ORDINANCE 08-12289

AN ORDINANCE RELATING TO WATER AND SANITARY SEWER EXTENSIONS AND CONNECTIONS, SYSTEM DEVELOPMENT CHARGES AND CONNECTION FEES; AMENDING ARTICLE VII, FEES AND CHARGES, OF CHAPTER 30 OF THE CODE OF ORDINANCES, CITY OF NAPLES, FOR THE PURPOSE OF CALCULATING REVISED IMPACT FEES TO MEET THE FUTURE GROWTH RELATED NEEDS OF THE CITY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the State of Florida in 2006 passed the "Florida Impact Fee Act", 163.31801; and

WHEREAS, the "Florida Impact Fee Act" requires that the calculation of the impact fee be based on the most recent and localized data; and

WHEREAS, the City retained a qualified financial consultant to evaluate and calculate revised impact fees to meet the future growth related needs of the City; and

WHEREAS, on September 17, 2007, Tetra Tech, Inc., presented to the City Council a Water, Wastewater and Reclaimed Comprehensive Rate and Charge Study; and

WHEREAS, on September 29, 2008, Tetra Tech, Inc., presented a review of the Water and Wastewater System Development Charges to change the methodology by which impact fees are charged; and

WHEREAS, the "Florida Impact Fee Act" requires that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or amended impact fee; and

WHEREAS, it is advisable to revise Article VII, Chapter 30, of the Code of Ordinances, City of Naples, to implement changes in impact fees and other charges and methodology for collection and administration;

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

Section 1. That Article VII, Fees and Charges, of Chapter 30 of the Code of Ordinances of the City of Naples, is amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

ARTICLE VII. FEES AND CHARGES

Sec. 30-371. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business and institutional means any commercial, industrial and institutional enterprise, including sanitoriums, domiciliary houses, resident schools, hotels, motels and all other uses. The term "commercial" shall mean
an establishment dealing in wholesale or retail trades or services, including but not limited to hotels, motels, apartment houses, roominghouses and trailers, renting furnished or unfurnished offices, stores, restaurants, churches, schools and other facilities which hold themselves out to the public as places of business.

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 for the purpose of this article.

Lot means any place, division or parcel of land.

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

Person means any individual, firm, partnership, association, corporation, company and organization of any kind.

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

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

(Comp. Dev. Code 1990, § 11 1 1; Code 1994, § 118 31)

Sec. 30 372. Sewer system development charge.

(a) Definition. For purposes of this section, the term "system development charge" means an equitable and proportionate charge made at the time service is requested to cover the cost of capital improvements for master pumping stations, master force mains, and treatment and effluent disposal facilities required to provide service to new connections to the sewer system by new users.

(b) Applicability.

(1) Owners of properties that have been assessed for collection lines serving their property shall pay a system development charge as set forth in appendix A to this Code.

(2) Owners of properties that are served by collection lines installed by developers and dedicated to the city shall pay a system development charge as set forth in appendix A to this Code.

(3) Owners of properties not included in subsections (b)(1) and (2) of this section which connect to the system shall pay the system development charge as set forth in appendix A to this Code, plus a system connection charge as set forth in appendix A to this Code, for a given parcel of property, except where an agreement has been made in writing with the city excluding system connection charges.

(4) The system development charges set forth in this subsection (b) shall be paid in full prior to issuance of the building permit.

(5) Each applicant shall pay an inspection fee as set forth in appendix A to this Code for each connection prior to connecting to the city sewer system.

(6) A sewer application fee as set forth in appendix A to this Code is required.

(c) General provisions.

(1) Review of charges. The city council shall review the system development charge annually to determine that the charge is equitable and proportionate to the current cost for providing new connections to the system for new users.

(2) Additional living units. Additional living units or other facilities connected to the sewer system will be required to pay service connection charges which are applicable, prior to
connecting to the system. For violation of this section, the water service may be cut off.

(3) Installation of oversized lines. Where a developer or property owner is required by the city to install a connection line with a pipe size larger than 12 inches in diameter, the city will reimburse the developer or property owner for the difference between the cost of installation for a 12-inch diameter line and the cost incurred for the larger line required. The developer or property owner is responsible for all costs for lines up to and including 12 inches in diameter, which are hereby defined as collection lines. Lines over 12 inches in diameter are hereby defined as transmission lines.

(d) Use of funds. All past and future monies received from the system development charge, plus interest, if any, shall be deposited in the sewer capital reserve fund, and a separate accounting shall be kept by the city's finance department for all monies collected under the system development charge set forth in this section. The monies collected shall be used solely for capital improvements for master pumping stations, master force mains, treatment and effluent disposal facilities, and constructing new additions to the city's sewer system required to provide service to new connections to the sewer system by new users. Such funds shall not be used for improving, updating or bringing the present systems into compliance with any change in law brought about by reason of action by any governmental authority. All prior system development charge funds collected under and pursuant to this section, as amended, shall be used and administered pursuant to this section. Under no circumstances shall any system development funds collected under the terms of this section, as previously amended, be expended for any purpose other than those specified in this section. All system development charges previously collected under such ordinances and this section shall be deemed to be recaptured.

Sec. 20.373. Water service connections and main extensions.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Equivalent unit means a living accommodation for a single family, whether a single family residence or a residence in a multifamily building.

Service connection charge means an equitable and proportionate charge as set forth in appendix A to this Code made at the time service is requested to cover the cost of distribution lines furnished by the system needed to serve an area. This charge shall not be applicable where the developer installs the distribution lines at the developer's own expense or where the cost of the distribution lines is paid for by the assessment method.

System development charge means an equitable and proportionate charge as set forth in appendix A to this Code made at the time service is requested to cover the cost of capital improvements for raw water supply, transmission mains, ground storage facilities, pumping facilities and treatment facilities required to provide service to new connections to the water system by new users.

Tapping charges means a set charge as set forth in appendix A to this Code to cover the cost of the meter, material and labor.

(b) Transmission mains. Construction of extensions of transmission mains shall be individually evaluated by the city council.

(c) Extensions to water distribution system. Extensions to the city's water distribution system shall be paid for by the applicant on the basis of the connection charges. Should the connection charges received from an extension project be less than the estimated project cost, a contribution
for the difference shall be required from the applicant. The contribution shall be refundable from connection charges received annually for the extension over a period not to exceed 3 years.

(d) Applicability.
(1) Connection charges are payable prior to construction.
(2) Where developers install distribution lines at their own expense, there shall be no connection charge to individual lot owners.
(3) Where a developer or property owner is required by the city to install a distribution line with a pipe size larger than 12 inches in diameter, the city will reimburse the developer or property owner for the difference between the cost of installation for a 12-inch diameter line and the cost incurred for the larger line required. The developer or property owner is responsible for all costs for lines up to and including 12-inch diameter lines, which are hereby defined as distribution lines. Lines over 12 inches in diameter are hereby defined as transmission lines.

(e) Meters.
(1) All necessary meters will be furnished by the city and shall remain the property of the city.
(2) Meters must be left accessible to city employees at all times.
(3) When any customer who has a water meter makes application for the installation of a larger meter to replace a smaller meter, the appropriate tapping charge shall apply. There shall be no refunds or credits given to any customer requesting a smaller meter, and no tapping charge will be assessed against a customer requesting a smaller meter. There will be a meter installation charge as set forth in appendix A to this Code.
(4) The customer is liable to the city for any damage done to the equipment used in the customer's service, except damage done by city employees. The customer will be charged time and material to repair damage to the meter, electronic equipment and meter box.

(f) Water system development charge.
(1) All past and future monies received from the system development charge, plus interest if any, shall be deposited in a water capital reserve fund, and a separate accounting shall be kept by the city's finance department for all monies collected under the system development charge set forth in this subsection. The monies collected shall be used solely for capital improvements for raw water supply facilities, transmission mains, ground storage facilities, new pumping facilities, new treatment facilities, and constructing new additions to the city's water distribution system required to provide service to new connections to the water system by new users. Such funds shall not be used for improving, updating or bringing the present system into compliance with any change in law brought about by reason of action of any governmental authority.
(2) The city council shall review the system development charge annually to determine that the charge is equitable and proportionate to the current cost for providing new connections to the system for new users.
(3) Backup systems mandated by state regulations and installed to provide emergency water supplies for hospitals and nursing homes shall be exempt from the charges set forth in this subsection, if it can be shown that the installation of the emergency facility will not increase the demand on the city's water system.
(4) All prior system development charge funds collected under and pursuant to this subsection, as amended, shall be used and
administered pursuant to this subsection. Under no circumstances shall any system development funds collected under the terms of any previous ordinance or under the terms of this subsection, as previously amended, be expended for any purpose other than those specified in this subsection. All system development charges previously collected under such ordinances and this subsection shall be deemed as recaptured.

(5) The customer shall receive a system development charge credit on the smaller meter when requesting a larger meter. The customer shall then pay the system development charge for the larger meter.

(g) **Hydrant service.**

(1) Fire hydrant rentals which are connected to the city water system shall be charged a deposit as set forth in appendix A to this Code, charged a 1-time application fee as set forth in appendix A to this Code, charged a daily fee as set forth in appendix A to this Code for any period of use after 90 days, and charged a time and materials to install and to relocate the hydrant meter. The current water rates will apply for the water recorded by the meter plus a 25 percent surcharge. The deposit will be returned minus all of the above-stated charges and any damage charges on the meter assembly.

(2) Charges for fire line or fire sprinkler service in buildings connected to the city water system shall be as set forth in appendix A to this Code.

(3) Application for fire hydrant installation shall be filed with the city manager. The applicant shall execute an agreement agreeing to pay all costs for installation of the hydrant. The applicant shall furnish a letter of approval from the appropriate fire department or district approving the location and agreeing to accept ownership and responsibility for maintenance of the hydrant. The hydrant shall be installed in accordance with city specifications. The city water system shall be responsible for maintenance of the hydrant valve and shall retain ownership of the valve. The use of water from the hydrant by the fire department or district shall be limited to those uses relating to fire department operations.

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**Article VII. WATER AND SANITARY SEWER EXTENSIONS AND CONNECTIONS, SYSTEM DEVELOPMENT CHARGES AND CONNECTION FEES.**

**Sec. 30-371. Intent and purpose of division.**

(a) The city council has determined and recognized that the growth rate within the City's urban service area is experiencing will necessitate extensive facilities improvements and make it necessary to regulate new development in order to maintain water and sanitary sewer facilities at an acceptable level of service so as to maintain quality of life in the utility service area. In order to finance the necessary new capital improvements and to purchase necessary equipment, several combined financing methods will be necessary, one of which will require new development to pay a system development charge which does not exceed a pro rata share of the reasonably anticipated expansion costs of new water and sanitary sewer facilities.

(b) Providing water and sanitary sewer service in the City's urban service area is a recognized proprietary power of the city through F.S. § 166.021 and Chapter 180 and is in the best interests of the public's health, safety and welfare.
(c) Implementing a regulatory scheme that requires new development to pay a water and sanitary sewer capital development charge that does not exceed a pro rata share of the reasonably anticipated expansion costs of new water and sanitary sewer facilities created by the new land development activity is the responsibility of the city in order to carry out the comprehensive plan, as amended, and is in the best interest of the public's health, safety and welfare.

(d) The purpose of this division is to continue to enable the city to allow new development in compliance with the adopted comprehensive plan and to regulate new development activity generating water and sanitary sewer demand so as to require it to share in the burdens of growth by paying its pro rata share for the reasonably anticipated expansion costs of water and sanitary sewer facilities improvements. Thus, new growth will help pay for itself, and the existing water and sanitary sewer customers of the city will not have the full financial burden of providing increased water and sanitary sewer capacity at the outset.

(e) It is the purpose of this division to establish a system to assist in providing increased capacity for the water and sanitary sewer operations to accommodate the increased demand new development will have on the existing operations and to recover costs associated with the extension and connection to the utility system. New land development activity within the city's urban service area will be required to pay a fee which does not exceed a pro rata share of the reasonably anticipated costs of new water and sanitary sewer facilities and other facilities than its presence necessitates.

Sec. 30-372. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative system development charge shall mean any modification in system development charges approved by the city manager pursuant to section 30-376.

Building Permit shall mean an official document issued by the city or county which authorizes placing a building on the site, including, but not limited to, by construction or installation occurring on the site and including, but not limited to, an item that is complete or substantially complete prior to its being placed on the site, such as a manufactured home or a communications tower that was substantially constructed elsewhere. For purposes of this division, "building permit" shall include tie-down permits for buildings, such as for a mobile home, or other approvals that do not require any other type of permit before the respective item may lawfully be occupied, used, or operated. "Building permit" when used in the context of the use of land (or water) and in situations where a typical, conventional permit is not issued by the city or county for the respective improvement or use means whatever is the last written approval or permission issued by the city or county to authorize the respective improvement.

Business and institutional means any non-residential use, including commercial, industrial and institutional enterprise, including domiciliary
houses, resident schools, hotels, motels and all other uses. The term "commercial" shall mean an establishment dealing in wholesale or retail trades or services, including but not limited to hotels, motels, apartment houses, rooming houses and trailers, renting furnished or unfurnished offices, stores, restaurants, churches, schools and other facilities which hold themselves out to the public as places of business.

Development shall mean any installation, siting, construction, use of land, or other activity or improvement, or any additional square footage (area) of a then existing building or use, or any net increase in the size or use of a then existing building or land, in a manner that is deemed to increase the demand for, or impact upon, any water and wastewater facility.

Equivalent residential unit or ERU for water or sewer shall mean a living accommodation for a single-family, whether a single-family residence or a residence in a multifamily building. For single-family residential and non-residential uses, one equivalent unit for water service shall be equal to a connection served by a 5/8" or 3/4" water meter. For multi-family residential units, one equivalent unit for water service or for sewer service shall be equal to one residential unit.

Lot means any place, division or parcel of land.

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

Non-residential structure means any structure or use for other than a single or multifamily residence.

Sanitary sewer system means the sanitary sewer (wastewater) and irrigation (reclaimed) utility system operated by the city.

Single-family residence means any single-family dwelling; the term is interchangeable with the word "household." In the case of a duplex, each unit shall be regarded as a single-family dwelling. Residence with guesthouse occupying the same premises shall be considered a single-family residence if served by a single water connection and meter.

Service connection charge means an equitable and proportionate charge as set forth in section 30-373 of appendix A made at the time water or sanitary sewer service is requested to cover the cost of distribution and collection lines furnished by the system needed to serve an area. This charge shall not be applicable where the developer installs the distribution or collection lines at the developer's own expense or where the cost of the distribution lines is paid by the assessment method.

Sanitary sewer system development charge or impact fee means an equitable and proportionate charge as set forth in section 30-373 of appendix A made at the time service is requested to cover the cost of capital improvements for collection lines, master pumping stations, master force mains, storage facilities and treatment and effluent disposal facilities required to provide service to new connections or to expansion of existing connections to the sewer system. For purposes of sanitary sewer system development charges, one equivalent unit is defined as 300 gallons per day of wastewater system capacity.
Tapping charges means a set charge as set forth in section 30-373 of appendix A to this Code to cover the cost of the meter, material and labor.

Urban service area means the boundaries of the area lying within the city and certain areas lying in unincorporated Collier County for which water and/or sanitary sewer services are provided by the city.

Water system means the potable water utility system operated by the city.

Water system development charge or impact fee means an equitable and proportionate charge made at the time a building permit is issued to cover the cost of capital improvements for sources of raw water, pumping facilities, transmission lines, water storage facilities, distribution lines, and treatment facilities required to provide service to new connections or to expansion of existing connections to the water system. For purposes of water system development charges, one equivalent residential unit is defined as 720 gallons of water system capacity.

Sec. 30-373. Water and Sanitary Sewer Connections and Extensions.

(a) Special Assessments. Owners of properties that have been assessed for sanitary sewer collection lines serving their property shall pay a system development charge as set forth in appendix A to this Code prior to connection.

(b) Connection to the system. All development within the city's utility service area (urban service area) who desire to connect to the water or sanitary sewer system shall pay the system development charges, system connection charges, an application fee, and a plan review and inspection fee as set forth in Appendix A to this Code for a given parcel of property prior to the issuance of a building permit. System development charges shall be imposed and calculated for alterations, expansion, or replacement of residential and non-residential structures and uses provided such alteration, expansion, or replacement results in an increase in the size of the water meter, the number of units, or intensity of use(s)

1. For single-family residence, the size of the water meter will determine the system development charge for water and sewer service.

2. For multi-family residence, the number of units will determine the system development charge for sewer service. The meter size will determine the system development charge for water service.

3. For non-residential development, the size of the water meter will determine the system development charge for water and sewer service.

(c) The cost of extensions to the city's water distribution system and sanitary sewer collection system and charges provided in Appendix A shall be paid by the applicant. At the sole discretion of the city, the extension shall be constructed by the city or the city may grant permission to the applicant to
construct the extension provided such construction meets the requirements of the city.

1. When an extension is performed by the City and the cost paid in advance by the applicant is less than the actual project cost, the applicant shall pay the additional cost. If the actual cost is less, the applicant shall be refunded the difference between the payment and the actual cost.

2. For new connections to the extended system within 3 years following the completion of construction, such new connections shall be required to pay their pro-rata share of the cost of the extension plus appropriate system development and connection charges to the city. The city shall then refund to the original extension applicant the pro-rate share of the cost of the extension collected within the 3-year period.

(d) Developer Installed Systems. Where developers install transmission, distribution or collection systems at their own expense, there shall be no connection charge to individual lot owners. Should the city require an applicant to install a larger distribution or collection line than the size proposed by the developer or required by the city, the city will pay the difference between the cost to install the original line and the larger line.

(e) Meters

1. All water meters will be furnished by the city and shall remain the property of the city.

2. Meters must be left accessible to city employees at all times.

3. When any customer who has a water meter makes application for the installation of a larger meter to replace a smaller meter, the appropriate system development and tapping charge as set forth in Appendix A shall apply. There shall be no refunds or credits given to any customer requesting a smaller meter, and no tapping charge will be assessed against a customer requesting a smaller meter.

4. The customer is liable to the city for any damage done to the equipment used in the customer's service, except damage done by city employees. The customer will be charged time and material to repair damage to the meter, electronic equipment and meter box.

Sec. 30-374. Exemptions.

The following shall be exempt from payment of the water and sanitary sewer system development charge:

(a) Alteration, expansion or replacement of (1) an existing residential dwelling unit or (2) a non-residential structure or use, provided the respective alteration, expansion or
replacement: (a) will not result in a net increase in the size of the water meter or (b) will not result in a net increase of the number of units or intensity of use(s).

(b) The construction, rehabilitation, expansion or replacement of buildings owned by the city.

(c) Development for which the system development charges are expressly prohibited by Florida law, rule, or regulation, or by federal law, rule, or regulation.

Sec. 30-375. System Development Charge Credit.

Upon demolition and reconstruction of residential and non-residential structures or uses, the utility customer shall receive a water and sanitary sewer system development charge credit on the smaller meter when required to have a larger meter. The customer shall then pay the water and sanitary sewer system development charge for the larger meter. Such credit shall expire after 7 years after demolition.

Sec. 30-376. Alternative system development charges.

(a) The system development charges may be determined by an alternative charge calculation of the fiscal impact of the development on the water and sanitary sewer facilities if:

1. Any person commencing a development which increases demand on the water and sanitary sewer facility chooses to have the impact fee determined by the alternative fee calculation; pays to the city in full the impact fee calculated pursuant to the applicable impact fee rate schedule; pays a nonrefundable alternative fee calculation review fee of $2,500 initially, and the actual cost upon completed review if in excess of $2,500; or any other review fee amount then established by the city council by ordinance or resolution; and

2. The applicant believes that the nature, timing or location of the proposed development makes it likely to generate impacts costing less than the amount of the system development charges set forth in section 30-373 of appendix A, and

3. The applicant commences the alternative charge calculation process by requesting in writing to the city manager, and attends a pre-application meeting within 180 days of the issuance of the building permit for the development.

(b) The alternative charge calculation shall be undertaken through the submission of an impact analysis for the water and sanitary sewer facilities, which shall be based on data, information, methodology and assumptions contained in this division, or an independent source, including local studies for alternative system development charge calculations performed by others within the immediately preceding 3 years, provided that the independent source is a local study supported by a data base adequate for the
conclusions contained in such study performed pursuant to a methodology generally accepted by professionals in the field of expertise for the water and sanitary sewer facilities and based upon standard sources of information relating to facilities planning, cost analysis and demographics and generally accepted by professionals in the field of expertise for the water and sanitary sewer facilities. Technical details of approach, methodology, procedures, and other matters relating to the alternative fee calculation may be addressed in an administrative procedures manual.

(c) The alternative system development charge calculation shall be submitted by the applicant for the proposed development and shall be prepared and certified as accurate by persons accepted by the city as qualified professionals in the field of expertise for the water and wastewater facilities, and shall be submitted to the city manager.

(c) If the city manager determines that the alternative charge calculation is acceptable, and the city's cost to accommodate the proposed development is substantially different than the system established pursuant to this division, the amount of the system development charges shall be reduced to a dollar amount consistent with the amount determined by the alternative charge calculation.

(d) In the event the applicant disagrees with a decision of the city manager that effectively results in a denial of the alternative charge calculation, the applicant may file a written appeal petition with the city council not later than 30 days after receipt of notice of such a decision by the city manager. In reviewing the decision, the city council shall use the standards established herein. The appeal petition must advise the city council of all issues and shall explain the precise basis the applicant asserts that the decision(s) of the city manager is/are alleged to be incorrect.

Sec. 30-377. System Develop Charge and Connection Fee Refunds.

In the event a building permit issued for a development: (i) expires prior to commencement of any part of the development for which the building permit was issued, (ii) is officially cancelled, (iii) is revised after payment of system development charges and connection fees and the permit's revision results in a reduction in the system development fees and connection fees applicable for the development, or (iv) results in the system development fees and connection fees being overpaid due to an incorrect application of the rate schedule, calculation error(s), or prior payment within the same subject property, the then current owner/applicant may within 3 years of the expiration of, cancellation of, overpayment for, or approved revision to the building permit, apply for a reimbursement of a portion of or the entire system development charge or connection fees, depending on the basis for the request for reimbursement. All such requests for reimbursement shall be calculated by applying the appendix A rate and fee schedule set forth in section 30-373 that was in effect on the date of the respective building permit application. Failure to make timely application for a reimbursement of the system development charges and connection fees shall waive any right
to a reimbursement. There shall be a processing fee equal to 2 percent of the total amount requested to be reimbursed.

**Sec. 30-378. System Development Charge Trust Fund and Review of Charges.**

(a) A water system development trust fund and a sanitary sewer system development trust fund shall be maintained separate and apart from each other and from all other funds of the city. Each fund shall account for all collections, revenues and expenditures. The portion of the system development charges allocated to each public facility inclusive shall be deposited into the corresponding system development charge trust fund upon receipt. No system development charge in any trust account shall be loaned to any other trust account. Interest accrued in a trust fund shall remain in the trust fund. All prior system development charge funds collected under and pursuant to this subsection, as amended, shall be used and administered pursuant to this subsection. Under no circumstances shall any system development funds collected under the terms of any previous ordinance or under the terms of this subsection, as previously amended, be expended for any purpose other than those specified in this subsection. All system development charges previously collected under such ordinances and this subsection shall be deemed as recaptured.

(b) The city council shall review the system development charge at least every 5 years to determine that the charge is equitable and proportionate to the current cost for providing new connections to the system for new users.

**Sec. 30-379. Hydrant Service**

(a) Fire hydrant rentals which are connected to the city water system shall be charged a deposit as set forth in appendix A to this Code, charged a 1-time application fee as set forth in appendix A to this Code, charged a daily fee as set forth in appendix A to this Code for any period of use after 90 days, and charged time and materials to install and to relocate the hydrant meter. The current water rates will apply for the water recorded by the meter plus a 25 percent surcharge. The deposit will be returned minus all of the above-stated charges and any damage charges on the meter assembly.

(b) Charges for fire line or fire sprinkler service in buildings connected to the city water system shall be as set forth in appendix A to this Code.

(c) Application for fire hydrant installation shall be filed with the city manager. The applicant shall execute an agreement agreeing to pay all costs for installation of the hydrant. The applicant shall furnish a letter of approval from the appropriate fire department or district approving the location and agreeing to accept ownership and responsibility for maintenance of the hydrant. The hydrant shall be installed in accordance with city specifications. The city water system shall be responsible for maintenance of the hydrant valve and shall retain ownership of the valve. The use of water from the hydrant by the fire
Sec. 30-374 380. Interest paid on deposits.

Interest shall be paid on utility deposits for the length of time that the deposit is held by the city. Interest shall be paid at the time the account is closed or the deposit is refunded, calculated on a non-compounded basis from the later of April 6, 1994, the effective date of this section, or the date the deposit was placed with the city, at the same rate accruing to the city.

Sec. 30-375 381. Utility plan review and inspection fees.

All utility plan reviews and inspections shall be subject to the collection of fees as set forth in appendix A to this Code.

Section 2. 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 3. 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 4. This ordinance shall take effect immediately and amendments to fees shall take effect on April 1, 2009.

APPROVED AT FIRST READING THIS 19TH DAY OF NOVEMBER, 2008.


Bill Barnett, Mayor

Attest: Tara A. Norman, City Clerk

Approved as to form and legality: Robert D. Pritt, City Attorney

Date filed with City Clerk: 12-29-08