

RESOLUTION NO. 15-08

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE SEWER RATES CHARGED TO SMALL RETAIL USES; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on September 11, 2014, the City adopted Ordinance 1318, approving water, sewer and reuse water rate increases to be imposed effective October 1, 2014; and

WHEREAS, Ordinance 1318 also attempted to uniformly set rates for non-residential uses based on meter size serving each retail site, rather than setting rates based on the type of use; and

WHEREAS, sewer rates for small retail sites have traditionally matched the rates set for single family and residential sites, though they cost more to service due to parking and other features uniquely required for non-residential development; and

WHEREAS, the imposition of sewer rates approved by the restructured Ordinance 1318 have placed an extraordinary burden on small retail sites, who have experienced a significant rate increase where other, larger retail sites experienced a rate reduction or the two percent rate increase intended; and

WHEREAS, the City finds the rates imposed on small retail sites shall be adjusted to minimize the impact of the new rate structure on such establishments, but still recognize the higher costs realized by the City to service commercial establishments generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after October 23, 2014, the following charges and fees shall be imposed and collected for wastewater service:

**Sec. 23-60. Charges and Fees.**

- (a) *Purpose:* It is the purpose of this Article to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. These charges and fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City. After passage of this ordinance, all charges and fees may be amended by resolution of the City Council.
- (b) *Service Charges:* It is hereby determined necessary to fix and collect sewer service charges from customers. Such revenue received shall be used for operation, maintenance, replacement, debt retirement and other authorized expenses.

(c) *Service Charges and Fees:*

(1) *Additional Fees.*\*\* In addition to those fees specified herein, the City may, by a separate schedule of fees, establish and collect:

- (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,
- (g) other fees as the City may deem necessary to carry out the requirements contained herein.

(2) *Charges and Fees.*\*\* The City does hereby levy and assess the following charges and fees, which are to be collected by and payable to the City, for services to users of the public sewer lines, mains and laterals for the disposal of sewage provided by the City to those establishments which are connected with the said sewer system, which charges are hereinafter designated, and the said users shall pay for said services the sums so designated at the same time as the payment for water services shall be made as provided by the ordinances for the City and which charges shall be assessed upon the utility bill of all users, and the said user shall pay charges as hereinafter set forth as follows and which may be amended from time to time by the City Council by resolution:

(A) *Within and Without the City Limits.* The minimum monthly charge for wastewater service, including the first three thousand (3,000) gallons of wastewater furnished to all customers of the system, shall be as follows:

TABLE INSET:

|            | Item  | Base Facility Charge for Service Inside City | Base Facility Charge for Service Outside City |
|------------|---|--|---|
| (1)        | Single-family residential, each   | \$18.04                                      | \$22.55                                       |
| (2)        | Duplex  | \$18.04                                      | \$22.55                                       |
| (3)        | Mobile home park, each site   | \$18.04                                      | \$22.55                                       |
| (4)        | Apartment or condominium  | \$18.04                                      | \$22.55                                       |
| (5)        | Motel Unit  | \$13.54                                      | \$16.92                                       |
| (6)        | Washateria, each washer   | \$18.04                                      | \$22.55                                       |
| <b>(7)</b> | <b><u>Small non-residential Establishments (Service Stations, Retail Stores, Offices, Churches; based on size of water meter)</u></b> |  |   |
|            | <b>a.</b>   | <b><u>3/4 "</u></b>                          | <b><u>\$36.03 \$27.06 \$33.84</u></b>         |
|            | <b>b.</b>   | <b><u>1"</u></b>                             | <b><u>\$45.03 \$36.08 \$45.01</u></b>         |
|            |   |  |   |

|                |  |                 |             |                 |
|----------------|--|-----------------|-------------|-----------------|
| <b>(8) (7)</b> | <b><u>Large non-residential Establishments</u></b><br>(Schools, Restaurants, Short Order Food Establishments, Lounges, Service Stations, Retail Stores, Offices, Churches, Sanitary Dump Stations, Public Restrooms, Amusement Parks, Parks: based on size of water meter) |                 |             |                 |
|                | a.   | 3/4"            | \$36.03     | \$45.03         |
|                | b.   | 1"              | \$45.03     | \$56.28         |
|                | <u>a.</u> c.   | 1 1/2"          | \$56.29     | \$70.36         |
|                | <u>b.</u> d.   | 2"              | \$70.27     | \$87.83         |
|                | <u>c.</u> e.   | 3"              | \$117.23    | \$146.53        |
|                | <u>d.</u> f.   | 4"              | \$168.86    | \$211.07        |
|                | <u>e.</u> g.   | 6"              | \$337.78    | \$422.22        |
|                | <u>f.</u> h.   | Greater than 6" | By contract | + 25% surcharge |
| <b>(9) (8)</b> | Campgrounds, each site   |                 | \$3.33      | \$4.16          |

The monthly overage charge for wastewater service furnished above the minimum shall be two dollars and sixty eight cents (\$2.68) per one thousand (1,000) gallons inside the City and three dollars and thirty five cents (\$3.35) per one thousand gallons outside the City.

(B) Former Grand Lagoon Utilities Geographic Area of Service.

- (1) Notwithstanding Section 23-60(c) of this Code, the rates, fees, and charges for sewer service within the Grand Lagoon Utilities, Inc., geographic area of service as designated by the Florida Public Service Commission on August 1, 1989, shall be as follows:

**GENERAL MONTHLY SEWER RATES**

(All Except Residential)

**TABLE INSET:**

| Meter Size             | Base Facility Charge |
|------------------------|----------------------|
| 5/8" x 3/4"            | \$22.50              |
| 3/4"                   | \$34.13              |
| 1"                     | \$55.87              |
| 1 1/2"                 | \$112.47             |
| 2"                     | \$170.22             |
| 3"                     | \$321.43             |
| 4"                     | \$500.56             |
| 6"                     | \$1,001.14           |
| Gallonge charge \$3.92 |                      |

\*Per 1,000 gallons or part thereof

RESIDENTIAL MONTHLY SEWER RATES

TABLE INSET:

| Meter Size                    | Base Facility Charge |
|-------------------------------|----------------------|
| All                           | \$22.48              |
| Plus Gallonage Charge \$3.24* |                      |

(Maximum Charge at 10,000 Gallons)

\*Per 1,000 gallons or part thereof

- (2) Reserved.
  - (3) Multiple Classifications. One service used for more than one of the classifications above shall pay and be charged for each of such usages.
  - (4) Incremental Usage. The monthly overage charge for sewers set forth in subsection (a) above shall be calculated upon each one thousand (1,000) gallons of water, or part thereof, consumed in excess of the gallonage per month included in the minimum water charge.
- (C) Former Bayside Utilities Geographic Area of Service.
- (1) Notwithstanding Section 23-60(c) of this Code, the rates, fees, and charges for sewer service within the Bayside Utilities, Inc., geographic area of service, shall be as follows:

GENERAL MONTHLY SEWER RATES

(All Except Residential)

TABLE INSET:

| Meter Size               | Base Facility Charge |
|--------------------------|----------------------|
| 5/8" x 3/4"              | \$20.12              |
| 1"                       | \$53.50              |
| 1 1/2"                   | \$106.33             |
| 2"                       | \$169.76             |
| 3"                       | \$320.13             |
| 4"                       | \$498.51             |
| 6"                       | \$997.07             |
| 8"                       | \$1,600.68           |
| Gallonage charge \$7.75* |                      |

\*Per 1,000 gallons or part thereof

RESIDENTIAL MONTHLY SEWER RATES

TABLE INSET:

| Meter Size                    | Base Facility Charge |
|-------------------------------|----------------------|
| All                           | \$20.11              |
| Plus Gallonage Charge \$6.48* |                      |

(Maximum Charge at 6,000 Gallons)

\*Per 1,000 gallons or part thereof

- (2) Reserved.
  - (3) Multiple Classifications. One service used for more than one of the classifications above shall pay and be charged for each of such usages.
  - (4) Incremental Usage. The monthly overage charge for sewers set forth in subsection (a) above shall be calculated upon each one thousand (1,000) gallons of water, or part thereof, consumed in excess of the gallonage per month included in the minimum water charge.
- (d)
- (1) Distribution of Operation and Maintenance Costs. For the purpose of insuring a proportional distribution of operation and maintenance cost to each user, commercial and Industrial Users and bulk customers shall be subject to a surcharge for discharging wastewater which is defined as having the following concentrations (milligrams per liter - mg/l):
    - (i) Biochemical Oxygen Demand at 5 days at 20 degrees C, abbreviated BOD5 - 250 mg/l
    - (ii) Total Suspended Solids, abbreviated TSS - 220 mg/l
  - (2) Each commercial and Industrial User and bulk customer that is determined to discharge wastewater having pollutants in excess of normal wastewater shall pay a charge dependent on water volume consumed or wastewater discharged and measured by a wastewater flow meter. These pollutant surcharges are as follows:
    - (i) BOD5 - \$0.14 per pound/month
    - (ii) TSS - \$0.37 per pound/month
  - (3) Pollutants in excess of normal wastewater shall be determined from periodic laboratory analysis of the user's wastewater. Laboratory analysis of the wastewater shall be conducted as outlined in the latest publication of the Standard Methods for the examination of Water and Wastewater, or American Society for Testing and Materials, Part 31, Water, or the U.S. Environmental Protection Agency Methods.
  - (4) In the event that a commercial or Industrial User or bulk customer discharges certain wastes containing inordinate oxygen demanding substances, the City reserves the right to substitute Chemical Oxygen Demand (COD) or Total Organic Carbon (TOC) test instead of BOD5. An evaluation of the user's discharge and the cost of treatment will be established for such substances. If an Industrial User chooses or elects COD, then the ratio of COD to BOD must be 2:1. In the event an Industrial User requests to use TOC, then his proposed methodology shall be submitted to the City for approval prior to it being used as a basis for charging for this particular pollutant. It shall be the responsibility of industrial and commercial users and bulk customers to notify the City of changes in the pollutant and contribution of their wastewater.
  - (5) For purposes of determining commercial and industrial sewer charges, each user's water consumption or wastewater discharged and measured by a wastewater flow meter shall be taken as that metered water volume consumed during the current month.

- (6) If any user can prove to the satisfaction of the City that substantial amounts of metered water do not enter the waste water collection system, the sewer bill will be reduced accordingly.
- (7) Notwithstanding any other provision of this ordinance, if the City determines that wastewater services provided any commercial or Industrial User or bulk customer significantly differs from that upon which the rate structure set forth in subsection (A) of this article, the City may enter into a separate agreement with any such user to discharge sewer into the public sewer under such rates, terms and conditions as may be reasonable under the circumstances.
- (e) Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge treatment works shall pay for any such increased cost.
- (f) Rates are to be adjusted annually, based on the adopted budget for the wastewater system. This annual review and adjustment shall be the result of studies that reflect any change in the proportionate contribution of wastewater flow or pollutant by any class of user. The adjusted rate or rates, whether by increase or decrease, shall be reflected in each subsequent billing period by the amount of such change. This annual review will ensure a proportional distribution of operation and maintenance and renewal and replacement, and other costs to each user including major and minor industrial, commercial and residential users.
- (g) The City of Panama City Beach from time to time and as often as shall be necessary will revise rates, fees and charges of the wastewater collection, transmission, treatment and disposal system in order to comply with revenue needs of operating, maintenance, capital costs, debt service and reserve requirements and other costs associated with the Series 1997 Revenue Bonds and the Department of Environmental Protection State Revolving Fund Loan agreement.

SECTION 2. This Resolution is adopted pursuant to Sections 23-60 of the Code of Ordinances of the City of Panama City Beach authorizing the amendment of charges and fees by resolution of the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

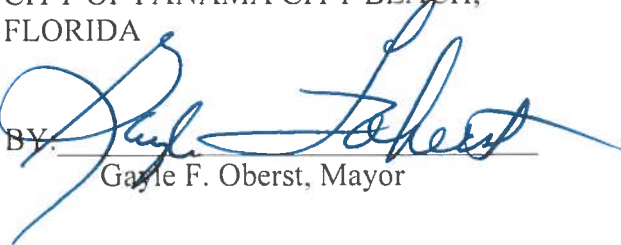
SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Resolution within the Panama City Beach Code. Unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official


record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

**THIS RESOLUTION** shall become effective immediately upon passage.

**PASSED, APPROVED, AND ADOPTED** this 23<sup>rd</sup> day of October 2014.

CITY OF PANAMA CITY BEACH,  
FLORIDA

BY:   
Gayle F. Oberst, Mayor

ATTEST:  
  
Holly J. White, City Clerk