and materials required to correct cross-connections to the reclaimed water system. Applicable fines and penalties may be applied to property owners who are customers of the reclaimed water service, as well as property owners who are not customers of the reclaimed water service.

Reclaimed water service may be discontinued by the City:

- (1) For waste or excessive use of reclaimed water through improper or imperfect pipes, fixtures or appliances, or in any other manner.
- (2) For refusal or neglect to comply with any requirement of the City as to meter or service connection maintenance alteration or renewal or other requirement relating to the reclaimed water services of the City.
- (3) For the use of reclaimed water services for or in connection with or for the benefit of any other user or purpose other than that in the application.
- (4) For any interference or tampering, whether by act or commission or omission, with the meter measuring the reclaimed water supply, or with seals of any meter, or with any other portion of the reclaimed water system which was or is required by the City for controlling or regulating the reclaimed water services.
- (5) For nonpayment of charges imposed by the City for service.

(Ord. No. O-16-2009, § 1, 9-1-2009)

**DIVISION 3. -- SUPERCEDANCE OVER ALL PRIOR AGREEMENTS FOR THE
SUPPLY OF RECLAIMED WATER**

Sec. 78-432. -- Supercedance.

~~This article is the master governing law over all agreements between the city and third-party customers for the supply of reclaimed water. To the extent any provision within a prior agreement shall conflict with the language herein, this article shall supersede and be the controlling document. All prior agreements between the city and third-party customers for the supply of reclaimed water will be reviewed for compliance with this article, and replaced if deemed by the director to be in conflict with this article.~~

DIVISION 3. – RATES AND CHARGES

Sec. 78-432. Free service prohibited.

Unless authorized through a separate agreement with the City, no free reclaimed water service shall be furnished or rendered to any person or to the state, or any public agency or instrumentality.

Sec. 78-433. Reclaimed water usage and monthly minimum charges.

- (a) The rates, fees and charges for reclaimed water service furnished by the City's reclaimed water system, herein referred to as "reclaimed water charge", shall be based upon the quantity of reclaimed water, determined by metering, furnished to each user's premises each month. The owner, occupant or tenant of each lot or parcel of land connected with or using the reclaimed water system shall pay for the use of, and for the services furnished by the same, a reclaimed water charge according to the following schedule:

RECLAIMED WATER RATES

<u>Meter Size (in)</u>	<u>Monthly Base Charge**</u>	<u>Monthly Consumption Charges (per 1,000 gal.)</u>	
		<u>(0 - 15,000 gal.)</u>	<u>(> 15,000 gal.)</u>
<u>3/4</u>	<u>\$15.00</u>	<u>\$1.25</u>	<u>\$1.80</u>
<u>1</u>	<u>\$23.45</u>		
<u>1 1/2</u>	<u>\$35.65</u>		
<u>2</u>	<u>\$52.50</u>		
<u>3</u>	<u>\$65.65</u>		

** Also minimum monthly charge

- (b) All reclaimed water users outside the City limits shall pay one hundred twenty-five percent (125%) of the equivalent rate charged to those users within the City limits.

- (c) The above charges shall apply to all classes of users, residential, commercial, industrial, charitable or otherwise, except as otherwise provided in the City Code. Primary obligation for payment shall be upon the owner of the premises, who shall be deemed to be the guarantor of any tenant or person occupying the premises.
- (d) The minimum monthly bill shall be the same as the monthly base charge.
- (e) Bulk reclaimed water rates. Bulk or wholesale reclaimed water use charges shall be calculated to reflect the City's cost of providing reclaimed water service to those entities entering into an agreement with the City. Such rates will be determined on an individual basis by the City Council.

Sec. 78-434. Charges for resetting and reconnecting meter.

There is hereby imposed a charge of one hundred dollars (\$100.00) for resetting any meter which has been removed due to an account being delinquent. There is hereby imposed a charge of twenty dollars (\$20.00) for restoring service to any meter which has been cut off for nonpayment but not removed.

Sec. 78-435. Billing and collection procedures generally.

- (a) Bills for reclaimed water service shall be rendered monthly by the City, payable on or before the fifteenth day following the date of billing, without discount for prompt payment. If any bill shall not be paid on or before the fifteenth day following the date of billing, such bill shall become delinquent. Such bills shall include the minimum reclaimed water charges applicable to the month following the month in which the bills are rendered, excess charges applicable to the month preceding the month in which the bills are rendered, all delinquent charges and all other current charges due.
- (b) In all cases where water and/or sewer services are furnished to the premises by the City, and in all cases where garbage services or electric utility services are furnished to the premises by the City, the amount of the reclaimed water charge shall be included as an added and designated separate item in bills rendered for water, sewer, garbage or electric service. The user of garbage service, electric service, and/or water and sewer services shall be required to pay the reclaimed water charges at the same time as the bill for garbage services or electric or water or sewer services is paid and shall not be permitted to pay any of such charges included in such bill without the payment of all of the other charges on such bill. If such bill for reclaimed water charges becomes delinquent, the City shall discontinue supplying reclaimed water to such premises and may disconnect the premises from the reclaimed water system of the City and may discontinue furnishing garbage services to the premises and may discontinue furnishing electric service to the premises.
- (c) The City shall have the right to transfer a delinquent reclaimed water bill at one address to the account of the same consumer at another address, and shall have the right to refuse to furnish reclaimed water services or to discontinue furnishing reclaimed water services at the latter address for nonpayment of the transferred bill.

- (d) Notwithstanding anything herein to the contrary, each City reclaimed water customer that has a meter shall pay the applicable monthly base charge and monthly consumption charge each billing period. Additionally, all reclaimed water accounts, (units such as apartments, trailer parks, condominiums, office complexes and similar users) that have a shared meter shall be billed a monthly base charge and monthly consumption charge for each individual unit using the main meter. It shall be the responsibility of the main meter customer to collect such charges.

Sec. 78-436. Adjustment of charges.

- (a) When a user's reclaimed water bill is unusually high due to some fault of the City, or where an error in meter reading occurs, the user's reclaimed water bill shall be adjusted to a normal bill based on the average of the three previous month's consumption plus, where applicable, an adjustment for any unusual increase or decrease in consumption during the month in question based upon prior years' experience.
- (b) Where there is an underground leak on the user's side of the meter, substantiated by a plumbing repair bill, then an average bill shall be determined by the method provided in subsection (a) above.

Sec. 78-437. Reclaimed water tap charges.

- (a) The City shall have the right to approve, connect, install or set meters of such sizes as the City or City Engineers may determine, after consideration of the minimum and maximum quantities of water to be delivered to any connection(s) served by the City's reclaimed water system. The City shall charge and collect in advance, at the time application is made for a plumbing permit, all installation costs according to the following service charge schedule, subject to the conditions and terms of this section. The following schedule of tap charges covers installations where there is an existing service stub-out within ten (10) feet or less of the property line. Cost to extend a reclaimed water main or service line to serve an applicant shall be at the expense of the applicant and in accordance with this article. These charges consist of materials, labor and other related costs.

Meter Charge Schedule

<i>¾" service, ¾" meter</i>	<i>\$550.00</i>
<i>1" service, 1" meter</i>	<i>\$600.00</i>
<i>1 ½ " service, 1 ½ " meter</i>	<i>\$750.00</i>
<i>2" service, 2" meter</i>	<i>\$900.00</i>
<i>3" service, 3" compound meter</i>	<i>\$2,400.00</i>
<i>4" service, 4" compound meter</i>	<i>\$3,150.00</i>
<i>6" service, 6" compound meter</i>	<i>125% of Actual Cost</i>
<i>8" service, 8" compound meter</i>	<i>125% of Actual Cost</i>

- (b) In the event an application for reclaimed water service connection is received and the costs of installation of same is determined by the City to be more than the charges set forth in this article due to service and/or meter size, such installation shall be at one hundred twenty-five percent (125%) of the actual cost to the City.
- (c) In the event there is a reclaimed water service existing at the applicant's property line or which has been approved by parties other than the City and dedicated to the City at no cost to the City then the reclaimed water tap charge under this section would not apply. However, the twenty-dollar (\$20.00) inspection fee shall apply.

Sec. 78-438. Reclaimed water improvement trust fund (Impact Fees).

The City Council has determined that a reclaimed water improvement trust fund charge is required to allow for capital improvements to said system, based upon the extent and nature of the anticipated expansions to the system as they relate to the future customers thereof. The City Council has made a determination that the charges set forth below will be fair and equitable to both the present customers of the City's reclaimed water system and the future customers thereof.

Improvement trust fund charges adopted. Charges are hereby imposed upon all new connections or additions to existing connections, to the reclaimed water system of the City, in the amounts hereinafter set forth. All charges for connections resulting from new construction shall be due and payable at the time of issuance by the City building department of any building permit for such construction (or application for service where outside the City Limits), and no permit shall be issued until the said charges for such connection shall have been paid in full, unless provided otherwise herein. In the case of additions to a building presently connected to the systems, the improvement trust fund charge shall be paid prior to the issuance of a building permit for the construction of such additions, unless otherwise provided herein.

Equivalent resident unit (ERU) is the base unit for assessment of improvement trust fund charges determined to produce estimated use factors of, as they apply to an annual average reclaimed water demand of (400) gallons per day.

Residential improvement trust fund charges (Impact Fee:) Residential charges shall be \$400 per residential unit (ERU).

Nonresidential, commercial and industrial reclaimed water improvement trust fund charges. For purposes of calculating and imposing the reclaimed water improvement trust fund charges to connections other than Residential, the applicant shall provide reclaimed water calculations for the proposed irrigable area to receive reclaimed water. The irrigation demand shall be calculated based on an annual average demand of 1.25 inches per week or 4,800 gallons per day per irrigable acre [i.e., average irrigation demand = Irrigable Acreage * 4,800 gpd/Irrigable Acre)]. Upon calculation of the average irrigation demand, the value shall be divided by the reclaimed ERU to determine the number of ERUs for calculation of the improvement trust fund charge. An example is provided as follows:

<u>Non-residential Irrigable Area</u>	=	<u>0.50 Irrigable Ac.</u>
<u>Average Irrigation Demand</u>	=	<u>0.50 Irrigable Ac.*4,800 gpd/Irrigable Ac.</u>
	=	<u>2,400 gpd (average)</u>
<u>Reclaimed ERU Calculation</u>	=	<u>2,400 gpd/400 gpd/ERU</u>
	=	<u>6 ERUs</u>
<u>Improvement Trust Fund Charge</u>	=	<u>6 ERUs * \$400/ERU</u>
	=	<u>\$2,400</u>

Changes or modifications in operations. Any user of the City's reclaimed water system who changes or modifies operations which will increase usage of reclaimed water by ten (10) percent or greater than the original application made to the City, as set forth above and specified as normal operation usage, shall make application to the City, on appropriate forms, prior to commencing said increased usage. Improvement trust fund charges, applicable to the increased usage, as hereinabove set forth, shall be calculated, assessed and payable when application is made and approved for said increased usage.

Reclaimed water improvement trust fund charge revenue restrictions. A trust fund is hereby established for the reclaimed water improvement trust fund charge as a capital improvement account for the expansion of said City system. All improvement trust fund charges collected hereunder shall be deposited in said fund, as set forth above and held in a separate account to be used only for the purpose of expanding the City's reclaimed water system. Funds may be disbursed from these trust funds only upon authorization of the City Council, upon determination by the City Council that the proposed expenditures are for the expansion of the system within the intent and meaning of the laws of this state. Notwithstanding this provision, revenues of the reclaimed water improvement trust fund may be pledged for borrowing for purposes of reclaimed water system expansion, in the same manner as any other source of revenue.

Sec. 78-439. Use of funds.

All revenues received, collected and derived from the charges imposed by this Article shall be placed as received from the customer by the City into a special fund to be known and designated as a "Reclaimed Water Enterprise Fund," which fund shall be kept separate and apart from all other funds of the City. The monies in such fund shall be used for the following purposes:

- (1) Operation, repair and maintenance of the reclaimed water system of the City; and
- (2) Construction or acquisition of any reclaimed water system and the construction or acquisition of extensions, additions, renewals or replacements to the existing reclaimed water system of the City; and
- (3) Paying all or part of the debt service requirements of bonds issued to finance the cost of construction or acquisition of capital improvements described in paragraph (2) above, in such amounts or proportions of such monies as may be pledged by Ordinance.

**DIVISION 4. – SUPERCEDANCE OVER ALL PRIOR AGREEMENTS
FOR THE SUPPLY OF RECLAIMED WATER**

Sec. 78-440. Supercedance.

This Article is the master governing law over all agreements between Green Cove Springs and third-party customers for the supply of reclaimed water. To the extent any provision within a prior agreement shall conflict with the language herein, this Article shall supersede and be the controlling document. All prior agreements between Green Cove Springs and third-party customers for the supply of reclaimed water will be reviewed for compliance with this Article, and replaced if deemed by the Director to be in conflict with this Article.

(Ord. No. O-16-2009, § 1, 9-1-2009)

Section 2. Repealer. All Ordinances or part of Ordinances in conflict herewith be and the same are hereby repealed.

Section 3. Severability. If any Section, Subsection, sentence, clause phrase of this Ordinance or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining Section, Subsection, sentences, clauses or phases under application shall not be affected thereby.

Section 4. This Ordinance shall take effect immediately upon passage.

**INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST
READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS,
FLORIDA, ON THIS 15TH DAY OF NOVEMBER, 2016.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis. Mayor

ATTEST:

Julia W. Clevinger, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE
CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 6TH DAY OF DECEMBER, 2016.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

ATTEST:

Julia W. Clevinger, City Clerk

APPROVED AS TO FORM:

L. J. Arnold, III, City Attorney