ORDINANCE 08-12028

AN ORDINANCE RELATING TO RATES FOR RECLAIMED, REUSE, OR IRRIGATION WATER; AMENDING SECTION 30-2, DEFINITIONS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, FOR THE PURPOSE OF AMENDING THE DEFINITION OF RECLAIMED WATER TO INCLUDE IRRIGATION WATER; AMENDING SECTION 30-259(1), RECLAIMED/IRRIGATION WATER RATES OF APPENDIX "A", FEES AND CHARGES SCHEDULE IN ORDER TO REFLECT THE CURRENT RATES AND DELETING THE EXCEPTION FROM THE RATE SCHEDULE FOR BULK RECLAIMED WATER CUSTOMERS WITH RECLAIMED WATER AGREEMENTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the terms "irrigation water", "reclaimed water" and "reuse water" are synonymous; and

WHEREAS, it is advisable to change rates for reclaimed, reuse or irrigation water; and

WHEREAS, the rates set forth in Section 30-259(1) of Appendix "A", Fees and Charges Schedule, should reflect the current charges provided for and already in effect under the annual rate adjustment by index provisions; and

WHEREAS, the bulk customers that have a bulk reclaimed water customer agreement have previously been exempted from the bulk user classification, but upon expiration of current agreements will be expected to pay the bulk user rate for future service; and

WHEREAS, at the March 31, 2008, Council Workshop, staff recommended not to increase the reclaimed (reuse or irrigation) water rates at this time; and

WHEREAS, it is the desire of the City Council to keep the reclaimed (reuse or irrigation) water rates at the current rates set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 30-2, Definitions, of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

Sec. 30-2. Definitions.

The following words and phrases as used in this chapter shall have the following meanings:

Bulk reclaimed water customer agreement means an agreement between the city and a bulk reclaimed water customer for the purchase and sale of reclaimed water that has been or may be approved by the council.

Bulk reclaimed water user classification. Reclaimed water customers that:

(1) Use reclaimed water in amounts of 50,000 gallons per day or more, based upon an annual daily average;

(2) Have a meter size of 3 inches or more;

(3) Are golf courses; or
(4) **Are city owned or operated facilities.**

*Customer* means any person, firm, corporation, or government entity, using or receiving water, reclaimed water, or wastewater collection services from the city.

**Discontinuation of service** means the cessation of a service.

**Equivalency factor** is a factor used to represent the relative relationship between service connections based on water meter size. The equivalency factor is determined by dividing the continuous flow criteria per meter size by the continuous flow criteria of a 5/8-inch meter as published by the American Water Works Association, and incorporated in F.A.C. 25-30.055.

**Equivalent residential unit** (ERU) or **equivalent residential connection** (ERC) is a unit of water usage that represents an average usage for a living accommodation for a single family, whether a single-family residence or a residence in a multifamily building. For purposes of this chapter, 1 ERU or ERC equals 250 gallons per day.

**General service reclaimed water user classification** means reclaimed water customers that are:

(1) Single-family residential customers; or

(2) Residential customers in multifamily units.

**Governmental/institutional reclaimed water users** means reclaimed water customers that are:

(1) Non-city public facilities;

(2) County facilities;

(3) Libraries;

(4) Schools;

(5) Other governmental entities described in F.S. § 1.01(8); or

(6) Hospitals, whether public or private;

**Living unit** means any place of abode, which is suitable for permanent or transient family or individual residential use. Each such living unit shall be considered as single and separate.

**Lot** means any place, division or parcel of land.

**Master control valve** means the manually operated valve, located immediately downstream after the meter, which controls total flow to the customer's property.

**Multifamily residence** means all places of dwelling other than single-family residences and duplexes having 3 or more living units.

**Reclaimed water** means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater
Ordinance 08-12028

Residence with guesthouse occupying the same premises. A residence with a guesthouse occupying the same premises shall be considered as a single-family residence if served by a single water connection and meter.

Service line means that conduit for utility service directly after the meter or delivery box fittings.

Single-family residence means any single-family dwelling; it is interchangeable with the word "household." In the case of a duplex, each unit shall be regarded as a single-family dwelling.

Section 1. That Section 30-259(1) of Appendix "A", Fees and Charges Schedule, of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

§ 30-259(1). Reclaimed (irrigation) water rates.

<table>
<thead>
<tr>
<th>Customer Class</th>
<th>Usage Rates/1,000 Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>General service</td>
<td>$0.75 - 0.80</td>
</tr>
<tr>
<td>Governmental/insitutional</td>
<td>0.35 0.38</td>
</tr>
<tr>
<td>Bulk users</td>
<td>0.30 0.32</td>
</tr>
</tbody>
</table>

The above rates do not apply to any bulk customers that have a bulk reclaimed water customer agreement.

Section 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect immediately upon adoption at second reading. The rates for bulk customers that have an existing a bulk reclaimed water customer agreement shall become effective upon the expiration date of the bulk customer agreement currently in effect.

APPROVED AT FIRST READING THIS 2ND DAY OF APRIL, 2008.

Attest:

[Tiger signature]

Tara A. Norman, City Clerk

M:\REF\COUNCIL\ORD\2008\08-12028

Date filed with City Clerk: 5/15/08

Approved as to form and legality:

[Signature]

Robert D. Pritt, City Attorney