

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

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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 owner, tenant or occupant of 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 dwellings, 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, warehouses and without limitation all other structures of a commercial nature, public and quasi-public buildings and structures.

(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, 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 district board. 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 pick-up or 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 the cost of

installation of pipelines, special fittings, valves, pumps appurtenances and the cost of acquiring permanent and construction right-of-ways. 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 connection charge, once paid is not transferable except upon approval of the district upon such terms as the district may make.

(10) Line Charges – 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 line charge when same is adopted. Regional transmission system line charges are determined as set forth hereafter in this rule.

(11) 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 upon the declaration of said availability by the governing board of the district.

(12) 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.

(13) 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.

(14) Quarterly Service Charge – The term “Quarterly Service Charge” shall be defined as the periodic charge which shall be paid for each equivalent connection upon connection to the regional wastewater system of the district which may be changed from time to time in accordance with the law.

(15) 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.

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, 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, 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 rates, fees and charges will be based on the rate charged for 1.0 residential equivalent connection per 550 square feet of gross space used directly for students.

(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 the 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. Plant Connection and Regional Transmission System Line charges shall be determined based upon the applicable residential and non-residential allocations stated in Rules 31-10.002(1) and 31-10.003(1) respectively.

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.

31-10.003 Non-Residential Equivalent Connections.

(1) For the purpose of determining Plant Connection Charges, Regional Transmission System Line Charges, Monthly Service Availability Standby 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) and (d) below (if applicable):

(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:

TYPE OF USE	EQUIVALENT CONNECTIONS
Restaurant (regular)	.06/seat
Restaurant (24 hours)	.10/seat
Trailer Park	1/space
Hospital	.80/bed
Tavern (Bar)	.04/seat
Nursing/Rest Home	.40/bed
Adult Congregate Living Facility	.575/bed
High School	.08/pupil
Elementary School	.06/pupil
Laundromats	1.1/washing machine
Office Buildings	.75/1000 sq. ft. (Gross Bldg. Area)
Single Use Retail	

Large (#20,000 sq. ft.)	.50/1000 sq. ft. (Gross Bldg. Area)
Hotel/Motel (no Bar or Restaurant)	1.0/unit
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

(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.

31-10.004 Capital Improvement Charges on Residential and Non-Residential Units Having Certificates of Occupancy Legally Issued Prior to March 1, 1977.

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.

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, tenant and occupant 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 09 thru 31 March 10 - @ \$1482 per E.C.

1 April 10 thru 31 March 11 - @ \$1594 per E.C.

1 April 11 thru 31 March 12 - @ \$1713 per E.C.

1 April 12 thru 31 March 13 - @ \$1799 per E.C.

1 April 13 thru 31 March 14 - @ \$1889 per E.C.

REGIONAL TRANSMISSION SYSTEM LINE CHARGES

1 April 09 thru 31 March 10 - @ \$491 per E.C.

1 April 10 thru 31 March 11 - @ \$528 per E.C.

1 April 11 thru 31 March 12 - @ \$568 per E.C.

1 April 12 thru 31 March 13 - @ \$596 per E.C.

1 April 13 thru 31 March 14 - @ \$626 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 Line 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 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 connection 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. Should any structure or building not be paid for 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 governing board, it will at the time of connection pay full Plant

Connection Charges and Regional Transmission System Line 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 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 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.

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.

31-10.007 Special Assessments and Rates, Fees and Charges for Sewer Service.

(1) 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.

2) The quarterly service charge of the District for residential users shall be:

For the period of 1 April 09 thru 31 March 10 - \$40.75 per E.C.

For the period of 1 April 10 thru 31 March 11 - \$43.81 per E.C.

For the period of 1 April 11 thru 31 March 12 - \$47.10 per E.C.

For the period of 1 April 12 thru 31 March 13 - \$49.46 per E.C.

For the period of 1 April 13 thru 31 March 14 - \$51.93 per E.C.

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.

(3) The Quarterly Service Charge for non-residential users shall be as follows:

For the period of 1 April 09 thru 31 March 10 - \$4.65 per thousand gallons of metered water usage;

For the period of 1 April 10 thru 31 March 11 - \$5.00 per thousand gallons of metered water usage;

For the period of 1 April 11 thru 31 March 12 - \$5.38 per thousand gallons of metered water usage;

For the period of 1 April 12 thru 31 March 13 - \$5.65 per thousand gallons of metered

water usage;

For the period of 1 April 13 thru 31 March 14 - \$5.93 per thousand gallons of metered

Water usage;

provided that the minimum quarterly bill for non-residential users shall be as follows:

For the period of 1 April 09 thru 31 March 10 - \$55.79

For the period of 1 April 10 thru 31 March 11 - \$59.97

For the period of 1 April 11 thru 31 March 12 - \$64.47

For the period of 1 April 12 thru 31 March 13 - \$67.69

For the period of 1 April 13 thru 31 March 14 - \$71.04

For non-residential users who do not have a metered water supply, the Quarterly Service Charges shall be a minimum of:

For the period of 1 April 09 thru 31 March 10 - \$55.79 per E.C.

For the period of 1 April 10 thru 31 March 11 - \$59.97 per E.C.

For the period of 1 April 11 thru 31 March 12 - \$64.47 per E.C.

For the period of 1 April 12 thru 31 March 13 - \$67.69 per E.C.

For the period of 1 April 13 thru 31 March 14 - \$71.04 per E.C.

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.

(4) The Quarterly Service Availability Standby Charge is defined as a charge which shall be due and payable for each equivalent connection reserving service availability. The Quarterly Service Availability Standby Charge shall be due and payable for each equivalent connection reserving service availability. The Quarterly Service Availability Standby Charge shall

be due and payable 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 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.

(5) A prepayment of twelve (12) months service Availability Standby Charges will be required in addition to the Quarterly Service Availability Standby Charge prepayable quarterly.

(6) At the time Plant Connection Charges become due and payable one and one half months of the initial Quarterly Service Availability Standby Charge 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.

31-10.008 Determination of Equivalent Connections.

Each owner, tenant or occupant 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 his 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, tenant or occupant 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, tenant or occupant 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.

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, after being billed directly by 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 elect to hold either the property owner directly responsible for payment of same, or to seek recovery from the actual user of the service, or from both the property owner and user of the service.

(3) **Acceptance.** By acceptance of sewage service from the District, the property owner and user of the service 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 such delinquent customer, the user of the service and to the property

owner, if different from the user, that the District may discontinue and shut-off the supply of the services and facilities for said system, to the property owner, and/or user of the service, until such fees, rates or charges, including legal interest, 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 legal rate of interest computed from the date when originally due, until paid and the District may discontinue the supply of service and facilities to the delinquent user or property owner. 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, may 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 reasonable interest 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.

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.

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 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. These further requirements shall be met:

(a) Plans and specifications shall clearly indicate 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 03/19/98 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. Administrative, legal, engineering and inspection expenses of \$96.00 per equivalent connection, which shall be increased by seven and one/half percent (7.5%) per year commencing

April 1, 2009, and April 1, 2010, and April 1, 2011, and by five percent (5.%) per year commencing April 1, 2012 and each April 1st thereafter.

3. Construction of off-site facilities under certain conditions.

4. Dedication of the 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 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 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 monthly 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 monthly 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.

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, 15th 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 4th 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 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.

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 39.0 cents per 1,000 gallons per day until September 30, 2007 and 41.5 cents per 1,000 gallons per day effective October 1, 2007 (“Retail I.Q. Rate”). Commencing October 1, 2008 and thereafter, the Retail I.Q. Rate shall increase based upon the annual increase in the

Engineering News Record Consumer Price Index as of July 1st of each year. The monthly rate of the District for Wholesale users shall be 29.5 cents per 1,000 gallons per day Effective October 1, 2006 and 32.0 cents per 1,000 gallons per day effective October 1, 2007 (“I.Q. Rate”). Commencing October 1, 2008 and thereafter, the Wholesale I.Q. Rate shall increase based upon the annual increase in the Engineering News Record Consumer Price Index as of July 1st of each year. For I.Q. Wholesale Users which have a written I.Q. Agreement prior to the effective date hereof and which has a lower I.Q. Rate, said lower 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.