

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 110 OF THE CODE OF THE CITY OF MIAMI BEACH ENTITLED "UTILITIES," AMENDING ARTICLE IV, ENTITLED "FEES, CHARGES, RATES AND BILLING PROCEDURE," BY AMENDING SECTION 110-167 THEREOF, ENTITLED "WATER IMPACT FEE"; BY AMENDING SECTION 110-169 THEREOF, ENTITLED "SEWER IMPACT FEE"; AND FURTHER, AMENDING APPENDIX A OF THE CITY CODE, ENTITLED "FEE SCHEDULE," TO INCREASE THE WATER IMPACT FEES AND SEWER IMPACT FEES IMPOSED BY THE CITY PURSUANT TO SECTIONS 110-167, 110-169, AND APPENDIX A; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach owns and operates utility systems that provide essential water and sanitary sewer services to residences and businesses, and that operate 24 hours per day and 365 days per year; and

WHEREAS, the operational and financial sustainability of the utility systems is vital to the public health and safety of the City's residents; and

WHEREAS, the City has constructed water and sewer infrastructure to support and provide water and sewer capacity to meet both current demand and future growth within the City's utility service area; and

WHEREAS, water and sewer impact fees, which are assessed as "connection fees" based on the size of the meter, can be used to fund growth-related capital projects and growth-related debt service; and

WHEREAS, Section 163.31801, Florida Statutes (the "Florida Impact Fee Act"), imposes specific requirements on the adoption, collection, and use of impact fees; and

WHEREAS, pursuant to Section 163.31801(12), Fla. Stat., the Florida Impact Fee Act does not apply to water and sewer connection fees; and

WHEREAS, the City's water and sewer connection fees were last adjusted in the 1990s and have not been increased to reflect the City's current costs of providing water and sewer capacity to growth; and

WHEREAS, Chapter 110 of the Code of the City of Miami Beach ("City Code"), entitled "Utilities" and Appendix A to the City Code establish the City's potable water rates for all water users; the sanitary sewer rates for all sanitary sewer users except sewer rates for wholesale customers established through contract; and the stormwater rates for all users of the stormwater system; and

WHEREAS, through a formal procurement process, the City retained the firm of GovRates, Inc. (GovRates) to assist in the determination of revised water impact fees and sewer impact fees, including connection fees; and

WHEREAS, GovRates has recommended updated impact fees to fairly reflect the City's current costs of providing water and sewer capacity to growth and has also recommended periodic reviews of the impact fee amounts; and

WHEREAS, the recommended impact fees for water and sewer, which are assessed as "connection fees," are competitive with those charged by other Florida local governments; and

WHEREAS, the City seeks to amend Chapter 110 and Appendix A to codify the GovRates recommendations; and

WHEREAS, at its February 21, 2025 meeting, the Finance and Economic Resiliency Committee recommended approval of the GovRates recommendations; and

WHEREAS, on March 19, 2025, the City Commission approved accepting the recommendation of the Finance and Economic Resiliency Committee to increase the City's water impact fees and sewer impact fees; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 110 of the Miami Beach City Code entitled "Utilities," Article IV, entitled "Fees, Charges, Rates and Billing procedure," at Section 110-167, entitled "Water impact fee," and Section 110-169, entitled "Sewer impact fee," are hereby amended as follows:

**CHAPTER 110
UTILITIES**

* * *

ARTICLE IV. Fees, Charges, Rates and Billing Procedure.

Sec. 110-167. Water impact fee.

- (a) There is hereby imposed upon all new connections to the water system and upgrades to meter sizes a one-time water impact fee. Such water impact fee shall be assessed as a connection fee based on the size of water meter serving such premises as set forth in appendix A.
- (b) The water impact fee shall be due and payable at the time of issuance of the initial building permit for the premises or upon submittal of the application to the public works department.

- (c) All water impact fees collected shall be deposited into the city's water impact fee subaccount within the water and sewer impact fee account. The moneys on deposit in the water impact fee subaccount, together with investment earnings thereon, shall be used by the city only in accordance with the provisions of applicable law.
- (d) The city manager or their designee has the authority to determine the applicable water connection fee imposed pursuant to this section for each particular property based on the adopted fee amounts, the intent of the fee, and the customer's specific configurations or circumstances.
- (e) The amount of, and methodology used, to calculate, the water connection fee imposed pursuant to this section shall be reviewed by the city manager at least once every five years to ensure that the fees remain cost-based.

Sec. 110-169. Sewer impact fee.

- (a) There is hereby imposed upon all new connections to the sewer system or upgrades to water meter sizes a one-time sewer impact fee. Such sewer impact fee shall be assessed as a connection fee based on the size of water meter serving such premises as set forth in appendix A.
No sewer impact fees shall be charged for water meters used strictly for irrigation or other purpose that does not generate wastewater returned to the sanitary sewer system.
- (b) The sewer impact fee shall be due and payable at the time of issuance of the initial building permit for the premises.
- (c) All sewer impact fees collected shall be deposited into the city's sewer impact fee subaccount within the water and sewer impact fee account. The moneys on deposit in the sewer impact fee subaccount, together with investment earnings thereon, shall be used by the city only in accordance with the provisions of applicable law.
- (d) The city manager or their designee has the authority to determine the applicable sewer connection fee imposed pursuant to this section for each particular property based on the adopted fee amounts, the intent of the fee, and the customer's specific configurations or circumstances.
- (e) The amount of, and methodology used, to calculate, the sewer connection fee imposed pursuant to this section shall be reviewed by the city manager at least once every five years to ensure that the fees remain cost-based.

SECTION 2. That Chapter 110, "UTILITIES," Article IV "Fees, charges, rates and billing procedures," in APPENDIX A is hereby amended as follows:

**APPENDIX A
FEE SCHEDULE**

* * *				
110-167(a)	Water impact fee, <u>assessed as a connection</u>		<u>Fee Effective Upon Approval</u>	Annual Adjustment (References shown are defined at the end of

	<u>fee based on the per meter size in inches:</u>			this Appendix A)
	$\frac{5}{8}$	\$155.00	\$1,630.00	N/A
	$\frac{3}{4}$	230.00	N/A	N/A
	1	385.00	4,075.00	N/A
	1½	775.00	8,150.00	N/A
	2	1,240.00	13,040.00	N/A
	3	2,480.00	26,080.00	N/A
	4	3,875.00	40,750.00	N/A
	6	7,750.00	81,500.00	N/A
	8	12,400.00	130,400.00	N/A
	10		187,450.00	N/A
	12		350,450.00	N/A
	Larger than 8 inches, based on relative meter capacities	0.00		N/A

* * *

110- 169(a)	<u>Sewer impact fee, assessed as a connection fee based on the per meter size in inches:</u>		<u>Fee Effective Upon Approval</u>	Annual Adjustment (References shown are defined at the end of this Appendix A)
	$\frac{5}{8}$	\$235.00	\$2,030.00	N/A
	$\frac{3}{4}$	350.00	N/A	N/A
	1	585.00	5,075.00	N/A
	1½	1,175.00	10,150.00	N/A
	2	1,880.00	16,240.00	N/A
	3	3,760.00	32,480.00	N/A
	4	5,875.00	50,750.00	N/A
	6	11,750.00	101,500.00	N/A
	8	18,800.00	162,400.00	N/A
	10		233,450	N/A

	<u>12</u>		<u>436,450</u>	<u>N/A</u>
	Larger than 8 inches, based on relative meter capacities	0.00		N/A

* * *

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Miami Beach City Code. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption, and the revised impact fee rates shall be applied to all bills rendered on or after the effective date.

PASSED and ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor