

ORDINANCE NO. 1090

AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA AMENDING SECTION 20-9 OF THE TOWN CODE TO INCREASE THE MONTHLY BASE AND FLOW CHARGES FOR SEWER SERVICE TO \$24.19 AND \$9.25 RESPECTIVELY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety, and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, the Town of Bay Harbor Islands purchases its sewer services from the City of Miami Beach, which in turn pays Miami-Dade County; and

WHEREAS, Miami-Dade County has indicated an increase of 5.32% for sewer services in its preliminary budget and the City of Miami Beach has indicated an average of 5.17% in their surcharge; and

WHEREAS, the Town of Bay Harbor Islands does not currently have an alternative source to purchase sewer services and in order to maintain proper fiscal discipline must pass- through the County's increase; and

WHEREAS, Section 20-09 of Town Code set forth the schedule of rates for service supplied by the sewer system, which is subject to increase or revision from time to time, as may be necessary.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, AS FOLLOWS:

Section 1. The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Section 20-9 – Sewer service – Rates is hereby amended as outlined below changing the rates from \$8.80 to \$9.25 and from \$23.00 to \$24.19.

Sec. 20-9. Sewer Service – Rates.

The schedule of rates for service supplied by the sewer system, which schedule

shall be subject to such increase, decrease, or revision from time to time as may be necessary to carry out the provisions of this section, shall be as follows:

Residential Users:

Sewage charges shall be based upon water usage (excluding water usage through meters used exclusively for irrigation) at a rate of ~~\$8.80~~ \$9.25 per thousand gallons. In addition, there shall be a monthly base charge of ~~\$23.00~~ \$24.19 per living unit regardless of usage.

Non-residential users:

Sewage charges shall be based upon water usage (excluding water usage through meters used exclusively for irrigation) at a rate of ~~\$8.80~~ \$9.25 per thousand gallons. In addition, there shall be a monthly base charge of \$24.19 regardless of usage depending upon the size of the water meter as follows:

Water Meter Size	Monthly Base Charge	Monthly Base Charge
1"	\$96.00	\$101.00
1.5"	\$192.00	\$202.00
2"	\$308.00	\$323.00
3"	\$577.00	\$606.00
4"	\$874.00	\$918.00

An initial deposit of \$50.00 per water closet to ensure payment of the Sewage charge, tapping charge of \$250.00 for each service connection made to any single-family dwelling unit and \$650.00 for each service connection made to any multiple-family dwelling or commercial establishment. To the charges set forth above shall be added that percent of such charges as determined from time to time by Miami-Dade County to compensate for the Miami-Dade County Water and Sewer Utility services charge to finance the environmental resources management department's water protection and utility regulation program.

Section 3. Severability. 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 4. Inclusion In the Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Bay Harbor Islands, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. Repeal of Ordinances in Conflict

All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective for all billings rendered after November 1, 2023

PASSED on First Reading this 27th day of September, 2023.

PASSED AND ADOPTED on Second Reading this 11th day of October, 2023.

By: _____

Elizabeth Tricoche
Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Greenspoon Marder LLP
Town Attorneys
By: Joseph S. Geller