

Bay County Board of County Commissioners Agenda Item Summary

1. DEPARTMENT MAKING REQUEST/NAME:

Office of County Attorney
Terrell K. Arline, County Attorney

2. MEETING DATE:

July 7, 2015

3. REQUESTED MOTION/ACTION:

Board to conduct a public hearing, consider and approve ordinance establishing mandatory connection and availability fee for development to Bay County retail water and retail wastewater facilities within availability distances.

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes No IF No, STATE ACTION REQUIRED N/A

BUDGET ACTION: BUDGET AMENDMENT NEEDED TO RECOGNIZE ADDITIONAL REVENUES
FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: Yes No

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT ACTION WILL BE ACCOMPLISHED, (WHO, WHERE, WHEN & HOW))

At the March 17, 2015, special meeting regarding the Bay County retail water and wastewater system, the Board received recommendations of the Bay County Utility Services Director and Hartman Consultants, LLC regarding mandatory connection and water and wastewater availability charges within the retail exclusive service areas. Mr. Hartman estimated that even with refinancing it would take about \$125,000 per year of revenue for a 1% rate reduction and a one-time infusion of \$2.7 million of principal for a 1% rate reduction. Mr. Hartman stated that every 130 new customers contained rates 1%. A bigger customer base could dampen or eliminate future increases. Implementation of service available fees proposed would result in a 2%-3% rate containment after a period of five years, and that connection of existing structures near water and sewer lines would result in approximately 1,600 customers over 10 years, with approximately 300 from growth, netting \$1.460 million in revenue that would contain rates. Staff coordinated with Mr. Hartman to draft the attached ordinance establishing mandatory connection and availability fees for development within certain availability distances from Bay County retail water and or wastewater lines within the Bay County Exclusive Water, Wastewater and Reclaimed Water Service Area. **See Exhibit 1.** Highlights include:

A. Mandatory hookup of all development to Bay County retail water and or retail wastewater systems within availability distances from Bay County utility lines:

- 1.) For single family residential dwelling units – 660 linear feet
- 2.) For single structure commercial units – 1,320 linear feet
- 3.) For all Public/Institutional, Residential, Seasonal Resort, Airport, Commercial, Planned Unit, Mixed Use, and Sector Plan, multiple structure development – 2,640 linear feet.

B. Provide option for existing single family structures to hook up or pay a monthly “utility availability charge”:

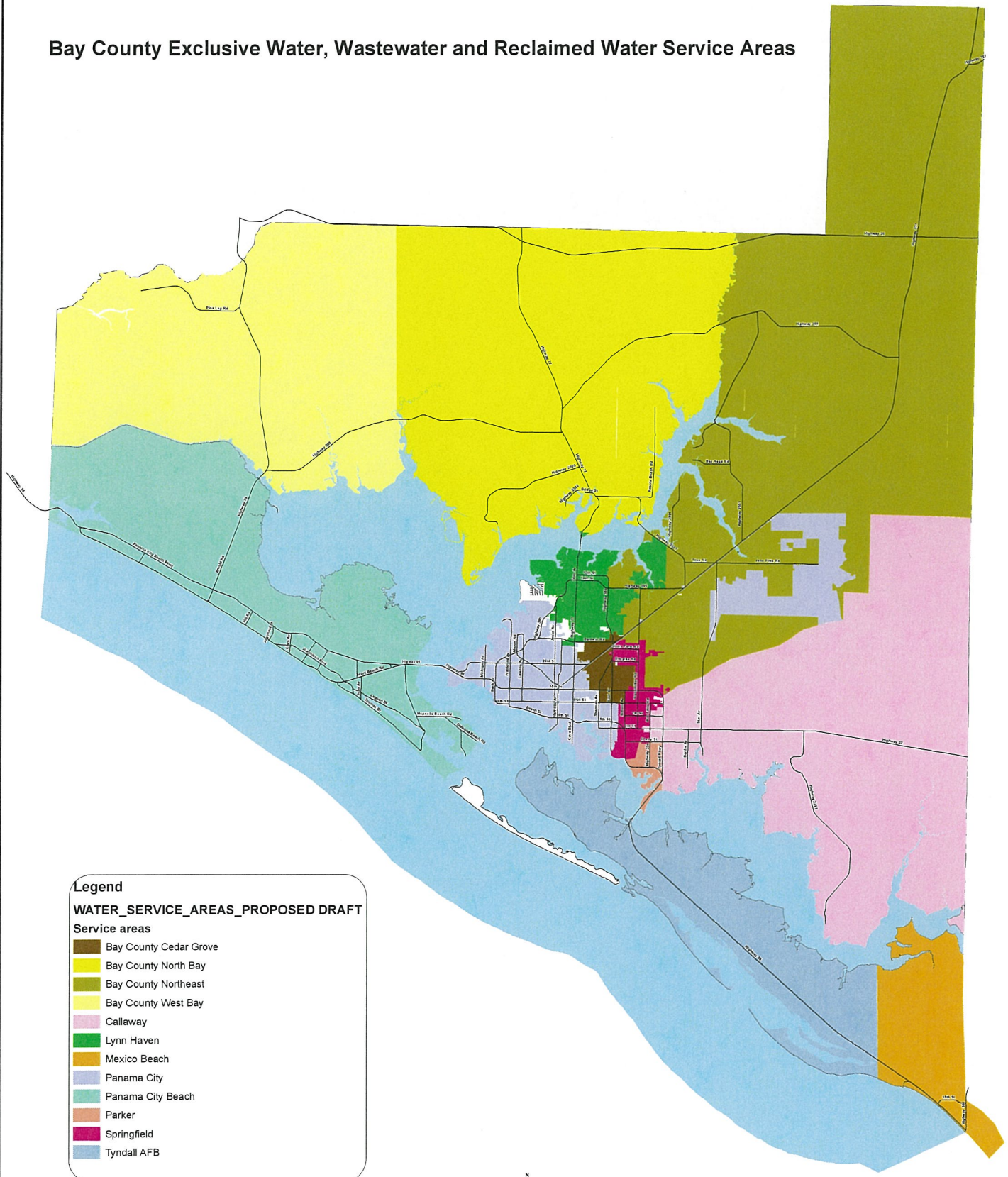
Retail Water	\$ 8.20
Retail Wastewater	\$ 14.40

C. Provide option for owners of existing structures that hook up to receive a credit of the cost towards payment of impact fees and allow payment of the net impact fees monthly.

D. Hookup would have to occur within 180 days of notice of service availability.

Staff recommends the Board conduct a public hearing and adopt the attached ordinance. **(Exhibit 2).**

Bay County Exclusive Water, Wastewater and Reclaimed Water Service Areas



Legend

WATER_SERVICE_AREAS_PROPOSED DRAFT

Service areas

- Bay County Cedar Grove
- Bay County North Bay
- Bay County Northeast
- Bay County West Bay
- Callaway
- Lynn Haven
- Mexico Beach
- Panama City
- Panama City Beach
- Parker
- Springfield
- Tyndall AFB



20,000 0 20,000 Feet

ORDINANCE NO. _____

AN ORDINANCE OF BAY COUNTY, FLORIDA REQUIRING MANDATORY CONNECTION OF ALL DEVELOPMENT WITHIN THE BAY COUNTY EXCLUSIVE WATER AND WASTEWATER RETAIL SERVICE AREAS AND AVAILABILITY DISTANCES; PROVIDING THAT EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURES WITHIN THE AVAILABILITY DISTANCES MAY CONNECT OR PAY UTILITY AVAILABILITY CHARGES; PROVIDING FOR CREDITS AND MONTHLY PAYMENT OF APPLICABLE IMPACT FEES FOR PROPERTIES THAT CONNECT; ESTABLISHING UTILITY AVAILABILITY CHARGES; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOTICE AND COMPLIANCE.

WHEREAS, Bay County owns and operates retail water and retail wastewater utility systems within the Exclusive Water, Wastewater, and Reclaimed Water Service Area defined at Sec. 25-94, Bay County Code (“Exclusive Service Area”); and

WHEREAS, currently there are approximately 1,843 existing structures within availability distances to the retail water conveyance system that are not connected, and there are approximately 1,516 existing structures within availability distances to the retail wastewater conveyance system that are not connected; and

WHEREAS, unconnected structures within availability distances receive a special benefit from the availability of water and wastewater service, such as long range utility planning, watershed protection, environmental protection, fire protection water supply, and increased property value and marketability; and

WHEREAS, the mandatory connection of unconnected structures and future development within availability distances to Bay County retail water and retail wastewater utility conveyance systems is appropriate where the utility facilities are provided and unused capacity exists; and

WHEREAS, the retail water and retail wastewater rate structure for connected customers should not bear the entire cost of long range utility planning, watershed protection, environmental protection, fire protection water supply, and the other benefits that unconnected structures share with connected customers; and

WHEREAS, Bay County has numerous planned developments, vacant land, and other land available for future development within the Exclusive Service Area; and

WHEREAS, Bay County Utilities has established conveyance systems for retail water distribution lines and retail wastewater collection lines and in the Exclusive Service Area and has plans to continue expanding these conveyance systems that is funded in part by retail utility debt instruments based on customer growth; and

WHEREAS, the failure to require unconnected structures and future development within availability distances to connect to the County's retail water and retail wastewater utility facilities and pay the requisite rates, fees and charges does not promote the financial feasibility of the retail water and wastewater system, places an additional burden on existing customers

served by the utility systems, and allows developed properties to receive the special benefits provided by the availability of such utility services free of charge; and

WHEREAS, connection to central water and wastewater service promotes the public health, safety and welfare, furthers the policies of the Bay County Comprehensive Plan, and provides watershed protection and environmental protection of the resources of Bay County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. Chapter 25, UTILITIES, Article II, County Water and Sewer Systems, Bay County Code is amended to adopt the following subdivision.

SUBDIVISION VI. MANDATORY CONNECTION.

Sec. 25-101. DEFINITIONS

a.) Availability Charge – shall mean the monthly fee charged to recover costs relating to maintaining unused capacity for the benefit of existing structures and future development that are not connected to the retail water and/or retail wastewater conveyance system yet are within the availability distances. Such availability charges shall be calculated based on an equivalent residential connection (ERC) for the carrying costs of maintaining the unused capacity of the respective system for the benefit of the unconnected structure as it relates to the meter size that otherwise would be required to provide the water/wastewater service.

b.) Availability Distances – shall mean the following distances in a direct line from the Bay County retail water and/or retail wastewater facility to the unconnected structure’s parcel boundary:

- 1.) For single family residential dwelling units – 660 linear feet
- 2.) For single structure commercial units – 1,320 linear feet
- 3.) For all Public/Institutional, Residential, Seasonal Resort, Airport, Commercial, Planned Unit, Mixed Use, Sector Plan, and other land use categories with multiple structure development – 2,640 linear feet.

c.) Equivalent Residential Connection and ERC – shall mean the water usage or wastewater discharge for a user in the quantity and strength as determined by this Code. For the retail water and retail wastewater systems, 1.0 ERC is equivalent to a 5/8” or 3/4” water meter. The equivalent ERC’s for the larger required meters is as follows:

Meter Size	ERC’s
1”	1.667
1 ½”	3.333
2”	5.333
3”	10.000
4”	16.667
6”	33.333
8”	53.333
10”	76.667
12”	143.333

d.) Date of Availability – shall mean the calendar date on which notice of service availability is mailed or delivered to the affected property owner by Bay County Utilities.

Sec. 25-102. MANDATORY CONNECTION. Mandatory connection to the Bay County retail water and/or retail wastewater system shall be required within the Exclusive Water, Wastewater, and Reclaimed Water Service Area and Availability Distances as provided herein.

a.) No person shall be required to cross the private property of another to make connection to the retail water or retail wastewater facilities unless by appropriate easement or right-of-way.

b.) Mandatory connection of structures existing on July 1, 2015 shall only be required if the parcel is directly adjacent to retail water or retail wastewater facilities.

Sec. 25-103. NOTICE OF SERVICE AVAILABILITY. The Bay County Utilities Services Director shall provide notice of the availability of retail water and/or retail wastewater service by mailing or by delivering notice to the affected property owner.

Sec. 25-104. TIME PERIOD TO CONNECT. Those properties receiving the notice of service availability shall connect to the Bay County retail water and/or retail wastewater utility facilities as designated by the Bay County Utilities Services Director, in accordance with the Bay County Utility standards for construction and connection, within one hundred and eighty (180) days of the Date of Availability.

Sec. 25-105. CREDIT FOR APPLICABLE IMPACT FEES. Until September 30, 2020, property owners receiving notice of service availability that connect structures existing on July 1, 2015 to Bay County retail water and

retail wastewater utility facilities shall receive a connection credit for the actual cost of the connection to the retail water and retail wastewater utility systems respectively and individually, to be applied to the applicable impact fees due respectively for the retail water and retail wastewater systems up to the total amount of impact fees due. If the cost to connect is greater than the impact fees due, then the impact fees will be waived. If the cost to connect is less than the applicable impact fees, then the cost to connect will be subtracted from the applicable impact fees to determine the net impact fees due.

Sec. 25-106. MONTHLY PAYMENTS OF NET IMPACT FEES. For those properties connecting to the Bay County retail water and/or retail wastewater utility system and entitled to the credit for applicable impact fees, the County will permit monthly payments of the net impact fees due based on the number of months from the date of connection until September 30, 2020 divided into the amount of the net impact fees due.

Sec. 25-107. OPTION TO PAY UTILITY AVAILABILITY CHARGE FOR RESIDENTIAL PROPERTY. Owners of single family residential dwellings (1 ERC) existing on July 1, 2015, receiving notice of service availability of retail water and/or retail wastewater service shall have the option to connect as provided above and receive the credit for applicable impact fees, or pay a monthly retail water and /or retail wastewater utility availability charge.

Sec. 25-108. UTILITY AVAILABILITY CHARGE. A retail water and retail wastewater utility availability charge is adopted as follows:

CONVEYANCE FACILITY	MONTHLY FEE PER ERC
Retail Water	\$ 8.20
Retail Wastewater	\$ 14.40

Sec. 25-109. INDEXING. The retail water and retail wastewater utility availability charge shall be indexed at the same percentage as the monthly base facility charge by meter.

Sec. 25-110. COLLECTION. The property owners of record shall be deemed the customer and shall be responsible for payment of the fees and/or charges that accrue under this subdivision. The payment policies of Bay County are applicable to the fees and charges, which shall include discontinuance of service, liens, interest, and other penalties. Nonpayment shall subject the property owner to the code enforcement provisions of Chapter 7 of this Code.

a.) Any payment of the fees or charges that are delinquent for the equivalent of three installments shall be collected pursuant to the Uniform Assessment Collection Act and this Code.

Sec. 25-111. ANNUAL REVIEW. The retail water and retail wastewater availability charges are subject to annual review and may be changed at any time by resolution.

SECTION 2. CONFLICTING ORDINANCES AND RESOLUTIONS. All portions of existing ordinances and resolution of Bay County, Florida in conflict with this ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 3. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. INCLUSION IN CODE. The provisions of this Ordinance shall be made a part of the Code of Bay County, Florida; the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention: and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 5. EFFECTIVE DATE. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect immediately in accordance with Section 125.66 (2), Florida Statutes.

DULY ADOPTED this ___ day of June 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA

Bill Kinsaul, Clerk

Guy M. Tunnell, Chairman

Approved as to form:

Office of County Attorney

Wholesale Water, Retail Water, and Retail Sewer Impact Fees Ordinance

Bay County Board of County Commissioners Agenda Item Summary

1. DEPARTMENT MAKING REQUEST/NAME:

Office of County Attorney
Terrell K. Arline, County Attorney

2. MEETING DATE:

July 7, 2015

3. REQUESTED MOTION/ACTION:

Adopt the proposed Ordinance to increase wholesale water impact fees, change the retail water and retail sewer impact fees, and make amendments to update Chapter 25 of the Bay County Code.

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes No IF No, STATE ACTION REQUIRED N/A

BUDGET ACTION:
FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: Yes No

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT ACTION WILL BE ACCOMPLISHED, (WHO, WHERE, WHEN & HOW))

The County engaged GAI Consultants, Inc. to prepare an analysis of retail water and sewer impact fees and wholesale water impact fees entitled "Wholesale and Retail Water and Wastewater Impact Fee Rate Study Briefing Document" ("Report"), dated June 2014, Revised May 2015, which is the most recent and localized data to support the proposed impact fees. GAI recommended the following changes to the current impact fees:

<u>Current Impact Fee Type</u>	<u>Amount</u>	<u>Proposed Impact Fee Type</u>	<u>Amount</u>
Wholesale Water Impact Fee	\$ 581.00	Wholesale Water Impact Fee	\$ 650.50
Bay County Cedar Grove Area Water Impact Fee	\$ 551.67	Bay Retail Water Impact Fee	\$ 710.00
Bay County North Bay Area Water Impact Fee	\$ 750.00		
Bay County Cedar Grove Area Sewer Impact Fee	\$1,166.00	Bay Retail Sewer Impact Fee	\$2,102.50
Bay County North Bay Area Sewer Impact Fee	\$5,000.00		

Note: The Board has established the same retail water and sewer rates for the Bay County Cedar Grove Service Area and the North Bay Service Area.

To implement these changes to the retail water and retail sewer impact fees and to increase the wholesale water impact fee, Staff proposes to amend Chapter 25, Utilities, Article II, County Water and Sewer Systems. Amendments to Chapter 25 is also recommended to define an equivalent residential connection (ERC) as 250 gpd sewer and 350 gpd water, delete outdated provisions, and include new statutory requirements.

Staff recommends that the Board conduct a public hearing and adopt the attached Ordinance amending Chapter 25 and implementing the changes to the wholesale and retail impact fees. **Exhibit A.**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA SETTING THE AMOUNT OF IMPACT FEES FOR NEW CUSTOMERS OF THE BAY COUNTY RETAIL WATER AND WASTEWATER SYSTEM, SETTING WHOLESALE WATER IMPACT FEES, AMENDING CHAPTER 25, ARTICLE II, COUNTY WATER AND SEWER SYSTEMS.

WHEREAS, the Bay County Board of County Commissioners (“Board”) has previously found and determined it to be in the best interest of the safety, health, and welfare of the citizens of Bay County to establish certain water and sewer impact fees so that new development pays its share of necessary water and sewer infrastructure; and

WHEREAS, the County has engaged GAI Consultants, Inc. to prepare an analysis of retail water and sewer impact fees and wholesale water impact fees in the report entitled “Wholesale and Retail Water and Wastewater Impact Fee Rate Study Briefing Document” (“Report”), dated June 2014, Revised May 2015, which is the most recent and localized data on impact fees; and

WHEREAS, the Board finds that the Report, including staff analysis, establishes the factual basis to demonstrate the dual rational nexus required by law for the impact fees adopted in this ordinance; and

WHEREAS, pursuant to Section 163.31801, Florida Statutes, the Board finds that impact fees are an important source of revenue for the County to fund the infrastructure necessitated by new growth; and

WHEREAS, the County currently provides for the accounting and reporting of impact fee collections and expenditures in a separate accounting fund; and

WHEREAS, any administrative charges for the collection of impact fees are limited to actual costs; and

WHEREAS, newspaper notice was provided no less than 90 days before the effective date the impact fees imposed by this ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Bay County, Florida as follows:

SECTION 1. Chapter 25, Utilities, Article II, County Water and Sewer Systems, Division 1, Sections 25-26 through 25-29 are amended as follows with underlined text as additions and strikethrough text as deletions.

Sec. 25-26. - Short title of article.

This article shall be known as ~~and shall be short titled as the~~ "Bay County Water and Sewer Systems ~~Ordinance.~~"

Sec. 25-27. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biochemical oxygen demand (BOD) means dissolved oxygen used by microorganisms in the biochemical oxidation of organic matter.

Connection fee means Bay County's the customer's cost to connect water and or sewer infrastructure to ~~proportional share of the capital costs of the facilities built by the water and wastewater department to serve its customers~~ the individual new connection

ERC (Equivalent Residential Connection) means the equivalent of one residential connection and defined as 250 gallons per day for wastewater and 350 gallons per day for water

Disconnect means to lock the meter when a customer is away for an extended period of time.

Dwelling unit or unit means one or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete independent living facility for no more than one family and which include provisions for living, sleeping, eating, cooking and sanitation.

Impact fee means the customer's proportional share of the capital costs of existing and new facilities and new improvements, existing available capacity, expansion and future provisions for facilities expansion which must be built to serve the new customer. There are (3) impact fees: (1) wholesale water; (2) retail water; and (3) retail sewer.

Installation fee means the actual cost of making the connection to the system, including the cost of any meter and inspection. This fee does not include the connection and/or impact fee. ~~capital costs for the facilities and capacity utilized by the customer.~~

Master meter means a meter serving three or more multiunit residential or commercial customers, including condominiums, apartments, mobile home parks, hotels, motels, travel trailer parks, shopping centers and office buildings.

Wholesale Master Meter means a meter serving a wholesale service customer.

Monthly consumption charge means the monthly operation cost for processing and distributing water.

Suspended solids means matter and suspension in the wastewater.

Sec. 25-28. - Customer classifications.

Customer classifications for the water and sewer systems are as follows:

(1) Retail service.

- a. Residential. The residential classification includes all residences containing fewer than three dwelling units not connected to or above commercial establishments. Included in this category are duplexes and mobile homes.
- b. Multifamily. The multifamily classification includes all multiresidential structures containing three or more dwelling units therein, provided the dwelling units contain kitchen facilities, and excluding those structures classified as commercial. Included in this category are condominiums, apartments, and mobile home parks served through master meters.
- c. Commercial. The commercial classification includes rooming houses, retail and wholesale sales operations, office buildings, shopping centers, warehouses, bakeries, vending operations, laundries, restaurants, churches, hospitals and all other service operations. Included in this category are multiunit hotels, motels and travel trailer parks served by a master meter; individually metered recreation halls; swimming pools with restroom facilities; and condominium and apartment offices.
- d. Industrial. The industrial classification includes all manufacturing, agricultural, chemical and food processing plants; and manufacturing plants, including metal processing and fabricating operations and hard and soft goods manufacturing. Food processing includes processing of citrus and citrus by-products, fish and vegetable processing, and canning plants.
- e. Industrial raw water. The industrial raw water classification includes those commercial and industrial customers who purchase raw untreated water.
- f. Unmetered. The unmetered classification includes all customers not receiving water service through a water usage recording device, which are further classified as residential, multifamily or commercial or industrial customers.

(2) Wholesale service. The wholesale service classification includes municipalities, agencies or other organizations that purchase water from the county water system as a single resale customer for the purpose of reselling the water to those

customers under their jurisdiction, or that are using purchased water solely for their own requirements.

~~Sec. 25-29. Authority to make additional rules and regulations.~~

~~Pursuant to Laws of Fla. ch. 30567(1955), as amended, the board of county commissioners authorizes the director of the water and wastewater department to make all rules and regulations necessary to the execution, clarification and administration of this article.~~

SECTION 2. Chapter 25, utilities, Article II, County Water and Sewer Systems, Division 2, Installation, Connection and Impact Fees, Sections 25-46 26 through 25-90 are amended as follows with underlined text as additions and strikethrough text as deletions.

Subdivision I. General Provisions.

Sec. 25-46. - Authority to enforce payment.

~~Pursuant to Law of Fla. ch. 30567(1955), § 14, as amended,~~ The county may shut off the water of services and facilities if fees and other charges for services are not paid when due, and may also enforce payment by any lawful method of enforcement. Pursuant to Florida Statutes, a lien may be placed on any property if charges for services or impact fees are not paid when due.

Sec. 25-47. - Conflicting provisions.

All prior schedules of rates, fees and other charges for the use of and for the services furnished or to be furnished by the county ~~water and wastewater department~~, to the extent that they are inconsistent with those established in this Chapter division, are hereby superseded.

Sec. 25-48. - Establishing water and sewer accounts.

Contractors and other persons, firms or entities constructing future buildings to be connected to the Bay County Water and Sewer System as a retail customer shall, as a condition of receiving a building permit and receiving water and sewer service:

- (1) File an application with the county for water and sewer service,
- (2) Pay then applicable water and sewer impact fees to the county,
- (3) Pay then applicable connection charges, installation and deposits for water and sewer service, and,
- (4) Be subject to all applicable requirements for water and sewer service as set forth in the Bay County Code and Resolutions No. 1982, as amended from time to time.

Furthermore, said contractor or other person, firm, or entity shall pay to set a construction meter for each structure as determined by the county and pay for water

usage only until a certificate of occupancy is issued for a given building. Upon issuance of any such certificate of occupancy, charges for water service shall continue in accordance with applicable rate schedules and charges for sewer service shall commence in accordance with applicable rate schedules and be paid by the contractor or other person, firm, or entity until transfer of the water and sewer account for that building has been approved by the county.

Secs. 25-49 – 25-60. - Reserved.

Subdivision II. Water.

Sec. 25-61. - Generally.

- (a) It shall be unlawful for any person to connect or engage another to connect to the county water system without first paying the water installation fee and the water ~~connection~~ impact fee ~~as set forth in this division~~.
- (b) When the county water system is available for service to a particular lot or parcel, applicants desiring water service for a proposed structure shall pay the appropriate water installation fee and water impact fee to the county building department prior to the issuance of a building permit. Applicants desiring water service for an existing structure not previously served shall pay the appropriate water installation fee and impact fee to the county ~~building~~ Utility department prior to service being supplied. The water impact fee paid will be the impact fee prevailing on the date of payment.
- (c) If an applicant desires to increase the size of a water meter for an existing service connection, the applicant shall pay the difference between the water impact fee and other related charges for the requested meter size and the corresponding fee for the existing meter size. If an applicant desires to decrease the size of a water meter for an existing service, no refund shall be paid to the applicant.
- (d) Where one dwelling unit of a duplex served by a single meter desires separate metering or if an unmetered account installs a water meter, the water impact fee will not be charged, but all other fees and charges will apply.
- (e) If an existing service with one meter desires a two-meter installation, one for residential and one for irrigation, the water impact fee will ~~not~~ be charged for the irrigation meter, ~~but~~ and all other fees and charges will apply.
- (f) If an existing metered structure is converted to a duplex, individual metering is required, but only one additional impact fee is to be charged.
- (g) If a multiunit facility has metering on each dwelling unit or has paid the water impact fee for each dwelling unit and desires separate metering for purposes of irrigation of the immediately surrounding premises, there will be no additional impact fee for the irrigation meter. This exemption does not apply to golf courses or other common facilities.

- (h) When there is a name change on an unmetered account, a meter must be installed. All fees and charges except the water impact fee shall apply.
- (i) All monies received by the county ~~building department~~ from impact fees collected pursuant to this ~~division chapter~~ shall be held by the county in a separate accounting fund, and any expenditures thereof shall be made only for the purpose of capital improvements, expansion of the county water system, or other purposes related to these functions. The monies received shall be accounted for and reported in accordance with generally accepted accounting principles.
- (j) Any administrative charges for the collection of impact fees shall be based on actual costs.

Sec. 25-62. - Installation fee.

The installation fee, or tapping fee, a one-time charge, includes the cost of a meter, installation of the meter, connection to the distribution system, and administrative and engineering costs. Actual costs based on labor and materials will be charged. For meters ~~three~~ two inches and larger, prices will vary dependent upon field conditions. All residential facilities are required to have individual meters for each dwelling unit. Master metering is to be minimized. Master meter installations are subject to the approval of the director of the water and wastewater department. Unless otherwise authorized by the water and wastewater department, all meters will be installed at the street property line. The owners are responsible for keeping new and existing meter sites readily accessible. If obstruction or other lack of accessibility is not corrected within two weeks after notification, the water and wastewater department may correct the condition at the owners expense. In view of the water and wastewater department's responsibility to provide its customer at the service connection with water that is reasonably safe under all foreseeable circumstances, the water and wastewater department will take such reasonable measures as it deems necessary to ensure that the community water distribution system is protected from contamination originating on the premises of its customers through cross-connection or backflow. Such action shall include the installation of American Water Works Association approved backflow prevention devices at the owner's expense, the type dependent upon the degree of hazard as determined by the water and wastewater department. Any customer may, upon approval of the director of the water and wastewater department, provide the labor and materials necessary to connect to the distribution system, and the installation fee will be adjusted accordingly.

Sec. 25-63. - Water Impact fee.

- (a) There is hereby established a water impact fee for any applicant for retail service within the unincorporated areas of the county desiring to take and use water from

the county water system. The fee shall be computed according to relative water usage. The size of service shall be based on calculations provided in writing by a Florida registered engineer. This water impact fee shall be in addition to all other charges relating to water services. The impact fee is not transferrable to real property located elsewhere, but it is to be paid for each premises to which service is provided.

- (b) There is hereby established a water impact fee rate schedule in accordance with the following schedule:

Water Impact Fee By Customer Classification

Classification	<u>Water Impact Fee</u>
Single-family residences and mobile homes	\$551.67 <u>\$710.00</u> per <u>ERC household</u>
Duplex	Two meters are required and water impact fee applies for each meter
Multifamily	\$551.67 <u>\$710.00</u> per <u>ERC household</u>
Combined residential and commercial	Must be separately metered and applicable water impact fees charged for each meter; \$551.67 <u>\$710.00</u> per <u>ERC household</u> ; commercial at equivalent <u>ERC household</u> usage commercial at equivalent <u>ERC household-unit</u> usage <u>or average daily flow as determined by the Utility Services Director divided by the ERC value times \$710.00.</u>
Motel and hotel	\$275.83 <u>\$355.00</u> times number of units (rooms)
Travel trailer parks	\$275.83 <u>\$ 355.00</u> times number of units (spaces)
Industrial and other commercial	Usage per equivalent <u>ERC household-unit</u> usage <u>or average daily flow as determined by the Utility Services Director divided by the ERC value times \$710.00.</u> 551.67

Wholesale	For additional reserve capacity, if available at the discretion of the county, the impact fee for each individual wholesale customer shall be based upon cost of service
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Sec. 25-64. - Wholesale impact fee.

- (a) The county does hereby levy a uniform wholesale impact fee on each municipal wholesale customer (the "wholesale impact fee"). The ~~initial~~ wholesale impact fee shall be ~~\$10.00~~ \$650.50 per equivalent residential connection (ERC), and the county may amend the wholesale impact fee, including the amount and assessment units, from time to time by resolution of the county.
- (b) ~~Commencing October 1, 2001, each~~ Each municipal wholesale customer shall collect the wholesale impact fee from its retail customers at the time building permits are obtained for new structures. After collection of a wholesale impact fee from its new retail customers, each wholesale customer will remit the revenues of the wholesale impact fees to the county.
- (c) The revenues from the wholesale impact fees shall then be segregated in an interest bearing escrow account, accounted for separately from other impact fees and used only for the purposes permitted by law and for future expansion of the wholesale water system.

Secs. 25-65 – 25-75. - Reserved.

Subdivision III. - Sewers

Sec. 25-76. - Generally.

- (a) When the county sewer system is available for services to a particular lot or parcel, applicants desiring wastewater service for a proposed structure shall pay the appropriate sewer ~~connection~~ impact fee to the county utilities department prior to the issuance of a building permit. Applicants desiring wastewater service through a new service connection for an existing structure not presently served shall pay the appropriate sewer installation fee, ~~and~~ and connection fee, and impact fee to the county ~~utilities~~ Utility Services department prior to installation of the new service connection. The sewer ~~connection fee-impact fee~~ paid will be the ~~connection fee~~ impact fee prevailing on the date of payment.
- (b) If an applicant desires to increase the size of a water meter for an existing service, the applicant shall pay the difference between the sewer ~~connection~~ impact fee for the requested meter size in relation to equivalent household units and the corresponding

current fee for the existing meter size, to the county utilities department, prior to the issuance of a utilities department work order. If an applicant desires to decrease the size of a water meter for an existing service, no refund shall be paid to the applicant by the county utilities department.

- (c) An applicant may demonstrate, through a report by a firm of qualified consulting engineers to the satisfaction of the Utility Services ~~water and wastewater~~ department, that a specific amount of water to be used by the applicant will not be returned to the sewer in the form of wastewater. At the discretion of the Utility Services Director ~~water and wastewater department~~, the applicant may be charged a lower sewer ~~connection~~ impact fee corresponding to the proximate use of the county sewer system. If at a future time the applicant increases the amount of wastewater delivered to the county sewer system above that on which the initial fee was based, the applicant shall pay the difference between the sewer ~~connection~~ impact fee for the new level of the use of the system, as determined by the Utility Services Director ~~water and wastewater department~~, and the corresponding current fee for estimated initial level of use.
- (d) The sewer ~~connection~~ impact fee for sewer-only accounts will be based on water usage calculation provided by a Florida registered engineer and approved by the director of the water and wastewater department. Alternatives may be specified by the director of the Utility Services department. ~~water and wastewater department~~.
- ~~(e) All monies received by the county utilities department as sewer connection impact fees pursuant to this division shall be held by the county, and any expenditure thereof shall be made only for the purpose of retiring the debt on current and existing sewer facilities and other costs associated with the existing facilities. The monies received shall be accounted for in accordance with generally accepted accounting principles.~~

Sec. 25-77. - Installation fee.

The sewer installation fees are computed on the actual cost to the Utility Services ~~water and wastewater~~ department incurred in the inspection of the connection made to the county sewer system, including administrative and engineering costs. Any customer may, upon approval of the director of the Utility Services ~~water and wastewater~~ department, provide the labor and materials necessary to connect to the sewer system, and the installation fee will be adjusted accordingly.

Sec. 25-78. - ~~Connection~~ Sewer Impact fee—~~Established~~.

There is hereby established a sewer ~~connection~~ impact fee for any applicant for sewer service within the unincorporated areas of the county utilizing the county sewer system.

The fee shall be computed according to relative water usage per ERC household unit. The size of service demand shall be based on calculations provided in writing by a Florida registered engineer. The connection sewer impact fee is not transferable to real property located elsewhere, but it is to be paid for each premises for which service is provided.

Sec. 25-79. - ~~Same~~—Sewer Impact Fee rate schedule.

There is hereby established a sewer connection impact fee rate schedule for each ERC unit, in accordance with the following schedule:

Customer Classification	<u>Connection Sewer Impact Fee</u>
Single-family residences and mobile homes (individually metered)	\$1,166.00 <u>\$2,102.50 per ERC household unit</u>
Duplex (2 water meters required)	\$1,166.00 <u>\$2,102.50 per ERC household unit</u>
Multifamily	\$1,166.00 <u>\$2,102.50 per ERC household unit</u> times number of units
Motel and hotel	\$1,166.00 <u>\$2,102.50</u> times number of units (rooms)
Travel trailer park	\$1,166.00 <u>\$2,102.50</u> times number of units (spaces)
Combined residential and commercial	Must be separately metered and applicable sewer connection fees charged for each meter; residential at \$1,166.00 <u>\$2,102.50 per ERC household unit</u> ; commercial at equivalent <u>ERC household unit usage or average daily flow as determined by the Utilities Services Director divided by the ERC value times \$2,102.50.</u>
Industrial and commercial	Usage at <u>per equivalent ERC usage household unit or average daily flow as determined by the Utilities Services Director divided by the ERC value times \$2,102.50.</u> times \$1,166.00

Sec. 25-80. Reserved. - ~~Same—Wholesale customers.~~

~~For additional reserve capacity, if available, and at the discretion of the county, the sewer connection impact fee for each individual wholesale customer shall be based upon cost of service.~~

Sec. 25-81. - Surcharge for extra-strength wastewater.

(a) The sewer ~~connection~~ impact fees for wastewater service are based on the assumption that the ~~connection~~ impact fees will provide capital funds for the purpose of retiring debt on current and existing sewer facilities to an extent that the sewer hook-on fills capacity of the present system. Should the applicant desire to discharge wastewater of a greater strength than is normally associated with household waste, it shall be necessary to provide for the recovery of cost associated with above-average-strength contributions, and an extra-strength surcharge rate is established.

(b) The charge will be based on the following formula:

$$S = G \times (F_a(BOD - 200) + F_b(s.s. - 250))$$

G	=	Gallons measured/1,000 gallons
F _a	=	Charge factor for small mg/l BOD in excess of 200 mg/l
BOD	=	Biochemical oxygen demand measured in mg/l
200	=	Maximum allowable BOD
F _b	=	Charge factor for mg/l of suspended solids measured in mg/l
250	=	Maximum allowable suspended solids in mg/l
F _a and F _b	=	Charge factors based on current actual standard cost for treatment

~~Subdivision IV.—North Bay Rates~~

~~Sec. 25-82.—Water and wastewater capital charges; adoption calculating application; and time of payment.~~

- ~~(a) Adoption. The county hereby adopts and establishes pursuant to general law a water capital charge and a wastewater capital charge, the purpose of which will be to finance capital expenditures and the payment of county indebtedness associated with the expansion (through construction, acquisition, or otherwise) of the GCEC systems. Unless otherwise designated below, the water capital charge imposed by the county shall be \$750.00 per equivalent residential connection ("ERC"), and the wastewater capital charge shall be \$5,000.00 per ERC.~~
- ~~(b) Applicability. The water capital charge shall be paid by those new customers that connect to Bay County's water system within the North Bay capacity sale area and the wastewater capital charge shall be paid by those new customers that connect to Bay County's wastewater system within the North Bay capacity sale area.~~
- ~~(c) Time of payment. All water and wastewater capital charges shall be paid prior to connection of a structure or structures to be served by the county, or such other time as may be specifically provided by county resolution, ordinance, or agreement.~~
- ~~(d) Determination of equivalent residential unit factors for water and wastewater services.

 - ~~(1) For purposes of calculating and imposing the water capital charge and wastewater capital charge (including the bulk wholesale capital charge) provided for in this subsection, the ERC factor for any particular connection shall be calculated and imposed in the manner provided in the following Fixture Unit Calculation Tables F-1 and F-2:~~~~

~~The water capital charge shall be determined by using the following formula:~~

Table F-1
Fixture Unit Calculation

Fixture Type	Number Proposed	Fixture Unit Value (Each)	Units	Fixture
1. Bathroom Group (water closet, lav., bathtub or shower stall)	_____	x	6=	_____
— Private installation	_____	x	6=	_____
— Public installation	_____	x	8=	_____

2. Bathtub (w/o overhead shower) 1½-inch min. trap size	=====	x	2=	=====
—2-inch min. trap size	=====	x	3=	=====
3. Bidet	=====	x	3=	=====
4. Combination sink and tray	=====	x	3=	=====
5. Combination sink and tray with food disposal unit	=====	x	4=	=====
6. Dental unit or cuspidor	=====	x	1=	=====
7. Dental lavatory	=====	x	1=	=====
8. Drinking fountain	=====	x	0.5=	=====
9. Dishwashing machine domestic	=====	x	2=	=====
10. Floor drainage (*See Note #1)	=====	x	*=	=====
11. Kitchen sink domestic	=====	x	2=	=====
12. Kitchen sink, x/food waste grinder	=====	x	3=	=====
13. Lavaotry (small P.O.) 1¼ inch min. trap size	=====	x	1=	=====
14. Lavatory (larger P.O.) 1½-inch min. trap size	=====	x	2=	=====
15. Lavatory, barber's beauty parlor	=====	x	2=	=====
16 Lavatory, surgeon's	=====	x	2=	=====
17. Laundry tray (1 or 2 compartments)	=====	x	2=	=====

18. Shower stall, domestic	=====	x	2=	=====
19. Showers (group) per head	=====	x	3=	=====
20. Surgeons sinks	=====	x	3=	=====
21. Flushing rim sink (with valve)	=====	x	8=	=====
22. Service (trap standard) sink	=====	x	3=	=====
23. Service sink (P. Trap)	=====	x	2=	=====
24. Pot, scullery, mop, sink, etc.	=====	x	4=	=====
25. Urinal, pedestal, siphon jet, blowout	=====	x	8=	=====
26. Urinal, wall lip	=====	x	4=	=====
27. Urinal, stall, washout	=====	x	4=	=====
28. Urinal trough (each 2 foot section)	=====	x	2=	=====
29. Washing machine (residential)	=====	x	3=	=====
30. Washing machine (commercial)(*See Note #1)	=====	x	*=	=====
31. Wash sink (circular or multiple) each set of faucets	=====	x	2=	=====
32. Water closet, private installation	=====	x	4=	=====
33. Water closet, public installation	=====	x	6=	=====
Total number of fixture units=				=====

*Note:	
1. Fixture drain or trap size	Fixture unit value
1¼ inch	1
1½ inch	2
2 inch	3
2½ inch	4
3 inch	5
4 inch	6

Notes: For more complete information, refer to the Standard Plumbing Code.

Table F-2
Calculation of Water and Wastewater Capital Charges

One equivalent residential unit (ERC) shall have an assigned value of 1.00.

One ERC is hereby established and determined to be equal to a flow of 300 gallons per day (GPD) for water and 250 gallons per day (GPD) for wastewater service.

A single family residence shall have an ERC value of 1.00.

A multi-family reside or RV unit shall have an ERC value of 0.80.

The "total equivalent residential unit value" for an establishment shall be calculated in accordance with the formula below:

Total ERC value water	=	Number of fixture units (from Table F-1 × 30)

		300
Total ERC value (wastewater)	=	Number of fixture units (from Table F-1 x 25)
		250

-

~~Capital Connection Charge (water) = Total ERC value x \$750.00~~

~~Capital Connection Charge (wastewater) = Total ERC value x \$5,000.00~~

~~(e) Capital improvement funds; establishment; expenditure guidelines; application and pledge to revenue bonds.~~

~~(1) The water capital charges collected pursuant to this division shall be deposited into a fund called the "Bay County North Bay Water System Capital Improvement Fund" and the wastewater capital charges shall likewise be deposited into a fund called the "Bay County North Bay Wastewater System Capital Improvement Fund". The water capital charges so deposited shall be used only for the acquisition of the county water system serving North Bay capacity sale area and all components thereof and additional thereto, and the construction and acquisition of additions and extensions to the county water system serving North Bay Capacity sale area and all components thereof including raw water supply facilities, transmission facilities, mains, ground storage facilities, new pumping facilities, water treatment plants, and distribution facilities in order to provide additional water treatment capacity or water service capacity to those new customers who connect the county water system serving North Bay capacity sale area. The wastewater capital charges so deposited in the above mentioned fund shall be used only for the acquisition of additions and extensions to the county wastewater system serving North Bay capacity sale area and all components thereof, including collection facilities, transmission facilities, treatment facilities, and effluent disposal facilities, in order to provide additional sewage treatment capacity, effluent disposal capacity, or wastewater service capacity to those new customers who connect to the county wastewater system serving North Bay capacity sale area.~~

~~(2) The county may by resolution provide for the application of some or all of the water and/or wastewater capital charges to the payment or security for the payment of revenue bonds issued in whole or in part for the purpose set out in subsection (a) hereof, provided that the amount of water and/or wastewater capital charges applied to the payment of such bonds shall not exceed the amount~~

~~of bond proceeds actually expended for such purpose with interest at the average rate borne by said bonds. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefore.~~

- (f) ~~Application; allocation of water and/or wastewater service capacity. No water and/or wastewater service capacity shall be sold pursuant to the water and/or wastewater agreement, nor shall any such agreement be issued until application therefore is received by the county. The county may require all information on said application that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application for a water and/or a wastewater agreement shall contain a legal description of the land constituting the service area for which the said agreement is to be executed. The legal description shall include only those lands owned by the applicant for which the water and/or wastewater permit is to serve. If any such person described hereinabove fails to apply for and purchase water and/or wastewater service capacity under the Bay County Exclusive Sale Area and Capacity Sale Rules, the county may consider said failure in determining whether or not to grant or deny any request for increased density or intensity of land use filed by said person.~~

~~Sec. 25-83. Adoption of water and wastewater system charge schedules.~~

~~The board of county commissioners hereby adopts as its water and wastewater system charge schedules applicable to the new customers upon the date the GCEC systems transfer to the count the count's currently existing retail water and wastewater monthly rates and schedules for use of the services provided in effect as of October, 2007. As of the date of transfer of the GCEC systems to the county, these schedules shall apply to new customers and shall superseded and apply in place of any other GCEC-approved rates.~~

~~Sec. 25-84. Application of certain county rules.~~

~~Unless otherwise expressly set forth in this Ordinance No. 07-41, all county ordinances, resolutions, and rules applicable to the remaining portions of the county's water and wastewater system shall apply to the new customers, as amended from time to time.~~

~~Secs. 25-85 – 25-90. - Reserved.~~

SECTION 3. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality

shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 4. INCLUSION IN CODE. This Ordinance shall be made a part of the Code of Bay County, Florida; the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention: and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 5. EFFECTIVE DATE. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect immediately in accordance with Section 125.66 (2), Florida Statutes, however, the increase in impact fees adopted by this ordinance shall not take effect until ninety (90) days from the effective date during which time the current impact fees shall remain in effect.

DULY ADOPTED this ____ day of _____ 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BAY COUNTY, FLORIDA

Bill Kinsaul, Clerk

Guy M. Tunnell, Chairman

Approved as to form:

Office of County Attorney