

customer, and issue a credit for volume charges for the amount billed in error for the most recent billing cycle.

(d) In no event shall a refund or credit for utility service overcharges be granted for a period in excess of six months preceding.

(e) The property owner and/or customer shall be responsible for the installation and maintenance of a master control valve immediately downstream of the meter to isolate the customer's water system.

Sec. 36. Rates; Security Deposits.

(a) Rate schedules for water, wastewater, reclaimed water usage, fees, and charges shall be adopted by City Council through a Utility Rate Ordinance. Such ordinance may be amended by the adoption of a Resolution by City Council.

(b) The city reserves the right to establish differential rate structures for customers within the Urban Service Area, however, there shall not be imposed an additional surcharge of twenty-five percent (25%) as provided for in Chapter 180, F.S.

(c) Security Deposits. For utility accounts, security deposits are required as follows:

Meter Size	Deposit Amount
5/8" x 3/4"	\$125
3/4"	\$150
1"	\$200
1 1/2"	\$300
2"	\$450
3" and larger	As determined by the director

(1) For accounts in which the name of the account is the same as the owner, the deposit may, at the discretion of the City, be waived upon presentation by the customer of a statement from a previous utility verifying a history of timely payments by the customer.

(2) For accounts in which the name of the account is the same as the owner, and who make a deposit prior to receiving service, the deposit may be refunded after twelve (12) months without a delinquent payment.

(3) Whenever service is discontinued, said deposit shall be returned to the customer after first deducting all outstanding charges for service. Where any outstanding charges exceed the amount of the deposit the customer is liable for settlement of said charges under all applicable codes, statutes, laws, and ordinances, and payment of all costs incident to the enforcement thereof.

(4) At the discretion of the director, the City may require a deposit or increase the deposit for any customer who is delinquent three or more times.

(5) All deposits shall accrue interest as required by Florida Statutes.

(d) **Water Rate Structure.** The rate structure for water service as set forth in the Utility Rate Ordinance, is comprised of two distinct elements. Those elements and their definitions are:

(1) *Monthly Base Charge.* This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues. This monthly base charge also recovers the costs associated with meter readings, billings, postage and related expenses.

(2) *Monthly Consumption Charges.* This is the cost of providing the water, such as chemicals, electricity, labor and other related costs. This cost is variable and depends on consumption.

(e) **Wastewater Rate Structure**

The rate structure for wastewater service is comprised of two distinct elements. Those elements and their definitions are:

(1) *Monthly base charge.* This is the cost of having the system in place and prepared to serve the customer. This charge is designed to recover all those capital expenses that are not recovered from separate charges and the debt service to pay the bond issues. This monthly base charge also recovers the costs associated with meter readings, billings, postage and related expenses.

(2) *Monthly consumption charge.* This is the cost of providing for the collection and treatment of sewage such as chemicals, electricity, labor and other related expenses. This charge is variable and depends on consumption.

(3) *Fees.* The city may adopt charges and fees which may include:

- a. Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- b. Fees for monitoring, inspection, and surveillance procedures;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications;
- e. Fees for filing appeals;
- f. Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards; and

g. Other fees as the city may deem necessary to carry out the requirements contained herein.

(4) *Surcharge for abnormal strength waste discharge.* Abnormal strength wastes are those that do not meet the limitations set forth in this article.

a. *Computation.* The surcharge in dollars shall be computed by multiplying the total mg/L of BOD and suspended solids above 500 mg/L times the metered water used during the billing period in millions of gallons times a treatment surcharge factor. The surcharge factor shall be derived annually from the following formula:

Surcharge Factor	=	$\frac{\text{Cost of treatment permillion gallons}}{\div 500}$
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Where cost of treatment per million gallons equals operational costs of the city sewage treatment plant(s) for the preceding fiscal year (including pro rata administrative costs) divided by the total sewage flow through all plants in millions of gallons. 500 equals maximum normal BOD plus suspended solids content expressed in milligrams per liter. The surcharge in dollars for fats, waxes, grease, oil and solvent-soluble substances shall be computed by multiplying the total fats, waxes, grease, oil, and solvent-soluble substances above the legal limits as set forth in this Section times the metered water used during the billing period in millions of gallons times the treatment surcharge factor.

b. These fees relate solely to the matters covered by these regulations and are separate from all other fees chargeable by the city.

(f) **Reclaimed Water Rate Structure**

The rates for use of the city's reclaimed water system shall be based on a charge per 1000 gallons as provided in the Utility Rate Ordinance.

Sec. 37. Billing for Water, Wastewater, and Reclaimed Water Service.

(a) Billing shall begin upon installation of the water meter, reclaimed water meter, or connection to the wastewater system.

(b) All accounts shall be billed on a monthly basis. Bills are due when rendered and delinquent 21 days thereafter. Bills unpaid after 30 days of being rendered shall be assessed a delinquent fee equal to five percent of the unpaid balance. Service may be discontinued when delinquent for non-payment of bills. The city reserves the right to place liens on property due to non-payment of bills.

(c) Errors in billing or meter reading should be reported promptly to the Customer Service office, so as to facilitate the immediate correction of such bill.

(d) When water, wastewater, and/or reclaimed water services are provided, payment of the services shall be made concurrently. The City may discontinue service for non-payment of any portion of the service bill.

(e) Whether occupied or unoccupied, all existing structures once connected to the City's water, wastewater, and/or reclaimed water system, shall incur a monthly base charge unless such building is destroyed, condemned, or demolished.

(f) Whenever a customer discontinues service or vacates a dwelling or structure, the account will automatically revert to property owner of record and billing will resume.

Sec. 38. Reinstatement Following Discontinued Service.

(a) When service has been discontinued for nonpayment of bills, service will be restored upon payment of unpaid bills, plus a service fee as set forth in the rate ordinance. Said service fees shall also be payable in the event the city attempts to restore service but is unable to do so due to meter obstruction.

(b) The service line gate valve or curb stop valve may be locked in the off position or the meter removed from the premises. The monthly base facility charges shall continue. Should an applicant at a later time request renewal of service to said premises, service will be restored upon full payment of all bills due for service to the premises at the time of discontinuance and a reinstatement charge.

(c) Where service has been disconnected for a violation of an ordinance or regulation, such service shall not be reconnected until the city manager, or his designee, receives adequate assurances and guarantees that such a violation will not recur.

Sec. 39. Incorporation, Conflict and Severability.

(1) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

(2) All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.

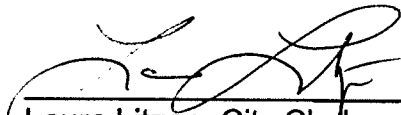
(3) If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

Sec. 40 Effective Date.

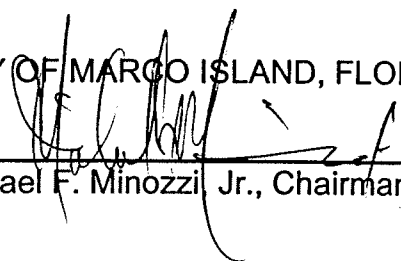
This Ordinance shall take effect immediately upon adoption by the Marco Island City Council, except that *Section 36, Rates; Security Deposits*, shall be in accordance with the Florida Water Services Corporation Policies and Tariff until the termination of the Transition Services Agreement (Billing and Customer Service) between the City of Marco Island and Florida Water Services Corporation.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 5th day of January, 2004. (Ordinance originally passed November 10, 2003; ratified this date to comply with statutory requirements for advertising.)

Attest:

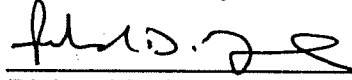


Laura Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA
BY: 

Michael F. Minozzi, Jr., Chairman

Approved as to form and
legal sufficiency:



Richard D. Yovanovich, Esquire
City Attorney