

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES ENTITLED "UTILITIES" BY AMENDING SECTION 74-246 TO ADJUST THE BASE CHARGE COMPONENT (BCU) OF THE SEWER SERVICE USER CHARGE; THE PROPORTIONAL USE CHARGE COMPONENT OF THE SEWER SERVICE USER CHARGE; THE MONTHLY ALTERNATIVE WATER SURCHARGE; THE SEWER SERVICE MONTHLY BASE CHARGE UNIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that an adjustment of the sewer service monthly base charge unit would promote the health, safety and welfare of the citizens of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 74-246 of the Code of Ordinances is hereby amended as follows*:

74-246. Annual sewer rates, charges and components.

(a) The base charge component (BCU) of the sewer service user charge is determined to be ~~\$23.23~~ 23.79. The BCU may be adjusted each October 1, by Resolution of the city commission by up to 100

*(Coding: Added language is underlined; deleted language is ~~struck~~ through.)

percent of the percentage increase in the CPI-(U), U.S. City Averages (as of June). The city commission shall enact an ordinance amendment to this section in order to increase the BCU in excess of the CPI.

(b) The proportional use charge component of the sewer service user charge is determined to be ~~\$4.60~~ 4.71 per 1,000 gallons per month of actual or estimated sewage flow per user. The proportional use charge may be adjusted each October 1, by resolution of the city commission by up to 100 percent of the percentage increase in the CPI-(U), U.S. City Averages (as of June). The city commission shall enact an ordinance amendment to this section in order to increase the proportional use charge in excess of the CPI.

(c) The extra-normal strength charge component of the sewer service user charge is determined to be \$0.57 per pound of biochemical oxygen demand (BOD) and \$0.26 per pound of total suspended solids (TSS) contributed per month per user in excess of the amount accounted for in waste at a rate of 350 mg/l for BOD and for TSS.

(d) The flat monthly alternative water surcharge is determined to be ~~\$8.51~~ 8.71.

(e) The assumed percentage of water being contributed to the sewer system, as referred to in Ordinance No. 89-33, subsection (b)(1), continues to be 80 percent. This figure times the average monthly residential water consumption, the product then divided by the average number of residential dwelling units, yields an average residential monthly wastewater production (rounded to the nearest hundred gallons) or monthly base charge unit (BCU) of ~~3,600~~ 3,500.

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Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect on October 1, 2011 and upon its passage, adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2011.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK