

ORDINANCE NO. 2017-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 201.07 (EQUIVALENT RESIDENTIAL UNITS) OF PART I (IN GENERAL) OF CHAPTER 201 (COUNTY WATER AND SEWER SERVICES) OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA IN ORDER TO ALLOW SINGLE-FAMILY RESIDENTIAL CUSTOMERS WITH MORE THAN ONE ERU UNDER CERTAIN CIRCUMSTANCES TO REDUCE THE ALLOCATION TO ONE ERU; AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

Section 1. Enactment Authority.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Board specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

Section 2. Amendment of Section 201.07 (Equivalent residential units) of Part I (In General) of Chapter 201 (County Water and Sewer Services).

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 201.07 (Equivalent Residential Units) of Part I (In General) of Chapter 201 (County Water and Sewer Services) of the Code of Indian River County, Florida is hereby amended to read as follows:

CHAPTER 201. COUNTY WATER AND SEWER SERVICES

PART I. - IN GENERAL

* * *

Section 201.07 - Equivalent residential units.

Each water and sewer customers' impact fees and service availability charges shall be established on the basis of the number of equivalent residential units (ERUs) of service

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required by each customer. The following chart shows the basis for calculating each customer's minimum number of ERUs.

In cases where a customer's property use extends to more than one category listed below, the number of ERUs shall be calculated as the sum of the number of ERUs associated with each type of property use and its respective square footage or other basis used for calculating the number of ERUs. Where the calculated number of ERUs is a fraction, the calculated number shall be rounded up to the next highest whole number to calculate the number of assigned ERUs.

Minimum

Equivalent

Residential

Units

* * *

27. ~~In the event that a business is described in the schedule by general classification but the particular nature of said business or structure would result in an inequitable connection charge if the schedule were used, the department in its discretion, may determine that a higher or lower number of units shall be used, but in no case shall a retroactive payment, credit or charge for a reclassification of use or number of units be due and payable to the owner or resident, unless the department, in its sole discretion, determines that such a credit or charge is required by equitable consideration 1~~ A single-family residential customer who has obtained more than one ERU and whose maximum monthly water use ranges from zero to three hundred (300) gallons per day on a maximum day basis or zero to two hundred fifty (250) gallons per day on a maximum month basis for a period of twelve (12) months, may submit a request in writing to the department for a reduction to one (1) ERU. In no case shall a retroactive payment, credit or charge or reimbursement of impact fee or related service availability charges paid be due and payable to the owner or resident.

28. In the event that a business is described in the schedule by general classification but the particular nature of said business or structure would result in an inequitable connection charge if the schedule were used, the department in its discretion, may determine that a higher or lower number of units shall be used, but in no case shall a retroactive payment, credit or charge for a reclassification of use or number of units be due and payable to the owner or resident, unless the department, in its sole discretion, determines that such a credit or charge is required by equitable consideration 1

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Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 4. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 3rd day of November, 2017, for a public hearing to be held on the 14th day of November, 2017, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice-Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Bob Solari	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 14th day of November, 2017.

**BOARD OF COUNTY COMMISSIONERS OF
INDIAN RIVER COUNTY, FLORIDA**

By: _____
Joseph E. Flescher, Chairman

**ATTEST: Jeffrey R. Smith, Clerk
and Comptroller**

Approved as to form and legal sufficiency:

By: _____
Deputy Clerk

By: 
Dylan Reingold, County Attorney

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the ____ day of November, 2017.