

# Loxahatchee River District

Water Reclamation | Environmental Education | River Restoration

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D. Albrey Arrington, Ph.D., Executive Director

## MEMORANDUM

TO: GOVERNING BOARD  
FROM: D. ALBREY ARRINGTON, Ph.D.  
DATE: JUNE 9, 2015  
SUBJECT: PROPOSED REVISION OF RULE 31-10 RATES, FEES, CHARGES

In March the Board approved revisions to District Rule Chapter 31-10. Through implementation of those changes staff identified a few areas of the Rule that need to be revised. The proposed revisions fall into four categories:

1. Clarifying definitions
  - a. Non-residential Unit definition was clarified (page 2 of the rule)
  - b. Owner is now defined (page 6)
2. Clarifying categories of non-residential uses and associated equivalent connections (page 8-9)
3. Clarifying that the quarterly service charge for trailer parks and RV parks are billed at a flat rate based on the number of equivalent connections (page 15).
4. Provided a grandfather clause regarding tenants established as the quarterly service charge bill recipient prior to April 1, 2015 (page 16).

None of these proposed revisions cause a change in how the District conducts business. Rather, these revisions clarify the District's position on a these matters.

On the following pages, you can see the proposed revisions as red line edits in the context of the entire Rule 31-10. Please let me know if you have any questions, concerns, or suggested revisions.

The following motion is recommended for your consideration and approval:

**“THAT THE DISTRICT GOVERNING BOARD approve the revised Rule Chapter 31-10 Schedule of Rates, Fees and Charges as presented.”**

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Board Member

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Board Member

Stephen B. Rockoff  
Chairman

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Board Member

James D. Snyder  
Board Member

RULES  
OF THE  
LOXAHATCHEE RIVER  
ENVIRONMENTAL CONTROL DISTRICT  
CHAPTER 31-10  
SCHEDULE OF RATES, FEES AND CHARGES  
FOR THE USERS OF THE REGIONAL WASTEWATER SYSTEM

- 31-10.001 Definitions.
- 31-10.002 Residential Equivalent Connections.
- 31-10.003 Non-Residential Equivalent Connections.
- 31-10.004 Application for Sewer Service.
- 31-10.005 Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, and Subregional Line Charges for Residential and Non-Residential Units.
- 31-10.006 Special Assessments
- 31-10.007 Quarterly Service Charges for Sewer Service.
- 31-10.008 Determination of Equivalent Connections.
- 31-10.009 Responsibility for Payment and Enforcement of Collections.
- 31-10.010 Payment of Certain Rates, Fees and Charges; Developer Agreement.
- 31-10.011 Connection to Sewer Required.
- 31-10.012 Exceptions to the Payment of Connection Charges.
- 31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Services; Irrigation Quality Water Agreements.
- 31-10.014 Low Pressure Pump Unit Delivery Procedures & Delivery Charge.

**31-10.001 Definitions.**

(1) Equivalent Connections – The term “equivalent connections” shall be a multiple factor determined by the amount of toilets (water closets) per individual residential and non-residential unit, the estimated public usage or average flow of wastewater per day, or a combination of the above which may be connected with or used by each parcel of land which may be connected with or used by the regional wastewater system of the District, as more particularly set forth in Sections 31-10.002 and 31-10.003 herein.

(2) Residential Unit – Residential Unit shall consist of a residential living unit or structure directly or indirectly connected to the regional wastewater system of the District including but not limited to single family dwelling, guest house with toilet, separate living structure with toilet and kitchen sink, and each separate living unit of duplexes, apartment houses, townhouses, condominiums and cooperative apartments.

(3) Non-residential Unit – Non-residential unit shall consist of a non-residential building or structure connected to the regional wastewater system of the District including, but not limited to, hotels, motels and boarding houses, wholesale and retail businesses, professional offices, schools, warehouses (including each individual bay) and without limitation all other buildings and structures of a commercial ~~nature~~, public ~~or~~ quasi-public ~~nature~~ buildings and structures. Where appropriate, multiple buildings may be considered as a single Non-residential unit as determined by the District.

(4) Regional Wastewater System – The term “Regional Wastewater System” means any plant, facility or property; and additional extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary, or having the capacity for future use in connection with the collection, transmission, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business, or from the development of any natural

resources; and without limiting the generality of the foregoing definition, shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment; all sewer mains and laterals for the reception and collection of sewage from premises connected therewith; and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such sewer system and necessary or convenient for the operation thereof, of the District.

(5) Transmission System Master Plan – Report on “Wastewater Collection System Master Plan” for the District dated February 1981 or the latest updated version of the report approved by the Governing Board of the District. The report contains maps and describes those transmission mains, pump stations, lift stations, gravity collectors and interceptors, which constitute the facilities of the regional transmission system.

(6) Regional Transmission Facility – Regional transmission facilities consist of transmission lines, force mains, gravity interceptors, lift stations or pump stations which collect wastewater from two or more sub-regions and transport the wastewater to the District treatment plant. The regional transmission facilities size and location are described in the latest transmission master plan or amendments to the regional transmission master plan.

(7) Subregional Collection Facilities – Consist of neighborhood gravity collection lines, collection man holes, force mains, lift stations and pump stations intended primarily to collect and transport wastewater from the subregional system to the regional transmission facility.

(8) Capital Cost – Capital cost of regional transmission facilities shall consist of construction cost plus an allowance for associated cost. Construction costs include, but are not limited to, the cost of installation of pipelines, special fittings, valves, pumps, appurtenances and the cost of acquiring permanent and construction right-of-ways and easements. Allowances for

associated costs include engineering services, legal, fiscal, contingencies and administrative cost. In no event will the allowance for associated cost exceed 25 percent of the construction cost.

(9) Plant Connection Charge – The Plant Connection Charge shall be defined as the charge which shall be paid for each equivalent connection, prior to connecting to the regional wastewater system of the District, and credit for which shall run with and be appurtenant to the land. The Plant Connection Charge shall be due and payable prior to the time connection is made to the system. Credit for the Plant Connection Charge, once paid is not transferable except upon approval of the District upon such terms as the District may make. Plant Connection Charges are determined as set forth hereafter in this rule and may be changed from time to time in accordance with the law

(10) Regional Transmission System Line Charge – The District shall collect from each user that directly or indirectly physically connects to the District’s regional wastewater system from and after the effective date hereof, and from those owners of property that have made a direct or indirect physical connection to any such regional wastewater system facility prior to the effective date of this rule and who have agreed to pay a Regional Transmission System Line Charge when same is adopted. Regional Transmission System Line Charges are determined as set forth hereafter in this rule and may be changed from time to time in accordance with the law.

(11) Administrative Charge – The Administrative Charge shall be defined as the charge to offset administrative, legal, engineering, and inspection expenses associated with new development and which shall be paid for each equivalent connection prior to signing a Standard Developer Agreement or prior to connecting to the District’s regional wastewater system, whichever comes first. Administrative Charges are determined as set forth hereafter in this rule, are not refundable, and may be changed from time to time in accordance with the law.

(12) Available Sewer System of the District – For purposes of this rule, a District sewer system shall be considered “available” to an owner whenever a District sub-regional

collection line or other point of District sewerage collection shall be 100 feet (100') or less away from owner's property line as measured from said property line to the point of sewerage collection without crossing the private property of another than owner, and in accordance with District Rule 31-3.003(3) and Florida Statutes 381.0065(2)(a) when the Florida Department of Health releases the system for service, which is the date of actual "Availability".

(13) District – The term "District" shall apply to the Loxahatchee River Environmental Control District, a separate local agency of government created by a special act of legislation, Chapter 71-822, Laws of Florida, as amended.

(14) Reserve Service Availability – The term "Reserve Service Availability" shall be defined as the right of an owner to receive sewer service in the regional wastewater system of the District upon reasonable demand.

(15) Quarterly Service Charge – The term "Quarterly Service Charge" shall be defined as the periodic charge which shall be paid for each equivalent connection commencing when the equivalent connection is connected to the Regional Wastewater System of the District, or within one year of the time the connection is available, whichever occurs first, and shall be billed in advance. Quarterly Service Charges are determined as set forth hereafter in this rule and may be changed from time to time in accordance with the law.

(16) Quarterly Service Availability Standby Charge – The term "Quarterly Service Availability Standby Charge" shall be defined as the periodic charge which shall be paid for each equivalent connection, commencing upon the signing of a Standard Developer Agreement, and shall be computed at the rate of 68% of the Quarterly Service Charge per equivalent connection as the latter may be changed from time to time in accordance with the law.

(17) Estoppel Fee – The Estoppel Fee shall be defined as the charge to offset administrative and legal expenses associated with providing information to parties requesting the status in writing for justifiable reliance purposes as to rates, fees and charges due to the District for

a specific property. An Estoppel Fee is determined at \$25.00 per Estoppel letter provided by the District and may be changed from time to time in accordance with the law.

(18) Owner – An Owner shall be defined as the legal owner of a property served by the District. Where appropriate, the District may treat a Property Owners Association, Homeowners Association, Property Manager, or other legally authorized representative of the Owner as the Owner (e.g., regarding billing and other communications).

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended by Chapters 75-475, 76-431, 78-559 and 78-561, Laws of Florida. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History – New 12-9-76, Amended 9-26-78, 5-21-81, 3-15-2012, 3-20-2014, 3-19-2015, 6-18-2015. Formerly 31-10.01.

### **31-10.002 Residential Equivalent Connections**

(1) Residential equivalent connections for the purpose of determining Plant Connection Charges, regional transmission system Line Charges, Administrative Charges, and Quarterly Service Charges and such other reasonably related purposes, shall be as follows:

- (a) One (1) toilet (water closet) equals 1.000 equivalent connections.
- (b) Two (2) toilets (water closets) equals 1.250 equivalent connections.
- (c) Three (3) toilets (water closets) equals 1.500 equivalent connections.
- (d) Four (4) or more toilets (water closets) equals 1.750 equivalent connections.

(2) Nurseries/Day Care Centers shall have residential equivalent connections for purposes of Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, Quarterly Service Availability Standby Charges, and Quarterly Service Charges, and shall be based on the rate of 1.0 residential equivalent connection per 550 square feet of gross space.

(3) Live/Work Units (as such zoning designation is approved, determined and defined by the local zoning authority) shall have residential equivalent connections for purposes of Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges,

Quarterly Service Availability Standby Charges, and Quarterly Service Charges based upon two components: (i) The Residential (“Live”) component based upon the number of toilets in the entire Live/Work Unit shall have the number of equivalent connections as set forth in subsection (1) above plus (ii) the Limited Non-Residential (“Limited Work Unit”), defined as the uses total gross floor area does not exceed 500 square feet, component shall be deemed to be an additional .50 equivalent connections, or (iii) the Standard Non-Residential (“Standard Work Unit”), defined as the uses total gross floor area exceeds 500 square feet, component shall be deemed to be an additional 1.0 equivalent connections.

<b>TYPE OF USE</b>	<b>EQUIVALENT CONNECTIONS</b>
Residential Unit with 1 toilet	1.0
Residential Unit with 2 toilets	1.25
Residential Unit with 3 toilets	1.50
Residential Unit with 4 or more toilets	1.75
<u>Nurseries/Day Care</u>	1.0/550 square feet
Limited Live/Work Unit (500 sq. ft. or less of work use) as designated by zoning authority	0.5/unit
Standard Live/Work Unit (more than 500 sq. ft. of work use) as designated by zoning authority	1.0/unit

Specific Authority Chapter 2002-358, Laws of Florida, Law Implemented Chapter 2002-358, Laws of Florida , Sections 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27). History- New 12-9-76, Amended 9-26-78, 5-21-81, 6-30-85, 11-1-98, Formerly 31-10.02. Amended 3-17-2005, 3-16-2006, 3-15-2012, 3-20-2014, 6-18-2015.

**31-10.003 Non-Residential Equivalent Connections.**

(1) For the purpose of determining Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, Quarterly Service Availability Standby Charges, Quarterly Service Charges and such other reasonably related purposes, equivalent connections for non-residential units shall consist of the highest number of equivalent



connections reflected in subsections (a) and (b) below or in accordance with calculations derived from use of subsection (c) below (if applicable), or if (a), (b) or (c) are not applicable as determined by the Governing Board, then by (d) below:

- (a) A minimum of one (1) equivalent connection per non-residential unit, as defined herein; or
- (b) One (1) equivalent connection per toilet (water closet); or
- (c) Equivalent connections in accordance with the following non-residential businesses, occupations and uses, based upon the maximum occupancy per fire code design where applicable:

<b>TYPE OF USE</b>	<b>EQUIVALENT CONNECTIONS</b>
Tavern (Bar)	.04/seat
Restaurant (regular)	.06/seat
Restaurant (24 hours)	.10/seat
Trailer Park <u>and RV Park</u>	1/space
Hotel/Motel (no Bar or Restaurant)	1.0/unit + 1.0 per common area and/or employee toilet Bar/Restaurant calculated separately
Hospital	.80/bed + 1.0 per common area and/or employee toilet
Nursing/Rest Home	.40/bed + 1.0 per common area and/or employee toilet
Assisted Living Facility / Adult Congregate Living Facility	.575/bed + 1.0 per common area and/or employee toilet
High School <u>and Middle School</u>	.08/pupil
Elementary School <u>and Pre-School</u>	.06/pupil
Office Buildings	.75/1000 sq. ft. (Gross Bldg. Area) or 1.0 per toilet whichever is greatest
Large Single Use Retail (>20,000 sq. ft.)	.50/1000 sq. ft. (Gross Bldg. Area) or 1.0 per toilet whichever is greatest
Laundromats	1.1/washing machine

Recreational Vehicle (RV) Park	0.75/Recreational Vehicle Space + 1.0 per common area and/or employee toilet
Swimming Pool Backwash Discharge	0.1/3,000 gallons
Elevator Sump	0.5/sump
<u>Marina pump out station</u>	<u>1.0/pump out station</u>
<u>Public toilets in parks</u>	<u>1/toilet</u>
<u>Quasi-public toilets e.g., community recreation areas</u>	<u>1/toilet</u>

or, (d) As may be designated by motion of the Governing Board of the District upon presentation of good and sufficient evidence to merit other specific determination.

Specific Authority Chapter 2002-358, Laws of Florida. Law Implemented Chapter 2002-358, Sections 6(8) and (11), and Section 8, and Sections 6(9), (12) and (27). History-New 12-9-76, Amended 6-25-78, 9-26-78, 5-21-81, 4-25-84, 6-30-85. Formerly 31-10.03. Amended 3-23-00, 3-17-05, 3-16-06, 03-18-10, 3-20-2014, 6-18-2015.

**31-10.004 Application for Sewer Service.**

An application for sewer service shall be made by the legal owner of the property (hereinafter referred to as the "Owner"). Before any Owner receives sewer service from the District, the Owner shall submit an application to the District on a form created by the District for such purpose. The application shall be submitted to the District's Customer Service Department. The Owner shall pay any outstanding and/or delinquent fees and charges owed to the District for the subject property as a condition of the Application for Sewer Service being complete.

The Fair and Accurate Credit Transaction Act of 2003 requires that the District obtain positive identification from Owner requesting utility service. Therefore, all new Owners shall submit an application for sewer service in person, and provide proper personal identification and proof of ownership of the property at which sewer service is desired. The District may accept telephone or electronic orders for utility service from existing customers (i.e., those Owners with an active District account) provided that the Owner provides the District proper personal identification (driver's license number or state identification card number) that matches the

previous information in the Owner's record and proof of ownership of the property at which service is desired.

The receipt of an application by the District does not constitute a guarantee of sewer service.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(9) and (11). History - New 12-9-76. Repealed 12-12-78, Formerly 31-10.04. New 3-19-2015 as to Application for Sewer Service.

**31-10.005 Plant Connection Charges, Regional Transmission System Line Charges and Subregional Line Charges for Residential and Non-Residential Units.**

(1) Plant Connection Charges, Regional Transmission System Line Charges and Subregional Line Charges (where applicable) for Residential and Non-Residential units for the use of and the services and facilities to be furnished by the Regional Wastewater System of the District shall be paid by the owner of each lot or parcel of land which may be connected with or used by such system or systems of the District.

(2) Effective 1 April 1981, all residential and non-residential Plant Connection Charges and Regional Transmission System Line Charges shall be based on the schedules in effect at the time of service contractual commitment by the District as listed below:

**PLANT CONNECTION CHARGES**

1 April 2015 thru 31 March 2016 - @ \$1,947 per E.C.

1 April 2016 thru 31 March 2017- @\$2,044 per E.C.

1 April 2017 thru 31 March 2018- @\$2,146 per E.C.

1 April 2018 thru 31 March 2019- @\$2,254 per E.C.

1 April 2019 thru 31 March 2020 - @ \$2,366 per E.C.

## REGIONAL TRANSMISSION SYSTEM LINE CHARGES

1 April 2015 thru 31 March 2016 - @ \$645 per E.C.

1 April 2016 thru 31 March 2017 - @ \$677 per E.C.

1 April 2017 thru 31 March 2018 - @ \$711 per E.C.

1 April 2018 thru 31 March 2019 - @ \$747 per E.C.

1 April 2019 thru 31 March 2020 - @ \$784 per E.C.

## ADMINISTRATIVE CHARGES

1 April 2015 thru 31 March 2016 - @ \$135.51 per E.C.

1 April 2016 thru 31 March 2017 - @ \$142.29 per E.C.

1 April 2017 thru 31 March 2018 - @ \$149.40 per E.C.

1 April 2018 thru 31 March 2019 - @ \$156.87 per E.C.

1 April 2019 thru 31 March 2020 - @ \$164.71 per E.C.

Said commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board of the District. The full amount of the Regional Transmission System Line Charges and Administrative Charges shall be due and payable in cash (or by contract to provide capital costs and to construct certain portions of the Regional Transmission System) at the time commitment of service is made.

(3) Notwithstanding Section 31-10.005 (2) above, effective 1 April 1995, those properties having (or which previously had) buildings or structures having certificates of occupancy prior to 1 April 1981, shall pay the full Plant Connection Charge established in Section 31-10.005(2) less a subsidy of Five Hundred (\$500.00) Dollars, provided they are paid for and connected to the Regional Sewer System within one year of the time that lines serving said property are formally declared available by the Governing Board of the District. Notwithstanding

Section 31-10.005 (2) above, the Plant Connection Charge for those buildings or structures having certificates of occupancy prior to notice of sewer availability, can be financed using the District's Installment Agreement method of collection over three (3) years at 8.0% interest, with no prepayment penalty. Should any structure or building not be paid for or financed using the District's Installment Agreement and connected to the District's system within one year of the time that the line serving said property is formally declared available by the District's Governing Board, it will at the time of connection pay full Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges as are applicable to new construction at time that connection is made regardless of the date of certificate of occupancy.

(4) Those buildings or structures with existing contracts for service with the District as of the effective date hereof shall pay Plant Connection Charges and, where applicable Regional Transmission System Line Charges and Administrative Charges of the amounts indicated in those contracts that are to be paid for capital improvement charges, and such Plant Connection Charges and, where applicable Regional Transmission System Line Charges and Administrative Charges shall not be subject to increase.

(5) Subregional Line Charges. The District may, based on environmental public welfare, engineering and/or financial considerations, construct and extend Subregional Collection Facilities to Existing Residential and/or non-residential properties. The District shall collect the costs of extending the Subregional Collection Facilities through the apportionment of the Costs to each of the benefited properties. Such charges shall be payable commencing when the equivalent connection is connected to the Regional Wastewater System of the District, or within one year of the time the connection is available, whichever occurs first.

(5)(a) Western Indiantown Road Subregional Collection Facilities: Subregional Transmission System Line Charges for the Western Indiantown Road Subregional

Collection Facilities shall be based on the schedules in effect at the time of service contractual commitment by the District as listed below:

**SUBREGIONAL TRANSMISSION SYSTEM LINE CHARGES for Western Indiantown Road:**

The rate of the District shall be \$1,655.60 per E.C. through March 31, 2016. Commencing April 1, 2016 and thereafter, the Western Indiantown Road Subregional Line Charge shall increase based upon the annual increase in the Engineering News Record Construction Cost Index (“CCI”) published in the March edition of each year.

Said commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board of the District. The full amount of the Subregional Line Charges shall be due and payable in cash (or by contract to provide capital costs and to construct certain portions of the Subregional Transmission System) at the time commitment of service is made. Those buildings or structures having certificates of occupancy prior to January 20, 2012, the date this transmission system line was deemed available, may finance this Subregional Line Charge over twenty (20) years at 6.875% interest, with no pre-payment penalty, to be collected by Non-Ad Valorem tax roll.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, and Florida Statutes 381.00655. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History - New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05. Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 6-21-2012, 3-21-2013, 3-20-2014, 3-19-2015.

**31-10.006 Special Assessments.**

Special Assessments for residential and non-residential use of and the services and facilities to be furnished by the Regional Wastewater System of the District shall consist of those special assessments approved, set, and levied by the Governing Board of the District on the basis of the total cost to the District of construction, reconstruction, labor, materials, acquisition,

property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to completion of the specially assessed improvements, and are due and payable with interest at the time of transfer of the underlying real property for consideration as an at-arms-length transaction, unless transferred to the real estate tax bill for the property as a continuing obligation of the property until paid in full.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended, and Florida Statutes 381.00655. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History - New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05. Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11. 3-15-2012.

**31-10.007      Quarterly Service Charges for Sewer Service.**

(1) Quarterly Service Charges shall be payable by the owner commencing when the equivalent connection is connected to the Regional Wastewater System of the District, or within one year of the time the connection is available, whichever occurs first, and shall be billed in advance.

(a)      The Quarterly Service Charge for Residential Units shall be:

For the period of 1 April 2015 thru 31 March 2016 - \$53.53 per E.C.

For the period of 1 April 2016 thru 31 March 2017 - \$56.21 per E.C.

For the period of 1 April 2017 thru 31 March 2018 - \$59.02 per E.C.

For the period of 1 April 2018 thru 31 March 2019 - \$61.97 per E.C.

For the period of 1 April 2019 thru 31 March 2020 - \$65.07 per E.C.

(b)      The Quarterly Service Charge for Non-residential Units shall be as follows:

For the period of 1 April 2015 thru 31 March 2016 - \$6.11 per thousand gallons of metered Water usage;

For the period of 1 April 2016 thru 31 March 2017 - \$6.42 per thousand gallons of metered Water usage;

For the period of 1 April 2017 thru 31 March 2018 - \$6.74 per thousand gallons of metered Water usage;

For the period of 1 April 2018 thru 31 March 2019 - \$7.08 per thousand gallons of metered Water usage;

For the period of 1 April 2019 thru 31 March 2020 - \$7.43 per thousand gallons of metered Water usage;

provided that the minimum Quarterly Service Charge for Non-residential Units shall be as follows:

For the period of 1 April 2015 thru 31 March 2016 - \$73.25

For the period of 1 April 2016 thru 31 March 2017 - \$76.91

For the period of 1 April 2017 thru 31 March 2018 - \$80.76

For the period of 1 April 2018 thru 31 March 2019 - \$84.80

For the period of 1 April 2019 thru 31 March 2020 - \$89.04

For Non-residential Units that do not have a metered water supply or that have not established a minimum of 1 month of water use history, and certain other uses (i.e.g., trailer park; RV park; elevator sump; pool backwash; public toilets in parks; community recreation area toilets; community guard house; marina pump out stations) the Quarterly Service Charge shall be a flat rate of:

For the period of 1 April 2015 thru 31 March 2016 - \$73.25 per E.C.

For the period of 1 April 2016 thru 31 March 2017 - \$76.91 per E.C.

For the period of 1 April 2017 thru 31 March 2018 - \$80.76 per E.C.

For the period of 1 April 2018 thru 31 March 2019 - \$84.80 per E.C.

For the period of 1 April 2019 thru 31 March 2020 - \$89.04 per E.C.

Notwithstanding any other provision of this section, an owner that has established a tenant as the bill recipient for the Quarterly Service Charge prior to April 1, 2015 may continue to have the



established tenant listed as the bill recipient for the Quarterly Service Charge until such time as that tenant relationship changes or April 1, 2016, whichever comes first.

(2) The Quarterly Service Availability Standby Charge shall be due and payable for each equivalent connection reserving service availability, commencing upon the reserving of service availability and shall continue to be owing for each quarter and paid promptly upon billing in the manner as provided for the Quarterly Service Charge thereafter until payment of the Plant Connection Charge. The amount of the Quarterly Service Availability Standby Charge shall be 68% of the Quarterly Service Charge which is set based upon the fixed expenses incurred by the District in operating the plant and the Regional Wastewater System excluding the variable costs related to the amount of sewerage processed.

- (a) A prepayment of twelve (12) months Service Availability Standby Charges will be required commencing upon the reserving of service availability in addition to the Quarterly Service Availability Standby Charge which shall be prepaid quarterly.
- (b) At the time Plant Connection Charges become due and payable ten and one half (10.5) months of the twelve (12) months of prepaid Service Availability Standby Charges shall be credited to the Plant Connection Charges.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended and Florida Statutes 381.00655. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History - New 12-9-76, Amended 6-25-78, 9-26-78, 12-12-78, 11-28-79, 5-21-81, 5-24-82, 10-12-82, 4-24-83, 5-24-84, 6-30-85, Formerly 31-10.07. Amended, 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-12-91, 5-7-92, 5-10-93, 5-7-94, 5-7-95, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 3-21-2013, 3-20-2014, 3-19-2015, 6-18-2015.

**31-10.008 Determination of Equivalent Connections.**

Each owner of each lot or parcel of land which may be connected to the regional wastewater system of the District shall first determine the amount of equivalent connections to the owner's lot or parcel of land and produce proof of the same to the satisfaction of the District.

Failure to produce proof to the District shall result in a determination by the District that the owner of each residential lot or parcel which may be connected to the regional wastewater system shall be charged the rates, fees and charges of the District based upon 1.75 equivalent connections, and the owner of each non-residential lot or parcel which may be connected to the regional wastewater system shall be charged the maximum rates, fees and charges of the District based upon the best information practically available to the District as determined by the District.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; Sections 6(9), (12) and (27) as amended by Chapter 76-429. History - New 12-9-76. Amended 9-26-78, Formerly 31-10.08, Amended 3-15-2012, 3-19-2015.

**31-10.009 Responsibility for Payment and Enforcement of Collections and Foreclosure of Liens.**

(1) **Responsibility.** The District shall hold the owner of the property being served with sewage service primarily responsible for all charges for sewage service to the property, without regard to the fact that a tenant, licensee, customer or other party was actually utilizing the sewage service and is paying for same directly to the District.

(2) **Default.** In the event any fees, rates or charges for sewage service are not paid when due and are in default for thirty (30) days or more, the District may seek recovery from the property owner.

(3) **Acceptance.** By acceptance of sewage service from the District, all of the property owners shall be jointly and severally liable to the District for all charges, rates and fees incurred.

(4) **Enforcement.** When the fees, rates, or charges for the services and facilities of any system are not paid when due and are in default as set forth above, the District shall provide written notice to the property owner that the District may discontinue and shut-off the supply of the services and facilities for said system, to the property , until such fees, rates or

charges, including interest at 18% per annum, penalties and charges for the shutting off and discontinuance or the restoration of such services or facilities are fully paid. If the fees or charges remain unpaid for thirty (30) days after being due, such delinquent fees, rates or charges shall bear interest at the rate of 18% per annum computed from the date when originally due, until paid and the District may discontinue the supply of service and facilities to the property. Such delinquent fees, or charges, together with legal interest, penalties and charges for the shutting off and discontinuance or the restoration of such services or facilities and all other costs and other expenses, including court costs and reasonable attorney's fees, shall be recovered by the District in a court of competent jurisdiction.

(5) **Foreclosure of Liens.** The District shall have a lien on all lands and premises served by it for all charges, until paid, for services provided to such lands or premises by the District, or connection fees associated therewith, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the District by recording in the official records of the county in which the lands or premises are located a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If 30 days after service has been made liens created under this section remain delinquent, such liens may be foreclosed by the District in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the District shall be entitled to 18% interest per annum and attorney's fees and other court costs.

(6) **No Service Free.** No sewage disposal service shall be furnished or rendered free of charge to any person, firm, corporation, agency or organization whatsoever, and the District and each and every person, firm, corporation, agency or organization which uses or is

required to use such service shall pay therefore at the rates fixed by the Governing Board of the District.

(7) Administrative Credits. The Executive Director, or his designee, may authorize a credit or refund to an account in certain situations, including billing errors, clerical errors, excessive payments by the customer, meter adjustments, and application of grant funds. In each case, the affected customer must provide a signed, written request for refund that quantifies the requested refund, documents the justification for the refund, and states whether the refund should be provided as a credit to their account (default) or as a refund check. In no circumstance shall such credit or refund exceed \$10,000 without prior authorization of the Governing Board.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; Sections 6(9), (12), (19) and (27) as amended by Chapter 76-429. History - New 12-9-76. Formerly 31-3.16, 31-3.18 & 31- 10.09. Rules 31-3.016 & 31-3.018 moved, consolidated and renumbered 31-10.009(4), (5) & (6) by amendment on 6-15-2000. Amended 9-26-78, 10-11-80, 3-23-00, 6-15-00, 3-15-2012, 3-19-2015.

**31-10.010 Payment of Certain Rates, Fees and Charges; Developer Agreement.**

(1) All persons, firms and corporations (hereinafter called “Applicant”) desiring to reserve service availability of 10 E.C.s or more in the regional wastewater system of the District where said system is available as defined herein, or is proposed to be available as determined by the District, prior to receiving District approval, shall sign a developer agreement and pay the charges and fees as specified therein. An Applicant for service requiring less than 10 E.C.s shall execute an Application for Service appropriate to the use, and shall pay all Connection Charges at the time of Application. These further requirements shall be met for all developer agreements:

- (a) Plans and specifications shall clearly indicate sufficient detail to calculate the number of equivalent connections contemplated on the lot or parcel of land.
- (b) The applicant shall enter into a “Standard Developer Agreement” with the District, form LRECD -102 dated 11/17/2011 incorporated herein by reference, the form of

which may be obtained without cost from the District office, providing for the following matters:

1. The reservation of the agreed service availability in the regional wastewater system on the subject property in terms of equivalent connections.
2. Payment of fees as required to reserve sewer service availability and specified in the Standard Developer Agreement.
3. Construction of off-site facilities under certain conditions.
4. Dedication of the defined sewerage facilities to the District.
5. Describing the reservation of service availability in terms of the equivalent connections as non-assignable, non-transferable, and running with the land, and describing exceptions.
6. Requiring payment of a Quarterly Service Availability Standby Charge and prepayment of twelve (12) months thereof.
7. Describing payment and obligations and providing for recovery of costs and attorney's fees.
8. Subject the owner to the rates, fees and charges of the District as established from time to time but fixing the rate for the Regional Transmission System Line Charge, Administrative Charge, and Plant Connection Charge.

(2) All persons, firms, and corporations (hereinafter called "applicant") desiring to reserve service availability for concurrency in the regional wastewater system of the District where said system is available as defined herein, or is proposed to be available as determined by the District, prior to receiving District approval, shall sign a Concurrency Reservation Agreement and pay the charges and fees as specified therein. These further requirements shall be met:

- (a) Plans and specifications shall clearly indicate sufficient detail to calculate the number of equivalent connections contemplated on the lot or parcel of land.

(b) The applicant shall enter into a “Concurrency Reservation Agreement”, which is incorporated herein by reference, known as District form number LRECD-18, the form of which may be obtained without cost from the District office, providing for the following matters:

1. The reservation of the agreed service availability in the regional wastewater system on the subject property in terms of equivalent connections.
2. Requiring payment of a Quarterly Service Availability Standby Charge and prepayment of twelve (12) months thereof.
3. Providing a duration of the shorter of twelve (12) months or thirty (30) days after applicant obtains a development order.
4. Providing for the unexpired portion of the prepaid Quarterly Service Availability Standby Charge to be refunded to the applicant if the development order is denied, or credited to the Service Availability Standby Charge if a Standard Developer’s Agreement is entered into by the applicant within thirty (30) days of the development order.
5. Describing the reservation of service availability in terms of the equivalent connections as non-assignable, non-transferable, and running with the land, and describing exceptions.
6. Describing payment, including rates, fees, and charges of the District, and obligations and providing for recovery of costs and attorneys fees.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History-New 12-9-76. Amended, 9-26-78, 5-21-81, 5-24-84. Formerly 31-10.10. Amended 5-10-93, 3-20-08, 3-19-09, 3-18-10, 3-15-2012.

**31-10.011 Connections to Sewer Required.**

(1) **Connection Required.** No less than one (1) year prior to the date the sewerage system will become available, the District shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within one (1) year of the actual availability. The owner of each lot or parcel of land within the District upon which lot or parcel of land any building, trailer, or other structure requiring wastewater disposal is now situated or shall hereafter be situated, in an area where the District system is available, as defined herein, shall cause such building or buildings, trailer or trailers, structure or structures to be connected with the sewerage facilities of the District and to use such facilities, within one (1) year following notification to do so by the District. All such connections shall be made in accordance with the rules and the regulations which shall be adopted from time to time by the Governing Board, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as the Governing Board may find and determine.

(2) **“Established Residential Neighborhood.”** For the purposes of this Rule, an Established Residential Neighborhood shall be considered an area within the geographic boundaries of the District defined by natural geographic boundaries, common restrictions, or other common characteristics as reasonably determined by the District, in which 50% or more of the lots contained completed Residential Units as of May 22, 1971.

(3) **Collection Line Construction and Availability in Established Neighborhoods.** The Loxahatchee River Environmental Control District shall construct and declare available, sewerage collection lines and related appurtenances comprising a localized District sewer system in Established Residential Neighborhoods based upon the Governing Board’s determination of any of the following:

- (a) That 50% or more of the record owners of property to be serviced by such localized sewerage system shall desire and consent to the construction of said system; or
- (b) That a reasonable alternative to the septic tanks exists for the treatment of the sewerage, taking into consideration factors such as cost; or
- (c) The discharge from the septic tanks is adversely affecting the health of the user or the public, or the groundwater or surface water is degraded; or
- (d) To enhance the environmental and scenic value of surface waters.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended and Florida Statutes 373.451, 381.0065, 381.00655. Law Implemented Chapter 71-822, Section 6(8), 6(10), 6(11), 6(16), 6(17), 6(23) and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429; and Section 6(3) and 6(19) as amended by Chapter 78-559. History - New 11-12-75, 12-9-76 & 1-9-85. Formerly 31-3.02, 31-3.21 & 31-10.11. Rules 31-3.002(4) and 31-3.021 moved and renumbered 31-10.011(2) &(3) by amendment on 6-15-2000. Amended 9-26-78, 2-2-94, 3-23-2000, 6-15-2000.

*Annotation: Village of Tequesta v. Loxahatchee River Environmental Control District, Case No. 97-4367 AD, 15<sup>th</sup> Judicial Circuit of Palm Beach County, Florida, Final Judgment ordered August 6, 1987, affirmed in Village of Tequesta v. Loxahatchee River Environmental Control District, 714 So.2d 1100, (Fla 4<sup>th</sup> DCA 1998).*

*Note: 31-10.011(3) Commonly referred to as the "Ellis Rule".*

**31-10.012 Exceptions to the Payment of Connection Charges.**

(1) Connection Charges shall not apply to those residential and non-residential buildings and structures referred to in the Agreement for Sale between the Village of Tequesta and the District, dated May 23, 1973.

(2) Those residential and non-residential buildings and structures which have escrowed, paid or committed capital improvement charges and have executed legally binding agreements where capital improvement charges are referred to in such agreements, said agreements shall be enforced according to their tenor, except that the capital improvement charges shall be treated as Plant Connection Charges, and except that where capital improvement charges may be increased or subjected to assessment and reassessment from time to time, there shall be no



increase over the amount of capital improvement charges as stated in said agreements, and said provision providing for assessment and reassessment of capital improvement charges shall not be enforced.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History - New 12-12-79. Formerly 31-10.12, Amended 3-15-2012.

**31-10.013      Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Service; Irrigation Quality Water Agreements.**

(1)      “I.Q. Water” is defined to mean Irrigation Quality Water provided by the District, regardless of the original source of the I.Q. Water. I.Q. Water is sometimes also referred to as “reuse water” or “reclaimed water”.

(2)      “Wholesale I.Q. User” is defined as user of I.Q. Water, for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes, or tanks, at an off site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(3)      “Retail I.Q. User” is defined as a user of I.Q. Water, for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes or tanks, at an off site location. The I.Q. Water is then pumped by the District from the storage facility, into the lines that deliver I.Q. Water to the User’s property for further distribution and irrigation by the User.

(4)      Rates, Fees and Charges for Retail and Wholesale use of and the services and facilities to be furnished by the regional I.Q. Water system of the District shall consist of those rates, fees and charges approved, set, and levied by the Governing Board of the District on the basis of the total cost to the District of construction, reconstruction, labor, materials, equipment, acquisition, property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to completion of the I.Q. Water system and improvements.

(5) The monthly rate of the District for Retail users shall be 51.00 cents per 1,000 gallons per day until September 30, 2015 (“Retail I.Q. Rate”). Commencing October 1, 2015 and thereafter, the Retail I.Q. Rate shall increase based upon the annual increase in the Engineering News Record Construction Cost Index as of July 1<sup>st</sup> of each year. The monthly rate of the District for Wholesale users shall be 40.00 cents per 1,000 gallons per day until September 31, 2015 (“Wholesale I.Q. Rate”). Commencing October 1, 2015 and thereafter, the Wholesale I.Q. Rate shall increase based upon the annual increase in the Engineering News Record Construction Cost Index as of July 1<sup>st</sup> of each year. For I.Q. Wholesale Users which have a written I.Q. Agreement prior to the effective date hereof and which have a lower or higher I.Q. Rate, said lower or higher I.Q. Rate shall be in accordance with said I.Q. Agreement until the expiration or termination of said I.Q. Agreement. Said billing of the Rate shall be made monthly as delivered, or such other billing cycle period as the District may determine.

(6) The Start Up Fee of the District for Retail I.Q. Users shall be the greater of (a) six (6) months of charges at the Retail I.Q. Rate for the requested gallons per day, or (b) \$3,500.00. The Application Fee of the District for Wholesale I.Q. Users shall be the greater of (a) six (6) months of charges at the I.Q. Rate for the requested gallons per day, or (b) \$18,000.00.

(7) All persons, firms and corporations (hereinafter called “Applicant”) desiring to reserve service availability in the regional I.Q. Water system of the District where said I.Q. Water is available or is proposed to be available, as determined by the District, prior to receiving District approval, shall sign a Standard Irrigation Quality Water Agreement and pay the charges and fees as specified therein. These further requirements shall be met:

- (a) Plans and specifications shall clearly indicate the number of gallons per day contemplated for the property to be served.
- (b) The Applicant shall enter into a “Standard Irrigation Quality Water Agreement” with the District, form LRECD-100 dated 05/21/98 or form LRECD-101 dated

05/21/98, or a “Renewal Irrigation Quality Water Agreement”, form LRECD-144 dated 5/19/06, said forms incorporated herein by reference, the form of which may be obtained without cost from the District office, providing for the following matters:

1. The provision of I.Q. Water availability in the regional I.Q. Water system in terms of gallons per day.
2. Administrative, legal, engineering and inspection expenses in an amount which shall have a substantial relationship to actual cost.
3. Construction of on-site facilities, and off-site facilities under certain conditions.
4. Dedication of the facilities to the District.
5. Describing the provision of I.Q. Water availability in terms of the gallons per day as non-assignable, non-transferable, and running with the land, and describing exceptions.
6. Requiring payment of a Start Up Fee for Retail I.Q. Users or an Application Fee for Wholesale I.Q. Users.
7. Describing payment and obligations and providing for recovery of costs and attorney’s fees.
8. Subjecting the owner to the rates, fees and charges of the District as established from time to time but fixing the rate for the Start Up Fee for Retail I.Q. Users or the Application Fee for Wholesale I.Q. Users.

Specific Authority Chapter 2002-358 Laws of Florida. Law Implemented Chapter 2002-358 Sections 6(6), 6(8), 6(9), 6(11), 6(12), 6(27) and Section 8; History-New 7-23-97, Amended 11-1-98, 3-16-06, 3-18-10, 3-21-2013, 3-19-2015.

**31-10.014 Low Pressure Pump Unit Delivery Procedures & Delivery Charge.**

(1) All Property Owners in an area serviced by a low pressure sanitary sewer system, shall be responsible for taking possession of the Low Pressure Pump Unit (“**Pump Unit**”) upon notification the Pump Unit is available for pick up at the District. A Property Owner that does not pick up the Pump Unit shall be subject to the following delivery procedures and delivery charge. The First Delivery Notice to the Property Owner shall provide:

- (a) Property Owner is delinquent with installation of the low pressure pumping system for their wastewater service.
- (b) The District has been holding their Pump Unit since the completion of the sewer project.
- (c) The Pump Unit was included in their assessment and is their responsibility to install.
- (d) The District will no longer hold the Pump Unit for their pick up and installation.
- (e) If not picked up within thirty (30) days, the Pump Unit will be delivered at an additional Delivery Charge of \$300.00 to the Property Owner (the “Delivery Charge”).
- (f) The Pumping Unit will be delivered in good working order, suitable for District’s future maintenance.
- (g) If the Property Owner fails to have the Pump Unit installed within forty five (45) days and there is damage to the Pump Unit components, the Property Owner will be responsible for the cost to provide a Pump Unit in good working order for District maintenance in the future.

2. If the Pump Unit is not picked up within thirty (30) days after the First Delivery Notice, the Second Delivery Notice shall be sent to the Property Owner which shall provide:

- (a) Pump Delivery will be made on a date and time certain.
- (b) The Pump Unit and appurtenances will be delivered to the most accessible location on the Property or a mutually convenient location as discussed with Property Owner.
- (c) A written report will be made of each delivery with photographs of the Pump Unit placement at time of delivery and condition of surrounding area. Written receipt of delivery of the Pump Unit will be requested of the Property Owner, however it is not mandatory for the Property Owner to provide or for the District to obtain.
- (d) The written report is to be signed by two District personnel, witnessed and notarized, and made part of the District's records.

3. After delivery, the Property Owner will be provided written notification that their Pump Unit has been delivered and an Invoice will be provided for the Delivery Charge.

4. All correspondence to be provided by Certified Mail with Return Receipt and regular mail.

Specific Authority Chapter 2002-358 Laws of Florida. Law Implemented Chapter 2002-358 Sections 6(6), 6(8), 6(9), 6(10), 6(11), 6(12), 6(19) and Section 8; History-New 3-15-2012.