Sec. 78-106. Sewer connection procedures for properties outside sewer districts.

106.1 Procedure.

STEP I: The applicant shall make a written preliminary request to the public works director the proposed outside sewer connection with the understanding that each outside connection may or may not be allowed based on the merit and feasibility to the city in permitting said outside sewer connections. The city will favorably consider only those applications which will not jeopardize any potential future connections by residents within the city. The written preliminary request shall include the following information before processing is initiated.

(1) Name of applicant.
(2) Address of applicant.
(3) Telephone number of applicant.
(4) Address of property to be connected.
(5) Legal description of property to be connected.
(6) Letter from each government agency having jurisdiction where applicant's property is located, stating that connection to the city sewer system is acceptable.
(7) Proposed maximum, minimum and average design sewage flows from said outside connection, calculated and submitted in writing by a registered engineer currently licensed to practice in the State of Florida.
(8) A preliminary sketch showing the applicant's property boundaries, the initially anticipated route of connection through the city, and the point of connection within the city.

Upon completion of the foregoing Step I review by the public works department, the director of public works shall advise the applicant of the Step I review results in writing.

Step II: If the Step I review is positive, or if the Step I review is negative but the applicant wishes to appeal to the city commission, the applicant shall purchase from the city clerk's office copies of City Code chapter 78, "Utilities", Resolution No. 22601, chapter 62, "Streets, Sidewalks and Other Public Places", and any other pertinent ordinances or resolutions together with the agreement terms for outside sanitary sewer connections, as hereinafter set forth.

106.2. Terms and conditions.

Agreement terms: An applicant/customer for a sanitary sewer connection for property (1) inside the city but outside existing sanitary sewer districts, or (2) outside the city, shall expressly agree to the following:

(1) To pay a connection fee of $2,100.00 per 1,000 gallons per day of peak demand paid concurrently upon signing this agreement. The connection charge shall be made on the basis of an agreed upon estimated gallonage, which shall be subject to review at any time after six months; usage and the final connection cost shall be adjusted to reflect actual usage if greater, but in no case less than the amount originally charged. An alternate method of payment for such sewer service connection charges may be granted whereby, in lieu of paying connection charges at time of execution of the customer agreement, the applicant or customer may be permitted to file with the city a cash bond in an amount to be agreed upon between the city manager and the customer, guaranteeing installment payments of said sewer service connection charges.

(2) To comply with all conditions set forth under chapters 62 and 78 of the City Code, Resolution No. 22601, and any other pertinent ordinances or resolutions, copies of which the applicant/customer has reviewed and fully acknowledged by agreeing hereto, except that rates applied to connecting outside the city shall be 75 percent greater than the rates applicable to the same connection within the city. If the connection is outside existing sanitary sewer districts but inside the city, the 75 percent additional rate shall not apply.
(3) To the billing and collecting of sewer service charges as determined by the city. Other agencies, for example the Miami-Dade Water and Sewer Department, may be designated by the city to bill and/or collect sewer service charges. Sewer service charges shall be due within ten days of receipt of billing by the customer. If the sewer service charges remain unpaid 30 days after due date, the city may have water services to the property disconnected. All sewer service charges to any building or structure or unit remaining unpaid 30 days after the due date shall become a lien against and upon the lands to which service has been furnished to the same extent as the lien for special assessments in the city, with the same penalties and the same right of collection and sale as would apply for Coral Gables taxes.
(4) To pay the entire cost of whatever facilities are required from the source of the sewage to the point of connection with the Coral Gables system.
(5) To furnish the city attorney with a copy of the deed for each unit of property making outside connection.
(6) To install and maintain facilities for such pre-treatment of wastes as may from time to time be found necessary to render the wastes suitable for handling and treatment by the city without creation of nuisances. Under operational difficulty, the reasonable determination by the city and the city consulting engineers shall be binding. The following shall be required in all cases:
a. Grease separation facilities without exception.
b. Comminutors except where flow is directly to a city comminutor.
c. Screen at the discretion of the city in case of laundries and similar sources of rags, string and lint.
d. Pre-chlorination in case of long force mains.
(7) To provide the city with plans and specifications in quadruplicate for applicant/customer sanitary sewer facilities as prepared by a registered civil engineer, licensed to practice in the State of Florida and fully experienced and qualified in the design of sanitary sewer systems. Said plans and specifications shall be reviewed by the city and returned to the applicant/customer marked for revision until the plans are returned marked approved and signed as such by the director of public works. A composite plan/profile survey of existing utilities shall be prepared of each Coral Gables right-of-way through which a pipeline run is proposed, showing the exact relationship between and among all existing and proposed facilities. The city may refuse to process the plans unless the composite picture is complete, so that the most feasible route with the least inconvenience to residents may be confirmed by the director of public works.
(8) To provide a cut-off valve at the point of connection with the Coral Gables system. This cut-off valve shall be shown and described in the above plans and specifications.
(9) To provide the city with a letter form said licensed/registered engineer stating that said engineering services have been retained to provide full-time resident inspection during construction and installation of said facilities. Upon completion of the installation,

said engineer shall certify in writing that the work has been fully and properly installed, and that infiltration is within allowable limits.

(10) To have proposed installation shown on said approved plans and specifications constructed and installed only by a fully licensed and qualified contractor who shall also obtain all prerequisite construction permits from each agency having jurisdiction prior to initiating work in the field. the public works director may withhold or withdraw issuance of city right-of-way permit if compliance with portions of Step II implementation by the applicant becomes overdue.

(11) To keep city informed of work progress and connections inside and outside the city so that city inspectors may confirm the integrity of the facilities at each key point.

(12) To be solely responsible for continuing maintenance and operation of said facilities. The city reserves the right to inspect the facilities and to require the applicant to have timely repairs made, where infiltration or other defects are adversely affecting the cost and operation of the city's sanitary sewer system. Failure of the applicant/customer to remedy defects shall be cause for termination of agreement and disconnection of the service. The occupants or tenants of the connected property shall be informed by the customer that the city is not responsible for such maintenance and operation.

(13) To not permit any other connection to the customer's connecting lines to the city system except those listed in the agreement. Any additional connections, if permitted, shall be subject o approval by the city as stated herein and the original connection charge shall be increased to reflect the additional sewage added. Additional connectors shall furnish the city with prior written approval by the original owner of the line and all prior connectors to said line.

(14) To limit the peak sewage flow from the outside sewer connection insofar as the property, zoning, size, type and/or density of the facility herein approved for connection, and any proposed change thereto which would generate significant increase in peak sewage discharged into the Coral Gables sanitary sewer system shall require prior approval by Coral Gables for such increased sewage discharge in accordance with the terms of this resolution.

(15) To provide that the monthly charge computed at the volumetric base rate be multiplied by a value of unity for a monthly average BOD of 250 ppm or under, said value to be increased by a surcharge factor of one-quarter percent per part per million on monthly average BOD in excess of 250 ppm, as follows and as interpolation thereof:

TABLE INSET:

MONTHLY BOD	MULTIPLIER
250 ppm or less	1.000
260	1.025
270	1.050
280	1.075
290	1.100
300	1.125

400	1.375
500	1.625
1,000	2.875

(16) To provide for and bear the cost of sampling with suitable sampling facilities when reasonable cause for sampling exists. The city shall give the customer or tenant reasonable notice when sampling is necessary, and qualified city representatives shall thereafter perform the necessary sampling as efficiently as possible.
(17) To reconnect to the city sewer system at the customer's expense in a manner acceptable to the city, when sewering is completed to a new area in the city which can more efficiently and effectively serve the customer's outside connection.
(18) To provide liability insurance in the amounts required by Resolution No. 22601, naming the City of Coral Gables as additional insured and covering any damages to public or private property due to a failure in the customer's facilities. A certification of insurance shall be required at the execution of the agreement in a form acceptable to the City of Coral Gables.
(19) To provide a maintenance bond or other surety in the amount of five percent of the construction cost to assure timely repair of the customer's facilities should a failure occur, said surety to run in perpetuity or until the connection is no longer required.
(20) To bear the expense of recording the agreement encompassing the above terms in the Public Records of Miami-Dade County, Florida, and said agreement shall be a covenant running with the land which will state that the owner will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions of said agreement.
106.3. Approval. If after a review of the foregoing documents and terms which regulate all outside connections, the applicant still wishes to pursue the application, the applicant shall then request in writing to the city manager that the matter be placed on the agenda of the next regular commission meeting for consideration by the city commission. No reliance for approval by the city commission shall be assumed by the applicant before approval by the city commission publicly assembled in regular or special session.
If the city commission approves the application for outside connection, the applicant shall then have his or her consultant prepare all plans and specifications for the connection facilities for review and approval by the director of public works, as required by above agreement terms. Upon approval of said plans and specifications by the director of public works, the applicant shall arrange to meet with the city attorney for the purpose of executing the agreement for the outside connection and to pay concurrently the connection for established hereinabove.
(Ord. No. 2007-29, 9-25-2007)

Sec. 78-107. Sanitary sewer extensions.
107-1 Construction. If a sewer connection is required that is outside an existing sewer district the sewer extension shall be constructed by the entity requesting the extension (original applicant) and at their expense. Design and construction shall be in accordance with city standards and all applicable codes. The city shall have the right to inspect the new sanitary sewer improvements at any time during construction. The city shall have final approval and acceptance of work. Upon completion of construction, and

certification of acceptance by the Health Department, the city and any other appropriate entities, the original applicant shall convey to the city clear and clean title to the improvements including any and all rights-of-way and easements. All expenses shall be the responsibility of the original applicant including, but not limited to design, construction, and recording of ownership transfer.

107-2. Refunds. The original applicant of an extension of sanitary sewer service dedicated to the city shall be entitled to repayment from subsequent connectors served by the lines installed by the original applicant. Repayments shall be paid for gravity sewers, wastewater lift/pumping stations, force mains and other facilities which service a subsequent connector's property. The original applicant shall be entitled to refunds for a period of ten years for gravity sewers, wastewater lift/pumping stations and for mains from the date commencing with the date of the date of transfer of ownership of the sewer facilities to the city and after a certificate from the department of environmental resources management (DERM), stating that the improvements have been approved for main clearance, and as further described below. All references in this section to the original applicant shall be deemed to include the lawful successors or assigns of the original applicant unless expressly provided otherwise herein.

(1) Repayment shall be made from subsequent connector to the original applicant. Refunds shall be computed based on a fixed dollar amount per gallon per day (on an annual average day basis) of capacity required by the subsequent connector's property. The computation of a repayment shall be based upon the actual size, capacity and cost of the facilities installed. The city shall review the computation of all repayments and shall act as intermediary only in the event of a dispute over the amount of the refund arises.

(2) Repayments must be paid to the original applicant by subsequent connector before physically connecting to the existing mains. The city shall not issue permit for the connection until such time as good and sufficient proof that the reimbursement has been made is submitted.

(3) Per annum simple interest will accrue on all construction connection charges from the date of the original applicant's bill of sale for the sewer facilities at the rate authorized from time to time by F.S. § 687.02.

An original applicant shall not be repaid sums in excess of his original investment, less his use, in the sewer facilities.

Such payment shall only be made during a ten year period commencing with the date of transfer of ownership of the sewer facilities to the city and after a certificate from the department of environmental resources management (DERM) stating that the improvements have been approved for main clearance. It shall be the original applicant's responsibility to provide the city with a current mailing address during the ten year period.

(4) Should a subsequent connector connect to the existing main without a refund payment, the city within 30 days of receipt of written notice of same, require the subsequent connector to pay the full amount due or, at that time, the city may elect to terminate service to the subsequent connector.

(5) The city shall maintain records to show which original applicant constructed and paid originally for the wastewater facility improvements. These records will be complete, to include engineering drawings, actual costs, date completed, materials used, etc.

(6) It will be the original applicant's responsibility to inform the city of any changes in name, address, phone number or ownership status.
(7) The original applicant and all subsequent connectors shall provide without cost to the city any right-of-way easements required to furnish the service requested by the original applicant.
(8) When sewer mains are to be extended within the public right-of-way or when a public utility easement is used for such purposes, the original applicant must extend the main the entire length in accordance with sizes/capacities established by the city. Such length shall originate from the terminus of existing service to a point designated by the city for effective and efficient system operation.
(9) The following is an example of the above stated refund policy. In this example, to service his property, original applicant requires an eight inch gravity sewer line in this location. The city identifies a 16-inch gravity sewer line as necessary to accommodate the total average annual daily flow (AADF) of properties generating wastewater tributary to the sewer line in this area. The AADF capacity of a 16-inch gravity sewer in this location is designated F16 gpd. Original applicant is required to construct the 16-inch gravity sewer line in this location. Unless the city agrees to participate in the initial cost-sharing of the 16-inch gravity sewer line, original applicant must initially bear the entire cost of the 16-inch gravity sewer line, which is designated C16. The fixed dollar amount of refund per gallon per day described in subsection (1) is represented in this example as C16/F16. When connector #1, the flow of whose parcel is designated FCA#1, wishes to connect to the 16-inch line, connector #1 must pay a refund to the city equal to FCA#1 x (C16/F16). Subsequent connector/applicant must also pay refunds to the city computed in the same manner. The city shall, in turn, repay the appropriate amounts within the durations set forth in subsection (1) and (3).
(10) The city may require that an original applicant oversize facilities to service the subject property in order that the city may service future developers or, to improve its service.
(11) In order to offset the city's expense of maintaining records of repayment to be paid, subsequent connectors shall pay the city a repayment administration fee (R.A.F.), which shall be in addition to the refund designated for payment to original applicant. The R.A.F. amount shall be five percent of the refund to original applicant, but the R.A.F. shall not be less than $2,500.00. The original applicant and those subsequent connectors not required to pay refunds designated for payment to an original applicant shall not pay an R.A.F.
(12) Total amount of refunds to original applicant shall not exceed the cost of the facilities less the cost of that portion of the facilities hydraulically required by original applicant on annual average daily flow basis. In the event that the city has contributed to the over-sizing of the facilities, total amount of refunds to original applicant shall be reduced by the amount contributed by the city.
(13) The original applicant will be required to submit a cost estimate for all improvements prior to obtaining a city permit and approval to commence construction. If costs appear to be unusually excessive for market conditions at the time of application, the city may reject the project.
(14) The city, or its agents, shall have the right to audit any records and books of the original applicant or any contractors or any sub-contractors to the extent such books and

records related to the performance of this agreement or any subcontract to this agreement. Such records and books shall be maintained by the original applicant, contractor or any subcontractor for a period of three years from the date the transfer of ownership is recorded.

Such records and books shall reflect control accounts and detail accounts prepared in accordance with generally accepted accounting principles. Such books and records shall be made available to the City, or its agents, within the Miami-Dade County area.

If the city, or its agents' audit discloses a cumulative actual variance of three percent or more from amounts reported to the city the original applicant, contractor or subcontractor, such audit shall be at the original appplicant's expense, in which case such audit costs and any over billing shall be immediately paid to the city by the contractor.

(15) Should unusual circumstances arise whereby a subsequent connector would be required to make excessive refunds designated for payment to one or more original applicants or insufficient refunds, the city may be requested to review and resolve such a case individually, upon written application to the city.

(16) Refunds for gravity sewers, wastewater lift/pumping stations and force mains shall be due the original applicant from the date of transfer of ownership of the sewer facilities to the city is recorded and after the DERM "Final Construction Report" signed by a professional engineer who designed the system, stating that the system is ready for its intended use.

(17) In those situations in which sanitary sewer improvements within the scope of this section have been made by a community development district (the "CDD") as authorized by F.S. ch. 190, any repayment which is due from the subsequent connector to the original applicant shall be payable to the CDD unless otherwise provided by the Miami-Dade County Ordinance which created the CDD. Any such refund made to the CDD shall be administered by the city pursuant to an agreement (the "Refund Agreement") entered into between the subsequent connector, CDD and the city. The refund agreement shall be subject to the approval of the city manager and shall be approved as to form and legal sufficiency by the city attorney. It is intended that the refund agreement provides for the owners of the specially assessed property within the CDD to benefit from the authorized refund to the extent consistent with this section and F.S. ch. 190.

(Ord. No. 2007-29, 9-25-2007)