

ORDINANCE NO. 03-32

AN ORDINANCE OF TOWN OF MIAMI LAKES, FLORIDA ESTABLISHING THE RATE OF THE STORMWATER UTILITY FEE FOR THE TOWN OF MIAMI LAKES STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 403.0893, Florida Statutes, the Town has considered the minimum stormwater utility fees sufficient to plan, construct, operate and maintain the Town's stormwater management system; and

WHEREAS, the Town Manager, upon advice and recommendation of the Town's engineers, has recommended to the Town Council a Stormwater Utility Fee rate in order to fund drainage improvements and to maintain the effectiveness of existing drainage facilities; and

WHEREAS, the Town Council has held a public hearing to adopt the Utility Fee.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. A new section of the Town Code entitled, "Stormwater Utility Fee" is created to read as follows.

"STORMWATER UTILITY FEE

Sec. 1. The rate to be charged for the Stormwater Utility Fee for each Equivalent Residential Unit ("ERU") shall be Four dollars and fifty cents (\$ 4.50) per month.

(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.)

Sec. 2. The rate approved in Section 1 may be amended by the Town Council by resolution after a public hearing.

Sec. 3. That the foregoing Stormwater Utility Fee rate shall become effective on and be applied to all bills for the Town's Stormwater Management System issued on or after April 1, 2003."

Section 2. Repeal Of Conflicting Provisions. Article IV of Chapter 24 of the Miami-Dade County Code, concerning the same subject matter, as made applicable to the Town by Article VIII, Sections 8.3 of the Town Charter, is hereby repealed and replaced. Notwithstanding the foregoing, for the purposes of the collection of past due fees assessed prior to the effective date of this ordinance, the prior provisions of Chapter 24 of the Town Code shall remain in effect.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such

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intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Vice Mayor Alonso and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on first reading this 11th day of February, 2003.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Meador, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on second reading this 11th day of March, 2003.

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Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM:

W B Q
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.
TOWN ATTORNEY

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