

ORDINANCE NO. 07- 05

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING ORDINANCE NO. 03-20 AND SECTION 18-80 OF THE CODE OF ORDINANCES FOR THE CITY OF MARCO ISLAND TO PROVIDE FOR MANDATORY CONNECTION TO THE CITY'S WASTEWATER UTILITY SYSTEM WITHIN 365 DAYS; AMENDING ORDINANCE NO. 03-20 AND SECTION 18-93 OF THE CODE OF ORDINANCES TO PROVIDE FOR MANDATORY CONNECTION TO THE CITY'S RECLAIMED WATER SYSTEM AND FOR RECLAIMED WATER RATES FOLLOWING CONNECTION AFTER NOTICE; AMENDING ORDINANCE NO. 03-20 AND SECTION 18-97 OF THE CODE OF ORDINANCES TO PROVIDE THAT BILLING OF THE MONTHLY BASE CHARGE FOR WASTEWATER SHALL COMMENCE NINETY DAYS FOLLOWING NOTIFICATION OF THE AVAILABILITY OF WASTEWATER SERVICE; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY, CONFLICT AND INCORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS. It is hereby ascertained, determined, and declared:

(A) The City of Marco Island, Florida (the "City") has acquired and created a public wastewater utility system for the purpose of providing central wastewater collection, treatment, and disposal facilities and services within and adjacent to the municipal boundaries of the City (the "Utility System").

(B) The City has initiated a wastewater collection facility construction program with the intent to construct, in a series of phases or districts to be determined from time to time, within geographic areas served by the Utility System, certain wastewater collection improvements and to provide central wastewater service to owners and users of on-site sewage treatment and disposal systems including, but not limited to, septic tanks and cess pits located within the City and adjacent unincorporated areas served by the Utility System.

(C) On or about October 20, 2005, the City provided written notice to all property owners anticipated to be affected by the wastewater collection facility construction program of the anticipated availability of the City's sewerage system, and that connection of all existing structures to the new wastewater collection facilities is mandatory.

(D) Section 18-80 of the City Code of Ordinances provides that property served by a private wastewater disposal system shall connect to the Utility System within 90 days

after notice and that wastewater system service charges shall be in effect 90 days following notification of the availability of wastewater service.

(E) The provision of necessary wastewater collection facilities to allow for connection to the Utility System requires the City to provide and maintain treatment capacity, and expend resources at least equivalent to the cost of having the system in place and prepared to serve the customer, and other associated costs such as billing and postage. Therefore it is fair and reasonable to impose and require customers who have received notification in accordance with Section 18.80 of the City Code that the Utility System is available to pay the monthly base charge for wastewater as described in Section 18-96 of the City Code of Ordinances whether or not physical connection timely occurs.

(F) It is consistent with general law to amend City Ordinance No. 03-20, codified in the City Code of Ordinances as Sections 18-61 through 18-98, as provided herein in order to (1) extend the time for connection to the Utility System to 365 days after notice of availability, and (2) provide that monthly base charges (as defined in Section 18-96(e) of the Code of Ordinances) shall be in effect and billing for same shall commence ninety (90) days following notification of the availability of service. Notwithstanding that an affected property owner may not be required to physically connect to the Utility System for up to one (1) year after notice of actual availability, it is fair and reasonable that billing of the monthly base charge shall commence as provided herein.

SECTION 2. AMENDMENT OF SECTION 18-80. Section 20 of Ordinance No. 03-20 and Section 18-80 of the Code of Ordinances of the City of Marco Island are amended as follows, with deletions indicated by strikethrough and additions indicated by underline:

Sec. 18-80. Public wastewater system.

At such time as a public wastewater becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public wastewater within ~~90~~ 365 days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable materials, according to the closure procedures described in Rule 64E-6.001, F.A.C., or latest revision thereof, of the Department of Health.

(1) Wastewater system shall be considered available to an existing single-family dwelling when the dwelling can be connected to a sanitary sewer line in any public right-of-way or easement which passes the property at any point.

(2) Wastewater system shall be considered available to any new single-family dwelling when the dwelling can be connected by the installation of 200 linear feet of gravity flow sanitary sewer line from the nearest point of the property.

(3) The monthly base charge component of the wastewater rate structure ~~Wastewater system service charges~~ shall be in effect 90 days following notification of the availability of wastewater service.

SECTION 3. AMENDMENT OF SECTION 18-93. Section 33 of Ordinance No. 03-20 and Section 18-93 of the Code of Ordinances of the City of Marco Island are amended as follows, with deletions indicated by strikethrough and additions indicated by underline:

(a) *Generally.* When an application is received for connection to the city's water and/or wastewater systems and where the city offers to extend a reclaimed water transmission line to the applicant's parcel for purposes of irrigation, the applicant shall be required to connect to the reclaimed water system as a condition of connection to either the city's potable water or wastewater system. Reclaimed water service charges shall become effective and begin to accrue once the meter is installed.

(b) *Cross connections.* No cross connection between the reclaimed water system and any potable water system shall be permitted. Cross connections between the reclaimed water system and other sources of irrigation water, including but not limited to, surface water and wells, shall be subject to approval by the director after review of the construction plans for such connection.

(c) *Materials for reclaimed water system.* The materials and construction of reclaimed water systems shall be in accordance with the established design criteria and procedures, required material specifications, and construction procedures as described in the Utilities Department Manual of Standards and Specifications.

(d) At such time as public reclaimed water becomes available to a multi-family or hotel/timeshare property, a direct connection shall be made to the reclaimed water line within 90 days following notice of availability, and reclaimed water shall be used for the purpose of irrigation. Following connection to the reclaimed water system, the rate structure applicable to potable water may be charged for the use of reclaimed water for the time required to allow the difference between the potable water rate and the reclaimed water rate to pay the capital investment required to install the reclaimed water system.

SECTION 4. AMENDMENT OF SECTION 18-97. Section 37 of Ordinance No. 03-20 and Section 18-97 of the Code of Ordinances of the City of Marco Island are amended as follows, with deletions indicated by strikethrough and additions indicated by underline:

Sec. 18-97. 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, or 90 days following notification of the availability of wastewater or reclaimed water service, whichever occurs first.

(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 nonpayment of bills. The city reserves the right to place liens on property due to nonpayment 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 or made available, payment of the services shall be made concurrently. In the event partial payment is received, such partial payment shall be applied first to the wastewater component of the total amount due, next to the reclaimed water component (if any), and lastly to the water component. 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~~, at the earlier of connection to the city's water, wastewater, and/or reclaimed water system or 90 days following notification of the availability of wastewater service, 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.

SECTION 5. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. CONFLICT. All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. INCLUSION IN THE CODE. The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Marco Island, Florida. The sections of the Ordinances may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

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SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

DATED this 18th day of June, 2007.

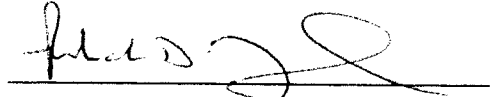
CITY OF MARCO ISLAND, FLORIDA

By: 
Michael F. Minozzi, Jr., Chairman

Attest:


Laura Litzan, City Clerk

Approved as to form and legal sufficiency:


Richard Yovanovich
City Attorney