

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2008-18**

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 78 OF THE CODE OF THE CITY OF CORAL GABLES TITLED "STORMWATER MANAGEMENT UTILITY" FOR THE PURPOSE OF REDEFINING DEVELOPED PROPERTY, DWELLING, IMPERVIOUS AREA, NONRESIDENTIAL DEVELOPED PROPERTY, AND RESIDENTIAL DEVELOPED PROPERTY; FURTHER PROVIDING FOR A DEFINITION AND UTILITY FEE COMPUTATION FOR MIXED-USE DEVELOPED PROPERTY, RESERVING THE CITY'S RIGHT TO COMMENCE IN-HOUSE BILLING, INCREASING THE CITY'S DISCRETION TO REFRAIN FROM FILING NOTICES OF LIEN FOR AMOUNTS LESS THAN \$100.00, PROVIDING FOR AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

**WHEREAS**, the city is authorized by the Florida Constitution and the provisions of F.S. ch. 166 and F.S. § 403.0893 to establish just and equitable rates, fees, and charges for the services and facilities provided by the system; and

**WHEREAS**, the cost of operating and maintaining the City Stormwater Management System and financing necessary repairs, replacement, improvements, and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption herein.

**SECTION 2.** That the following pertinent parts of Article IV of Chapter 78 of the Code of the City of Coral Gables titled "Stormwater Management Utility" are hereby amended to read as follows:

**Sec. 78-156. Findings and determinations.**

It is hereby found, determined, and declared as follows:

- (1) The purpose of this article is to implement the provisions of F.S. § 403.0893(1), by creating a city-wide stormwater utility and adopting stormwater utility fees sufficient to plan, construct, operate and maintain stormwater management systems set

forth in the local program required pursuant to F.S. § 403.0891(3). Furthermore, this article shall serve as notification to ~~Metropolitan~~ Miami-Dade County that the city has elected to exercise its option to be exempt from the provisions of article ~~VI~~ ~~V~~ of ch. 24 of the county code in compliance with the provisions of section ~~24-61.2~~ ~~24-51.2~~ as provided therein.

#### **Sec. 78-157. Definitions.**

*Developed property* means real property that has been altered from "natural" state by the addition of any improvements such as a building, structure, or impervious surface. ~~For new construction, property shall be considered developed pursuant to this article:~~

- (1) ~~Upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or~~
- (2) ~~If construction is at least 50 percent complete and construction is halted for a period of three months.~~

*Dwelling* means any building that is exclusively used, or intended to be used, for living, sleeping, cooking and eating.

*Impervious area* means a horizontal ground surface that is not readily penetrated by rainwater and includes roofed and paved areas including, but not limited to, areas covered by roofs, roof extensions, patios, porches, driveways, sidewalks, parking areas, swimming pools and athletic courts.

*Mixed use developed property* means any developed property that contains dwellings or dwelling units and is also used for nonresidential purposes.

*Nonresidential developed property* means developed property that ~~does not contain dwellings or dwelling units~~ is classified by the property appraiser as land use types 10 through 99 using the Florida Department of Revenue Land Use Codes, as amended or supplemented.

*Property appraiser* means the office of the county property appraiser.

*Residential developed property* means developed property that ~~contains only dwellings or dwelling units~~ is classified by the property appraiser as land use types 00 through 09 using the Florida Department of Revenue Land Use Codes, as amended or supplemented.

*Stormwater management system* or *system* means the existing stormwater management of the city and all improvements thereto which by this article are constituted as the property and responsibility of the utility. ~~The utility shall~~ ~~to~~ be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall, events, and incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or ~~to~~ otherwise affect the quality and quantity of discharge from such system.

#### **Sec. 78-160. Required levels of rates for utility fees.**

The city commission shall require that adequate revenue ~~be~~ generated to provide for a balanced operating budget by at least annually setting sufficient levels of utility fees.

#### **Sec. 78-162. Rate schedule.**

- (a) *Property classification.* For purposes of assessing the utility fee, the following property classes will identify the customer base:

- (1) Residential developed property;
- (2) Nonresidential developed property; and
- (3) Mixed use developed property; and
- (43) Undeveloped parcel.

(d) *Computation of utility fee for mixed use developed property.* The utility fee for mixed use developed property shall be calculated by adding the number of ERUs for dwelling units on the property plus the number of ERUs attributable to that portion of the property used for nonresidential purposes. If more than one nonresidential account is established with respect to such mixed use properties, the ERUs for each shall reflect the ratio of square feet attributable to each nonresidential use in relation to the total square feet of nonresidential use.

(e) *Computation of utility fee for undeveloped parcel.* Undeveloped parcels shall be exempted from the utility fee.

**Sec. 78-163. Billing and payment; delinquency.**

(a) The utility fee is to be paid by the owner, tenant or occupant of each lot or parcel subject to the fee as determined by the director. All developed properties within the customer base shall be rendered bills or statements by the utility for the use of the these services and facilities of the system. The City may, at its option, elect to use the services of an outside agency such as Miami-Dade Water and Sewer Department (MDWASD), or its successors, to render bills or statements on the City's behalf. If MDWASD is used, then such by the county water and sewer authority department ("WASAD"), or its successors. The bills or statements rendered by them shall be payable at the same time and in the same manner and subject to the same discontinuance of service by the WASAD MDWASD, or its successors, as set forth under the terms and conditions of MDWASD's billing and collection agreement with the city. Irrespective of the foregoing, the City, at all times, reserves the right to commence in-house billing of the owner or tenant of such property or properties. If the fees are not fully paid by said owner, tenant or occupant on or before the past due date set forth on the bill or statement, the due date becomes delinquent a ten percent late charge may be added to the bill or statement and imposed by the utility in accordance with regulations prescribed by the director. and compliance with the requirements of WASAD, or its successors, or the city commission. Any unpaid balance for such fees and late charges shall be subject to an interest charge at the rate of six percent per annum (one-half percent per month) from the due date.

(g) Notwithstanding other provisions to the contrary herein, the city, on behalf of the utility, shall have the discretion not to file notices of lien for fees, late charges, and interest accrued thereupon in an amount less than \$100.00 \$50.00. If the city or the utility elects not to file a notice of lien, said fees, late charges, and accrued interest shall remain as debts due and owing in accordance with subsection (b) of this section.

**SECTION 3.** That all sections or parts of sections of the Code of the City of Coral Gables inconsistent or in conflict herewith and all ordinances or parts of ordinances in conflict herewith shall be and they are hereby repealed insofar as there is a conflict or inconsistency.

**SECTION 4.** That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF SEPTEMBER, A.D., 2008.

(Moved: Withers / Seconded: Anderson)

(Yea: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

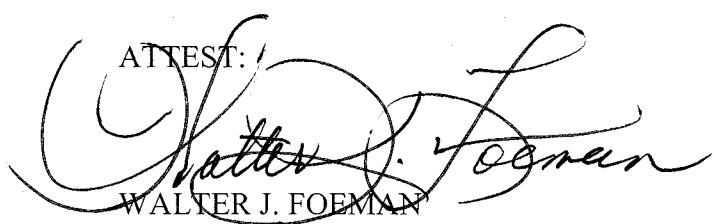
(Agenda Item: E-2)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY