

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 AMEND ANNUAL
SEWER RATES, CHARGES AND COMPONENTS;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Key West finds that it is necessary to adjust the annual sewer rates by amounts in excess of the CPI, to cover the actual cost of providing sewer service, and that it is necessary to do so by ordinance; and

WHEREAS, an amendment to section 74-246 of the Code of Ordinances will promote the safety and welfare of the citizens and visitors of the City 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*:

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

(a) The base charge component (BCU) of the sewer service user charge is determined to be ~~\$23.57~~ \$27.51. The BCU 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 BCU in excess of the CPI.

(b) The proportional use charge component of the sewer service user charge is determined to be ~~\$4.67~~ \$5.45 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.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

(c) The extra-normal strength charge component of the sewer service user charge is determined to be ~~\$0.57~~ \$0.66 per pound of biochemical oxygen demand (BOD) and ~~\$0.26~~ \$0.30 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~~ \$10.89.

(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.

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 immediately upon its passage and 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 _____, 2024.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Danise Henriquez _____
Vice Mayor Sam Kaufman _____
Commissioner Lissette Carey _____
Commissioner Monica Haskell _____
Commissioner Mary Lou Hoover _____
Commissioner Donie Lee _____
Commissioner Clayton Lopez _____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK