

ORDINANCE 2026-04

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA AMENDING ARTICLE III, CHAPTER 22, AND SECTIONS 22-97, 22-99, AND 22-100 OF THE CODE OF ORDINANCES OF THE CITY OF WAUCHULA, FLORIDA (“CITY CODE”); AMENDING ARTICLE 3, UTILITIES, SECTION 3.04.01, OF THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF WAUCHULA, FLORIDA (“ULDC”); PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CODIFICATION AND INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the City Code of Ordinances, the City Commission of Wauchula, Florida, hereby makes the following findings:

(1) The City of Wauchula (the “City”) is a municipal corporation created under the laws of the State of Florida, and is authorized, pursuant to general and special law and its home rule powers contained in the Florida Statutes and the Florida Constitution, to own, operate, provide, and extend central water, wastewater, and reclaimed water services both within and without the City of Wauchula, Florida.

(2) The City has the exclusive authority over the management, operations, and control of the provision of water, wastewater (also known as “sewer”), and reclaimed water services in the service area both within and without the City limits.

(3) The City has the authority and duty to establish and modify water and wastewater rates for the City’s water and wastewater systems.

(4) The City has determined that development at urban level densities should be served by a central potable water supply and central wastewater service.

(5) The City has also incurred bonded indebtedness to expand and maintain its central water system and central wastewater system.

(6) Demands for potable water and wastewater capacity led to the construction of new expanded central utilities plant and facilities and extensions of the City's utility system to areas where new customers may connect.

(7) Stringent state and federal water and wastewater treatment and operation standards have been promulgated, and with these increasing costs of constructing central water and wastewater facilities, the City's ability to provide central water and wastewater service within the City may be limited.

(8) The financing of central water and wastewater facilities is complex, requires extensive planning and engineering, and calls for advanced participation by the development community so that adequate public facilities can be provided to meet the impacts of that development.

(9) The use of water and sewer impact fees, also known as "connection fees," became widespread in Florida during the 1970's and 1980's when Florida was experiencing rapid growth. The cost of providing the facilities to serve the influx of new residents resulted in a dramatic increase in taxes and utility rates. Additionally, during this time, more stringent environmental regulations were also driving utility rates higher. Municipalities and other governmental entities imposed impact fees to recover the cost of the new facilities required to serve Florida's rapid growth.

(10) The Florida Supreme Court has mandated that, to be valid, using water and wastewater connection fees to raise capital for expansion is permissible where expansion is reasonably required, the use of the money collected is limited to meeting the costs of expansion, and such connection fees do not exceed a pro rata share of reasonably anticipated costs of expansion. *Contractors & Builders Ass'n of Pinellas County v. Utilities Comm'n of Dunedin*, 329 So. 2d 314 (Fla. 1976).

(11) In 1982, the City adopted its first set of water and sewer impact fees, providing that the rate of impact fees would be set by resolution.

(12) On May 8, 2006, the City adopted resolution No. 06-16, modified the water and sewer impact fees levied by the City.

(13) The City adopted the changes and modifications proposed in Ordinance 2014-06 on June 9, 2014 and suspended and waived the collection of water and wastewater impact fees until May 1, 2015.

(14) These impact fees, and the modification and suspension of same, were adopted prior to the implementation of section 163.31801, Fla. Stat., which codified certain requirements to establish valid impact fees in Florida.

(15) On June 28, 2019, the Florida Legislature exempted water and wastewater (sewer) connection fees from the requirements of section 163.31801, Fla. Stat., by virtue of the adoption of section 5, Chapter 2019-165, Laws of Florida.

(16) The City has not collected any impact fees for water and wastewater since the adoption of the original moratorium under Ordinance 2014-06. But the moratorium expired on January 31, 2026.

(17) The City previously commissioned studies to determine the appropriate level of rates, fees, charges, and related policies and rules for its water and wastewater systems in accordance with the standards set forth in section 180.13(2), Fla. Stat., pertaining to municipal public works, and section 184.09(1)(b), Fla. Stat., governing municipal water and sewer financing, requiring cities to fix rates that are just and reasonable for utility services. See *Cooksey v. Utilities Comm'n*, 261 So. 2d 129 (Fla. 1972).

(18) In adopting water and wastewater capital connection fees, the City is availing itself of the exemption from the procedural requirements of section 163.31801, Fla. Stat., as provided in section 163.31801(12), Fla. Stat.

(19) The City hereby finds, declares, ratifies, and confirms the validity of all past water and wastewater (sewer) impact, connection, and capacity fees and that all such funds collected have been appropriately earmarked and limited solely for meeting the costs of expansion.

(20) The City has received a report from GovRates that constitutes a capital connection fee study (the "Study"), and that recommends increases to the

City's capital charge structure that is consistent with state law and is in line with other neighboring communities.

(21) The City Commission previously considered and approved the Study, and it has been determined that (1) water and wastewater connection fees are necessary to offset the costs associated with meeting future demands for the City's water and wastewater facilities pursuant to the projections set forth in the Study; (2) that these fees bear a reasonable relationship to the burden imposed upon the City to provide water and wastewater facilities to new utility customers served by the City; (3) that the fee revenues will provide a direct benefit to such new City customers reasonably related to the fees assessed; (4) that an essential nexus exists between the projected new development and the need for additional water and wastewater facilities to be funded with these fees and the benefits that accrue to new development paying the fees; and (5) that the amount of the water and wastewater impact fees are roughly proportional to the pro rata share of the additional water and wastewater facilities needed to serve new development.

(22) For these and other reasons, and based on the data and analysis contained in the Study, it is necessary for the City to adopt the changes and modifications proposed within this Ordinance.

(23) The City has full and exclusive authority over the management, operation, and control of all of the City's utilities and the authority to prescribe rules and regulations governing the use of such facilities whenever such are provided by the City, and to make such changes from time to time in such rules and regulations as it deems necessary.

(24) The City Commission's decisions, as set forth herein, are reasonable and prudent steps pertaining to sound growth management which have been taken for the benefit of the citizens of the City, both present and future.

(25) The City is projected to increase in population and further economically develop in the future.

(26) This Ordinance contains an administrative framework to ensure that the benefit of water and wastewater facilities funded with water and sewer capital connection fees will accrue proportionately to new development paying the fees.

(27) Requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices, and principles.

(28) To generate funds for future alternative water needs, administration, operation, and long-range projects, it is necessary to increase water user rates to begin funding mandated alternative water supplies.

(29) The City has notified each customer of the utility system through the regular utility billing process of this Ordinance in accordance with Section 180.136, Florida Statutes.

(30) The City Commission finds that the regulations, charges, rates and fees adopted by this Ordinance are in the best interest of, and are necessary to ensure, the health, safety and welfare of the citizens of the City of Wauchula, and users of the City utility system.

(31) The City has scheduled, advertised, and held the appropriate hearings required by Chapters 166 and 180, Florida Statutes, and has received and considered all City staff, City consultant, and public written and oral comments and other competent, substantial evidence.

(32) These fees have been established by the City and the City desires to ratify and incorporate these fees into the Code of Ordinances for better transparency

SECTION 2. AMENDMENT OF ARTICLE III OF CHAPTER 22, CITY CODE. Article III Chapter 22 of the Code of Ordinances, City of Wauchula, Florida, in title “Water and Sewer Impact Fees”, is hereby amended to read as follows:

ARTICLE III- WATER AND SEWER IMPACT CAPITAL CONNECTION FEES

SECTION 3. AMENDMENT OF SEC. 22-97, CITY CODE. Section 22-97 of the Code of Ordinances, City of Wauchula, Florida, is hereby amended to read as follows:

“Sec. 22-97. Water and Sewer ~~Impact~~ Capital Connection Fees Imposed; Calculation.

(1)(a) Each new user of the City’s waterworks system shall pay a one-time water ~~impact~~ capital connection fee as provided herein. The revenue generated hereunder shall be deposited in the water system ~~impact~~ capital connection fees account specified in section 22-100 and shall be used only for the expansion of the waterworks system.

(b) The amount of the water capital connection ~~impact~~-fee is set forth below:

For all customers, the capital connection fee due shall be the greater of i) the amounts derived from the estimated flow approach described below; or ii) the amounts shown in the below meter equivalent approach schedule. The City Manager or their designee has the authority to determine the applicable capital connection fee based on the adopted fees, the intent of the fees, and the customer's specific configurations or circumstances.

- i. Estimated Flow Approach:
Each Customer's estimated average daily flow requirements in gallons for water service shall be multiplied by \$3.72 per gallon of capacity.
- ii. Meter Equivalent Approach:

<u>Meter Size</u>	<u>Meter Capacity Equivalent Factor*</u>	<u>Water Capital Connection Fee</u>
<u>3/4"</u>	<u>1.00</u>	<u>\$1,140</u>
<u>1"</u>	<u>1.67</u>	<u>\$1,905</u>
<u>1.5"</u>	<u>3.33</u>	<u>\$3,800</u>
<u>2"</u>	<u>5.33</u>	<u>\$6,080</u>
<u>3"</u>	<u>10.67</u>	<u>\$12,165</u>
<u>4"</u>	<u>16.67</u>	<u>\$19,005</u>
<u>6"</u>	<u>33.33</u>	<u>\$38,000</u>
<u>8"</u>	<u>53.33</u>	<u>\$60,800</u>
<u>10"</u>	<u>76.67</u>	<u>\$87,405</u>
<u>12"</u>	<u>143.33</u>	<u>\$163,400</u>

*Reflects meter equivalent factors implied by the size of the meter serving the premises based on information published by the American Water Works Association (AWWA) regarding meter capacities

Table 7
Water Impact Fees

Connection Size	Annual Consumption Gallons	Plant Cost per Gallon	Annual Consumption per Customer	Proposed Impact Fees
¾" meter	131,684,078	\$0.01168	58,190	\$680
1" meter	6,439,445	\$0.01168	107,324	\$1,250
1 ½" meter	5,668,170	\$0.01168	188,939	\$2,200
2" meter	22,685,060	\$0.01168	482,660	\$5,640
3" & 4" meter	10,415,900	\$0.01168	946,900	\$11,059

Capital Connection Impact fees shall be reviewed from time to time as required by the City Commission and any subsequent revisions thereto shall be by ordinance.

(c) Where an applicant furnishes detailed water consumption records for an establishment not in conformance with any of the above, these records may be used in determining the value of the water capital connection impact fee at the sole option of the City. The City may also on its own initiative recalculate usage and projected usage to insure that the applicant or existing customer has paid for those ERCs it is using.

(d) If deemed necessary by the City, the estimated water demands and corresponding capital connection impact fees shall be redetermined based on actual usage when the development is at or very near full/maximum occupancy/use. If the redetermined use is larger than originally computed, the additional capital connection impact fee will be collected from the user/developer. The City shall have the right to redetermine the capital connection impact fees and require the customer to pay any additional charges.

(e) Where a commercial usage changes so as to increase the water demand (for example: from a shoe store to a coin laundry) the additional water demand and capital connection impact fee shall be computed by the City and paid by the user prior to the issuance of a building permit.

(f) Matters of interpretation and definition shall rest with the City.

(2)(a) Each new user of the City's wastewater system shall pay a one-time wastewater capital connection impact fee as provided herein. The revenue generated hereunder shall be deposited in the wastewater system capital connection impact fees account specified in section 22-100 and shall be used only for the expansion of the wastewater system.

b) The amount of the wastewater capital connection impact fee is set forth below:

For all customers, the connection fee due shall be the greater of i) the amounts derived from the estimated flow approach described below; or ii) the amounts shown in the below meter equivalent approach schedule. The City Manager or their designee has the authority to determine the applicable connection fee based on the adopted fees, the intent of the fees, and the customer's specific configurations or circumstances.

- i. Estimated Flow Approach:
Each Customer's estimated average daily flow requirements in gallons for wastewater service shall be multiplied by \$17.42 per gallon of capacity.
- ii. Meter Equivalent Approach:

<u>Meter Size</u>	<u>Meter Capacity Equivalent Factor*</u>	<u>Wastewater Capital Connection Fee</u>
<u>3/4"</u>	<u>1.00</u>	<u>\$4,230</u>
<u>1"</u>	<u>1.67</u>	<u>\$7,065</u>
<u>1.5"</u>	<u>3.33</u>	<u>\$14,090</u>
<u>2"</u>	<u>5.33</u>	<u>\$22,550</u>
<u>3"</u>	<u>10.67</u>	<u>\$45,135</u>
<u>4"</u>	<u>16.67</u>	<u>\$70,515</u>
<u>6"</u>	<u>33.33</u>	<u>\$140,990</u>
<u>8"</u>	<u>53.33</u>	<u>\$225,590</u>
<u>10"</u>	<u>76.67</u>	<u>\$324,315</u>
<u>12"</u>	<u>143.33</u>	<u>\$606,290</u>

*Reflects meter equivalent factors implied by the size of the meter serving the premises based on information published by the American Water Works Association (AWWA) regarding meter capacities.

Table 8
Wastewater Impact Fees

<u>Connection Size</u>	<u>Annual Consumption Gallons</u>	<u>Plant Cost per Gallon</u>	<u>Annual Consumption per Customer</u>	<u>Proposed Impact Fees</u>
<u>3/4" meter</u>	<u>131,684,078</u>	<u>\$0.03936</u>	<u>58,190</u>	<u>\$2,290</u>
<u>1" meter</u>	<u>6,439,445</u>	<u>\$0.03936</u>	<u>107,324</u>	<u>\$4,200</u>
<u>1 1/2" meter</u>	<u>5,668,170</u>	<u>\$0.03936</u>	<u>188,939</u>	<u>\$7,400</u>
<u>2" meter</u>	<u>22,685,060</u>	<u>\$0.03936</u>	<u>482,660</u>	<u>\$19,000</u>
<u>3" & 4" meter</u>	<u>10,415,900</u>	<u>\$0.03936</u>	<u>946,900</u>	<u>\$37,300</u>

(c) Where an applicant furnishes detailed water consumption records for an establishment not in conformance with any of the above, these records may be used in determining the value of the wastewater capital connection fee at the sole option of the City. The City may also on its own initiative recalculate usage and projected usage to insure that the applicant or existing customer has paid for those ERCs it is using.

(d) If deemed necessary by the City, the estimated wastewater demands and corresponding capital connection ~~impact~~ fees shall be redetermined based on actual usage when the development is at or very near full/maximum occupancy/use. If the redetermined use is larger than originally computed, the additional capital connection ~~impact~~ fee will be collected from the user/developer. The City shall have the right to redetermine the capital connection ~~impact~~ fees and require the customer to pay any additional charges.

(e) Where a commercial usage changes so as to increase the wastewater demand (for example: from a shoe store to a coin laundry) the additional wastewater demand and capital connection ~~impact~~ fee shall be computed by the City and paid by the user prior to the issuance of a building permit.

(f) Matters of interpretation and definition shall rest with the City.

(3) It is the intent of this section to provide for the assessment and collection of capital connection fees on all new development occurring within the City of Wauchula so as to ensure that such new development pays its fair and proportionate share of the capital costs for water and sewer infrastructure and improvements required to accommodate such new development.

(4) Funds collected from the water capital connection fees shall be used for the purpose of providing capital land, facilities and equipment for the water utility within the City's Public Works Department. Such capital improvements are intended to accommodate the demand for new infrastructure and equipment generated by new growth and new development so that the level of service set forth in the Capital Improvements Element of the City of Wauchula's Comprehensive Plan can be maintained. No funds shall be used for salaries, periodic or routine maintenance or general operating expenditures.

(5) Funds collected from the wastewater capital connection fees shall be used for the purpose of providing capital land, facilities and equipment for the wastewater utility within the City's Public Works Department. Such capital improvements are intended to accommodate the demand for new infrastructure and equipment generated by new growth and new development so that the level of service set forth in the Capital Improvements Element of the City of Wauchula's Comprehensive Plan can be maintained. No funds shall be used for salaries, periodic or routine maintenance or general operating expenditures.

(6) The City shall submit with its annual financial report required under Section 218.32, Florida Statutes, or its financial audit report required under Section 218.39, Florida Statutes, a separate affidavit signed by its chief financial officer attesting, to the best of his or her knowledge, that all water and wastewater capital connection fees were collected and expended by the City in full compliance with the spending period provision in this Ordinance, and that funds expended from each connection fee account were used only to acquire, construct, or improve specific infrastructure needs.

(7) The revenue realized for water and wastewater capital connection fees imposed pursuant to this Chapter shall be identified in the City's budget as separate accounts as required by state law. The City shall maintain adequate records to justify all expenditures from any capital connection fund and any accounts established within such fund and shall provide for reporting of Capital Connection Fee rates, collections, expenditures, and Affordable Housing exemptions in accordance with state law.

SECTION 4. AMENDMENT OF SEC. 22-99, CITY CODE. Sec. 22-99.
Payment prerequisite to service.

Each ~~impact~~ capital connection fee imposed by the City shall be paid to the City before regular service is provided.

SECTION 5. AMENDMENT OF SEC. 22-100, CITY CODE. Sec. 22-100.
Deposit and use of proceeds.

(a) All funds derived from the water system ~~impact~~ capital connection fee shall be deposited in an account titled "Water System ~~Impact~~ Capital Connection Fees" and shall be used only for ~~emergency repairs~~, expansion, modification, or new construction of the City's water treatment plant, pumping, storing, treating, or distribution facilities.

(b) All funds derived from the sewer system ~~impact~~ capital connection fee shall be deposited in an account titled "Sewer System ~~Impact~~ Capital Connection Fees," and shall be used only for ~~emergency repairs~~, expansion, modification, or new construction of the City's sewer treatment plant, lift stations, or collection system.

(c) Such funds derived from ~~impact~~ capital connection fees shall be deposited or invested so as to maximize interest earnings and may be pledged for borrowing purposes.

SECTION 6. AMENDMENT OF ARTICLE 3.04.01(A)(4) UTILITIES, ULDC.

(4) The developer shall pay whatever potable water and wastewater ~~impact~~ capital connection fees in force at the time of final approval of the developer's facilities together with all other financial obligations of the developer to the City before the City will accept said facilities and render service.

SECTION 7. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. CONFLICTING ORDINANCES AND RESOLUTIONS. All other ordinances and resolutions, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

INTRODUCED and PASSED on first reading in regular session of the City Commission of the City of Wauchula, Florida, this _____ day of _____, 2026.

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

PASSED on second and final reading by the City Commission of the City of Wauchula, Florida, at regular session this _____ day of _____ 2026.

This ordinance was moved for approval by Commissioner _____.

The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Sherri Albritton	_____ insert yes or no
Commissioner Anne Miller	_____ insert yes or no
Commissioner Richard Keith Nadaskay, Jr.	_____ insert yes or no
Commissioner Gary D. Smith	_____ insert yes or no
Commissioner Russell Graylin Smith	_____ insert yes or no

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM AND LEGALITY:

Kristie Hatcher-Bolin, City Attorney