

ORDINANCE NO. 3520

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, CHAPTER 90, UTILITIES, ARTICLE II WATER, SECTION 90-35 RATES AND CHARGES ESTABLISHED; DUE DATE; DELINQUENCIES; ARTICLE IV SEWERS, SECTION 90-112 SERVICE RATES AND CHARGES; BY ADJUSTING WATER AND SEWER UTILITY RATES TO RESULT IN A 9% INCREASE IN COMBINED WATER AND SEWER RATE REVENUES FOR FISCAL YEARS 2010, 2011, 2012, AND 2013; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Chapter 90, Utilities, Article II, Water, Section 90-35 Rates and charges established; due date; delinquencies is hereby amended to read as follows:

Section 90-35. Rates and charges established; due date; delinquencies.

(a) A schedule of rates and charges for the services rendered and facilities afforded by the municipal water system service is hereby established.

(b) The rates and charges for such water service rendered to each building or premises shall be computed and billed monthly as determined by the readings of the water meters supplying water thereto, as follows:

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**Monthly Water Service
To Premises Within the City Limits**

		Monthly Rates Effective*			
	Usage Range	10/01/2009	10/01/2010	10/01/2011	10/01/2012
Readiness-to-serve-- Charges by meter size					
Meter Size:					
5/8 x 3/4 inch		\$8.02	\$8.74	\$9.53	\$10.39
1 inch		\$20.06	\$21.87	\$23.84	\$25.99
1.5 inch		\$40.11	\$43.72	\$47.65	\$51.94
2 inch		\$64.17	\$69.95	\$76.25	\$83.11
3 inch		\$128.34	\$139.89	\$152.48	\$166.20
4 inch		\$200.53	\$218.58	\$238.25	\$259.69
6 inch		\$401.04	\$437.13	\$476.47	\$519.35
8 inch		\$641.67	\$699.42	\$762.37	\$830.98
10 inch		\$1,002.61	\$1,092.84	\$1,191.20	\$1,298.41
Volume Charge: For each 1,000 gallons or any part thereof per month					
Residential & Nonresidential	0-5,000	\$3.93	\$4.28	\$4.67	\$5.09
Non-Residential Only	>5,000	\$6.89	\$7.51	\$8.19	\$8.93
Residential Only	5,001 - 10,000	\$6.89	\$7.51	\$8.19	\$8.93
Residential Only	10,001 - 15,000	\$8.61	\$9.38	\$10.22	\$11.14
Residential Only	>15,000	\$12.92	\$14.08	\$15.35	\$16.73

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*The rates shall be effective and shall be applied to the water usage incurred beginning October 1 each year.

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**Monthly Water Service
To Premises Outside the City Limits**

		Monthly Rates Effective*			
	Usage Range	10/01/2009	10/01/2010	10/01/2011	10/01/2012
Readiness-to-serve---Charges by meter size					
Meter Size:					
5/8 x 3/4 inch		\$10.02	\$10.92	\$11.90	\$12.97
1 inch		\$25.08	\$27.34	\$29.80	\$32.48
1.5 inch		\$50.14	\$54.65	\$59.57	\$64.93
2 inch		\$80.28	\$87.51	\$95.39	\$103.98
3 inch		\$160.43	\$174.87	\$190.61	\$207.76
4 inch		\$250.67	\$273.23	\$297.82	\$324.62
6 inch		\$501.31	\$546.42	\$595.60	\$649.20
8 inch		\$802.09	\$874.28	\$952.97	\$1,038.74
10 inch		\$1,253.27	\$1,366.06	\$1,489.01	\$1,623.02
Volume Charge: For each 1,000 gallons or any part thereof per month					
Residential & Nonresidential	0-5,000	\$4.92	\$5.36	\$5.84	\$6.37
Non-Residential Only	>5,000	\$8.61	\$9.38	\$10.22	\$11.14
Residential Only	5,001 - 10,000	\$8.61	\$9.38	\$10.22	\$11.14
Residential Only	10,001 - 15,001 15,000	\$10.77	\$11.74	\$12.80	\$13.95
Residential Only	>15,000	\$16.14	\$17.59	\$19.17	\$20.90

*The rates shall be effective and shall be applied to the water usage incurred beginning October 1 each year.

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The rates for monthly water service to premises within or outside the city limits shall be increased a minimum of five percent (5%) over the rates in effect on October 1 of each year, unless contrary action is taken by the City Council. The rates increased shall be the readiness-to-serve charge by meter size and the volume charge. The revised schedule of rates shall be filed with the city clerk.

(c) The foregoing rates shall be subject to such revision in the future as the city council may in its discretion deem reasonably necessary in order for the city to fulfill the requirements of all existing contracts or obligations, including revenue certificates or bond contracts, for proper maintenance and operation of said utilities system.

(d) All charges for water services shall be due and payable within fourteen (14) days after statement is rendered. No partial payment of accounts will be accepted unless prior approval has been obtained. If payment is not received before the account's next monthly bill is prepared, a late fee of ten (10) percent of the previous unpaid balance will be charged to the account. If payment is not made within thirty (30) days after statement is due, service shall be discontinued.

(d) Bulk water rate. The bulk water rate is as follows:

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	Rates Effective*			
Bulk Water Rate	10/01/2009	10/01/2010	10/01/2011	10/01/2012
Governmental agencies per 1,000 gallons	\$3.93	\$4.28	\$4.67	\$5.09

*The rates shall be effective and shall be applied to the bulk water usage incurred beginning October 1.

SECTION 2. The City Code of the City of Fort Myers, Florida, Chapter 90, Utilities, Article IV, Sewers, Section 90-112 Service rates and charges is hereby amended to read as follows:

Section 90-112. Service rates and charges.

(a) There is hereby established a uniform schedule of charges for the use, or reasonable availability for use, of the municipal sanitary sewerage system, by each dwelling unit, business establishment, public building or other type of facility producing sewage or waters.

(b) The rates and charges for such sewer service to each building or premises shall be computed and billed monthly as determined by the readings of the water meters supplying water thereto, as follows:

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**Monthly Sewer Service
To Premises Within or Outside the City Limits**

		Monthly Rates Effective*			
Readiness-to-serve – charges by meter size	Usage Range	10/01/2009	10/02/2010	10/02/2011	10/01/2012
Meter size:					
5/8 x ¾ inch		\$13.56	\$14.78	\$16.11	\$17.56
1 inch		\$33.90	\$36.95	\$40.28	\$43.91
1.5 inch		\$67.80	\$73.90	\$80.55	\$87.80
2 inch		\$108.47	\$118.23	\$128.87	\$140.47
3 inch		\$216.92	\$236.44	\$257.72	\$280.91
4 inch		\$338.96	\$369.47	\$402.72	\$438.96
6 inch		\$677.90	\$738.91	\$805.41	\$877.90
8 inch		\$1,084.64	\$1,182.26	\$1,288.66	\$1,404.64
10 inch		\$1,694.76	\$1,847.29	\$2,013.55	\$2,194.77
Volume Charge: For each 1,000 gallons or any part thereof per month					
All classes, all usage levels					
Single family residential maximum volume charge		\$106.25	\$115.80	\$126.20	\$137.55
Residential & Non-Residential	0 – 5,000	\$9.58	\$10.44	\$11.38	\$12.40
Non-Residential Only	>5,000	\$11.67	\$12.72	\$13.86	\$15.11
Residential Only	>5,000	\$11.67	\$12.72	\$13.86	\$15.11

*The rates shall be effective and shall be applied to the sewer usage incurred beginning October 1 each year.

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The rates for monthly sewer service to premises within or outside the city limits shall be increased a minimum of five percent (5%) over the rates in effect on October 1 of each year, unless contrary action is taken by the city council. The rates increased shall be the readiness-to-serve charge by meter size, the volume charge, and the maximum monthly sewer charge for single family residential customers.

(c) The foregoing rates shall be subject to such revision in the future as the city council may in its discretion deem reasonably necessary in order for the city to fulfill the requirements of all existing contracts or obligations, including revenue certificates or bond contracts, for proper maintenance and operation of the utilities system.

(d) All charges for sewer services shall be due and payable within fourteen (14) days after statement is rendered. No partial payment of accounts will be accepted unless prior approval has been obtained. If payment is not received before the account's next monthly bill is prepared, a late fee of ten (10) percent of the previous unpaid balance will be charged to the account. If payment is not made within thirty (30) days after statement is due, service shall be discontinued.

(e) Cooling tower and irrigation meters are exempt from sewer service charges.

SECTION 3. Severability. If for any reason any section, subsection, paragraph, or part of this ordinance shall be held invalid or destroy any other section, subsection, or part of this ordinance then the

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remaining portions thereof shall remain in full force and effect without regard to the section, subsection, paragraph, or part invalidated.

SECTION 4. This ordinance shall become effective immediately upon adoption.

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, this 9th day of September, A.D., 2009.

<u>Aye</u>	<u>/s/ Warren J. Wright</u>
<u>Aye</u>	<u>/s/ Johnny W. Streets, Jr.</u>
<u>Aye</u>	<u>/s/ Levon Simms</u>
<u>Aye</u>	<u>/s/ Michael Flanders</u>
<u>Aye</u>	<u>/s/ Randall P. Henderson, Jr.</u>
<u>Aye</u>	<u>/s/ Thomas C. Leonardo</u>

Council Members

APPROVED this 9th day of September, A.D., 2009, at 9:06 o'clock p.m.

<u>Aye</u>	<u>/s/ Jim Humphrey</u>
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Mayor

FILED in the Office of the City Clerk this 9th day of September, A.D., 2009.

/s/ Marie Adams, MMC
City Clerk