

**CITY OF HOMESTEAD, FLORIDA**

**ORDINANCE NO. 2018-11-22**

**AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE CITY OF HOMESTEAD CODE OF ORDINANCES BY AMENDING CHAPTER 28 "UTILITIES," ARTICLE II "WATER", DIVISION 2 "SERVICE RATES AND CHARGES," SECTION 28-41 "RATE SCHEDULE" AND SECTION 28-44 "WATER USE CHARGE"; AMENDING CHAPTER 28 "UTILITIES," ARTICLE III "SEWERS," DIVISION 5 "SERVICES RATES AND CHARGES," SECTION 2-141 "RATE SCHEDULE," AND SECTION 28-142 "SEWER USE CHARGE" TO PROVIDE FOR AN INCREASE IN WATER AND SEWER RATES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Homestead, Florida (the "City Council") finds it periodically necessary to amend its Code of Ordinances (the "City Code") in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, in 2008, through Resolution R2008-09-112 and as authorized in Section 28-13(b) of the City Code, the City increased the water and sewer rates based upon the annual increase in the index numbers of retail commodity prices designated under Consumer Price Index for all Urban Consumers – United States City Average – All Items ("CPI"), but by no more than 2%; and

**WHEREAS**, the City has found that the current water and sewer revenues are inadequate to meet the projected expenditure requirements for the City's utilities system in order to maintain a financially sound utility and fund its anticipated needs; and

**WHEREAS**, the City Council desires to increase water and sewer rates to generate the water and sewer system revenues needed in order to maintain a financially sound utility; and

**WHEREAS**, the City has provided notice of the proposed water and sewer rate, charge, or fee increase to each water and sewer customer through the City of Homestead's utility billing process pursuant to Section 180.136, Florida Statutes; and

**WHEREAS**, City Council has reviewed this Ordinance at two duly noticed public hearings in accordance with law and determined that it is consistent with the City's comprehensive plan; and

**WHEREAS**, the City Council finds that this proposed Ordinance serves to further enhance the protection of the public health, safety and welfare.<sup>1</sup>

**NOW, THEREFORE IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:**

**Section 1. Recitals Adopted.** That the foregoing Recitals are true and correct and are incorporated herein by this reference.

**Section 2. City Code Amended.** That Article II "Water" of Chapter 28 "Utilities" of the City Code is hereby amended to read as follows:

ARTICLE II. Water

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DIVISION 2. Services Rates and Charges

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Sec. 28-41. – Rate Schedule.

All users of water provided by the water utility system of the city shall be charged per month as follows:

Table 28-41(a)

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<sup>1</sup> Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strike through~~.

METER SIZE	SERVICE CHARGE	CHARGE PER 1,000 GALLONS
5/8"—3/4"	<del>\$7.01</del> <u>\$9.11</u>	See Table 28-41(b)
1"	<del>\$16.04</del> <u>\$20.85</u>	<del>\$1.11</del> <u>\$1.44</u>
1½"	<del>\$37.00</del> <u>\$48.22</u>	<del>\$1.11</del> <u>\$1.44</u>
2"	<del>\$49.01</del> <u>\$63.71</u>	<del>\$1.11</del> <u>\$1.44</u>
3"	<del>\$97.05</del> <u>\$126.17</u>	<del>\$1.11</del> <u>\$1.44</u>
4"	<del>\$141.45</del> <u>\$183.89</u>	<del>\$1.11</del> <u>\$1.44</u>

Table 28-41(b)

Usage Per 1,000 gallons Meter size 5/8"—3/4"	Rate
0 to 3,000 gallons	<del>\$0.80</del> <u>\$0.88</u> per 1,000 gallons
3,001 to 9,000 gallons	<del>\$1.11</del> <u>\$1.22</u> per 1,000 gallons
9,001 to 14,000 gallons	<del>\$1.30</del> <u>\$1.69</u> per 1,000 gallons
14,001 gallons and up	<del>\$1.75</del> <u>\$2.28</u> per 1,000 gallons

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#### Sec. 28-44. - Water use charge.

There is hereby established a water use charge for the purpose of assisting in meeting the impacts upon the maintenance of pumping facilities, transmission lines, plant maintenance and capital improvements.

The water use charge hereby established shall be paid by the applicant at the time the applicant connects to the water system of the city.

The water use charge shall be established at ~~ninety-seven cents (\$0.97)~~ one dollar and forty-four cents (\$1.44) per gallon of daily flow based on the average daily flow computed by Miami-Dade County DERM, pursuant to DERM's published schedule.

When any customer of the water system expands its previous use of water or changes the use of their structure, they shall be charged the appropriate amount for that expanded or new use after giving consideration to the charge previously paid.

**Section 3. City Code Amended.** That Article III "Sewers" of Chapter 28

"Utilities" of the City Code is hereby amended to read as follows:

**ARTICLE III. – SEWERS**

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**DIVISION 5. Services Rates and Charges**

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**Sec. 28-141. – Rate Schedule.**

- (a) All users of sewer provided by the sewer system of the city shall be charged per month as follows ~~from and after October 1, 2001:~~

Meter Size	Service Charge	Charge per 1,000 gallons
5/8 "-3/4"	\$ <del>12.60</del> <u>18.46</u>	<del>\$2.66</del> <u>3.91</u>
1"	<del>26.00</del> <u>38.05</u>	<del>\$2.66</del> <u>3.91</u>
1½"	<del>48.33</del> <u>70.79</u>	<del>\$2.66</del> <u>3.91</u>
2"	<del>75.23</del> <u>110.15</u>	<del>\$2.66</del> <u>3.91</u>
3"	<del>146.88</del> <u>215.05</u>	<del>\$2.66</del> <u>3.91</u>
4"	<del>227.46</del> <u>333.00</u>	<del>\$2.66</del> <u>3.91</u>

The minimum bill is the service charge.

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Sec. 28-142. - Sewer use charge.

- (a) There is hereby established a sewer use charge for the purpose of assisting in meeting the impacts upon the maintenance of pumping facilities, transmission lines, plant maintenance and capital improvements.
- (b) The sewer use charge hereby established shall be paid by the applicant at the time the applicant connects to the sewer system of the city.
- (c) The sewer use charge shall be established at ~~three dollars thirty-three cents (\$3.33)~~ four dollars and eighty-eight cents (\$4.88) per gallon of daily flow based on the average daily flow computed by Miami-Dade County DERM, pursuant to DERM's published schedule.

When any customer of the water system expands its previous use of water or changes the use of their structure, they shall be charged the appropriate amount for that expanded or new use after giving effect of the charge previously paid.

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**Section 4. Inclusion in the Code.** That it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

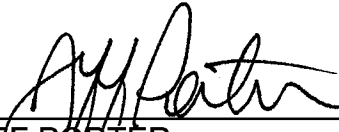
**Section 6. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7. Effective Date.** That this Ordinance shall be effective immediately

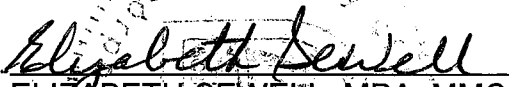
upon adoption on second reading.

**PASSED AND ADOPTED** on first reading this 13<sup>th</sup> day of November, 2018.

**PASSED AND ADOPTED** on second reading this 28<sup>th</sup> day of November, 2018.

  
JEFF PORTER,  
Mayor

ATTEST:

  
ELIZABETH SEWELL, MPA, MMC  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND BENEFIT OF THE CITY ONLY:

  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
City Attorney

Motion to adopt by Councilman Roth, seconded by Councilman Maldonado.

**FINAL VOTE AT ADOPTION**

Mayor Jeff Porter	<u>YES</u>
Vice Mayor Stephen R. Shelley	<u>YES</u>
Councilwoman Jenifer N. Bailey	<u>YES</u>
Councilman Jon A. Burgess	<u>YES</u>
Councilwoman Patricia Fairclough	<u>YES</u>
Councilman Elvis R. Maldonado	<u>YES</u>
Councilman Larry Roth	<u>YES</u>