

## ORDINANCE 2017-06

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO SEWER DEPOSITS AND AMENDING SECTION 12-4.34, APPENDIX “G” (LAND DEVELOPMENT CODE) OF *THE CODE OF ORDINANCES OF THE CITY* AS WELL AS ALL OTHER PROVISIONS REQUIRING THE ENACTMENT OF AN ORDINANCE TO CHANGE FEES, CHARGES, RATES OR OTHER SIMILAR MATTERS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AN APPEAL PROCESS RELATIVE TO CITY ACTIONS AND ACTIVITIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION AND INSTRUCTIONS TO THE CODE CODIFIER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, controlling State law and sound and generally accepted public management practices and principles prohibit municipal enterprise funds from incurring operational financial deficits; and

**WHEREAS**, the City must recover charges paid for sewage treatment services to its vendor for such services in order to maintain a stable and sound fiscal system relative to the provision of utility services; and

**WHEREAS**, the City should modify fees, charges, rates or any other similar matters by means of the adoption of a resolution at a public meeting as opposed to unnecessarily incurring the significant costs of advertising and processing ordinances to take such actions.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA:**

### **SECTION ONE. LEGISLATIVE FINDINGS AND INTENT.**

(a). The City Council of the City of Daytona Beach Shores hereby the City staff report relating to this Ordinance as additional legislative findings which shall not be codified as a part of this Ordinance.

(b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

**SECTION TWO. SEWER DEPOSIT SCHEDULE.** Section 12-4.34. of Appendix “G” (Land Development Code) of the *Code of Ordinances of the City of Daytona Beach Shores* is amended to read as follows (~~strikethrough~~ is a deletion):

### **Sewer Deposit Schedule:**

There is hereby imposed a sewer deposit schedule to ensure that sewer accounts will be paid. The following schedule of deposits is hereby imposed:

Residential: \$100.00

Commercial: ~~\$300.00~~ Three (3) months' average use, based upon the prior twelve months' usage for those or similar premises, as best determined by the City.

### **SECTION THREE: CHANGES IN AMOUNT OF FEES, CHARGES, RATES OR OTHER SIMILAR MATTERS.**

All provisions of the City Code which relate to the establishment of the amount of fees, charges, rates or any other similar matters are hereby repealed and the Code codifier shall replace such provisions with the following text: "All fees, charges, rates or similar matters shall be as provided in a resolution adopted by the City Council."

### **SECTION FOUR: IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative policies.

### **SECTION FIVE: SAVINGS.**

The prior actions of the City of Daytona Beach Shores relating to the collection, imposition, establishment or other action relative to utility fees, charges, rates or any other similar matters and any other fees, charges, rates or any other similar matters by the City and the establishment of fees, charges, rates or any other similar matters by the City, and any and all matters relating thereto, are hereby ratified and affirmed.

### **SECTION SIX: CODIFICATION.**

(a). The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections One, Four, Five, Six, Seven, Eight and Nine shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

(b). The Code codifier is hereby directed to move all provisions of the *Code of Ordinances of the City of Daytona Beach Shores* from the *Land Development Code* (Appendix "G") to another appropriate location.

(c). The City Attorney is directed to review the codes and ordinances of the City to develop a system whereby changing rates, fees and similar assessments and matters may be accomplished by adoption of a resolution as opposed to the enactment of an ordinance.

**SECTION SEVEN: CONFLICTS.**

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION EIGHT: SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION NINE: EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon enactment.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

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**HARRY JENNINGS, MAYOR**

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**MICHAEL T. BOOKER, CITY MANAGER**

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**CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

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**LONNIE GROOT, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.