

**RESOLUTION NO. 2014 - 37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, RELATING TO SEPTIC TANK EFFLUENT PUMP (“STEP”) SYSTEMS; PROVIDING INCENTIVES FOR INSTALLATION OF STEP SYSTEMS; AMENDING THE EXISTING WATER AND SEWER RATE STRUCTURE TO ADDRESS STEP SYSTEMS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Vero Beach owns and operates a water and sewer utility system currently providing its services to customers within the corporate limits of the City of Vero Beach (“City”) as well as outside the City within the City’s wastewater utility service territory; and

**WHEREAS**, said water and sewer utility system is operated by the City as an enterprise fund supported by the revenues from providing its services to customers and not by ad valorem taxes; and

**WHEREAS**, certain customers within the City own and operate private wastewater disposal systems, otherwise known as Onsite Sewage Treatment and Disposal Systems (OSTDS), for the disposal of wastewater on their private residential property(ies); and

**WHEREAS**, the City Council finds that the connection of these private wastewater disposal systems to the public sewer system will serve to promote the health of the Indian River Lagoon and would be in the best interest of the citizens of the community; and

**WHEREAS**, the City Council has recently adopted changes to the City of Vero Beach Code of Ordinances to allow for the installation of Septic Tank Effluent Pump (STEP) Systems which STEP systems facilitate the collection and treatment of effluent from these private wastewater disposal systems; and

**WHEREAS**, the City Council finds that an incentive program designed to encourage connection to the STEP System, when available, will benefit all customers and the public through a healthier Indian River Lagoon,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

**Section 1 — Adoption of “Whereas” clauses.**

The foregoing “Whereas” clauses are hereby adopted and incorporated herein.

**Section 2 – Definitions.**

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

*Available* means the City wastewater utility service is capable of being connected to the plumbing of a building sewer, is not under a state department of environmental protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by said building sewer.

*Existing development* means a previously constructed development that uses an OSTDS.

*Lot* means a building site as defined in the city land development regulations.

*On-site Sewage Treatment and Disposal System or (OSTDS)* means any of the following: a system that contains a standard subsurface, filled, or mound drain-field system; an aerobic treatment unit; a gray water system tank; a laundry wastewater system tank; a septic tank; a dosing tank; a solids or effluent pump or a sanitary pit privy that is installed beyond the building sewer on owner’s land.

*Policy* means the City wastewater utility extension and connection policy set forth in this Resolution and applicable City ordinances.

*STEP Up and Save Credit (SUSC)* means a \$2,290.00 credit, rebate or discount authorized by the City Council and available to property owners within the City owning an OSTDS.

*STEP System Waste Water and Utility Basin (Basin)* means an area within the wastewater utility service area of the City that has been identified by the City for application of the City wastewater utility extension and connection policy.

*Wastewater utility extension credit (WUEC)* means a \$1,100.00 credit, rebate, or discount available to property owners within the City and authorized by the City Council.

**Section 3 – Basins.**

(a) For the purpose of implementing this resolution, the City has identified the costs associated with extending wastewater utility service within the City's wastewater utility service area located within the corporate limits of the City where such service is not currently available. The City will prioritize the extension of wastewater utility service into "Basins" based on the proximity to surface water that may have a negative impact on the water quality in City watersheds and upon the health, safety and welfare of citizens of the City. The boundary of each Basin is indicated on the STEP System Program Map, identified in Exhibit "A" attached hereto and incorporated herein ("Map"). A copy of said Map is on file in the office of the Director of Water and Sewer.

(b) The identification of these Basins by the City is the result of a study of relevant engineering data including, but not limited to, topographical conditions, the typical depth of the water table in the area, the existence of physical barriers such as canals, rights-of-way, private development, and the existence of OSTDSs in the area. As this engineering data is amended from time to time based upon changes in conditions associated with the Basins, the identification of these Basins may change as well.

#### **Section 4 — Analysis.**

(a) The Policy adopted in this Resolution provides that an analysis will be done to estimate the allocated cost to properties benefited by the extension of the wastewater utility system into the Basins. The analysis will assume that 100 percent of the costs to provide for the extension of the City wastewater utility throughout all the Basins will be allocated to the benefited properties based on an evenly divided cost per lot.

(b) The analysis is an estimate based upon anticipated costs of equipment, piping, shipping rates, labor, etc. using the most current and reliable information available to determine the allocated costs to the benefited properties. Nothing in the analysis shall prevent the City from levying less than 100 percent of the total costs over a period of time not to exceed ten years.

#### **Section 5 — Costs to be included in the wastewater utility extension.**

The costs to be included in the wastewater utility extension for the implementation of this Policy shall include the following:

(a) The cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, financing charges, cost of plans and specifications, cost of engineering and legal services, cost of all equipment purchases, administrative expenses and such other expenses as may be necessary or incident to the financing herein authorized; and

(b) Any and all costs charged by the City for connection to the wastewater system including, but not limited to, availability fees, connection charges, "tapping" fees, impact fees and initial deposits required to open an account for the purpose of assuring payment of the user charges.

#### **Section 6 – Connection to wastewater utility; payment of fees; incentives.**

(a) Following the construction of the wastewater extension project into each Basin, and notification by the City of completion and availability for use ("Notification"), each

residential property owner within that Basin shall have the opportunity but not the obligation to connect the property owner's building sewer to the City wastewater utility.

(b) Any property owner who desires to install a STEP system and connect to the City wastewater utility shall complete a "STEP System Application" with the City and pay all applicable fees and charges in conformance with the rules and regulations set forth for such installation and connection in this Resolution and in other applicable City ordinances and resolutions.

(c) A property owner who makes application for a STEP system within twelve (12) months from Notification shall have the opportunity to elect one of the following options for payment of applicable fees, charges, and costs allocated to the subject property for the wastewater utility extension and costs to be collected by the City for participation in the STEP system program. Such election shall be on a per lot basis.

1. Full payment of all applicable fees, charges, and costs with the STEP System Application (subject to future adjustment for additional costs unique to the subject property as provided in the applicable STEP system program ordinances and resolutions). Full payment at the time of application shall entitle the property owner to a SUSC of \$2,290.00 and a WUEC of \$1,100.00 toward the applicable fees, charges, and costs allocated to the subject property; or
2. Payment of all applicable fees, charges, and costs by periodic payments pursuant to a special assessment lien against the subject property. Such special assessment lien shall be established and payment made in such manner as comports with applicable laws, ordinances, and resolutions. If the property owner selects this option 2, the property owner shall be entitled to a SUSC of \$2,290.00 but *not* the WUEC of \$1,100.00.

In any instance where the property owner received benefit of any of the foregoing incentive discounts for early application and the property owner has not had the STEP system installed and connected to the City wastewater facility within twelve (12) months after approval of the application, such property owner shall be deemed to have waived the incentive discounts.

(d) A property owner who makes application for a STEP system after the twelve (12) month period following Notification shall make full payment of all applicable fees, charges, and costs with the STEP System Application (subject to future adjustment for additional costs unique to the subject property as provided in the applicable STEP system program ordinances and resolutions).

(e) The STEP system must be installed and connected to the City wastewater facility within twelve (12) months after approval of the STEP System Application, failing which, the City may deem the application expired and require re-application.

**Section 7 – Rates for Service and Charges.**

Applicable fees and charges for the wastewater utility service shall commence once the STEP System Application is signed by the property owner and the applicable fees and deposits are collected by the City customer service department. Base facility and commodity charges shall be charged and paid pursuant to Resolution 2009-31 and 2010-09, as amended from time to time, except a single-family residential property with multiple STEP systems shall be charged a base facility charge for each STEP system.

**Section 8 – Conflict and severability.**

The provisions of this Resolution shall control over those provisions of previously adopted resolutions in conflict herewith. If any provision of this Resolution is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions.

**Section 9 – Effective Date.**

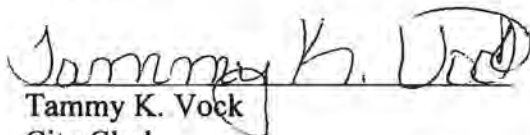
This Resolution shall become effective upon final adoption by the City Council.

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This Resolution was read for the first time on the 21<sup>st</sup> day of October 2014 and advertised on the 25<sup>th</sup> day of October 2014 as being scheduled for a public hearing to be held on the 4<sup>th</sup> day of November 2014, at the conclusion of which hearing it was moved for adoption by Councilmember Fletcher seconded by Councilmember Kramer, and adopted by the following vote:

Mayor Richard G. Winger	<u>yes</u>
Vice-Mayor Jay Kramer	<u>yes</u>
Councilmember Pilar E. Turner	<u>yes</u>
Councilmember Amelia Graves	<u>yes</u>
Councilmember A. Craig Fletcher	<u>yes</u>

**ATTEST:**

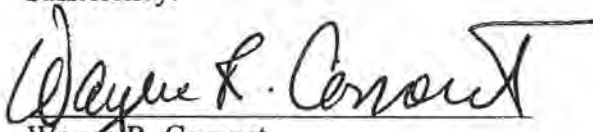
  
Tammy K. Vock  
City Clerk

**CITY OF VERO BEACH, FLORIDA**

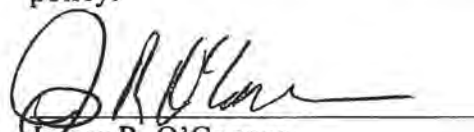
  
Richard G. Winger  
Mayor

[SEAL]


Approved as to form and legal  
sufficiency:

  
Wayne R. Coment  
City Attorney

Approved as conforming to municipal  
policy:

  
James R. O'Connor  
City Manager

Approved as to technical requirements:

  
Robert J. Bolton  
Water & Sewer Director

Approved as to technical requirements:

  
Cynthia D. Lawson  
Finance Director