

ORDINANCE O-26-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA RELATING TO UTILITIES; AMENDING SECTIONS 19-80, 19-150, AND 19-151 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA; ADOPTING A REVISED SCHEDULE OF CHARGES AND FEES FOR THE REIMBURSEMENT OF COSTS TO THE CITY FOR THE TREATMENT OF INDUSTRIAL WASTEWATER; PROVIDING FOR AN AUTOMATIC INCREASE OF UP TO TWO AND ONE-HALF PERCENT OF SUCH INDUSTRIAL CHARGES AND FEES ON THE 1ST OF EACH OCTOBER WITHOUT THE NEED FOR HEARING; CLARIFYING THE APPLICABILITY OF CERTAIN RATES, FEES, AND CHARGES TO INDUSTRIAL USERS SUBJECT TO THE INDUSTRIAL PRETREATMENT ORDINANCE; ELIMINATING OBSOLETE INDUSTRIAL COST RECOVERY PROGRAM REQUIREMENTS AND DELETING SECTIONS 19-176 THROUGH 19-180 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, FOR SEVERABILITY, FOR CODIFICATION, AND FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jones Edmunds has, on behalf of the City of Winter Haven, Florida, generated a "Technical Memorandum" together with an "Executive Summary" dated July 1, 2026 which has provided a thorough fiscal analysis of the City's industrial wastewater expenses and revenues generated from industrial user charges and fees, and which forms a factual basis for the adjustment of industrial user charges and fees, copies of which are attached hereto and incorporated herein as Exhibit "C" ; and

WHEREAS, the "Industrial Cost Recovery" component of the City's industrial rates, found in Chapter 19, Sections 19-176, et seq., of the City Code (the "ICR Ordinance"), was adopted in compliance with Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 ("FWPCA"), Public Law No. 92-500, in order to fully comply with the terms and conditions of Environmental Protection Agency ("EPA") Grant No. C-120459-010 to the City for the construction of Wastewater Treatment Plant No. 3 ("WWTP#3"); and

WHEREAS, based on that certain Quit Claim Deed executed by the EPA in 2006, and recorded in Official Records Book 6984, Page 2268, Public Records of Polk County, Florida WWTP#3" has been released from all "conditions that may be contained in EPA Grant # C-120459-010, and that may be recorded in the Public Records of Polk County,

Florida,” inclusive of requirements imposed by the FWPCAA to charge and collect an industrial cost recovery fee from industrial users of the WWTP#3; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, further finds it expedient and prudent to revise the text of Sections 19-80, 19-150, and 19-151 of Chapter 19 of the Code of Ordinances, and to repeal the ICR Ordinance, Sections 19-176 through 19-180 of Chapter 19 of the Code of Ordinances, in the form attached hereto as Exhibit “A”, in order to revise and restate the wastewater rate structure for industrial users effective January 1, 2027; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds it expedient and prudent to adopt a new Schedule of Charges and Fees for industrial users pursuant to Section 19-80 of the City’s Code of Ordinances, a copy of which is attached hereto as Exhibit “B”, also effective January 1, 2027, and to include therein an automatic increase of such charges and fees effective each October 1 without the need for any further hearing; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that this Ordinance concerns a principal source of enterprise revenue necessary to fund the City of Winter Haven, Florida, budget for municipal fiscal year 2026-2027 and, as such, no business impact estimate is required to be prepared or posted prior to the City Commission’s consideration of this Ordinance pursuant to the statutory exemption stated in Section 166.041(4)(c)3., Florida Statutes (2026);

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. Chapter 19, Article III, Sections 19-68 through 19-80 of the Code of Ordinances of the City of Winter Haven, Florida, are hereby amended to read as set forth on Exhibit “A” attached hereto and incorporated by reference. Underlined words are added, ~~stricken~~ words are deleted.
2. Pursuant to Section 19-80, as amended, the City Commission hereby adopts the Industrial Pretreatment Ordinance Schedule of Charges and Fees attached hereto and incorporated herein by reference as Exhibit “B”. Such Schedule shall, when effective, fully replace all previously adopted, amended, and/or revised Industrial Pretreatment Ordinance Schedules of Charges and Fees on file with the City Clerk’s office.
3. The text of Exhibit “A” to this Ordinance shall be codified and made a part of the Code of Ordinances of the City of Winter Haven. It is the intention of the City Commission that the provisions of Exhibit “A” to this ordinance shall become and be made a part of the City of Winter Haven Code of Ordinances; and that sections of this ordinance may be renumbered or relettered and the word *ordinance* may be changed to *section*, *article*, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of

whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the City Manager or his/her designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

4. All Ordinances or parts of Ordinances and Resolutions in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
5. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.
6. This Ordinance shall take effect on January 1, 2027.

INTRODUCED on first reading this 27th day of July, 2026.

PASSED on second reading this 10th day of August, 2026.

CITY OF WINTER HAVEN, FLORIDA

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY