

ORDINANCE NO. 9774-24

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING CODE OF ORDINANCES, APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES, ARTICLE XXIV PUBLIC WORKS – FEES, RATES AND CHARGES; AMENDING SECTION (3)E STORMWATER UTILITY RATES; AMENDING SECTION 32.244 TO ALLOW FOR BILLING A PROPERTY OWNER FOR THE SERVICES OF STORMWATER MANAGEMENT IRRESPECTIVE OF THE USE OF OTHER UTILITY SERVICES AT THE PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Appendix A, Article XXIV sets forth the schedule of fees, rates, and charges to be paid by customers of the City’s Stormwater Utility; and

WHEREAS, pursuant to RFQ 14-20, the City procured the services of Stantec Consulting Services, Inc. (“Stantec”) to conduct a Stormwater Revenue Sufficiency Analysis, which was completed on July 8, 2024, and incorporated herein by reference; and

WHEREAS, based on the Stantec Report, the City’s Public Works Department has determined that current capital and operating cost projections will necessitate an annual 8.0% rate increase beginning October 3, 2024 through to September 30, 2029; and

WHEREAS, the rate increase adopted by this Ordinance is necessary to ensure that the City has sufficient revenue to pay for the cost of operation, monitoring, enforcement, administration and maintenance of stormwater drainage facilities; and

WHEREAS, the City has further determined that it is necessary to collect stormwater fees for developed property directly from property owners when no other monthly utility services are provided by the City because said properties are still users of the stormwater system by virtue of the impervious surfaces located therein; and

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

SECTION 1: Appendix A, Article XXIV Public Works--Fees, Rates, and Charges, Section (3)(e) Stormwater Management Utility Rates, Clearwater Code of Ordinances be amended by adding the underlined language and deleting the stricken language as follows:

XXIV. PUBLIC WORKS—FEES, RATES AND CHARGES

(3) Rates:

(e) *Stormwater management utility rates.* The stormwater management utility rates shall be based upon the revenue requirements for the construction, administration, management, engineering, operation and maintenance of the stormwater management system, and the adopted capital improvement program funding needs of the system. For the purpose of these rates, the terms shall have the meanings set forth in section 32.242 or, if not defined in section 32.242, in sections 32.002 or 1.02.

1. Basic rate. The rate per month for one equivalent residential unit or ERU shall be established as specified below and shall be effective for bills issued on or after the dates indicated:

Effective	10/3/22 24	10/1/23 25	10/1/24 26	<u>10/1/2025</u> 27	<u>10/1/2026</u> 28
Per ERU	\$13.64 <u>\$14.98</u>	\$13.87 <u>\$16.18</u>	\$14.11 <u>\$17.47</u>	\$14.36 <u>\$18.87</u>	\$14.61 <u>\$20.38</u>

SECTION 2: That Section 32.244, Article VI Stormwater Management, Fee-Imposed; collection, Clearwater Code of Ordinances be amended by adding the underlined language and deleting the stricken language as follows:

- (1) There is hereby imposed a stormwater management utility fee against all developed property in the city, as set forth in appendix A to this Code.
- (2) A stormwater management utility fee is to be paid monthly by the owner, tenant or occupant of each parcel which is subject to the fee. The stormwater drainage management utility fee shall be billed and collected with the monthly utility bill for those parcels of land utilizing any other of the city utilities. All such bills shall be rendered monthly by the utility customer support division and shall become due and payable in accordance with sections 32.064, and 32.066 through 32.068. Where the owner, tenant or occupant of a parcel subject to the stormwater management utility fee is not utilizing any other of the city utilities, the owner of the parcel shall be rendered bills or statements for the fees of the system, which bills or statements shall be payable at the same time and in the same manner and subject to the same penalties of a consumer of the other utilities of the City as described in this Chapter.

SECTION 3: That Section 32.064, Responsibility for payment, Clearwater Code of Ordinances be amended by adding the underlined language and deleting the stricken language as follows:

- (1) Owner. The furnishing of water, gas, wastewater, solid waste, stormwater management or reclaimed water services brings a substantial and valuable benefit to the land and premises. The owner of any premises serviced with such services shall be

responsible for all utility charges due against the premises, except to the extent that such charges may be incurred by a tenant of the premises who is the customer according to the utility system account records. The payment of such charges may be a necessary condition to the continuance or inception of utility services to the premises, and failure to pay such charges when billed may constitute grounds to terminate services to those premises. Unpaid charges for water, wastewater, reclaimed water, stormwater management, or gas service, or any combination thereof, shall constitute a lien on all premises served until paid, ~~to the extent authorized~~ except as limited by F.S. § 159.17, and except as limited by F.S. § 180.135.

(2) Tenant. A tenant of any premises serviced with water, gas, wastewater, solid waste, stormwater management, or reclaimed water services who is the customer according to the utility system account records shall be responsible for all utility charges incurred at the premises. The indebtedness for unpaid utility charges incurred by a tenant at one premises shall be personal to the tenant, and shall transfer and become cumulative to that person at the next or any succeeding premises occupied by that person and served by the utility system of the city. The amount due or length of time in arrears shall not be affected by relocation of a tenant from one premises to another.

(3) Related indebtedness. Subject to the right of appeal to the city manager pursuant to section 32.070, the city may refuse to approve an application for service, or may discontinue service, in any case in which the applicant is:

(a) A relative or roommate of a customer or former customer whose account is delinquent, and who resided with the customer or former customer at the time the delinquent charges accrued in whole or in part, unless and until the delinquent charges are paid; or

(b) A person who was a close business associate of a delinquent customer or former customer at the time the delinquent charges accrued, or who is a related closely-held corporation, unless and until the delinquent charges are paid. For the purposes of this subsection, the term "close business associate" means a partner or joint venturer, or a parent or subsidiary corporation. The term "related closely-held corporation" means a corporation whose controlling shares of stock are owned by the same person or persons who owned the controlling shares of stock of the delinquent corporation at the time the delinquent charges accrued.

(4) In addition to the other remedies described herein, the City Manager may direct the City Clerk's Office to record in the Official Records of Pinellas County a Notice of Claim of Lien in a form acceptable to the City Attorney for any delinquent utility charges where the length of time in arrears exceeds 180 days. The City Attorney may initiate foreclosure based upon any perfected lien created by this Chapter with the approval of the City Council.

(5) However, this subsection shall not apply in any case in which an indebtedness has been discharged through bankruptcy proceedings. In such a case, the City may exercise all rights available to it under the Bankruptcy Code.

SECTION 4: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5: This Ordinance shall become effective upon approval of the City Council.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Jerrod Simpson
Senior Assistant City Attorney

Rosemarie Call
City Clerk