

ORDINANCE 2018 - 03

AN ORDINANCE AMENDING THE TOWN OF LAKE HAMILTON CODE OF ORDINANCES BY AMENDING CHAPTER 32, UTILITIES SEC. 32-8 TO ESTABLISH THE CHARGE FOR WATER IMPACT FEES AUTHORIZED THEREIN; PROHIBITING THE TRANSFERABILITY OF RESERVED CAPACITY, IMPACT FEE PAYMENTS OR CREDITS; AUTHORIZING THE ADOPTION OF ADMINISTRATIVE POLICIES; PROVIDING A PROCEDURE FOR THE DISPOSITION OF IMPACT FEE FUNDS NOT EXPENDED; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Hamilton is allowed under Chapter 163, Florida Statutes, to establish and impose impact fees to users for its water treatment and distribution system; and

WHEREAS, Chapter 32, Section 32-8 of the Town's Code of Ordinances, authorized the imposition of impact fees for its potable water system and wastewater system pursuant to an interlocal agreement with the Town of Dundee; and

WHEREAS, the Town Council commissioned a study by the Florida Rural Water Association, which was received in Final form April 20, 2018 to determine the appropriate amount of impact fees to be charged for potable water.

NOW, THEREFORE, BE IT ORDAINED and enacted by the People of the Town of Lake Hamilton, Florida ;

1. That Chapter 32, Sec. 32-8 Impact Fees of the Code of Ordinances of the Town of Lake Hamilton, Florida is hereby modified, as set forth at Exhibit "A", attached hereto and made a part hereof.
2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect. If any portion of this Ordinance is determined to be void, unconstitutional or invalid, the remainder of this Ordinance shall remain in full force and effect. This Ordinance may be codified and made a part of the Town's Code of Ordinances and the Sections and exhibits to this Ordinance may be renumbered or relettered to accomplish such intention.
3. This ordinance shall become effective on the date of passage by second reading.

INTRODUCED AND PASSED on first reading at the regular meeting of the Town Council of Lake Hamilton, Florida, held this _____ day of _____ 2018.

PASSED AND ADOPTED on second reading at the Regular meeting of the Town Council of Lake Hamilton, Florida, held this _____ day of _____ 2018.

TOWN OF LAKE HAMILTON, FLORIDA

Approved: _____
Marlene M. Wagner, Mayor

Attest with Seal:

Sara K. Irvine, Town Clerk

Approved as to Form:

Jeffrey Dawson, Town Attorney

EXHIBIT "A"

Sec. 32-8. Impact fees.

(a) *Water System.* Each new user of the water system and each user whose property is presently connected to the Town's water system when structural changes, additions or changes in permitted use result in an additional impact to the Town's water system shall pay ~~a one-time~~ an impact fee at the time of building permit approval of construction plans for a residential or non-residential structure in an amount established from time to time by a separate Ordinance adopted by the Town Council.

(b) *Wastewater System.* A wastewater impact fee is hereby imposed on each new user of the wastewater system and each user whose property is presently connected to the wastewater system when structural changes, additions or changes in permitted use result in an additional impact to the wastewater system and they shall pay ~~a one-time~~ an impact fee at the time application is made for new service to existing structures or prior to issuance of a building permit for new construction. The impact fee shall be in the amount fixed, in accordance with Chapter 163, Florida Statutes, by the Town of Dundee Sewer System or as specified in an interlocal agreement between Lake Hamilton and Dundee governing the mutual funding of the collection, conveyance and treatment of sewer flows from Lake Hamilton to the Dundee Wastewater Treatment Plant.

(c) *Impact fees* shall be collected in addition to other fees charged by the town for water or sewer services and shall be set aside and placed into a reserve fund to be used solely for purposes of expanding the water system and expanding the sewerage system, as the case may be, and used for no other purpose. The town shall be entitled to an administrative charge from the impact fee to offset the collection and administration of the water or wastewater impact fee, which charge shall be limited to actual cost.

(d) *Minimum charge:* Each commercial use shall have a minimum value of one single-family residence.

(e) Water System Impact Fee Imposition and Amounts. A water system impact fee is hereby levied and imposed on all developments requesting capacity from the Town’s water system to provide service to their properties and on all properties presently connected to the Town’s water system when structural changes, additions or changes in permitted use result in an additional impact to the Town’s water system. The water system impact fee will be charged based on the water meter size to be installed in accordance with the fee schedule adopted in this Section. When an existing development increases its water meter size, the development shall pay an additional water impact fee equal to the difference between the impact fee currently charged for the desired increased water meter size and the existing water meter size. The impact fee shall be charged over and above any service connection fee, lateral charge, inspection fee, monthly user charge, and monthly service charge as may be established by the Town from time to time. A water impact fee shall be paid for each individual water meter to be installed. The water impact fees shall be imposed and paid in the amounts as follows:

<u>Table 1: Water Impact Fees for Residential and Commercial development with meters up to 6.0 inches</u>			
<u>Meter Size (in inches)</u>	<u>Ratio to meter size</u>	<u>Water Impact Fee for Service Inside Town Limits</u>	<u>Water Impact Fee for Service Outside Town Limits</u>
<u>1.0 & less</u>	<u>1.0</u>	<u>\$2,319.29</u>	<u>\$2,899.11</u>
<u>1.5</u>	<u>2.0</u>	<u>4,638.58</u>	<u>5,798.23</u>
<u>2.0</u>	<u>5.0</u>	<u>18,554.32</u>	<u>14,495.56</u>
<u>3.0</u>	<u>8.0</u>	<u>37,108.64</u>	<u>23,192.90</u>
<u>4.0</u>	<u>16.0</u>	<u>57,982.28</u>	<u>46,385.80</u>
<u>6.0</u>	<u>25.0</u>	<u>115,964.56</u>	<u>144,955.70</u>

(f) Nontransferable. Reserved water and wastewater capacity is not transferable to any other property or development. Water and wastewater impact fee payments or credits are not transferable to any other property or development and cannot be applied towards other types of impact fees.

(g) Administrative Policies. The Town shall have the right to adopt and enforce policies and

rules consistent with this Section in order to administer the collection of impact fees.

(h) *Disposition of funds not expended.* If the impact fees have not been expended or encumbered by the end of the calendar quarter immediately following six years from the date the fees were paid, upon application of the fee payer of proof of payment or the development for which the fees were paid was never begun, the fees shall be returned by the Town in accordance with the following procedure:

(1) The then present owner must petition the Town council for the refund within one year following the end of the calendar quarter immediately following six years from the date on which the fee was received by the Town.

(2) The petition must be submitted to the Town Administrator and must contain a notarized sworn statement that the petitioner is the current owner of the property; a copy of the date receipt issued for payment of the impact fee; a certified copy of the latest recorded deed; and, a copy of the most recent ad valorem tax bill.

(3) If reimbursement is approved, the Town shall remit the reimbursement within sixty (60) days of approval.