

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING ARTICLE IV SECTION 4, AND ARTICLE V SECTION 1, 2, AND 3, CITY ORDINANCE 88-04, PROVIDING FOR PAYMENT OF \$2,906.00 FOR EACH R-1 AND \$5812.00 FOR EACH R-2 ZONED PROPERTY, PROVIDING FOR PAYMENT OF \$495.00 FOR EACH TRAILER LOT AS AN IMPROVEMENT/CONNECTION CHARGE; PROVIDING COLLECTION OF \$770.00 FOR EACH R-1 ZONED PROPERTY AND \$1,100 FOR EACH R-2 ZONED PROPERTY FOR DADE COUNTY WATER AND SEWER AUTHORITY CONNECTION CHARGE; PROVIDING FOR FINANCING OF OCCUPIED FAMILY HOMES AND RECORDING OF CONTRACTS; PROVIDING LATE CHARGES AND PENALTIES; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PENALTY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA:

DEFINITIONS:

As used in this Ordinance, the term,

- 1.- "Sanitary Sewer System" shall mean the underground conduit for the passage of sewage and may include a pumping station and outlet where necessary;
- 2.- "Phase I" shall mean that portion of the Sanitary Sewer System FDER project No. 798010;
- 3.- "Phase II" shall mean that portion of the Sanitary Sewer System FDER Project No. 798020;
- 4.- "User" shall mean the owner of the property serviced by the Sanitary Sewer System;
- 5.- "User Charges" shall mean any and all costs and charges attributable to charges for services rendered in connection with the sanitary sewer system;
- 6.- "WASA" shall mean Metropolitan Dade County Water and Sewer Authority;
- 7.- "The Facility" shall mean any portion of the Sanitary Sewer System whether in Phase I or Phase II;
- 8.- "Improvement Connection Charge" shall mean the cost to the user
- 9.- "Individual Trailer" shall mean Lot Owner.

10.- "Rental Property" shall mean any not owner-owned, used as a rental/income property.

Section 1. That Article IV, Section 4 of Ordinance No. 88-04, as amended by Ordinance #89-2 of the Code of the City of West Miami, Florida, be and is hereby amended as follows:

ARTICLE IV

Section 4. Improvement/Connection charge and financing.

(a) Each user shall pay to the City an Improvement/Connection charge for improvement of the real property by the City's Sanitary Sewer System as follows:

(1) Users owners in Phase I areas of the Sanitary Sewer System who have not connected to the system upon passage of this ordinance shall be subject to rates stated herein.

✓ (2) On or after the 15th day of November 1994, users shall pay an Improvement/Connection Charge to the City the sum of \$2906.00 on "R-1" zoned property, whether the property is improved or vacant;

(3) On or after the 15th day of November, 1994, Users shall pay an Improvement/Connection Charge to the City in the sum of \$5,812.00 on "R-2" zoned property, whether the property is improved or vacant;

✓ (4) In addition to the Improvement/Connection Charge charges provided in (2) and (3) above, Users shall pay Metropolitan Dade County the sum of \$770.00 on each "R-1" zoned property, and \$1,100.00 on each (R-2) zoned property, for Metropolitan Dade County (WASA) sewer connection charge.

(5) Users located on Individual trailer lots used for residential purposes shall pay the amount of \$495.00 for WASA connection charge.

(b) Each User of an "R-1" zoned property residing therein as his or her permanent residence in the City may apply for financing of the City's Improvement/Connection charge and the County's connection charge as follows:

(1) West Miami Improvement/Connection Charge Payment Plan:

Notwithstanding Paragraph 4 hereinabove the City offers the User of

"R-1) zoned property a Low Interest Payment System to assist those users who would chose a deferred payment plan. Those users selecting this Deferred Payment Plan shall execute a Deferred Payment contract with the City and shall, in a recordable form, agree to be bound by the terms of said contract and would agree to record at the users expense not to exceed the amount of \$10.50 for recording of said documents together with any required of documentary or intangible stamp payment, said payment contract encumbering their real estate property with the Clerk of the Court. Said Deferred Payment Plan shall not be transferable and shall be paid off at time of transference of the property.

The financing payment will be as follows:

- Down Payment \$257.26, and,
- (a) If financed for one (1) year there shall be no interest charged and the monthly payment shall be \$220.31 per month, or,
 - (b) If financed for five (5) years there shall be an annual interest rate of -4- % charged on the unpaid balance and payment of principal and interest shall be of \$ 48.63 per month, or,
 - (c) If financed for ten (10) years there shall be an annual interest rate of -5- % charged on the unpaid balance and payment of principal and interest shall be \$ 27.64 per month, or,
 - (d) If finance for fifteen (15) years there shall be an interest rate of -6- % charged on the unpaid balance and payment of principal and interest shall be \$ 21.37 per month

(e) There shall be no pre-payment penalty and the user shall be able to pay amounts due without interest charge at any time.

(2) WASA Connection Charge:

The WASA connection charge, if financed over a five (5) year period shall bear an annual interest rate of 0.00 % and payment of principal shall be \$ 12.83 per month.

The WASA connection charge will be financed for county customers and rental properties also.

(3) County Customers:

Financing for County Customers will apply as follows:

- (1) (12) months) 0% financing \$220.31 per month
- (2) Two (2) year financing of the \$2,906.00 at 6.5% (\$2,906.00 less \$257.00 Down Payment): \$126.12 per month.
- (3) Three (3) year financing of the \$2,906.00 at 6.5% (\$2,906.00 less \$257.00 down Payment): \$85.93 per month.
- (4) Five (5) year financing of the \$2,906.00 at 6.5% (\$2,906.00 less \$257.00 down Payment): \$58.50 per month.

(4) West Miami Rental Properties:

Financing for West Miami Rental Propertyies will be as follows:

- (1) (12) months) 0% financing \$220.31 per month
- (2) Two (2) year financing of the \$2,906.00 at 6.5% (\$2,906.00 less \$257.00 Down Payment): \$126.12 per month.
- (3) Three (3) year financing of the \$2,906.00 at 6.5% (\$2,906.00 less \$257.00 down Payment): \$85.93 per month.
- (4) Five (5) year financing of the \$2,906.00 at 6.5% (\$2,906.00 less \$257.00 down Payment): \$58.50 per month.

Section 2. That Article V be and is hereby amended to read as follows:

ARTICLE V

Section 1. Monthly Billing, Delinquent, Default. All users shall be billed monthly. Billings for any particular month shall be made within ten (10) days after the end of the month. Payments are due within twenty (20) days after the end of the month. Any payment not received within said twenty (20) days after the end of the month shall be deemed past due, delinquent and in default.

Section 2. Late Charge, Discontinued, Services. A late payment charge of one and one halve percent (1.5%) of the user charge bill shall be added to each delinquent bill for each thirty (30) days or portion thereof of delinquency. When any bill is more than thirty

(30) days in default, water and sewer service to such premises shall be discontinued until bill and later charges, disconnection and re connection charges and penalties are paid.

Section 3. Interest, Special Assessment, Priority of Lien. All user charges including but not limited to unpaid connecting charges, WASA connecting charges, late charges, and any and all other charges together with interest at the rate of eighteen percent (18%) per annum accruing thereupon, for sewer service rendered by the City to any real property which remain unpaid after the past due date of the sewer charges shall become a lien against and upon the real property to which such sewer service has been furnished to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said charges, late charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of City and County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Said liens may be enforced and satisfied by the authority pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the authority and termination of water and/or sewer service.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. If any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 5. This Ordinance shall take effect on 19th day of _____, 1994.

PASSED AND ADOPTED this 19 day of OCTOBER 1994.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form and sufficiency

[Handwritten Signature]

CITY ATTORNEY

Roll Call Vote:

Mayor	<u>YES</u>
Vice-Mayor	<u>NO</u>
Commissioner	<u>YES</u>
Commissioner	<u>YES</u>
Commissioner	<u>YES</u>

Date of 1st reading	_____
Date of Publication	_____
Date of 2nd reading	<u>10/19/94</u>