



TOWN OF HIGHLAND BEACH

ORDINANCE NO 16-008 O

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 22, "SEWERS" AND CHAPTER 29, "WATER SYSTEM", ARTICLE I, "IN GENERAL" AND REPEALING ORDINANCE 08-003 TO MAKE CERTAIN ADMINISTRATIVE CLARIFICATIONS AND TO PROVIDE THAT ALL FEES CHARGED SHALL BE AS SET FORTH IN A RESOLUTION ADOPTED BY THE TOWN COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission wishes to clarify certain administrative processes and to set forth the fees charged for the water and sewer system in a resolution adopted by the Town Commission; and

WHEREAS, the Town Commission determines that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Highland Beach, Florida, as follows:

Section 1. The foregoing Whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Town Commission hereby amends Chapter 22, "Sewers" of the Town Code of Ordinances to read as follows (additional language underlined and deleted language ~~stricken through~~):

Chapter 22 - SEWERS

Sec. 22-1. - Compulsory connection.

(a) The owner, tenant or occupant of each lot or parcel of land within the town which abuts a public street, right-of-way or easement containing a sewerline and which property can be served by the town sewer system and upon which lot or parcel a building has been completed subsequent to February 2, 1971, shall connect such building with such sanitary sewer and shall cease to use any other method for disposal of sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the town commission, which rules and regulations provide that before any prospective users of the sewage system are issued a building permit from the town, they shall

deposit with the town a residential connecting fee of ~~one thousand dollars (\$1,000.00)~~ as established by resolution of the town commission for each dwelling unit. "Dwelling unit" as used herein includes any unit designed and intended for use as living quarters for a single family, whether it is a rental unit or a residential unit in any apartment, cooperative, condominium, motel or hotel. The fees thus collected are not refundable and shall be paid to the sewer connecting fee fund. Such funds shall be used for the purpose of capital improvement, operation, maintenance and/or payments upon indebtedness incurred for such costs.

(b) No person shall cause his property to be connected to the sewer system, nor shall he use such system, without first having:

- (1) Presented plans for the proposed connection to the town;
- (2) Paid the requisite connection fee;
- (3) Obtained a permit for the connection; and
- (4) Had the connection inspected and approved in writing by such person as the town manager may from time to time designate.

Sec. 22-2. - Service charges.

The rates, fees and charges for the use of and for the services and facilities furnished or to be furnished by the sewer system of the town, to be paid by the owner of each lot or parcel of land which is connected with the sewer system, shall be based on the apportioned costs of operating the sewer installations and facilities, including service charges, maintenance, necessary reserve and replacement funds, treatment and disposal costs, and shall be established as follows:

- (1) The town commission shall from time to time, by ~~ordinance~~ resolution duly passed by the town commission, establish the charges for use of the sewer system operated by the town. ~~Such rate shall be nineteen dollars and sixty-six cents (\$19.66) per month per residential room or unit, until further amended by the town commission.~~
- (2) In the case of nonresidential users, which include, but are not limited to, recreation rooms, recreation buildings, guard houses, construction trailers, sales trailers and sales buildings, the rate to be charged shall be the same as for residential rooms or units. Any charge for sewer service shall be made for not less than a full month.
- (3) ~~The Holiday Inn sewer bill is billed on the basis of one hundred (100) percent of water use. The charge shall be based on readings on the two (2) master water meters minus the readings on the three (3) sprinkler water meters. The amount of consumed water multiplied by the actual cost of treatment will constitute the one hundred (100) percent.~~
- (43) All such fees and charges shall be billed bimonthly.

Sec. 22-4. - Billing procedure; delinquency.

The town shall submit bills for sewer services on a bimonthly basis. No discount shall be allowed for prompt payment. If any bills for sewer service charges are not paid within thirty (30) days of the original date of billing, a delinquency fee as established by resolution of the town commission of ~~1.5 percent per month (eighteen (18) percent per annum)~~ of the combined water and wastewater bill will be imposed. The town manager shall give notice in writing of the delinquency and, if not corrected within ten (10) days of such notice, shall discontinue furnishing water to such premises, and shall disconnect the same from the waterworks system of the town and shall proceed forthwith to recover the amount of such sewer service charges in such lawful manner as the town manager may deem advisable.

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Section 3. The Town Commission hereby amends Chapter 29, "Water System", Article I, "In General" of the Town Code of Ordinances to read as follows (additional language underlined and deleted language ~~stricken through~~):

ARTICLE I. - IN GENERAL

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Sec. 29-2. - Connection charges; location of meters.

(a) Upon application for water service by the owner or consumer a charge is to be made that consists of the cost of the approved meter, installation, approved valves, labor and inspection as established by resolution of the town commission.

(b) All water meters shall be installed as close as practicable to the property line.

Sec. 29-3. - Temporary service.

Temporary water service, such as service for construction work, shall be rendered upon written application accompanied by a deposit sufficient to cover the town's estimate of the proper charge for water to be consumed, materials, labor and other expense incurred by the town in rendering such service as established by resolution of the town commission. Upon termination of this service, any balance of this deposit shall be returned to the consumer.

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Sec. 29-5. - Fee to re-establish service.

If water service is turned off either because of delinquency or upon the request of the consumer for any purpose, a cut-in fee of ~~fifty dollars (\$50.00)~~ as established by resolution of the town commission shall be charged and paid when the water is turned on.

Sec. 29-6. - Testing of meters.

Upon written request of a consumer, the meter will be tested by the town. If the meter, when tested, is found to be not more than two (2) percent fast, the expense of the test, as established by resolution of the town commission, shall be paid by the consumer; otherwise, the expense of the test will be borne by the town, and billing adjustments for a period not to exceed six (6) months will be made.

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Sec. 29-10. - Charge for water service.

The reasonable rate, rental, fee and other charge for the use of the services and facilities of the town waterworks system shall be as established by resolution of the town commission, are hereby fixed and established as follows:

~~Base charge per dwelling unit every 2 months\$30.00~~

~~Volume charges:~~

~~Multifamily (per dwelling unit):~~

~~1,000 gallons up to and including 13,000 gallons every 2 months, per
1,000 gallons2.15~~

~~14,000 gallons up to and including 23,000 gallons every 2 months, per
1,000 gallons2.59~~

~~24,000 gallons or more every 2 months, per 1,000 gallons4.60~~

~~All other customers (per account):~~

~~1,000 gallons up to and including 19,000 gallons every 2 months, per
1,000 gallons2.15~~

~~20,000 gallons up to and including 49,000 gallons every 2 months, per
1,000 gallons3.74~~

~~50,000 gallons or more every 2 months, per 1,000 gallons4.60~~

~~New rates will become effective with the December 2009—January 2010 billing cycle. The first bills reflecting the new rates would be dated as of February 1, 2010.~~

Sec. 29-11. - Billing dates; delinquent bills; disconnection.

Bills for water consumption will be rendered at the rates ~~set out in this chapter established by resolution of the town commission~~, but the rendering of bills is not an obligation on the part of the town, and failure of the consumer to receive such bill shall not release or diminish the obligation of the consumer with respect to payment thereof, or relieve the consumer of any obligation under this chapter. Such bills for service shall be due and payable on the date of billing and shall become delinquent thirty (30) days thereafter. For all accounts that do not pay their bill in full by the due date, a delinquency fee of ~~1.5 percent per month (eighteen (18) percent per annum)~~ of the ~~combined water and wastewater bill~~ as established by resolution of the town commission will be imposed. The town manager shall give notice in writing of the delinquency and, if not corrected within ten (10) days of the date of such notice, shall order the immediate disconnection of all delinquent services. Services shall not be restored until the delinquent bill and ~~fifty dollars (\$50.00)~~ a service charge, as established by resolution of the town commission, is paid.

Sec. 29-12. - Private fire protection.

Fire protection service charges, as established by resolution of the town commission, shall be billed annually in advance. Fire protection service, either private hydrants or sprinkler systems, shall be installed from the main inward and maintained and tested at the expense of the consumer. All such installations shall be made in strict accordance with the rules of the National Fire Protection Association. Fire protection services shall not be metered, and no charge shall be made by the town for water used through such services; however, no use of such services shall be made except for testing the equipment or fighting fire.

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Sec. 29-23. - New dwelling construction; fees; fund created.

(a) No permit or extension of a previous permit for the building of any dwelling unit shall be issued until there has been paid to the town a fee established by resolution of the town commission ~~the sum of three thousand dollars (\$3,000.00) per dwelling unit~~, which does not include the cost of water meter installation.

(b) The fees thus collected are not refundable and shall be paid to a reserve account within the water fund and such fees shall be used for the purpose of defraying the increased cost of maintaining, improving and expanding the water system.

(c) "Dwelling unit" as used in this section means any unit designed and intended for use as living quarters for a single family.

Sec. 29-24. - Use of water restricted during water shortage emergency.

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(e) *Penalties.* Violation of any provision of this section shall be subject to the following penalties:

- (1) Punishment as provided in Chapter 1 of this Code.
- (2) Suspension of water service. Service so disconnected shall be restored only upon payment of a turn-on charge ~~hereby fixed at fifty dollars (\$50.00)~~ as established by resolution of the town commission during town hall hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, or as otherwise specified by law, and any other costs incurred by the town in effectuating the discontinuance of service and the giving of suitable assurances to the town that the action causing the discontinuance will not be repeated during the continuance of the water shortage emergency situation.
- (3) Installation of a water-saving device by the town, cost to be borne by the owner prior to restoration of water service.

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Section 4. This Ordinance repeals and replaces Ordinance No. 08-003 O adopted November 4, 2008.

Section 5. It is the intention of the Town Commission of the Town of Highland Beach that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Highland Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or other word or phrase in order to accomplish such intention.

Section 6. All Ordinances or parts thereof and Resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion thereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or application of this Ordinance.

Section 8. This Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
HIGHLAND BEACH ON THIS 5 DAY OF July, 2016.**

TOWN OF HIGHLAND BEACH, FLORIDA

ATTEST:

By: Valerie Oakes

Valerie Oakes, Town Clerk

6-7-16

First Reading

6-7-16

Posted after First Reading

6-5-16

Published

7-5-16

Final Reading

7-5-16

Posted after Final Reading

Bernard Featherman

Bernard Featherman, Mayor,

William A. Weitz

William A. Weitz, Ph.D, Vice Mayor

Carl Feldman

Carl Feldman, Commissioner

Louis P. Stern

Louis P. Stern, Commissioner

Rhoda Zelniker

Rhoda Zelniker, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: Glen J. Torcivia

Glen J. Torcivia, Town Attorney
Town of Highland Beach, Florida

TOWN OF HIGHLAND BEACH, FLORIDA

NOTICE OF PUBLIC HEARING

ORDINANCE NO. 16-008 O

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 22, "SEWERS" AND CHAPTER 29, "WATER SYSTEM", ARTICLE I, "IN GENERAL" AND REPLACING ORDINANCE 08-003 TO MAKE CERTAIN ADMINISTRATIVE CLARIFICATIONS AND TO PROVIDE THAT ALL FEES CHARGED SHALL BE AS SET FORTH IN A RESOLUTION ADOPTED BY THE TOWN COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties are invited to appear and be heard at the following meeting to be held at the Highland Beach Commission Chambers, 3614 S. Ocean Blvd., Highland Beach, Florida.

Public Hearing and consideration for Adoption scheduled for Regular Meeting, July 5, 2016 at 1:30 PM.

A copy of the proposed Ordinance is available for public inspection in the Town Clerks Office, Town Hall.

Each person who decides to appeal any decision made by the Town Commission with respect to any matter considered at the Hearing will need a record of the proceedings and for such purposes, the person may need to ensure that a verbatim record of all proceedings is made, including the testimony and evidence upon which said appeal is based.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this Meeting should contact Town Hall at 561-278-4548 within a reasonable time prior to this meeting in order to request such assistance.

Valerie Oakes, CMC
Town Clerk

PUB: The Palm Beach Post
6-5/2016 #611075

Signed

Sworn to and subscribed before 06/06/2016.

Who is personally known to me.

TOWN OF HIGHLAND BEACH PROOF OF PUBLICATION STATE OF FLORIDA COUNTY OF PALM BEACH Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 06/05/2016 and last date of Publication 06/05/2016 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties. Notice of public hearing Ad ID: 1173553 Ad Cost: 213.28



APRIL D. EMBERTON
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
October 01, 2018