

ORDINANCE NO. 17-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," SUBHEADING "RATES, CHARGES, AND FEES," SECTION 52.34, "WATER RATES," SUBSECTION (B), "MONTHLY RATES," INCREASING THE RATES FOR WATER FURNISHED BY THE CITY; AMENDING CHAPTER 53, "SANITARY SEWERS," SUBHEADING "USER CHARGE AND INDUSTRIAL COST RECOVERY SYSTEM," SECTION 53.130, "USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE," SUBSECTION (D), "[RATES AND CHARGES.]," INCREASING THE SANITARY SEWER SERVICE CHARGES; AMENDING CHAPTER 59, "RECLAIMED WATER," SECTION 59.09, "FEES, RATES, AND CHARGES," TO REFERENCE THE COMMODITY CHARGES IN SECTION 52.34, "WATER RATES;" PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Delray Beach (City) owns, operates, and maintains a water treatment plant (Plant); and

WHEREAS, the Plant and other utility infrastructure need to be upgraded or replaced (Project), for an estimated total cost of \$145,800,000; and

WHEREAS, the City intends to issue bonds in order to fund the Project; and

WHEREAS, Willdan Financial Services, Inc. (Consultant), was retained by the City to conduct a rate study and provide recommendations for future water and sewer rates; and

WHEREAS, the primary goals and objectives of the study included full cost recovery of utility expenditures, equity among customer classes, and administrative efficiency, through a five-year financial plan using a cost-based rate structure consistent with common industry standards; and

WHEREAS, the study took into consideration the rising operating costs of the Plant, rising personnel costs, and upcoming major capital expenditures; and

WHEREAS, the study found the current water and sewer rates would be insufficient to cover routine operation and maintenance expenses, the debt incurred by the bonds, and other capital needs; and

WHEREAS, under the current water and sewer rates, revenue shortfalls would result in the

depletion of cash reserves, to the point cash reserves would be exhausted by 2026; and

WHEREAS, in order to maintain sufficient debt service coverage above target and covenant requirements the City needs to raise its monthly water and sewer rates; and

WHEREAS, the Consultant recommended tiered increases of water and sewer rates over a multi-year period; and

WHEREAS, the City Commission finds it necessary to increase the City water and sewer rates to meet the routine operation and maintenance expenses of the Plant, secure the anticipated debt incurred by the bonds, and to fund other capital needs for the City’s utility infrastructure; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of Delray Beach as set forth in Article VIII, Section 2, of the Constitution of the State of Florida, Chapter 166, *Florida Statutes*, and other applicable controlling laws; and

WHEREAS, the City Commission deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Title 5, “Public Works,” Chapter 52, “Water,” Subheading “Rates, Charges, and Fees,” Section 52.34, “Water Rates,” Subsection (B), “Monthly Rates,” of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

**Sec. 52.34. – WATER RATES**

- (A) (This subsection shall remain in full force and effect as adopted).
- (B) *Monthly Rates.* The monthly rates (except for fire hydrants as set forth in Section 52.03) for water furnished by the water facilities or plant of the City to customers within and outside the corporate limits of the City, which unless otherwise indicated shall include the appropriate customer charges, capacity charges, and commodity charges for all customers, are fixed as shown in the following schedule:

Type of Customer		
Residential	Inside City	Outside City
Customer charge (per meter)	2.94	3.68

Capacity charge (charged to all customers, per residential dwelling unit)	12.78	15.97
Commodity charge (all metered consumption per 1,000 gallons)		
Zero to 3,000 gallons	0.00	0.00
4,000 to 12,000 gallons	1.25	1.56
13,000 to 25,000 gallons	2.00	2.50
26,000 to 50,000 gallons	3.50	4.38
Above 50,000 gallons	4.50	5.63
Nonresidential and Irrigation		
Customer charge (per meter)	2.94	3.68
Capacity charge (based upon meter size):		
¾ inch meter	12.78	15.97
1 inch meter	21.32	26.64
1½ inch meter	42.53	53.16
2 inch meter	68.08	85.10
3 inch meter	149.03	186.28
4 inch meter	268.20	335.25
6 inch meter	596.02	745.03
8 inch meter	1,021.62	1,277.02
10 inch meter	1,617.64	2,022.05
Commodity charge (all metered consumption — per 1,000 gallons)		
Nonresidential	1.94	2.43
Irrigation	2.43	3.04

Description	Effective July 1, 2022	Effective January 1, 2023	Effective October 1, 2023	Effective October 1, 2024	Effective October 1, 2025
<b>WATER RATES - INSIDE CITY</b>					
<b>Minimum Monthly Charge Per Dwelling Unit:</b>					
Single Family Residential	\$13.04	\$13.30	\$13.57	\$13.84	\$14.12
Multi-Family Residential	\$13.04	\$13.30	\$13.57	\$13.84	\$14.12

<b>Minimum Monthly Charges – Nonresidential &amp; Irrigation</b>					
5/8 Inch or 3/4 Inch	\$13.04	\$13.30	\$13.57	\$13.84	\$14.12
1.0 Inch	\$32.60	\$33.25	\$33.93	\$34.60	\$35.30
1.5 Inch	\$65.20	\$66.50	\$67.85	\$69.20	\$70.60
2.0 Inch	\$104.32	\$106.40	\$108.56	\$110.72	\$112.96
3.0 Inch	\$195.60	\$199.50	\$203.55	\$207.60	\$211.80
4.0 Inch	\$326.00	\$332.50	\$339.25	\$346.00	\$353.00
6.0 Inch	\$652.00	\$665.00	\$678.50	\$692.00	\$706.00
8.0 Inch	\$1,043.20	\$1,064.00	\$1,085.60	\$1,107.20	\$1,129.60

10.0 Inch	\$1,630.00	\$1,662.50	\$1,696.25	\$1,730.00	\$1,765.00
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<b>Customer Charge per Meter:</b>	\$2.97	\$3.00	\$3.00	\$3.00	\$3.00
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<b>Volumetric Rates Per 1,000 Gallons - Single Family &amp; Multi-Family Residential:</b>					
<u>Block 1 - 0 to 3,000 Gal / Month</u>	\$0.49	\$1.15	\$2.03	\$2.39	\$2.81
<u>Block 2 - 3,001 to 12,000 Gal / Month</u>	\$1.47	\$1.73	\$2.03	\$2.39	\$2.81
<u>Block 3 - 12,001 to 25,000 Gal / Month</u>	\$2.55	\$3.23	\$4.06	\$4.78	\$5.62
<u>Block 4 - 25,001 to 50,000 Gal / Month</u>	\$4.21	\$5.08	\$6.09	\$7.17	\$8.43
<u>Block 5 - 50,001 and Over Gal / Month</u>	\$5.49	\$6.69	\$8.12	\$9.56	\$11.24

<b>Volumetric Rates Per 1,000 Gallons - Potable Irrigation:</b>					
<u>Block 1 - 0 to 25,000 Gal / Month</u>	\$2.55	\$3.23	\$4.06	\$4.78	\$5.62
<u>Block 2 - 25,001 to 50,000 Gal / Month</u>	\$4.21	\$5.08	\$6.09	\$7.17	\$8.43
<u>Block 3 - 50,001 and Over Gal / Month</u>	\$5.49	\$6.69	\$8.12	\$9.56	\$11.24

<b>Volumetric Rates Per 1,000 Gallons - Other:</b>					
<u>Non-Residential</u>	\$2.21	\$2.60	\$3.05	\$3.59	\$4.22
<u>Reclaimed Water - Retail</u>	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
<u>Reclaimed Water – Wholesale</u>	\$0.30	\$0.30	\$0.30	\$0.30	\$0.30

<u>Description</u>	<u>Effective July 1, 2022</u>	<u>Effective January 1, 2023</u>	<u>Effective October 1, 2023</u>	<u>Effective October 1, 2024</u>	<u>Effective October 1, 2025</u>
<b>WATER RATES - OUTSIDE CITY</b>					
<b>Minimum Monthly Charge Per Dwelling Unit:</b>					
<u>Single Family Residential</u>	\$16.30	\$16.63	\$16.96	\$17.30	\$17.65
<u>Multi-Family Residential</u>	\$16.30	\$16.63	\$16.96	\$17.30	\$17.65

<b>Minimum Monthly Charges – Nonresidential &amp; Irrigation</b>					
<u>5/8 Inch or 3/4 Inch</u>	\$16.30	\$16.63	\$16.96	\$17.30	\$17.65
<u>1.0 Inch</u>	\$40.75	\$41.56	\$42.41	\$43.25	\$44.13

<u>1.5 Inch</u>	<u>\$81.50</u>	<u>\$83.13</u>	<u>\$84.81</u>	<u>\$86.50</u>	<u>\$88.25</u>
<u>2.0 Inch</u>	<u>\$130.40</u>	<u>\$133.00</u>	<u>\$135.70</u>	<u>\$138.40</u>	<u>\$141.20</u>
<u>3.0 Inch</u>	<u>\$244.50</u>	<u>\$249.38</u>	<u>\$254.44</u>	<u>\$259.50</u>	<u>\$264.75</u>
<u>4.0 Inch</u>	<u>\$407.50</u>	<u>\$415.63</u>	<u>\$424.06</u>	<u>\$432.50</u>	<u>\$441.25</u>
<u>6.0 Inch</u>	<u>\$815.00</u>	<u>\$831.25</u>	<u>\$848.13</u>	<u>\$865.00</u>	<u>\$882.50</u>
<u>8.0 Inch</u>	<u>\$1,304.00</u>	<u>\$1,330.00</u>	<u>\$1,357.00</u>	<u>\$1,384.00</u>	<u>\$1,412.00</u>
<u>10.0 Inch</u>	<u>\$2,037.50</u>	<u>\$2,078.13</u>	<u>\$2,120.31</u>	<u>\$2,162.50</u>	<u>\$2,206.25</u>

<b><u>Customer Charge per Meter:</u></b>	<u>\$3.71</u>	<u>\$3.75</u>	<u>\$3.75</u>	<u>\$3.75</u>	<u>\$3.75</u>
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<b><u>Volumetric Rates Per 1,000 Gallons – Single Family &amp; Multi-Family Residential:</u></b>					
<u>Block 1 - 0 to 3,000 Gal / Month</u>	<u>\$0.61</u>	<u>\$1.44</u>	<u>\$2.54</u>	<u>\$2.99</u>	<u>\$3.51</u>
<u>Block 2 - 3,001 to 12,000 Gal / Month</u>	<u>\$1.84</u>	<u>\$2.16</u>	<u>\$2.54</u>	<u>\$2.99</u>	<u>\$3.51</u>
<u>Block 3 - 12,001 to 25,000 Gal / Month</u>	<u>\$3.19</u>	<u>\$4.04</u>	<u>\$5.08</u>	<u>\$5.98</u>	<u>\$7.03</u>
<u>Block 4 - 25,001 to 50,000 Gal / Month</u>	<u>\$5.26</u>	<u>\$6.35</u>	<u>\$7.61</u>	<u>\$8.96</u>	<u>\$10.54</u>
<u>Block 5 - 50,001 and Over Gal / Month</u>	<u>\$6.86</u>	<u>\$8.36</u>	<u>\$10.15</u>	<u>\$11.95</u>	<u>\$14.05</u>

<b><u>Volumetric Rates Per 1,000 Gallons - Potable Irrigation:</u></b>					
<u>Block 1 - 0 to 25,000 Gal / Month</u>	<u>\$3.19</u>	<u>\$4.04</u>	<u>\$5.08</u>	<u>\$5.98</u>	<u>\$7.03</u>
<u>Block 2 - 25,001 to 50,000 Gal / Month</u>	<u>\$5.26</u>	<u>\$6.35</u>	<u>\$7.61</u>	<u>\$8.96</u>	<u>\$10.54</u>
<u>Block 3 - 50,001 and Over Gal / Month</u>	<u>\$6.86</u>	<u>\$8.36</u>	<u>\$10.15</u>	<u>\$11.95</u>	<u>\$14.05</u>

<b><u>Volumetric Rates Per 1,000 Gallons - Other:</u></b>					
<u>Non-Residential</u>	<u>\$2.76</u>	<u>\$3.25</u>	<u>\$3.81</u>	<u>\$4.49</u>	<u>\$5.28</u>

(C) – (E) (These subsections shall remain in full force and effect as adopted).

Section 3. Title 5, “Public Works,” Chapter 53, “Sanitary Sewers,” Subheading “User Charge and Industrial Cost Recovery System,” Section 53.130, “User Charges; Wholesale Sewer Rates; Calculation Of Sewer Surcharge,” Subsection (D), “[Rates And Charges.]” of the Code of Ordinances of the City of Delray Beach, Florida, is amended as follows:

**Sec. 53.130. – USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE.**

(A) – (C) (These subsections shall remain in full force and effect as adopted).

(D) [*Rates and Charges.*] ~~The following rates and charges shall be collected from the users of the City sewerage system: A monthly sanitary sewer service charge is imposed upon each residential dwelling unit, commercial, and nonresidential unit to which sanitary sewage service is available through the facilities afforded by the municipally-owned sewerage system, according to the following schedule:~~

~~(1) *Residential Dwelling Units.* A monthly sanitary sewer service charge is imposed upon each residential dwelling unit, as more specifically set forth hereinafter, to which sanitary sewage service is available through the facilities afforded by the municipally-owned sewerage system, according to the following schedule:~~

Residential		Inside City	Outside City
(a)	Capacity charge (per residential dwelling unit):	18.04	22.55
(b)	Commodity charge (based on metered water with maximum of 12,000 gallons):	2.20	2.75
(c)	South-Central Regional Wastewater Treatment and Disposal Board (per 1,000 gallons)	1.1917	1.49

~~NOTES: Where no water service is provided and the user is connected to the sanitary sewer system, the commodity charge shall be based on the maximum of twelve thousand (12,000) gallons. This is in addition to the capacity charges as set forth above.~~

~~Where no water service is provided and the user is not connected to the sanitary sewer system, and sewer service is available for connection, there will be a capacity charge as set forth above.~~

~~(2) *Nonresidential/Commercial Units.* A monthly sanitary sewer service charge is imposed upon each commercial and nonresidential unit to which sanitary sewage service is available through the facilities afforded by the municipally-owned sewerage system, according to the following schedule:~~

Nonresidential/Commercial		Inside City	Outside City
(a)	Capacity charge (per meter):		
	¾-inch meter	18.04	22.55
	>1 inch meter	30.10	37.62
	1½-inch meter	59.95	74.94

	2-inch meter	95.97	119.96
	3-inch meter	210.14	262.67
	4-inch meter	378.12	472.65
	6-inch meter	840.35	1,050.44
	8-inch meter	1,441.74	1,802.18
	10-inch meter	2,282.80	2,853.50
(b)	Commodity charge: City per 1,000 gallons)	2.20	2.75
(c)	South Central Regional Wastewater Treatment and Disposal Board (per 1,000 gallons)	1.1917	1.49

NOTE (1): For those nonresidential/commercial units where water service is not available, and the user is connected to the sanitary sewer system or sewer service is available, the capacity charge will be set forth above. The commodity charge shall be based on the average usage for the type of business or nonresidential use.

<u>Description</u>	<u>Effective July 1, 2022</u>	<u>Effective January 1, 2023</u>	<u>Effective October 1, 2023</u>	<u>Effective October 1, 2024</u>	<u>Effective October 1, 2025</u>
<b>WASTEWATER RATES - INSIDE CITY</b>					
<b>Minimum Monthly Charge Per Dwelling Unit:</b>					
<u>Single Family Residential</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>
<u>Multi-Family Residential</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>

<b>Minimum Monthly Charges – Nonresidential:</b>					
<u>5/8 Inch or 3/4 Inch</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>	<u>\$18.04</u>
<u>1.0 Inch</u>	<u>\$45.10</u>	<u>\$45.10</u>	<u>\$45.10</u>	<u>\$45.10</u>	<u>\$45.10</u>
<u>1.5 Inch</u>	<u>\$90.20</u>	<u>\$90.20</u>	<u>\$90.20</u>	<u>\$90.20</u>	<u>\$90.20</u>
<u>2.0 Inch</u>	<u>\$144.32</u>	<u>\$144.32</u>	<u>\$144.32</u>	<u>\$144.32</u>	<u>\$144.32</u>
<u>3.0 Inch</u>	<u>\$270.60</u>	<u>\$270.60</u>	<u>\$270.60</u>	<u>\$270.60</u>	<u>\$270.60</u>
<u>4.0 Inch</u>	<u>\$451.00</u>	<u>\$451.00</u>	<u>\$451.00</u>	<u>\$451.00</u>	<u>\$451.00</u>
<u>6.0 Inch</u>	<u>\$902.00</u>	<u>\$902.00</u>	<u>\$902.00</u>	<u>\$902.00</u>	<u>\$902.00</u>
<u>8.0 Inch</u>	<u>\$1,443.20</u>	<u>\$1,443.20</u>	<u>\$1,443.20</u>	<u>\$1,443.20</u>	<u>\$1,443.20</u>
<u>10.0 Inch</u>	<u>\$2,255.00</u>	<u>\$2,255.00</u>	<u>\$2,255.00</u>	<u>\$2,255.00</u>	<u>\$2,255.00</u>

<b>Volumetric Rates Per 1,000 Gallons:</b>					
<u>Commodity Rate</u>	<u>\$2.27</u>	<u>\$2.34</u>	<u>\$2.41</u>	<u>\$2.48</u>	<u>\$2.55</u>

<u>South Central Regional Wastewater Treatment and Disposal Board</u>	<u>\$1.23</u>	<u>\$1.27</u>	<u>\$1.31</u>	<u>\$1.35</u>	<u>\$1.39</u>
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<u>Description</u>	<u>Effective July 1, 2022</u>	<u>Effective January 1, 2023</u>	<u>Effective October 1, 2023</u>	<u>Effective October 1, 2024</u>	<u>Effective October 1, 2025</u>
<b>WASTEWATER RATES - OUTSIDE CITY</b>					
<b>Minimum Monthly Charge Per Dwelling Unit:</b>					
<u>Single Family Residential</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>
<u>Multi-Family Residential</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>

<b>Minimum Monthly Charges – Nonresidential</b>					
<u>5/8 Inch or 3/4 Inch</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>	<u>\$22.55</u>
<u>1.0 Inch</u>	<u>\$56.38</u>	<u>\$56.38</u>	<u>\$56.38</u>	<u>\$56.38</u>	<u>\$56.38</u>
<u>1.5 Inch</u>	<u>\$112.75</u>	<u>\$112.75</u>	<u>\$112.75</u>	<u>\$112.75</u>	<u>\$112.75</u>
<u>2.0 Inch</u>	<u>\$180.40</u>	<u>\$180.40</u>	<u>\$180.40</u>	<u>\$180.40</u>	<u>\$180.40</u>
<u>3.0 Inch</u>	<u>\$338.25</u>	<u>\$338.25</u>	<u>\$338.25</u>	<u>\$338.25</u>	<u>\$338.25</u>
<u>4.0 Inch</u>	<u>\$563.75</u>	<u>\$563.75</u>	<u>\$563.75</u>	<u>\$563.75</u>	<u>\$563.75</u>
<u>6.0 Inch</u>	<u>\$1,127.50</u>	<u>\$1,127.50</u>	<u>\$1,127.50</u>	<u>\$1,127.50</u>	<u>\$1,127.50</u>
<u>8.0 Inch</u>	<u>\$1,804.00</u>	<u>\$1,804.00</u>	<u>\$1,804.00</u>	<u>\$1,804.00</u>	<u>\$1,804.00</u>
<u>10.0 Inch</u>	<u>\$2,818.75</u>	<u>\$2,818.75</u>	<u>\$2,818.75</u>	<u>\$2,818.75</u>	<u>\$2,818.75</u>

<b>Volumetric Rates Per 1,000 Gallons:</b>					
<u>Commodity Rate</u>	<u>\$2.84</u>	<u>\$2.93</u>	<u>\$3.01</u>	<u>\$3.10</u>	<u>\$3.19</u>
<u>South Central Regional Wastewater Treatment and Disposal Board</u>	<u>\$1.54</u>	<u>\$1.59</u>	<u>\$1.64</u>	<u>\$1.69</u>	<u>\$1.74</u>

NOTES: For single family and multi-family residential, the commodity charge based upon metered water will be capped at 12,000 gallons. Where no water service is provided and the user is connected to the sanitary sewer system, the commodity charge shall be based on the maximum of 12,000 gallons. This is in addition to the capacity charges as set forth above.

Where no water service is provided and the user is not connected to the sanitary sewer system, and sewer service is available for connection, there will be a capacity charge as set forth above.

For those nonresidential/commercial units where water service is not available, and the user is connected to the sanitary sewer system or sewer service is available, the capacity charge will be set forth above. The commodity charge shall be based on the average usage for the type of business or nonresidential use.

(3) – (4) (These subsections shall remain in full force and effect as adopted).

(E) – (H) (These subsections shall remain in full force and effect as adopted).

Section 4. Title 5, “Public Works,” Chapter 59, “Reclaimed Water,” Section 59.09, “Fees, Rates, and Charges,” of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

**Sec. 59.09. – FEES, RATES AND CHARGES.**

(A) Charges for reclaimed water use will be based on metered flows and will be billed on a monthly basis per one thousand (1,000) gallons in accordance with Chapter 52, Section 52.34 the following schedule:

1. ~~Retail customer rate~~ .....  
0 to 25,000 gallons .....\$1.00  
26,000 to 50,000 gallons .....2.00  
Above 50,000 gallons .....2.50
2. ~~Wholesale customer rate~~ .....0.28

(B) Meter installation charges, when applicable, shall be as listed in Chapter 52, Section 52.32.

(C) Capacity charge, when applicable, shall be as listed in Chapter 52, Section 52.34(B).

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 8. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney