

ORDINANCE NO. 702

AN ORDINANCE ESTABLISHING PROCEDURES TO FACILITATE THE ORDERLY EXPANSION OF THE CITY'S WATER SUPPLY SYSTEM AND WASTE WATER TREATMENT SYSTEM; PROVIDING FOR DEFINITIONS, IMPACT FEES; FEE SCHEDULES CHARGES, AND RESTRICTIONS; PROVIDING GUIDELINES FOR EXPENDITURES OF MONIES COLLECTED; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of DeFuniak Springs, Florida, desires to establish procedures to facilitate the orderly expansion of the City's water supply system and waste water treatment system,

BE IT ORDAINED by the City Council of the City of DeFuniak Springs, Florida, as follows:

Section 1. Impact Fee.

For the privilege of connecting to the water or sewer system, each customer requesting service shall pay an appropriate, impact fee based on user class (i.e., residential, commercial) and location of the service requested (i.e., inside City Limits, outside City Limits, etc.) as defined and determined herein.

Section 2. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

Individual Residential User - shall mean one who is requesting service for his own personal use.

Collective Residential User - shall mean one who is requesting service for two or more residential units/or lots for the purpose of subsequent sale, rental, or lease.

Commercial User - shall mean anyone other than a residential user requesting service.

Equivalent Residential Unit (ERU) - a water demand of 6,000 gallons per month shall be considered equivalent to one residential unit for purposes of determining impact fees.

Section 3. Fees.

Impact fees for water and sewer service shall be as set forth below:

| Inside City Limits | Water | Sewer |
|-----------------------------|-------------|--------------|
| Individual Residential User | 275.00 | 450.00 |
| Collective Residential User | 851.00/unit | 1354.00/unit |
| Commercial User | 851.00/ERU | 1354.00/ERU |

| Outside City Limits | Water | Sewer |
|-----------------------------|--------------|--------------|
| Individual Residential User | 344.00 | 563.00 |
| Collective Residential User | 1064.00/unit | 1692.00/unit |
| Commercial User | 1064.00/ERU | 1692.00/ERU |

Section 4. Impact Fee Determination.

Residential (Individual and Collective) impact fees shall be determined by multiplying the appropriate impact fee by the number of residential units for which service is requested.

Commercial impact fees shall be determined by multiplying the number of ERU's times the appropriate impact fee for the service requested. For purposes of estimating flow rates for various types of users other than residential, HRS Regulations, Chapter 10D6, or any amendments thereto, shall be used as a guide in the absence of other reliable historical data.

Section 5. Adjustments in Impact Fees Charges.

When impact fees are based on estimated or anticipated flowrates, a reassessment of this charge may be made after the first 12 months of full operation upon request by owner. At that time, the maximum monthly flow for this period will be determined and the "adjusted" impact fee calculated using the methodology as outlined above. If the revised fee is less than the original assessment, a credit will be issued to that account. If it is more, the City shall bill the customer the difference. Failure of the customer to pay will result in discontinuation of service.

Section 6. Time of Assessment and Payment.

All appropriate impact fees will be assessed and paid in full at the time of request for service with the exception of planned developments not yet constructed. Impact fees for planned developments shall be assessed and paid at such time as the developer requests the City's review and approval of the

development plans.

Section 7. Non-Duplication of Impact Fees.

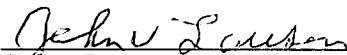
Once an impact fee has been assessed for a specific connection or on behalf of a multi-connection (i.e., subdivision, apartments, etc.), no additional impact fee will be imposed on the subsequent user unless the nature or volume of the consumption has increased. In which case, a revised impact fee will be calculated as outlined in Section 4 above.

Section 8. Water Impact Fee Fund, Sewer Impact Fee Fund.

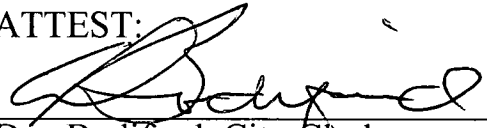
1. There is hereby established a water impact fee fund and a sewer impact fee fund. All payments of impact fees for water connections and/or for sewer connections shall be deposited into the appropriate impact fee fund.
2. The monies in the water impact fee fund shall be used to pay:
 - a. The share of future debts service of obligations issued for water improvements determined to primarily benefit users connecting to the system after October 1, 2004.
 - b. Engineering and planning expenses for water improvements primarily benefitting users connecting to the system after October 1, 2004, which will be repaid to the fund from the proceeds of the next bond issue and the cost and timing of which are determined not to adversely affect the fund's ability to pay in the interim the appropriate share of future debt service as provided for in this section.
 - c. Engineering, planning or capital expenditures for water improvements primarily benefitting users connecting to the system after October 1, 2004, and the cost and timing of which are determined not to adversely affect the fund's ability to pay the appropriate share of future debt service as provided for in this section.
3. The monies in the sewer impact fee fund shall be used to pay:
 - a. The share of future debts service of obligations issued for sewer improvements determined to primarily benefit users connecting to the system after October 1, 2004.
 - b. Engineering and planning expenses for sewer improvements primarily benefitting users connecting to the system after October 1, 2004, which will be repaid to the fund from the proceeds of the next bond issue and the cost and timing of which are determined not to adversely affect the fund's ability to pay in the interim the appropriate share of future debt service as provided for in this section.
 - c. Engineering, planning or capital expenditures for sewer improvements primarily benefitting users connecting to the system after October 1, 2004, and the cost and timing of which are determined not to adversely affect the fund's ability to pay the appropriate share of future debt service as provided for in this section.

Any Ordinance in conflict herewith is hereby repealed. This Ordinance shall become effective upon adoption.

ADOPTED on the 27th day of SEPT., 2004.



John Lawson, Mayor

ATTEST:


Dan Bodiford, City Clerk