

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO STORMWATER UTILITY FEES; REVISING THE STORMWATER UTILITY FEE STRUCTURE IN SUPPORT OF THE VILLAGE STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration Prepared by Stormwater Engineer, Mairelys Gensler)*

WHEREAS, on July 11, 2005, the Village of Palmetto Bay (the "Village") exercised its option to exempt from the provisions of Section 24-61-2 of the Code of Miami-Dade County, and establish a stormwater utility within the boundaries of the Village and commit to implement the provisions of Section 403.0893(1), (2) or (3), Florida Statutes; and

WHEREAS, In May 2006, the Village adopted Ordinance 06-07 which established the Village's Stormwater Utility; and

WHEREAS, the Village has constructed, owns, operates, and maintains an extensive public stormwater management system to collect, convey, and manage stormwater, thereby protecting the health, safety, and welfare of its residents; and

WHEREAS, Section 15-107 of the Code established and assessed the initial Stormwater Utility Fees against each developed and undeveloped property within the Village for the services and facilities provided by the Stormwater Management Capital Improvement Program; and

WHEREAS, the Stormwater Utility Fees set forth in Section 15-107 of the Code has not been amended since 2020, as such the Village Council desires to update its Stormwater Utility Fee to be consistent with current costs and other expenses; and

WHEREAS, based on existing revenues being insufficient to cover operating expenses and existing debt service obligations, as well as to fund the projects identified in the Capital Improvement Plan (CIP), the

1 monthly Stormwater Utility Fee shall increase from \$5.00 to ~~\$13.00~~
2 \$16.00 per Equivalent Residential Unit (ERU); and
3

4 **WHEREAS**, the Village Council desires to establish an equitable
5 stormwater fee applicable to all developed and undeveloped properties
6 that are connected to, use, are served by, or otherwise benefit from the
7 Village's Stormwater Management System, thereby providing a
8 dedicated and reliable funding source for the ongoing costs associated
9 with the Capital Improvement Program and the annual operation and
10 maintenance of the existing stormwater management system; and
11

12 **WHEREAS**, the Village Council hereby determines that, based
13 upon the major Capital Improvement Projects recommended for
14 implementation and the annual costs associated with the ongoing
15 operation and maintenance of the existing stormwater management
16 system, the increased costs of operating and maintaining the Stormwater
17 Utility necessitate an increase in the Stormwater Utility Fees at this time;
18 and
19

20 **WHEREAS**, the Village Council finds that adoption of this
21 Ordinance is in the best interests of the Village and its residents.
22

23 **NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND**
24 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
25 **FLORIDA, AS FOLLOWS:**
26

27 **Section 1. Recitals.** The above recitals are incorporated as if set
28 forth in full.
29

30 **Section 2. Amendment to Section 15-107.**¹ Article III,
31 Stormwater Management, Section 15-107 (Fee schedule and payment)
32 of the Village Code, is hereby amended as follows:
33

34 **Chapter 15 – Environment.**
35

36 **Article III – Stormwater Management.**
37
38

1 **Section 15-107. Fee schedule and payment.**

2
3 (a) The village service fee per ERU billing shall be \$13.00
4 \$16.00 per month. Stormwater management utility fees shall be
5 invoiced and collected as a separate line item on utility account
6 bills. The village is authorized to utilize Miami-Dade County as an
7 acceptable third party to perform billing services.

8
9 (b) Invoices for stormwater management utility fees shall
10 be payable at the same time and in the same manner as other
11 utilities, and subject to the enforcement procedures and penalties
12 provided in section 15-112, *infra*.

13
14 (c) Separate accounts for stormwater utility services only
15 may be established if other utilities are not furnished to the property.

16
17 (d) The owner of the property is ultimately responsible for
18 all stormwater management utility fees imposed under this chapter.

19
20 **Section 3. Repeal of Conflicting Provisions.** The Provisions of
21 the Village Code and all ordinances or parts of ordinances in conflict with
22 the provisions of this Ordinance are hereby repealed.

23
24 **Section 4. Severability.** The provisions of this Ordinance are
25 declared to be severable and if any sentence, section, clause or phrase
26 of this Ordinance shall for any reason be held to be invalid or
27 unconstitutional, such decision shall not affect the validity of the remaining
28 sentences, sections, clauses or phrases of the Ordinance but they shall
29 remain in effect it being the legislative intent that this Ordinance shall
30 stand notwithstanding the invalidity of any part.

31
32 **Section 5. Inclusion in the Code.** It is the intention of the Village
33 Council and it is hereby ordained the provisions of this Ordinance shall
34 become and be made part of the Village Code, that sections of this
35 Ordinance may be renumbered or re-lettered to accomplish such
36 intentions, and that the word "Ordinance" shall be changed to "Section"
37 or other appropriate word.

Section 6. Effective Date. This amendment shall take effect on
October 1, 2026.

PASSED ON FIRST READING this 14th day of September 2026.

PASSED and **ADOPTED ON SECOND READING** this 5th day of
October 2026.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
SOLE USE AND BENEFIT OF THE VILLAGE:**

John J. Quick
Village Attorney

VOTE ON FIRST READING:

Council Member Patrick Fiore YES

Council Member Steve Cody YES

Council Member Marsha Matson YES

Vice-Mayor Mark Merwitzer YES

Mayor Karyn Cunningham YES

1 **FINAL VOTE AT ADOPTION ON SECOND READING:**

2

3 Council Member Patrick Fiore _____

4

5 Council Member Steve Cody _____

6

7 Council Member Marsha Matson _____

8

9 Vice-Mayor Mark Merwitzer _____

10

11 Mayor Karyn Cunningham _____