

Key Largo Wastewater Treatment District General Rules and Regulations



January 1, 2020

<u>ARTICLE I. GENERAL.....</u>	<u>1</u>
SECTION 1.01 DISTRICT DESCRIPTION AND ORGANIZATION.....	1
SECTION 1.02 DISTRICT SERVICE AREA.....	1
SECTION 1.03 DISTRICT BOARD OF WASTEWATER COMMISSIONERS.....	1
SECTION 1.04 DISTRICT GENERAL MANAGER.....	1
SECTION 1.05 DISTRICT CLERK.....	1
SECTION 1.06 OFFICE LOCATION.....	2
SECTION 1.07 OFFICE HOURS.....	2
SECTION 1.08 CONDUCTING BUSINESS WITH THE DISTRICT.....	2
SECTION 1.09 DISTRICT MEETINGS.....	2
SECTION 1.10 HANDICAP ACCESS TO MEETINGS.....	2
SECTION 1.11 RULES AND REGULATIONS DEVELOPMENT AND ADOPTION.....	2
SECTION 1.12 ACCESS TO PUBLIC RECORDS.....	3
SECTION 1.13 LIMITATION OF ACCESS TO RECORDS.....	3
<u>ARTICLE II. DISTRICT PROCUREMENT OF GOODS AND SERVICES</u>	<u>4</u>
<u>ARTICLE III. PROVISION OF WASTEWATER SERVICE IN GENERAL</u>	<u>5</u>
SECTION 3.01 AVAILABILITY OF WASTEWATER SERVICE.....	5
SECTION 3.02 WASTEWATER CONNECTIONS.....	5
SECTION 3.03 DUTY TO MAKE PAYMENT.....	5
SECTION 3.04 DISTRICT POWERS TO COLLECT AMOUNTS DUE.....	5
SECTION 3.05 DUTY TO PROTECT DISTRICT PROPERTY.....	6
SECTION 3.06 TAMPERING.....	6
SECTION 3.07 INSPECTION OF CUSTOMER INSTALLATION.....	7
SECTION 3.08 CUSTOMER’S DUTY TO MAINTAIN INSTALLATION.....	7
SECTION 3.09 CUSTOMER COMPLIANCE WITH DISTRICT RULES AND REGULATIONS.....	8
SECTION 3.10 DISTRICT LICENSE TO ENTER UPON PROPERTY.....	8
SECTION 3.11 DISTRICT RIGHT TO REFUSE TO PROVIDE SERVICE.....	8
SECTION 3.12 DISCONTINUANCE OR TERMINATION OF SERVICE.....	8
<u>ARTICLE IV. MANDATORY CONNECTION</u>	<u>9</u>
SECTION 4.01 MANDATORY CONNECTION FINDINGS.....	9
SECTION 4.02 DUTY TO CONNECT.....	9
SECTION 4.03 FAILURE TO CONNECT.....	10
SECTION 4.04 SUSPENSION OR TERMINATION OF SERVICE BY CUSTOMER.....	10
<u>ARTICLE V. CLASSES OF WASTEWATER SERVICE (RESCINDED)</u>	<u>11</u>
<u>ARTICLE VI. PROVISION OF WASTEWATER SERVICE TO UNIMPROVED PARCELS</u>	<u>12</u>
SECTION 6.01 UNIMPROVED PARCEL IN AN IMPROVED SUBDIVISION.....	12

SECTION 6.02	DEVELOPER’S AGREEMENT FOR FUTURE WASTEWATER SERVICE	12
SECTION 6.03	CONSTRUCTION AND CONNECTION OF SYSTEMS ON PRIVATE PROPERTY	12
SECTION 6.04	RESERVED (UNIQUE PROPERTY PROJECT)	12
 ARTICLE VII. EXTENSION OF WASTEWATER FACILITIES.....		13
SECTION 7.01	GENERAL.....	13
SECTION 7.02	PLANNED EXTENSION OF WASTEWATER FACILITIES.....	13
SECTION 7.03	EXTENSION OF WASTEWATER FACILITIES ON REQUEST.	13
SECTION 7.04	SYSTEM DESIGN; GENERAL CRITERIA.....	13
 ARTICLE VIII. WASTEWATER PRETREATMENT		15
SECTION 8.01	PURPOSE AND POLICY.	15
 ARTICLE IX. FEES AND CHARGES.....		17
SECTION 9.01	PLAN REVIEW FEE.	17
SECTION 9.02	SYSTEM DEVELOPMENT CHARGE.....	17
SECTION 9.03	FEES AND CHARGES FOR WASTEWATER SERVICE.	17
SECTION 9.04	PRETREATMENT FEES.	18
SECTION 9.05	TAMPERING CHARGE.	18
SECTION 9.06	SERVICE CHARGES.	19
SECTION 9.07	WASTEWATER MAIN EXTENSION REIMBURSEMENTS.	19
 ARTICLE X. SYSTEM DEVELOPMENT CHARGES, ASSESSMENTS AND SYSTEM IMPACT CHARGES.....		20
SECTION 10.01	SYSTEM DEVELOPMENT CHARGE AND SYSTEM IMPACT CHARGE.	20
SECTION 10.02	CALCULATION OF EDUs FOR IMPROVED NON-RESIDENTIAL, OR MIXED-USE TAX PARCELS.....	21
SECTION 10.03	ASSESSMENTS IMPOSED AGAINST GOVERNMENT PROPERTY.....	22
SECTION 10.04	EXCLUDED PARCELS – GENERAL PROVISIONS.....	22
SECTION 10.05	EXCLUDED PARCELS – EXEMPTIONS	23
SECTION 10.06	EXCLUDED PARCELS – WAIVERS.....	23
SECTION 10.07	SUBDIVIDED AND COMBINED TAX PARCELS.....	25
SECTION 10.08	CONDITIONS AND PROCEDURES FOR REQUESTING A REVIEW OF THE INITIAL PREPAYMENT AMOUNT / SYSTEM DEVELOPMENT CHARGE.....	26
SECTION 10.09	IMPOSITION OF ASSESSMENTS.	28
SECTION 10.10	INITIAL PREPAYMENT AMOUNT.	29
SECTION 10.11	INITIAL PREPAYMENT OPTION.	29
SECTION 10.12	ADJUSTED PREPAYMENT AMOUNT.	29
SECTION 10.13	COMPUTATION METHOD: ANNUAL NON-AD VALOREM ASSESSMENT ROLL.....	29
SECTION 10.14	OPTIONAL PREPAYMENT.	30
SECTION 10.15	MANDATORY PREPAYMENT.	30
SECTION 10.16	PROCEDURES FOR REQUEST OF REFUND.....	31
SECTION 10.17	GENERAL PROVISIONS.	31

ARTICLE XI. DIRECT BILLING AND PAYMENT FOR SERVICE.....32

SECTION 11.01 FCAA BILLING.32

SECTION 11.02 BILLING PERIOD; DUE DATE.32

SECTION 11.03 DESCRIPTION OF MONTHLY BILLING CHARGE.32

SECTION 11.04 RETURNED CHECKS.32

SECTION 11.05 DELINQUENT ACCOUNTS.32

SECTION 11.06 ADJUSTMENT OF FEES AND CHARGES.33

ARTICLE XII. PERSONNEL POLICY AND PROCEDURES.....37

ARTICLE XIII. DEFINITIONS AND CONSTRUCTION OF TERMS.....38

Article I. General

Section 1.01 District Description and Organization.

- (a) The Key Largo Wastewater Treatment District is an Independent Special District authorized by the Key Largo Wastewater Treatment District Act (Chapter 2002-337, Florida Statutes, as amended.) The principle function of the District is to perform such acts as necessary for the sound planning, acquisition, development, operation, and maintenance of a Wastewater management system to serve the island of Key Largo, an unincorporated portion of Monroe County, Florida. The District complies with the operating and reporting requirements of Chapter 189, Florida Statutes as applicable to Special Districts.
- (b) The District is not subject to the Florida Administrative Procedure Act (Chapter 120, Florida Statutes) or the Uniform Rules of Procedure (Title 28, Florida Administrative Code.)

Section 1.02 District Service Area.

The District's Service area includes the territory consisting of the island of Key Largo, including all lands east of Tavernier Creek, including Tavernier, Key Largo, and Cross Key, with the exception of Ocean Reef, all in Monroe County, Florida.

Section 1.03 District Board of Wastewater Commissioners.

- (a) The District is governed by an elected Board of five Wastewater Commissioners.
- (b) The District will exercise, through the Board, all powers enumerated in the Key Largo Wastewater Treatment District Act, including but not limited to the power to adopt rules and regulations relating to the exercise of such powers for the regulation of the use and supply of Wastewater Systems for the District's Service area, and will also exercise such other authority as may exist under general or special law, and all authority implied by or necessary or appropriate to the same.
- (c) The Board governs the policymaking and other statutorily prescribed duties and powers of the District pursuant to the Key Largo Wastewater Treatment District Act. The Board may act only adopting a resolution at a publicly noticed meeting.
- (d) The Board may, by resolution, delegate the authority to a Commissioner or other Person to take any actions reasonably necessary and appropriate to implement a Board resolution. In the absence of such delegation of authority, an individual Commissioner has no authority to take or refrain from taking any action on behalf of the District or to direct any other Person to do so.
- (e) Notwithstanding the foregoing, an individual Commissioner is authorized to request District Counsel to provide legal Services on behalf of the District.

Section 1.04 District General Manager.

The General Manager oversees the day-to-day operation of the District as authorized or directed by the Board.

Section 1.05 District Clerk.

The District Clerk is the Person responsible for receiving, recording, filing, and transmitting District documents, recording District business, and acting generally as the initial point of contact for Persons seeking to conduct business with the District.

Section 1.06 Office Location.

The main office of the District is located at 103355 Overseas Highway, Key Largo, Florida, 33037¹. The District's mailing address is PO Box 491, Key Largo, FL 33037. The telephone number is (305) 451-4019.

Section 1.07 Office Hours.

District office hours are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except on Official Holidays.

Section 1.08 Conducting Business with the District.

Unless otherwise specifically provided in these rules, all comments, correspondence, communications, or requests for information should be directed to the Clerk or General Manager at the District Office.

Section 1.09 District Meetings.

All meetings of the Board are public meetings conducted in accordance with section 286.011, Florida Statutes, including the maintenance and recordation of official minutes. Board decisions are made at District Meetings. In addition, a meeting of the Board may include one or more segments as described below:

- (a) Workshops are gatherings of members of the Board or its staff as designated by the Board for the purposes of discussion of District business and projects, at which time rule drafting may occur but no official vote may be taken nor rule or regulation adopted. Such workshops will be open to the public, but it will be within the discretion of the Board whether or not to permit public comment.
- (b) Public hearings are public gatherings of the Board for the purpose of obtaining information and receiving public comment on activities proposed by the Board, but at which no official action may be taken nor rule or regulation adopted.
- (c) Public forums or community meetings are public gatherings of the Board and/or designated representatives for the sole purpose of exchanging information and receiving public comment on activities relative to the District, but at which no official action may be taken nor rule or regulation adopted.

Section 1.10 Handicap Access to Meetings.

Whenever the District has scheduled a meeting at which official acts are to be taken and has received, at least forty-eight (48) hours prior to the meeting, a written request by a physically handicapped Person to attend the meeting, there will be provided a manner by which such Person may attend the meeting or the meeting will be rescheduled to a site accessible to such Person. If a physically handicapped Person objects in writing to the use of human physical assistance in lieu of the construction or use of ramps or other mechanical devices, such human physical assistance will not be used in lieu of ramps or mechanical devices.

Section 1.11 Rules and Regulations Development and Adoption.

The District operates under rules and regulations which are approved by the Board.

- (a) **Rules and Regulations Development.** The adoption, amendment, or repeal of District rules and regulations (including rates) will occur at public meetings.

¹ Office location updated by Resolution 05-03-16 approved on 03/08/2016.

- (b) **Drafting of Rules and Regulations.** Any Person may propose new or amended rules or regulations for Board consideration and possible adoption. Prior to placing draft rules or regulations on the Board agenda, District staff will prepare a summary overview of the proposed rule, including preliminary text and other information for Board consideration.
- (c) **Public Notice.** Except in cases where the Board determines that immediate adoption of a rule or regulation is appropriate, the District will publish public notice of the proposed rule or regulation in one or more newspapers that are regularly distributed within the District Service Area. The notice will describe the purpose and effect of the proposed rule or regulation, will include information for the public to obtain a copy, and will set forth the time and place of the public meeting at which the proposed rule or regulation will be considered for adoption. The Board may, in its discretion, require that more than one publication of the proposed rule or regulation be made. The publication will be made not less than seven Days prior to the meeting at which the proposed rule or regulation will be considered for adoption.
- (d) **Public Input.** The District will receive and maintain all public input relative to rules and regulations as part of the permanent record. The permanent record will include any written comments from the public and comments of speakers made at public meetings. The Board may, in its discretion, hold more than one public meeting to receive input as to any proposed rule or regulation.
- (e) **Recordkeeping.** The District Clerk will maintain records of rules and regulations.

Section 1.12 Access to Public Records.

- (a) All District public records, as that term is defined in Chapter 119, Florida Statutes, may be inspected and copied at the District's main office during office hours, unless otherwise restricted by law.
- (b) All forms and instructions used by the District in conducting its business are available without cost at the main office. Copies of other public records held by the District may be made at a charge equal to the cost of reproduction, pursuant to section 119.07(1), Florida Statutes.
- (c) If more than ten (10) pages are requested to be copied, the District may require that the copies be made at its convenience within a reasonable time to be picked up by the recipient or forwarded to the recipient. In that event, the Person seeking the public records must pay the cost of such copies and the estimated postage fee in advance.

Section 1.13 Limitation of Access to Records.

It is the policy of the District to permit maximum public participation by each and every Person affected by its activities.

Public records requests may be made orally or in writing. When a Person asks to see public records, the request will be referred to the Clerk, who will coordinate the production of such records and, in conjunction with District Counsel, will assert, on behalf of the District, any applicable privilege. All oral requests and responses will be recorded in written form and a copy of the record of the request and production will be maintained on file. The District may charge the fees allowed by law for production and copying, including without limitation, the special fees allowed for the extensive use of information technology, resources, or labor cost. The District will charge \$1.00 per page for certified copies or a greater charge as may be subsequently allowed by law.

Article II. District Procurement of Goods and Services

The District procures goods and Services pursuant to the District Procurement Policy.²

² Article revised by Resolution 18-10-10 to incorporate District Procurement Policy by reference on 10/05/10
Page | 4

Article III. Provision of Wastewater Service in General

Section 3.01 Availability of Wastewater Service.

The existence of a Force Main adjacent to or near the Premises of an applicant for Wastewater Service does not necessarily mean that such Service is available to that location. Wastewater Service in areas where only Force Mains exist may require the installation of a Wastewater Collection System. The availability of Wastewater Service will be determined by the District. The District will, in its discretion provide gravity collection systems, vacuum collection systems, low pressure collection systems, or Force Main Points of Service in various areas of the District after consideration of cost, reliability, and other factors, and the recommendations of staff and design professionals.³

Section 3.02 Wastewater Connections.

- (a) Installations on private property. The District will design and construct Wastewater Facilities in a manner, and in locations, that the District believes will provide for cost-effective and efficient collection and transmission of Wastewater. The Owner of private property is entitled and obligated to provide a lateral connection between any improvements and the Point of Service. Whenever Wastewater Service is required, the Owner must ensure that permitting and construction of laterals, and abandonment of septic tanks, are performed in compliance with applicable law and the District's then-current Minimum Design and Construction Standards and Specifications for Wastewater Systems.
- (b) **Cross-Connections.** Any physical arrangement or connection of pipes, fixture, or other water facility between a system containing water and a system containing Wastewater or any other substance is prohibited. Should such a connection be determined to exist, the District may terminate Service until such time as the connection or arrangement of systems has been reconnected to the District's satisfaction.
- (c) **Contiguous Properties.** No Customer may extend Wastewater lines across a public street, alley, or other public or private highway or property not owned by that Customer.

Section 3.03 Duty to Make Payment.

A Customer that receives Wastewater Service from the District is responsible for all fees and charges incurred in connection with the rendering of Service. Failure to pay amounts due the District within the time designated for payment may result in the disconnection of Wastewater Service until all amounts due the District have been paid in full

Section 3.04 District Powers to Collect Amounts Due.

- (a) The District is authorized to fix and collect rates, rentals, fees, and charges for the use of any Wastewater System facilities.
- (b) The District may provide for reasonable penalties against any User for any charges that are delinquent.
- (c) In the event that a Delinquency occurs and the delinquent charges are not paid and remain delinquent for 30 Days or more, the District may discontinue and shut off Services until such delinquent charges, together with interest, penalties, and fees for shutting off, discontinuing, and restoring such Services are fully paid.

³ Last sentence added by Resolution 18-10-10 on 10/05/10.

- (d) The District may recover delinquent charges, together with interest, penalties, and fee for shutting off, discontinuing, and restoring such Services, together with reasonable attorneys' fees and other expenses by suit in any court of competent jurisdiction, and by any other lawful method of Enforcement.
- (e) Any and all power or authority available to the District to enforce the use of its facilities whenever and wherever they are available and enforce, recover or collect any rates, fees or charges imposed by the District are cumulative, supplemental, and alternative. The District is not constrained to select a single approach, nor is it constrained to seek a single remedy in enforcing any power or authority available to it.
- (f) The District will use reasonable diligence to provide continuous Service, but will not be liable to the Customer for any damages or loss caused by system failure or interruption of Service.
- (g) The District reserves the right to transfer debts owed by an Owner/Customer for Service provided to a given Premises to any other Active Account of the Customer for Service, and to take appropriate measures for securing payment of such debt.

Section 3.05 Duty to Protect District Property.

- (a) The Customer is under a duty to exercise due care to protect any District Wastewater Facilities that are located on the Customer's property.
- (b) The Customer may not allow anyone access to such facilities, except the District's agents or Persons otherwise authorized by law, each of whom will first display to the Customer identification and evidence of authorization for entry.
- (c) When the District's facilities are damaged by contractors, governmental agencies, or others, the District will repair such damage and charge the total cost thereof to the Persons causing the damage.
- (d) In the event of any loss or damage to the District's property or any Wastewater Facilities arising from the negligence or intentional misuse by the Customer, its agents, invitees, or assignees, the total cost of replacing such loss or repairing such damage will be charged to the Owner at cost.

Section 3.06 Tampering.

- (a) Tampering with water meters or the District's Wastewater System components or facilities, including but not limited to, collection mains, manholes, Force Mains, pump stations, vacuum valve chambers, vacuum valves, fixtures, appurtenances, security devices, signs, or enclosures is prohibited by section 812.14, Florida Statutes.
- (b) Section 812.14, Florida Statutes, provides for civil remedies against Tampering. Any Person found in a civil action to have violated the provisions of section 812.14, Florida Statutes, may be liable to the District in an amount equal to 3 times the amount of Services unlawfully obtained or \$1,000.00, whichever is greater.
- (c) The Owner must promptly report any Tampering to the District and is responsible for any Tampering caused by its agents or other Persons using the Premises with or without the Owner's consent.
- (d) Upon receipt of notification by either an individual or employee of the District that there is reasonable cause to suspect that Tampering with District's property or facilities has occurred at any Premises served by the District, the District will cause an investigation to be made of those Premises.

- (e) If an on-site inspection verifies that Tampering has occurred, the District will charge a Tampering investigation charge to cover its expenses in conducting said investigation and take measures to deter further Tampering. Any Tampering that results in a substantial reduction in the cost of Services received by a Person, the District will charge a Tampering Charge.
- (f) If it is reasonably established that the Person who has tampered with District facilities is the same Person who occupied or resided at the site at the time of the Tampering, then that Person will be responsible for the Tampering Charge and all other appropriate charges. However, if that Person demonstrates that another party is responsible for the Tampering, the District will use such demonstration as its basis to pursue appropriate and adequate restitution for said Tampering from the other party demonstrated to have been the one doing the Tampering.
- (g) Tampering will be presumed to have been caused by the Customer or Owner that receives a monetary or other economic benefit therefrom.
- (h) Tampering that results in a substantial reduction in the cost of Services received by a Customer will be presumed to have been known to the Customer if not reported to the Authority within one billing period after the reduction in the cost of the Service received becomes evident. In such event it will be presumed that the Tampering was willfully allowed to persist by the Customer.
- (i) The District may, without prior written authorization, confiscate any materials or facilities that are connected to the Authority's Wastewater System for use as evidence in further legal proceedings.
- (j) For Tampering charges, see Section 9.05.

Section 3.07 Inspection of Customer Installation.

- (a) All installations of Wastewater Facilities or changes therein are subject to inspection by the District to ensure that piping, equipment and other facilities have been installed in accordance with the District's Minimum Design and Construction Standards and Specifications.
- (b) The District has the right, but not the duty, to inspect the Customer's installation prior to rendering Service and from time to time thereafter to ascertain the Owner's/Customer's compliance with District rules and regulations, but the District assumes no responsibility whatsoever for any defects that are not detected by any such inspection.

Section 3.08 Customer's Duty to Maintain Installation.

- (a) The Customer may not utilize any appliance or device which may adversely affect Wastewater Service. The District reserves the right to withhold or to discontinue Wastewater Service whenever any such apparatus or device is being used.
- (b) The Customer's apparatus and equipment must be maintained in sound operating condition in accordance with standard practice, the rules and regulations of the District, and all other governmental regulations applicable thereto.
- (c) No changes in the Owner's installation that will materially affect the proper operation of the District's Wastewater Facilities may be made without the prior written consent of the District. The Customer is liable for any damage resulting from a violation of this provision.
- (d) Any violation of this subsection may result in termination of Service or any other action available to the District by law. Petitions for Enforcement may request declaratory relief; temporary or permanent equitable relief; any fine, forfeiture, penalty or other remedy provided by statute; any combination of the foregoing; or, in the absence of any other specific statutory authority, a fine not to exceed \$1,000.00.

Section 3.09 Customer Compliance with District Rules and Regulations.

- (a) The Owner/Customer must comply with the District's rules and regulations as duly adopted or as they may subsequently be revised, or amended.
- (b) The District has the right to refuse to provide Service or discontinue Service. Failure to comply with the requirements of this subsection may result in disconnection of Service.

Section 3.10 District License to Enter upon Property.

- (a) As a condition of connection to District Wastewater Service, the Owner and occupant of the property upon which required facilities extensions and connections are located grants a license to the District to enter upon the affected property for the following purposes:
 - (i) To inspect the installation or connection. The District has the right, but not the duty, to make on-site inspections.
 - (ii) To discontinue and shut off Services to Delinquent Accounts.
 - (iii) To remove the District's property.
 - (iv) For other purposes incidental to performance or termination of Wastewater Service.
- (b) The Owner may not impede free access to any District facilities or other infrastructure connected to or served by District facilities.
- (c) In the event the District is unable to obtain access, Wastewater Service may be terminated.

Section 3.11 District Right to Refuse to Provide Service.⁴

No payment of costs, submittal of an application or other act to receive, Wastewater Service will guarantee such Service. The District has the right to refuse to extend Service on the basis of a use detrimental to the system, lack of payment of required fees or charges, or for any other reason which, in the judgment of the District, applying sound engineering principles, will cause the extension not to be of benefit to the District.

Section 3.12 Discontinuance or Termination of Service.

The District may discontinue or terminate Wastewater Service to any Customer who violates the provisions of these rules, including, but not limited to, Delinquency of any amounts owed the District.

⁴ This heading revised by Resolution 18-10-10 on 10/05/10.
Page | 8

Article IV. Mandatory Connection

Section 4.01 Mandatory Connection Findings.

The District has ascertained, determined, and declared that:

- (a) The Florida Legislature has identified the Florida Keys as an area of critical state concern; pollution and questionable water quality resulting from the absence of adequate Wastewater treatment throughout the Florida Keys is a threat to the environment and the health, safety and welfare of landowners and Persons inhabiting the Florida Keys.
- (b) The Florida Legislature has charged the District with the responsibility to plan and provide for water and Sewer systems within the Florida Keys and to enforce the use of its Wastewater Facilities whenever and wherever they are accessible.
- (c) The Florida Legislature has empowered the District to both prohibit the use of and mandate the use of Wastewater Facilities within the Florida Keys.
- (d) The Florida Legislature has authorized, and Monroe County has enacted, local legislation that requires connection to a central sewage system within specified time periods, even if the affected Property is receiving treatment from a lawful and adequate Onsite Sewage Treatment and Disposal System.
- (e) The District has embarked upon the creation of Wastewater System to manage and treat Wastewater and improve the water quality in the Florida Keys. The presence of the District's Wastewater Facilities is intended to enhance and benefit the environment and the health, safety and general welfare of landowners and Persons inhabiting the Florida Keys.
- (f) Mandatory connection to the District's Wastewater System is fundamental to the successful financing, creation, and operation of the District's Wastewater System.
- (g) Mandatory connections to a governmental utility system and the subsequent charges flowing therefrom have long been held to be a proper exercise of a governmental power to regulate and protect the welfare of the public.

Section 4.02 Duty to Connect.

- (a) The Owner of an improved parcel of land must, at the Owner's expense, connect to the District's Wastewater System upon written notification that the District's Wastewater Facilities are available for connection, as that term is defined in applicable law.
- (b) Where the District's Wastewater System is available to Premises with an existing Wastewater treatment facility or OSTDS, the Owner must decommission, abandon, or otherwise disconnect from the existing Wastewater treatment facility or OSTDS in accordance with the requirements of applicable law, and must connect the buildings on the property or Premises to the District's Wastewater System.⁵

⁵ This paragraph revised to incorporate references to Wastewater treatment facilities by Resolution 18-10-10 on 10/05/10.

- (c) Where the Premises is improved with one or more buildings capable of generating Wastewater that would enter the District's Wastewater Facilities, but no building on the Premises is capable being used in a manner that might generate Wastewater, the District will, in its discretion, grant one or more temporary deferrals of the connection requirement provided herein at the request of the Owner. In order to receive a deferral of the connection requirement, the Owner must complete an application for deferral under penalty of perjury, setting forth the basis for the application. Any and all deferrals granted under this provision will expire upon the earlier of the following: issuance of a certificate of occupancy by a government authority with responsibility for such matters, or actual connection of any building on the Premises to the District's Wastewater Facilities and use of the plumbing facilities for sanitary purposes.⁶

Section 4.03 Failure to Connect.⁷

- (a) An Owner that fails or refuses to connect its Premises to the District Wastewater Facilities within the time specified after receipt of written notification of the availability of Service is responsible for the payment of all fees and charges imposed by the District in connection with the provision of Wastewater Service, even if the Premises does not actually receive Wastewater Service due to failure of the Owner to connect to the District Wastewater Facilities.
- (b) In the event an Owner fails or refuses timely to connect the Premises or a building to the District's Wastewater Facilities within the time prescribed herein, the District will provide support and assistance to the Owner to facilitate connection. However, if the Owner fails or refuses to take reasonable steps to achieve connection, the District will refer the matter to Monroe County Code Enforcement for further action.
- (c) Notwithstanding the foregoing, the District reserves the right to compel connection by any lawful means, including judicial process, and will proceed to collect all SDC charges, monthly charges, and other charges to which the District would be entitled if the Owner had connected the Premises to the District Wastewater Facilities. In the event the District is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the District including attorney fees and court costs will be assessed to the Owner.
- (d) The District will undertake reasonable efforts to assist Owners who qualify for low-income assistance to obtain such assistance. If it reasonably appears to the District that an Owner will qualify for such assistance but the assistance is not yet available, the District will, in its discretion, grant a reasonable extension of the time to connect and the time at which monthly charges and other charges begin to accrue against that Owner.

Section 4.04 Suspension or Termination of Service by Customer.

The District does not permit temporary suspension of Wastewater Service. The District will permit termination of Wastewater Service by a Customer if the Customer submits a verified statement showing that the Customer has sold or terminated the Customer's tenancy in the property being served.⁸

⁶ This paragraph added by the Board at its meeting of 3/1/11.

⁷ This section revised by Resolution 18-10-10 on 10/05/10.

⁸ Section 4.04 added by the District Board on 4/5/11.

Article V. Classes of Wastewater Service (Rescinded)

The District renders Wastewater Service to various general classes of Customers as described in the District Rate Resolution.

Article VI. Provision of Wastewater Service to Unimproved Parcels

Section 6.01 Unimproved Parcel in an Improved Subdivision.

In a case where the District is constructing Wastewater Facilities within an improved subdivision, the District will, in its discretion, provide Wastewater Facilities to unimproved parcels within the subdivision when the District concludes that the best interests of the District would be served thereby.

Section 6.02 Developer's Agreement for Future Wastewater Service.

- (a) Prior to the commencement of construction of facilities or structures on individual Premises or on an approved development, the District may enter into a Developer's Agreement with an Owner/Developer for the purpose of assuring the availability of Wastewater Service to the development upon completion of construction. Such assurance is conditioned upon fulfillment by the Owner/Developer of the requirements of the Developer's Agreement for Service.
- (b) The Owner/Developer must pay in advance all System Development Charges, and other fees and charges required under the Developer's Agreement.
- (c) Failure to comply with the terms of the Developer's Agreement may result in the District declining to provide Wastewater Service upon completion of the development, until the terms of the Developer's Agreement are fully satisfied, including payments of applicable assessments and Delinquent Account penalties.
- (d) The execution of a Developer's Agreement does not exempt the Owner/ Developer from compliance with the District's Minimum Design and Construction Standards and Specifications for Wastewater Systems and the obligation to obtain all requisite federal, State, and local governmental permits, licenses, or approvals.
- (e) The Developer's Agreement is not an agreement for Service.
- (f) The District will charge a plan review fee. See Section 9.01.
- (g) These provisions apply equally to a redevelopment of a previously developed property where the redevelopment consists of changes in parcel configurations, and/or utility infrastructure.⁹

Section 6.03 Construction and Connection of Systems on Private Property.

In general, it is the policy of the District not to construct Wastewater collection and transmission systems on private property. However, as provided in the various District Non-Ad valorem Assessment Resolutions, the District may construct collection systems on Single-Lot Common Interest Properties as defined in the various District Non-Ad valorem Assessment Resolutions.¹⁰

Section 6.04 RESERVED (Unique Property Project)

⁹ This paragraph added by Resolution 18-10-10 on 10/05/10.

¹⁰ This paragraph revised by Resolution 18-10-10 on 10/05/10.

Article VII. Extension of Wastewater Facilities.

Section 7.01 General.

This Section provides information regarding the District specifications, requirements, and procedures for obtaining a commitment for Wastewater Service to new or existing facilities on a property. These general requirements will also be followed by Persons desiring to obtain Service for an existing or proposed single-family dwelling.

Section 7.02 Planned Extension of Wastewater Facilities.

- (a) The District has adopted the Monroe County Sanitary Wastewater Master Plan, as a comprehensive planning document for the implementation of Wastewater Service within the District. Such Wastewater master plan outlines recommendations for the District to effectuate the provision of Wastewater Service within the District. The District may also adopt one or more facilities plans showing planned development and implementation of Wastewater Facilities. In case of any inconsistency between the Monroe County Sanitary Wastewater Master Plan and a District facilities plan, the District facilities plan shall control, except that the District will comply with Section 403.086(10)(b), Florida Statutes, as amended by ch. 2010-205, Laws of Florida.¹¹
- (b) As funding is available, the District will construct Wastewater Collection, Treatment, and Disposal Systems. The District will establish rates, fees, and charges to recover the costs of system development, operation, and maintenance.

Section 7.03 Extension of Wastewater Facilities on Request.

- (a) An Owner seeking to obtain a commitment for Wastewater Service from the District for new development or re-development of an existing property that may require the installation or extension of Wastewater Facilities must identify system capacity needs for, or must have previously identified the number of EDU's corresponding to the anticipated requirements of the project. The Owner must complete and provide to the District sufficient information for the District to determine whether extension of Wastewater Facilities to the new development or re-development is practicable and in the District's best interest.
- (b) Acceptance of Wastewater Facilities located within an Easement available to the District is subject to the exercise of sound engineering judgment taking into consideration the size of the facilities, topography, and maintenance and operating constraints. Generally, right-of-way or Easements located along rear or side-lot lines should be avoided.
- (c) Prior to acceptance, the Owner must provide a written warranty (in a format approved by the District) on all Wastewater Facilities, wherein the contractor guarantees correction of any defects in the work for a period of three years (or five years in the case of lift station and vacuum station pump and motor assemblies) from the date of final DEP certification. This obligation must be secured by a maintenance bond or irrevocable letter of credit, up to the amount of one hundred and ten percent (110%) of actual construction cost.

Section 7.04 System Design; General Criteria.

- (a) The District will adopt Minimum Design and Construction Standards and Specifications for Wastewater Systems.

¹¹ Last sentence added by Resolution 18-10-10 on 10/05/10.

(b) Placement of Collection System Components.¹²

- (i) In general, the District's objective is to design collection systems so as to achieve maximum efficiency. The District will design a vacuum collection system so as to serve all properties using the minimum number of vacuum pits. Normally, vacuum pits will be located near the corners of properties to be served.
- (ii) For vacuum collection systems, the District will place connection points (cleanout boxes) so as to minimize the pipe required to reach the vacuum pits.
- (iii) In cases where significant obstacles are encountered, the District will vary from the general standard for location of vacuum pits or connection points to avoid the obstacles. Significant obstacles are physical objects that should be avoided in order to meet regulatory requirements, minimize construction costs and impacts, and preserve community values including underground utilities, underground rocks and structures, champion trees, and other similar or dissimilar objects. The General Manager and engineering staff are authorized to implement these variations without approval by the Board.
- (iv) Further, the District will, in its discretion, increase the number of vacuum pits in a neighborhood and revise the locations of the vacuum pits and connection points where these variations would appear to benefit a large number of properties in the neighborhood by reducing the cost or complexity of connecting properties to the system. The General Manager is authorized to implement these variations in consultation with the District Engineer without approval by the Board. Any Customer who requests relief from the General Manager under this provision may seek Board review of a refusal by the General Manager to grant such relief.
- (v) In addition to the foregoing, a field inspector has the authority to relocate a vacuum pit or collection point up to five feet from the design location, provided that the relocation does not impact more than a single property. If the relocation impacts more than a single property, the field inspector must obtain approval from a District engineer.
- (vi) If, prior to installation of a connection point, a property Owner requests relocation of a connection point by more than five feet, and the District does not approve the relocation under the standards above, the property Owner may request the District to relocate the connection point by completing a "Sewer Connection Location Change Request" and paying the District for the relocation at the rate of \$50.00 per foot, subject to a minimum charge of \$500.00. The Customer must file the relocation request at least three Business Days prior to the scheduled installation of the connection point. The District will grant the request unless the General Manager determines that the relocation would result in harm to the collection system.

¹² Subsection (2) added by District Board on 2/1/2011.

Article VIII. WASTEWATER PRETREATMENT

Section 8.01 Purpose and Policy.

- (a) The District will not accept any Wastewater that does not meet the District's standards for acceptance. Prior to accepting Wastewater from any Customer, other than a residential Customer, the District may require that the Customer demonstrate that the Wastewater meets District standards.
- (b) The Discharge of Pollutants harmful to the District's Wastewater System structures and biological processes are prohibited. Industrial Users may be subject to monitoring and Pretreatment requirements.¹³
- (c) The introduction of storm water, ground water, air-conditioning condensate, closed-system cooling water or other uncontaminated water is prohibited. If the introduction of such water is suspected, the District may require the Customer to investigate the cause of the introduction of the water and to make the necessary repairs or modifications to prevent further introduction. The observance of excessive flow or water with elevated conductivity indicating elevated salinity are potential causes to suspect such introduction.
- (d) Repealed.¹⁴
- (e) **Waste Stream Monitoring.** The District may require certain Customers, such as restaurants and others that include food preparation facilities which may produce Wastewater containing high levels of Biochemical Oxygen Demand (BOD), to institute a self-monitoring program. The Customer may be required, at its own expense, to have samples of the Wastewater discharge from its facility collected and analyzed for BOD. The data generated shall be used to determine the Excess Strength Surcharge to be added to the Customer's Wastewater bill.
- (f) **Initial Testing.** The initial sampling of waste streams which are suspected to be of excess strength shall consist of four separate sampling events conducted over a period of not more than 28 Days. Where possible, flow proportioned 24-hour composite samples shall be collected. Otherwise, single grab samples collected at a period of maximum use of the facility may be substituted with District approval. All sampling shall conform to the requirements of Sections 1060 and 5010 of Standard Methods for the Examination of Water and Wastewater. Sampling shall be performed by qualified personnel trained in sampling of waste streams. The District shall be notified of the sampling schedule and shall be afforded the opportunity to witness the sampling. The District, at its discretion, may collect samples concurrently with sampling by the Owner or may collect samples on an independent schedule.
- (g) The samples shall be analyzed for BOD in accordance with Method 5210 B of Standard Methods for the Examination of Water and Wastewater. The 5-Day BOD Test shall be performed by a laboratory currently certified by the Florida Department of Health Office of Laboratory Services to perform this analysis. If any of the testing results fail to meet the Quality Control and Quality Assurance criteria of Sections 1020, 1030 and 5020 of Standard Methods for the Examination of Water and Wastewater, those results shall be discounted and the waste stream re-sampled. When four satisfactory test results are obtained, the average of these four values will be used to establish the initial Extra Strength Surcharge.

¹³ Subsections 8.01(2) – 8.01(4) added by Rule Change #16 on 8/23/06.

¹⁴ Subsection 8.01(4) repealed, and Subsections 8.01(5) – 8.01(6) added by Resolution 18-10-10 on 10/05/10.

- (h) **Subsequent Testing.** Each facility found to be discharging Wastewater of excess strength shall be placed on a monthly sampling schedule. Once each month, the waste stream will be sampled and analyzed according to the criteria established above. Each month, the oldest data point will be discarded and the most recent data point included, resulting in a four sample running average. This running average will be recalculated each month to establish the Extra Strength Surcharge for that billing period.

Article IX. Fees and Charges

The District is authorized to impose fees and charges as appropriate to the construction, operation, and maintenance of its Wastewater System. Rates, fees, and charges will be established by the Board.

Section 9.01 Plan Review Fee.¹⁵

- (a) The District provides typical plans and specifications for connection of single-family residences and single unit non-residential buildings serviced by a vacuum connection with maximum monthly flows of less than 1,000 gallons per Day to the District Wastewater Facilities. The District does not charge a fee to review plans or to inspect installations of typical connections by a licensed plumbing contractor.
- (b) For all other connections, the District will charge fees according to the following schedule:
 - (i) Five hours of plan review and inspection of multi-family residential connection: \$50 per Dwelling Unit with a minimum charge of \$250. Additional time will be charged at a rate of \$165 per hour.
 - (ii) Five hours of plan review and inspection of non-residential connection: \$50 per EDU with a minimum charge of \$250. Additional time will be charged at a rate of \$165 per hour.

Section 9.02 System Development Charge.

System Development Charges are established according to Assessment Resolutions adopted by the District using the methodology outlined in Article X below.

Section 9.03 Fees and Charges for Wastewater Service.¹⁶

- (a) Monthly Base Charge for Customers receiving water from FKAA:
 - (i) For each Customer that is the sole FKAA Customer owning or occupying a Tax Parcel assessed by the District and connected to a collection system, transmission main, or other piping operated and maintained by the District, the Monthly Base Charge is \$28.56¹⁷ per Dwelling Unit or Equivalent Dwelling Unit reflected in the most recent assessment of the Tax Parcel.
 - (ii) For each Customer that is one of several FKAA Customers occupying a Tax Parcel assessed by the District and connected to a collection system, transmission main, or other piping operated and maintained by the District the Monthly Base Charge is \$28.56¹⁸ multiplied by the number of Dwelling Units or Equivalent Dwelling Units attributed to that Customer.
 - (iii) For each FKAA Customer owning or occupying a Tax Parcel that has not yet been assessed by the District, the District will calculate the number of Dwelling Units or Equivalent Dwelling Units attributable to the Tax Parcel and to the Customer in the manner provided in the District's most recent final Non-Ad Valorem Assessment Resolution, and will calculate the Customer's Monthly Base Charge on that basis until the District has assessed that Tax Parcel. After the District has assessed that Tax Parcel, the Monthly Base Charge for that Customer will be calculated in the manner provided in other paragraphs of this section.
 - (iv) In addition to the Monthly Base Charges provided herein, the District may impose BOD surcharges as provided in Section 9.04 below.

¹⁵ Amended by Resolution 02-03-18 on March 6, 2018.

¹⁶ Amended by Resolution 20-06-13 on June 18, 2013 and supersedes Resolution 16-10-10.

¹⁷ Amended by Resolution 22-12-19 on December 10, 2019.

¹⁸ Amended by Resolution 22-12-19 on December 10, 2019.

- (v) For FKAA meters coded as Fire or Irrigation Meters, there will be no Monthly Base Charge.
 - (vi) The Monthly Base Charge for a Laundromat is \$28.56¹⁹.
- (b) Monthly Volumetric Charge for Customers receiving water from FKAA:
- (i) For each FKAA Customer with a residential use meter, the Monthly Volumetric Charge is \$4.48²⁰ per 1,000 gallons of water billed, as reflected on the Customer's FKAA monthly statement. The maximum monthly volume for which the Monthly Volumetric Charge will be billed is 12,000 gallons per residential Dwelling Unit.
 - (ii) For each FKAA Customer with a non-residential use meter, the Monthly Volumetric Charge is \$4.48²¹ per 1,000 gallons of water billed, as reflected on the Customer's FKAA monthly statement. There is no maximum monthly volume for which the Monthly Volumetric Charge will be billed on non-residential use meters.
 - (iii) For water meters coded in FKAA records with a location class that indicates that the water be used solely for fire or irrigation, there will be no Monthly Volumetric Charges.
- (c) Alternative water supply, Wastewater Service monthly charge: The District will charge a flat fee of \$44.14 per month for Alternative Water Supply Wastewater Service.
- (d) Deferral of Wastewater Service fees:
- (i) If, under the provisions of Section 4.02(c), the Customer's Premises is improved with one or more buildings capable of generating Wastewater that would enter the District's Wastewater Facilities, but no building on the Premises is capable of being used in a manner that might generate Wastewater, the Customer may apply for a temporary deferral of Wastewater monthly billing.
 - (ii) Approval of deferrals applied for under the provisions of this section are at the sole discretion of the General Manager.
 - (iii) Upon approval, such deferral shall expire the earlier of
 - 1) such date as the Monroe County Building Department issues a certificate of occupancy (CO) or;
 - 2) such date as the Customer reconnects to the central Wastewater System or;
 - 3) sixty (60) calendar Days.
 - (iv) Damages to a premise caused by natural disasters including but not limited to hurricane, storm damage or flood do not apply to this provision.

Section 9.04 Pretreatment Fees.

The Wastewater Discharge from certain facilities, even when passed through properly sized and maintained grease interceptors, may contain elevated levels of Biochemical Oxygen Demand "BOD". A BOD surcharge will be applied to the Customer's Sewer bill for Wastewater Discharges with a BOD in excess of 500 parts per million. The surcharge will be applied by multiplying the Monthly Volumetric Charge by the ratio of the Customer's BOD divided by 375.²²

Section 9.05 Tampering Charge.

¹⁹ Amended by Resolution 22-12-19 on December 10, 2019.

²⁰ Amended by Resolution 22-12-19 on December 10, 2019.

²¹ Amended by Resolution 22-12-19 on December 10, 2019.

²² Added by Resolution 18-10-10 on October 5, 2010.

The charges for Tampering are as follows:

- (a) Investigation Charge \$75.00
- (b) Tampering Charge \$150.00
- (c) Repeat Occurrence \$300.00
- (d) In cases of meter by-pass, or meter reversal, straight connection or other form of Tampering that results in a substantial reduction in the cost of Service, the account of the Customer will be back billed based on the estimated amount of Wastewater flow not paid for. This estimate will be based upon:
 - (i) One hundred and fifty percent (150%) of the average water consumption during the previous six (6) Active Account months prior to the time such meter Tampering is estimated to have occurred, or in the event the Customer does not have a history of six (6) Active Account months, one hundred and fifty percent (150%) of the average water consumption for a Customer served by the District with a similar Class of Service during the most recent one (1) year period for which such figures are available;
 - (ii) When the meter has not been disturbed, the Customer will be back billed for the amount of Wastewater flow, as indicated by the water meter, for which payment has not been received by the District.
- (e) Any further legal action deemed appropriate will also be pursued, and all costs associated therewith are assessable to and charged to the Customer, including attorney fees.

Section 9.06 Service Charges.

- (a) The District will charge a Service Charge for each instance in which Wastewater Service is terminated or in which the District is required to travel to the Premises of the Customer to investigate or respond to what is ultimately determined to be a violation of the KLWTD Rules and Regulations.
- (b) Service provided between the hours of 8:00 A.M. and 4:00 P.M. during Business Days will be at the regular Service Charge of \$20.00. Service provided at Customer's request between the hours of 4:00 P.M. and 8:00 A.M., or on weekends and holidays, will be at the Emergency Service Charge of \$60.00.
- (c) Service orders received after 4:00 P.M. on Business Days will be deemed received on the following Business Day and processed at the regular Service rate, unless emergency Service is specifically requested by the Customer.

Section 9.07 Wastewater Main Extension Reimbursements.

Reserved.

Article X. System Development Charges, Assessments and System Impact Charges

Section 10.01 System Development Charge and System Impact Charge.

The System Development Charge (“SDC”) is the initial charge to each Tax Parcel representing a portion of the Capital Costs related to the construction of the District's Wastewater Management Facilities.

- (a) The SDC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.
- (b) Upon adoption of the Final Assessment Resolution, the SDC (also known as the Initial Prepayment Amount) for each Tax Parcel will become due. The SDC is dependent upon the EDU assignment, if applicable, as calculated in (c) below and the Tax Parcel's classification as follows:
 - (i) **Residential Tax Parcels.** For residential Wastewater Service, the SDC is the sum of:
 - 1) A Wastewater treatment plant capacity fee per Dwelling Unit, plus
 - 2) A Force Main pipe capacity fee per Dwelling Unit, plus
 - 3) A connection fee for connection to the Wastewater System.
 - (ii) **Non-Residential Tax Parcels.** For non-residential Wastewater Service, the SDC is the sum of:
 - 1) A Wastewater treatment plant capacity fee per EDU, plus
 - 2) A Force Main pipe capacity fee per EDU, plus
 - 3) A fee per connection or actual cost of connection, whichever is greater, for connection to the Wastewater System.
 - (iii) **Laundromats.** For purposes of calculating SDC's, a Laundromat shall be counted as one EDU, regardless of actual historic water consumption.
 - (iv) **Mixed-Use Tax Parcels.** For mixed-use Wastewater Service, the SDC is the sum of:
 - 1) A Wastewater treatment plant capacity fee per EDU, plus
 - 2) A Force Main pipe capacity fee per EDU, plus
 - 3) A fee per connection or actual cost of connection, whichever is greater, for connection to the Wastewater System.
 - 4) For purposes of calculating EDU's, a Mixed-Use Tax Parcel shall be assigned at least one EDU for each Dwelling Unit plus at least one EDU. If the number of EDU's calculated on the basis of flow is greater than the number of Dwelling Units plus one, the Mixed-Use Tax Parcel shall be assigned the greater number of EDU's.
 - (v) **Unique Residential Parcel.** For a Unique Residential Parcel, the SDC is the sum of:
 - 1) A Wastewater treatment plant capacity fee per Dwelling Unit, plus
 - 2) A Force Main pipe capacity fee per Dwelling Unit, plus
 - 3) A connection fee per required grinder pump system, plus
 - 4) A low pressure equipment fee per required grinder pump system.

- (vi) **Vacant Parcel.** The initial SDC for a Vacant Parcel will be the same as the SDC for a Residential Tax Parcel improved with one Dwelling Unit. Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.
- (vii) **Vacant Single-Family, Unique Residential Parcel.** The initial SDC for a Vacant Single-Family, Unique Residential Parcel will be the same as the SDC for a Vacant Parcel as stated in Section 10.01(b)(vi) Upon development of the parcel, the District may revise the SDC to reflect actual or permitted construction.
- (c) The **System Impact Charge (“SIC”)** is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the District’s Wastewater Facilities. The SIC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.
 - (i) Effective Date of System Impact Charge. The Effective date of a System Impact Charge will be the earlier of:
 - 1) The date the owner of a particular Tax Parcel requests review of a Tax Parcel whereby such review shall cause a System Impact Charge to accrue or,
 - 2) The date that an Exclusion shall be removed in accordance with Section 10.04(f) below.
 - (ii) The SIC includes the calculations listed in Section 10.01(b) above plus any additional direct or indirect fees incurred by the District to extend service to the Tax Parcel.
 - (iii) System Impact Charges are due in full at the time of imposition by the Board.
- (d) For the purpose of calculating the System Development Charge or System Impact Charge, the Wastewater Treatment Plant capacity fee, force main pipe capacity fee, connection fee and, if applicable, low pressure equipment fee published in the latest Final Assessment Resolution before the effective date of the applicable charge shall be used.

Section 10.02 Calculation of EDUs for Improved Non-Residential, or Mixed-Use Tax Parcels.

For purposes of calculating EDU’s for an improved Non-Residential Tax Parcel, or Mixed Use Tax Parcel, the District will:

- (a) Review the available metered water consumption (in gallons) for each Qualified Water Meter attributable to a particular Tax Parcel during the thirty-six (36) consecutive months immediately prior to the year in which the calculation is made. The calculation shall include only those Qualified Water Meters that are not assigned specifically to a Dwelling Unit or a Laundromat.
 - (i) To account for unusually high readings, the District may, at the District’s discretion for the purposes of calculation, adjust any particular monthly reading that exceeds three times the standard deviation plus the mean of the data to a number equal to the mean of all readings in the evaluation period.
 - (ii) If an owner of a Tax Parcel shall submit to the District sufficient proof that a particular reading is unusually high due to a leak, the District may, at the District’s sole discretion, replace that particular reading with a number equal to the mean of the remaining readings. Such replacement is limited to one reading per twelve (12) contiguous months of data.
 - (iii) If the Owner of a particular Tax Parcel requests the re-calculation of EDU assignment in accordance with Section 10.08 for the reason stated in Section 10.08(c)(iii)5) thereof, the District will base the calculation on the twelve (12) consecutive months beginning with the monthly reading immediately following the installation of the Irrigation Meter.

- (b) Identify the highest three (3) consecutive months in the calculation period defined in Paragraph (a) above using the adjusted reading if applicable and calculate their average.
- (c) Divide the resulting average in Paragraph (b) above by 5,010, and round the quotient up to the next one-tenth.
- (d) If the Tax Parcel contains Dwelling Units, add 1 EDU for each Dwelling Unit on the Tax Parcel to the result of Paragraph (c) above.
- (e) If the Tax Parcel contains a Laundromat, add 1 EDU for each Laundromat on the Tax Parcel together with the result of Paragraph (c) and the number of EDUs calculated in Paragraph (d) above.
- (f) If more than one Qualified Water Meter is attributable to a particular Tax Parcel, the EDU assignment for each meter, calculated by using methods described in Paragraph (a) – (e) above, will be added together to calculate the EDU assignment for the Parcel.
- (g) In no case will the number of EDU's assigned to the parcel be less than 1.0.
- (h) If there is no data for water consumption by a Tax Parcel, the District will use a reasonable method to estimate the projected water use for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.

Section 10.03 Assessments Imposed Against Government Property.

- (a) If Assessments are imposed against Government Property, the District shall first attempt to collect the Assessments following the procedures in the Uniform Assessment Collection Act.
- (b) If the owner of a Tax Parcel does not remit the Assessment to the Monroe County Tax Collector, the District shall provide Assessment bills by first class mail to the Owner of each affected parcel of Government Property. The bill will be accompanied by a copy of the written notice sent to the Owner as prepared according to the Uniform Assessment Collection Act, and a demand for payment.
- (c) Assessments imposed against Governmental Property shall be due on the same date as Assessments against other Tax Parcels within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.
- (d) An Assessment on Government Property shall become delinquent if it is not paid within thirty (30) Days from the due date. The District shall notify the Owner of any Government Property that is delinquent in payment of its Assessment within sixty 60 Days from the date such Assessment was due. Such notice shall state in effect that the District will initiate a mandamus or other appropriate judicial action to compel payment.
- (e) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent Owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for reasonable costs and expenses incurred by the District, including reasonable legal fees, in collection of such delinquent Assessments and any other costs incurred by the District as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

Section 10.04 Excluded Parcels – General Provisions

- (a) The Owner of any Tax Parcel listed on an Assessment Roll may request that the Tax Parcel be excluded from the Assessment Roll using the procedures outlined in Section 10.08 below.

- (b) The District will consider, as grounds for exclusion of a Tax Parcel, any facts that show the Tax Parcel to be an Excluded Parcel as defined under one or more of the provisions in Section 10.05 or Section 10.06 below.
- (c) To be considered, the parcel may not contain a structure or facility capable of creating Wastewater that will enter the District's Wastewater Facilities.
- (d) The owners must certify that if they later desire wastewater service to the Tax Parcel or should the Tax Parcel, they agree to pay the full direct and indirect District costs of providing the same.
- (e) If the District agrees that the Tax Parcel should be excluded from the Assessment Roll as a Waived Parcel, the Tax Parcel shall be excluded from the Assessment Roll if all of the Owners duly execute a recordable instrument acknowledging that the Owners are waiving any obligation of the District to provide Wastewater Service to the Tax Parcel.
- (f) Removal of Exclusion:
 - (i) Subsequent to exclusion, should an Excluded Parcel contain a structure or facility capable of creating Wastewater that will enter the District's Wastewater facilities, the Exclusion shall become null and void and be subject to a System Impact Charge (SIC) calculated in accordance with Section 10.01(c) above.
 - (ii) If the District, in its sole discretion, later provides Wastewater Service to the Tax Parcel at the then-current Owner's request, the District shall remove the exclusion and the then-current Owner shall be subject to a System Impact Charge (SIC) calculated in accordance with Section 10.01(c) above.

Section 10.05 Excluded Parcels – Exemptions

In a case where the District has determined, in its sole discretion, that Wastewater Facilities shall not be provided to a parcel, such parcel shall be classified as "Exempt" and will not be subject to a System Development Charge. Parcels must meet one or more of the following criteria:

- (a) The Tax Parcel has been aggregated with one or more other adjoining Tax Parcel as recorded with the Monroe County Property Appraiser's office, and the aggregated parcels will receive Wastewater Service as a single aggregated property.
 - (i) In such case, the deleted Tax Parcel shall not be subject to a System Development Charge.
 - (ii) The portion of System Development Charge paid to date on the deleted Tax Parcel shall be credited to the surviving Tax Parcel.
 - (iii) Should such credit exceed the existing balance of the surviving Tax Parcel, the excess may be refunded under the provisions of Section 10.16 below.
- (b) The Tax Parcel is recognized by the Monroe County Property Appraiser as a "Marina" by definition of the assigned PC Code and is being used only as a boat slip, dock or rack minimum.
- (c) The Tax Parcel cannot be improved consistent with existing zoning regulations or other legal constraints.
- (d) The Tax Parcel cannot be improved due to physical conditions of the property that preclude improvement.
- (e) The District has determined that, for reasons not otherwise specified in this Section and consistent with Federal, State and local regulations, the Tax Parcel shall not be provided with a connection.

Section 10.06 Excluded Parcels – Waivers

- (a) Under certain circumstances, the owner of a particular Tax Parcel subject to Assessment of a System Development Charge may waive their right to receive wastewater service and request the District suspend collection of the SDC and all future non-ad valorem Assessments on the excluded Tax Parcels under one of the following designations.
- (i) A **Contiguous Vacant Parcel** is defined as a Vacant Parcel immediately adjacent to a Tax Parcel served by the District and connected to the District's central Wastewater Collections System.
- 1) Owners of Contiguous Vacant Parcels may request a waiver provided that:
 - a) the use of the contiguous tax parcel is subsidiary to the use of the assessed parcel and
 - b) that the parcel(s) subject to the waiver will not be improved with structures or facilities that might generate wastewater that will enter the District's wastewater facilities.
 - 2) For purposes of this subsection, a contiguous tax parcel may be separated by a street or right-of-way from the assessed tax parcel.
 - 3) Owners of the assessed tax parcel may request waivers for more than one parcel provided the additional parcels are contiguous to the original parcel or another waived parcel included in the request.
 - 4) The portion of System Development Charge paid to date on the excluded Tax Parcel(s) shall be credited to the served Tax Parcel.
 - 5) Should such credit exceed the existing balance of the served Tax Parcel, the excess may be refunded under the provisions of Section 10.16 below.
 - 6) Requests for waivers must adhere to the time provisions and procedures set forth in Section 10.08 below to be considered.
- (ii) **Tier I (One) Vacant Parcel.**
- 1) Owners of Vacant Parcels designated as Tier I may apply for a waiver provided that:
 - a) The Tax Parcel is a Vacant Parcel and,
 - b) The Tax Parcel is classified as "Tier I" by the Monroe County Division of Growth Management.
 - 2) Upon application by the Owner(s) and verification of Tier I Vacant Status, the District shall remove any unpaid current non-ad valorem Assessments and remove the Tax Parcel from all future non-ad valorem Assessment Rolls.
 - 3) System Development Charges and non-ad valorem Wastewater Assessments paid prior to the effective date of the exclusion for Tier I Parcels shall not be refunded.
- (iii) **Conservation Parcel.** If a vacant Tax Parcel is being conveyed to the Monroe County Land Authority or any other Federal, State or local agency for the purpose of protecting the natural environment, providing public access, preserving wildlife habitat areas, or providing access to management of acquired lands under the provisions of Chapter 380, F.S. and/or Monroe County Code section 2-397, the Owner(s) may request the District exclude the Tax Parcel and waive all future assessments of the SDC, for that Tax Parcel.
- 1) In the event that the Tax Parcel has unpaid KLWTD Assessments, the District shall waive all such Assessments and redeem any District related charges pertaining to any tax certificates on such Tax Parcel to facilitate the Parcel conveyance.

- 2) All such Conservation Parcels purchased by any Governmental Entity for conservation purposes shall hereafter be exempted from the Key Largo Wastewater Treatment District's System Development Charge, provided that the Governmental Entity has submitted to the District documentation showing that:
 - a) the Conservation Parcel has been purchased by the Governmental Entity for conservation purposes, and
 - b) the Conservation Parcel is not capable of being improved with facilities that will generate wastewater.
- 3) System Development Charges and non-ad valorem Wastewater Assessments paid prior to the effective date of the exclusion for Conservation Parcels shall not be refunded.
- (iv) **Minimum Tax Bill.** If a particular Tax Parcel, by virtue of any Resolution duly passed by the Board of County Commissioners of Monroe County under the provisions of Section 197.212 F.S. (Minimum Tax Bill) shall not otherwise receive an annual tax notice, the District, at the District's sole discretion, shall exclude the Tax Parcel from the Assessment Roll.
 - 1) Should a Tax Parcel be so designated, all Non-Ad Valorem wastewater assessments and any fees associated with any tax certificates issued incidental to the collection of any Non-Ad Valorem Wastewater assessments shall be credited to the Tax Parcel.
 - 2) Prior to removing a Tax Parcel from the Assessment Roll under this provision, the District shall notify the Parcel Owner by first class mail to the address listed on the Tax Bill thirty (30) days prior to the date the Tax Parcel is to be reviewed by the Board of Commissioner for removal.
 - 3) Should the owner of a Tax Parcel receiving such notice wish NOT to be excluded, they may notify the District in writing and such removal proceedings will cease.
- (b) The owners must certify that if they later desire wastewater service to the parcel, they agree to pay the full direct and indirect District costs of providing the same.

Section 10.07 Subdivided and Combined Tax Parcels.

- (a) If any Tax Parcel shown on the Assessment Roll is subdivided after the date of the Final Assessment Resolution:
 - (i) The newly designated Tax Parcel shall be subject to the provisions of the Final Assessment Resolution applicable to the parent Tax Parcel.
 - (ii) The newly designated Tax Parcel shall be subject to an SDC in accordance with Section 10.01 with the exception of Section 10.01(d).
 - (iii) For the purpose of calculating the SDC, the Wastewater Treatment Plant capacity fee, force main pipe capacity fee, connection fee and, if applicable, low pressure equipment fee published in the Final Assessment Resolution applicable to the parent Tax Parcel shall be used.
 - (iv) The SDC may be paid using the Initial Prepayment Option in accordance with Section 10.11 below or the Annual Assessment payment program under the provisions of Section 10.12 below. In the event that the Annual Assessment payment program is used, the number of payments shall not exceed the number of payments remaining on the parent Tax Parcel's Annual Assessment payment program.
 - (v) If the effective date of subdivision of the parent Tax Parcel is more than twenty (20) years after the effective date of the Final Assessment Resolution applicable to that Tax Parcel, the resulting SDC shall be calculated as an SIC in accordance with Section 10.01(c) above and shall be due in full at the time such SIC is effective.

- (b) If any two or more previously assessed, contiguous Tax Parcels are combined through the Monroe County Property Appraiser, the provisions of Section 10.05(a) shall apply.

Section 10.08 Conditions and Procedures for Requesting a Review of the Initial Prepayment Amount / System Development Charge.

- (a) The calculation of an SDC for a Tax Parcel is made on the basis of the state of development of the Tax Parcel known to exist at the time of calculation of the SDC, using one of the applicable Tax Parcel classifications in Section 10.01(b) above.
- (b) Owners of a particular Tax Parcel who believe that their Tax Parcel was erroneously assessed, the Initial Prepayment Amount was erroneously calculated or the circumstances pertaining to the state of the Tax Parcel have changed (warranting a review) may request a review under the provisions of this Section.
- (c) Conditions for Request - The Owner of a Tax Parcel may request a review for one or more of the following reasons:
 - (i) They believe that their Tax Parcel was erroneously assessed.
 - (ii) They believe that the Initial Prepayment Amount for their Tax Parcel was not accurately computed.
 - (iii) They believe that their usage has changed because of one or more of the following reasons:
 - 1) **Change of Land Use.** If, as a result of the change in use of a particular Tax Parcel, the land use classification applicable to that Tax Parcel under Section 10.10 will or has already changed, the District will recalculate the SDC for that Tax Parcel by applying the land use classification that describes the new use of the Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.
 - 2) **Change of Business Use.** If, as a result of the change of business occupation, the use of a particular Tax Parcel or portion of a particular Tax Parcel shall change, the District will recalculate the SDC for that entire Tax Parcel by applying the new classification that describes the new use of the Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.
 - 3) **Change of Dwelling Use.** If, as a result of a lawful conversion of a portion of a particular Mixed-Use Tax Parcel from a non-residential unit to a Dwelling Unit or from a Dwelling Unit to a non-residential unit, the District will recalculate the SDC for that entire Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes.
 - 4) **Pattern of Usage Change.** If the long-term pattern of actual water consumption is shown to be greater or less than the projected water use, the District may, at the request of the Owner of the Tax Parcel, or at the District's own instance, adjust the SDC for that Tax Parcel based on the long-term pattern of actual water consumption.
 - 5) **Installation of Irrigation Meter.** If the Owner of a Tax Parcel believes that a significant portion of the water usage on which the District is calculating the EDU assignment for that Tax Parcel is used for purposes that do not burden District's Wastewater Facilities, the Owner may apply to FCAA for the installation of a separate Irrigation Meter on the property.
- (d) Time for Request.

- (i) The Owner of a Contiguous Vacant Tax Parcel who desires the Parcel be designated as an **Excluded Parcel** under the provisions of Section 10.06(a)(i) above must request this review before the later of September 30, 2014 or September 30 of the fifth (5th) year following the initial Assessment.
- (ii) The Owner of a Non-Residential Parcel who desires the Parcel be reviewed for one of the reasons stated in Section 10.08(c)(iii) above must request this review before the later of September 30, 2014 or September 30 of the third (3rd) year following the initial assessment.
- (iii) All other requests submitted pursuant to this Section must be submitted no later than the last business day before August 31 of the year in which the annual non-ad valorem Assessment Roll is submitted.
- (iv) Requests submitted after September 1 will be considered requests for the next Tax year and shall have no impact on the current year's non-ad valorem Assessment Roll.
- (v) All recalculations resulting from requests submitted and reviewed under the provisions of this Section shall have an immediate impact on the EDU assignment of the Tax Parcel for the purposes of monthly billing upon being regularly approved by the Board of Commissioners.
- (vi) A mailed request for review shall be considered timely if it is postmarked on or before the last Day allowed for review.
- (vii) The District will review and, if appropriate, recalculate the SDC for a Tax Parcel upon:
 - 1) receipt of a request for review submitted in accordance with Paragraph d of this Section,
 - 2) when the District becomes aware that the use of the Tax Parcel will change in a way that may tend to increase or decrease the demand on the District Wastewater Facilities,
 - 3) subsequent to previous adjustments which have been duly approved by the Board, the Initial Prepayment Amount will be automatically reviewed annually for the two years following the initial review using twenty-four (24) and thirty-six months (36) of data respectively or
 - 4) at the District's own instance.
- (viii) If the adjustment to the SDC for a Tax Parcel results in an increase in the Annual Assessment, the District will hold a public hearing prior to making the adjustment as required by the Uniform Assessment Collection Act.
- (e) Contents of Request. A request for review must contain:
 - (i) a concise statement of the facts upon which the Owner bases the request for review, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact, the request must so indicate;
 - (ii) the rules, statutes, and other legal authority that the Owner contends form the basis for relief requested;
 - (iii) a demand for the relief which the Owner believes is appropriate; and
 - (iv) for request of waivers for Contiguous Vacant Parcels (under the provisions of Section 10.06(a)(i) above) or Tier I Vacant Parcels (under the provisions of Section 10.06(a)(ii) above), payment in the amount of two hundred dollars (\$200); and
 - (v) such other information that the Owner believes to be material to the request for review.
- (f) Procedure for filing request.
 - (i) The request for review must be delivered or mailed to the District in writing.

- (ii) The District's Assessment Coordinator will review the request for relief and exercise due diligence to issue a recommended decision to the Board within fourteen (14) Business Days after receipt of a completed request for review.
 - 1) Prior to issuing the recommended decision, the Assessment Coordinator may conduct one or more informal discussions with the Owner, and may request additional information and documentation.
 - 2) If requested by the Owner, the Assessment Coordinator may extend the time for issuance of a recommended decision in order to consider additional information and documentation.
 - 3) The District Clerk or designee will mail the recommended decision to the Owner and deliver a copy of the recommended decision to the Board.
- (iii) Board Review.
 - 1) Upon issuance of the recommended decision, the District Clerk will place the recommended decision on the Board agenda for a meeting not less than thirty (30) Days after issuance of the recommended decision.
 - 2) Within fifteen (15) Days after mailing of the recommended decision, the Owner may request that the Board hold a public hearing on the request for review, specifying any disputed facts that the Owner considers to be material to the decision.
 - 3) At the meeting at which the Board is scheduled to consider the request for review, the Board may decide to accept or modify the recommended decision, or, if the Board concludes that there are disputed issues of material fact, the Board may schedule a public hearing on the request for review.
 - 4) The Board's decision to accept or modify the recommended decision, or the Board's decision on the request for review after a public hearing, shall be the final District action on the request for review.
- (iv) Effective Date: Any adjustments to the EDU assignment incidental to the decision of the Board shall be effective on the later of either
 - 1) the date of the Board Review as listed in Section 10.08(f)(iii) above or
 - 2) the date of any Public Hearing resulting from such review.
- (v) Any adjustment to the Initial Prepayment Amount incidental to the decision of the Board shall be applied to the next Annual Tax Roll after the later of (a) the Board Review or (b) the Public Hearing if such review or hearing was completed on or before August 31 or on the following year's Annual Tax Roll if completed after August 31.
- (vi) Should the adjustment to the Initial Prepayment Amount be an increase and such increase is effective later than twenty (20) years after the date of Initial Assessment, the amount equal to the increase of the Initial Prepayment Amount shall be due in full immediately upon the effective date.

Section 10.09 Imposition of Assessments.

- (a) Assessments shall be imposed for each year in which any portion of the Adjusted Prepayment Amount remains outstanding, the amount of which shall be computed in accordance with Section 10.13(e) below.²³

²³ Amended by Resolution 17-08-15 on August 4, 2015.

- (b) Upon the adoption of the Final Annual Assessment Resolution for each year, Assessments to be collected by means of the Uniform Assessment Collection Act shall constitute a lien upon the assessed parcels, equal in rank and dignity with the liens of all State, County, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until the tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act.²⁴
- (c) The lien shall be deemed perfected upon adoption by the District of the Annual Assessment Resolution and shall attach to the real property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

Section 10.10 Initial Prepayment Amount.

- (a) Upon adoption of the Final Assessment Resolution, the Initial Prepayment Amount for each Tax Parcel will become due.
- (b) The Initial Prepayment Amount for each Tax Parcel shall be calculated in accordance with Section 10.01.

Section 10.11 Initial Prepayment Option.

- (a) Prior to close of business on the last regular Business Day of August of any year, the Owner of a Tax Parcel subject to a System Development Charge (“SDC”) shall be entitled to prepay any amount of the SDC up to the remaining balance in full, by remitting such payment to the District.
- (b) The amount of all prepayments made pursuant to this Section shall be final. The District shall not be required to refund any portion of a prepayment.
- (c) After August 31 of any tax year, any outstanding portion of the SDC shall be subject to an Annual Assessment calculated in accordance with Section 10.13(e) below.

Section 10.12 Adjusted Prepayment Amount.

The Adjusted Prepayment Amount for each Tax Parcel shall be an amount equal to the Initial Prepayment amount minus the sum of all calculated principle payments due (as defined in Section 10.13(b)(ii) below) as certified annually on the preceding years’ Tax Rolls or pre-paid by or on behalf of the Owner of a particular Tax Parcel directly to the District.

Section 10.13 Computation Method: Annual Non-Ad Valorem Assessment Roll.

- (a) Assessments will be imposed for the applicable Tax Year and each succeeding Tax Year following the Final Assessment Resolution applicable to the Tax Parcel in which any portion of the Adjustment Prepayment Amount remains outstanding and will be collected through the Non-Ad valorem assessment roll certified to the Tax Collector for collection in the manner authorized by the Uniform Assessment Collection Act. The annual interest rate applicable to the Annual Debt Service Component calculation for each Non-Ad valorem Assessments Roll shall be published in the Final Annual Assessment Resolution.
- (b) The **Annual Debt Service Component** shall be calculated for each calendar year in which the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable) of the Tax Parcel is outstanding as follows:²⁵

²⁴ Amended by Resolution 17-08-15 on August 4, 2015.

²⁵ Amended by Resolution 17-08-15 on August 4, 2015.

- (i) The District shall first calculate an annual interest rate equal to the lesser of the District Borrowing Rate or eight percent (8%).
 - (ii) The District shall next calculate the amount of principal due for the Tax Parcel by dividing the Tax Parcel's Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable) by the number of remaining years the Assessment is payable, which shall initially be for a period of twenty (20) years.
 - (iii) The District shall then determine the interest due by multiplying the annual interest rate computed in Paragraph (1) above by the Initial Prepayment Amount (or Adjusted Prepayment Amount, if applicable.)
 - (iv) The Annual Debt Service Component is then calculated as the sum of the amounts determined in (2) and (3) above.
- (c) The **Collection Cost Component** represents the proportional share of the total charge levied by the Monroe County Tax Collector to collect all assessment for the given tax year, which is estimated at 0.2% of the total annual assessment.
 - (d) The **Statutory Discount Amount** shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments. Such amount will be calculated by deducting the sum of the Annual Debt Service Component and the Collection Cost Component, from the quotient of the sum of the Annual Debt Service Component and the Collection Cost Component divided by 96%.
 - (e) The **Annual Assessment** for each Tax Parcel shall be computed as the sum of the Annual Debt Service Component from Section 10.13(b), the Collection Cost Component from Section 10.13(c) and the Statutory Discount Amount from Section 10.13(d).

Section 10.14 Optional Prepayment.

- (a) The Owner of each Tax Parcel subject to the Assessments shall be deemed to have prepaid all future unpaid Assessments upon payment of an amount equal to the sum of the most recently calculated Adjusted Prepayment Amount for such Tax Parcel minus the principle portion of the current year's Annual Assessment.
- (b) The District shall not be required to refund any portion of a prepayment.

Section 10.15 Mandatory Prepayment.

- (a) The Owner of a Tax Parcel subject to the Assessment shall immediately prepay the Adjusted Prepayment Amount for such Tax Parcel minus the principle portion of the current year's Annual Assessment, if a tax certificate has been issued and remains outstanding in respect of the Tax Parcel, and the District at its sole option elects to accelerate the Assessment.
- (b) The Owner of a non-residential Tax Parcel subject to the Assessment shall immediately prepay the Adjusted Prepayment Amount for such Tax Parcel minus the principle portion of the current year's Annual Assessment prior to sale or transfer of that Tax Parcel.
 - (i) Mandatory Prepayment under this provision may be waived by the District at its sole option if the receiving Owner of the Non-Residential Tax Parcel agrees to and assumes the Assessment.
 - (ii) Such Tax Parcels are not eligible for waivers under the provisions of Section 10.04, Section 10.05 or Section 10.06 above.
 - (iii) Such Tax Parcels shall not be eligible for an adjustment of their System Development Charge under any of the provisions of Section 10.08(c)(iii) above.

- (c) The District shall not be required to refund any portion of a prepayment.

Section 10.16 Procedures for Request of Refund.

- (a) Tax Parcel Owners who wish to request a full or partial refund of an overpayment of System Development Charge may do so under the provisions of this Section. The decision to issue a refund is at the sole discretion of the District. Under no circumstances shall the District be required to refund any portion of a prepayment or overpayment.
- (b) Notwithstanding paragraph (a) above, if the District determines that a Tax Parcel was erroneously Assessed, the Tax Parcel owner shall be entitled to a full refund of all System Development Charges, interest, fees and any other charges reasonably related to the erroneously assessed SDC under the provisions listed below.
- (c) Tax Parcels which have received a credit under the provisions of Section 10.06(a)(i) above (Contiguous Vacant Parcels) or Section 10.07(b) above (Combined Tax Parcels) and hold a credit balance on the surviving parcel after such credit shall not be entitled to a refund after the later of September 30, 2014 or September 30 of the fifth (5th) year following the initial Assessment.
- (d) Request for Refunds must be submitted in writing. If a refund is requested as part of a review or waiver, such request must be included with the request for review or waiver.
- (e) In the event the District, at the District's sole discretion, determines that a refund is due and payable, the refund amount is limited to the amount paid by the current owner of the Tax Parcel.

Section 10.17 General Provisions.

- (a) **Method of Collection.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.
- (b) **Severability.** If any clause, section, or provision of these Rules and Regulations shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Rules and Regulations shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.
- (c) **Conflict.** In the event that any portion of these Rules and Regulations, or application thereof, conflicts with any State or Federal law, such State or Federal law shall prevail.

Article XI. Direct Billing and Payment for Service

Section 11.01 FCAA billing.

The District has entered into a billing agreement with the Florida Keys Aqueduct Authority. In that case, the billing and payment procedures of the FCAA will apply to a Customer who receives potable water through an FCAA meter. For the very few Customers who do not receive potable water through FCAA meters, the following rules apply.

Section 11.02 Billing Period; Due Date.

- (a) Customers will be billed on a monthly basis. Billing will commence upon initiation of Service or the mandatory connection date, whichever is earlier.
- (b) Payments for Services are due upon rendition of the bill. Non-receipt of a bill by the Customer will not release the Customer from the duty to make reasonable inquiry as to the amount of the bill and prompt payment thereof, on or about its due date, in accordance with the Customer's billing cycle.

Section 11.03 Description of Monthly Billing Charge.

The Monthly billing charges is a flat rate, which appears in Section 9.03.

Section 11.04 Returned checks.

The District will impose a Returned Check Charge for each dishonored check that is returned by the bank. Only cash, cashier's checks, or money orders will be accepted as payment for checks which have been dishonored. The Customer's account will be annotated upon receipt of a dishonored check. Issuance of two (2) dishonored payments within an eighteen (18) month period will preclude the acceptance of another check for a period of 12 months from date of settlement of the first dishonored check, or Bank Draft. During this time only cash, cashier's checks or money orders will be accepted for payment.

Section 11.05 Delinquent Accounts.

- (a) An account will be considered delinquent if payment for Service is not received by the District by the due date. If the due date falls on a weekend or Official Holiday, it will be extended to the next Business Day. In the event partial payment of a bill is made, that portion of the bill not paid within thirty (30) Days of billing will be considered delinquent.
- (b) Delinquent Accounts will be charged a Delinquent Account Charge in the amount greater of \$4.00 or ten percent (10%) of the total amount that is the delinquent outstanding balance.
- (c) Service may be discontinued if the total delinquent amount that is past due is not received by the District within 30 Days after the due date.
- (d) For Service to be restored the Customer must request restoration of Service and pay all amounts due, including the applicable Service Charge.
- (e) In the event the account has been final billed as a result of account Delinquency, Service will not be restored until the Customer has paid all applicable fees, outstanding balances due, and Service Charges.

- (f) Notwithstanding any other provision of these rules, when Wastewater Service is subject to discontinuance (disconnection) or has been discontinued due to account Delinquency, the District may restore such Service prior to payment of all amounts due, provided the Customer has entered into a negotiated payment agreement.
- (g) Failure to pay amounts due the District within the time designated for payment will result in the District exercising all reasonable business efforts to collect such unpaid amount, including delinquent fees, interest, attorney fees and filing charges.

Section 11.06 Adjustment of Fees and Charges.²⁶

- (a) Adjustment of fees and charges for Wastewater Service: It is the policy of the District to permit Customers to question and seek adjustments to certain types of charges, as follows:
 - (i) Monthly Base Charges.
 - 1) If a Customer occupying a portion of a Tax Parcel believes that their water usages should be recalculated due to one of the following conditions, the Customer may request an adjustment according to the provisions of this section:
 - a) **Change of Business Use.** If, as a result of a change of business occupation, the use of a portion of a particular Tax Parcel shall change, upon the Customer’s request, the District will recalculate the EDU assignment for that Customer by applying the new classification that describes the new use of the portion of that Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. Should a change be merited, all tenants of that particular Tax Parcel would be subject to review initiated by the District.
 - b) **Change of Dwelling Use.** If, as a result of a lawful conversion of a portion of a particular Mixed-Use Tax Parcel from a non-residential unit to a Dwelling Unit or from a Dwelling Unit to a non-residential unit, the Customer requests a review by the District, the District will recalculate the EDU Assignment for the portion of the entire Tax Parcel applicable to the Customer’s request. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. Should a change be merited, all tenants of that particular Tax Parcel would be subject to review initiated by the District.
 - c) **Pattern of Usage Change.** If the Customer believes that the long-term pattern of actual water consumption is greater or less than the billed water use, the Customer may request that the District review and if appropriate, adjust the EDU assignment for that portion of the particular Tax Parcel applicable to the Customer’s request. Should a change be merited, all tenants of that particular Tax Parcel would be subject to review initiated by the District.
 - 2) If a Customer is the sole occupant of a Tax Parcel for which the non-ad valorem Assessment changes due to a Customer or District initiated request for review pursuant to the applicable assessment resolution pertaining to that parcel, the Monthly Base Charge for the Customer will be adjusted prospectively to reflect that recalculation.
 - 3) If such a change is incidental to the installation of an irrigation or fire meter, the Customer shall be entitled to a credit to their FKAAs bill as follows and under the following conditions:

²⁶ Amended by Resolution 20-06-13 on June 18, 2013 and supersedes Resolution 16-10-10.
Page | 33

- a) The Customer must request a credit in writing to the District Assessment Coordinator no earlier than twelve (12) months after such irrigation or fire meter is installed. In addition to the provisions of Section 11.06(b) below, included with such request must be:
 - i) Proof of installation of the irrigation or fire meter.
 - ii) Proof that FKAA has approved the installation of the irrigation or fire meter and has adjusted your FKAA water bill to reflect the same.
 - iii) The twelve (12) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.
 - iv) An EDU assignment will be recalculated based upon the methodology in the latest applicable assessment resolution associated with the Tax Parcel using the twelve (12) months of adjusted data listed in item (iii) above.
 - v) The procedures from Section 11.06(b)(iv) and Section 11.06(b)(v) below shall govern the request.
 - vi) Should the final determination of the Board be to approve such request, the Customer shall be entitled to a calculated partial credit for Wastewater base charges for the shorter of:
 - a. the period beginning on the date of the installation of the irrigation or fire meter or,
 - b. the twenty-four (24) most recent months of FKAA water bills following the installation of the irrigation or fire meter reflecting the adjusted billing.
 - vii) Such credit shall be calculated by applying the number of EDUs calculated on the updated water flow to the period calculated in paragraph (iii) above and deducting that from the actually base charge billing for the same period. Only months where a Wastewater base charge was billed shall be eligible for a partial credit.
 - b) If the Board approves the Customer's request, the Customer's account will be automatically reviewed annually for the two years following the request using twenty four and thirty six months of data respectively. The EDU assignment shall be adjusted through the procedures outlined in Section 11.06(b)(iv) and Section 11.06(b)(v) below based upon those subsequent reviews. The Customer shall NOT be entitled to further credits (or back charges) based on those reviews.
 - c) Should it be determined that a Customer is using an irrigation or fire meter specifically to avoid Wastewater charges by using such meters to provide potable water Services which may be introduced into the Wastewater System:
 - i) The Customer's account will be automatically reviewed based upon water usage of all meters, including those being improperly used for potable water.
 - ii) The billing will be adjusted from the time of original appeal forward and the Customer shall be responsible for the adjust increase billing retroactively.
 - iii) District Staff will notify FKAA of such findings and the Customer may face further fees or penalties as are levied by FKAA.
 - iv) Such a violation is considered by the District as "Tampering" and shall be subject to additional fees and actions as outlined in Section 9.05 above.
- (ii) **Monthly Volumetric Charge.** Except under one of the circumstances below and at the sole discretion of the General Manager, there shall be no adjustment of a Monthly Volumetric Charge for any given month. They include:

- 1) The Customer provides proof of and FKAA confirms an error in the meter reading.
 - 2) The Customer has properly filed for and successfully obtained a credit from FKAA under the FKAA Leak Abatement Program. The credit of Wastewater charges shall be calculated based upon \$4.48²⁷ times the number of gallons that the FKAA has credited as part of their abatement credit divided by 1,000.
- (b) Procedures for District review:
- (i) A Customer may request adjustment of monthly charges at any time within sixty (60) Days after the date of a bill for Wastewater Service. The District shall not be obligated to make any adjustment of monthly charges unless a written request is received within sixty (60) Days of the bill date, unless otherwise addressed in the provisions of this Section. The District may initiate a review and possible adjustment of monthly charges at any time.
 - (ii) A Customer request for review must contain:
 - 1) A concise statement of the facts upon which the Owner bases the request for review, including a statement of all disputed issues of material fact. If there are no disputed issues of material fact, the request must so indicate;
 - 2) The rules, statutes, and other legal authority that the Owner contends form the basis for relief;
 - 3) A demand for the relief which the Owner believes is appropriate; and
 - 4) Such other information which the Owner believes to be material to the request for review.
 - (iii) The request for review must be delivered to the District Customer Service Department where, upon receipt, it shall be appropriately logged and time stamped. Acceptable methods of delivery include US Postal Service or other third party delivery Service, facsimile, electronic mail (e-mail) or in person.
 - (iv) The District staff shall review the request using the following process:
 - 1) District Staff will exercise due diligence to undertake review of a Customer request promptly. If practicable, District staff will issue a recommended decision to the Board within fifteen (15) Business Days after receipt of a completed Customer request for review.
 - 2) At any time prior to or during staff review, the District may conduct one or more informal discussions with the Owner, and may request additional information and documentation. A requested is not considered completed until after all additionally requested documentation has been submitted to the District.
 - 3) The Assessment Coordinator will review the EDU assignment of the Customer's account, using the methodology provided in the most recent non-ad valorem Assessment resolution under which the District assessed the Tax Parcel. If the Customer's account is one of two or more accounts for Service on a single Tax Parcel and the Assessment Coordinator finds that there is sufficient evidence to change the EDU assignment for the requested account, the Assessment Coordinator will also review the EDU assignment for the entire Tax Parcel and all other Customer accounts for Service on the Tax Parcel.
 - a) If the review results in a recommended increase in the EDU assignment for the Tax Parcel, the Assessment Coordinator will submit the increase to the Board for review under Paragraph (v), below.

²⁷ Amended by Resolution 22-12-19 on December 10, 2019.

If the Board accepts the increased EDU assignment, the increased EDU assignment will apply to all future monthly charges and to all future non-ad valorem Assessments for the Tax Parcel.

- b) If the review results in a recommendation of no change in the EDU assignment for the Tax Parcel, but results in a recommendation of a change in the EDU assignment for the account of the Customer, the Assessment Coordinator will submit the change to the Board for review under Paragraph (v), below.
 - c) If the review results in a recommendation for reduction of the EDU assignment for the account of a Customer, the General Manager may at the General Manager's discretion, grant temporary relief to the Customer by reducing the Customer's EDU assignment for future monthly billings to the recommended number of EDU's. Upon Board action to approve, reject, or amend the recommended reduction, the District will retroactively adjust monthly billings from the date of temporary relief.
 - d) The District Clerk will mail a copy of the recommended decision to the Customer who requested the review, the Owner of the Tax Parcel and all other Customers of that Tax Parcel receiving FCAA Billing whose EDU assignment would be affected by the change at the same time as the recommended decision is submitted to the Board.
- (v) **Board Review.** Upon issuance of the recommended decision by Staff, the District Clerk will place the recommended decision on the Board agenda for a meeting not less than thirty (30) Days after issuance of the recommended decision. Within fifteen (15) Days after mailing of the recommended decision, the Owner of the affected Tax Parcel may request that the Board hold a public hearing on the request for review, specifying any disputed facts that the Owner considers to be material to the decision. During the meeting at which the Board is scheduled to consider the request for review, the Board may decide to accept or modify the recommended decision, or, if the Board concludes that there are disputed issues of material fact, the Board may schedule a public hearing on the request for review. The Board's decision to accept or modify the recommended decision, or the Board's decision on the request for review after a public hearing, shall be the final District action on the request for review.

Article XII. Personnel Policy and Procedures

Reserved for future use.

Article XIII. Definitions and Construction of Terms

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to these rules; and the term “hereafter” means after, and the term “heretofore” means before the adoption of these rules. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

“**Act**” or “**the Act**” refers to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

“**Active Account**” means that Service exists between an Owner/ Customer and the District, under which the District stands ready to serve and Service is rendered or available on demand and payment for said Service is made or due from the recipient on a Monthly basis.

“**Adjusted Prepayment Amount**” means the amount required to prepay the Assessment for each Tax Parcel against which a non-ad valorem assessment is levied pursuant to this Resolution: (A) following issuance of the Original Obligations as computed pursuant to Section 10.13 hereof and (B) revised annually pursuant to Section 10.12 hereof.

“**Alternative Water Supply Wastewater Service**” means Wastewater Service to a property that is used exclusively for residential purposes and that receives potable water by a means other than the Customer’s FCAA water meter. An example of Alternative Water Supply Wastewater Service is Wastewater Service to a home that uses a rainwater collection system for its potable water supply.²⁸

“**Annual Assessment Resolution**” means the resolution adopted by the District approving 1) an Assessment Roll, 2) establishing the adjusted cost for specific components of the Assessment Roll including but not limited to the connection, capacity and equipment costs applicable to all Tax Parcels initially Assessed that year and 3) the interest rate used to calculate the Assessment Roll for that specific Tax year in accordance with the Uniform Assessment Collection Act.

“**Annual Debt Service Component**” means the amount computed for each Tax Parcel pursuant to Section 10.13(b) hereof.

“**Assessment Area**” means the proposed initial Wastewater Assessment Area described in Section 1.02 hereof.

“**Assessment Coordinator**” means a Person or Persons designated by the District to be responsible for coordinating Assessments.

“**Assessment Roll**” means a roll of Non-Ad Valorem charges prepared by the District and certified to the Monroe County Tax Collector for collection. Annually, the District may prepare a preliminary and, upon review

“**Assessment**” means a charge imposed by the District against real property within the Assessment Area to fund the Capital Cost of Utility Improvements or the Operating Cost of Related Services, as provided for in the District Assessment resolutions. The Assessment may represent a portion of the total System

²⁸ Definition added by Resolution 20-06-13 on June 18, 2013.

Development Charge as calculated herein and in accordance with the Uniform Assessment Collections Act or may represent the entire System Development Charge where applicable.

“Biological Oxygen Demand” or **“BOD”** means the quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It also means a standard test for assessing Wastewater strength expressed in the demand for oxygen for a five-Day period as specified in Chapter 62-160, FAC.²⁹

“Board” means the Board of Commissioners of the Key Largo Wastewater Treatment District.

“Business Day” means the period of each Day from 8:00 A.M. to 5:00 P.M., Monday through Friday, excluding the District’s Official Holidays.

“Capital Cost” means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal, or replacement (including demolition, environmental mitigation, and relocation) of the Wastewater Management Facilities, and imposition of the Assessment under generally accepted accounting principles; and including reimbursement to the District for any funds advanced for Capital Cost and interest on any interfund, intrafund, or temporary construction loan for such purposes.

“Collection Cost Component” means the amount computed for each Tax Parcel pursuant to Section 10.13(c) hereof.

“Collection Cost” means the estimated cost to be incurred by the District in connection with the collection of Assessments for a particular tax year including, but not limited to, costs associated with billing and collection, financing charges, and other charges or costs associated with the use of the Uniform Assessment Collection Act.³⁰

“Contiguous Vacant Parcel” means a Vacant Parcel immediately adjacent to a Tax Parcel served by the District and connected to the Districts central Wastewater Collections System.

“County” means Monroe County, a political subdivision of the State of Florida.

“Cross-Connection” means any physical arrangement whereby a water supply is connected, directly or indirectly, with any other system capable of imparting contamination to the supply as the result of backflow.

“Customer” means any Person that accepts or receives Wastewater Service.

“Day” means one (1) twenty-four (24) hour period.

“Delinquent Account Charge” means the charge billed Customers when all or part of the payment on their account has become delinquent. The Delinquent Account Charge is based on the outstanding balance as shown in Section 11.05.

“Delinquent Account” or **“Delinquency”** means that for the Active Account, payments for satisfaction of some or all past and current fees and charges are past due by at least two bill payment cycles of said Active Account, but Service has not yet been discontinued.

²⁹ Definition added by Rule Change #16 on August 26, 2006.

³⁰ Amended by Resolution 17-08-15 on August 4, 2015.

“Department of Environmental Protection” or **“DEP”** means the State of Florida Department of Environmental Protection.

“Department of Health” or **“DOH”** means the State of Florida Department of Health.

“Developer” means a Person developing property for resale, rental, or lease, to which Wastewater Service may be provided by the District.

“Discharge” means the introduction of Pollutants into a Wastewater System from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.

“District Borrowing Rate” means the District's weighted average borrowing rate based on the average interest rate of debt instruments issued by the District to fund the Project Cost of the Wastewater Management Facilities, which are secured by proceeds of the Assessments.

“District Obligation” means an Original Obligation secured by proceeds of the Assessments.

“District” means the Key Largo Wastewater Treatment District.

“Dwelling Unit” means a single unit designated or intended for one-family occupancy (a household of one or more Persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, one residential condominium unit (whether in a single-unit building or a multiple-unit building), or one mobile home or recreational vehicle space not regulated under Chapter 513, F.S. An Employee Housing Unit that is part of a Commercial Accommodation facility is not a Dwelling Unit.³¹

“Easement” means any legal right for the specific use of land owned by others.

“Enforcement” means actions taken in response to noncompliance with or violation of these rules or any other applicable rules, regulations, ordinances or laws.

“Equivalent Dwelling Unit” or **“EDU”** means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per Day of potable water usage.³²

“Excluded Parcel” means a Tax Parcel, as determined by the District, that will not receive a special benefit from construction of the District Wastewater Management Facilities and accordingly, not be included in the District's Tax Roll. To be designated as an Excluded Parcel, the Tax Parcel must not be improved with facilities or structures that generate, or might generate, sewage that will be managed by the District Wastewater Management Facilities.

“FAC” means the Florida Administrative Code.

“Final Assessment Resolution” means the resolution that will confirm, modify, or repeal this Resolution and that will be the final proceedings for imposition of Assessments described in this Resolution.

“Fiscal Year” means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the Fiscal Year of the District.

³¹ Definition added by Resolution 20-06-13 on June 18, 2013.

³² Definition added by Resolution 20-06-13 on June 18, 2013.

“FKAA” means the Florida Keys Aqueduct Authority.³³

“Force Main” means a pipe owned by the District and used to transmit Wastewater from a pump station to a treatment facility.

“General Manager” means the General Manager of the Key Largo Wastewater Treatment District.

“Government Property” means a Tax Parcel owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

“Initial Prepayment Amount” means the amount required to pay in full the System Development Charge for a particular Tax Parcel prior to being included in the Annual Assessment Roll as set forth in the applicable Assessment Resolution.

“Irrigation Meter” means a particular type of meter as defined and installed by the Florida Keys Aqueduct Authority as an “Irrigation Meter” for Commercial properties that have excessive potable water use that does not return to the Wastewater System.

“KLWTD Rules and Regulations” means the Key Largo Wastewater Treatment District General Rules and Regulations as may from time to time be amended.

“KLWTD” means the Key Largo Wastewater Treatment District.

“Laundromat” means a stand-alone laundry business that provides self-Service and non-self-Service laundry facilities to the public, consisting of washing machines, dry cleaning machines, and clothing dryers, in any combination. “Laundromat” does not include laundry facilities that are located in or otherwise associated with a Commercial Accommodation.³⁴

“Minimum Design and Construction Standards and Specifications” means the engineering design and construction specification demands of the District related to Wastewater Facilities constructed by any Developer, Owner, Customer or User, which are adopted by reference in these rules.

“Mixed-Use Tax Parcel” means a Tax Parcel improved with a structure or group of structures, comprising one or more Dwelling Units, and one or more units that are not a Dwelling Unit, or a Laundromat.

“Monthly Base Charge” means the monthly recurring charge based on the ESU assignment of the billed entity and charged as described in Section 9.03.³⁵

“Monthly Volumetric Charge” means the monthly charge based upon the volume of potable water used by the billed entity and charged as described in Section 9.03(b).³⁶

“Multi-Family, Unique Residential Parcel” means a Unique Residential Parcel intended for more than one Dwelling Unit and less than seven Dwelling Units.

“Non-Ad Valorem Assessment” means Assessments which are not based upon millage and which can become a lien against a homestead as permitted by s. 4, Art. X of the State Constitution. Non-Ad Valorem

³³ Definition added by Resolution 20-06-13 on June 18, 2013.

³⁴ Definition added by Resolution 20-06-13 on June 18, 2013.

³⁵ Definition added by Resolution 20-06-13 on June 18, 2013.

³⁶ Definition added by Resolution 20-06-13 on June 18, 2013.

Assessments are based on the improvement or service cost allocated to a property and are levied on a benefit unit basis, rather than on value.

“Non-Residential Tax Parcel” means a Tax Parcel classified by the Property Appraiser as other than “residential” and that is improved with a structure or structures, no part of which is a Dwelling Unit.

“Official Holidays” means those holidays observed by the District and include: New Year's Day, Birthday of Martin Luther King, Jr. (third Monday in January), President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day (November 11), Thanksgiving Day, Friday after Thanksgiving and Christmas Day, and one optional day as designated by the Wastewater Utility Manager. Any holiday falling on a Saturday shall be observed on the preceding Friday and any holiday falling on a Sunday shall be observed on the following Monday.³⁷

“On-Site Treatment and Disposal System” or **“OSTDS”** means a Wastewater treatment system utilizing subsurface effluent disposal (absorption field or Class V injection well) such as a conventional septic tank, aerobic treatment unit, on-site Wastewater nutrient reduction system, package sewage treatment facilities.

“Operating Cost” means all or any portion of the expenses that are properly attributable to providing Services under generally accepted accounting principles.

“Original Obligations” means that portion of a series of bonds or other evidence of indebtedness, including without limitation notes, commercial paper, capital leases, or any other obligations issued or incurred to finance the Project Cost of the District Wastewater Management Facilities.

“Owner” means a Person who is the record Owner of any Premises.

“Person” means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, private or governmental, as the context may require.

“Point of Service” means: the point where the District's Wastewater Facilities connect to Customer-installed, owned, operated and maintained facilities. The Point of Service shall generally be at the point where the Building gravity Wastewater Service Lateral intersects the right-of-way line or, in the event a utility Easement exists adjacent to the right-of-way line, at the point where the Building Wastewater Service Lateral intersects the utility Easement line furthest from the main.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, Wastewater, garbage, Wastewater Sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.

“Premises” means any and all real property and tangible personal property affixed to real property served or capable of being served by the District as a result of the existence of a Service Connection.

“Pretreatment” means reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a Wastewater Collection or Treatment System.

³⁷ Definition amended by Resolution 03-03-18 on March 6, 2018.

“Project Cost” means (A) the aggregate Initial Prepayment Amount of all Tax Parcels subject to the Assessment prior to any prepayments, (B) the Transaction Cost associated with the District Obligations attributable to District Wastewater Management Facilities, (C) interest accruing on such District Obligations for such period of time as the District deems appropriate, (D) the debt Service reserve fund or account, if any, established for the District Obligations attributable to District Wastewater Management Facilities, and (E) any other costs or expenses related thereto.

“Property Appraiser” means the Monroe County Property Appraiser.

“Qualified Water Meter” means a water meter which provides Service to a Tax Parcel and has a Service type designation of “WRES” or “WNONRES” according to FCAA records.

“Related Service” means the operation and maintenance of a Utility Improvement.

“Residential Tax Parcel” means a Tax Parcel improved with a structure or structures that are comprised exclusively of Dwelling Units and their appurtenances, such as garages, sheds, swimming pools, and boat docks.

“Returned Check” or **“Bank Draft”** charge is a charge based on the estimated administrative cost of collecting the amount due from the tendered check or Bank Draft that was not honored by the payer’s bank as provided by Chapter 832.07, Florida Statutes.

“Service Charge” means the charge assessed Customers, per event, when the District travels to the Premises or for administrative processing by the District.

“Service Connection” means the physical attachment of the District’s facilities to those facilities of any property through which Wastewater Service is deliverable.

“Service Lateral” means the pipe which connects the District’s collection facilities to the Service Connection at the Point of Service. Said pipe is typically situated on private property and is owned, operated and maintained by the Owner.

“Service Unit” means Premises, an area, or a module or modules consisting of a delineated space, or an enclosure of one (1) or more spaces or rooms with either appurtenant or common or public bathroom facilities or installations of other Wastewater generating fixtures, and used for a single residential or non-residential use. Service Units fall into the general categories of Permanent, Boat Slip/Dock/Berth, and Mobile.

“Service” means the readiness to accept or the acceptance of Wastewater from a Customer at a Point of Service by the District.

“Sewer” means any pipe, conduit, or other device used to collect and transport Wastewater and from which storm water, surface water, and groundwater are generally excluded. As the context requires, the term is synonymous with the term Wastewater or other terms incorporating such term therein.

“Single-Family, Unique Residential Parcel” means a Unique Residential Parcel intended for a single Dwelling Unit.

“Sludge” means any solid or semisolid waste generated from a Wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater treatment plant.

“State” means the State of Florida.

“Statutory Discount Amount” means the amount computed for each Tax Parcel subject to the Assessments pursuant to Section 10.13(d) hereof.

“System Impact Charge” or **“SIC”** is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the District’s Wastewater Facilities. The SIC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the District.

“System Development Charge” or **“SDC”** means the initial charge to each Tax Parcel representing a portion of the Capital Costs related to the construction of the District’s Wastewater Management Facilities.

“Tampering” means any willful alteration or interference with a water meter or Wastewater System components and facilities owned by the District, except for turning the valve associated with the water meter for the purpose of temporary disconnection of Service. Tampering includes obtaining unauthorized Service to a Premises or location.

“Tax Collector” means the Monroe County Tax Collector.

“Tax Parcel” means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“Tax Roll” means the real property ad valorem tax assessment roll maintained by the Monroe County Tax Collector for the purposes of the levy and collection of ad valorem taxes.

“Tier I” or **“Tier One”** is a tier designation assigned by the Monroe County Division of Growth Management to a parcel located within Monroe County that identifies it as “Environmentally sensitive land.”

“Transaction Cost” means the costs, fees, and expenses incurred by the District in connection with the issuance and sale of any series of District Obligations, including without limitation (A) rating agency and other financing fees; (B) the fees and disbursement of bond counsel and disclosure counsel, if any; (C) the underwriter’s discount; (D) the fees and disbursements of the District’s financial advisor; (E) the costs of preparing and printing the District Obligations; (F) the fees payable in respect of any bond or reserve account insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; (H) any private placement fees; and (I) any other costs of a similar nature incurred in connection with the issuance of such District Obligations.

“Uniform Assessment Collection Act” means the method of collecting non-ad valorem assessments provided in Chapter 197.3632, Florida Statutes.

“Unique Residential Parcel” means a residential Tax Parcel which can only deliver Wastewater to the main collection system by means of a pumping mechanism and by connecting either to a low pressure collection system or to a transmission main. A Unique Residential Parcel does not include a residential multi-family Tax Parcel consisting of more than six Dwelling Units or a Tax Parcel for which the District has provided a connection point capable of receiving Wastewater by gravity, such as a gravity collection system or a vacuum pit.

“User” means any Person responsible for the Discharge of Wastewater into a Wastewater System.

“Utility Improvement” means a capital improvement constructed or installed by the District for the special benefit of a neighborhood, district, or other benefited area.

“Vacant Parcel” means a Tax Parcel that is unimproved with any structures or facilities such as quick-connect fixtures for recreational vehicles that might generate Wastewater, but does not include a Tax Parcel for which permits have been issued for construction.

“Wastewater Collection System” means a system for carrying Wastewater including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.

“Wastewater Facilities” or **“Wastewater System”** means the system comprised of all structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent.

“Wastewater Management Facilities” means all facilities acquired, designed, constructed, installed, reconstructed, renewed, or replaced by the District for the purpose of collecting, transporting, and treating Wastewater and disposing of the byproducts of such treatment. In general, Wastewater Management Facilities may be characterized as one of three types: collection system, transmission main, and treatment plant.³⁸

“Wastewater” means liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments or manufacturing facilities, whether treated or untreated, which are Discharged into a Wastewater System.

³⁸ Definition added by Resolution 20-06-13 on June 18, 2013.