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ORDINANCE

NUMBER 2020-014

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, REPEALING CHAPTER 4-5, "WATER AND SEWER DISTRICTS," ARTICLE XII, "CHARLOTTE COUNTY WATER AND SEWER DISTRICT NO. 1," DIVISION 2, "UNIFORM EXTENSION POLICY" IN ITS ENTIRETY; RESCINDING RESOLUTION NUMBER 2007-022 WHICH ADOPTED A UNIFORM EXTENSION POLICY; CREATING CHAPTER 3-8, "WATER AND SEWERS;" ARTICLE II, "STANDARDS FOR WATER AND WASTEWATER UTILITIES," DIVISION 5, "UTILITY EXTENSION STANDARDS;" PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Charlotte County owns and operates a water, sewer and reclaimed water utility system for the benefit of the residents of Charlotte County, Florida; and

WHEREAS, many areas of unincorporated Charlotte County do not currently have water, sewer, and reclaimed water service available; and

WHEREAS, developments being constructed in Charlotte County may require the extension of water, sewer, and reclaimed water utility facilities; and

WHEREAS, the Board has determined it is in the best interest of the County to provide uniform standards for the extension of water, sewer, and reclaimed water utility facilities by Developers into areas previously not served.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

36 **Section 1.** Chapter 4-5, "Water and Sewer Districts," Article XII, "Charlotte County
37 Water and Sewer District No. 1," Division 2, "Uniform Extension Policy," Sections 4-5-261
38 through 4-5-270 are hereby repealed in their entirety.

39
40 **Section 2.** Resolution Number 2007-022, adopted on January 23, 2007, is hereby
41 rescinded and is of no further force and effect.

42
43 **Section 3.** Chapter 3-8, "Water and Sewers;" Article II, "Standards for water and
44 wastewater Utilities," Division 5, "Utility Extension Standards" is hereby created as
45 follows:

46
47 **DIVISION 5. UTILITY EXTENSION STANDARDS**

48
49
50 **Sec. 3-8-45. - Purpose and Applicability.**

51
52 The purpose of this article is to establish criteria and requirements for the connection to,
53 and extension of, potable water distribution, wastewater collection facilities, and
54 reclaimed water facilities for previously unserved areas of Charlotte County. The Board
55 of County Commissioners has adopted utility master plans to provide for the orderly
56 expansion of its utility system to those areas where density of development and
57 environmental factors indicate that such expansion is economically feasible and in the
58 interest of public health, safety, and welfare. County reserves the right to determine the
59 feasibility of extending utility infrastructure based on relevant factors.

60
61 **Sec. 3-8-46. - Definitions.**

62
63 *Accrued Guaranteed Revenue Fee (AGRF):* The fee that is collected by County and used
64 to pay the costs of reserving, operating, and maintaining the unused water and
65 wastewater plant and transmission capacity in County's utility system that is being held
66 for future utility customers.

67
68 *Administrative Fee:* The fee charged to prepare the Utility Agreement.

69
70 *Bill of Sale:* A legal document that transfers ownership of an asset from one party to
71 another.

72

73 *Certificate of Contributory Assets:* A document that describes all Utility System
74 components to be conveyed to County.
75

76 *Collection Fee:* The fee charged for new connections to recover the Developer's share
77 of the acquisition, installation, and maintenance costs of the wastewater collection
78 system.
79

80 *Developer:* Any person, corporation, or other legally recognized entity engaged in the
81 business of making utility improvements to serve real property located within the utility
82 service area of Charlotte County as either the owner or the legally authorized agent of the
83 owner of such real property.
84

85 *Distribution Fee:* The fee charged to new connections to recover the Developer's share
86 of the acquisition, installation and maintenance costs of the potable water and/or
87 reclaimed water distribution systems.
88

89 *Equivalent Residential Connection (ERC):* The unit of measure of potable water, and
90 wastewater system capacity required to provide service to an average single family
91 residential customer. One potable water ERC is equal to 225 gallons per day and one
92 wastewater ERC is equal to 190 gallons per day. One ERC is serviced by a meter size of
93 $\frac{3}{4}$ inch or less.
94

95 *Estimate of Probable Costs:* An estimate of the probable costs of construction of the
96 proposed Utility Facilities prepared by a Florida-licensed professional engineer regularly
97 engaged in the field of potable water, wastewater, and reclaimed water system design,
98 and submitted by, or on behalf of, Developer.
99

100 *Fee Credit:* A monetary credit for Developer contributed facilities that can be used to
101 offset Distribution or Collection Fees.
102

103 *Inspection Fee:* The fee charged by County to inspect and monitor the utility work being
104 performed by Developer. Inspections include physical inspections of the Utility Facilities,
105 ongoing monitoring of the progress of the project through completion, review of as-
106 built/record drawings, review of electronic submittal(s) and data transfer to GIS, and final
107 project closeout.
108

109 *Multi-Family Residential Property:* Property that contains three (3) or more attached
110 dwelling units, regardless of whether the units are under common or individual ownership.
111

112 *Municipal Service Benefit Unit (MSBU):* The statutorily authorized mechanism by which
113 County can fund a service or capital project through the impositions of a service charge
114 or a special assessment against the property that receives a special benefit from the
115 service or capital project.
116

117 *Off-site Utility Facilities:* Utility Facilities such as potable water mains, wastewater
118 collection mains, wastewater force mains, pumping stations, lift stations, and/or reclaimed

119 water mains usually located outside the perimeter boundary of the Developer's property
120 and are intended to connect the on-site Utility Facilities with the County's existing Utility
121 System. The geographic location of such facilities shall not change the character of the
122 off-site components of the Utility System.

123
124 *On-site Utility Facilities:* Utility Facilities such as potable water mains, wastewater
125 collection mains, wastewater force mains, pumping stations, lift stations, and/or reclaimed
126 water mains located in rights-of-way or in permanent public utility easements, normally
127 located within the perimeter boundary of the Developer's property exclusive of individual
128 service lines located on the customer's side of the potable water meter or sewer service
129 lateral clean out.

130
131 *Plan Review Fee:* The fee charged by County to review Developer's engineering plans
132 or specifications, including providing the Developer's engineer with information regarding
133 Utility Facility location and criteria.

134
135 *Plant Capacity:* The amount of potable water that can be produced, or the amount of
136 wastewater that can be treated, expressed in terms of average annual gallons per day.

137
138 *Potable Water:* Water that is satisfactory for human consumption, dermal contact,
139 culinary purposes, or dishwashing as approved by the State of Florida Department of
140 Health.

141
142 *Reclaimed Water:* Wastewater effluent that has received at least secondary treatment
143 and basic disinfection and is made available through a reclaimed water system, which is
144 part of County's wastewater utility system used to dispose of treated effluent.

145
146 *Reserved Capacity:* The amount of potable water, wastewater treatment, and reclaimed
147 water, expressed in terms of equivalent residential connections (ERCs), that County has
148 agreed to provide for specified uses to the Developer, provided the applicable fees have
149 been paid.

150
151 *TAP (Transmission, AGRF, and Plant) Fee:* The fee representing the proportionate share
152 of the capital costs of the utility system capacity allocated to a new or modified connection.
153 TAP Fees include three components: Plant Capacity, Transmission Capacity, and
154 Accrued Guaranteed Revenue Fee (AGRF).

155
156 *Transmission Capacity:* The amount of potable and reclaimed water that can be
157 transported by County's potable water or reclaimed water transmission facilities to an
158 individual customer or the amount of wastewater that can be transported from an
159 individual customer by the County's wastewater transmission facilities to County's
160 wastewater treatment plant(s).

161
162 *Utility Agreement:* The Agreement between County and Developer that contains the
163 obligations of the parties with respect to the installation by Developer of either On-site or
164 Off-site Utility Facilities.

165 *Utility System:* Any plant, facility or property, and additions, extensions and
166 improvements thereto at any future time constructed or acquired as part thereof, useful
167 or necessary or having the present capacity for future use in connection with the
168 development of sources, treatment or purification and distribution of potable or reclaimed
169 water for domestic or industrial use or the collection, treatment and disposal of
170 wastewater from domestic or industrial users and, without limiting the generality of the
171 foregoing, shall include wells, reservoirs, water treatment facilities, storage tanks,
172 pumping stations, transmission mains, distribution mains, potable water lines, hydrants,
173 supply pipes, valves, laterals, meters, meter boxes, service connections, lift stations,
174 vacuum stations, wastewater collection mains, pipes and lines, manholes, wastewater
175 treatment facilities, holding tanks, reclaimed water lines, and ponds for the purpose of
176 obtaining, treating and carrying water to and collecting, treating and disposing of
177 wastewater from the premises connected with such system, and shall include all real and
178 personal property and any interest therein, rights and easements of any nature
179 whatsoever relating to any such system and necessary or convenient for the operation
180 thereof.

181
182 *Waiver of Lien:* A notarized statement from the contractor who performed the utility work
183 that all subcontractors and suppliers have been paid in full.

184
185 *Wastewater:* The combination of the liquid and water-carried pollutants from a residence,
186 commercial building, industrial plant, or institution, together with any groundwater, surface
187 runoff, or leachate that may be present.

188
189
190 **Sec. 3-8-47. - Utility Agreement(s) Required.**

- 191
192 (a) Utility Agreements are required for all Developer installed Utility Facilities.
- 193
194 (b) All Utility Agreements must be executed by the Developer before the County will
195 sign off on and forward the permit application to the Florida Department of
196 Environmental Protection (FDEP) for Developer installed Utility Facilities.
- 197
198 (c) All Utility Agreements shall include a stated term. Failure of the Developer to
199 complete all requirements of the Utility Agreement within the stated term, or any
200 mutually agreed to extension thereof, may result in County declaring the Utility
201 Agreement null and void.
- 202
203 (d) Utility Agreements are specific to an individual property and are not assignable or
204 transferable to any other parcel of property. Utility Agreements run with the land
205 and are binding on Developer, its successors and assigns, and any other
206 subsequent owner of the property.
- 207
208 (e) Capacity is reserved according to the terms of the Utility Agreement. Any changes,
209 such as downgrading of meter size, may require modification or amendment of the
210 Utility Agreement.

211
212 (f) Developer installed Utility Facilities are not eligible for rebates or refunds.
213

214
215 **Sec. 3-8-48. - Developer Installed Off-Site Potable Water, Wastewater, and**
216 **Reclaimed Water Facilities**

217
218 (a) Where the location, proposed density, or proposed use of Developer's property
219 makes service to a proposed development dependent upon the extension or
220 upgrading of off-site potable water, wastewater, and reclaimed water facilities,
221 such facilities shall be designed and constructed to County's current standards and
222 installed by Developer at Developer's expense. County reserves the right to
223 require oversizing of Off-Site Utility Facilities. Costs of oversizing will be
224 reimbursed as provided in the Utility Agreement.

225
226 (b) County reserves the right to require oversizing and or additional extension of the
227 Off-Site Utility Facilities beyond what is needed for the proposed development.
228 Developer will be reimbursed for the costs of oversizing or extending as provided
229 in Section 3-8-52 herein.

230
231
232 **Sec. 3-8-49. - Developer Installed On-Site Utility Facilities**

233
234 (a) Developer's Obligations. For new developments that require the installation of On-
235 site Utility Facilities:
236 i. Utility Facilities shall be designed and constructed by the Developer, to the
237 County's current standards at Developer's expense.
238 ii. Developer must furnish County with accurate information concerning
239 engineering, proposed occupancy type for all buildings and dwellings, and
240 proposed land use densities.
241 iii. Upon acceptance by the County, Developer may convey title of the
242 completed Utility Facility to County.

243
244 (b) Distribution and/or Collection Fee Credits:
245 i. Developer is entitled to Distribution and/or Collection Fee Credits equal to
246 the actual construction cost of contributed On-site Utility Facilities as
247 detailed in the executed Utility Agreement.
248 ii. Distribution and/or Collection Fee Credits are provided on a dollar for dollar
249 basis only and calculated at the rate(s) in effect when the connections are
250 made based on the cost approved by County.
251 iii. The amount of Distribution and/or Collection Fee Credits may not exceed
252 the total amount of Distribution and/or Collection Fees due for the property
253 covered by the Utility Agreement.
254 iv. Distribution and/or Collection Fee Credits are non-transferable and may
255 only be used to offset the distribution and/or collection fees owed by
256 Developer for the property covered by the Utility Agreement.

257
258 (c) Partially Constructed On-site Utility Facilities. If Developer abandons the
259 development and the On-site Utility Facilities have been partially constructed and
260 not accepted by County, the Developer or successor in interest, prior to completing
261 or revising the configuration of the development, will be required to enter into an
262 amended Utility Agreement to address, at a minimum, the following:
263

- 264 i. Status of any Collection and/or Distribution fee credits and previously paid
265 TAP fees, if any, taking into consideration the percentage of completion of
266 the existing On-site Utility Facilities, the length of time since any
267 development activity, and other relevant factors; and
268
- 269 ii. Requirements for testing, repair, reconfiguration, or replacement of installed
270 On-Site utility facilities, prior to acceptance by County.
271

272
273 **Sec. 3-8-50. - Performance Guarantees.**
274

- 275 (a) Developer must provide evidence to demonstrate financial responsibility to ensure
276 that the installation of the Off-site Utility Facilities is completed. Financial surety
277 for a subdivision shall be considered evidence of financial responsibility and no
278 further surety is required.
279
- 280 (b) Projects with an Estimate of Probable Costs of construction for Off-site Utility
281 Facilities greater than two hundred-thousand dollars (\$200,000.00), require a
282 construction performance bond or letter of credit in favor of County. The amount
283 of the performance bond or letter of credit shall be one hundred ten percent
284 (110%) of the Developer's Estimate of Probable Costs of construction of the Off-
285 site Utility Facilities as approved by County, exclusive of equipment costs. The
286 performance bond or letter of credit shall be provided at the time the Utility
287 Agreement is executed by County.
288
- 289 (c) Performance bonds shall be issued by a surety having a minimum rating of A-1 in
290 Best's Key Rating Guide, Property/Casualty Edition and subject to the approval of
291 the County Attorney. Performance Bonds must provide that: "Unless released by
292 Charlotte County, this bond may not be canceled, or allowed to lapse, until sixty
293 (60) days after receipt by the Charlotte County Attorney, by certified mail, return
294 receipt requested, of a written notice from the issuer of the bond of intent to cancel
295 or not to renew."
296
- 297 (d) If Developer fails to complete work in accordance with the Utility Agreement, any
298 damage or loss suffered by County as a result shall be recoverable jointly and
299 severally from the principal and surety of the bond, including, but not limited to:
300 the cost of removal, repair, or completion the work, plus a reasonable allowance
301 for attorney's fees, up to the full amount of the bond.
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Sec. 3-8-51. - Conveyance of Utility Easements and Rights-of-Way.

Developer is responsible for obtaining and transferring to County any utility easements and rights-of-way required for the proposed Utility Facilities that will be conveyed to County. The grant or conveyance of utility easements and rights-of-way shall be in a form satisfactory to the County Attorney. The conveyances shall be made without cost to County.

Sec. 3-8-52. - Reimbursement for Oversizing or Additional Extension of Utility Facilities.

- (a) County may request that Developer oversize or extend utility lines or facilities, beyond what is required for the proposed development, for future anticipated development.
- (b) County will reimburse Developer for the actual, invoiced construction costs, that are attributable to the oversizing or extension. Developer costs for design, project engineering, permitting, and inspection are not eligible for reimbursement.
- (c) The oversizing or extension reimbursement amount shall be determined by County based on the difference between the construction cost of the Utility Facilities required to serve the Developer’s project and the cost to oversize or extend the Utility Facilities.
- (d) The maximum reimbursement amount shall be based on difference between the County-approved Developer’s Estimate of Probable Costs for the Utility Facilities required for the project and the County-approved Developer’s Estimate of Probable Costs for the oversized or extended Utility Facilities.
- (e) The Utility Agreement between Developer and County shall specify the maximum reimbursement amount attributable to the oversizing or extension.
- (f) Any Utility Agreement that includes an oversizing or extension reimbursement to Developer for Utility Facilities that exceeds the purchasing authority limit of the County Administrator must be approved by the Board of County Commissioners. At County’s option, the amount of the reimbursement may be deducted from the amount due for TAP Fees for the property.

Sec. 3-8-53. - Design, Construction and Conveyance of Developer-Constructed Utility Facilities

- 348 (a) All Utility Facilities constructed by Developer that are intended to be conveyed to
349 County must be designed by a Florida-licensed professional engineer regularly
350 engaged in the field of potable water, wastewater, and reclaimed water system
351 design.
- 352
- 353 (b) All design plans and specifications must conform to County's most current adopted
354 utilities' design compliance standards and the completed design plans must be
355 reviewed and approved by the County Utility Department prior to the issuance of
356 any permits for construction.
- 357
- 358 (c) All Utility Facilities must be designed and constructed to extend to the limits of the
359 property to make the facilities available to serve adjacent property.
- 360
- 361 (d) No service laterals or facilities on the utility customer's side of the meter and/or
362 property line/utility easement shall be transferred to County. Such Utility Facilities
363 shall remain the maintenance responsibility of Developer and subsequent owners
364 of the property.
- 365
- 366 (e) The Plan Review Fee and Administrative Fee are due at the time the Utility plans
367 are submitted. Any additional plan review fees incurred due to plan rejection or
368 revision must be paid prior to issuance of the first Certificate of Occupancy.
- 369
- 370 (f) Developer is responsible for obtaining all required permits and must pay permit,
371 inspection, and any other applicable fees.
- 372
- 373

374 **Sec. 3-8-54. - Inspection of Utility Facilities Installed by Developers.**

- 376 (a) Right to inspect. During all phases of construction, County shall have the right to
377 inspect all Utility Facilities installed by Developer to ensure that they comply with
378 the County's most current utilities' design compliance standards and the plans and
379 specifications approved by County. County shall have the right to be present
380 during all tests of the component parts of the utility system installed by Developer
381 to ensure that the utility system, as constructed, conforms to County standards and
382 the approved plans and specifications.
- 383
- 384 (b) Inspection Fee. Developer shall pay County an Inspection Fee at the time the
385 Utility Agreement is executed, provided, however, that if the development is being
386 phased, the Utility Agreement may provide that a proportionate amount of the
387 Inspection Fee is due at the beginning of each phase.
- 388
- 389 (c) All constructed Utility Facilities that do not comply with County requirements must
390 be corrected by Developer at Developer's expense.
- 391
- 392 (d) Connection to County Utilities. Upon completion of construction, Developer must
393 connect the Utility Facilities it constructed to the County's Utility System and

394 schedule an inspection by County. Any connection completed and covered by
395 Developer without inspection by County may result in Developer being required to
396 uncover the connection, at Developer's cost, for inspection by County.
397

398 (e) Indemnification. Developer, its contractors and subcontractors, shall be insured
399 against all losses and injury that may result from the construction and installation
400 of Utility Facilities by Developer. Developer shall indemnify and hold harmless
401 County, its officers and employees, from all liabilities, damages, losses and costs,
402 including, but not limited to, reasonable attorney's fees, to the extent caused by
403 the negligence, recklessness, or intentional wrongful misconduct of Developer,
404 and firms employed or utilized by Developer, in installation of the Utility Facilities.
405 Developer shall include County as a named insured on all applicable insurance
406 policies.
407

408 (f) Damage caused by Developer. Developer shall reimburse County for all damage
409 caused by Developer's installation or construction of Utility Facilities; and
410 reimburse or restore to every owner of property abutting the location of any Utility
411 Facilities installed by Developer for any physical injury or loss caused by the
412 installation or construction activities. Restoration shall include the re-sodding of
413 all swales that have been damaged by the construction and the repair of all
414 physical damage caused to abutting property.
415

416 (g) Release of Lien. After completion of construction and final inspection by County,
417 the Developer shall, prior to transfer of all constructed Utility Facilities to County,
418 provide County with:
419

- 420 i. Release of Lien executed by the utility contractor; and
- 421 ii. Certificate of Contributory Assets that lists the Utility Facilities being
422 conveyed to County; and
- 423 iii. A Bill of Sale in a form that is acceptable to the County Attorney; and
- 424 iv. Signed releases from all affected adjacent property owners.
425
426

427 **Sec. 3-8-55. - Reservation of Capacity in County's Utility System.**
428

429 (a) TAP Fee. Payment of the TAP Fee is required to reserve capacity in County's
430 Utility System.
431

- 432 i. Fifty percent (50%) of the TAP Fee is due and payable within forty-five (45)
433 days of execution of the Utility Agreement, or prior to the preconstruction
434 meeting with the Utility Department, whichever occurs first, and will reserve
435 50% of the planned capacity for the project. The balance of the TAP Fee is
436 due and payable, at the County's rate in effect when payment is made by
437 Developer to reserve the remaining capacity required by the project, prior
438 to issuance of the first Certificate of Occupancy.

439 ii. At Developer's option, Developer may pay 100% of the TAP fee to reserve
440 all capacity required for the project at the time the Utility Agreement is
441 executed.
442

443 (b) Phased Development.
444

- 445 i. If a development is being constructed in phases, capacity is only reserved
446 for those phases where the TAP Fee has been paid, and only for the
447 percentage of the TAP fee that has been paid
448 ii. If Developer elects to develop and pay TAP Fees in phases, the TAP Fee
449 for each phase must be paid in full prior to the commencement of Utility
450 Facility construction for the next phase.
451 iii. A TAP Fee deferred for future phases shall be paid at the rate in effect at
452 the time of payment.
453 iv. Separate utility construction permits are required for each phase and TAP
454 Fees are calculated based on the ERCs served for each phase.
455

456 (c) Reserved Capacity utilized within five (5) years of the date of the Utility Agreement
457 will be at the same rate and upon the same terms as provided in the executed
458 Utility Agreement.
459

460 (d) Reserved Capacity utilized more than five (5) years, but less than ten (10) years
461 from the date of the Utility Agreement will require the payment of an additional TAP
462 fees (based on the difference between the amount of the TAP fee previously paid
463 and the current TAP fee rate).
464

465 (e) Reserved capacity not utilized within ten (10) years from the date of the Utility
466 Agreement. All reserved capacity not utilized within ten (10) years from the date
467 of the Utility Agreement will be recaptured by County and payment of current TAP
468 fees will be required to reserve capacity and connect to the County's system.
469

470
471 **Sec. 3-8-56. - Recapture of Reserved Capacity.**
472

473 The County will recapture any unused reserved water, sewer, and reclaimed water
474 capacity in the following instances:
475

- 476 i. Failure of the Developer, or its successor, to comply with the requirements
477 of the executed Utility Agreement; or
478
479 ii. Expiration of the stated term of the Utility Agreement.
480
481
482
483
484

Sec. 3-8-57. - Fees Required to Connect to County's Utility System.

(a) All new connections to County's Utility System are required to pay all applicable fees contained in County's current Utility Rate Resolution.

(b) TAP Fees and Collection or Distribution Fees.

i. Single Family Residences, Master-Metered Multi-Family Residential Properties, Mobile Homes, Duplexes, Commercial Properties, and other Non-Residential Properties. TAP Fees and Collection or Distribution Fees for Single Family Residences, Mobile Homes, Duplexes, Commercial Properties, and other Non-Residential Properties are determined based on the meter size and the corresponding number of Equivalent Residential Connections (ERCs) calculated according to the ERC use table below. The minimum TAP Fee and Collection or Distribution Fee for any use is one (1) ERC.

General Service	ERCs [*]
¾" Meter	1.0
1" Meter	2.5
1½" Meter	5.0
2" Meter	8.0
3" Meter	16.0
4" Meter	25.0
6" Meter	50.0
8" Meter	80.0
[*] Amounts as published by the American Water Works Association (AWWA), adopted by County, to apply the monthly base facility charges for potable water and wastewater monthly service. The factors are based on the estimated hydraulic capacities of each meter size as published by the AWWA.	

ii. Multi-Family Residential Properties. For individually metered Multi-Family Residential Properties, Water and Wastewater TAP Fees and Collection or Distribution Fees are assessed per dwelling unit and are calculated based on 157.5 gallons per day (maximum daily flow) per dwelling unit.

iii. Multi-family Developments. For multi-family developments, all separately metered water uses for the common areas of such developments, including, but not limited to, recreational facilities, clubhouses, meeting rooms, carwash and laundry room facilities, shall be treated the same as non-residential uses.

514 iv. Meter Sizing. Developer's determination of meter size must be approved by
515 County to ensure that there will be sufficient water pressure during peak
516 use periods.
517

518 (c) Collection and Distribution Fees.
519

520 i. A Collection and/or a Distribution Fee is charged for new connections to
521 County-owned Collection and/or Distribution Systems to recover the
522 Developer's share of the acquisition, installation, and maintenance costs
523 incurred by the County for the Collection and Distribution Systems. The
524 amounts due for Collection and Distribution Fees are determined based on
525 ERC's associated with applicable meter size. Fifty percent (50%) of the
526 Collection and Distribution Fees are due and payable within forty-five (45)
527 days of execution of the Utility Agreement, or prior to the preconstruction
528 meeting, whichever occurs first, and the balance (50%) is due and payable
529 prior to issuance of the first Certificate of Occupancy.
530

531 ii. MSBUs. Collection and/or Distribution Fees are not charged when the
532 Collection and Distribution Systems are/were installed pursuant to an
533 MSBU and all properties have been assessed for the cost of installing the
534 Collection and Distribution Systems, provided that any change in use of the
535 property that results in additional ERCs may require payment of additional
536 Collection and/or Distribution Fees.
537

538 iii. Collection and/or Distribution Fees for connections made within five (5)
539 years of the date of the Utility Agreement will be at the same rate and upon
540 the same terms as provided in the executed Utility Agreement.
541

542 iv. Collection and/or Distribution Fees for connections made more than five (5)
543 years, but less than ten (10) years from the date of the Utility Agreement
544 will require the payment of an additional Collection and/or Distribution Fees
545 (based on the difference between the amount of the Collection and/or
546 Distribution Fees previously paid and the current Collection and/or
547 Distribution Fee rate).
548

549 v. Collection and/or Distribution Fees for connections made more than ten (10)
550 years from the date of the Utility Agreement. All connections made more
551 than ten (10) years from the date of the Utility Agreement will require
552 payment of the current Collection and/or Distribution Fee.
553

554 (d) Equipment, Meter, and Miscellaneous Fees. Where applicable, equipment, meter,
555 and miscellaneous fees, as contained in the current Utility Rate Resolution, are
556 due and payable at the time of connection to the County's Utility System. In
557 instances where equipment or meter fees have been prepaid by the Developer
558 and the County's actual costs for such meters or equipment have increased,

559 additional equipment or meter fees, based on the difference in cost, will be due at
560 the time the equipment or meters are installed.

561

562 **Sec. 3-8-58. - Refund of TAP Fees.**

563

564 (a) County may refund TAP fees, upon the written request of Developer, and provided:

565

566 i. TAP Fees were paid for a project which requires a Florida Department of
567 Environmental Protection (DEP) permit and DEP refuses or fails to issue
568 the permit; or

569 ii. A change in Developer's project plans results in a lesser amount of TAP
570 Fees owed to County; or

571 iii. Developer fails to commence any construction within six (6) months of
572 building permit issuance, Final Site Development Plan approval, or Final
573 Detail Plan approval, provided, however, that County shall deduct from the
574 refund an amount equal to twenty (20) percent of the TAP Fees for each
575 year, or portion thereof, that has elapsed since execution of the Utility
576 Agreement.

577

578 (b) Prior to receiving the refund, Developer must provide County with a letter or other
579 documentation from FDEP verifying that the FDEP permit is no longer valid.

580

581 **Sec. 3-8-59. - Refund of Collection or Distribution Fees.**

582

583 County may refund Collection or Distribution fees, upon the written request of
584 Developer, and provided:

585

586 (a) The Collection or Distribution Fees were paid for a project which requires a Florida
587 Department of Environmental Protection (DEP) permit and DEP refuses or fails to
588 issue the permit; or

589

590 (b) A change in Developer's project plans results in a lesser amount of Collection or
591 Distribution Fees owed to County, in which case the Developer may obtain a partial
592 refund of the excess fees; or

593

594 (c) Developer fails to commence any construction of the On-site Utility Facilities within
595 six (6) months after FDEP approval.

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598 **Sec. 3-8-60. - Change of Use.**

599

600 (a) When there is a change in use of a property that is already connected to the County
601 Utility System, or a property is redeveloped and the number of ERCs for the new
602 use is greater than for the prior use, additional TAP, Distribution, and Collection
603 Fees, at the then current rate, may be required.

604

605 (b) If the change of use requires an increase in the meter size, additional Distribution
606 and Collection fees will be due, with a credit given for Distribution and Collection
607 fees previously paid.

608
609 (c) There are no refunds of TAP, Distribution or Collection Fees when a meter is
610 downsized.

611
612 **Sec. 3-8-61. - County Initiated Utility Line Extensions.** In unincorporated areas of
613 Charlotte County, where public health and welfare may be endangered by the absence
614 of potable water and wastewater service, County may, in the interest of the public health,
615 safety, and welfare, approve construction of utility line extensions using any funding
616 source that is available for such purpose.

617
618 **Sec. 3-8-62. - Municipal Service Benefit Units (MSBUs) for Potable Water**
619 **Distribution, Wastewater Collection Facilities, and Reclaimed Water Facilities.**
620 Certain areas of Charlotte County have been previously subdivided into building sites and
621 sold to individuals for investment or later development with commercial or residential
622 structures. County may extend its potable water distribution, wastewater collection
623 facilities, and reclaimed water facilities, into areas of the County where demands for the
624 services have reached reasonable levels in relation to undeveloped sites, or the
625 extensions may be deemed necessary due to public health or environmental factors as
626 identified in the County's Utility Master Plans. In such instances, the County may decide
627 to extend such Utility Facilities by establishing a municipal service benefit unit (MSBU).
628 In assessing properties to be improved by the extension of potable water distribution,
629 wastewater collection facilities, or reclaimed water facilities, the principles of this
630 extension policy shall prevail in that the assessment imposed shall be based upon the
631 pro rata share of the On-site and Off-site Utility Facilities properly allocable to each
632 buildable property.

633
634 **Section 4.** Severability. If any subsection, sentence, clause, phrase, or portion
635 of this Ordinance is for any reason held invalid or unconstitutional by any court of
636 competent jurisdiction, such portion shall be deemed a separate, distinct, and
637 independent provision and such holding shall not affect the validity of the remainder of
638 this Ordinance.

639 **Section 5.** Codification. It is the intention of the Board of County Commissioners
640 of Charlotte County, Florida and it is hereby ordained that the provisions of this Ordinance
641 shall become and be made a part of the Code of Laws and Ordinances of Charlotte
642 County, Florida ("Code"), and the sections of this Ordinance may be renumbered to

643 accomplish such intention. In the event this Ordinance conflicts with any provisions of the
644 Code, the provisions of this Ordinance shall control to the extent of any such conflict.

645 **Section 6.** Effective Date. A certified copy of this Ordinance shall be filed with
646 the Department of State of the State of Florida within ten (10) days of enactment and shall
647 take effect upon filing with said Department.

648 PASSED AND DULY ADOPTED this 14th day of April, 2020.

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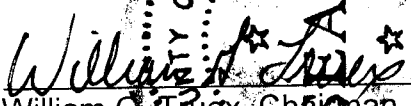
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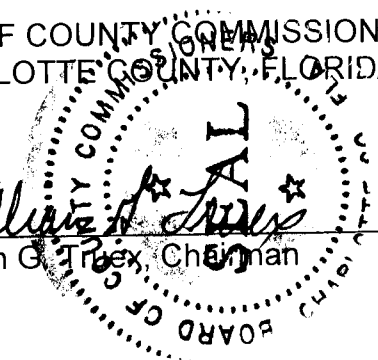
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BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
William G. Trex, Chairman

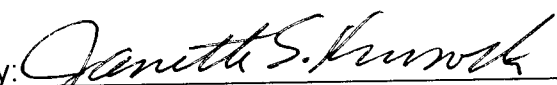


ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk of the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Janette S. Knowlton, County Attorney
LR 17-0216 _____

ECONOMIC IMPACT STATEMENT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, REPEALING CHAPTER 4-5, "WATER AND SEWER DISTRICTS," ARTICLE XII, "CHARLOTTE COUNTY WATER AND SEWER DISTRICT NO. 1," DIVISION 2, "UNIFORM EXTENSION POLICY" IN ITS ENTIRETY; RESCINDING RESOLUTION NUMBER 2007-022 WHICH ADOPTED A UNIFORM EXTENSION POLICY; CREATING CHAPTER 3-8, "WATER AND SEWERS;" ARTICLE II, "STANDARDS FOR WATER AND WASTEWATER UTILITIES," DIVISION 5, "UTILITY EXTENSION STANDARDS;" PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE: To amend the current uniform extension policy to a new document that is clear and concise allowing local developers to follow a complete document for the expansion of utility infrastructure.

IMPACT:

A. Cost of Implementation: None

B. Source of Funds/Ultimate Burden of Costs: Not Applicable

C. Effect on Competition and the Employment Market: None

D. Benefits on Implementation: By changing the methodology of equivalent residential connections (ERC) calculations from an occupancy table method to one that utilizes a meter-based approach will likely increase the development of businesses that were traditionally underdeveloped due to high ERC numbers. Additionally, this approach allows for easier calculations reducing personnel costs. Furthermore, by changing the due time for fee payment it reduces the upfront financial burden on developers. Moving to a dollar for dollar credit given for developer installed infrastructure provides for a more just credit system. Lastly, by authorizing the County Administrator to sign upsizing agreements equal to their dollar limit will increase efficiencies.