

RESOLUTION NO. 2352-11

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, RESTATING EXISTING CITY UTILITY RATES, CHARGES AND FEES; PROVIDING FOR CORRECTIVE ACTION OF A SCRIVENER'S ERROR MADE IN RESOLUTION NO. 2218-10; AMENDING THE CHARGES FOR UTILITY SERVICE DEPOSITS; AMENDING SERVICE CONNECTION AND DISCONNECTION CHARGES; FEES FOR WATER RESTRICTION VIOLATIONS; ESTABLISHING A MINIMUM OF DEPOSIT AND OVERPAYMENT REFUNDS; PROVIDING FOR THE ADOPTION OF AN EXHIBIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Oviedo, Florida owns, operates and maintains a water, sanitary sewer, reclaimed/alternative utility system ("City Utility System") for the benefit of the citizens of the City; and

WHEREAS, the City wishes to correct a scrivener's error made in Resolution No. 2218-10 and remove references to the term Individually-Metered; and

WHEREAS, the City wishes to amend the charges for Utility Service Deposits; and

WHEREAS, the City wishes to amend Service Connection and Disconnection Charges; and

WHEREAS, the City wishes to establish Fees for Water Restriction Violations; and

WHEREAS, the City wishes to establish a minimum of Deposit and Overpayment Refunds;
and

WHEREAS, the City of Oviedo, Florida has the lawful authority to establish fees as set forth herein.

NOW, THEREFORE, be it resolved by the City of Oviedo as follows:

Section 1: ADOPTION OF RATES/INCORPORATION OF EXHIBITS. The City Council of the City of Oviedo adopts the attached Exhibit "A" and the utility rates set forth therein in accordance with the provisions of Chapter 54 of the *Code of Ordinances of the City of Oviedo*. The provisions of Exhibit "A" are incorporated herein by this reference thereto as if fully set forth herein verbatim.

Section 2: EFFECTIVE DATES OF RATES.

(a) The rates as described in Exhibit "A" shall become effective immediately upon adoption of this Resolution.

(b) Effective October 1, 2009 and all subsequent fiscal years on October 1, all rates for water, sanitary sewer and reclaimed/alternative water that comprise the Monthly User Charges shall be automatically increased based on the actual change in the Consumer Price Index for All Urban Consumers Unadjusted (CPI-U) for the month of August reported for the current year compared to the index reported as of the month of August for the immediately preceding year, with such amount not to exceed 5% but in no event, shall the adjustment be less than 0%. The City Manager, or designee, is hereby authorized to promulgate appropriate City documents in order to implement said rate adjustment. Increases in excess of 5% per year or a change in rate structure shall require formal action by the City Council.


(c) Monthly User Charges shown in "Exhibit "A" for water, sanitary sewer and reclaimed/alternative water rates are for inside-City utility customers located within the corporate boundaries of the City of Oviedo. For utility customers served by the City Utility System that are located outside the City limits, a 25% surcharge shall be added to the inside-City Monthly User Charges.

Section 3. SEVERABILITY. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution 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 Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 4. CONFLICTS. All resolutions or parts thereof in conflict with this Resolution are, to the extent of such conflict, hereby superseded and repealed.

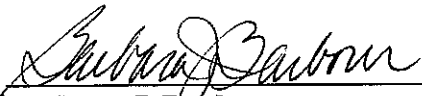
Section 5. EFFECTIVE DATE. This Resolution shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS 6th day of June, 2011 A.D.



DOMINIC PERSAMPIERE
MAYOR of the City of Oviedo, Florida

ATTEST:



Barbara J. Barbour
CITY CLERK

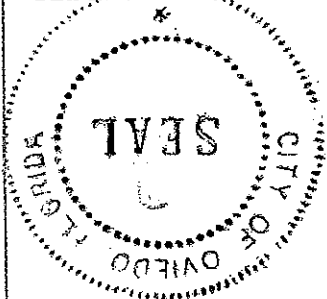


EXHIBIT "A"

I. MONTHLY USER CHARGES:

Monthly user charges shall include: a) for each potable water customer a base charge per customer and potable water usage charges based on water used at the customer premise, whether metered or estimated by the City; b) for wholesale potable water service a water usage charge based on metered water consumption at the point of delivery of such service; c) for each sanitary sewer customer a base charge per customer and wastewater usage charge based on metered water use at the customer premise or as estimated by the City; and d) for each reclaimed/alternative water customer a base charge per customer and reclaimed/alternative water usage charges based on water used at the customer premise, whether metered or estimated by the City. Monthly charges shall be assessed in accordance with the following schedule of rates, fees, and charges.

A. POTABLE WATER UTILITY RATES. The following schedule of monthly potable water utility rates is hereby imposed:

(1) MONTHLY POTABLE WATER BASE CHARGE:

<u>Residential</u>	\$10.13
<u>Commercial</u>	
5/8"	\$10.13
1"	25.33
1-1/2"	50.67
2"	81.06
3"	152.00
4"	253.33
6" or Greater	506.66
<u>Residential Irrigation</u>	
	\$10.13
<u>Commercial Irrigation</u>	
5/8"	\$10.13
1"	25.33
1-1/2"	50.67
2"	81.06
3"	152.00
4"	253.33
6" or Greater	506.66

(2) MONTHLY POTABLE WATER USAGE CHARGES (per thousand gallons):

<u>Residential Usage Block</u>	
0 – 3,000	\$0.84
3,001 – 10,000	1.87
10,001 – 15,000	3.52
15,001 – 30,000	5.01
Above 30,000	5.88
 <u>Commercial Usage Block</u>	
All Usage	\$2.53
 <u>Residential Irrigation Usage Block</u>	
0 – 10,000	\$3.52
10,001 – 15,000	5.01
Above 15,000	5.89
 <u>Commercial Irrigation Usage Block</u>	
All Usage	\$3.93

(3) POTABLE WHOLESALE WATER (Per thousand gallons):

All Usage	\$1.33
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B. RECLAIMED/ALTERNATIVE WATER UTILITY RATES. The following schedule pertains to monthly reclaim/alternative water utility rates is hereby imposed when reclaimed water becomes available at a customer premise and the customer has been notified of such availability, whether such customer is physically connected to such system:

(1) MONTHLY RECLAIMED/ALTERNATIVE WATER BASE CHARGE

<u>Residential</u>	\$9.28
 <u>Commercial</u>	
5/8"	9.28
1"	23.21
1-1/2"	46.40
2" or Greater	74.26

(2) MONTHLY RECLAIMED/ALTERNATIVE WATER USAGE CHARGE
(Per thousand gallons):

<u>Residential Usage Block</u>	
0 – 15,000	\$1.10
15,001 – 30,000	1.65
Above 30,000	3.30
 <u>Commercial Usage Block</u>	
All Usage	1.10

C. SANITARY SEWER RATES. The following schedule of monthly sanitary sewer utility rates is hereby imposed:

(1) MONTHLY SANITARY SEWER BASE CHARGE:

	<u>Alafaya System</u>	<u>City Utility System</u>
<u>Residential</u>	\$27.11	\$19.82
 <u>Commercial</u>		
5/8"	\$27.11	\$19.82
1"	66.77	49.55
1-1/2"	135.65	99.07
2"	217.04	158.51
3"	434.05	297.20
4"	678.21	495.35
6" or Greater	1,355.50	990.71

(2) MONTHLY SANITARY SEWER USAGE CHARGES (per thousand gallons):

	<u>Alafaya System</u>	<u>City Utility System</u>
<u>Residential – Usage up to 10,000 Gallons</u>	\$3.61	\$3.97
<u>Commercial – All Usage</u>	4.32	3.97

Residential sanitary sewer rates will have a maximum usage consumption charge based on a billing amount not to exceed 10,000 gallons per month. There is no maximum billing amount on sewer charges for commercial customers.

(3) **ALAFAYA SYSTEM.** The Alafaya System includes the following neighborhoods and other areas previously provided wastewater service by Alafaya Utilities, Inc. at the time of acquisition by the City:

Ekana Green	Big Oaks
Lake Rogers	Twin Rivers
River Oaks Reserve	Waverlee Woods
Riverside	Alafaya Woods
Live Oak	Oviedo Forest
Sanctuary	River Pine Estates
Little Creek	

All other portions of the City's utility service are not specifically defined above is considered as the City Utility System.

D. OTHER PROVISIONS. Monthly User Charges shown apply to utility customers located within the corporate boundaries of the City ("Inside-City customers"). For utility customers served by the City Utility System that are located outside the City limits, a 25% surcharge shall be added to the inside-City Monthly User Charges.

II. MISCELLANEOUS FEES. Special services or handling provided by the City at the request of the customer or to correct improper customer activities shall be assessed as follows:

A. METER AND INSTALLATION CHARGES:

1. Potable Meters smaller than 1	\$385.00
2. Potable meter, 1-Inch	\$460.00
3. Potable meter 1" or larger requiring separate service line installation will be actual cost of installation plus materials	\$460.00 Minimum
4. Alternative irrigation or reclaim water meter not requiring an additional service line (fee currently waived for reclaim meter)	\$250.00
5. Irrigation meter 1" or less requiring separate service line installation will be actual cost of installation plus materials:	\$180.00 Minimum
6. Double check valve assembly smaller than 1" (Residential, potable water only)	\$150.00

B. WATER SYSTEM REVENUE & MAINTENANCE FEES:

Minimum charge:	\$5.30
Over 350 Gallons per Day (GPD)	\$.015 / GPD

C. WATER-ONLY SERVICE DEPOSITS:

To minimize the risk of non-payment, advanced payment of a deposit is required for all applications of City water service. Residential customers receiving service through a 5/8-inch or 3/4-inch meter and all master metered residential dwelling units will be charged the same deposit per dwelling unit (minimum deposit) and residential customers receiving service through a larger meter will be charged a deposit base on the size of the meter serving the premise. Deposits for non-residential or commercial water service will be based on the level of service provided. Residential deposits will be held by the City for a minimum of 24 consecutive months. Deposits will be refunded to the applicant in the form of a utility bill credit provided that all payments are current and the customer's credit history is in good standing for the previous 12 consecutive months. An account in good standing is defined as one without late payments, returned checks and no service disconnections for non-payment. The City reserves the right to review accounts that currently do not have deposits to determine if an account is still in good standing. If it is determined that an account is not in good standing, an additional deposit may be required. Non-residential or commercial deposits will be held for the term of service. For water customers served by the City's Utility System that are located outside the City limits, a 25% surcharge shall be added to the inside-City deposit.

Water Deposits – Inside the City

Residential:	
Minimum	\$50.00
1-inch	\$125.00
1 ½-inch	\$250.00
2-inch	\$400.00
Commercial:	
Gallons per Day (GPD) of Requested Capacity [1]	\$0.21 / GPD

[1] Requested Capacity shall not be less than 350 gallons per day.

D. SEWER-ONLY SERVICE DEPOSITS:

To minimize the risk of non-payment, advanced payment of a deposit is required for all applications of City sewer service. Residential customers receiving service through a 5/8-inch or 3/4-inch meter and all master metered residential dwelling units will be charged the same deposit per dwelling unit (minimum deposit) and residential customers receiving service through a larger meter will be charged a deposit base on the size of the meter serving the premise. Deposits for non-residential or commercial sewer service will be based on the level of service provided. Residential deposits will be held by the City for a minimum of 24 consecutive months. Deposits will be refunded to the applicant in the form of a utility bill credit provided that all payments are current and the customer's credit history is in good standing for the previous 12 consecutive months. An account in good standing is defined as one without late payments, returned checks and no service disconnections for non-payment. The City reserves the right to review accounts that currently do not have deposits to determine if an account is still in good standing. If it is determined that an account is not in good standing, an additional deposit may be

required. Non-residential or commercial deposits will be held for the term of service. For sewer customers served by the City's Utility System that are located outside the City limits, a 25% surcharge shall be added to the inside-City deposit.

Sewer Deposits – Inside the City

Residential:	
Minimum	\$100.00
1-inch	\$250.00
1 ½-inch	\$500.00
2-inch	\$800.00
Commercial:	
Gallons per Day (GPD) of Requested Capacity [1]	\$0.43 / GPD

[1] Requested Capacity shall not be less than 350 gallons per day.

E. COMBINED UTILITY SERVICE DEPOSITS:

To minimize the risk of non-payment, advanced payment of a deposit is required for all applications of City water and sewer service. Residential customers receiving service through a 5/8-inch or 3/4-inch meter and all master metered residential dwelling units will be charged the same deposit per dwelling unit (minimum deposit) and residential customers receiving service through a larger meter will be charged a deposit base on the size of the meter serving the premise. Deposits for non-residential or commercial water and sewer service will be based on the level of service provided. Residential deposits will be held by the City for a minimum of 24 consecutive months. Deposits will be refunded to the applicant in the form of a utility bill credit provided that all payments are current and the customer's credit history is in good standing for the previous 12 consecutive months. An account in good standing is defined as one without late payments, returned checks and no service disconnections for non-payment. The City reserves the right to review accounts that currently do not have deposits to determine if an account is still in good standing. If it is determined that an account is not in good standing, an additional deposit may be required. Non-residential or commercial deposits will be held for the term of service. For customers served by the City's Utility System that are located outside the City limits, a 25% surcharge shall be added to the inside-City deposit.

Combined Utility Service Deposit

Residential:	
Minimum	\$150.00
1-inch	\$375.00
1 ½-inch	\$750.00
2-inch	\$1,200.00
Commercial:	
Gallons per day of Requested Capacity [1]	\$0.59 / GPD

[1] Requested Capacity shall be based on the water demand and shall not be less than 350 gallons per day.

F. SANITARY SEWER SYSTEM REVENUE AND MAINTENANCE FEES:	
Minimum charge:	\$ 3.60
Over 300 Gallons per Day (GPD):	\$.012 / GPD
G. STORMWATER SERVICE FEE:	\$7.00/ERU
H. PREMISE VISIT CHARGE:	\$25.00
I. DISCONNECTION PROCESSING FEE FOR NON-PAYMENT:	
1. Business Hours (8:00 a.m. – 5:00 p.m. Monday – Friday):	\$30.00
2. Non-Business Hours:	\$60.00
J. SERVICE CONNECTION CHARGES:	
Connection Fee	\$10.00
Same Day Service after 3:00 pm	\$50.00
K. SERVICE DISCONNECTION CHARGE:	
Same Day Service after 3:00 pm	\$40.00
L. METER TEST CHARGE:	\$25.00
M. ADJUSTMENT OR REINSTALLATION OF METER BOX CHARGE:	
	\$25.00
N. RETURNED CHECK CHARGE:	
Maximum allowed under Section 832.08(5), Florida Statutes	
O. LATE PAYMENT FEE:	10% of unpaid balance past due
Upon request, the customer may request a waiver of late payment fees one time during a consecutive 24 month period.	
P. LABOR RATE PER HOUR:	ACTUAL COST

Q. TEMPORARY UTILITY SERVICE CHARGE: \$35.00
24 to 48 hour temporary utility service turn on/off for real estate inspection

R. WATER RESTRICTION VIOLATIONS:

First violation	Written Warning
Second violation	\$75.00
Third or more violation	\$150.00

Violators with more than three violations shall have water service disconnected until all water service penalties have been paid.

S. DEPOSIT AND OVERPAYMENT REFUNDS:

Whereas processing a refund check to utility customers is not without cost to the City, the threshold for issuing refund checks for overpaid utility bills and utility deposits shall be set at \$10.00. Any amounts below \$10.00 shall be written off and forfeited by the customer to the City.