

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA; REVISING THE CITY'S SANITARY SEWER SERVICE FEE SCHEDULE IN ACCORDANCE WITH ARTICLE III OF CHAPTER 78 OF THE CITY CODE; ESTABLISHING A NEW CUSTOMER CLASSIFICATION FOR RENTAL PROPERTY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; INCORPORATION INTO APPENDIX B; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority under Section 2(b), Article VIII, of the State Constitution to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article II of Chapter 78 of the Cape Canaveral Code of Ordinances establishes the City's sanitary sewer system; and

WHEREAS, Article III of chapter 78 establishes the service rates, deposits and billing procedures for the City's sanitary sewer customers; and

WHEREAS, section 78-152 of the Code of Ordinances requires that all revisions to sanitary sewer rates be approved by resolution of the City Council; and

WHEREAS, Raftelis Financial Consultants, Inc. recently completed a Sewer System Rate Study dated February 2012 ("the Study"), which includes findings, conclusions, recommendations, and supporting analysis related to the City's sanitary sewer rates; and

WHEREAS, based on the recommendations of the Study, the City Council desires to revise the fees and charges related to its sanitary sewer system and to add a new customer classification for rental property; and

WHEREAS, after careful consideration and deliberation, and after considering the Study, the City Council deems it is in the best interests of the public health, safety and welfare of its citizens to update and revise the City's sanitary sewer system rates and charges as set forth herein, which rates are hereby found to be just and equitable.

BE IT ORDAINED by the City Council of the City of Cape Canaveral, Brevard County, Florida, as follows:

SECTION 1. **Recitals.** The foregoing recitals are hereby deemed true and correct and are hereby fully incorporated herein by this reference as a material part of this Resolution.

SECTION 2. **Amendment to Appendix B, Schedule of Fees, Related to Sanitary Sewer Service Rates.** The City Council of the City of Cape Canaveral hereby adopts the following amendments to the Cape Canaveral Code of Ordinances, Appendix

B, Schedule of Fees (underlined type indicates additions to and ~~striketrough~~ type indicates deletions from the existing text of Appendix B):

APPENDIX B – SCHEDULE OF FEES

* * *

CHAPTER 78. UTILITIES

* * *

Article III. Service Rates, Deposits and Billing Procedures

* * *

(b) *Schedule of fees.*

Description

* * *

(4) *Rental property:* Any individual connection held, used or controlled for multiple dwelling units that are rented/leased as a hotel or motel property.

(5) (4) *Equivalent residential unit (ERU):* One ERU shall be equal to one detached residential dwelling unit with an individual water meter of 0.75 inches or less. ERUs for all connections other than: (i) residential dwelling units with an individual water meter of 0.75 inches or less; and (ii) multifamily; shall be pursuant to the following basis:

ERU Basis

(A) For Single-Family, Commercial and Public Buildings

<i>Meter Size</i>	<i>ERU</i>
<u>0.75</u> $\frac{3}{4}$ "	1.00
1.0"	2.50
1.5"	5.00
2.0"	8.00
3.0"	15.00
4.0"	25.00
6.0"	60.00
8.0"	80.00

(B) For Rental Property: The number of ERUs for rental property connections shall be equal to the total number of individual dwelling units multiplied by a factor of 0.75 ERU.

(5) ~~Sewer Adjustment Factor:~~ A factor established by City council to account for the difference between the established rates and charges for Residential connection sewage and that of Commercial connections.

	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>
<u>Customer Charge per Bill</u>				
<u>All Classes</u>	<u>\$1.74</u>	<u>\$1.83</u>	<u>\$1.93</u>	<u>\$2.03</u>
<u>Readiness to Serve Charge per ERU</u>				
<u>Single-Family</u>	<u>\$14.96</u>	<u>\$15.71</u>	<u>\$16.50</u>	<u>\$17.33</u>
<u>Commercial</u>	<u>\$18.71</u>	<u>\$19.65</u>	<u>\$20.64</u>	<u>\$21.68</u>
<u>Rental Property</u>	<u>\$14.96</u>	<u>\$15.71</u>	<u>\$16.50</u>	<u>\$17.33</u>
<u>Public Building</u>	<u>\$14.96</u>	<u>\$15.71</u>	<u>\$16.50</u>	<u>\$17.33</u>
<u>User Rate per 1,000 gallons</u>				
<u>Single-Family</u>	<u>\$4.86</u>	<u>\$5.11</u>	<u>\$5.37</u>	<u>\$5.64</u>
<u>Commercial</u>	<u>\$6.07</u>	<u>\$6.38</u>	<u>\$6.70</u>	<u>\$7.04</u>
<u>Rental Property</u>	<u>\$4.86</u>	<u>\$5.11</u>	<u>\$5.37</u>	<u>\$5.64</u>
<u>Public Buildings</u>	<u>\$4.86</u>	<u>\$5.11</u>	<u>\$5.37</u>	<u>\$5.64</u>
<u>Sewer Flat Rate</u>				
<u>Multifamily</u>	<u>\$25.64</u>	<u>\$26.93</u>	<u>\$28.28</u>	<u>\$29.70</u>

	<u>2008</u> <u>7%</u>	<u>2008/09</u> <u>6%</u>	<u>2009/10</u> <u>6%</u>	<u>2010/11</u> <u>6%</u>	<u>2011/12</u> <u>6%</u>
<u>Customer Charge per Bill</u>					
<u>Single-Family</u>	<u>\$1.29</u>	<u>\$1.37</u>	<u>\$1.46</u>	<u>\$1.55</u>	<u>\$1.64</u>
<u>Multifamily</u>	<u>\$1.29</u>	<u>\$1.37</u>	<u>\$1.46</u>	<u>\$1.55</u>	<u>\$1.64</u>
<u>Commercial</u>	<u>\$1.29</u>	<u>\$1.37</u>	<u>\$1.46</u>	<u>\$1.55</u>	<u>\$1.64</u>
<u>Public-Building</u>	<u>\$1.29</u>	<u>\$1.37</u>	<u>\$1.46</u>	<u>\$1.55</u>	<u>\$1.64</u>
<u>Readiness to Serve Charge per ERU</u>					
<u>Single-Family</u>	<u>\$11.22</u>	<u>\$11.90</u>	<u>\$12.62</u>	<u>\$13.38</u>	<u>\$14.18</u>
<u>Commercial⁽⁴⁾</u>	<u>\$11.22</u>	<u>\$11.90</u>	<u>\$12.62</u>	<u>\$13.38</u>	<u>\$14.18</u>
<u>Public-Building</u>	<u>\$11.22</u>	<u>\$11.90</u>	<u>\$12.62</u>	<u>\$13.38</u>	<u>\$14.18</u>

<i>User Rate per 1,000 gallons</i>					
Single-Family	\$3.63	\$3.85	\$4.09	\$4.34	\$4.60
Single-Family Usage Cap	5,000-gallons	6,000-gallons	7,000-gallons	No-cap	No-cap
Commercial ⁽¹⁾	\$3.63	\$3.85	\$4.09	\$4.34	\$4.60
Public Building	\$3.63	\$3.85	\$4.09	\$4.34	\$4.60
<i>Sewer Service charge per Unit</i>					
Multifamily (Flat Rate)	\$19.23	\$20.39	\$21.62	\$22.92	\$24.30

(1) Commercial shall be increased pursuant to a Sewer Adjustment Factor of 3.0 times the Readiness to Service Charge per ERU and a Sewer Adjustment Factor of 3.0 times the Usage Rate per 1,000 gallons.

* * *

SECTION 3. **Incorporation into Appendix B, Schedule of Fees.** The fee schedule set forth in this Resolution shall be incorporated into Appendix B, Schedule of Fees, to the Cape Canaveral Code of Ordinances and any section or paragraph number or letter and any heading in Appendix B may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Resolution and the City Code, may be freely made.

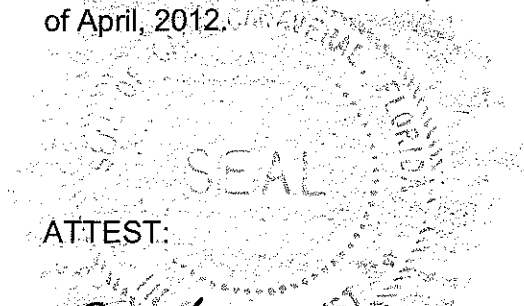
SECTION 4. **Repeal of Prior Inconsistent Resolutions.** All prior inconsistent resolutions adopted by the City Council, or prior resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 5. **Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 6. **Effective Date.** This Resolution shall become effective on October 1, 2012.

[ADOPTION PAGE FOLLOWS]

ADOPTED by the City Council of the City of Cape Canaveral, Florida this 17th day of April, 2012.



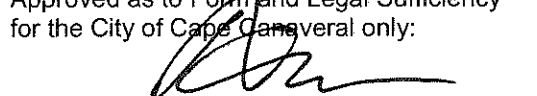

Rocky Randels, MAYOR

ATTEST:


Angela M. Apperson, City Clerk

Name	For	Against
John Bond	<u>X</u>	_____
Robert Hoog	<u>Second</u>	_____
Buzz Petsos	<u>Motion</u>	_____
Rocky Randels	<u>X</u>	_____
Betty Walsh	<u>X</u>	_____

Approved as to Form and Legal Sufficiency
for the City of Cape Canaveral only:


Anthony A. Garganese, City Attorney