

**ORDINANCE 2025-21**

**AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA;  
EXTENDING THE SUSPENSION AND WAIVER OF WATER AND  
WASTEWATER IMPACT FEES UNTIL FEBRUARY 1, 2027;  
PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR CONFLICTS; 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 is authorized, pursuant to general and special law and its home rule powers contained in 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 operates, controls, and manages an exclusive water, wastewater, and reclaimed water service area both within and without the City limits.

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

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

(5) 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.

(6) 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.

(7) 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.

(8) Impact fees became widespread in Florida during the 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 increases 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.

(9) The Florida Supreme Court and the Florida Legislature have mandated that, to be valid, impact fees must meet the dual rational nexus test.

(10) 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.

(11) On May 8, 2006, the City adopted resolution No. 06-16, which currently controls the water and sewer impact fees levied by the City.

(12) These impact fees were adopted prior to the national economic recession which began in 2008 and which has significantly slowed the growth of the City's utility system.

(13) These fees were also adopted prior to the implementation of section 163.31801, Fla. Stat., which has codified the requirements for establishing a valid impact fee in Florida.

(14) The City received a report from WHH Enterprises that constitutes an impact fee study and that recommended reductions to the City's capital charge structure consistent with the criteria in section 163.31801, Fla. Stat., and in line with other neighboring communities.

(15) For these and other reasons, 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.

(16) 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.

(17) While that moratorium expired, the City continued to waive the collection of water and wastewater impact fees. The City has not collected any such impact fees since the adoption of the original moratorium under Ordinance 2014-06. And in Ordinance 2023-17, adopted on January 13, 2025, the City Commission ratified the past waivers of the collection of water and wastewater impact fees, and extended its suspension and waiver of the collection of water and wastewater impact fees through February 1, 2026.

**SECTION 2. EXTENSION OF WAIVER OF COLLECTION OF WATER AND WASTEWATER IMPACT FEES.** The City hereby determines to extend its previously adopted suspension and waiver of the collection of water and wastewater impact fees to February 1, 2027.

**SECTION 3. 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 4. RATIFICATION OF ORDINANCE 2014-06.** Except as expressly set forth in Section 2 hereof, the City Commission hereby ratifies and confirms the validity of Ordinance No. 2014-06.

**SECTION 5. 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 8<sup>th</sup> day of December, 2025.

**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 12<sup>th</sup> day of January 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 Anne Miller	_____ insert yes or no
Commissioner Sherri Albritton	_____ 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