CITY OF ALTAMONTE SPRINGS
COMMISSION AGENDA
JUNE 21, 2016

7:00 P.M. REGULAR MEETING
INVOCATION
PLEDGE OF ALLEGIANCE
APPROVAL OF MINUTES OF REGULAR MEETING OF JUNE 7, 2016
INFORMAL COMMUNICATIONS FROM THE FLOOR

1.	**PUBLIC HEARING** **1st READING**	**Ordinance 1698-16** – City Code of Ordinances amending Chapter 26 - Utilities
2.	**PUBLIC HEARING** **1st READING**	**Ordinance 1701-16** – Utility System Rate Adjustment
3.	**REQUEST FOR APPROVAL**	Intent to Annex – 1355 East Altamonte Drive
4.	**REQUEST FOR APPROVAL**	Increased Pay Rate and Fees for Off-Duty Details
5.	**REQUEST FOR APPROVAL**	Appointees to the Wekiva River System Advisory Management Committee
6.	**REQUEST FOR APPROVAL**	City Manager Approval of formal purchase solicitations and other purchases during summer recess
7.	**REQUEST FOR APPROVAL**	Allocation of Edward Byrne Justice Grant (JAG) Funds
8.	**DISCUSSION**	Appointment of Citizen Board/Committee Members
9.	**FINANCE ITEMS**	**ITB14-038 RWRF Aeration System Blower Replacement** – Approve contract change orders No.1 and No.2 with Brandes Design-Build, Inc. in the amount of $941,330.35

Persons with disabilities needing assistance in participating in any of these proceedings should contact the City Clerk Department ADA Coordinator 48 hours in advance of the meeting at 407-571-8122 (Voice) or 407-571-8126 (TDD). Persons are advised if they wish to appeal any decision made at the hearing/meetings, they will need to ensure that a verbatim record of the proceedings is made which includes the testimony evidence upon which the appeal is to be based, per Chapter 286.0105, Laws of Florida. The City of Altamonte Springs does not provide this verbatim record.

REGULAR MEETING OF THE CITY COMMISSION

JUNE 7, 2016

Pursuant to due notice, a regular meeting of the Commission of the City of Altamonte Springs, Seminole County, was held at 225 Newburyport Avenue, in said City on June 7, 2016 at 7:00 p.m.

PRESENT WERE:	Mayor Bates, Commissioners Batman, Hussey, and Reece		
ABSENT WERE:	Commissioner Wolfram		
ALSO PRESENT WERE:	Frank Martz	-	Frank Martz
	Skip Fowler	-	City Attorney
	Erin O'Donnell	-	City Clerk

The meeting was called to order by Mayor Bates at 7:00 p.m.

INVOCATION:

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Motion: Moved by Commissioner Hussey, seconded by Commissioner Reece, to approve the minutes of the workshop and regular Commission Meeting of May 17, 2016 as presented. Motion carried unanimously.

INFORMAL COMMUNICATION FROM THE FLOOR: None

1. PRESENTATION Altamonte Springs Police Department's Life-Saving Award: Senior Police Officer James Tittle

Mayor Bates presented the Life Saving Award to Senior Police Officer James Tittle for his heroic efforts assisting in chest compressions to an unconscious man. As he was the first officer on the scene to arrive, SPO Tittle stabilized the man's head and instructed the other passenger to assist while he took over chest compressions eventually leading the man to breathe on his own. After being transferred to the hospital, he is expected to make a full recovery. Without hesitation, SPO Tittle used life-saving measures in an emergency situation and is exemplified an officer's duty to preserve and protect life.

Mr. Martz added to the presentation that this is the second time he has won this award and his selflessness reflects well on his fellow officers and he commended his heroic actions. Mayor Bates thanked his for his service and she appreciates him.

2.	**PUBLIC HEARING** **2ND READING**	**Ordinance 1697-16** – Annual Update of the Comprehensive Plan's Five-Year Capital Improvement Program

No members of the public appeared before the Commission. The attorney read the title of the Ordinance into the record.

Motion: Moved by Commissioner Batman, seconded by Commissioner Hussey to pass Ordinance 1697-16 on second and final reading. Commissioner Batman – yes; Commissioner Hussey – yes; Commissioner Reece – yes; Mayor Bates – yes. Motion carried 4-0.

3.	**PUBLIC HEARING** **2ND READING**	**Ordinance 1700-16** – Residential Refuse Disposal Service Rate Adjustment

No members of the public appeared before the Commission. The attorney read the title of the Ordinance into the record.

Mr. Martz commented that the Commission should keep in mind that we are one of the few cities who do residential waste collection ourselves as most are contracted out through franchises. The quality of our service and the relationships our residents have with the workers is strong and personal. The City needs to stay ahead of the curve with the rate but we do not want to lose our personal touch as they do incredible work. The Commission all agreed with the sentiments.

Motion: Moved by Commissioner Reece, seconded by Commissioner Batman to pass Ordinance 1700-16 on second and final reading. Commissioner Batman – yes; Commissioner Hussey – yes; Commissioner Reece – yes; Mayor Bates – yes. Motion carried 4-0.

4.	**PUBLIC HEARING**	**Resolution 1321** - Petition for Abandonment of Utility Easement - 381 San Sebastian Prado

No members of the public appeared before the Commission.

Motion: Moved by Commissioner Batman, seconded by Commissioner Reece to pass and adopt Resolution 1321. Commissioner Batman – yes; Commissioner Hussey – yes; Commissioner Reece – yes; Mayor Bates – yes. Motion carried 4-0.

5.	**REQUEST FOR APPROVAL**	Renewal of Annual Auditing Contract

Motion: Moved by Commissioner Hussey, seconded by Commissioner Batman to approve the audit contract renewal. Motion carried unanimously.

6. **REQUEST FOR APPROVAL** Piggyback Contract Authorization – Eastmonte Electrical Upgrades-Phase 2

Motion: Moved by Commissioner Batman, seconded by Commissioner Reece to approve the contract authorization. Motion carried unanimously.

7. **REQUEST FOR APPROVAL** Piggyback Contract Authorization – Various CRA Capital Projects

Motion: Moved by Commissioner Hussey, seconded by Commissioner Batman to approve the contract authorization. Motion carried unanimously.

8. **REQUEST FOR APPROVAL** Renewal of Employee Health Insurance for 2016/17

Motion: Moved by Commissioner Reece, seconded by Commissioner Batman to approve the renewal of employee health insurance for 2016/17. Motion carried unanimously.

9. **DISCUSSION** Designation of voting delegate for the 90th Annual Florida League of Cities Conference

Motion: Moved by Commissioner Reece, seconded by Commissioner Batman to approve Mayor Pat Bates as the delegate. Mayor Bates accepted and the motion carried unanimously.

10. **DISCUSSION** Appointment of Citizen Board/Committee Members

Commissioner Reece reappointed Paul Marczak to the Planning Board for another term. This item is continued.

11. **FINANCE ITEMS** Oakland Road and Glen Arden Way Water Main Pipe Repair- Approve final payment to Murphy Pipeline Contractors, Inc. in the amount of $50,685.01 and accept the closeout documents

Motion: Moved by Commissioner Batman, seconded by Commissioner Hussey to approve the finance item. Motion carried unanimously.

INFORMAL COMMUNICATION FROM THE FLOOR: None

REPORTS:

CITY ATTORNEY- None

CITY CLERK
Reminded the Commission to file their Form 1- Financial Disclosure Forms prior to July 1.

CITY MANAGER
Reported that next Monday the district tournaments will start for our Altamonte Babe Ruth All Stars at Eastmonte and encouraged the Commission to attend and support the team.

Updated the Commission on the Interlocal Agreement with Lake Mary, Longwood, Maitland, and Sanford for Uber and that it's been successful and will start on July 1. As he's stated previously, they've seen a 10-fold increase since they started the pilot program. He added that ridership in the agreement is considered a trade secret and that is all he can disclose at this time. It is protected information so much so that Uber won a lawsuit in Broward County protecting their data from being released. We are still marketing the service to our bigger businesses and organizations so he can imagine the ridership will go up more.

Commissioner Reece asked if a rider takes a trip to any of the neighboring cities if they still qualify for the discount. Mr. Martz replied that they are taking baby steps at this time and we are only the third transit multi-jurisdictional service in the area next to LYNX and SunRail but it is a good conversation to have. Commissioner Reece added that she thinks it'd be a great way to increase ridership. Mr. Martz added they've been approached by other cities in the region to join but they are going slow right now.

COMMISSIONER BATMAN
Asked if the City was still on schedule for the upcoming events at Cranes Roost in the middle of June. Mr. Martz replied that they are having to do some nighttime work to combat the heavy rains but they are on target for the first event on the 16th. He added that thankfully they have raised the boardwalks to allow for greater stormwater storage if the recent tropical storm had hit us. He also added that we have an extraordinary group of people managing the entire project.

COMMISSIONER REECE- None

COMMISSIONER HUSSEY
Commented that he was looking forward to Red Hot and Boom

MAYOR BATES
Confirmed the time of the baseball game so she can come and support. Ms. Shelly Nooft, Leisure Services Director, would forward her the information. Mr. Martz added that the kids love it and it will mean a lot to them.

The meeting adjourned at 7:22 p.m.

ATTEST:

_____ _____

MAYOR CITY CLERK

ALTAMONTE SPRINGS
SERVICE
FOUNDED 1920
FLORIDA

Meeting Date: June 21, 2016

From: _____ FOR ET
Ed Torres, Director of Public Works

Approved: _____
Frankie W. Martz, II City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Ordinance No. 1698-16 – City Code of Ordinances amending Chapter 26 - Utilities

SUMMARY EXPLANATION & BACKGROUND:
The proposed ordinance amends various articles and sections of Chapter 26 – Utilities. Highlights of the proposed revisions are as follows:

- Adopting purpose and applicability to Chapter 26;
- Establishing and refining certain abbreviations and definitions throughout the Chapter;
- Updating references and regulations pertaining to the City's industrial pre-treatment program to be compliant with State regulations and module sewer use ordinance;
- Refining requirements for connection to public sewer when available, consistent with existing requirements pertaining to connection to public water and clarifying applicable requirements for existing development versus new development;
- Establishing clear guidelines for the ownership and maintenance of the building sewer lateral located on private property and within public right of way consistent with existing policies and practices;
- Establishing criteria for separate metered connections consistent with existing policies and practices; and
- Updating references and regulations pertaining to water conservation and enforcement of watering violations.

FISCAL INFORMATION: No financial impact.

RECOMMENDED ACTION: Approve Ordinance No. 1698-16 on first reading, and set second reading for July 5, 2016.

Initiated by VL Bogle, Public Works
C: LJ Schulenberg

ORDINANCE NO. 1698-16

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AMENDING CHAPTER 26, "UTILITIES" OF THE CITY CODE OF ORDINANCES, BY AMENDING ARTICLE I, "IN GENERAL," TO SET FORTH PURPOSE AND APPLICABILITY, RESTRUCTURE SECTIONS AND RENUMBER SEQUENTIALLY, EXPAND AND REVISE CERTAIN DEFINITIONS, AND REVISE REFERENCE TO DIRECTOR OF PUBLIC WORKS; BY AMENDING ARTICLE II, "SEWERS," TO PROVIDE ABBREVIATIONS, REVISE AND UPDATE DEFINITIONS, REVISE AND UPDATE PROVISIONS REGARDING PROHIBITED DISCHARGES, LOCAL LIMITATIONS, SPECIAL INTERCEPTORS AND SEPARATORS, UPDATE AND REVISE SEWER REGULATIONS THROUGHOUT THE ARTICLE, INCLUDING THE INSTALLATION AND CONNECTION REGULATIONS, MAINTENANCE AND REPAIR REGULATIONS AND ENFORCEMENT AND APPEAL REGULATIONS; BY AMENDING ARTICLE III, "WATER," TO UPDATE METER REQUIREMENT REGULATIONS AND UPDATE OUTDATED REFERENCES; BY AMENDING ARTICLE IV, "WATER AND SEWER SYSTEM EXTENSIONS AND CONNECTIONS," BY AMENDING THE TITLE TO "WATER, SEWER AND DRAINAGE SYSTEM EXTENSIONS AND CONNECTIONS," AND UPDATING REFERENCES AND REGULATIONS; BY AMENDING ARTICLE VII, "WATER CONSERVATION," TO REVISE THE ENFORCEMENT OF WATERING VIOLATIONS; UPDATING OUTDATED REFERENCES THROUGHOUT THE CHAPTER, AMENDING SECTION TITLES WHERE APPROPRIATE, AND RE-ORDERING AND RENUMBERING WHERE APPROPRIATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Altamonte Springs has determined that the regulation of various utility systems is necessary and essential for the protection and preservation of the public health, safety and welfare; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that regulation of utility systems is an exercise of the police power for the proper and necessary protection and preservation of the public health, safety and welfare; and

WHEREAS, reasonable uniform regulation, supervision and control of utility systems are necessary and directly affect the public health, safety and welfare; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that regulations regarding water conservation and setting forth irrigation schedules protects the limited water resources by promoting water conservation and serves an important public purpose in furtherance of the public health, safety and welfare;

WHEREAS, the City Commission of the City of Altamonte Springs finds this ordinance serves a public purpose and promotes the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, as follows:

SECTION ONE: Article I, "In General," of Chapter 26, "Utilities" of the Altamonte Springs Code of Ordinances is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Section 26-1. Purpose and applicability.

(a) The purpose of this chapter is to protect the health, safety and welfare of the general public through the administration and regulation of the delivery of water, reclaimed water, wastewater and stormwater utility services.

(b) The provisions of this chapter shall apply to all buildings, improvements and land within the corporate limits of the city and the city water, reclaimed water, wastewater and stormwater service areas, unless they are expressly exempted by law.

(c) In all cases where city water, reclaim water, wastewater or the city stormwater service is being used outside the city limits, the party or parties using such service as a directly connected customer shall be required to comply with all requirements set forth in this chapter. Wholesale customers shall be required to comply with all applicable requirements set forth in this chapter in accordance with their respective wholesale user agreements.

Sec. 26-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Director of public works and utilities or *director of public works* shall mean the director of the public works utilities department of the City of Altamonte Springs or authorized deputy, agent, representative, or designee.

Illegal dumping shall mean any unauthorized discharge into any part of the city utility system, whether directly or indirectly. Illegal dumping shall include, but not be limited to, discharge of waste from recreational vehicles, septic tanks, trucks and/or commercial cleaning vehicles into the sanitary sewer system; commercial or industrial waste discharge without prior written approval from the city; and discharge of dye, oil, solvent, toxic or hazardous chemicals or other waste into any storm sewer, lake or river within the jurisdiction of the city.

Line break shall mean damage to city utility lines or disruption of city utility service as a result of digging, excavation, construction or utility installation work.

Meter tampering shall mean reversing or physically altering a meter or appurtenance to a meter, breaking padlocks or pins, or removing a meter.

Persons shall mean any individual, partnership, firm, company, association, ~~society, group~~ corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

Straightline shall mean any piping or hose arrangement to replace or bypass a water meter or appurtenance to a meter.

Unauthorized operation of city owned valve shall mean any operation of any valve in the city's utility system by a person other than specifically authorized city employees, including, but not limited to, a contractor or resident operating city owned valves or curb stops.

Unauthorized tap shall mean any attachment to the city utility system without prior written approval from the city, including but not limited to, direct connection to a city water main, force main or sewer main, or attachment to a fire hydrant or valve, back flow prevention device or curb stop.

Sec. 26-3. Prohibited acts.

No person, unless expressly authorized in writing by the director of public works and utilities ~~or his designee~~, shall tamper with, work on, connect to, or in any way alter, cause a line break, or damage any part of the city's utility system, including the potable water, reclaimed water, sanitary sewer and/or stormwater systems. Tampering or work shall include, but not be limited to, unauthorized operation of city owned valves, meter tampering, straightlines, unauthorized taps, line ruptures and/or illegal dumping.

Sec. 26-4. Penalties for violation.

(a) *Judicial remedies.* If any person violates the provisions of Chapter 26 "Utilities," of the City Code ~~or this section~~ or any order or permit issued hereunder, the city may commence an action for appropriate legal and/or equitable relief in the circuit court for Seminole County.

(1) *Injunctive relief.* Whenever any person, including any industrial user, has violated or continues to violate the provisions of Chapter 26 of the City Code ~~or this section~~ or permit or order issued hereunder, the city may petition the circuit court for the issuance of a

preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the violator.

(2) *Civil penalties*.

a. Any person who has violated or continues to violate the provisions of Chapter 26 of the City Code ~~or this section~~ or any order or permit issued hereunder, shall be liable to the city for a civil penalty of not more than ten thousand dollars ($10,000.00) but not less than one thousand dollars ($1,000.00), plus actual damages incurred by the city per violation, per day, for as long as the violation continues. In addition to the above described penalty and damages, the city shall be entitled to recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling/monitoring expenses.

b. The city shall petition the circuit court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the person's violation, corrective actions by the person, the compliance history of the person, and such other factors as justice requires.

(3) *Criminal prosecution*.

a. Violations generally.

1. Any person who willfully or negligently violates any provision of Chapter 26 of the City Code ~~or this section~~ or any order or permit issued hereunder shall, upon conviction in a court of law, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000.00) per violation, per day, or imprisonment for not more than one (1) year or both.

2. In the event of a second conviction, the person shall be punishable by a fine not to exceed three thousand dollars ($3,000.00) per violation, per day, or imprisonment for not more than three (3) years, or both.

b. Falsifying information.

1. Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to Chapter 26 of the City Code or this section, or permit issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this section or permit, shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

2. In the event of a second conviction, the person shall be punished by a fine not to exceed three thousand dollars ($3,000.00) per violation per day or imprisonment for not more than three (3) years, or both.

(b) *Administrative penalties.* Any person who has violated or continues to violate the provisions of Chapter 26 of the City Code may be subject to administrative penalties and fines as may be specifically set forth in this Chapter.

(c) In addition to the penalties provided in section (a) or (b) above, or any other penalty provided in this Chapter, whoever shall violate the provisions of this chapter shall be liable to the city for any damage caused to the property of the city or water resources and for reasonable costs and expenses, including attorney's fees, of the city incurred in tracing, controlling and abating the violation and in restoring the property or water resources to their former condition.

(d) The owner of a building, structure or premises where anything in violation of this chapter shall be placed or shall exist and an architect, builder, contractor, agent, person or corporation employed in connection with and who assisted or caused the commission of such violation, shall each be guilty of the separate offense and liable for penalties provided.

(e) As an additional means of ensuring compliance with the provisions of this chapter, the Altamonte Springs Code Enforcement Board shall have jurisdiction and authority to hear and decide alleged violations occurring in the corporate limits of the city. Proceedings before the code enforcement board shall be governed by its rules and procedures.

(f) Upon detection of prohibited acts as herein defined, the city shall be authorized to take immediate action to stop the violation and to remove and seize any equipment used in the commission of the violation.

(g) *Additional remedies.* In addition to the remedies, penalties and enforcement provisions set forth in this section, additional administrative and judicial (injunctive, civil, or criminal) processes, procedures, remedies and penalties may be set forth in specific articles of this Chapter.

Sec. 26-5. Line locations; notification to city prior to digging.

(a) Forty-eight (48) hours prior to commencing any digging, excavation, construction or utility installation work, all persons shall be required to provide written notification to the director of public works and utilities~~, or his designee~~, identifying the work to be conducted and the location of the proposed work.

(b) A duly authorized representative of the city must be present on the site prior to commencement of digging, excavation, construction or utility installation for the purpose of locating city utility lines.

(c) Written notification may be reduced in case of emergency, as determined by the director of the department of public works and utilities~~, or his designee~~; provided that the owner/applicant shall bear all costs incurred by the city in meeting the expedited work schedule.

Sec. 26-6. Payment required.

(a) Bills for the monthly water charges, sewer, refuse, reclaimed water and/or stormwater charges as applicable, shall be submitted by the city and shall be paid by the users monthly. If any monthly

bill for water or other utility service remains unpaid on and after twenty-eight (28) days from the date of the bill for such water or other utility service, a penalty of ten (10) percent ~~per cent~~ of the total bill shall be imposed and be added to the bill; and, if the bill remains unpaid for a period of thirty-five (35) days from the date of the bill, the water or other utility service to the consumer shall be discontinued and shall not be reconnected until all past due charges and penalty charges shall have been fully paid, together with a reconnection charge of twenty-five dollars ($25.00).

(b) Any charge due hereunder which shall not be paid when due may be recovered in an action at law by the City of Altamonte Springs. The delinquent account shall be responsible for all costs of collection to include reasonable attorney's fees whether or not suit is necessary.

(c) In the case that a tenant in possession of any premises or building shall pay the utility charges and fees, it shall relieve the land owner from such obligation; but the city shall not be required to look to any person whatsoever other than the owner for the payment of such charges and fees.

Secs. 26-7—26-9~~10~~. Reserved.

SECTION TWO: Article II, "Sewers," of Chapter 26, "Utilities" of the Altamonte Springs Code of Ordinances, with the exception of Section 26-54, "Sewer Rates and Charges," which is not being addressed or amended by this ordinance, is hereby amended to read as follows:

ARTICLE II. SEWERS

DIVISION 1. GENERALLY

Sec. 26-10. Abbreviations.

The following abbreviations, when used in this article, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BMP(s) – Best Management Practice(s)
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CIU – Categorical Industrial User
CWA – Clean Water Act
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
FAC – Florida Administrative Code
FDEP – Florida Department of Environmental Protection
GPD or gpd – gallons per day

IU – Industrial User
mg/L – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

Sec. 26-11. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Act or "the Act" shall mean~~s~~ the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended~~ 1977~~, 33 U~~.~~S~~.~~C~~.~~ 1251, et. seq.

Approval authority shall mean the Regional Administrator of the United States Environmental Protection Agency, Region IV, Atlanta, Georgia.

Authorized or duly authorized representative of the industrial user shall mean the following:

(1) If the industrial user is a corporation, authorized representative shall mean:
   a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
   b. ~~The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;~~ The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge requirements; and where

authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.

(3) If the industrial user is a federal, state or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their~~his/her~~ designee.

(4) The individuals described in paragraphs (1) through (3), above, may designate another duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

Best management practices, BMP or *BMPs* shall mean the schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans of complying with or in place of certain established categorical pretreatment standards and effluent limits.*Biochemical oxygen demand* or *BOD* ~~*(denoting biochemical oxygen demand)*~~ shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter (mg/l) or parts per million (ppm).

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer sometimes called "laterals" shall mean the extension from the building drain to the public sewer or other place of disposal.

Bulk user shall mean a customer such as a utility company or governmental entity which conveys sewage in large quantities through either their own or city-owned transmission mains from their service area to the city's regional plant for treatment.

Categorical industrial user or *CIU* shall mean an industrial user subject to a categorical pretreatment standard or categorical standard.

Categorical pretreatment standard or *categorical standard* shall mean any regulation containing pollutant discharge limits promulgated by the Florida Department of Environmental Protection, including Rule 62-625.410, F.A.C.

~~*CFR* shall mean Code of Federal Regulations.~~

~~*City* shall mean the City of Altamonte Springs, Florida.~~

Chemical oxygen demand or *COD* ~~*(denoting chemical oxygen demand)*~~ shall mean the quantity of oxygen utilized in the chemical oxidation of the chemically oxidizable carbonaceous contents found within the wastewater sample, expressed in milligrams per liter (mg/l) or parts per million (ppm).

City shall mean the City of Altamonte Springs, Florida. The city, as the owner of a public utility, shall be the authority that administers the pretreatment program that has been approved by the Florida Department of Environmental Protection in accordance with the requirements of Rule 62-625.510 FAC. Except as otherwise provided herein, the director of public works and utilities shall administer, implement, and enforce the provisions of Chapter 26 of the city code pertaining to the city's pretreatment program.

Color shall mean the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred (100) per cent transmittance is equivalent to zero (0.0) optical density.

Combined sewer shall mean a sewer receiving both surface runoff and wastewater.

Composite sample shall mean the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Daily maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Were daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Director of public works and utilities or *director of public works* shall mean the director of the public works utilities department of the City of Altamonte Springs or authorized deputy, agent, representative, or designee.

Environmental Protection Agency or *EPA* shall mean the United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water management division director or other duly authorized official of said agency.

Existing source shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

Food service facility means any business or food service facility which prepared and/or packages food or beverages for sale or consumption. This does not apply to private residences. Food service facilities may include, but are not limited to, food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lunges, meat markets, hospitals, hotels, nursing homes, churches, schools, cafeterias, delicatessens, coffee shops, concession stands and all other food service facilities not specifically listed above.

Food service facility owner means in the case of individual food service facilities, the owner or proprietor of the food service facility. Where the facility is a franchise operation, the owner of the franchise is the responsible person or entity. Where the facility is owned by a partnership, corporation, or other type of business entity, the individual who is authorized to legally act on behalf of the business entity under Florida State law shall be the responsible person. Where two or more food service facilities share a common grease interceptor, the owner shall be the individual who owns or assumes control of the grease interceptor or the property on which the grease interceptor is located. Food service facility owner shall also mean his or her duly authorized representatives, employees, or agents.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab sample shall mean a sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

Grease interceptor shall mean an interceptor located underground and outside of a facility. It is designed to collect, contain, or remove food wastes and grease from the wastewater while allowing the balance of liquid waste to discharge to the sanitary sewer system typically by gravity.

Grease trap shall mean an interceptor located inside a facility and/or under a sink. It is designed to collect, contain, or remove food wastes and grease from the wastewater while allowing the balance of liquid waste to discharge to the sanitary sewer system typically by gravity.

Indirect discharge or *discharge* shall mean the introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.

Industrial user or *IU – see User.*~~*user shall mean a source of indirect discharge.*~~

Industrial wastes shall mean any solid, liquid or gaseous substance or form of energy discharges permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource as distinct from domestic wastewater.

Instantaneous maximum allowable discharge limit shall mean the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or

composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations:

Section 405 of the Clean Water Act;

The Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA);

Any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA;

The Clean Air Act;

The Toxic Substances Control Act; and

The Marine Protection, Research and Sanctuaries Act.

Local limits shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical wastes shall mean isolation wastes, infectious agents, human blood and blood ~~by~~products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Monthly average shall mean the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Monthly average limit shall mean the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.

~~*NPDES* shall mean the national pollutant discharge elimination system as administered by the Florida Department of Environmental Protection or United States EPA.~~

Natural outlet shall mean any outlet natural or constructed which is the point of final discharge of sewage or treatment plant effluent into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New source shall mean any of the following:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act provided that:
   a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
   b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
   c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)b. or (1)c. above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
   a. Begun, or caused to begin as part of a continuous on-site construction program:
      1. Any placement, assembly, or installation of facilities or equipment; or
      2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
   b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontract cooling water shall mean water used for cooling which does not come into direct contract with any raw material intermediate product, waste product, or finished product.

Normal wastewater shall mean wastewater having the following limiting characteristics:

COD	400 ppm (max.)
BOD 5 day 20 degrees C	250 ppm (max.)
Chlorine demand 15 min. 68 degrees F	6 ppm (max.)
Suspended solids	250 ppm (max.)
Hydrogen ion concentration (pH)	5.5 to 9.5
Grease	100 ppm (max.)
Temperature	150 degrees F (max.)
Total nitrogen	25 ppm (max.)
Total phosphates	10 ppm (max.)

Pass through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

Persons shall mean any individual, partnership, corporation, firm, company, association, corporation, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in moles per liter of solution.

Pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural, municipal and industrial wastes and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or *standards* shall mean pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or *prohibited discharges* shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 26-18 of this article.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Publicly owned treatment works or *POTW* shall mean a "treatment works" as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the city having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

Public sewer shall mean a sewer main or system owned or operated by the city that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.~~a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.~~

Resource Conservation and Recovery Act or *RCRA*, enacted in 1976, shall mean the principal federal law in the United States governing the disposal of solid waste and hazardous waste.

Receiving stream shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

Sanitary sewer shall mean a sewer that conveys domestic, or industrial wastes or a combination of both, and into which storm, surface and groundwaters are not intentionally admitted.

Septic tank waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or *wastewater* or *sanitary sewage* shall mean the water-carried wastes discharged from residences, business dwellings, institutions and industrial establishments, singular or in any combination.

Sewer or *sewer main* shall mean a pipe or conduit for carrying wastewater.

Shall is mandatory; *May* is permissive.

~~*Significant industrial user (SIU)* shall apply to:~~

~~(1) Industrial users subject to categorical pretreatment standards; and~~

~~(2) Any other industrial user that:~~

~~a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater;~~

~~b. Contributes a process wastestream which makes up five (5) per cent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or~~

~~c. Is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.~~

Significant industrial user or *SIU shall apply to:*

Except as provided in paragraph (3) below, the term significant industrial user (SIU) shall mean:

(1) An industrial user subject to categorical pretreatment standards under 40 CFR 403.6; or

(2) Any other industrial user that:

a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(3) Upon finding that an industrial user meeting the criteria in paragraph (2) above has not reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant user.

Slug load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 26-18 of this article or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge which has the potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

SNC shall mean significant noncompliance. An ~~user~~industry is in SNC if its violation meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) per cent or more of all the measurements taken for the same parameter during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average limit for the same pollutant parameter~~a numeric pretreatment standard or requirement, including instantaneous limits;

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) per cent or more of ~~all of~~ the wastewater measurements taken for each pollutant parameter taken during a six-month period equals or exceeds the product of the ~~daily maximum limit or the average limit~~ numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria ~~TRC (TRC =~~ 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violations of a pretreatment ~~effluent limit~~standard or requirement (daily maximum, ~~or~~ longer term average, instantaneous limit, or narrative standard) that the ~~city~~ director of public works and utilities determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under ~~Rule 62-625.500(2)(a)5.b. F.A.C.~~ 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a ~~city~~ local control mechanism or ~~city~~ enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide to the city within ~~thirty (30)~~ forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations, which may include a BMP, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

Standard industrial classification (SIC) code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Standard methods refers to "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, latest edition. All sampling and testing procedures required under the provisions of this article shall be in accordance with standard methods.

State shall mean State of Florida.

Storm drain shall mean any sewer or natural or manmade drainage channel which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

Stormwater shall mean any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

~~*Superintendent* shall mean the director of public works of the city or his/her authorized deputy, agent or representative~~.

Suspended solids shall mean solids that either float on the surface of, or are in suspension, in water, wastewater or other liquids, and which are removable by laboratory filtering.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administration of the Environmental Protection Agency under the provision of CWA 307(a) or other applicable state or federal laws.

Treatment plant effluent shall mean any discharge of pollutants from the POTW into waters of the state.

Upset shall mean an exceptional incident in which there is an unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designated treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

User or *industrial User* shall mean any person who contributes, causes or permits the contribution of wastewater into the city's POTW. *User* or *industrial user* shall also mean a source of indirect discharge.

Wastewater shall mean liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or *regional wastewater treatment plant* shall mean any arrangement of devices and structures used for treating wastewater.

Wastewater facilities shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 26-12. Waste on private property.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

Sec. 26-13. Discharge into natural outlets unlawful.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article. No future construction of combined sewers shall be allowed by the city.

Sec. 26-14. Privies, etc.; prohibited.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

Sec. 26-15. Installation of toilet facilities.

The owner or user of all homes, buildings, or properties used for human occupancy, employment, recreation, business or other purposes, situated within the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located and available for use a public sanitary sewer of the city, shall at his or her expense install suitable toilet facilities therein, and connect such facilities directly with the city's public sewer in accordance with the provisions of this article. ~~, within ninety (90) days, provided that such public sewer is within one hundred (100) feet of the property line. It shall be unlawful for any such owner or user to fail or refuse to connect with the city sanitary sewer system where same is available as set forth in this section.~~

DIVISION 2. WASTEWATER DISCHARGE REGULATIONS

Sec. 26-16. Type of water prohibited.

No person shall discharge or cause to be discharged any untreated stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool water or unpolluted industrial process waters to any sanitary sewer or into the regional wastewater treatment plant. Unpolluted industrial process waters shall be considered those wastes with BOD and suspended solids concentrations less than those of the wastewater treatment plant effluent.

Sec. 26-17. Discharge to storm drains.

Stormwater and all other unpolluted drainage shall be discharged to storm drains approved by the ~~superintendent~~director of public works and utilities. Industrial cooling water or unpolluted process

waters may be discharged, on approval of the ~~superintendent~~ director of public works and utilities, to a storm drain.

Sec. 26-18. Prohibited discharges.

No user shall discharge or cause to be discharged, objectionable items or any of the following described waters or wastes to any public sewer, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The city ~~may~~ shall impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate. A user may not contribute the following substances to the POTW:

(a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cap flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using the test methods specified in 40 CFR 261.21.

(b) Any waters or wastes containing toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plan, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than five and five-tenths (5.5) or higher than nine and five-tenths (9.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, straws, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders.

(e) Any liquid or vapor having a temperature:

    (1) Higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius; or

    (2) Which will inhibit biological action in the treatment plan resulting in interference; or

(3) Heat in such quantities that the temperature of influent to the treatment plant exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).

(f) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not of animal or vegetable origin, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) to sixty-five (65) degrees Celsius.

(g) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the ~~superintendent~~ director of public works and utilities.

(h) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions if not neutralized.

(i) Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the ~~superintendent~~ director of public works and utilities for such materials.

(j) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the ~~superintendent~~ director of public works and utilities as necessary after treatment of the composite wastewater, to meet the requirements of the Florida Department of Environmental Protection.

(k) Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the ~~superintendent~~ director of public works and utilities in compliance with applicable state or federal regulations.

(l) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand or chlorine requirements at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities or flow during normal operation.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(5) The POTW's effluent or other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(m) Any wastewater containing toxic substances in quantities or concentrations that are sufficient to interfere with the treatment processes of the wastewater treatment plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, state or other authority having jurisdiction.

(n) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(o) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(p) Any wastewater causing the treatment plant's effluent to fail a biomonitoring toxicity test.

(q) Discharge of hazardous waste:

(1) The city prohibits the discharge of hazardous wastes to the wastewater collection system. Hazardous wastes are defined in 40 CFR Part 261 and Chapter 62-730 FAC.

(2) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the ~~superintendent~~ director of public works and utilities, the EPA Regional Waste Management Waste Division Director and the State of Florida hazardous waste and pretreatment authorities of the discharge of such a substance within ninety (90) days of the effective date of such regulations. User and ~~superintendent~~ director of public works and utilities shall establish a compliance schedule to eliminate the hazardous waste from the discharge.

(3) The industrial user shall notify the city and the Florida Department of Environmental Protection's hazardous waste and pretreatment authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user.

(i) Identification of the hazardous constituents contained in the waste,

(ii) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and

(iii) an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

(r) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(s) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(t) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(u) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by director of public works and utilities;

(v) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(w) Medical wastes, except as specifically authorized by the director of public works and utilities in an individual wastewater discharge permit or a general permit;

(x) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail toxicity test;

(y) Detergents, surface active agents, or other substances which that might cause excessive foaming in the POTW.

Sec. 26-19. Specific local limitations.

~~(a) No user of the POTW shall discharge wastewater containing concentrations of the following materials above the limits designated herein:~~

~~Parameter~~	~~Conc. (mg/l)~~
~~Arsenic~~	~~0.46~~
~~Cadmium~~	~~0.10~~
~~Copper~~	~~2.00~~
~~Lead~~	~~0.40~~
~~Mercury~~	~~0.001~~
~~Molybdenum~~	~~4.50~~
~~Nickel~~	~~1.00~~
~~Selenium~~	~~0.50~~
~~Silver~~	~~0.50~~
~~Zinc~~	~~4.00~~

~~(b) The city may impose mass limitations on discharges if it is believed that dilution is being used to meet the pretreatment standards or requirements of this article.~~

~~(c) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The city may impose mass limitations in addition to, or in place of, the concentration-based limitations above.~~

~~(d) The city may establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.~~

(a) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for the city's POTW using standard procedures, calculations and methods acceptable to Florida Department of Environmental Protection to protect against pass through, interference, protection of POTW employees, and adverse effects on wastewater residuals disposal. Not industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth by the director of public works and utilities. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

(b) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, POTW operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by Florida Department of Environmental Protection prior to implementation. Implementation shall be effective thirty (30) days from notice of acceptance of the modified limits by Florida Department of Environmental Protection. Permitted SIUs shall also be issued and addendum to their wastewater discharge permit containing the new local limits.

(c) The established local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. At the discretion of the director of public works and utilities, the director of public works and utilities may impose mass limitations in addition to or in place of the concentration-based limitations.

(d) A copy of the approved local limits is available upon request from the director of public works and utilities.

(e) The director of public works and utilities is authorized to establish local limits pursuant to 40 CFR 403.5(c).

(f) The director of public works and utilities may development BMPs by ordinance or in individual wastewater discharge permits or general permits to implement local limits and the requirements of section 26-18 of this article.

Sec. 26-20. Special interceptors and separators.

Special interceptors and separators shall be provided, in accordance with this section and when, in the opinion of the director of public works and utilities, they are necessary to prevent the discharge of grease, oil, sand and other substances harmful or hazardous to the building drainage system, the private sewage disposal system, the public sewer, or the POTW or processes. Special interceptors and

separators shall not be required for single family residential dwelling units or any private living quarters; however, special interceptors and separators may be required for clubhouse facilities, recreational buildings, vehicle wash facilities, sanitation collection areas, and other such common area facilities serving residential dwelling unit complexes such as townhomes, apartments, and condominiums.
~~Grease, oil and sandtraps shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspections. These traps shall be kept in efficient operating condition at all times. All solids, greases, etc. contained in the trap shall be removed, and disposed of at an approved disposal site, on a regular basis and proof of this action will be kept for inspection by the superintendent at any time. The interval between these removals shall be determined by the superintendent.~~

(a) *Grease traps and grease interceptors for food service facilities.* All food service facilities are required to have a grease trap and/or interceptor properly installed in accordance with this section.

(1) New food service facilities. All newly proposed food service facilities, or building sites or building facilities being expanded or renovated to include a food service facility, where such food service facility did not previously exist, shall be required to install grease traps and grease interceptors in accordance this section.

(2) Existing food service facilities. Existing food service facilities shall be permitted to operate and maintain existing grease traps and existing grease interceptors provided their grease traps and interceptors are in good operating condition. The city shall require an existing food service facility to install a new grease trap or grease interceptor that complies with current requirements of the city or modify or repair any non-compliant plumbing or existing grease trap or grease interceptor when any one or more of the following conditions exist:

(i) The food service facility is found to be contributing grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system.

(ii) The food service facility does not have a grease trap or grease interceptor.

(iii) The food service facility has a defective grease trap or grease interceptor.

(iv) Remodeling of the food service facility's food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the city.

(v) The food service facility is sold, undergoes a change in ownership, or change in restaurant tenant use.

(vi) The food service facility is expanding indoor or outdoor seating.

(vii) The food service facility does not have plumbing connections to a grease trap or interceptor in compliance with this section.

(viii) Grease concentrations exceed wastewater effluent allowances of this article as determined by sampling performed by the city.

(ix) The food service facility exceeds BOD, TSS and grease concentrations allowances of this article continually for 6 months resulting in surcharges for excessive discharge.

(b) *Sand and oil separators*. Sand and oil separators are in-ground tanks designed to capture dirt, sand, sweepings, minor petroleum spills, and other harmful substances from entering the sanitary sewer system. Sand and oil separators are generally not designed to separate high concentrations of oil, such as might occur, for example, when a large quantity of oil or sludge is spilled or poured into a wash bay or floor drain. The following types of uses are required to complete a sand and oil interceptor sizing worksheet:

Buildings with bays or floor drains

Businesses using auto/steam equipment

Car dealers

Car, truck, and/or heavy equipment washes

Fueling facilities (trucks/buses)

Machine shops

Parking garages

Printers

Quick lube shops

Service stations

Other – any other uses where, in the opinion of the director of public works and utilities, grease, oil, or sand have the capability of entering the sanitary sewer system.

(c) *Special interceptor sizing*. Projects incorporating grease traps, grease interceptors, or sand and oil separators require the submittal of information to the city for review, approval and permitting. Submittals shall include plans and special interceptor sizing calculations, and reports prepared and submitted in accordance with city engineering and design standards. At the discretion of the director of public works and utilities, the city shall require that the plans, calculations, and reports

be prepared, stamped, signed, and dated by a Florida licensed professional civil engineer. All traps, interceptors, and separators shall be of a type and capacity in accordance with the city approved engineering and design standards.

(d) *Special interceptor maintenance requirements.* All traps, interceptors and separators shall be located as to be readily and easily accessible for cleaning and inspections. Traps, interceptors, and separators shall be kept in efficient operating condition at all times and properly maintained, operated, and regularly cleaned to prevent the release of appreciable quantities of oil, grease, or other prohibited or limited substances into the sanitary sewer system. All solids, greases, etc. contained in the trap, interceptor, or separator shall be removed, and disposed of at an approved disposal site on a regular basis; the extracted material shall not be reintroduced into the sanitary sewer system.

For grease traps and interceptors, the food service facility owner shall be responsible for establishing intervals for maintenance and cleaning. For oil and sand separators, the owner of the building or contributing structure, or premises shall be responsible for establishing intervals for maintenance and cleaning. It is recommended that cleaning intervals be established based on when seventy-five percent (75%) of the retention capacity of the device has been reached. Proof of this action (such as manifests for hauling and disposal) will be kept for inspection by the director of public works and utilities at any time. The intervals between these removals shall be reviewed by the director of public works and utilities and shall increase if, by discretion of the director of public works and utilities, determined appropriate to ensure compliance with this article.

Sec. 26-21. Remedies for prohibited discharge.

(a) If a user is in significant noncompliance or if any waters or wastes are discharged, or are proposed to be discharged to the POTW, which waters contain the prohibited substances or possess the characteristics enumerated in this article and which, in the judgment of the ~~superintendent~~director of public works and utilities, may have a deleterious effect upon the wastewater works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the ~~superintendent~~ director of public works and utilities may:

(1) Suspend the wastewater treatment service and/or wastewater discharge permit; any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division 4 ~~section 26-54~~ of this article.

(b) If a user is in significant noncompliance or in the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city may reinstate the wastewater discharge permit and/or the wastewater treatment service upon affirmative demonstration acceptable to the city of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(c) If the ~~superintendent~~ director of public works and utilities permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to his review and approval, and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 26-22. Pretreatment, equalizing facilities.

(a) The purpose of the section is to set forth uniform requirements for users of the ~~publicly owned treatment works~~POTW for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code & 1251 et seq.) and the Pretreatment Requirements for Existing and New Sources of Pollution Chapter ~~Rule~~ 62-625, F.A.C. The objectives of this section and related sections are:

(1) To prevent the introduction of pollutants into the ~~publicly owned treatment works~~ POTW that will interfere with its operation;

(2) To prevent the introduction of pollutants into the ~~publicly owned treatment works~~ POTW that will pass through the ~~publicly owned treatment works~~POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the ~~publicly owned treatment works~~POTW;

(3) To protect both ~~publicly owned treatment works~~POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the ~~publicly owned treatment works~~POTW;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the ~~publicly owned treatment works~~POTW, and

(6) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the ~~publicly owned treatment works~~ POTW is subject.

(7) This section shall apply to all users of the ~~publicly owned treatment works~~POTW. Related sections of this article authorizes the issuance of wastewater discharge permits; sets local limits; provides for monitoring, compliance, and enforcement activities; establishes

administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(b) Users shall provide necessary wastewater treatment as required to comply with this article to achieve compliance with all federal categorical pretreatment standards found at 40 CFR ~~Chapter I, subchapter N~~, parts 405 through 471, and all state pretreatment standards found at Rule 62-625.410, F.A.C., within the time limitations as specified by the federal pretreatment regulations:

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the ~~superintendent~~director of public works and utilities may impose equivalent concentration or mass limits in accordance with Rule 62-625.410, F.A.C.

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the ~~superintendent~~director of public works and utilities may impose an alternate limit using the combined wastestream formulas in Rule 62-625.410(6), F.A.C.

(3) The city may issue to a user a variance from a categorical pretreatment standard if the user affirmatively demonstrates to the city, pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C., that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) The city may issue to a user a net gross adjustment to a categorical standard in accordance with and pursuant to the provisions of Rule 62-625.820, F.A.C. if the user affirmatively demonstrates entitlement to same.

(c) Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. Should such pretreatment or equalizing facilities fail, the owner shall immediately notify the ~~superintendent~~director of public works and utilities of the failure according to the provisions of section 26-23(e) of this article.

(d) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review as part of its application for a wastewater discharge permit and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

Sec. 26-23. Industrial wastewater monitoring and reporting.

(a) *Reports*. Every significant industrial user shall file a quarterly discharge report with the ~~superintendent~~ director of public works and utilities. The frequency of reporting may be altered

by the ~~superintendent~~ director of public works and utilities. The ~~superintendent~~ director of public works and utilities may require at his discretion any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports on forms provided by the ~~superintendent~~director of public works and utilities. The discharge report shall include, but shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operations, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site event though they are not normally discharged. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(b) *Maintenance of records*. All significant industrial users who discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this article and any applicable state and federal pretreatment standards or requirements. Such records and/or copies thereof shall be made available upon request by the ~~superintendent~~ director of public works and utilities. All such records relating to compliance with pretreatment standards shall be made available to officials of the Florida Department of Environmental Protection or United States EPA upon demand. A summary of such data indicating the industrial user's compliance with this article shall be prepared quarterly and submitted to the ~~superintendent~~ director of public works and utilities as a part of the discharge report. All records must be kept on file for a period of five (5) years. If any action is being taken, records must be kept through a period in which all appeals have been exhausted. In accordance with Rule 62-625.800, F.A.C., any information submitted to EPA may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Florida Department of Environmental Protection may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Rule 62-625.800, F.A.C. (public information). Information and data provided to the city which is effluent data shall be available to the public without restriction. All other information which is submitted to the state or POTW will be available to the public at least to the extent provided by Rule 62-625.800, F.A.C.

(c) *Sampling manhole or facility*. The owner or operator of any premises or facility discharging industrial wastes into the system shall install, when required by the ~~superintendent~~ director of public works and utilities, at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. The monitoring equipment shall be located and maintained in proper working order and kept safe

and accessible at all times. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the ~~superintendent~~director of public works and utilities may allow such facility (a below-ground sampling manhole) to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles. The ~~superintendent~~ director of public works and utilities shall have right of access to this equipment or manhole at all times on request for inspections, flow measurements and sampling. Measuring and sampling devices shall be of types acceptable to and approved by the ~~superintendent~~ director of public works and utilities.

(1) All wastewater samples must be representative of the users discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of the user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(2) If a user subject to reporting requirements in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director of public works and utilities, using the procedures prescribed in section 26.24 of this article, the results of the monitoring shall be included in the report.

(d) *Protection from accidental or slug discharge*. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted every two (2) years to the ~~superintendent~~ director of public works and utilities for review, and shall be approved by him or her before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the major contributing industry from the responsibility to modify its facility as necessary to meet the requirements of this article. SIU shall notify the POTW immediately of any changes in the facility affecting the potential for a slug discharge.

(e) *Reports of potential problems*.

(1) In the case of any discharge, including, but not limited to accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the ~~superintendent~~ director of public works and utilities of the incident. This notification shall include the location of the discharge, type of waste concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge the user shall unless waived by the ~~superintendent~~ director of public works and utilities, submit a detailed report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notifications shall not relieve the user of any expense, loss, or

any other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(f) *Signatory and certification requirements*. In accordance with Rule 62-625.600(11), F.A.C., baseline monitoring reports (BMR's), final compliance reports, and periodic reports on continued compliance must be signed and certified by a duly authorized representative of the industrial user. The certification statement shall be as follows:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(g) Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the ~~superintendent~~ director of public works and utilities as the ~~superintendent~~director of public works and utilities may require.

Sec. 26-24. Inspection, sampling and analysis.

(a) Compliance determination. Compliance determination with respect to prohibitions and limitations as provided for in this article may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period or over a longer or shorter time span, as determined necessary by the ~~superintendent~~director of public works and utilities to meet the needs of specific circumstances.

(b) Analysis of industrial wastewater. Laboratory tests of industrial wastewater shall be performed in accordance with the procedures established by the Florida Department of Environmental Protection Rule 62-625.600(6)(a), and by a laboratory approved by the ~~superintendent~~. director of public works and utilities as well as the requirements of Chapter 62-160, F.A.C., and "The Department of Environmental Protection Standard Operating Procedures for Field Activities,"

FDEP-SOP-001/01 (FDEP-SOP-001/01, FS 2400, Wastewater Sampling) in addition to meeting the requirements of 40 CFR Part 136.

(c) Sampling frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations as provided for in this article will be done at such intervals as the ~~superintendent~~ director of public works and utilities may designate. However, it is the intention of the ~~superintendent~~ director of public works and utilities to conduct compliance sampling or to cause such sampling to be conducted for all major contributing industries at least on a quarterly basis.

(d) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the ~~superintendent~~ director of public works and utilities within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the ~~superintendent~~director of public works and utilities within thirty (30) days after becoming aware of the violation. The user is not required to resample if the ~~superintendent~~ director of public works and utilities monitors at the user's facility at least once a month, or if the ~~superintendent~~ director of public works and utilities samples between the user's initial sampling and when the user receives the results of this sampling.

Sec. 26-25. Special agreements.

(a) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any user whereby any waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the producer of the waste.

(b) Regulation of waste received from other jurisdictions or utilities.

(1) If another utility or municipality, or user located within another municipality, contributes wastewater to the POTW, the ~~superintendent~~ director of public works and utilities shall enter into an agreement with the contributing utility or municipality to ensure compliance with this article, including, but not limited to, all industrial pretreatment standards and permitting requirements.

(2) Prior to entering into an agreement required by paragraph (1) above, the ~~superintendent~~ director of public works and utilities shall request the following information from the contributing utility or municipality:

a. A description of the quality and volume of wastewater discharged to the POTW by the contributing utility or municipality;

b. An inventory of all users located within the contributing utility or municipality that are discharging to the POTW; and

c. Such other information as the ~~superintendent~~ director of public works and utilities may deem necessary.

(3) An agreement, as required by paragraph (1) above, may, at a minimum, contain the following conditions:

a. A requirement for the contributing utility or municipality to adopt and enforce a sewer use ordinance which includes pretreatment requirements that are no less stringent than the city's requirements. The requirement shall specify that such ordinance and limits must be revised to reflect changes made to the city's ordinance or local discharge limitations;

b. A requirement for the contributing utility or municipality to submit an updated user inventory on at least an annual basis. If no industrial users are located within the contributing utility or municipality, the agreement should so state and prohibit operation of industrial users unless prior notification is provided to the city and a new agreement entered into between the utility or municipality and the city;

c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing utility or municipality; which of these activities will be conducted by the ~~superintendent~~ director of public works and utilities; and which of these activities will be conducted jointly by the contributing utility or municipality and the ~~superintendent~~ director of public works and utilities;

d. A requirement for the contributing utility or municipality to provide the ~~superintendent~~ director of public works and utilities with access to all industrial pretreatment information that the contributing utility or municipality obtains;

e. Limits on the nature, quality, and volume of the contributing utility or municipality's wastewater at the point where it discharges to the POTW;

f. Requirements for monitoring the contributing utility or municipality discharge;

g. A provision ensuring the ~~superintendent~~ director of public works and utilities access to the facilities of users located within the contributing utility or municipality for the purpose of inspection, sampling, and any other duties deemed necessary by the ~~superintendent~~ director of public works and utilities; and

h. A provision specifying remedies available for breach of the terms of the agreement, including, but not limited to, the right on the part of the city to take legal action to enforce the terms of the agreement and this article, and to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing utility or jurisdiction is unable or unwilling to take such action, and to recover all damages, attorneys' fees and costs incurred by the city in taking such action or in correcting such violations.

Sec. 26-26. Wastewater discharge permit—Required, when.

All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting or discharging to the POTW. All existing significant industrial users connected to or discharging to the POTW shall obtain a wastewater discharge permit within ninety (90) days after the effective date of this article.

Sec. 26-27. Same—Application.

Users required to obtain a wastewater discharge permit shall complete and file with the city an application on the form prescribed by the city, and accompanied by the application fee. This application must be reviewed and approved by the ~~superintendent~~ director of public works and utilities. In support of the application, the user shall submit in units and terms appropriate for evaluation the following information:

(a) Name, address, and location (if different from the address);

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics, including but not limited to those mentioned in this article, as determined by a reliable analytical laboratory meeting the following requirements:

(1) The industrial user shall identify the pretreatment standards applicable to each regulated process;

(2) The industrial user shall submit the results of sampling and analysis identify the nature and concentration (or mass, where required by the pretreatment standard or city) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by city or the applicable standards to determine compliance with the standard;

(3) The industrial user shall take a minimum of one (1) representative sample to demonstrate data is in compliance with these requirements;

(4) Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If the other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of Rule 62-625.410(6), FAC, in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Rule 62-625.410(6), F.A.C., this adjusted limit, along with supporting data, shall be submitted to the city.

(5) All activities related to sampling and analysis shall comply with Chapter 62-160, F.A.C.

(i) Sampling activities shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," FDEP-SOP-001/01, March 31, 2008, hereby adopted and incorporated by reference. A copy of this document is available for inspection at the Florida Department of Environmental Protection's district offices and 2600 Blair Stone Road, MS 3540, Tallahassee, Florida 32399-2400, and is also available on the Florida Department of Environmental Protection's internet site.

(ii) Analytical procedures shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference. If a test for a specific component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and the city, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C.

(iii) If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and city, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C.;

(6) The industrial user may submit a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(7) The baseline report shall indicate the time, date, and place of sampling; methods of analysis; test results for each component; and, shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;

(d) Time and duration of discharge;

(e) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(g) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) Each product produced by type, amount, process or processes, and rate of production;

(j) Type and amount of raw materials processed (average and maximum per day);

(k) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(l) A list of any environmental control permits applied for, held by, or for the facility;

(m) Any other information as may be deemed by the city to be necessary to evaluate the permit application;

(n) The application shall be signed by an authorized official in charge of the industry and contain the certification statement set forth in section 26-23(f) of this article~~above~~.

The ~~superintendent~~ director of public works and utilities will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

Sec. 26-28. Same—Modifications and appeals.

(a) *Baseline report for industrial users upon effective date of categorical pretreatment standard.* Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Rule 62-625.410(2)(d), F.A.C., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the city a report which contains the information listed in ~~paragraphs (1)(a) through (g) of~~ Rule 62-625.600(1)(a) through (g), F.A.C. Where reports containing this information already have been submitted to the city in compliance with the requirement of 40 CFR 128.140(b) (1977), the industrial user will not be required to submit this information again. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to [the] city a report which contains the information listed ~~in paragraphs (1)(a) through (e) of~~ Rule 62-625.600(1)(a) through (e), F.A.C. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in ~~paragraphs (1)(d) and (e) of~~ Rule 62-625.600(1)(d) and (e), F.A.C. The following conditions shall apply to the schedule required by ~~paragraph (1)(g) of~~ Rule 62-625.600(1)(g), F.A.C.:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (i.e., hiring an engineer, completing primary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (a~~c~~)(1) of this section shall exceed nine (9) months.

(3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the city including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the city.

(b) *Final report on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the city a report containing the information described in ~~paragraphs (1)(d) through (f) of~~ Rule 62-625.600(1)(d) through (f), F.A.C. For industrial users subject to equivalent mass or concentration limits established by the city in accordance with the procedures in Rule 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(c) *Public notification.* The ~~superintendent~~ director of public works and utilities shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the ~~superintendent~~ director of public works and utilities to reconsider the terms of a wastewater discharge permit within seven (7) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provision objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If the ~~superintendent~~ director of public works and utilities fails to act within fourteen (14) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or to modify a wastewater discharge permit shall be considered final administrative actions for the purposes of any available judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition of writ of certiori with the Circuit Court of Seminole County within thirty (30) days of the decision.

Sec. 26-29. Same—Conditions.

Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits shall require compliance with all applicable National Categorical Pretreatment Standards for new and existing sources and include the following:

(a~~1~~) Statement of duration (in no case more than five (5) years);

(b~~2~~) Statement of nontransferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(c~~3~~) Effluent limits based on applicable general pretreatment standards in Rules 62-625~~4~~.400 and 62-625.410, F.A.C., categorical pretreatment standards, local limits, and State and local law;

(d~~4~~) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in Rules 62-625~~4~~.400 and 62-625.410, F.A.C., categorical pretreatment standards, local limits, and State and local law;

(e~~5~~) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

Additionally, permits may contain the following:

(a~~1~~) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b~~2~~) Limits on the average and maximum wastewater constituents and characteristics;

(c~~3~~) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d~~4~~) Requirements of installation and maintenance of inspection and sampling facilities;

(e~~5~~) Specifications for monitoring programs which may include sampling location, frequency of sampling, number, type, and standards for testing and reporting schedules;

(f~~6~~) Requirements for submission of technical reports or discharge reports;

(g~~7~~) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording the city access thereto;

(h~~8~~) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(i~~9~~) Statement of the right of the city to inspect the facilities and have access to and copy records for general compliance with the pretreatment program;

(j~~10~~) If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment; the completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;

(k~~11~~) Effluent limits, including best management practices, based on applicable pretreatment standards;

(l) Any grant of the monitoring waiver by the director of public works and utilities must be included as a condition in the user's permit or other control mechanism;

(m) Process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Rule 62-625.600(4)(b), F.A.C., or a specified waived pollutant in the case of an individual control mechanism;

(n) Requirements of control slug discharges, if determined by the city to be necessary;

(o) Other conditions as deemed appropriate by the city to ensure compliance with this article.

Sec. 26-30. Same—Duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in this article are modified or other just cause exists. In addition, any increase or change in a major contributing industry's discharge to the system must be reported to the ~~superintendent~~ director of public works and utilities and may require the industry to reapply for a wastewater discharge permit to address the modified discharge. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Sec. 26-31. Permit transfer requirements.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Sec. 26-32. Revocation of permit.

If the governing state or federal regulations change, the city may modify the wastewater discharge permit of a user to require compliance. Additionally, any industrial user who violates the following conditions of his permit or of this article, or of applicable state and federal regulations, is subject to

having his permit revoked. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under section 26-68(c) of this article why the proposed action should not be taken. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

(a~~1~~) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge;

(b~~2~~) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(c~~3~~) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(d~~4~~) Violation of conditions of the permit; or

(e~~5~~) Falsifying reports or tampering with samples.

Sec. 26-33. Wastewater discharge fees.

(a) It is the purpose of this section to provide for the recovery of fees from industrial users to compensate the city for the cost of the pretreatment program established herein. The city commission shall adopt fees and charges which may include:

(1) Fees for monitoring inspections and surveillance procedures;

(2) Fees for permits;

(3) Fees for filing appeals; and

(4) Fees for reviewing accidental or slug discharge procedures and construction;

(5) Wastewater discharge fee;

(6) Any violation or noncompliance of the industrial pretreatment program as defined in this chapter shall warrant additional charges by direct billing by the city.

These fees are separate from other fees chargeable by the city.

~~(b) There is hereby established a wastewater discharge fee, the amount of which fee shall be in accordance with the following schedule:~~

~~(1) For each industrial wastewater user as defined in this chapter, the fee to be paid to the city shall be ten cents ($0.10) per thousand gallons of wastewater discharged to the city's regional treatment facility.~~

~~(2) This wastewater discharge fee shall be paid to the city on a monthly basis.~~

~~(3) Any violation or noncompliance of the industrial pretreatment program as defined in this chapter shall warrant additional charges by direct billing by the city~~.

Sec. 26-34. Treatment bypasses.

(a) A bypass of the treatment system is prohibited unless all of the following conditions are met:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

(3) The person properly notified the ~~superintendent~~ director of public works and utilities as described in paragraph (b) below.

(b) All persons must provide immediate notice to the ~~superintendent~~director of public works and utilities upon discovery of an unanticipated bypass. If necessary, the ~~superintendent~~ director of public works and utilities may require the person to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

(c) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only where necessary for essential maintenance to ensure efficient operation of the treatment system and all conditions of paragraph (a) above are met. Industrial users anticipating a bypass must submit notice to the ~~superintendent~~ director of public works and utilities at least ten (10) days in advance.

DIVISION 3. - INSTALLATION AND CONNECTION OF BUILDING SEWERS

Sec. 26-35. Connection required when public sewer is available.

(a) *Existing development.* At such time as a public sewer becomes available (within one hundred (100) feet of the property line) to a property served by a private wastewater disposal system, a direct connection shall be made, at the owner's expense, to the public sewer within ninety (90) days, in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned, cleaned out, and filled with approved material. It shall be unlawful for any such owner or user to fail or refuse to connect with the city sanitary sewer system where same is available as set forth in this section. Provided, however, that this provision shall not be construed to entitle any person to cross the private property of another to make such connection. For single family development, the city may elect to install the building sewer within the public right of way or public utility easement to facilitate connection.

(b) *New development*. All new development, including substantial redevelopment, shall be required to connect to the public sewer at the owner's expense. In addition, nothing contained in this article shall prohibit the city from requiring that new development, including substantial redevelopment, make offsite extensions, greater than one hundred (100) feet of the property line, to connect said development to the city's public sewer. Where offsite extensions will cross the private property of another to make such connection, offsite easements shall be required. Where offsite easements are not readily obtainable, or where larger regional improvements are planned by the city (e.g., a master lift station and gravity sewer system) and a deferred connection to the public sewer is determined by the city to be appropriate, the use of a temporary septic tank system or private lift station may be considered for approval by the director of public works and utilities. When a deferral to the public sewer is approved by the director of public works and utilities, the deferral and the provisions for a temporary septic tank or private lift station, and conditions and timing for connection to the public sewer, must be addressed by written agreement between the property owner and the city. The written agreement must run with the land and to be recorded in the public records.

The owner or user of all homes, buildings, or properties used for human occupancy, employment, recreation, business or other purposes, situated within the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located and available for use a public sanitary sewer of the city, shall at his or her expense install suitable toilet facilities therein, and connect such facilities directly with the city's public sewer in accordance with the provisions of this article.

Sec. 26-36. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the building department.

Sec. 26-37. Building sewer permits.

There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application for permit on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the building official. A connection, permit and inspection fee as periodically established by the city for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the city at the time the application is filed.

Sec. 26-38. Costs of connection.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 26-39. Sewer required; exceptions.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. When such an exception is approved by the director of public works and utilities, the exception and conditions for operation and maintenance must be addressed by written agreement between the property owner and the city. The written agreement must run with the land and to be recorded in the public records.

Sec. 26-40. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are tested and found, on examination ~~and test~~ by the ~~superintendent~~director of public works and utilities, to meet all requirements of the city ~~code~~ building and plumbing codes, engineering and design standards, and other applicable rules and regulations of the city.

Sec. 26-41. Construction of building sewer.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavation, placing of the pipe, jointing, testing and back filling the trench, shall all conform to the requirements of the city building and plumbing codes, city engineering design standards, and/or other applicable rules and regulations of the city.

Sec. 26-42. Elevation of sewers.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 26-43. Surface and drain water prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 26-44. Connection of building sewer.

(a) *City standards.* The connection of the building sewer into the public sewer shall conform to the requirements of the city building and plumbing codes, city engineering and design standards, and/or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the ~~superintendent~~ director of public works and utilities before installation.

(b) *Clean-out required.* All newly constructed or renovated building sewer connections shall include a clean-out at the public right of way or public utility easement to facilitate continued operation and maintenance.

Sec. 26-45. Inspection of connection.

The applicant for the building sewer permit shall notify the city~~building department~~ when the building sewer is ready for inspection and connection to the public sewer before any underground portions are covered. The connection shall be made under the supervision of the city's public works and utilities department and/or building department as determined appropriate by the city.

Sec. 26-46. Sewer excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Appropriate city and/or other agency approvals and permits must be obtained prior to the commencement of work. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city and/or other governing regulatory agency.

Sec. 26-47. Building s~~S~~ewer maintenance and repair.

~~The owner and/or user of a building sewer shall be responsible for all maintenance, upkeep, and repairs to the building sewer and for the unclogging of any stoppages in either the building sewer or the portion of the lateral to which the building sewer is connected to the point in which this lateral connects to the common collection line for the area.~~

(a) *Definitions.* Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:

Building sewer sometimes called "laterals" shall mean the extension from the building drain to the public sewer or other place of disposal.

Building sewer lower lateral shall mean that portion of the building sewer located within the public street right of way or public utility easement which connects to the public sewer main.

Building sewer upper lateral shall mean that portion of the building sewer located within private property.

Public sewer main shall mean the pipe or conduit located wholly within the public right of way or public utility easement which attaches to and collects wastewater being discharged from one or more building sewers or laterals. The sewer main includes the wye or the tee connection attaching the sewer main to the individual building sewers or laterals.

(b) *Building sewer responsibility*:

(1) The property owner shall be responsible for the installation, maintenance, and repair of the building sewer within the owner's private property (the upper building sewer lateral).

(2) The city shall be responsible for the maintenance and repair of the building sewer within the public right of way or public utility easement (the lower building sewer lateral) which connects to the public sewer main.

(c) *Maintenance of the building sewer*. Each owner and/or user of a building shall keep the building sewer in good order at the owner or user's expense and is responsible for damage to any of the city's property comprising any part of the public sewer system which results from the owner's use, repair, or maintenance of the building sewer within the control and responsibility of the property owner. If the repair or maintenance of the building sewer is confined to the upper building sewer lateral, then this is the responsibility of the property owner. If the required building sewer repair extends into the lower building sewer lateral, then it becomes the responsibility of the city.

The city shall have the right to enter onto private property for the purpose of inspection, maintenance, repair, rehabilitation, or replacement of the portion of the building sewer that may be maintained by the city.

(d) *Dispute over location of building sewer malfunction – reimbursement to city.*

(1) When failure or stoppage of a building sewer occurs, the property owner shall establish, through the use of a licensed plumber or certified drain cleaning service, the location of the building sewer malfunction. The city shall be notified when it has been determined that the stoppage or failure is in the lower building sewer lateral and that it is beyond the scope of the property owner to relieve or repair. The city shall respond to calls and make repairs after confirming that the lower building sewer is blocked or has collapsed.

(2) If the location of the building sewer malfunction and the responsibility for its repair is disputed or cannot be determined from surface observation, the director of public works and utilities may expose parts of the lower sewer lateral or expose the sewer main as necessary to determine the cause of the malfunction and whether it originates within either the upper building sewer lateral or the lower building sewer lateral.

(3) If the malfunction is determined to be within the upper building sewer lateral for which the property owner is responsible, the property owner shall be required to make the necessary repairs in an immediate or timely manner. A malfunctioning upper building sewer lateral, and failure of the property owner to make immediate or timely repairs, shall be declared by the city to be a public nuisance and a violation of this article. If the owner refuses to make the required repair, the city may abate the nuisance and may cause the cost of abatement to be a lien against the property. The property owner shall reimburse the city for all costs necessarily incurred by the city performing the repair work to or on any portion of the upper building sewer lateral.

(e) *Sewage spillage.*

(1) If sewage has spilled on private property from a building sewer malfunction, the property owner shall control and contain the spill as much as possible with the private property using sandbags, dirt, cat litter, or turn off the water at the building if necessary, and call a licensed plumber or drain cleaning specialist.

(2) If the spillage has extended from private property into the city's public right of way or public utility easement, city crews shall clean up the spillage within these areas. The property owner shall be responsible for the city's response costs if the spillage resulted from a blockage or break in the upper building sewer lateral for which the property owner is responsible.

Secs. 26-48—26-52. Reserved.

DIVISION 4. - RATES AND CHARGES

Sec. 26-53. Sewer use classification.

There is hereby established a uniform classification of sewer users as follows:

Class A— Single-family residential units and individual metered multifamily residential units connected to city-owned wastewater collection system.

Class AM— Multifamily residential facilities not individually metered connected to city-owned wastewater system.

Class B— Commercial and business establishments connected to city-owned wastewater collection system.

Class C— Bulk users transmitting directly to the city's regional wastewater treatment plant or to a major gravity interceptor leading directly to the plant.

Class D— Bulk users connected to the trunk interceptor system, other than those connected to a major gravity interceptor leading directly to the plant.

Class E— Industrial waste users subject to surcharge.

* * *

Sec. 26-55. Surcharges.

(a) Those users with wastes having suspended solids or BOD concentrations in excess of the maximum values of normal wastewater as shown in section 26-11 of this article (normal wastewater) hereof, shall be subject to surcharge(s) for excess concentrations of suspended solids, oxygen demanding constituents or other constituents as follows:

Constituent ppm - Allowable constituent ppm; = % Surcharge Allowable constituent ppm

% Surcharge × Normal Use Charge for Period = Amount of Surcharge

The surcharge, unless exception is made by the ~~superintendent~~ director of public works and utilities, will be based on constituent most exceeding allowable limit during period involved and will be based on average results from a minimum of three (3) laboratory analyses taken at different times during period involved.

(b) The ~~superintendent~~ director of public works and utilities shall advise each user what analyses shall be conducted on waste samples and the frequency of sampling required. Samples may be required to be taken and analyzed by the user at his expense in a manner and at such intervals as required by the ~~superintendent~~ director of public works and utilities; copies of test results shall be furnished by the ~~superintendent~~ director of public works and utilities on forms approved by him. Samples may also be taken and analyzed periodically by the staff of the wastewater plant operations division.

Sec. 26-56. Temporary capacity charge.

When approved by the director of public works and utilities, permittees discharging contaminated remediated groundwater via an on-site sanitary sewer connection having strengths of waste less than a Class E user, will be assessed a monthly temporary capacity charge in lieu of a sanitary sewer connection charge. The permittee's monthly temporary capacity charge shall be assessed as a Class D bulk user.

Sec. 26-57. - Charges where sewer available.

The rates and charges established by this article shall apply to all users, whether owner, tenant or occupier, of the city water and sanitary sewer systems, or either of them, where a city sewer is available for use, as determined in accord with this chapter, whether or not connection has been made to such sewer. Such charges shall not apply to nonconnected users, however, until ninety (90) days after such sewer becomes available and the user is notified to connect to the city sewer system.

Sec. 26-58. - Reserved.

Sec. 26-59. - Free service prohibited.

The city will not render or cause to be rendered any free service of any nature by its water and sewer system, or any part thereof, nor will any preferential rates be established for users of the same class. In the event the city or any department, agency, or instrumentality, thereof shall avail itself of the facilities or services provided by the water and sewer systems, or any part thereof, the rates, fees or charges applicable to such users shall be set by the city commission upon majority vote.

Such charges shall be paid as they accrue, and the city shall transfer from its general funds sufficient sums to pay such charges. The revenues so received shall be deemed to be revenues derived from the operation of the water and sewer systems, and shall be deposited and accounted for in the same manner as other revenues derived from such operation of the water and sewer systems.

Sec. 26-60. - Rate review.

Hereafter the uniform rates and charges established by this chapter shall be reviewed annually, or as directed by the city commission, and any changes of rates and charges shall be established by ordinance of the City Commission of Altamonte Springs after due public notification.

Sec. 26-61. - Security deposits and miscellaneous charges.

(a) All new utilities accounts, transferred accounts or accounts where service is restored after being terminated for nonpayment for either sewer, water, garbage, or combined services shall post with the city a security deposit in the amount of fifty dollars ($50.00) per equivalent residential unit (ERU). The number of ERU's shall be computed in accordance with the criteria established in the City Code and a minimum of two (2) ERU's shall be assigned for purposes of posting a security deposit for all commercial facilities.

(1) Upon application by the person responsible for paying charges for a given single-family residential account and affirmative showing that account has been paid promptly without imposition of arrears charges or any form or delinquency for a period of twelve (12) consecutive months, the city finance officer shall be authorized but not required to refund the security deposit in its entirety.

(2) For commercial accounts, the person responsible for payment of the account may request a review of the deposit requirement based upon a minimum twelve months' billing history. Upon showing that the account has been paid promptly and without any

form of delinquency, the person responsible for payment may request the refunding of that portion of the security deposit requirement which exceeds the total three-month average billing and the city finance officer shall be authorized, but not required, to refund the excess.

(3) In cases of extreme hardship or where the application of the above formula yields deposit requirements significantly in excess of three (3) months' total utilities billings, upon the recommendation of the director of public works, the city manager is authorized to establish a reasonable security deposit.

(b) Miscellaneous charges:

(1) A charge shall be established to compensate the city when the city is requested to turn water off and restore service for the convenience of the owner. This charge shall be ten dollars ($10.00) if both the turn-off and turn-on are accomplished during normal duty hours and shall be twenty-five dollars ($25.00) if either turn-off or turn-on is accomplished other than normal duty hours. This service must be requested on a service order signed by the owner or his agent and submitted to the billing clerk prior to the service being required. In an emergency, the director of public works and utilities is authorized to turn off the water to prevent property damage. The service order must be completed and signed to authorize the charges before service is restored.

(2) A penalty fee of twenty-five dollars ($25.00) is hereby established for restoration of service which was terminated for delinquency on any billing account. This fee, plus any additional security deposit required by subsection (a) above, and any and all past-due accounts, must be paid prior to service being restored.

Secs. 26-62—26-66. - Reserved.

DIVISION 5. - ENFORCEMENT AND APPEALS

Sec. 26-67. Powers of inspection.

(a) The ~~superintendent~~director of public works and utilities and other duly authorized employees of the city or EPA or the Florida Department of Environmental ~~Regulation~~ Protection bearing proper credentials and identification shall be permitted to carry out all inspection, surveillance, measurement sampling, testing and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with the provisions of 40 CFR section 403, this article and all applicable pretreatment standards and requirements by industrial users. Representatives of the POTW or EPA or the Florida Department of Environmental ~~Regulation~~ Protection shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under this article or 40 CFR 403.12(m) to assure compliance with pretreatment standards. Such authority

shall be at least as extensive as the authority provided under section 308 of the Act (CWA) and shall include the authority to inspect and copy records during inspections.

(b) The ~~superintendent~~ director of public works and utilities and other duly authorized employees of the city bearing proper credentials and identifications shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(c) An inspection warrant may be obtained by the ~~superintendent~~ director of public works and utilities and other duly authorized employees of the city in accordance with Section 403.091, Florida Statutes.

(d) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director of public works and utilities shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director of public works and utilities and shall not be replaced unless replacement of the obstruction is approved by the director of public works and utilities.

(f) Unreasonable delays in allowing the director of public works and utilities access to the user's premises shall be a violation of this article.

Sec. 26-68. Administrative enforcement remedies.

(a) *Notification of violation.* Whenever the ~~superintendent~~ director of public works and utilities finds that any person, including any industrial user, has violated or is violating this article ~~II, "Sewers" of Chapter 26 of the City Code~~ or this division, or a wastewater permit or order issued hereunder, the ~~superintendent or his agent~~ director of public works and utilities may serve upon said person written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the ~~superintendent~~ director of public works and utilities. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of this notice of violation.

(b) *Consent orders.* The ~~superintendent~~ director of public works and utilities is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents

establishing an agreement with the person, including any industrial user, responsible for the noncompliance. Such orders shall include specific action to be taken by the person to correct the noncompliance with a time period also specified by the order. Consent orders shall have the same force and effect as a legally binding contract and shall be enforceable in a court of law. Should the filing of an enforcement action by the city in the courts be necessary to ensure or obtain compliance with a consent order, the city shall be entitled to an award of costs and attorney's fees incurred as a result of the violation.

(c) *Show cause hearing.* The ~~superintendent~~ director of public works and utilities may order any person, including any industrial user, which causes or contributes to violation of this article ~~Article II, "Sewers" of Chapter 26 of the City Code~~ or this division or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for a meeting, the proposed enforcement action and the reasons for such action, and a request that the person show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the meeting. Such notice may be served on any principal executive, general partner or corporate officer. At the meeting the person will be given the opportunity to present testimony and evidence to show cause why enforcement action should not be taken by the city and to review and inquire as to the information available to the city regarding the violation. At the conclusion of the meeting the ~~superintendent~~ director of public works and utilities will render a decision whether to proceed with enforcement action, continue consideration to a date certain, dismiss the enforcement action, or enter into a consent or compliance order with the violator. Enforcement action may be taken in circuit court, before the city code enforcement board, the city commission or a board specially appointed by the city commission to consider such matters.

(d) *Compliance order.* When the ~~superintendent~~ director of public works and utilities determines that a person, including any industrial user, has violated or continues to violate this ~~article II, "Sewers" of Chapter 26 of the City Code~~ or this division or a permit or order issued hereunder, the ~~superintendent~~ director of public works and utilities may issue an order to the person responsible for the violation directing that, following a specified time period, sewer service shall be discontinued unless remedial action has been taken including but not limited to installation and proper operation of adequate treatment facilities, devices, or other related appurtenances. Compliance orders may also contain other requirements as necessary and appropriate to correct the violation, including, but not limited to, for example, the installation of pretreatment technology, additional self-monitoring, and management practices.

(e) *Cease and desist orders.* When the ~~superintendent~~ director of public works and utilities determines that a person, including any industrial user, has violated or continues to violate this article ~~II, "Sewers" of Chapter 26 of the City Code,~~ or this division or any permit or order issued

hereunder, the ~~superintendent~~director of public works and utilities may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith;

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) *Administrative fines.*

(1) Any person, including any industrial user, found in administrative enforcement action to have violated any of the provisions of this article ~~II of Chapter 26 of the City Code~~ or this division or permit or order issued hereunder shall be liable to the city for any expense, loss or damage occasioned by the city by reason of such violation, to include reasonable attorney's fees, whether or not litigation is necessary.

(2) Notwithstanding any other section of this division, any person who is found to have violated any provision of this article or this division~~, article II of Chapter 26 of the City Code,~~ or permits and orders issued hereunder, shall be liable for administrative fines in an amount not to exceed one thousand dollars ($1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines will be added to the person's next scheduled sewer service charge and the city shall have such collection remedies as necessary to collect such fines. Unpaid charges, fines, and penalties shall constitute a lien against the person's property.

(g) *Emergency suspensions.*

(1) The ~~superintendent~~ director of public works and utilities may suspend the wastewater treatment service and/or wastewater permit of persons, including any industrial users, whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

(2) Any person notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its discharge. In the event of a person's failure to immediately comply voluntarily with the suspension order, the ~~superintendent~~ director of public works and utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The ~~superintendent~~ director of public works and utilities may allow the person to recommence its discharge when the endangerment has passed, unless termination proceedings set forth in section 26-21 are initiated against the person.

(3) Any person, including an industrial user, who is responsible, in whole or in part, for imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment, shall submit a detailed written statement describing the causes of the discharge and the measures taken to prevent any future occurrence to the ~~superintendent~~ director of public works and utilities prior to being permitted to resume discharge.

(h) *Annual publication of significant violations.* The ~~superintendent~~ director of public works and utilities shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those industrial users which are found to be in significant violation during the previous twelve (12) months of pretreatment standards, as defined in 40 CFR 403.8(f)(2)(vii), or with any provisions of this article ~~II of Chapter 26 of the City Code~~ or this division or any permit or order issued hereunder during the period since the previous publication. The list shall summarize the enforcement actions taken.

Sec. 26-69. Judicial remedies.

(a) If any person violates the provisions of this article ~~II "Sewers" of Chapter 26 of the City Code~~ or this division or any order or permit issued hereunder, the city may commence an action for appropriate legal and/or equitable relief in the Circuit Court for Seminole County as provided in section 26-2 and the person shall be punishable as provided in section 26-2.

(b) Any person, including an industrial user, ~~which~~ that complies with the notification and remediation provisions of this division or order rendered hereunder in a timely manner shall have an affirmative defense to any enforcement action brought by the ~~superintendent~~ director of public works and utilities for any noncompliance with this division, or an order or permit issued hereunder by the user, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.

(c) Any person, including industrial user, who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility as at the time being operated in a prudent and workman-like manner ad in compliance with applicable operation and maintenance procedures;

(3) The user has submitted the following information to the director of public works and utilities within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Secs. 26-70—26-82. Reserved.

SECTION THREE: Article III, "Water," of Chapter 26, "Utilities" of the Altamonte Springs Code of Ordinances, with the exception of Section 26-85, "Water Rates and Charges," which is not being addressed or amended by this ordinance, is hereby amended to read as follows:

ARTICLE III. WATER

Sec. 26-83. Connection required.

Where available, the owner of every lot or parcel of land within the city shall connect, or cause the plumbing of any building or buildings to be connected, with the municipal waterworks system and use its facilities. All connections shall be made in accordance with rules and regulations to be adopted from time to time by the commission, which rules and regulations shall provide for a charge for connections in a reasonable amount as the commission may fix. Provided, however, that this provision shall not be construed to entitle any person to cross the private property of another to make such connections.

Sec. 26-84. - Water user classification.

There is hereby established a uniform classification of potable water users as follows:

~~(1)~~Class A. Single-family residential units and individual metered multifamily residential units connected to the city's water system.

~~(2)~~Class AM. Multifamily residential facilities not individually metered connected to the city's water system. (Not applicable to meters serving recreational facilities and irrigation purposes, which shall be considered as class B and class PI, respectively.)

~~(3)~~Class B. Commercial and business establishments, and multifamily recreational use.

~~(4)~~Class PI. Irrigation with potable water. This class shall include single-family residential units, multifamily residential facilities, and commercial and business establishments with separate potable water irrigation meters.

~~(5)~~Class C. Bulk (wholesale) users connected directly to the city's water system where the user intends to resell the water purchased from the city. The area and customers served under class C will be included in the city's consumptive use permit.

~~(6)~~Class D. Bulk (emergency) users connected directed to the city's water system where the user intends to resell the water purchased from the city only occasionally during emergency situations. The area and customers served under class D will not be included in the city's consumptive use permit.

* * *

Sec. 26-86. Unlawful connections.

No person shall be allowed to connect into the waterworks system without the written consent of the city, and then the connection with the system shall be made only under the direction and supervision of the city. Any property owner or plumber who shall make any connection without the consent of the city shall be subject to the penalties provided in ~~section 26-3~~ this chapter.

Sec. 26-87. Connection of old plumbing.

Whenever it is desirable to connect existing plumbing with the city waterworks system, the owner or plumber contemplating doing such work shall notify the city plumbing inspector who shall inspect such plumbing and notify the owner or plumber what alterations will be necessary to place said plumbing in an acceptable condition for connection with the waterworks system. Any owner or plumber who shall make any connection without the approval of the plumbing inspector shall, upon conviction, be subject to the penalties provided in ~~section 36-89 of~~ this chapter.

Sec. 26-88. Maintenance of plumbing.

The owner of any property shall be responsible for maintaining all plumbing on such property and the pipe leading and connecting from the waterworks system distribution lines.

Sec. 26-89. Reserved.

Sec. 26-90. Free service prohibited.

No water shall be furnished free of charge to any person in the city, and each and every agency, department or instrumentality which uses the waterworks system shall pay such rates as fixed by this article.

Sec. 26-91. Meters required.

(a) *General*. All water service connections shall be metered. To reduce the number of meters to be owned, maintained, and read by the city, new and redeveloped properties shall comply with the meter installation requirements of this section. Where redeveloped property is unable to modify their existing system for full compliance with this section, the director of public works and utilities shall make a determination regarding the allowable number of city owned meters with the goal of minimizing the number of city owned meters when and where reasonably feasible. Each lot or developable building site shall be considered a separate unit for the payment of the water fees established in this article, and separate metered connections to the city's water system at the public right of way or public utility easement will be required for each unit as follows:~~. Every connection shall be separately metered~~

(1) Single family, duplex, and townhome developments.

(i) Single family, duplex and townhome developments with public rights of way shall be individually metered.

(ii) Single family, duplex, and townhome developments with private rights of way shall be individually metered providing a public or city utility easement has been conveyed over all private street rights of way in their entirety. In addition, sufficient area must be available outside of paved areas to locate water mains, services, and meters. If the above criteria cannot be met, the development shall be master metered.

(iii) Meters shall not be required for fire sprinkler systems supplying individual single family dwellings, duplexes and townhomes.

(2) Multi-family subdivisions and condominium complexes shall be master metered at the public right of way or public utility easement.

(3) Commercial development shall have a master meter serving each lot or developable building site. The master meter shall be located at the public right of way or public utility easement.

(b) *Sub-metering*. On-site water systems downstream of and served by a master meter assembly shall be maintained by the homeowners association, owner's association, or the property owner. The installation, operation, maintenance, and reading of sub-meters shall be the responsibility of the property owner or established association.

(c) *Meter sizing*. The city' public works and utilities director shall approve the size and quantity of all meters in accordance with this section. The developer's engineer shall provide sufficient information on the estimated average, peak, and minimum flows so that meter size can be determined.

(d) *Meter easements*. In unique circumstances, and with the knowledge and approval of the director of public works and utilities, where city meter installations are installed on private property outside of the public right of way or public utility easement, a city meter easement agreement shall be required. The meter easement agreement shall not obviate the property owner's obligation for compliance with city cross connection control requirements and adequate city

approved cross connection control assembles shall be installed at the public right of way or public utility easement to protect the public potable water system.

Sec. 26-92. Reserved.

DIVISION 2. - CROSS CONNECTIONS CONTROL

Sec. 26-93. Manual adopted; compliance required.

The city adopts by reference the City of Altamonte Springs "Manual of Cross Connection Control," 1998 version, as may be updated and amended from time to time. Compliance with the manual and the cross connection program contained therein is hereby required.

Sec. 26-94. Inspections.

The director of public works and utilities ~~or his designee~~ shall cause inspections to be made of all properties served by the public potable water supply where cross connections with the public potable water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the "Manual of Cross Connection Control" of the department of public works and utilities of the city and in no case shall be less than once per year. Any fees or charges established by the city pursuant to the regulations or requirements established herein may be changed from time to time by resolution of the city commission.

Sec. 26-95. Property access for inspection.

Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter any building, structure, or property served by a connection to the public potable water supply system of the city for the purpose of inspecting the piping system or systems on such property. Consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. The refusal of such information or refusal of access, when requested shall be deemed evidence of the presence of cross connections.

Sec. 26-96. Discontinuance of service.

The director of public works and utilities ~~or his designee~~ is hereby authorized and directed to discontinue potable water service to any property, wherein any connection in violation of this division ~~section 26-93~~ exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public potable water supply system. Water services to such property shall not be restored until the actual or potential cross connection has been eliminated or until an appropriate backflow prevention device has been installed in compliance with the provisions of this division.

Sec. 26-97. Protection of public potable water supply; labeling required.

The potable water supply made available on the properties served by the public potable water supply shall be protected from present or future possible contamination as specified by this division and by state and city plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled "WATER UNSAFE FOR DRINKING" in a conspicuous manner.

Sec. 26-98. Expenses and records, consumer responsibility.

The consumer shall bear all expense of installing, testing and maintaining the protective devices required by this division ~~section 26-9~~3 to ensure proper operation on a continuing basis. Installation, testing, and maintenance of protective devices shall be conducted by certified personnel approved by the city's department of public works and utilities. The consumer shall notify the city's department of public works and utilities at least forty-eight (48) hours in advance, in writing, when the tests are to be undertaken so that it may have a representative witness the tests if it is so desired. The consumer shall keep records on his testing, maintenance, and repair activities related to cross connection control and shall make such records available upon request. Copies of all testing, maintenance, and repair records shall be sent to the city's department of public works and utilities ~~building official in the city's department of community development~~ within five (5) days after the work is performed.

Sec. 26-99. Other codes and rules.

~~Section 26-93~~This division does not supersede the Florida Building Code ~~Standard Plumbing Code of the Southern Building Code Congress International~~, the Florida State Department of Health Plumbing Rules, ~~or any City of Altamonte Springs plumbing ordinance,~~ but is supplementary to them; provided that where conflicts exist the more restrictive provision shall apply~~, and further provided that all references in the Standard Plumbing Code allowing the use of automatic vacuum breakers (AVB's) shall be overridden by the manual, section 26-93~~.

Sec. 26-100. Violation liability.

Any person or customer found guilty of violating any of the provisions of this division ~~section 26-93~~ or any written order of the city or pursuance thereof, shall be punishable in accordance with this Chapter ~~section 26-2~~. In addition, such person or customer shall pay all costs and expenses involved in the case to include attorney's fees. Notice of such violation shall be given by delivering the same to the premises and a copy thereof mailed to the billing address as it appears on the city's billing records. Each day upon which a violation of the provisions of this division ~~section 26-93~~ shall occur shall be deemed a separate and additional violation. Any person or customer in violation of any of the provisions of this division ~~section 26-93~~ shall become liable to the city for any expense, loss, or damage incurred by the city by reason of such violation to include attorney's fees. In addition to any penalty provided by law for the violation of any of the provisions of this division ~~section 26-93~~, the city may bring suit in the appropriate court to enjoin, restrain, or otherwise prevent the violation of any of the provisions of this division.

Sec. 26-101. Liability public employees.

No provisions of this division designating the duties of any city officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for failure to perform such duty.

Sec. 26-102. Cross connection areas embraced.

All territory within the City of Altamonte Springs and the County of Seminole served by the City of Altamonte Springs potable water system, shall be governed by this division to the extent permitted by law.

Secs. 26-103 - 26-107. Reserved.

SECTION FOUR: Article IV, "Water and Sewer System Extensions and Connections," of Chapter 26, "Utilities" of the Altamonte Springs Code of Ordinances is hereby renamed "Water, Sewer, and Drainage System Extensions and Connections," and amended to read as follows:

ARTICLE IV. WATER, ~~AND~~ SEWER, AND DRAINAGE SYSTEM EXTENSIONS AND CONNECTIONS

Sec. 26-108. Purpose.

This article establishes procedures to facilitate the orderly expansion of the ~~City's sewerage, water~~water, sewer, and drainage systems and provides alternatives for funding of such expansion by those benefiting thereby.

Sec. 26-109. Construction of extension projects.

~~A City sewerage,~~ city water, sewer, or drainage system extension project may be constructed by the c~~C~~ity or by one (1) or more property owners.

(a) *Construction by c~~C~~ity*. The c~~C~~ity may construct an extension to its ~~sewerage,~~ water, sewer, or drainage system at the sole expense of one (1) or more property owners or in whole or in part at c~~C~~ity expense.

(1) *Property owners' expense*. If the project is to be constructed by the c~~C~~ity at the sole expense of one (1) or more property owners benefiting from the project, the c~~C~~ity e~~E~~ngineer shall prepare or approve a plan and report describing the scope and purpose of the proposed extension and the estimated cost thereof. Before any expenses thereof are incurred or obligated by the c~~C~~ity, the property owner(s) agreeing to bear the expense of the project shall pay over to the c~~C~~ity the total estimated cost of the project and shall agree in writing to pay on demand any additional expenses actually incurred by the c~~C~~ity in constructing the extension. The funds paid to the c~~C~~ity shall be deposited in a special extension project trust account in the Water and Sewer Connection Fee Fund or Stormwater Connection Fee Fund, from which all expenses of the project shall be paid without further appropriation. After completion of the project, any remaining funds in excess of those required to be expended for construction thereof may be refunded to the contributing property owner(s) in proportion to their contribution to the project.

(2) *City expense*. If the c~~C~~ity determines that a ~~sewerage,~~ water, sewer, or drainage system extension project is to be constructed by the c~~C~~ity in whole or in part at c~~C~~ity expense, the c~~C~~ity e~~E~~ngineer shall submit to the c~~C~~ity c~~C~~ommission for approval by resolution a description of the scope and purpose of the proposed extensions, the estimated cost thereof, and an analysis of project feasibility, including the basis upon which construction with c~~C~~ity funds is recommended. Upon approval by the c~~C~~ity c~~C~~ommission, the c~~C~~ity e~~E~~ngineer shall proceed with the project only after the funds, if any, to be contributed by one or more property owners benefiting from the project have been paid to the c~~C~~ity. Contributions by property owners shall be subject to the provisions of paragraph (1) above.

(b) *Construction by property owners*. The c~~C~~ity may authorize a ~~City sewerage,~~ city water, sewer, or drainage system extension project to be constructed by one (1) or more property owners benefiting from the project. A property owner requesting such an extension shall apply in writing to the c~~C~~ity, describing in detail the scope and purpose of the proposed extension and an engineering analysis of project feasibility, including an estimate of projected operation and maintenance cost and projected revenue related to the project. The applicant shall also file, before final authorization to commence the project is given by the c~~C~~ity, detailed project plans and specifications. The c~~C~~ity shall, within sixty (60) days from the filing of such detailed project plans and specifications, either approve or deny final authorization of such project provided such time limitation may be extended by mutual written agreement of the c~~C~~ity and the property owner. The c~~C~~ity may deny an application if:

(1) The project fails to comply with a requirement of this article or authorized c~~C~~ity regulations; or

(2) The project will result in an economic operating loss to the c~~C~~ity.

(c) *City capital improvement projects*. Water, sewer, or drainage system extension projects that improve and enhance public safety and expand economic development, may be designed and constructed by the city at the city's expense under the city's capital improvement program budgeted and approved by the city commission.

Sec. 26-110. City s~~S~~ewer service without c~~C~~ity water.

A sewer~~age~~ system extension project to extend sewer service to any area not served, and not to be concurrently served, by the c~~C~~ity's water system may be initiated only after approval by the c~~C~~ity c~~C~~ommission. When sewer service is provided to a single-family residence not concurrently served by the c~~C~~ity's water system, the residence shall be billed the maximum monthly billing for sewer. When sewer service is proposed to a commercial property not currently served by the c~~C~~ity's water system, the recommendation for c~~C~~ity c~~C~~ommission approval shall include an agreement for monthly billing, which agreement shall be acceptable to the city's director of public works and utilities ~~City Public Works & Utilities Director~~ and city's f~~F~~inance d~~D~~irector prior to presentation to the c~~C~~ity c~~C~~ommission for approval. Regardless of whether the provision of sewer service to a single family residence or to a commercial property, c~~C~~ity policies pertaining to annexation shall be applied.

Sec. 26-111. Design standards.

All plans and specifications relating to ~~sewerage,~~ water, sewer, or drainage system extension projects shall comply with established c~~C~~ity engineering and design standards and shall have affixed to them the seal of a registered professional engineer. With respect to projects not designed and constructed by the c~~C~~ity, the property owner authorized to undertake the project shall file with the c~~C~~ity a reproducible set of plans showing the completed work, as built, together with an affidavit of periodic and final inspections by a registered professional engineer, certifying that the work as constructed complies with established c~~C~~ity standards, and shall obtain final project approval from the c~~C~~ity.

Sec. 26-112. Construction standards.

All extensions of the ~~City's sewerage,~~ city's water, sewer, or drainage systems shall comply with the following standards:

(a) *Location*. All sanitary sewers, sewer~~age~~ pumping stations, water mains and related appurtenances or drainage structures to be conveyed to the c~~C~~ity shall be located only in public rights-of-way, on c~~C~~ity-owned property, or in easements conveyed to or acceptable to the c~~C~~ity. Where the property is under development, ~~sewerage,~~ water, sewer, or drainage system extensions shall not be installed until:

(1) The finished grades of the rights-of-way or easements have been established and approved by the c~~C~~ity e~~E~~ngineer; and

(2) The rights-of-way or easements have been constructed to at least design subgrade.

(b) *Installation standards and inspection*. All installations shall be made in a manner and of such materials as are in accordance with standards and requirements established by the c~~C~~ity, and all plans, specifications, premises, or construction sites shall be subject to inspection and approval by the c~~C~~ity e~~E~~ngineer or his designee at any time during or after completion of construction prior to acceptance by the c~~C~~ity. No installation or construction by a property owner shall be accepted by the c~~C~~ity as finally approved until there is delivered to the c~~C~~ity an affidavit which adequately protects the c~~C~~ity's interest against merchants' liens or other liens which might be asserted against the property under applicable law, the form and conditions of the affidavit to be approved by the c~~C~~ity attorney.

(c) *Building water or sewer ~~or water~~ line*. Every building water or sewer ~~or water~~ line shall terminate at the owner's property line and shall be installed and connected to the building plumbing by the property owner at his expense.

(d) *Connection to the c~~C~~ity system*. Actual interconnection of an extension with the existing ~~City sewerage or~~ city water or sewer system shall be prevented, by omitting a connecting section or by placing a temporary bulkhead in the connecting lines, until the extension project has been fully inspected and approved and all other conditions for extension of service have been met.

(e) *Ownership*. Unless specified or authorized by separate agreement with the city, a~~A~~ll portions of a ~~sewerage or~~ water or sewer system extension project located in a public right-of-way, c~~C~~ity-owned property, or a public easement shall, upon installation, become the property of the c~~C~~ity, and the filing of an application for approval of construction of such a project by a

property owner shall be deemed to be consent to such transfer or ownership. The property owner shall execute and deliver to the c~~C~~ity such deeds, bill of sale, legal agreements, or other evidences of ownership as the c~~C~~ity may require.

Sec. 26-113. Water, sewer, wastewater treatment facility, drainage connection, inspection charge, and meter fees.

(a) *Water, sewer, wastewater treatment facility, drainage connection and inspection charge imposed*. Except as otherwise provided, every property owner whose property receives water and/or sewer service from systems owned or controlled by the c~~C~~ity shall pay a water, sewer, wastewater treatment facility, and drainage connection, and inspection charge in accordance with the following schedule:

PER EQUIVALENT RESIDENTIAL UNIT (ERU)
FEE SCHEDULE

Fee Type	Inside City	Outside City Retail Customers Only
Water connection (per ERU) excluding meter fees	600.00	750.00
Sewer connection (per ERU)	$400.00	$500.00
Wastewater treatment facility connection (per ERU)	$1,855.00	$2,315.00
Drainage connection (per ERU)	365.00	~~0~~ n/a
Inspection charge (per ERU)	100.00	100.00

(b) *Meter fees imposed*. Except as otherwise provided, every property owner whose property receives water and/or sewer service from systems owned or controlled by the c~~C~~ity shall pay a fee for the ~~installation of a~~ master meter serving the property in accordance with the following meter fee schedule: ~~as follows:~~

METER FEES

	Potable Meters	Reclaimed Meters
¾ inch meter	$150.00	n/a
1 inch meter	$250.00	$250.00
1-½ inch	$500.00	$500.00
2 inch	$600.00	$600.00
Larger than 2"	To be provided, installed, and conveyed to the city by developer at developer's cost.	To be provided, installed, and conveyed to the city by developer at developer's cost.

(1) *Meter taps and meter installation for existing commercial projects and new development projects*. The c~~C~~ity shall grant the developer the privilege of making long and short side taps, installing service lines and meters, and setting meter boxes provided the following criteria are met:

(i)~~a.~~ potable and reclaimed meters two inches and smaller shall be purchased from the City;

(ii)~~b.~~ potable and reclaimed water meters larger than two inches shall be provided by the developer, at the developers cost, and shall be conveyed to the city for ownership by bill of sale (under a two (2) year maintenance bond period by the developer) as part of project close-out but prior to activation; in the event a bill of sale is not obtained, the master meter shall automatically become city property upon activation of service.

(iii)~~c.~~ potable meters larger than two inches shall be compound meters with strainers provided by the developer and shall be of a make and type approved by the city;

(iv)~~d.~~ irrigation meters larger than two inches shall be turbine meters with strainers provided by the developer and shall be of a make and type approved by the c~~C~~ity;

(iv)~~e.~~ the installation of the tap, service line, meter, backflow protection, fire sprinkler connection and meter box shall be in accordance with c~~C~~ity specifications and design standards;

(vi)~~f.~~ the developer shall allow for inspection of all work by c~~C~~ity;

(vii)~~g.~~ the developer has no previous record of inferior workmanship, failure to comply with c~~C~~ity specifications, failure to allow for inspections or otherwise shown noncompliance with c~~C~~ity procedures, standards or specifications;

(viii)~~h.~~the developer, if required by the c~~C~~ity, has posted a performance bond that is satisfactory to the c~~C~~ity;

(ix) connection of a commercial property located outside the corporate limits of the c~~C~~ity shall be subject to the approval of the d~~D~~irector of p~~P~~ublic w~~W~~orks ~~andUtilities~~ and shall either require annexation of the property or the property owner's execution of an Agreement for Future Annexation, as deemed appropriate by the c~~C~~ity, prior to the provision of utility service.

The d~~D~~irector of p~~P~~ublic w~~W~~orks ~~and Utilities~~, or the c~~C~~ity e~~E~~ngineer as his designee, shall determine whether a developer shall be afforded the privilege of making taps and setting meters or whether that privilege shall be denied due to failure to meet the above criteria. In the event the d~~D~~irector of p~~P~~ublic w~~W~~orks ~~andUtilities~~ or the c~~C~~ity e~~E~~ngineer denies the developer the privilege of making taps and setting meters, the c~~C~~ity shall set and install same upon payment of the appropriate fees covering all costs of the c~~C~~ity regardless of whether the work was performed by c~~C~~ity forces or by an underground utility contractor approved by the c~~C~~ity.

(2) *Meter taps on existing lines to serve existing single family residential properties*. When a new service is required to serve an existing single-family residence, the c~~C~~ity will make main line taps and install meters upon payment of the appropriate connection charge and meter fee. The connection of an existing residence outside the corporate limits of the c~~C~~ity shall be subject to the approval of the d~~D~~irector of p~~P~~ublic w~~W~~orks ~~and Utilities~~ and shall require the property owner's execution of a Single Family, Outside City Utility Agreement prior to the provision of utility service.

(3) *Temporary meters*. At the sole discretion of the c~~C~~ity, temporary meters may be used for the provision of temporary service to construction sites, for temporary special events, or for other applications where a permanent meter installation would not be appropriate. Some acceptable uses of a temporary meter may include jumper connections for new water main construction; water service for a construction trailer; construction testing (i.e., soil compaction, masonry work); and, Christmas tree lots. The c~~C~~ity will not allow the use of a temporary meter for bulk tank filling of lawn or pest control equipment or for connection to utility systems owned by another utility provider. The provision of a temporary meter, its location, and the appropriateness of its use shall be at the sole discretion of the d~~D~~irector of p~~P~~ublic w~~W~~orks ~~and Utilities or his designee~~. Temporary meters connected to the c~~C~~ity's potable water system shall be equipped with backflow protection devices and must be provided by the c~~C~~ity. The customer shall place the appropriate security deposit and shall be responsible for the safe keeping of the meter to insure return of the monies deposited less fees for water usage. The following temporary meter sizes are available at the applicable deposit:

1" temporary meter with backflow device $800.00

2" temporary meter with backflow device $2,000.00

The duration of the use a temporary meter shall be for a period of one (1) year and must be turned in or renewed on or before the anniversary date of the date of meter issuance. If renewed, the renewal shall be for an additional one (1) year period and an additional deposit may be required to cover water usage or secure the return of the meter and backflow device. Any misuse of a temporary water meter shall be immediate grounds for the termination of its use and could result in the forfeiture of the temporary meter deposit.

For development projects, or other projects where a certificate of occupancy is to be issued by the c~~C~~ity at project completion, the temporary meter shall be turned in prior to the c~~C~~ity's issuance of the certificate of occupancy.

(c) ERU classifications and calculations for computation of charges.

(1) Each single-family dwelling unit defined as one (1) detached house on one (1) lot is herein defined as an ERU (equivalent residential unit) and shall pay a charge in accordance with the above fee schedule. In units where a residential automatic fire extinguishing system is installed a credit of forty (40) percent will be given against the water connection charge. The system must be in accordance with the adopted version of the National Fire Protection Association's Standard 13, 13R or 13D.

ERU Formula:	1 single-family dwelling unit = 1 ERU

(2) Duplexes, townhomes, multiple-family dwelling units, apartment buildings or complexes, and each mobile or modular home shall pay a sewer, wastewater treatment facility, and drainage connection, and inspection charge computed at a rate of eighty (80) percent of an ERU per unit or major fraction thereof. The water connection charge shall be computed at a rate of one hundred (100) percent of an ERU per unit. In structures where automatic fire

extinguishing systems are installed, a credit of forty (40) percent will be given against the water connection charge. The system must be in accordance with the adopted version of the National Fire Protection Association's Standard 13, 13R or 13D, or having modifications as approved by the fire marshal ~~chief~~ or his designee.

ERU Formula:	1 unit = 0.80 ERUs (sewer, wastewater, drainage, inspection)
	1 unit = 1 ERU (water)

Where separate washroom, clubhouse, meeting hall, or similar facilities are installed on-site to serve tenants of the site, the connection charge will be computed at the rate of one (1) ERU for each two thousand (2,000) square feet of enclosed floor area or major fraction thereof. A minimum of two (2) ERUs will be charged for each separate facility.

ERU Formula:	2,000 s.f. = 1 ERU (2 ERU min. per separate facility)

(3) Commercial establishments shall pay connection charges based upon the following:

a. Motels, hotels, mobile home parks, travel trailer parks, tourist camps, and similar facilities furnishing short-term transient accommodations shall pay a connection charge computed at the rate of fifty (50) percent of an ERU for each transient unit.

ERU Formula:	1 unit = 0.50 ERUs

b. Restaurants, lounges, bars and similar eating and drinking establishments catering principally to seated patrons with reusable dishes shall each pay a connection charge computed at the rate of one (1) ERU for each one hundred fifty (150) square feet of net area available for seating of patrons, or major fraction thereof, with a minimum of two (2) ERUs.

ERU Formula:	150 s.f. net seating area = 1 ERU (2 ERU min.)

Wherein a restaurant, lounge, bar, or similar eating and drinking establishment desires to occupy a tenant space in an existing facility, a credit for previously paid connection fees, excluding inspection fees, shall be given. The credit shall be in the form of a percentage of an ERU paid versus the amount to be charged.

Where outdoor seating is proposed as an adjunct to indoor seating, connection fees for outdoor seating shall be calculated as follows:

Outdoor structurally covered (e.g., awning, covered gazebo, etc.), open air, or umbrella-covered seating—The connection charge shall be computed at the rate of

one (1) ERU for each three hundred (300) square feet of net area available for seating of patrons, or major fraction thereof.

ERU Formula:	300 s.f. net seating area = 1 ERU

c. Quick service food or drive-in type restaurants serving principally carryout foods in nonreusable (disposable) dishes, shall pay a connection charge computed at the rate of one (1) ERU per seven hundred fifty (750) square feet of enclosed floor area or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	750 s.f. = 1 ERU (2 ERU min.)

Wherein a quick service food or drive-in type restaurant desires to occupy a tenant space in an existing facility, a credit for previously paid connection fees, excluding inspection fees, shall be given. The credit shall be in the form of a percentage of an ERU paid versus the amount to be charged.

Where outdoor seating is proposed as an adjunct to indoor seating, connection fees for outdoor seating shall be calculated as follows:

Outdoor structurally covered (e.g., awning, covered gazebo, etc.) seating—The connection charge shall be computed at the rate of one (1) ERU per seven hundred fifty (750) square feet of net area available for seating of patrons, or major fraction thereof.

ERU Formula:	750 s.f. net seating area = 1 ERU
No additional connection fees shall be charged for outdoor open air seating or umbrella covered seating.	

d. Large and small commercial establishments such as shopping centers, retail centers, office buildings, theaters, auditoriums, meeting halls, bowling alleys, service stations,

and similar establishments shall each pay a connection charge computed at the rate of one (1) ERU for each two thousand (2,000) square feet of enclosed floor area or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	2,000 s.f. = 1 ERU (2 ERU min.)

e. Schools and day care facilities shall pay a connection charge based on a number of persons in daily attendance, including pupils, faculty and staff as reflected by the facility's occupant load calculated in accordance with the Florida Fire Prevention Code/NFPA 101-Life Safety Code. The connection charge shall be computed at the rate of one (1) ERU for each number of persons tabulated below, or major fraction thereof, according to the category of the school.

	Persons per ERU
No cafeterias, gymnasiums or showers	45
Cafeterias, but no gymnasiums or showers	30
Gymnasiums and showers, but no cafeterias	23
Cafeterias, gymnasiums and showers	18

f. Each hospital shall pay a connection charge computed at a rate of forty (40) percent of an ERU charge per bed, or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	1 bed = 0.40 ERUs

g. Nursing homes shall pay a connection charge computed at a rate of twenty-five (25) percent of an ERU charge per bed, or major faction thereof with a minimum of two (2) ERUs.

ERU Formula:	1 bed = 0.25 ERUs (2 ERU min.)

h. Laundromats shall pay a sewer, water and wastewater treatment facility connection charge computed at a rate of one (1) ERU for each machine and shall pay a drainage and inspection charge of one (1) ERU for each two thousand (2,000) square feet of floor space or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	1 machine = 1 ERU (sewer, water, wastewater treatment facility)
	2,000 s.f. = 1 ERU (drainage and inspection (2 ERU min.)

i. Furniture retail facilities shall pay a connection charge based upon one (1) ERU for each five thousand (5,000) square feet of display area, or major fraction thereof, for showrooms and like facilities with a minimum of two (2) ERUs. Where storage is added as an adjunct to the facility the fifteen thousand (15,000) square feet figure used for miniwarehouses will be utilized and the minimum of two (2) ERUs shall be applied to the total facility.

ERU Formula:	5,000 s.f. display/showroom area = 1 ERU
	15,000 s.f. warehouse area = 1 ERU (2 ERU min.)

j. Mini-warehouses (buildings with unoccupied storage) shall pay a connection charge based upon one (1) ERU for each fifteen thousand (15,000) square feet of floor space or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	15,000 s.f. miniwarehouse = 1 ERU (2 ERU min.)

k. Light industrial facilities consuming large amounts of water and generating "weak" wastewater having pollution concentrations substantially less than normal domestic sewage will pay a connection fee calculated according to the following criteria:

1. A water connection charge will be assessed for each four hundred (400) gallons per day average consumption estimated for the facility with a minimum of two (2) ERUs. The water connection fee shall be verified on an annual basis from the billing records of the city which are being used to determine the average daily

consumption of water over the previous twelve (12) months. Should that consumption exceed the amount originally estimated by more than fifty (50) percent, an additional fee based upon the actual average consumption shall be assessed, and shall be due and payable to the city within thirty (30) days of the billing thereof.

ERU Formula:	400 gpd = 1 ERU (water) (2 ERU min.)
	(12 month audit required.)

2. A sewer, wastewater treatment facility, drainage connection, and inspection charge will be computed at a rate of one (1) ERU for each two thousand (2,000) square feet of floor space or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	2,000 s.f. = 1 ERU (sewer, wastewater treatment facility, drainage, and inspection) (2 ERU min.)

l. Multi-use industrial/commercial warehouse complexes renting to businesses whose employees occupy the premises, shall each pay a connection charge computed at the rate of one (1) ERU for each five thousand (5,000) square feet of enclosed floor area or major fraction thereof with a minimum of two (2) ERUs.

ERU Formula:	5,000 s.f. = 1 ERU (2 ERU min.)

m. Commercial establishments which include more than one (1) type of facility, such as motel with a restaurant, shall pay connection charges separately computed for each type facility connected directly or indirectly into the city water and sewer systems, in accordance with the above schedule.

n. For any facilities connecting to or utilizing the water and/or sanitary sewer system, and not included in any of the aforementioned categories, the city commission shall establish a connection fee or charge for such new category or individual facility as it may deem reasonable and uniform prior to the approval of licenses or permits, and the establishment of such fees or charges shall in no way affect the validity of the fees or charges hereinbefore established.

(4) A reduction in the above fees for qualified affordable housing, pursuant to the provisions of section 25-17, "Affordable housing," will be given to the extent that the developer's qualified payment for down payment assistance exceeds the amount of impact fees due for the project.

Sec. 26-114. - ~~Time connection, inspection, and wastewater treatment facility charges imposed.~~ **Imposed time** ~~Time~~ **of water, sewer, wastewater treatment facility, drainage connection, and inspection charges** ~~imposed~~.

Water, sewer, wastewater treatment facility, drainage connection, and inspection charges shall be imposed on all structures constructed pursuant to building permits issued by any governmental source subsequent to the effective date of this section where such permit is required and in the event no permit is required, at the time application is made for a water and/or sewer service. The city manager is authorized to consider the special hardship circumstances of a user and arrange a deferred payment schedule as, in his discretion, is determined to be equitable and appropriate under the circumstances. Under such circumstances, a deferred payment schedule agreement, which may include interest charges as deemed appropriate by the city's finance director, shall be required.

Sec. 26-115. - Additional water, sewer, wastewater treatment facility, drainage connection, and inspection ~~and waste water treatment facility~~ **charges**.

(a) If the use of any property served by the city's sewer and/or water system changes:

(1) So as to change its classification for the purpose of computation of the charge (e.g., from retail use to restaurant use; from furniture retail use to office use; etc.); or

(2) Where substantial building additions occur so ~~So~~ as to increase the number of equivalent residential units (ERUs) due ~~by more than twenty (20) percent~~ over the number of such units previously paid (e.g., an office building expansion from 10,000 square feet (or 5.0 ERUs) to 12,001 square feet (or 6.0 ERUs), etc.)~~at either the time of payment of the last charge or the effective date of this section, whichever is earlier~~; or

~~(3) Where property is redeveloped by the demolition and construction, or substantial renovations or reconstruction of existing improvement, as outlined in section 3.44.20 "Nonconforming Uses" of the Land Development Code.~~

(3) Where property is redeveloped by the demolition of the existing building structure(s) and new building construction occurs; or

(4) Where interior alterations and/or interior reconstruction of existing building improvements occur resulting in a change in use for the purpose of computation of the charge (e.g., retail building shell tenant build-out as restaurant use, etc.).

Then an additional charge resulting from the change in property use or building alterations shall be due and payable at the time of change in property use or building alterations, regardless of whether any charge was ever imposed or paid at the time of the initial connection to the system. The increased charge imposed by this section shall be due and payable in accordance with this section. ~~subsection 26-114(a) above.~~

(b) The developer shall be allowed a credit against the applicable charges due for water, sewer, wastewater treatment facility, and drainage connection fees in the following manner:

(1) Where property use is in accordance with subsections (a)(1) and (2) above, the developer shall be allowed a credit against the water, sewer, wastewater treatment facility, ~~and~~ drainage connection, and inspection charge in an amount equal to the number of equivalent residential units (ERUs) paid at the time of initial connection to the system. ~~No additional inspection charges shall be levied for existing space in an existing development where no engineering site inspection is necessary~~; or

~~(2) Where property use is in accordance with subsection (a)(3) above, the developer shall present sufficient evidence to enable the director of public works and utilities, or his designee, to calculate the number of equivalent residential units in the improvements, or former improvements if demolition has occurred within one (1) year previous to redevelopment, on the property to be redeveloped. The developer shall be allowed a credit against the applicable charges for water, sewer, wastewater treatment facility, and drainage connection fees in an amount equal to the number of equivalent residential units in the improvements prior to redevelopment. No credit shall be given for any previously paid inspection charges.~~

(2) Where property use is in accordance with subsection (a)(3) above, the developer shall be allowed a credit against the applicable charges for water, sewer, wastewater treatment facility, and drainage connection in an amount equal to the number of equivalent residential units (ERUs) paid for the initial improvements prior to demolition and redevelopment. All ERU credits must be applied to new development on the property within one (1) year or all applicable credits for previous paid charges shall be null and void. No credit shall be given for any previously paid inspection charges.

(3) Where property use is in accordance with subsection (a)(4) above, the developer shall be allowed a credit against the applicable charges for water, sewer, wastewater treatment facility, and drainage connection in an amount equal to the number of equivalent residential units (ERUs) paid for the improvements prior to the interior alterations and/or reconstruction of existing interior building improvements. All ERU credits must be applied to same building or tenant space within five (5) years or such credits for previous paid charges shall be null and void. No credit shall be given for any previously paid inspection charges.

c) Water, sewer, wastewater treatment facility, and drainage connection charges, and applicable equivalent residential unit (ERU) credits, are tied to the physical address for which they have been paid, not to the owner or tenant; therefore, they stay with the property. For example, a residential customer moving into an existing home will not pay any additional connection charges. However, a business moving to an existing building or tenant space may incur additional connection charges, depending on whether or not it is a change of use and what connection charges have been paid by previous building owner or tenant for that particular building or tenant space. Inspection charges, which are not credited, may also be due depending on the type of city permit(s) issued for any work on the property and inspections required.

Sec. 26-116. - Use of connection charges.

(a) All funds collected from the payment of the water, sewer, and drainage connection charges, except that part allocated as an inspection fee derived from the charges established by section 26-113 in excess of the sums required for actual reimbursement of costs for connection, shall be placed in a separate capital improvement fund, to be known and designated as "water, sewer and drainage trust fund," and shall be used only for the construction, acquisition, addition, extension, renewal and replacement to the water, sewer and drainage systems of the city, as appropriated from time to time by the city commission, provided also that the earnings of the water, sewer and drainage trust fund shall be retained in the trust fund.

(b) All funds collected from the payment of the wastewater treatment facility connection charge shall be placed in a separate investment or interest bearing account to be known as the "wastewater treatment facility account" and said funds and such interest as they might earn shall be used only for the construction, acquisition, addition, expansion or improvement of the City of Altamonte Springs wastewater treatment facilities and necessary appurtenances as appropriated from time to time in the sole discretion of the City Commission of the City of Altamonte Springs.

Sec. 26-117. - Reserved.

SECTION FIVE: Article VII, "Water Conservation," of Chapter 26, "Utilities" of the Altamonte Springs Code of Ordinances is hereby amended to read as follows:

ARTICLE VII. - WATER CONSERVATION

Sec. 26-169. - Intent and purpose.

The Commission for the City of Altamonte Springs recognizes the impact that the city, its residents and businesses have on water resources, and it is their intent and purpose to implement procedures that promote water conservation through the more efficient use of landscape irrigation. The commission finds and declares that the adoption of this article is appropriate and in the public interest of the citizens of this community.

Additionally, the city's reclaimed water system was initiated by the city in the 1980s and has been successful in supplying over ninety-eight (98) percent of the city with reclaimed water for irrigation. However, during peak demand periods, the city supplements the reclaimed water system with potable water and surface water. The city has adopted the reclaimed water irrigation schedule in section 26-171 to improve our ability to provide our citizens and businesses with adequate reclaimed water for irrigation, reduce the volume of reclaimed water discharged to the Little Wekiva River; and to conform to the usage limits outlined in the city's consumptive use permit.

Sec. 26-170. - Definitions.

For the purpose of this article the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

Address means the "house number" of a physical location of a specific property. This excludes post office numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal

Service to determine a delivery location, the lot number shall be the property's address. An "even-numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A through M. An "odd-numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N through Z.

Class A reclaimed water user is defined as a detached single-family residential unit where meters are not required, pursuant to chapter 26, article V of the Code of Ordinances of the city.

Class AM reclaimed water user is defined as multifamily residential facilities where a master meter is required, pursuant to chapter 26, article V of the Code of Ordinances of the city.

Class B reclaimed water user is defined as office, commercial, public, industrial and warehousing facilities where a meter is required, pursuant to chapter 26, article V of the Code of Ordinances of the city. For the purpose of this article, class B users shall also include common areas found in single-family and multifamily communities.

Class SU reclaimed water user is defined as a seasonal user where a meter is required, pursuant to chapter 26, article V of the Code of Ordinances of the city.

Commission means the City Commissioners of incorporated Altamonte Springs, Florida.

Director means the Director of the Department of Public Works and Utilities for the City of Altamonte Springs, Florida, or designee.

District means the St. Johns River Water Management District.

Landscape irrigation means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as, playgrounds, football, baseball and soccer fields.

Nonresidential landscape irrigation means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

Reclaimed water, except as specifically provided in chapter 62-610, F.A.C., means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. For purposes of this article, a reclaimed water system includes a system in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

Residential landscape irrigation means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one (1) or more residents, including multiple housing units and mobile homes.

Sec. 26-171. - Landscape irrigation schedule for the city's reclaimed water system users.

(a) Landscape irrigation by class A reclaimed water users at odd-numbered addresses must only occur on Wednesday and Saturday and must not occur between 10:00 a.m. and 4:00 p.m. daily.

(b) Landscape irrigation by class A reclaimed water users at even-numbered addresses or no address must only occur on Thursday and Sunday and must not occur between 10:00 a.m. and 4:00 p.m. daily.

(c) Landscape irrigation by class AM and class B reclaimed water users must only occur on Tuesday and Friday and must not occur between 10:00 a.m. and 4:00 p.m. daily.

(d) Landscape irrigation by class SU reclaimed water users shall be established by separate agreement and shall be consistent with other class SU users within the city.

Sec. 26-172. - Landscape irrigation schedule for persons not irrigating with reclaimed water.

(a) When Daylight Saving Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

(1) Residential landscape irrigation at odd-numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(2) Residential landscape irrigation at even-numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(3) Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(4) No more than three-fourths-inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one (1) hour per irrigation zone on each day that irrigation occurs.

(b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

(1) Residential landscape irrigation at odd-numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(2) Residential landscape irrigation at even-numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(3) Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

(4) No more than three-fourths-inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one (1) hour per irrigation zone on each day that irrigation occurs.

(c) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

Sec. 26-173. - Exceptions to the landscape irrigation schedules.

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

(a ~~1~~) Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.

(b ~~2~~) Irrigation of new landscape is allowed at any time of day on any day for the initial thirty (30) days and every other day for the next thirty (30) days for a total of one (1) sixty-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment. Reclaimed water customers of the city are required to obtain a watering exemption from the director or his designee and shall provide appropriate documentation of the purchase of new landscape materials when requested.

(c ~~3~~) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed ~~anytime~~ any time of day on any day within twenty-four (24) hours of application. Watering in of chemicals should not exceed one-fourth of an inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

(d ~~4~~) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed twenty (20) minutes per hour per zone.

(e ~~5~~) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed any time of day on any day.

(f ~~6~~) Discharge of water from a water-to-air air conditioning unit or other water-dependent cooling system is not limited.

(g ~~7~~) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime, provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

Sec. 26-174. - Additional requirement.

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

Sec. 26-175. - Variances from specific day of the week limitations.

A variance from the specific landscape irrigation days or day set forth in section 26-171 and section 26-172 above, may be granted by the director or his designee if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, for reclaimed water users of the city, in no event shall a single zone be irrigated more than two (2) days per week. For non-reclaimed water users, in no event shall a single zone be irrigated more than two (2) days per week during Daylight Savings Time or more than one (1) day per week during Eastern Standard Time.

Sec. 26-176. - Application of article.

The provisions of this article shall apply to each person located within the city or designated as a user of the city's reclaimed water system or potable water users Class A, Class AM, Class B and Class PI; as defined in Section 26-84 of this article.

Sec. 26-177. - Enforcement officials.

(a) Law enforcement officials having jurisdiction in the area governed by this article are hereby authorized to enforce its provisions. In addition, designated employees of the department of public works and utilities ~~department~~ and code enforcement inspectors have the duty and are hereby authorized to enforce the provisions of this article and shall have the power to issue written warning notices~~,~~ and/or administrative citations as set forth ~~in section 3-25 of the Code of Ordinances of the city~~ in this article.

(b) The director or his designee is hereby authorized to discontinue reclaimed water service to any reclaimed water customer of the city wherein a violation of this article continues to exist after service of warning notice or citation as provided above. Reclaimed water service shall not be restored until the violation is corrected and appropriate reconnection fee is paid.

Sec. 26-178. – Remedies and ~~P~~penalties.

~~Any person violating any provision of this article shall, upon conviction, be punished as follows, and shall also be responsible for reimbursing the city's attorney's fees and costs incurred in correcting the violation. A separate offense shall be deemed committed for each day during which a violation, disobedience, omission, neglect or refusal shall continue.~~

~~(1) *First offense of these restrictions:* Written warning.~~

~~(2) *Second offense:* Fifty-dollar ($50.00) fine~~.

~~(3) *Third offense:* One-hundred-twenty-five-dollar ($125.00) fine and reclaimed water will be shut off which requires a twenty-five-dollar ($25.00) reconnect fee for a total fine of one hundred fifty dollars ($150.00~~).

~~(4) *Each subsequent offense:* Four-hundred-seventy-five-dollar ($475.00) fine and reclaimed water will be shut off which requires a twenty-five-dollar ($25.00) reconnect fee for a total fine of five hundred dollars ($500.00)~~.

Enforcement officials are authorized to issue warnings and subsequent citations imposing administrative fines upon a finding of a violation of this article. Citations imposing administrative fines may be served upon a violator by personal delivery of the citation by the enforcement official or by certified mail to the utility billing address. Written warnings may be left at the property location by door hanger or posting. Any person violating any provision of this article shall pay the following penalties:

(a ~~1~~) *First offense within a twelve-month period:* Written warning.

(b ~~2~~) *Second offense within a twelve-month period:* Fifty-dollar ($50.00) fine.

(c ~~3~~) *Third offense within a twelve-month period:* Two-hundred-dollar ($200.00) fine and reclaimed water will be shut off which requires a twenty-five dollar ($25.00) reconnect fee for a total fine of one hundred fifty dollars ($225.00).

(d 4) *Each subsequent offense within a twelve-month period:* Four-hundred-fifty-dollar ($450.00) fine and reclaimed or potable water will be shut off which requires a twenty-five dollar ($25.00) reconnect fee for a total fine of five hundred dollars ($475.00). Potable water shut off shall require approval of the City Engineer prior to shut off.

Additionally, any person violating any provision of this article shall also be responsible for reimbursing the city's attorney's fees and costs incurred in correcting the violation. A separate offense shall be deemed committed for each day during which a violation, omission, neglect or refusal shall continue. The twelve month period shall be designated as January 1 through December 31 of each calendar year.

All penalties imposed pursuant to this subsection, plus any additional city costs incurred, shall be added to the violator's Utility Bill.

Any person receiving a citation hereunder may appeal such citation to the city engineer in writing within 30 days of receipt of the citation. The city engineer shall hear the appeal and argument of both the violator and the issuing enforcement official, and either uphold or dismiss the citation. The city engineer shall make his or her determination within 15 working days of the appeal hearing, and shall set forth the decision in writing. A person aggrieved by the decision of the city engineer may appeal such decision to the director of public works and utilities in writing within 30 days of the written decision of the city engineer. The director of public works and utilities shall hear the appeal and argument of both the violator and the issuing enforcement official, and either uphold or reverse the determination of the city engineer. The director of public works and utilities shall make his or her determination within 15 working days of the appeal hearing, and shall set forth the decision in writing. The decision of the director of public works and utilities shall be final.

Sec. 26-179. - Changes in restrictions during district-declared water shortages.

In the event the St. Johns River Water Management District declares a water shortage pursuant to chapter 40C-21, Florida Administrative Code, that includes all or part of the city, the conditions and restrictions set forth in the district's water shortage order and any amendments thereto, shall supersede any provisions of this article that conflict with the provisions of the water shortage order, until such time as the water shortage order may be rescinded by the St. Johns River Water Management District.

SECTION SIX: Codification in Code. It is the intent of the City Commission that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions.

SECTION SEVEN. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION EIGHT. Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION NINE. Effective Date. This ordinance shall become effective immediately after passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

_____
PAT BATES, MAYOR
City of Altamonte Springs, Florida

ATTEST:

_____
ERIN O'DONNELL, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida

_____
JAMES A. FOWLER, ESQ.
CITY ATTORNEY

Meeting Date: June 21, 2016

From: _____
Mark DeBord, Finance Director

Approved: _____
Franklin Martz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Utility System Rate Adjustment

SUMMARY EXPLANATION & BACKGROUND: We recently completed a rate study of the City's water, sewer and reclaimed water utility system. A copy of our report is attached.

We looked at likely expenses and revenues over the next five years. Without a rate adjustment we project fund balances would decline over that period of time which, left unchecked, could seriously affect the overall financial health of the operation. Fortunately, a modest increase in the monthly utility rates will preserve the financial health of the operation. By acting now with small increases we can avoid much larger increases in the future.

Even after these proposed increases, our rates remain among the very lowest in the region. In fact, our charges for utility services are less than half that of some of our neighbors. We recommend the City Commission give favorable consideration to this proposal.

Proposed Rate Adjustments

Fiscal year Effective date	2017 10/1/16	2018 10/1/17	2019 10/1/18	Last Increase
Sewer				
residential	2%	2.5%	3%	10/1/14
commercial	2%	2.5%	3%	
Potable water				
residential	2%	2.5%	3%	10/1/14
commercial	2%	2.5%	3%	
Reclaimed water				
residential	3.6%	none	3.4%	10/1/10
commercial	2%	none	2%	

FISCAL INFORMATION: The proposed rate adjustments would generate additional revenues of just over $2.5 million over the next three years, slightly less than anticipated inflationary increases in expenses.

RECOMMENDED ACTION: We recommend the City Commission pass and adopt Ordinance Number 1701-16 on first reading and set second reading for July 5, 2016.

ORDINANCE NO. 1701-16

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AMENDING CHAPTER 26 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, BY AMENDING ARTICLE II, "SEWERS", AT DIVISION 4, "RATES AND CHARGES", BY CHANGING SAME; BY AMENDING ARTICLE III, "WATER", AT DIVISION 1, "GENERALLY" BY AMENDING SECTION 26-85, "WATER RATES AND CHARGES" BY CHANGING SAME; BY AMENDING ARTICLE V, "RECLAIMED WATER" AT DIVISION 1, "GENERALLY" AT SECTION 26-121, "RATES AND CHARGES" BY AMENDING SAME; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AS FOLLOWS:

SECTION ONE: Section 26-54, "Sewer Rates and Charges" of Division 4, "Rates and Charges" of Article II, "Sewers" of Chapter 26, "Utilities" of the Code of Ordinances of the City of Altamonte Springs, Florida, be and the same is hereby amended as follows:

ARTICLE II. SEWERS

* * *

DIVISION 4. RATES AND CHARGES

* * *

Section 26-54. Sewer rates and charges.

There is hereby established a uniform schedule of rates and charges by classes for the use or availability for use of the sewer system as follows:

a) *Class A users.*

(1) Class A users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.35	$ 2.74
Next 4,000 gallons, charge per 1,000 gallons	$ 4.74	$ 5.59
Next 4,000 gallons, charge per 1,000 gallons	$ 4.95	$ 5.80
Over 11,000 gallons (maximum charge)	$ 45.81	$ 53.78
Facility charge per month per equivalent residential unit	$ 7.19	$ 8.99

(2) *Future rate increases.* The sewer rates and charges as provided herein for Class A users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.40	$ 2.79
Next 4,000 gallons, charge per 1,000 gallons	$ 4.83	$ 5.70
Next 4,000 gallons, charge per 1,000 gallons	$ 5.05	$ 5.92
Over 11,000 gallons (maximum charge)	$ 46.72	$ 54.85
Facility charge per month per equivalent residential unit	$ 7.33	$ 9.16

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.46	$ 2.86
Next 4,000 gallons, charge per 1,000 gallons	$ 4.95	$ 5.84
Next 4,000 gallons, charge per 1,000 gallons	$ 5.18	$ 6.07
Over 11,000 gallons (maximum charge)	$ 47.90	$ 56.22
Facility charge per month per equivalent residential unit	$ 7.51	$ 9.39

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.53	$ 2.95
Next 4,000 gallons, charge per 1,000 gallons	$ 5.10	$ 6.02
Next 4,000 gallons, charge per 1,000 gallons	$ 5.34	$ 6.25
Over 11,000 gallons (maximum charge)	$ 49.35	$ 57.93
Facility charge per month per equivalent residential unit	$ 7.74	$ 9.68

(3) Class A users not connected to the city water system shall pay a monthly charge equal to the sum of the maximum usage charge in effect at the time of billing added to the monthly facility charge in effect at the time of billing.

b) *Class AM users*.

(1) Class AM users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.35	$ 2.74
Over 3,000 gallons, charge per 1,000 gallons	$ 4.74	$ 5.59
Facility charge per month per equivalent residential unit	$ 7.19	$ 8.99

(2) *Future rate increases*. The sewer rates and charges as provided herein for Class AM users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.40	$ 2.79
Over 3,000 gallons, charge per 1,000 gallons	$ 4.83	$ 5.70
Facility charge per month per equivalent residential unit	$ 7.33	$ 9.16

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.46	$ 2.86
Over 3,000 gallons, charge per 1,000 gallons	$ 4.95	$ 5.84
Facility charge per month per equivalent residential unit	$ 7.51	$ 9.39

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.53	$ 2.95
Over 3,000 gallons, charge per 1,000 gallons	$ 5.10	$ 6.02
Facility charge per month per equivalent residential unit	$ 7.74	$ 9.67

c) *Class B users.*

(1) Class B users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.46	$ 2.88
Next 4,000 gallons, charge per 1,000 gallons	$ 4.96	$ 5.82
Over 7,000 gallons, charge per 1,000 gallons	$ 5.17	$ 6.07
Facility charge per month per equivalent residential unit	$ 7.45	$ 9.31

(2) *Future rate increases.* The sewer rates and charges as provided herein for Class B users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.51	$ 2.94
Next 4,000 gallons, charge per 1,000 gallons	$ 5.06	$ 5.94
Over 7,000 gallons, charge per 1,000 gallons	$ 5.27	$ 6.19
Facility charge per month per equivalent residential unit	$ 7.60	$ 9.50

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.57	$ 3.01
Next 4,000 gallons, charge per 1,000 gallons	$ 5.19	$ 6.09
Over 7,000 gallons, charge per 1,000 gallons	$ 5.40	$ 6.34
Facility charge per month per equivalent residential unit	$ 7.79	$ 9.74

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.65	$ 3.10
Next 4,000 gallons, charge per 1,000 gallons	$ 5.35	$ 6.27
Over 7,000 gallons, charge per 1,000 gallons	$ 5.56	$ 6.53
Facility charge per month per equivalent residential unit	$ 8.02	$ 10.03

d) *Class C users*. Class C users shall pay a monthly charge based upon monthly quantity of wastewater flow as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 2.76
October 1, 2016	$ 2.82
October 1, 2017	$ 2.89
October 1, 2018	$ 2.98

e) *Class D users*. Class D users shall pay a monthly charged based upon monthly quantity of wastewater flow as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 3.40
October 1, 2016	$ 3.47
October 1, 2017	$ 3.56
October 1, 2018	$ 3.67

f) *Class E users*.

(1) Class E users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.51	$ 2.96
Next 4,000 gallons, charge per 1,000 gallons	$ 5.09	$ 5.96
Over 7,000 gallons, charge per 1,000 gallons	$ 5.33	$ 6.22
Facility charge per month per equivalent residential unit	$ 7.68	$ 9.60

(2) *Future rate increases*. The sewer rates and charges as provided herein for Class E users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.56	$ 3.02
Next 4,000 gallons, charge per 1,000 gallons	$ 5.19	$ 6.08
Over 7,000 gallons, charge per 1,000 gallons	$ 5.44	$ 6.34
Facility charge per month per equivalent residential unit	$ 7.83	$ 9.79

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.62	$ 3.10
Next 4,000 gallons, charge per 1,000 gallons	$ 5.32	$ 6.23
Over 7,000 gallons, charge per 1,000 gallons	$ 5.58	$ 6.50
Facility charge per month per equivalent residential unit	$ 8.03	$ 10.04

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.70	$ 3.19
Next 4,000 gallons, charge per 1,000 gallons	$ 5.48	$ 6.42
Over 7,000 gallons, charge per 1,000 gallons	$ 5.75	$ 6.70
Facility charge per month per equivalent residential unit	$ 8.27	$ 10.34

g) *Effective date*.

(1) The sewer rates and charges as provided herein, subparagraphs 26-54 (a) through (c), shall become effective on all billings and invoices rendered on or after the effective date noted in those paragraphs without regard to when services may have been provided.

(2) The sewer rates and charges provided herein, subparagraphs 26-54 (d) through (f), shall become effective on all payments which are due and payable on or after the effective date noted in those paragraphs without regard to when services may have been provided.

SECTION TWO. Section 26-85, "Water rates and charges" of Division 1, "Generally" of Article III, "Water" of Chapter 26, "Utilities" of the Code of Ordinances of the City of Altamonte Springs, Florida, be and the same is hereby amended as follows:

ARTICLE III. WATER

* * *

DIVISION 1. GENERALLY

* * *

Section 26-85. Water rates and charges.

There is hereby established a uniform schedule of rates and charges by classes for the use or availability of the City's water system inside and outside the City, including bulk water sales to other public or private utilities, as follows:

a) *Class A users*.

(1) Class A users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.28	$ 1.59
Next 4,000 gallons, charge per 1,000 gallons	$ 2.49	$ 3.11
Next 23,000 gallons, charge per 1,000 gallons	$ 3.11	$ 3.91
Over 30,000 gallons, charge per 1,000 gallons	$ 3.91	$ 4.86
Facility charge per month per equivalent residential unit	$ 3.61	$ 4.49

(2) *Future rate increases*. The sewer rates and charges as provided herein for Class A users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.31	$ 1.62
Next 4,000 gallons, charge per 1,000 gallons	$ 2.54	$ 3.17
Next 23,000 gallons, charge per 1,000 gallons	$ 3.17	$ 3.99
Over 30,000 gallons charge per 1,000 gallons	$ 3.99	$ 4.96
Facility charge per month per equivalent residential unit	$ 3.68	$ 4.58

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.34	$ 1.66
Next 4,000 gallons, charge per 1,000 gallons	$ 2.60	$ 3.25
Next 23,000 gallons, charge per 1,000 gallons	$ 3.25	$ 4.09
Over 30,000 gallons, charge per 1,000 gallons	$ 4.09	$ 5.08
Facility charge per month per equivalent residential unit	$ 3.77	$ 4.69

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.38	$ 1.71
Next 4,000 gallons, charge per 1,000 gallons	$ 2.68	$ 3.35
Next 23,000 gallons, charge per 1,000 gallons	$ 3.35	$ 4.21
Over 30,000 gallons, charge per 1,000 gallons	$ 4.21	$ 5.23
Facility charge per month per equivalent residential unit	$ 3.88	$ 4.83

b) *Class AM users.*

(1) Class AM users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.28	$ 1.59
Over 3,000 gallons, charge per 1,000 gallons	$ 2.49	$ 3.11
Facility charge per month per equivalent residential unit	$ 3.61	$ 4.49

(2) *Future rate increases.* The sewer rates and charges as provided herein for Class AM users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.31	$ 1.62
Over 3,000 gallons charge per 1,000 gallons	$ 2.54	$ 3.17
Facility charge per month per equivalent residential unit	$ 3.68	$ 4.58

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.34	$ 1.66
Over 3,000 gallons, charge per 1,000 gallons	$ 2.60	$ 3.25
Facility charge per month per equivalent residential unit	$ 3.77	$ 4.69

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.38	$ 1.71
Over 3,000 gallons, charge per 1,000 gallons	$ 2.68	$ 3.35
Facility charge per month per equivalent residential unit	$ 3.88	$ 4.83

c) *Class B users.*

(1) Class B users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.29	$ 1.64
Next 4,000 gallons, charge per 1,000 gallons	$ 2.56	$ 3.21
Over 7,000 gallons, charge per 1,000 gallons	$ 3.21	$ 4.03
Facility charge per month per equivalent residential unit	$ 3.71	$ 4.63

(2) *Future rate increases.* The sewer rates and charges as provided herein for Class B users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.32	$ 1.67
Next 4,000 gallons, charge per 1,000 gallons	$ 2.61	$ 3.27
Over 7,000 gallons, charge per 1,000 gallons	$ 3.27	$ 4.11
Facility charge per month per equivalent residential unit	$ 3.78	$ 4.72

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.35	$ 1.71
Next 4,000 gallons, charge per 1,000 gallons	$ 2.68	$ 3.35
Over 7,000 gallons, charge per 1,000 gallons	$ 3.35	$ 4.21
Facility charge per month per equivalent residential unit	$ 3.87	$ 4.84

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.39	$ 1.76
Next 4,000 gallons, charge per 1,000 gallons	$ 2.76	$ 3.45
Over 7,000 gallons, charge per 1,000 gallons	$ 3.45	$ 4.34
Facility charge per month per equivalent residential unit	$ 3.99	$ 4.99

d) *Class PI users*.

(1) Class PI users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.21	$ 4.03
Facility charge per month per equivalent residential unit	$ 3.71	$ 4.63

(2) *Future rate increases*. The sewer rates and charges as provided herein for Class PI users shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.27	$ 4.11
Facility charge per month per equivalent residential unit	$ 3.78	$ 4.72

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.35	$ 4.21
Facility charge per month per equivalent residential unit	$ 3.87	$ 4.84

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.45	$ 4.34
Facility charge per month per equivalent residential unit	$ 3.99	$ 4.99

e) *Class C users*. Class C users shall pay a monthly charge based upon monthly quantity of usage as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 1.60
October 1, 2016	$ 1.63
October 1, 2017	$ 1.67
October 1, 2018	$ 1.72

f) *Class D users*. Class D users shall pay a monthly charge based upon monthly quantity of usage as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 4.16
October 1, 2016	$ 4.24
October 1, 2017	$ 4.35
October 1, 2018	$ 4.48

g) *Effective date*. The water rates and charges as provided herein, subparagraphs 26-85 (a) through (e) shall become effective on all billings and invoices rendered on or after the effective date noted in those paragraphs without regard to when services may have been provided.

SECTION THREE. Section 26-121, "Rates and Charges" of Division 1, "Generally" of Article V, "Reclaimed Water" of Chapter 26, "Utilities" of the Code of Ordinances of the City of Altamonte Springs, Florida, be and the same is hereby amended as follows:

ARTICLE V. RECLAIMED WATER

* * *

DIVISION 1. GENERALLY

* * *

Section 26-121. RATES AND CHARGES: There is hereby established a uniform schedule of rates and charges by classes for the use or availability of the City's reclaimed water system inside and outside the city, including bulk reclaimed water sales to other public or private utilities, as follows:

a) *Class A users.*

(1) Class A users shall pay a monthly fee, charge or rate effective October 1, 2010, as follows:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.64	$ 4.64
Use charge (regardless of quantity used, not metered)	$ 9.36	$ 11.68
For each additional one-half acre, or portion thereof, over one acre	$ 2.81	$ 3.51

(2) *Future rate increases.* The reclaimed water rates as provided herein for Class A users shall increase on October 1, 2016 and October 1, 2018 as follows:

Rates effective on October 1, 2016:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.73	$ 4.73
Use charge (regardless of quantity used, not metered)	$ 9.77	$ 12.21
For each additional one-half acre, or portion thereof, over one acre	$ 2.87	$ 3.58

Rates effective on October 1, 2018:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.82	$ 4.82
Use charge (regardless of quantity used, not metered)	$ 10.18	$ 12.45
For each additional one-half acre, or portion thereof, over one acre	$ 2.93	$ 3.65

b) *Class AM and Class B users.*

(1) Class AM users and Class B users shall pay a monthly fee, charge or rate effective October 1, 2010 as follows:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.64	$ 4.64
Use charge per 1,000 gallons	$ 1.14	$ 1.41

(2) *Future rate increase.* The reclaimed water rates as provided herein for Class AM users and Class B users shall increase on October 1, 2016 and October 1, 2018 as follows:

Rates effective on October 1, 2016:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.73	$ 4.73
Use charge per 1,000 gallons	$ 1.16	$ 1.44

Rates effective on October 1, 2018:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.82	$ 4.82
Use charge per 1,000 gallons	$ 1.18	$ 1.47

c) *Class SU users.*

(1) Class SU users shall pay a monthly fee, charge or rate effective October 1, 2010, as follows:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.64	$ 4.64
Use charge per 1,000 gallons	$ 0.57	$ 0.71

(2) *Future rate increase.* The reclaimed water rates as provided herein for Class SU users shall increase on October 1, 2016 and October 1, 2018 as follows:

Rates effective on October 1, 2016:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.73	$ 4.73
Use charge per 1,000 gallons	$ 0.58	$ 0.72

Rates effective on October 1, 2018:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.82	$ 4.82
Use charge per 1,000 gallons	$ 0.59	$ 0.73

(3) Class SU users shall pay all costs associated with the reclaimed water service connection, including, but not limited to, tapping into the distribution main, the connection pipe, the city's shut-off valve, the meter and backflow prevention device on potable and reclaimed water lines.

(4) In the event a class SU user fails to fully comply with the criteria and requirements set forth in section 26-119(4) above, the customer shall be charged an additional charge or rate for water used equivalent to sixty (60) percent, for a total charge or rate of one hundred ten (110) percent of the charge or rate set for class B users.

d) *Effective date*. The reclaimed water rates and charges as provided herein, subparagraphs (1) through (3) shall be effective on all billings and invoices rendered on or after the effective date noted in those paragraphs without regard to when service may have been provided.

e) A customer whose service has been disconnected may resume reclaimed water service by payment of past due amounts and a reconnection fee of twenty-five dollars ($25.00). Provided however, that where service has been discontinued for a violation of the policies and regulations relating to the use of the reclaimed water system, service will not be reconnected until the City receives, in its opinion, reasonable and sufficient guarantee that the violation will not reoccur.

f) Where these rates and charges result in inequitable and/or undue hardship on the property owner, the director of the department of public works shall have the authority to adjust the rates and charges based upon the following considerations:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings similarly situated.

(2) These special conditions and circumstances do not result from the actions of the property owner.

(3) Making the adjustment will be in harmony with the general intent and purpose of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

g) The decision of the director of the department of public works to grant or deny a rate adjustment shall be deemed final unless a request for review by the City Commission is filed by an aggrieved party with the City Clerk within fifteen (15) days from the date of such decision, and such action by the City Commission shall be considered final administrative action.

SECTION FOUR. All ordinances or parts of ordinances in conflict herewith be and same are hereby repealed.

SECTION FIVE. The provisions of this Ordinance are intended to be severable. If any one or more sections, paragraphs, sentences, clauses or provisions shall be held to be illegal or invalid, the remaining sections, paragraphs, sentences, clauses and provisions of this Ordinance shall nevertheless stand and continue to be construed as if the illegal or invalid sections, paragraphs, sentences, clauses or provisions has not been included herein.

SECTION SIX. Effective Date. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

Advertised: _____

First Reading: _____

_____

Mayor of the City of Altamonte Springs, Florida

ATTEST:

_____

City Clerk

Approved as to form and legality for use and reliance by the City of Altamonte Springs, Florida.

_____

City Attorney

The City of Altamonte Springs, Florida

Memorandum

Date: May 9, 2016

To: Frank Martz, City Manager

From: Mark DeBord, Finance Director

Re: **City Utility Systems – Financial Review and Study and Proposed Rate Adjustments**

The City's Utility Systems include the Water and Sewer System, Stormwater Management, and Refuse Collection and Disposal. Through these utilities the City provides multiple services which include:

- Potable water service
- Reclaimed water service
- Wastewater treatment service
- Stormwater management services
- Residential refuse collection and disposal.

Funding for these services come from user fees. The financial operations of the City's utilities are accounted for in three funds; the Water and Sewer System Fund, the Stormwater Management Fund, and the Refuse Disposal Fund. The City conducts ongoing financial monitoring of financial operations and prepares and publishes annual financial reports. In addition, every three years the City conducts a rate study. This is an in-depth look at System revenues and expenses on both an historical and projected basis. Based on this report City staff recommends to the City Commission any changes to the rate structure believed necessary to ensure the long-term financial health of the System. What follows are the results of the most recent review and recommendation for changes to the rate structure.

WATER AND SEWER SYSTEM

A. Historical Operating Results

Our review included a detailed examination of the annual operating results for the most recent three fiscal years from 2013 through 2015, as well as an estimate for the balance of the current year (2016). A summary of the operating results is shown in Table 1.

Over the four years revenues rose an average of 1.9%. This generally reflects rate increases of 2% in 2013, 2014, and 2015. There were no rate increases for 2016. While the City has experienced some new development, it has not been enough to materially affect water and sewer operations. Operating expenses have risen from $12.29 in 2013 to $17.97 million in 2016, an average annual increase of about 3%, slightly ahead of the consumer price index. The cost of employee health insurance rose at an average rate of 8.5% or about $40,000 per year, in spite of continued efforts to control these costs. That notwithstanding our expenses have remained relatively stable during this period. Overall, our operating results have been good and the overall financial health of the System remains strong as evidenced by the $8.1 million fund balance projected for the end of 2016.

TABLE 1: Historical Results
Water and Sewer Sytem Operating Fund
(all figures are times 1,000,000)

	2013	2014	2015	2016
Revenues				
Operating	$ 16.60	$ 16.71	$ 17.51	$ 17.66
Non-operating	0.04	0.10	0.26	0.15
Total revenues	$ 16.64	$ 16.81	$ 17.77	$ 17.81
Expenses				
Operating	$ 12.29	$ 12.15	$ 12.54	$ 13.47
Capital outlay	3.58	3.79	4.10	4.50
Total expenses	$ 15.87	$ 15.94	$ 16.64	$ 17.97
Revenues over (under) expenses	$ 0.77	$ 0.87	$ 1.13	$ (0.16)
Fund balance				
Beginning	5.50	6.27	7.14	8.27
Ending	$ 6.27	$ 7.14	$ 8.27	$ 8.11

B. Projected Operating Results Without Rate Increases

From our review of historical operating results and our expectations of the future we developed operating revenue and expense projections for the next five years without any rate increases (see Table 2). We have projected growth in the customer base of about 1% per year. New growth in the City has been largely multi-family which is good but does add a great deal to the revenue base.

TABLE 2: Projected Results *WITHOUT* Rate Increases
Water and Sewer Sytem Operating Fund
(all figures are times 1,000,000)

	2017	2018	2019	2020	2021
Revenues					
Operating	$ 17.87	$ 18.09	$ 18.30	$ 18.54	$ 18.77
Non-operating	0.15	0.13	0.11	0.08	0.05
Total revenues	$ 18.02	$ 18.22	$ 18.41	$ 18.62	$ 18.82
Expenses					
Operating	$ 14.08	$ 14.48	$ 14.89	$ 15.31	$ 15.75
Capital outlay	4.82	5.13	5.40	5.89	6.20
Total expenses	$ 18.90	$ 19.61	$ 20.29	$ 21.20	$ 21.95
Revenues over (under) expenses	$ (0.88)	$ (1.39)	$ (1.88)	$ (2.58)	$ (3.13)
Fund balance					
Beginning	8.11	7.23	5.84	3.96	1.38
Ending	$ 7.23	$ 5.84	$ 3.96	$ 1.38	$ (1.75)

As for expenses, we expect general annual inflationary increases of 2% to 2.5%. Additionally, we have included a 9% annual inflationary factor for employee health insurance, and 4% for electricity service. We have added $300,000 annually to the contribution from the Operating Fund to the Utility Capital Projects Fund as we continue to increase the financial commitment to capital replacement and expansion.

C. Rate Increases

As Table 2 clearly shows, without intervention the $8.11 million fund balance at the end of 2016 falls to a $1.7 million deficit in five years. The financial plan we have developed addresses this issue. We propose small annual rate increases which will slowly decrease the fund balance amount but still maintain a reasonable balance to meet unforeseen financial challenges. In Table 3 we show rate changes for the past three years and what

we propose for the next three years. As the table shows the City raised rates 2% annually for 2014 and 2015. There was no rate increase for 2016. Our proposed rate plan calls for annual increases in water and sewer rates of 2%, 2.5%, and 3.0% for all customers for the next three years, our normal planning horizon. Further, we propose increasing the reclaimed rate by 3.6% in for 2017, no increase in 2018, and 3.4% in 2019. In 2010 the residential reclaimed water rate was raised to a flat $14.00 per month, where it remains today. The increase we are proposing would raise this monthly rate to $14.50 for 2017, no increase for 2018, and $15.00 for 2019. With these change the rate will have increased $1.00 monthly from 2010 to 2019, or an average of less than 1%.

TABLE 3: Rate Increases
Potable Water, Wastewater Treatment, and Reclaimed Water

	Historical Actual			Proposed		
Fiscal year	2014	2015	2016	2017	2018	2019
Effective date	10/1/13	10/1/14	n/a	10/1/16	10/1/17	10/1/18
Sewer						
Residential	2.0%	2.0%	*No increase this year*	2.0%	2.5%	3.0%
Commercial	2.0%	2.0%		2.0%	2.5%	3.0%
Potable water						
Residential	2.0%	2.0%		2.0%	2.5%	3.0%
Commercial	2.0%	2.0%		2.0%	2.5%	3.0%
Reclaimed water						
Residential	0.0%	0.0%		3.6%	none	3.4%
Commercial	0.0%	0.0%		2.0%	none	2.0%

D. Projected Operating Results With Rate Increases

With the increases included in the recommended rate plan, the financial condition of the City's water and sewer utility operation remains very strong (see Table 4). Operating income remains stable. Money available to fund the capital improvements program grows, meaning we meet our capital needs without debt.

TABLE 4: Projected Results *WITH* Rate Increases
Water and Sewer System Operating Fund
(all figures are times 1,000,000)

	2017	2018	2019
Revenues			
Operating	$ 18.27	$ 18.87	$ 19.68
Non-operating	0.15	0.14	0.13
Total revenues	$ 18.42	$ 19.01	$ 19.81
Expenses			
Operating	$ 14.08	$ 14.48	$ 14.89
Capital outlay	4.82	5.13	5.40
Total revenues	$ 18.90	$ 19.61	$ 20.29
Revenues over (under) expenses	$ (0.48)	$ (0.60)	$ (0.48)
Fund balance			
Beginning	8.11	7.63	7.03
Ending	$ 7.63	$ 7.03	$ 6.55

Fund balance will decline as we move towards our goal of maintaining an amount equal to 25% of annual expenses. This proposed rate plan accomplishes several goals, including:

- maintaining financial strength,
- allowing for a reasonable reserve to meet unforeseen emergencies,
- allowing for expansion and improvements to the System ***without debt***, and
- keeping rate increases manageable.

E. Capital Improvement Program

In addition to adequately funding daily operations, the proposed rate plan supports an extensive multi-year utility capital improvement program totaling $41 million over the next five years (see Table 5). This ***DEBT-FREE*** program includes extensive upgrades and improvements to the wastewater treatment plant, lift station replacements, reclaimed water projects, comprehensive maintenance, along with numerous other important projects.

TABLE 5: Water and Sewer System
Five Year Capital Improvement Program
(all amounts are times 1,000,000)

	2017	2018	2019	2020	2021	Total
Regional wastewater ttreatment plant	$ 8.02	$ 1.76	$ 3.44	$ 1.84	$ 0.69	$15.75
Lift station replacements	1.21	1.79	1.59	2.26	0.66	7.51
Reclaimed water projects	-	-	0.25	1.45	1.45	3.15
Repairs and maintenance	0.37	0.29	0.51	0.66	0.50	2.33
Water line renewal	0.30	0.30	0.30	0.30	0.30	1.50
Force main river crossings	1.20	-	-	-	-	1.20
Fleet vehicle replacements	0.03	0.29	0.53	0.30	0.30	1.45
Building replacement assessment	0.90	0.20	-	-	-	1.10
Elevated storage tank	-	-	-	-	0.90	0.90
Road widenings - utility relocations	0.20	0.35	-	-	-	0.55
Force main assessment and replacement	0.50	-	-	-	-	0.50
Miscellaneous improvements	0.08	0.08	0.08	0.09	0.09	0.42
Machinery & equipment	0.08	0.08	0.08	0.08	0.08	0.40
Asset management implementation	0.20	0.18	-	-	-	0.38
Update water master plan	-	-	-	0.10	-	0.10
Reserves & inflation	0.65	0.41	0.73	0.97	0.82	3.58
	$13.74	$ 5.73	$ 7.51	$ 8.05	$ 5.79	$40.82

STORMWATER MANAGEMENT SYSTEM

A. Historical Financial Results

Our review included a detailed examination of the annual operating results for the most recent three fiscal years from 2013 through 2015, as well as an estimate for the balance of the current year (2016). A summary of the operating results is shown in Table 6.

TABLE 6: Historical Results
Stormwater Management Sytem
(all figures are times 1,000,000)

	2013	2014	2015	2016
Revenues				
Operating	$ 1.93	$ 1.93	$ 1.88	$ 1.92
Non-operating	0.06	0.11	0.14	0.14
Connection fees	0.02	0.02	0.03	0.03
Total revenues	$ 2.01	$ 2.06	$ 2.05	$ 2.09
Expenses				
Operating	$ 0.95	$ 0.93	$ 1.12	$ 1.23
Capital outlay	1.28	0.55	0.71	1.05
Total expenses	$ 2.23	$ 1.48	$ 1.83	$ 2.28
Revenues over (under) expenses	$ (0.22)	$ 0.58	$ 0.22	$ (0.19)
Fund balance				
Beginning	9.77	9.55	10.13	10.35
Ending	$ 9.55	$ 10.13	$ 10.35	$ 10.16

Over the four years revenues have remained relatively flat. There have been no changes to rate and the customer base has remained stable. Rates are based on "equivalent drainage units" (EDU's) generally described as the impervious surface in the average residential yard. The number of EDU's has remained at around 23,000 for the past several years. Since the topography and geography of the City is largely fixed we do not expect the number of EDU's to change appreciably in the foreseeable future. Therefore, we do not expect revenues generated from EDU's to change much.

Operating expenses have risen from about $950,000 in 2013 to about $1.2 million in 2016. Increased expenses have resulted from our expanded lake monitoring and treatment program and stepped up maintenance of the City-wide drainage system. We expect to see more of the same in the coming years.

B. Projected Financial Results

In Table 7 we show projected financial results for the next three years. We do not expect so see any significant changes in revenues. We do expect to see additional expenses for stormwater design services and increased maintenance costs for the City-wide drainage system. We will be stepping up efforts to improve lake water quality and to keep contaminants from entering our waterways.

TABLE 7: Projected Results
Stormwater Management Sytem
(all figures are times 1,000,000)

	2017	2018	2019
Revenues			
Operating	$ 1.95	$ 1.95	$ 1.95
Non-operating	0.15	0.12	0.08
Connection fees	0.02	0.02	0.02
Total revenues	$ 2.12	$ 2.09	$ 2.05
Expenses			
Operating	$ 1.49	$ 1.56	$ 1.60
Capital outlay	2.90	2.79	0.92
Total expenses	$ 4.39	$ 4.35	$ 2.52
Revenues over (under) expenses	$ (2.27)	$ (2.26)	$ (0.47)
Fund balance			
Beginning	10.16	7.89	5.63
Ending	$ 7.89	$ 5.63	$ 5.16

In addition to the projected operating costs, we expect to fund a $5.3 million capital improvement over the next five years (2017 to 2021) without debt.

Overall, the financial health of the Stormwater Management System is strong and should remain so into the foreseeable future. We project ending fiscal year 2019 with a fund balance in excess of $5.16 million. We do not believe a change in the Stormwater Management System rate is warranted and *we recommend no rate change*.

REFUSE DISPOSAL SYSTEM

A. Historical Operating Results

Our review included a detailed examination of the annual operating results for the most recent three fiscal years from 2013 through 2015, as well as an estimate for the balance of the current year (2016). A summary of the operating results is shown in Table 8.

Over the four years revenues rose an average of about 1% annually, pretty much following the annual rate increase. This service is only provided to single family homes. There have not been any appreciable increase in the number of such homes in the past four years so the lack of revenue growth is not surprising.

TABLE 8: Historical Results
Refuse Disposal System
(all figures are times 1,000,000)

	2013	2014	2015	2016
Revenues				
Operating	$ 1.69	$ 1.73	$ 1.74	$ 1.74
Non-operating	0.02	0.02	0.03	0.15
Total revenues	$ 1.71	$ 1.75	$ 1.77	$ 1.89
Expenses				
Operating	$ 1.51	$ 1.54	$ 1.57	$ 1.63
Capital outlay	0.24	0.12	0.24	0.38
Total expenses	$ 1.75	$ 1.66	$ 1.81	$ 2.01
Revenues over (under) expenses	$ (0.04)	$ 0.09	$ (0.04)	$ (0.12)
Fund balance				
Beginning	1.38	1.34	1.43	1.39
Ending	$ 1.34	$ 1.43	$ 1.39	$ 1.27

The fund also receives revenues from the sale of recycled materials. However, the bottom has pretty much fallen out of that market. In 2011 we received $85,000 from recycling. Revenues have fallen steadily since then. In 2015 we collected just over $20,000.

Expenses have risen at an average annual rate of about 2%, largely matching inflation. We project a fund balance of $1.27 million at the end of 2016.

B. Projected Operating Results Without a Rate Increase

From our review of historical operating results and our expectations of the future we developed operating revenue and expense projections for the next five years without any rate increases (see Table 9). Since this service is only provided to single family homes and we expect few, if any, new single-family homes to be built in the next 5 years we have not anticipated any growth in revenues. We have also kept anticipate revenues from recycling at $20,000 per year.

As for expenses, we expect general annual inflationary increases of 2% to 2.5%. Additionally, we have included a 9% annual inflationary factor for employee health insurance. About 60% of total expenses go for dump fees which haven't gone up in a while. We are unaware of any plans to increase these fees in the foreseeable future and have not forecasted an increase. The refuse operation consists entirely of large trucks traversing our streets collecting refuse and hauling it to the dump, lots of miles. Accordingly, we are enjoying the results the depressed oil markets. We paid $107,000 for fuel in 2013. This was down to $76,000 by 2015 and we project $84,000 for 2016. Going forward we don't expect prices to remain as low as they have been. Accordingly, we have included in our projections a 4% annual increase in fuel prices.

TABLE 9: Projected Results *WITHOUT* Rate Increases
Refuse Disposal System
(all figures are times 1,000,000)

	2017	2018	2019	2020	2021
Revenues					
Operating	$ 1.73	$ 1.73	$ 1.74	$ 1.75	$ 1.76
Non-operating	0.02	0.02	0.02	0.02	0.02
Total revenues	$ 1.75	$ 1.75	$ 1.76	$ 1.77	$ 1.78
Expenses					
Operating	$ 1.70	$ 1.75	$ 1.80	$ 1.85	$ 1.90
Capital outlay	0.24	0.44	0.20	-	-
Total expenses	$ 1.94	$ 2.19	$ 2.00	$ 1.85	$ 1.90
Revenues over (under) expenses	$ (0.19)	$ (0.44)	$ (0.24)	$ (0.08)	$ (0.12)
Fund balance					
Beginning	1.13	0.94	0.50	0.26	0.18
Ending	$ 0.94	$ 0.50	$ 0.26	$ 0.18	$ 0.06

As Table 9 shows, without rate changes the fund balance will be down to $60,000 by end of 2021, not enough to replace even one truck. Probably a place we don't want to go.

C. Rate Increases

Over the past few years we have raised the monthly rate by $0.25 annually. There was no increase for 2016 so the existing monthly rate of $20.75 has been in effect since October 1, 2014. Going forward we recommend increasing the monthly rate by $0.50 effective October 1, 2016, and $0.25 on October 1st of both 2017 and 2018. This equates to an average annual increase of 1.6%. This is summarized in Table 10.

TABLE 10: Rate Increases
Refuse Disposal

	Historical Actual			Proposed		
Fiscal year	2014	2015	2016	2017	2018	2019
Effective date	10/1/13	10/1/14	10/1/15	10/1/16	10/1/17	10/1/18
Monthly fee	$20.50	$20.75	$20.75	$21.25	$21.50	$21.75
Increase						
Amount	$ 0.25	$ 0.25	$ -	$ 0.50	$ 0.25	$ 0.25
Percentage	1.2%	1.2%	-	2.4%	1.2%	1.2%

D. Projected Operating Results With Rate Increases

With the increases included in the recommended rate plan, the financial condition of the City's water and sewer utility operation remains very strong (see Table 11). Operating income remains stable and we have sufficient funds available to replace our capital assets (mainly trucks), without debt. Fund balance will decline as we move towards our goal of maintaining an amount equal to 25% of annual expenses. This proposed rate plan accomplishes several goals, including:

- maintaining financial strength,
- allowing for a reasonable reserve to meet unforeseen emergencies, and,

TABLE 11: Projected Results *WITH* Rate Increases
Refuse Disposal System
(all figures are times 1,000,000)

	2017	2018	2019
Revenues			
Operating	$ 1.77	$ 1.80	$ 1.83
Non-operating	0.02	0.02	0.02
Total revenues	$ 1.79	$ 1.82	$ 1.85
Expenses			
Operating	$ 1.70	$ 1.75	$ 1.80
Capital outlay	0.24	0.44	0.20
Total revenues	$ 1.94	$ 2.19	$ 2.00
Revenues over (under) expenses	$ (0.15)	$ (0.37)	$ (0.15)
Fund balance			
Beginning	1.13	0.98	0.61
Ending	$ 0.98	$ 0.61	$ 0.46

- keeping rate increases manageable.

SUMMARY OF ALL PROPOSED CHANGES

On Table 12 we have brought together all of the proposed changes to the various utility rates. This provides every change we recommend in a single table thus providing an overview of the entire program.

TABLE 12: Proposed Changes to Monthly Utility Rates

		residential and multi-family				commercial			
fiscal year	last		2016	2017	2018		2016	2017	2018
Effective Date	increase	current	10/1/16	10/1/17	10/1/18	current	10/1/16	10/1/17	10/1/18
Sewer	10/1/14	2.0%	2.0%	2.5%	3.0%	3.0%	2.0%	2.5%	3.0%
Potable water	10/1/14	2.0%	2.0%	2.5%	3.0%	3.0%	2.0%	2.5%	3.0%
Reclaimed water									
percentage	10/1/10	-	3.6%	-	3.4%	-	2.0%	-	2.0%
dollar amount		$14.00	$14.50	$14.50	$15.00	-	-	-	-
Stormwater									
percentage	10/1/07	-	-	-	-	-	-	-	-
dollar amount (edu)		$6.75	$6.75	$6.75	$6.75	$6.75	$6.75	$6.75	$6.75
Refuse									
percentage	10/1/14	1.2%	2.4%	1.2%	1.2%	n/a	n/a	n/a	n/a
dollar amount		$20.75	$21.25	$21.50	$21.75	n/a	n/a	n/a	n/a

THE MONTHLY BILL

The City bills all utility services on a single monthly customer invoice. Like most of us, our customers are much more interested in the total bill than in the various parts of that bill. Knowing this we calculated the total monthly utility bill at four levels of potable water usage for the next three years for a single family home.

TABLE 13: Effect of Proposed Rate Changes on Monthly Utility Bill

	total monthly bill			*percentage increase*		
Fiscal Year	2017	2018	2019	2017	2018	2019
Effective Date	10/1/16	10/1/17	10/1/18	10/1/16	10/1/17	10/1/18
Residential						
5,000 gallons	$ 80.14	$ 81.31	$ 83.21	2.2%	1.5%	2.3%
10,000 gallons	120.42	122.60	125.77	2.1%	1.8%	2.6%
15,000 gallons	142.27	145.00	148.86	2.1%	1.9%	2.7%
20,000 gallons	159.07	162.23	166.62	2.1%	2.0%	2.7%
25,000 gallons	175.87	179.45	184.37	2.1%	2.0%	2.7%
35,000 gallons	213.82	218.35	224.44	2.1%	2.1%	2.8%
50,000 gallons	277.26	283.38	291.38	2.1%	2.2%	2.8%
Wymore Grove Apts	$ 10,653.04	$ 10,846.58	$ 11,068.44	1.6%	1.8%	2.0%
Kobe Restaurant	$ 1,217.22	$ 1,241.98	$ 1,270.47	1.8%	2.0%	2.3%
Amigo's Restaurant	$ 591.26	$ 604.01	$ 618.05	1.9%	2.2%	2.3%

The results of these calculations are shown in Table 13. The total bill shown in this table includes potable water, sewer, reclaimed water, and stormwater management fees for all customers. The residential amounts also include residential refuse service fees. Commercial establishments use private haulers.

For residential customers the proposed annual increases hover between 2.1% and 2.8%. For commercial customers the proposed annual increases hover between 1.6% and 2.3%. Commercial customers use private haulers for refuse services so these fees are not reflected on their City utility bill. Remember the City did not raise rates for 2016. This means the average annual increase for the four year period 2016 to 2019 is around 1.7%, about equal to the inflation rate. We have found small annual increases to be more palatable to our customers than larger increases every few years.

COMPARISON TO OTHER UTILITY PROVIDERS

Finally, we are often asked how the City's utility rates stack up to those of the surrounding utility providers. As we do periodically, we recently surveyed 11 surrounding utility providers to compare their rates to the City's. In Table 11 we show the results of that survey. Keep in mind for this table we used the *proposed increased rates for 2017 for Altamonte Springs* compared to the current rates for all other providers.

TABLE 14: Comparative Monthly Residential Utility Charges

Provider	potable water & sewer (a)	irrigation only (b)	stormwater	refuse	Total
Altamonte Springs	$ 76.28	$ 14.50	$ 6.75	$ 21.25	$ 118.78
Lake mary	63.50	61.80	4.00	18.00	147.30
Winter park	81.63	46.22	6.59	18.50	152.94
Winter springs	74.15	72.42	5.50	18.10	170.17
Sanford	96.32	57.31	8.45	18.40	180.48
Seminole county	90.88	76.58	-	18.33	185.79
Oviedo	95.38	93.86	7.00	19.64	215.88
Orlando (OUC)	82.41	119.84	-	19.24	221.49
Maitland	95.05	151.35	6.86	22.41	275.67
Longwood	82.11	168.72	6.00	19.11	275.94
Casselberry	118.08	148.51	7.00	18.42	292.01

(a) assumes 10,000 gallons of potable water usage monthly
(b) assumes 40,000 gallons of irrigation monthly

As this table demonstrates, thanks to the City's long-standing commitment to reuse (using reclaimed water for irrigation) the total bill for City customers is lower than all the other providers. In fact, Altamonte's rate is less than half as much as the top ***three*** providers. The simple truth is that unless and until the other providers commit to a fully integrated reclaimed water system, Altamonte will always be the lowest cost provider in the region.

RECOMMENDATION

We recommend the City Commission adopt the proposed three year rate plan. To that end, we will be presenting the various ordinances for City Commission consideration. Adoption of these ordinances will enact the proposed rate changes annually for the next three years beginning on October 1, 2016.

ORDINANCE NO. 1701-16

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AMENDING CHAPTER 26 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, BY AMENDING ARTICLE II, "SEWERS", AT DIVISION 4, "RATES AND CHARGES", BY CHANGING SAME; BY AMENDING ARTICLE III, "WATER", AT DIVISION 1, "GENERALLY" BY AMEDING SECTION 26-85, "WATER RATES AND CHARGES" BY CHANGING SAME; BY AMENDING ARTICLE V, "RECLAIMED WATER" AT DIVISION 1, "GENERALLY"AT SECTION 26-121, "RATES AND CHARGES" BY AMENDING SAME; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF ALTAMONTE SPRINGS, FLORIDA, AS FOLLOWS:

SECTION ONE: Section 26-54, "Sewer Rates and Charges" of Division 4, "Rates and Charges" of Article II, "Sewers" of Chapter 26, "Utilities" of the Code of Ordinances of the City of Altamonte Springs, Florida, be and the same is hereby amended as follows:

ARTICLE II. SEWERS

* * *

DIVISION 4. RATES AND CHARGES

* * *

Section 26-54. Sewer rates and charges.

There is hereby established a uniform schedule of rates and charges by classes for the use or availability for use of the sewer system as follows:

a) *Class A users.*

(1) Class A users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	**Inside City**	**Outside City**
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.35	$ 2.74
Next 4,000 gallons, charge per 1,000 gallons	$ 4.74	$ 5.59
Next 4,000 gallons, charge per 1,000 gallons	$ 4.95	$ 5.80
Over 11,000 gallons (maximum charge)	$ 45.81	$ 53.78
Facility charge per month per equivalent residential unit	$ 7.19	$ 8.99

(2) *Future rate increases.* The sewer rates and charges as provide herein for Class A users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.40	$ 2.79
Next 4,000 gallons, charge per 1,000 gallons	$ 4.83	$ 5.70
Next 4,000 gallons, charge per 1,000 gallons	$ 5.05	$ 5.92
Over 11,000 gallons (maximum charge)	$ 46.72	$ 54.85
Facility charge per month per equivalent residential unit	$ 7.33	$ 9.16

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.46	$ 2.86
Next 4,000 gallons, charge per 1,000 gallons	$ 4.95	$ 5.84
Next 4,000 gallons, charge per 1,000 gallons	$ 5.18	$ 6.07
Over 11,000 gallons (maximum charge)	$ 47.90	$ 56.22
Facility charge per month per equivalent residential unit	$ 7.51	$ 9.39

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.53	$ 2.95
Next 4,000 gallons, charge per 1,000 gallons	$ 5.10	$ 6.02
Next 4,000 gallons, charge per 1,000 gallons	$ 5.34	$ 6.25
Over 11,000 gallons (maximum charge)	$ 49.35	$ 57.93
Facility charge per month per equivalent residential unit	$ 7.74	$ 9.68

(3) Class A users not connected to the city water system shall pay a monthly charge equal to the sum of the maximum usage charge in effect at the time of billing added to the monthly facility charge in effect at the time of billing.

b) *Class AM users.*

(1) Class AM users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.35	$ 2.74
Over 3,000 gallons, charge per 1,000 gallons	$ 4.74	$ 5.59
Facility charge per month per equivalent residential unit	$ 7.19	$ 8.99

(2) *Future rate increases.* The sewer rates and charges as provide herein for Class AM users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.40	$ 2.79
Over 3,000 gallons, charge per 1,000 gallons	$ 4.83	$ 5.70
Facility charge per month per equivalent residential unit	$ 7.33	$ 9.16

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.45	$ 2.85
Over 3,000 gallons, charge per 1,000 gallons	$ 4.93	$ 5.81
Facility charge per month per equivalent residential unit	$ 7.48	$ 9.34

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.50	$ 2.91
Over 3,000 gallons, charge per 1,000 gallons	$ 5.03	$ 5.93
Facility charge per month per equivalent residential unit	$ 7.63	$ 9.53

c) *Class B users.*

(1) Class B users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.46	$ 2.88
Next 4,000 gallons, charge per 1,000 gallons	$ 4.96	$ 5.82
Over 7,000 gallons, charge per 1,000 gallons	$ 5.17	$ 6.07
Facility charge per month per equivalent residential unit	$ 7.45	$ 9.31

(2) *Future rate increases*. The sewer rates and charges as provide herein for Class B users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.51	$ 2.94
Next 4,000 gallons, charge per 1,000 gallons	$ 5.06	$ 5.94
Over 7,000 gallons, charge per 1,000 gallons	$ 5.27	$ 6.19
Facility charge per month per equivalent residential unit	$ 7.60	$ 9.50

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.56	$ 3.00
Next 4,000 gallons, charge per 1,000 gallons	$ 5.16	$ 6.06
Over 7,000 gallons, charge per 1,000 gallons	$ 5.38	$ 6.31
Facility charge per month per equivalent residential unit	$ 7.75	$ 9.69

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.61	$ 3.06
Next 4,000 gallons, charge per 1,000 gallons	$ 5.26	$ 6.18
Over 7,000 gallons, charge per 1,000 gallons	$ 5.49	$ 6.44
Facility charge per month per equivalent residential unit	$ 7.91	$ 9.89

d) *Class C users*. Class C users shall pay a monthly charge based upon monthly quantity of wastewater flow as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 2.76
October 1, 2016	$ 2.82
October 1, 2017	$ 2.89
October 1, 2018	$ 2.98

e) *Class D users*. Class D users shall pay a monthly charged based upon monthly quantity of wastewater flow as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 3.40
October 1, 2016	$ 3.47
October 1, 2017	$ 3.56
October 1, 2018	$ 3.67

f) *Class E users*.

(1) Class E users shall pay a monthly fee, charge or rate effective October 1, 2014, as follows:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.51	$ 2.96
Next 4,000 gallons, charge per 1,000 gallons	$ 5.09	$ 5.96
Over 7,000 gallons, charge per 1,000 gallons	$ 5.33	$ 6.22
Facility charge per month per equivalent residential unit	$ 7.68	$ 9.60

(2) *Future rate increases*. The sewer rates and charges as provide herein for Class B users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as

follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.56	$ 3.02
Next 4,000 gallons, charge per 1,000 gallons	$ 5.19	$ 6.08
Over 7,000 gallons, charge per 1,000 gallons	$ 5.44	$ 6.34
Facility charge per month per equivalent residential unit	$ 7.83	$ 9.79

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.62	$ 3.10
Next 4,000 gallons, charge per 1,000 gallons	$ 5.32	$ 6.23
Over 7,000 gallons, charge per 1,000 gallons	$ 5.38	$ 6.50
Facility charge per month per equivalent residential unit	$ 8.03	$ 10.04

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 2.69	$ 3.18
Next 4,000 gallons, charge per 1,000 gallons	$ 5.45	$ 6.39
Over 7,000 gallons, charge per 1,000 gallons	$ 5.72	$ 6.66
Facility charge per month per equivalent residential unit	$ 8.23	$ 10.29

g) *Effective date.*

(1) The sewer rates and charges as provided herein, subparagraphs 26-54 (a) through (c), shall become effective on all billings and invoices rendered on or after the effective date noted in those paragraphs without regard to when services may have been provided.

(2) The sewer rates and charges provided herein, subparagraphs 26-54 (d) through (f), shall become effective on all payments which are due and payable on or after the effective date noted in those paragraphs without regard to when services may have been provided.

SECTION TWO. Section 26-85, "Water rates and charges" of Division 1, "Generally" of Article III, "Water" of Chapter 26, "Utilities" of the Code of Ordinances of the City of Altamonte Springs, Florida, be and the same is hereby amended as follows:

ARTICLE III. WATER

* * *

DIVISION 1. GENERALLY

* * *

Section 26-85. Water rates and charges.

There is hereby established a uniform schedule of rates and charges by classes for the use or availability of the City's water system inside and outside the City, including bulk water sales to other public or private utilities, as follows:

a) *Class A users*.

(1) Class A users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.28	$ 1.59
Next 4,000 gallons, charge per 1,000 gallons	$ 2.49	$ 3.11
Next 23,000 gallons, charge per 1,000 gallons	$ 3.11	$ 3.91
Over 30,000 gallons, charge per 1,000 gallons	$ 3.91	$ 4.86
Facility charge per month per equivalent residential unit	$ 3.61	$ 4.49

(2) *Future rate increases*. The sewer rates and charges as provide herein for Class A users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.31	$ 1.62
Next 4,000 gallons, charge per 1,000 gallons	$ 2.54	$ 3.17
Next 23,000 gallons, charge per 1,000 gallons	$ 3.17	$ 3.99
Over 30,000 gallons charge per 1,000 gallons	$ 3.99	$ 4.96
Facility charge per month per equivalent residential unit	$ 3.68	$ 4.58

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.34	$ 1.66
Next 4,000 gallons, charge per 1,000 gallons	$ 2.60	$ 3.25
Next 23,000 gallons, charge per 1,000 gallons	$ 3.25	$ 4.09
Over 30,000 gallons, charge per 1,000 gallons	$ 4.09	$ 5.08
Facility charge per month per equivalent residential unit	$ 3.77	$ 4.69

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.38	$ 1.71
Next 4,000 gallons, charge per 1,000 gallons	$ 2.68	$ 3.35
Next 23,000 gallons, charge per 1,000 gallons	$ 3.35	$ 4.21
Over 30,000 gallons, charge per 1,000 gallons	$ 4.21	$ 5.23
Facility charge per month per equivalent residential unit	$ 3.88	$ 4.83

b) *Class AM users.*

(1) Class AM users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.28	$ 1.59
Over 3,000 gallons, charge per 1,000 gallons	$ 2.49	$ 3.11
Facility charge per month per equivalent residential unit	$ 3.61	$ 4.49

(2) *Future rate increases.* The sewer rates and charges as provide herein for Class A users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.31	$ 1.62
Over 3,000 gallons charge per 1,000 gallons	$ 2.54	$ 3.17
Facility charge per month per equivalent residential unit	$ 3.68	$ 4.58

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.34	$ 1.66
Over 3,000 gallons, charge per 1,000 gallons	$ 2.60	$ 3.25
Facility charge per month per equivalent residential unit	$ 3.77	$ 4.69

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.38	$ 1.71
Over 3,000 gallons, charge per 1,000 gallons	$ 2.68	$ 3.35
Facility charge per month per equivalent residential unit	$ 3.88	$ 4.83

c) *Class B users.*

(1) Class B users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.29	$ 1.64
Next 4,000 gallons, charge per 1,000 gallons	$ 2.56	$ 3.21
Over 7,000 gallons, charge per 1,000 gallons	$ 3.21	$ 4.03
Facility charge per month per equivalent residential unit	$ 3.71	$ 4.63

(2) *Future rate increases.* The sewer rates and charges as provide herein for Class B users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.32	$ 1.67
Next 4,000 gallons, charge per 1,000 gallons	$ 2.61	$ 3.27
Over 7,000 gallons, charge per 1,000 gallons	$ 3.27	$ 4.11
Facility charge per month per equivalent residential unit	$ 3.78	$ 4.72

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.35	$ 1.71
Next 4,000 gallons, charge per 1,000 gallons	$ 2.68	$ 3.35
Over 7,000 gallons, charge per 1,000 gallons	$ 3.35	$ 4.21
Facility charge per month per equivalent residential unit	$ 3.87	$ 4.84

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
0 – 3,000 gallons, charge per 1,000 gallons	$ 1.39	$ 1.76
Next 4,000 gallons, charge per 1,000 gallons	$ 2.76	$ 3.45
Over 7,000 gallons, charge per 1,000 gallons	$ 3.45	$ 4.34
Facility charge per month per equivalent residential unit	$ 3.99	$ 4.99

d) *Class PI users.*

(1) Class A users shall pay a charge based upon monthly facility and monthly quantity of usage as follows, effective October 1, 2014:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.21	$ 4.03
Facility charge per month per equivalent residential unit	$ 3.71	$ 4.63

(2) *Future rate increases.* The sewer rates and charges as provide herein for Class PI users, as provided herein, shall increase on October 1, 2016, October 1, 2017, and October 1, 2018, as follows:

Rates effective on October 1, 2016:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.27	$ 4.11
Facility charge per month per equivalent residential unit	$ 3.78	$ 4.72

Rates effective on October 1, 2017:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.35	$ 4.21
Facility charge per month per equivalent residential unit	$ 3.87	$ 4.84

Rates effective on October 1, 2018:

Gallons of Water	Inside City	Outside City
Charge per 1,000 gallons	$ 3.45	$ 4.34
Facility charge per month per equivalent residential unit	$ 3.99	$ 4.99

e) *Class C users.* Class C users shall pay a monthly charge based upon monthly quantity of wastewater flow as follows:

Effective Date	Charge per 1,000 gallons
October 1, 2014	$ 4.16
October 1, 2016	$ 4.24
October 1, 2017	$ 4.35
October 1, 2018	$ 4.48

f) *Effective date*. The water rates and charges as provided herein, subparagraphs 26-85 (a) through (e) shall become effective on all billings and invoices rendered on or after the effective date noted in those paragraphs without regard to when services may have been provided.

SECTION THREE. Section 26-120, "Rates and Charges" of Division 1, "Generally" of Article V, "Reclaimed Water" of Chapter 26, "Utilities" of the Code of Ordinances of the City of Altamonte Springs, Florida, be and the same is hereby amended as follows:

ARTICLE V. RECLAIMED WATER

* * *

DIVISION 1. GENERALLY

* * *

Section 26-120. RATES AND CHARGES: There is hereby established a uniform schedule of rates and charges by classes for the use or availability of the City's reclaimed water system inside and outside the city, including bulk reclaimed water sales to other public or private utilities, as follows:

a) *Class A users*.

(1) Class A users shall pay a monthly fee, charge or rate effective October 1, 2010, as follows:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.64	$ 4.64
Use charge (regardless of quantity used, not metered)	$ 9.36	$ 11.68
For each additional one-half acre, or portion thereof, over one acre	$ 2.81	$ 3.51

(2) *Future rate increases*. The reclaimed water rates as provided herein for Class A users shall increase on October 1, 2016 and October 1, 2018 as follows:

Rates effective on October 1, 2016:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.73	$ 4.73
Use charge (regardless of quantity used, not metered)	$ 9.77	$ 12.21
For each additional one-half acre, or portion thereof, over one acre	$ 2.87	$ 3.58

Rates effective on October 1, 2018:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.82	$ 4.82
Use charge (regardless of quantity used, not metered)	$ 10.18	$ 12.45
For each additional one-half acre, or portion thereof, over one acre	$ 2.93	$ 3.65

b) *Class AM and Class B users.*

(1) Class AM users and Class B users shall pay a monthly fee, charge or rate effective October 1, 2010 as follows:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.64	$ 4.64
Use charge per 1,000 gallons	$ 1.14	$ 1.41

(2) *Future rate increase.* The reclaimed water rates as provided herein for Class AM users and Class B users shall increase on October 1, 2016 and October 1, 2018 as follows:

Rates effective on October 1, 2016:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.73	$ 4.73
Use charge per 1,000 gallons	$ 1.16	$ 1.44

Rates effective on October 1, 2018:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.82	$ 4.82
Use charge per 1,000 gallons	$ 1.18	$ 1.47

c) *Class SU users.*

(1) Class SU users shall pay a monthly fee, charge or rate effective October 1, 2010, as follows:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.64	$ 4.64
Use charge per 1,000 gallons	$ 0.57	$ 0.71

(2) *Future rate increase.* The reclaimed water rates as provided herein for Class SU users shall increase on October 1, 2016 and October 1, 2018 as follows:

Rates effective on October 1, 2016:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.73	$ 4.73
Use charge per 1,000 gallons	$ 0.58	$ 0.72

Rates effective on October 1, 2018:

Description	Inside City	Outside City
Standby charge (imposed beginning 90 days after availability of product to property)	$ 4.82	$ 4.82
Use charge per 1,000 gallons	$ 0.59	$ 0.73

(3) Class SU users shall pay all costs associated with the reclaimed water service connection, including, but not limited to, tapping into the distribution main, the connection pipe, the city's shut-off valve, the meter and backflow prevention device on potable and reclaimed water lines.

(4) In the event a class SU user fails to fully comply with the criteria and requirements set forth in

section 26-119(4) above, the customer shall be charged an additional charge or rate for water used equivalent to sixty (60) per cent, for a total charge or rate of one hundred ten (110) per cent of the charge or rate set for class B users.

d) *Effective date*. The reclaimed water rates and charges as provided herein, subparagraphs (1) through (3) shall be effective on all billings and invoices rendered on or after the effective date noted in those paragraphs without regard to when service may have been provided.

e) A customer whose service has been disconnected may resume reclaimed water service by payment of past due amounts and a reconnection fee of twenty-five dollars ($25.00). Provided however, that where service has been discontinued for a violation of the policies and regulations relating to the use of the reclaimed water system, service will not be reconnected until the City receives, in its opinion, reasonable and sufficient guarantee that the violation will not reoccur.

f) Where these rates and charges result in inequitable and/or undue hardship on the property owner, the director of the department of public works shall have the authority to adjust the rates and charges based upon the following considerations:

(1) Special conditions and circumstances exists which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings similarly situated.

(2) These special conditions and circumstances do not result from the actions of the property owner.

(3) Making the adjustment will be in harmony with the general intent and purpose of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

g) The decision of the director of the department of public works to grant or deny a rate adjustment shall be deemed final unless a request for review by the City Commission is filed by an aggrieved party with the City Clerk within fifteen (15) days from the date of such decision, and such action by the City Commission shall be considered final administrative action.

SECTION FOUR. All ordinances or parts of ordinances in conflict herewith be and same are hereby repealed.

SECTION FIVE. The provisions of this Ordinance are intended to be severable. If any one or more sections, paragraphs, sentences, clauses or provisions shall be held to be illegal or invalid, the remaining sections, paragraphs, sentences, clauses and provisions of this Ordinance shall nevertheless stand and continue to be construed as if the illegal or invalid sections, paragraphs, sentences, clauses or provisions has not been included herein.

SECTION SIX. Effective Date. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

Advertised: _____

First Reading: _____

_____

Mayor of the City of Altamonte Springs, Florida

ATTEST:

_____

City Clerk

Approved as to form and legality for use and reliance by the City of Altamonte Springs, Florida.

_____

City Attorney

Meeting Date: June 21, 2016

From: _____
John Sember, Growth Management Director

Approved: _____
Franklin W. Hartz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: INTENT TO ANNEX – 1355 East Altamonte Drive

SUMMARY EXPLANATION & BACKGROUND:

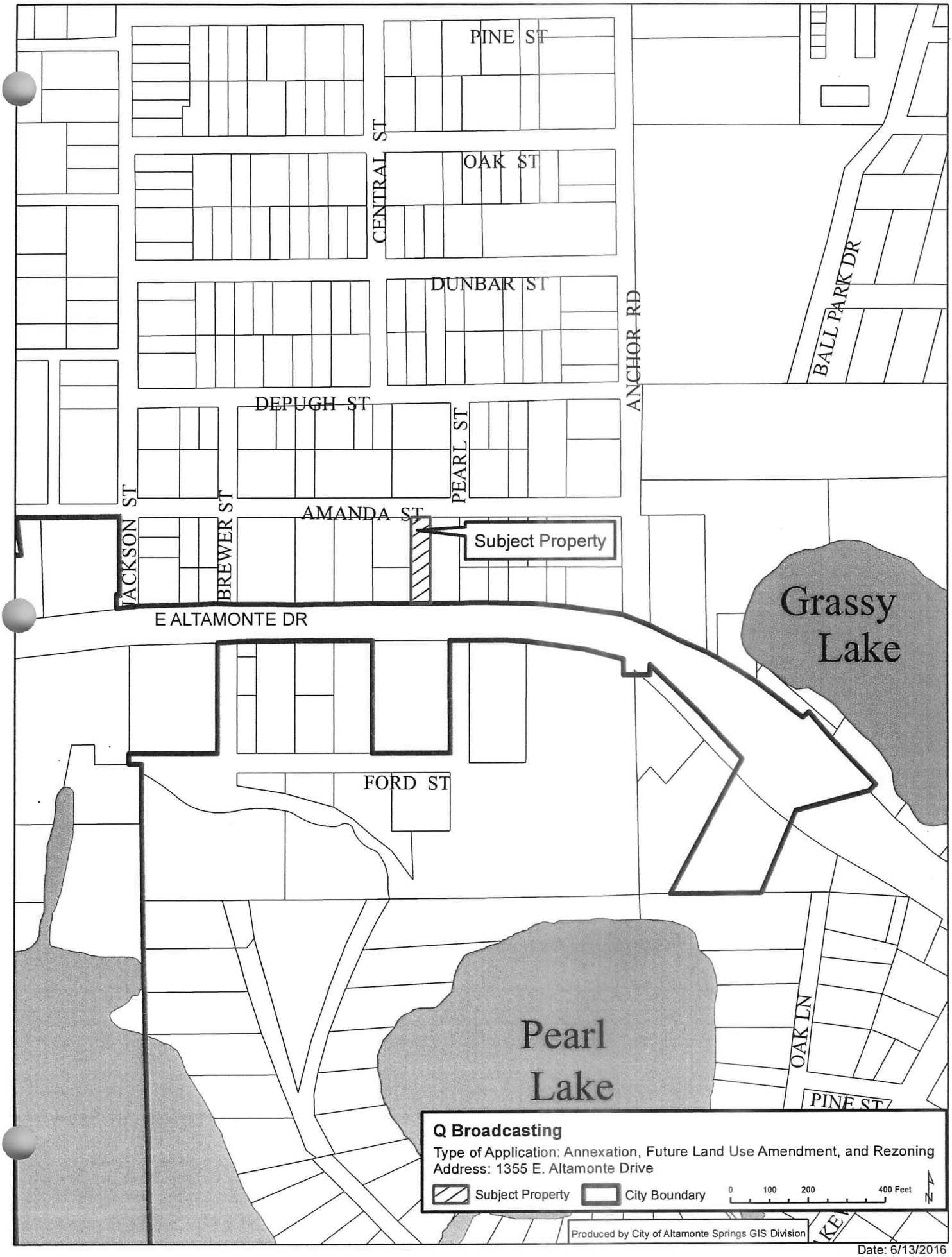
The owner of 1355 East Altamonte Drive, is requesting annexation into the City. The property contains one building from which a radio broadcasting studio is being operated by Q Broadcasting.

The purpose of this annexation request is to obtain city utility services. The application includes a request to annex, a future land use amendment and a rezoning designation. The Future Land Use designation will be changed from County Commercial to City East Town Center. The Zoning classification will be changed from C2 (Retail Commercial District) to MOC-2 (Mixed Office Commercial). A vicinity map is attached.

FISCAL INFORMATION: Not Applicable

RECOMMENDED ACTION: Approve the Intent to Annex and refer the application to the Planning Board.

Initiated by: Alisha Maraviglia, Senior Planner



Date: 6/13/2016

Meeting Date: June 21, 2016

From: _____
Dan Smutz, Chief of Police

Approved: _____
Franklin W. Martz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Increased Pay Rate and Fees for Off-Duty Details.

SUMMARY EXPLANATION & BACKGROUND:
Currently, Altamonte Spring Police officers are paid $27.00 per hour to work off-duty details. Vendors are responsible for paying the City an additional administrative fee of $3.00 per hour. Vendors are also required to pay the City an additional $3.00 per hour for details which require the use of a police vehicle.

Our philosophy has been to pay officers a rate equivalent to their overtime pay rate, which is time and a half. Historically, detail pay rates have been in line with this philosophy. However, recently the average overtime rate for Altamonte Springs Police Officers has surpassed the $27.00 per hour threshold. This factor is believed to be the cause of a lack of interest officers have expressed in working off-duty details. It is becoming difficult to satisfy the number of vendors requesting off-duty officers, especially during holidays. The last time the detail rate was changed was 2008. In an effort to keep up with hourly rates and increased requests of vendors, we recommend increasing pay rates and fees for off-duty details to the following:

	Officer Pay Rate	Additional fees paid to City	Total cost to vendor
Normal Detail Rate	$30/Hour	$5/Hour Administrative Fee	$35/Hour
Holiday Detail Rate	$45/Hour	$5/Hour Administrative Fee	$50/Hour
Traffic Control Detail Rate (use of City vehicle)	$30/Hour	$8/Hour ($5 Administrative Fee and additional $3 fee for use of City vehicle)	$38/Hour

FISCAL INFORMATION: N/A

RECOMMENDED ACTION: Approve the updated Off-Duty Detail rate for ASPD.

Initiated by: Edna Sanchez, Office Coordinator – Police Department

Meeting Date: June 21, 2016

From: _____
Ed Torres, Director of Public Works

Approved: _____
Franklin W. Martz, II City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Appointees to the Wekiva River System Advisory Management Committee.

SUMMARY EXPLANATION & BACKGROUND:

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

The Wekiva River, from its confluence with the St. Johns River to Wekiwa Springs; Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run and Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River, received the Wild and Scenic River designation on October 13, 2000. Upon this designation the Wekiva River System Advisory Management Committee was formed. Eighteen partners, consisting of federal, state, local and private organizations hold membership on the committee. This partnership arrangement ensures coordinated front-end planning and long-term oversight of this outstanding resource by determining and implementing the management plan for the Wekiva River. Day-to-day operations are left to the current land managers.

The City of Altamonte Springs is one of the eighteen partners required to appoint a representative and an alternate to this federal advisory committee. Tim Wilson, Bill Wharton, and Jay V. Diceglie have previously held these committee positions.

FISCAL INFORMATION: There is no fiscal impact.

RECOMMENDED ACTION: Approve appointment of April Verpoorten, Compliance Coordinator and Danielle Marshall, Division Director of Streets and Stormwater to the Wekiva River Advisory Management Committee.

Initiated by, Ed Torres, Public Works
c: Lauren J. Schulenberg

Meeting Date: June 21, 2016

From: _____
Mark DeBord, Finance Director

Approved: _____
Franklin W. Martz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: City Manager approval of formal purchase solicitations and other purchases during summer recess

SUMMARY EXPLANATION & BACKGROUND: City Commission approval is required for purchases of goods or services equal to or over $25,000. The Commission will be in summer recess from July 6th until August 9th and thus not available to approve formal solicitations or other purchases requiring Commission approval. Rather than hold everything until the Commission meeting on August 9th we recommend, as we have done in the past, the Commission grant the City Manager authorization to approve formal solicitations and other purchases during the summer recess.

Following the summer recess, Procurement will provide a summary report of purchases approved by the City Manager.

FISCAL INFORMATION: There is no fiscal impact.

RECOMMENDED ACTION: Authorize the City Manager to approve formal solicitations and other purchases requiring Commission approval during the Commission's 2016 summer recess.

Initiated by: B Kiser, FN

cc: Procurement Procedure Manual, Master FY2016 Solicitation File

Meeting Date: June 21, 2016

From: _____
Dan Smutz, Chief of Police

Approved: _____
Franklin W. Martz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Allocation of Edward Byrne Memorial Justice Grant (JAG) funds

SUMMARY EXPLANATION & BACKGROUND:

Holographic sights allow for quicker and more accurate target acquisition in close quarter battles and active shooter situations.

Pursuant to Police Department policy, the Chief of Police has historically approved requests for optional accessories, to include holographic sights, to be added to department-issued rifles. In the past, officers who wanted to utilize a holographic site, purchased them at their own expense. Nationally and locally, police officers are being increasingly challenged by violent and armed subjects in the course of their duties. Holographic sights are recognized as a tactical benefit to officers, however, the cost is prohibitive for most officers. The Police Department is requesting approval to apply for the 2016 Edward Byrne Memorial Justice Grant (JAG) to purchase holographic sights for all department-issued rifles.

Additionally, we ask the Commission to approve and accept the terms and conditions of the grant and authorize the Chief of Police to sign the grant.

We anticipate that this grant will favorably impact the safety and security of our police officers, and equip them with the means to protect themselves and the community with a more technically advanced sighting option.

FISCAL INFORMATION: The grant is $11,496.

RECOMMENDED ACTION: Approve the application, agree to the terms and conditions of, and authorize the Chief of Police to sign the Edward Byrne Memorial Justice Grant for holographic sights.

Initiated by: Darlene Krokos, Accreditation Manager – Police Department

Meeting Date: June 21, 2016

From: Erin O'Donnell
Erin O'Donnell, City Clerk

Approved: _____
Franklin W. Martz, II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: Appointment of Citizen Board/Committee Members

SUMMARY EXPLANATION & BACKGROUND:

Mayor Bates	**Bob O'Malley-<u>Reappointment</u>** Planning Board
Commissioner Reece	**Marc Peltzman-<u>Reappointment</u>** Health Facilities Authority
Commissioner Wolfram	**Timothy Certain-<u>Reappointment</u>** Board of Zoning Appeals

FISCAL INFORMATION: N/A

RECOMMENDED ACTION:

Initiated by: Chris Ulmer, Deputy City Clerk

Meeting Date: June 21, 2016

From: _____
Mark DeBord, Finance Director

Approved: _____
Franklin W. Martz II, City Manager

Official Use Only

Commission Action: _____

City Manager: _____

Date: _____

SUBJECT: ITB14-038, RWRF Aeration System Blower Replacement

SUMMARY EXPLANATION & BACKGROUND:

On September 3, 2014, Commission awarded Bid #14-038 to Brandes Design-Build, Inc. as the contractor for the RWRF Aeration System Blower Replacement project. The contract was issued for $2,470,500.00.

Change order No. 1 is to repair and install a protective coating to the North and South Treatment Trains, adding $928,328.15.

Change order No. 2 is for additional work associated with the project and to deduct the remaining grit removal work, adding $13,002.20.

The total contract will increase to $3,411,830.35.

FISCAL INFORMATION:
Fund: Repair & Replacement
Dept/Div: Utilities
Activity/Element: City Plants
Account: 40208100-563500-11029
Amount: $941,330.35

RECOMMENDED ACTION: Approve contract change orders No. 1 and 2 with Brandes Design-Build, Inc. in the amount of $941,330.35.

Initiated by: Finance/Liana Griffiths

Change Order

No. 1

Date of Issuance: **February 3, 2014** Effective Date: **TBD**

Project: **RWRF Aeration System Blower Replacement**	Owner: **City of Altamonte Springs**	Owner's Contract No.: **ITB14038**
Contract: **ITB14038 RWRF Aeration System Blower Replacement**		Date of Contract: **October 27, 2014**
Contractor: **Brandes Design-Build, Inc.**		Engineer's Project No.: **CoAS PW2012-026**

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Revision to contract price and time to repair and install a protective coating to the North and South Treatment Trains at the Regional Water Reclamation Facility.

Attachments (list documents supporting change): Change Order Number 1 Proposal from Brandes Design-Build Inc., dated January 28, 2015 (revised).

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: $ **2,470,500.00**	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): **300 days** Ready for final payment (days or date): **November 6, 2015**
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: $ **N/A**	Increase from previously approved Change Orders No. _____ to No. _____ : Substantial completion (days): **N/A** Ready for final payment (days): **N/A**
Contract Price prior to this Change Order: $ **2,470,500.00**	Contract Times prior to this Change Order: Substantial completion (days or date): **300 days** Ready for final payment (days or date): **November 6, 2015**
Increase of this Change Order: $ **928,328.158**	[Increase] of this Change Order: Substantial completion (days or date): **105 days** Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: $ **3,398,828.15**	Contract Times with all approved Change Orders: Substantial completion (days or date): **435 days** Ready for final payment (days or date): **February 19, 2016**

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: Pat Bates	By: _____
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 2/23/15	Date: 3/16/15	Date: 2/4/15

Approved by Funding Agency (if applicable):

_____ Date: _____

Change Order

No. 2

Date of Issuance: June 7, 2017 Effective Date: June 21, 2017

Project: RWRF Aeration System Blower Replacement	Owner: City of Altamonte Springs	Owner's Contract No.: ITB14038
Contract: ITB14038 RWRF Aeration System Blower Replacement		Date of Purchase Order: October 27, 2014
Contractor: Brandes Design-Build, Inc.		Engineer's Project No.: City No. PW2012-026

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Revision to contract price and date to perform additional work associated with the construction project, deduct the remaining grit removal work and extend the contract time for the re-coating effort on the South Treatment Train.

Attachments (list documents supporting change): Change Order Number 2 Summary Sheet and Brandes Design-Build proposals.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: $ 2,470,500.00	Original Contract Times: ☐ Working days ☒ Calendar days Substantial completion (days or date): 235 Ready for final payment (days or date): 265
Increase from previously approved Change Orders No. 1 : $ 928,328.15	Increase from previously approved Change Orders No. 1: Substantial completion (days): 105 days Ready for final payment (days): 135 days
Contract Price prior to this Change Order: $ 3,398,828.15	Contract Times prior to this Change Order: Substantial completion (days or date): 435 days (January 15, 2016) Ready for final payment (days or date): 470 days (February 19, 2016)
Increase of this Change Order: $ 13,002.20	Increase of this Change Order: Substantial completion (days or date): 271 Ready for final payment (days or date): 306
Contract Price incorporating this Change Order: $ 3,411,830.35	Contract Times with all approved Change Orders: Substantial completion (days or date): 706 (October 12, 2016) Ready for final payment (days or date): 741 (November 16, 2016)

RECOMMENDED:
By: [signature]
City of Altamonte Springs, FL
Engineer (Authorized Signature)
Date: 6/7/16

ACCEPTED:
By: _____
City of Altamonte Springs, FL
Owner (Authorized Signature)
Date: _____

ACCEPTED:
By: [signature]
Brandes Design-Build, Inc
Contractor (Authorized Signature)
Date: 6/7/16

Approved by Funding Agency (if applicable):

_____ Date: _____