

RESOLUTION NO. 2019-29

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CUSTOMER CHARGES TO AUTHORIZE THE TOWN MANAGER OR THE TOWN MANAGER'S DESIGNEE TO FORGIVE UTILITY CHARGES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Lake Clarke Shores has previously set customer charges for its water system utility and sewer system utility pursuant to Resolution No. 00-19, as amended by Resolution 18-19; and

WHEREAS, the Town Council of the Town of Lake Clarke Shores desires to authorize the Town Manager or the Town Manager's designee to forgive utility charges under certain circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA AS FOLLOWS:

SECTION 1. The Town Council of the Town of Lake Clarke Shores hereby establishes, adopts and imposes the following fees and charges for its water system utility and sewer system utility for all users of its utility systems.

SECTION 2. CUSTOMER CHARGES.

A. Initial Meter Turn-On.

No charge - when opening a new account and deposit has been paid.

B. Meter Turn-Off - Close Out of Account.

\$10.00 Service Charge.

C. Temporary Meter Turn-Off or Turn-On - Customer Request.

Water service may be discontinued temporarily at the request of the customer. During the period when service is locked off, base facility charges will continue for water and sewer service. A fee of \$20.00 will be charged for turn-off and a fee of \$20.00 will be charged for turn-on.

D. Past Due Payment – Penalty.

The utility service bill will be considered "Past Due" twenty (20) days after

the billing date. For payments received after the due date, there will be a monthly penalty of \$20.00. Thirty (30) days after the billing date, the water service will be discontinued due to non-payment.

E. Reconnection, Tampering, Pulled Meter and Cut Lock Fees.

1. Water Service will be discontinued due to non-payment of monthly utility service bills. A fee of \$50.00 will be charged for reconnection of service. During the period when service is locked off, base facility charges will continue for water and sewer service. Service will be restored when all past due and accrued fees and charges have been paid in full.

2. The meter may be pulled for non-payment of monthly utility service bills after the final notice has been sent and the termination of service date has passed. A fee of \$250.00 will be charged for reinstallation of the meter. Base facility charges will continue to accrue for both water and sewer service.

3. Cutting a lockable device that has been placed on a meter due to non-payment of monthly utility service bills will result in a fee being added to the utility billing account for the next billing cycle. A fee of \$100.00 will be added for the 1st occurrence of a lockable device that has been cut. An additional fee of \$200.00 will be added for the 2nd occurrence of a lockable device being cut.

4. Tampering with a locked off service will result in removal of the water meter. A fee of \$250.00 will be charged for reinstallation of the meter. Base facility charges will continue to accrue for both water and sewer service.

F. Meter Re-Read.

1. Customers requesting their meter to be re-read will be charged a fee of \$30.00.

2. If the reading is correct, the Town will retain the fee as a charge. If the reading is incorrect, there will be no charge and the bill will be adjusted.

G. Meter Testing Charge. \$25.00 will be charged at time of the request plus actual cost charged to the Town by the testing company to be applied to bill. If the meter is inaccurate there will be no charge and the \$25.00 will be credited on the next bill.

H. Returned Check Charge. The Town will impose a service charge of \$35.00 for any check that is returned to the Town for any cause.

I. Backflow Prevention Assembly Testing. The Town will impose a monthly charge of \$4.00 to each commercial account to cover the cost of the yearly inspection of their backflow prevention assembly.

J. Utility Charge Forgiveness. The Town Manager or the Town Manager's designee may forgive or reduce the above-referenced customer charges based on the customer's payment and water usage history.

SECTION 3. Any additional fee, as required by the Village of Palm Springs, Palm Beach County or the City of Lake Worth, whichever is appropriate, will be charged equal to the amount currently charged by that utility. These amounts will be passed through by the Town to the appropriate utility service area accounts.

SECTION 4. UTILITY DEPOSIT PREREQUISITE TO WATER AND WASTEWATER SERVICE AMOUNT. The following utility deposits shall be required from all users of the Town's system to ensure the payment of charges. Such deposit shall be held by the Town without payment of interest.

Water:

Size of Water (Inches)	Amount
5/8 or 3/4	\$150.00
1	\$210.00
1 1/2	\$270.00
2	\$330.00
3 – 4 - 6 & Over	To be determined at time of service agreement or based on history

The deposit shall be equal to a minimum of two month's utility bills. If it is found that the above table is not sufficient to cover two month's bills, the customer will be notified that the deposit must be increased within thirty (30) days. For all services 3 inches and larger, the deposit may be made as cash or some other approved method, such as a surety bond.

Wastewater:

Size of Water (Inches)	Amount
5/8 or 3/4	\$75.00
1	\$105.00
1 1/2	\$135.00
2	\$165.00
3 – 4 - 6 & Over	To be determined at time of service agreement or based on history

Utility deposits shall be required prior to the Town performing any construction related to providing service.

SECTION 5. INSTALLATION CHARGES - NEW SERVICE.

A. Water Service. Installation of meter charges for connection to the Town of Lake Clarke Shores water system are hereby established as follows:

Size of Water (Inches)	Installation Charges*
5/8 or 3/4 short	\$200.00
5/8 or 3/4 long	\$350.00
1 short	\$250.00
1 long	\$400.00

* Charges for meters larger than one inch shall be the actual installation cost to the Town.

Water service installation charges do not include main extensions which may be required to extend the water system to the customer's property or connection charges. Those charges will be borne by the applicant as required by applicable ordinance, developer agreement or as set forth herein.

In the event an application for water installation is received and the cost of installation, due to unusual circumstances, is determined by the Town to be substantially more or less than the charges set forth in this part, the installation charge shall be the actual cost to the Town.

Should a project developer, pursuant to a valid Developer Agreement, furnish all water main connections, service lines, meters, meter boxes and appurtenances as part of his project, he shall not be required to pay the above installation charges.

B. Wastewater Service. All costs for installing a connection to the Town of Lake Clarke Shores wastewater system shall be paid for by the customer or customer's contractor, including inspection costs of the Town.

Wastewater installation charges do not include main extensions which may be required to extend the wastewater system to the customer's property or connection charges. Those charges will be borne by the applicant as required by applicable ordinance, developer agreement or as set forth herein.

Should a project developer, pursuant to a valid Developer Agreement, furnish the wastewater main connections, service lines, and appurtenances as part of his project, he shall not be required to pay additional installation charges.

C. Connection Charges - New Users. All prospective new users of the town's Utilities System shall pay connection charges in order to secure water and wastewater capacity of sufficient quantity to serve their property. Connection charges, in addition to current charges for capacity by the utility providing service to the Town, shall be paid for each Equivalent Residential Unit (ERU) as follows:

Water: \$200.00 per ERU
Wastewater: \$300.00 per ERU

An ERU is defined as an equivalent residential unit of a household, commercial establishment or other unit that requires 250 gallons of treated water per average day of water pumping, distribution and treatment plant capacity, and 200 gallons per average day of wastewater pumping, collection and disposal capacity.

SECTION 6. OIL/GREASE INTERCEPTOR FEE. All facilities having an oil/grease interceptor (OGI) will be billed \$300.00 per account on an annual basis and are required to submit any/all yearly maintenance reports to the Town of Lake Clarke Shores Utility Department for recordkeeping.

SECTION 7. CAPACITY RESERVATION FEE (GUARANTEED REVENUES). The Town shall charge and collect Capacity Reservation Fees from property owners, builders or developers in order to defray Town's cost for ownership, operation and maintenance utility facilities. Capacity Reservation Fees shall be paid commencing at the time that capacity is reserved. The Capacity Reservation Fee amount shall equal the water and sewer base facility charges, as amended from time to time.

SECTION 8. APPLICATION FEES. The Town shall charge an Application Fee for a Developer's Agreement equal to \$50.00 plus preliminary engineering costs. The Application Fee and preliminary engineering costs shall be paid by Developer prior to execution of a Developer Agreement to permit the Town to process and complete preliminary engineering for the development. Developer shall pay the actual engineering costs incurred, or to be incurred, by Town.

SECTION 9. RECORDING FEES. The Town shall charge a Recording Fee equal to its actual cost. Developer shall pay Town, prior to Town's acceptance of lines and facilities, the actual recording costs as established by the Clerk of the Circuit Court, Palm Beach County.

SECTION 10. PLAN REVIEW AND INSPECTION FEES. Town shall charge a Plan Review Fee equal to 1 percent, and an Inspection fee equal to 2 percent, of the construction cost, either actual or estimated, of the subject water or sewer facilities as installed by the Developer. Developer shall pay the Town the Plan Review Fee and Inspection Fee prior to Town's acceptance of lines and facilities. A \$1,000 non-refundable deposit shall accompany Developer's submittal of plans to the Town, which shall be credited against the Plan Review Fee.

SECTION 11. LEGAL FEES. Developer shall pay the Town the greater of \$1,000 or actual cost to defer its legal fees and costs in the negotiation and preparation of Developer's Agreement. Developer shall pay same prior to the Town's acceptance of lines and facilities from Developer.

SECTION 12. INACCESSIBLE OR DAMAGED METERS. When a meter becomes inaccessible to read/maintain due to a Customer's actions, the Town of Lake Clarke Shores Utility Department will advise the Customer in writing (certified mail, return receipt requested) and provide no less than 30 days to allow the Customer to correct the situation. The Utility Department will take action to correct the problem or discontinue service upon failure to comply. All the costs for work performed to remedy the situation will be charged to the Customer.

SECTION 13. All Resolutions or parts of Resolutions in conflict herewith, to the extent of said conflict, are hereby repealed.

SECTION 14. This Resolution shall take effect upon passage.

PASSED AND ADOPTED by the Town Council of the Town of Lake Clarke Shores, Florida this 15th day of October, 2019.

	FOR	AGAINST
BY: _____ Valentin Rodriguez, Jr., Mayor	_____	_____
_____	_____	_____
Paul R. Shalhoub, Vice Mayor	_____	_____
_____	_____	_____
Robert M. W. Shalhoub, President Pro Tem	_____	_____
_____	_____	_____
Gregory Freebold, Council Member	_____	_____
_____	_____	_____
Vacant, Council Member	_____	_____

ATTEST:

BY: _____
Mary Pinkerman, CMC
Town Clerk