

RULES  
OF THE  
LOXAHATCHEE RIVER  
ENVIRONMENTAL CONTROL DISTRICT  
CHAPTER 31-10  
SCHEDULE OF RATES, FEES AND CHARGES  
FOR THE USERS OF THE REGIONAL WASTEWATER SYSTEM

- 31-10.001 Definitions.
- 31-10.002 Residential Equivalent Connections.
- 31-10.003 Non-Residential Equivalent Connections.
- 31-10.004 Application for Sewer Service.
- 31-10.005 Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, and Subregional Line Charges for Residential and Non-Residential Units.
- 31-10.006 Special Assessments
- 31-10.007 Quarterly Service Charges for Sewer Service.
- 31-10.008 Determination of Equivalent Connections.
- 31-10.009 Responsibility for Payment and Enforcement of Collections.
- 31-10.010 Payment of Certain Rates, Fees and Charges; Developer Agreement.
- 31-10.011 Connection to Sewer Required. (Repealed)
- 31-10.012 Exceptions to the Payment of Connection Charges.
- 31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Services; Irrigation Quality Water Agreements.
- 31-10.014 Low Pressure Pump Unit Delivery Procedures & Delivery Charge.
- 31-10.015 Termination/Abandonment of Easements – Application Fee.

### **31-10.001 Definitions.**

When used in this Chapter the following terms are defined as follows.

(1) “Account” is the account for each property connected to the District’s sewer system established by the District. No more than one (1) account will be established per unique Property Control Number (PCN) as established by either Martin County or Palm Beach County, whichever is applicable.

(2) “Administrative Charge” is the charge paid for each Equivalent Connection to the Regional Wastewater System, to pay for administrative, legal, engineering, and inspection expenses associated with each new connection to the system. The Administrative Charge is due and payable before connection is made to the system and is not transferable or refundable.

(3) “Capital Cost” means the construction cost of regional transmission facilities plus an allowance for associated cost. Construction costs include, but are not limited to, the cost of installation of pipelines, special fittings, valves, pumps, appurtenances, and the cost of acquiring permanent and construction rights-of-way and easements. Allowances for associated costs include engineering services, legal, fiscal, contingencies, and administrative cost. In no event will the allowance for associated cost exceed twenty percent (25%) of the construction cost.

(4) “Delinquent Quarterly Service Charge for Sewer Service” is delinquent if not paid during the service period.

(5) “District” means the Loxahatchee River Environmental Control District, a separate local agency of government operating in accordance with Chapter 2021-249, Laws of Florida.

(6) “Equivalent Connections” or “E.C.” is a multiple factor determined by the amount of toilets (water closets) per individual residential and non-residential unit, the estimated public usage or average flow of wastewater per day, or a combination of the above which may be connected with or used by each parcel of land which may be connected with or used by the Regional Wastewater System, as more particularly set forth in Rules 31-10.002 and 31-10.003.

(7) “Estoppel Fee” means the charge to offset administrative and legal expenses associated with providing information to parties requesting the status in writing for justifiable reliance purposes as to rates, fees, and charges due to the District for a specific property. An Estoppel Fee is determined at \$30.00 per Estoppel letter provided by the District and may be changed from time to time in accordance with the law.

(8) “Governing Board” means the Governing Board of the Loxahatchee River Environmental Control District.

(9) “G.P.D.” means gallons per day.

(10) “Non-residential Unit” is a non-residential building or structure connected to the Regional Wastewater System including, but not limited to, hotels, motels and boarding houses, wholesale and retail businesses, professional offices, schools, warehouses (including each individual bay) and without limitation all other buildings and structures of a commercial, public, or quasi-public nature.

(11) “Owner” means the legal owner or owners of a property served by the District. By accepting sewage service from the District, all of the property owners of each parcel shall be jointly and severally liable to the District for all charges, rates, and fees incurred for each parcel. If requested by the Owner in writing, the District will submit its bills and other communications to an agent of the Owner such as a property owners or homeowners association manager, property manager, or other legally authorized representative of the Owner.

(12) “Plant Connection Charge” is the charge paid for each Equivalent Connection to the Regional Wastewater System, and credit for which shall run with and be appurtenant to the land. The Plant Connection Charge is due and payable before connection is made to the system and is not transferable. Excess Plant Connection Charge(s) may be refunded if owner demonstrates, in accordance with objective determinations of the District, that fully paid Plant Connection Charges will not be used. In no case shall Plant Connection Charge be refunded for a Residential or Non-residential Unit not connected within one (1) year of sewer being declared Available. Plant Connection Charges are determined as set forth in this rule and may be changed from time to time in accordance with the law.

(13) “Quarterly Service Availability Standby Charge” is the periodic charge for each Equivalent Connection, commencing upon the signing of a Standard Developer Agreement, and is computed at the rate of sixty-eight percent (68%) of the Quarterly Service Charge per Equivalent Connection as established by the Governing Board and amended from time to time.

(14) “Quarterly Service Charge” is the periodic charge for each Equivalent Connection when it is connected to the Regional Wastewater System or within one (1) year of the time the connection is Available, whichever occurs first, and shall be billed in advance. Quarterly Service Charges are established by the Governing Board and amended from time to time.

(15) “Regional Transmission Facility” means transmission lines, force mains, gravity interceptors, lift stations or pump stations that collect wastewater from two or more sub-regions and transport the wastewater to the District treatment plant. The size and location of the Regional Transmission Facility are described in the latest Transmission System Master Plan as amended.

(16) “Regional Transmission System Line Charge” is the charge paid for each Equivalent Connection to the Regional Wastewater System, and credit for which shall run with and be appurtenant to the land. The Regional Transmission System Line Charge is due and payable before connection is made to the system and is not transferable. Regional Transmission System Line Charge may be refunded if owner demonstrates, in accordance with objective determinations of the District, that fully paid Regional Transmission System Line Charge will not be used.

(17) “Regional Wastewater System” means any plant, facility or property; and additional extensions and improvements having the capacity for current or future use in connection with the collection, transmission, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business, or from the development of any natural resources. The Regional Wastewater System includes but is not limited to: treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment; all sewer mains and laterals for the reception and collection of sewage; any interest in real and personal property; rights, easements and franchises of any nature whatsoever relating to the District.

(18) “Reserve Service Availability” is the right of an Owner to receive sewer service in the Regional Wastewater System upon reasonable demand.

(19) “Residential Unit” is a residential living unit or structure directly or indirectly connected to the Regional Wastewater System including but not limited to single family dwelling, detached living structure with toilet or sink, and each separate living unit of duplexes, apartments, townhouses, condominiums, and cooperative apartments.

(20) “Special Assessments” are assessments approved, set, and levied by the Governing Board for properties benefitted by the construction, acquisition, extension and operation of the Regional Wastewater System on the basis of the total cost to the District of construction, reconstruction, labor, materials, acquisition, property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to completion of the specially assessed improvements.

(21) “Subregional Collection Facilities” means neighborhood gravity collection lines, collection manholes, force mains, lift stations and pump stations intended primarily to collect and transport wastewater from the subregional system to the regional transmission facility.

(22) “Transmission System Master Plan” means the report on “Wastewater Collection System Master Plan” for the District dated February 1981 or the latest updated version of the report

approved by the Governing Board. The report contains maps and describes those transmission mains, pump stations, lift stations, gravity collectors and interceptors, which constitute the facilities of the regional transmission system.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Section 6(6), (8), (9), (11), (12), and (27), and Section 8. History – New 12-9-76, Amended 9-26-78, 5-21-81, 3-15-2012, 3-20-2014, 3-19-2015, 6-18-2015, 3-17-2016, 3-21-2019, 3-17-22. Formerly 31-10.01.

### **31-10.002 Residential Equivalent Connections.**

The District will use the following amounts to determine Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, Quarterly Service Availability Standby Charges, and Quarterly Service Charges, and other purposes in connection with sewer service provided by the District:

- 1) Residential Equivalent Connections are calculated as:
  - (a) One (1) toilet (water closet) equals 1.000 Equivalent Connection.
  - (b) Two (2) toilets (water closets) equals 1.250 Equivalent Connections.
  - (c) Three (3) toilets (water closets) equals 1.500 Equivalent Connections.
  - (d) Four (4) or more toilets (water closets) equals 1.750 Equivalent Connections.
- 2) Nurseries/Day Care Centers are calculated as 1.0 residential Equivalent Connection per 550 square feet of gross space.
- 3) Live/Work Units (as such zoning designation is approved and defined by the local zoning authority) are calculated based upon two components:
  - (a) The Residential (“Live”) component is calculated as provided in subsection (1) above;  
plus
  - (b) The Limited Non-Residential (“Limited Work Unit”), defined as a total gross floor area 500 square feet or less, adds 0.50 Equivalent Connection, or the Standard Non-Residential (“Standard Work Unit”), defined as a total gross floor area more than 500 square feet, adds 1.0 Equivalent Connection.

<b>TYPE OF USE</b>	<b>EQUIVALENT CONNECTIONS</b>
Residential Unit with 1 toilet	1.0
Residential Unit with 2 toilets	1.25
Residential Unit with 3 toilets	1.50
Residential Unit with 4 or more toilets	1.75
Nurseries/Day Care	1.0 per 550 square feet of gross space
Limited Live/Work Unit (500 sq. ft. or less of work use) as designated by zoning authority	0.5 per unit plus applicable Residential E.C.
Standard Live/Work Unit (more than 500 sq. ft. of work use) as designated by zoning authority	1.0 per unit plus applicable Residential E.C.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (8), (9), (11), and (19), and Section 8. History-New 12-9-76, Amended 9-26-78, 5-21-81, 6-30-85, 11-1-98, Formerly 31-10.02. Amended 3-17-2005, 3-16-2006, 3-15-2012, 3-20-2014, 6-18-2015, 3-17-22.

**31-10.003 Non-Residential Equivalent Connections.**

(1) The District will use the highest number of Equivalent Connects to determine Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, Quarterly Service Availability Standby Charges, and Quarterly Service Charges, and other purposes in connection with sewer service provided by the District:

- (a) A minimum of one (1) Equivalent Connection per non-residential unit, as defined herein; or
- (b) One (1) Equivalent Connection per toilet (water closet); or
- (c) Equivalent Connections in accordance with the following non-residential businesses, occupations and uses, based upon the maximum occupancy per fire code design where applicable:

<b>TYPE OF USE</b>	<b>EQUIVALENT CONNECTIONS</b>
Tavern (Bar)	.04 per seat
Restaurant (regular)	.06 per seat
Restaurant (24 hours)	.10 per seat
Trailer Park and Mobile Home Park	1 per space
Hotel/Motel (no Bar or Restaurant)	1.0 per unit + 1.0 per common area and/or employee toilet Bar/Restaurant calculated separately
Hospital	.80 per bed + 1.0 per common area and/or employee toilet
Nursing/Rest Home	.40 per bed + 1.0 per common area and/or employee toilet
Assisted Living Facility / Adult Congregate Living Facility	.575 per bed + 1.0 per common area and/or employee toilet
High School and Middle School	.08 per pupil
Elementary School and Pre-School	.06 per pupil
Office Buildings	.75 per 1000 sq. ft. (gross building area) or 1.0 per toilet whichever is greatest
Large Single Use Retail (>20,000 sq. ft.)	.50 per 1000 sq. ft. (gross building area) or 1.0 per toilet whichever is greatest
Laundromats	1.1 per washing machine
Recreational Vehicle (RV) Park	0.75 per recreational vehicle space + 1.0 per common area and/or employee toilet
Swimming Pool Backwash Discharge	0.1 per 3,000 gallons
Elevator Sump	0.5 per sump
Marina pump out station	1.0 per pump out station
Public toilets in parks	1.0 per toilet
Quasi-public toilets e.g., community recreation areas	1.0 per toilet

or,

(d) As may be designated by the Governing Board upon presentation of good and sufficient evidence to merit other specific determination.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Sections 6(6), (8), (9), (11), and (19), and Section 8, and Sections 6(9), (12) and (27). History- New 12-9-76, Amended 6-25-78, 9-26-78, 5-21-81, 4-25-84, 6-30-85. Formerly 31-10.03. Amended 3-23-00, 3-17-05, 3-16-06, 03-18-10, 3-20-2014, 6-18-2015, 3-17-2016, 3-17-22.

### **31-10.004 Application for Sewer Service.**

Before any Owner receives sewer service from the District, the Owner shall:

1. if a new customer, submit an application form as provided on the District website (“Application for Sewer Service”) to the District’s Customer Service Department in person;
2. provide proper personal identification and proof of ownership of the property at which sewer service is desired. The District may accept telephone or electronic orders for utility service from existing customers with an active District account provided that the Owner provides the District proper personal identification (driver's license number or state identification card number) that matches the previous information in the Owner’s record and proof of ownership of the property at which service is desired; and
3. pay all outstanding fees and charges owed to the District for the subject property, including any delinquent fees and/or charges.

An Application for Sewer Service shall not be deemed complete unless the above three (3) requirements are met.

The Fair and Accurate Credit Transaction Act of 2003, 15 United States Code, Chapter 41, Section 1681, which can be found at <https://www.ftc.gov/enforcement/statutes/fair-accurate-credit-transactions-act-2003>, requires that the District obtain positive identification from the Owner requesting utility service. The receipt of an application by the District does not constitute a guarantee of sewer service.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (9), (11) and (19), and Section 8. History - New 12-9-76. Repealed 12-12-78, Formerly 31-10.04. New 3-19-2015 as to Application for Sewer Service, Amended 3-17-22.

### **31-10.005 Plant Connection Charges, Regional Transmission System Line Charges and Subregional Line Charges for Residential and Non-Residential Units.**

(1) Before connecting, directly or indirectly, to the Regional Wastewater System, an Owner shall pay all applicable Plant Connection Charges, Regional Transmission System Line Charges, Administrative Charges, and Subregional Line Charges.

(2) Effective April 1, 1981, all residential and non-residential Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges shall be based on the schedules in effect at the time the District and Owner execute a developer agreement as listed below:

## PLANT CONNECTION CHARGES

April 1, 2023 thru March 31, 2024 @ \$1,869.00 per E.C.

## REGIONAL TRANSMISSION SYSTEM LINE CHARGES

April 1, 2023 thru 31 March 31, 2024 @ \$1,214.00 per E.C.

## ADMINISTRATIVE CHARGES

April 1, 2023 thru March 31, 2024 @ \$175.59 per E.C.

Commencing April 1, 2023 and thereafter, Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges shall increase (or decrease) based upon the annual increase (or decrease) in the Engineering News Record Construction Cost Index published in the February edition of each year.

The District shall not execute a contract committing to provide service that exceeds the total capacity limitations set by the Governing Board. The full amount of the Regional Transmission System Line Charges and Administrative Charges shall be due and payable in U.S. funds (dollars) or by contract to provide Capital Costs and to construct certain portions of the Regional Transmission System at the time commitment of service is made.

(3) Notwithstanding Section 31-10.005(2) above, effective April 1, 1995, those properties having (or which previously had) buildings or structures having certificates of occupancy prior to April 1, 1981, shall pay the full Plant Connection Charge established in Section 31-10.005(2) less a subsidy of Five Hundred Dollars (\$500.00), provided they are paid for and connected to the Regional Sewer System within one (1) year of the time that lines serving said property are formally declared Available by the Governing Board. Notwithstanding Section 31-10.005(2) above, the Plant Connection Charge, Regional Transmission System Line Charges, and Administrative Charges for those buildings or structures having certificates of occupancy prior to notice of sewer availability, can be financed using the District's Installment Agreement method of collection up to five (5) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two percent (2.0%), but not to exceed eight percent (8%), existing at the time of execution of the Installment Agreement, with no prepayment penalty. Should any structure or building not be paid for or financed using the District's Installment Agreement and connected to the District's system within one (1) year of the time that the line serving said property is formally declared Available by the Governing Board, it will at the time of connection pay full Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges as are

applicable to new construction at time that connection is made regardless of the date of certificate of occupancy.

(4) Owners with existing contracts for service with the District shall pay Plant Connection Charges, Regional Transmission System Line Charges, and Administrative Charges as indicated in those contracts, and such charges shall not be subject to increase.

(5) Subregional Line Charges. From time to time the District constructs and extends Subregional Collection Facilities to existing Residential and/or Non-residential Units. The District shall collect the costs of extending the Subregional Collection Facilities through the apportionment of these costs to each of the benefited properties. Such charges shall be payable commencing when the Equivalent Connection is connected to the Regional Wastewater System of the District, or within one (1) year of the time the connection is Available, whichever occurs first. All Subregional Line Charges shall be adjusted each April 1<sup>st</sup> based on the 10-Year Treasury Rate published by the US Department of Treasury on February 1<sup>st</sup>.

(5)(a) Western Indiantown Road Subregional Collection Facilities: Subregional Transmission System Line Charges for the Western Indiantown Road Subregional Collection Facilities shall be \$1,927.32 per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made. Those buildings or structures having certificates of occupancy prior to January 20, 2012, the date this transmission system line was deemed Available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by non-ad Valorem tax roll.

5(b) Inlet Village Subregional Line Charge for Inlet Village Subregional Collection Facilities. The rate of the Inlet Village Subregional Line Charge shall be \$2,285.93 per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed Available, may finance this Subregional Line Charge over twenty (20) years at a

fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by non-ad valorem tax roll.

5(c) Rocking Horse Lane Subregional Line Charge for Rocking Horse Lane Subregional Collection Facilities. The rate of the Rocking Horse Lane Subregional Line Charge shall be \$637.34 per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed Available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by non-ad valorem tax roll.

5(d) 66th Terrace Phase 1 Subregional Line Charge for 66th Terrace Phase 1 Subregional Collection Facilities. The rate of the 66th Terrace Phase 1 Subregional Line Charge shall be \$643.11 per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board of the District. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by Non-Ad Valorem tax roll.

5(e) Jamaica Drive Phase 1 Subregional Line Charge for Jamaica Drive Phase 1 Subregional Collection Facilities. The rate of the Jamaica Drive Phase 1 Subregional Line Charge shall be \$935.53 per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board of the District. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed available, may finance this Subregional Line

Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by Non-Ad Valorem tax roll.

5(f) 69th Terrace Phase 1 Subregional Line Charge for 69th Terrace Phase 1 Subregional Collection Facilities. The rate of the 69th Terrace Phase 1 Subregional Line Charge shall be \$1,125.07 per Equivalent Connection. Commitment of service shall not exceed those total capacity limitations as authorized for commitment by the Governing Board of the District. The full amount of the Subregional Line Charges shall be due and payable at the time commitment of service is made, except those buildings or structures having certificates of occupancy prior to the date this transmission system line is deemed available, may finance this Subregional Line Charge over twenty (20) years at a fixed interest rate equal to the current Wall Street Journal Prime Rate plus two (2.0%) percent, but not to exceed 8%, existing at the time commitment of service is made, with no prepayment penalty, to be collected by Non-Ad Valorem tax roll.

Specific Authority Chapter 2021-249, Laws of Florida, and Section 381.00655, Florida Statutes. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (9), (11), (12), and (19), and Section 8. History - New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05. Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 6-21-2012, 3-21-2013, 3-20-2014, 3-19-2015, 3-17-2016, 3-16-2017, 3-21-2019, 10-15-2020, 3-17-22, 3-17-23, 10-20-23, 12-15-23.

### **31-10.006 Special Assessments.**

Special Assessments are due and payable with interest at the time of transfer of the underlying real property for consideration as an at-arms-length transaction unless transferred to the real estate tax bill for the property as a continuing obligation of the property until paid in full.

Specific Authority Chapter 2021-249, Laws of Florida, Section 6(10), (12), (19) and (27). Law Implemented Chapter 2021-249, Laws of Florida, Section 6(10), (12), (19), and (27). History - New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05. Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 3-17-22.

### **31-10.007 Quarterly Service Charges for Sewer Service.**

(1) Quarterly Service Charges shall be payable by the Owner commencing when the Equivalent Connection is connected to the Regional Wastewater System of the District, or within one (1) year of the time the connection is Available, whichever occurs first, and shall be billed in advance. Notwithstanding any other provision of this section, an Owner that has established a tenant as the bill recipient for the Quarterly Service Charge prior to April 1, 2015 may continue to have the established tenant listed as the bill recipient for the Quarterly Service Charge until such time as that tenant relationship changes (e.g., new Owner(s) or new tenant(s)). The Owner is required to notify the District within fifteen (15) days of the tenant relationship change.

(a) The Quarterly Service Charge for Residential Units shall be:

For the period of April 1, 2023 thru March 31, 2024 @ \$58.50 per E.C.

For the period of April 1, 2024 thru March 31, 2025 @ \$60.26 per E.C.

For the period of April 1, 2025 thru March 31, 2026 @ \$62.06 per E.C.

For the period of April 1, 2026 thru March 31, 2027 @ \$63.92 per E.C.

For the period of April 1, 2027 thru March 31, 2028 @ \$65.84 per E.C.

(b) The Quarterly Service Charge for Non-residential Units shall be as follows:

For the period of April 1, 2023 thru March 31, 2024 @ \$6.68 per thousand gallons of metered potable water usage;

For the period of April 1, 2024 thru March 31, 2025 @ \$6.88 per thousand gallons of metered potable water usage;

For the period of April 1, 2025 thru March 31, 2026 @ \$7.08 per thousand gallons of metered potable water usage;

For the period of April 1, 2026 thru March 31, 2027 @ \$7.30 per thousand gallons of metered potable water usage;

For the period of April 1, 2027 thru March 31, 2028 @ \$7.51 per thousand gallons of metered potable water usage;

provided that the minimum Quarterly Service Charge for Non-residential Units shall be as follows:

For the period of April 1, 2023 thru March 31, 2024 @ \$80.06

For the period of April 1, 2024 thru March 31, 2025 @ \$82.46

For the period of April 1, 2025 thru March 31, 2026 @ \$84.93

For the period of April 1, 2026 thru March 31, 2027 @ \$87.48

For the period of April 1, 2027 thru March 31, 2028 @ \$90.11

For Non-residential Units that do not have a metered water supply or that have not established a minimum of one (1) month of water use history, and certain other uses (e.g., elevator sump; pool backwash; public toilets in parks; marina pump out station) the Quarterly Service Charge shall be a flat rate of:

For the period of April 1, 2023 thru March 31, 2024 @ \$80.06 per E.C.

For the period of April 1, 2024 thru March 31, 2025 @ \$82.46 per E.C.

For the period of April 1, 2025 thru March 31, 2026 @ \$84.93 per E.C.

For the period of April 1, 2026 thru March 31, 2027 @ \$87.48 per E.C.

For the period of April 1, 2027 thru March 31, 2028 @ \$90.11 per E.C.

(2) Temporary Disconnection of Sewer Service – The District may temporarily suspend Quarterly Service Charges when sewer service is disconnected as provided below. If temporarily suspended, quarterly sewer service charges will cease on the first day of the quarter following verification and approval by the District. Quarterly sewer service charges will resume on the first day of the quarter following reconnection to the sewer (e.g., upon receipt of a Certificate of Occupancy). Failure to notify the District of reconnection to the sewer system will result in the District back-billing quarterly sewer service charges to the date reconnection to the sewer was made. Circumstances warranting suspension of quarterly sewer service charges of an existing Residential Unit or Non-residential Unit connected to the District’s sewer system include:

- (a) sewer disconnection in coordination with the District’s Engineering Department and according to District standards, or
- (b) proof of designation as uninhabitable by a municipal authority (e.g., fire official, building official).

(3) The Quarterly Service Availability Standby Charge shall be due and payable for each Equivalent Connection reserving service availability, commencing upon the reserving of service availability and shall continue to be owing for each quarter and paid promptly upon billing in the manner as provided for the Quarterly Service Charge thereafter until payment of the Plant Connection Charge. The amount of the Quarterly Service Availability Standby Charge shall be sixty-eight percent (68%) of the Quarterly Service Charge which is set based upon the fixed expenses incurred by the District in operating the plant and the Regional Wastewater System excluding the variable costs related to the amount of sewerage processed.

- (a) A prepayment of twelve (12) months Service Availability Standby Charges will be required commencing upon the reserving of service availability in addition to the Quarterly Service Availability Standby Charge which shall be prepaid quarterly.

- (b) At the time Plant Connection Charges become due and payable ten and one half (10.5) months of the twelve (12) months of prepaid Service Availability Standby Charges shall be credited to the Plant Connection Charges.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida Section 6(6) (8), (9), (11), (19), and (27), and Section 8. History - New 12-9-76, Amended 6-25-78, 9-26-78, 12-12-78, 11-28-79, 5-21-81, 5-24-82, 10-12-82, 4-24-83, 5-24-84, 6-30-85, Formerly 31-10.07. Amended, 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-12-91, 5-7-92, 5-10-93, 5-7-94, 5-7-95, 5-19-96, 7-14-97, 11-1-98, 6-22-99, 3-23-00, 3-15-01, 3-21-02, 3-20-03, 3-18-04, 3-17-05, 3-16-06, 3-15-07, 3-20-08, 3-19-09, 3-18-10, 3-17-11, 3-15-2012, 3-21-2013, 3-20-2014, 3-19-2015, 6-18-2015, 3-17-2016, 3-16-2017, 3-21-2019, 3-17-22, 3-17-23.

### **31-10.008 Determination of Equivalent Connections.**

Each Owner of each lot or parcel of land which may be connected to the Regional Wastewater System shall provide proof of the number of Equivalent Connections for each lot or parcel owned. If the Owner does not produce proof of the number of Equivalent Connections, the District will charge the Owner up to the maximum rates, fees and charges of the District based upon 1.75 E.C. per lot or parcel based upon the best information practically Available to the District.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6) and (9), and Section 8. History - New 12-9-76. Amended 9-26-78, Formerly 31-10.08, Amended 3-15-2012, 3-19-2015, 3-17-22.

### **31-10.009 Responsibility for Payment and Enforcement of Collections and Foreclosure of Liens.**

(1) Responsibility. The District shall hold the Owner of the property being served with sewage service primarily responsible for all charges for sewage service to the property, without regard to the fact that a tenant, licensee, customer or other party was actually utilizing the sewage service and may be paying for same directly to the District.

(2) Payment. All payments to the District shall be made using U.S. funds (dollars). Payment may be made in cash, check, electronic check, money order, electronic bill pay, direct debit, a Master Card or Visa debit card, or credit card or a Discover credit card. All checks shall be in a form that complies with the standards for cash items adopted by the Federal Reserve System to facilitate the sorting, routing, and mechanized processing of such items. Payment made using debit card or credit card is limited to a maximum of \$5,000.00 per account per month.

(3) Delinquent Quarterly Service Charge for Sewer Service. Quarterly Service Charge for Sewer Service shall be delinquent if not paid during the service period. The District will apply a delinquent fee equal to ten percent (10%) of the delinquent Quarterly Service Charge for Sewer Service to accounts with a delinquent balance of \$20.00 or more.

(4) Default. If any fees, rates, or charges for sewage service are not paid when due and are unpaid for thirty (30) days or more, the Owner shall be in default, and the District may seek recovery of the amounts due from the Owner through any or all available legal remedies.

(5) Enforcement. When the fees, rates, or charges for the services and facilities of any system are not paid when due and are in default as set forth above, the District shall provide written notice to the Owner that the District may discontinue and shut-off the supply of services and facilities to the property until all fees, rates, or charges, including interest at twelve percent (12%) per annum, plus all penalties and charges for the shutting off and discontinuance and the restoration of such services or facilities are fully paid. If the fees or charges remain unpaid for thirty (30) days after being due, such delinquent fees, rates, or charges shall bear interest at the rate of twelve percent (12%) per annum computed from the date when originally due, until paid and the District may discontinue the supply of service and facilities to the property. The District may file suit in a court of competent jurisdiction to recover any delinquent fees or charges, together with legal interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services or facilities and all other costs and other expenses, including court costs and reasonable attorney's fees.

(6) Foreclosure of Liens. The District shall have a lien on all lands and premises served by it for all charges and fees, until paid, for services provided to such lands or premises by the District, or connection fees associated therewith, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. Such lien shall be perfected by the District by recording in the official records of the county in which the lands or premises are located a claim of lien in form substantially as provided in Section 713.08, Florida Statutes. A copy of the claim of lien shall be served as provided in Section 713.18, Florida Statutes, within ten (10) days after the claim of lien is recorded. If thirty (30) days after service has been made, liens created under this Rule remain delinquent, such liens may be foreclosed by the District in the manner provided by the laws of Florida for the foreclosure of mortgages on real property, and the District shall be entitled to 12% interest per annum, attorney's fees, and other court costs.

(7) No Service Free. No sewage disposal service shall be furnished or rendered free of charge to any Owner, person, firm, corporation, agency or organization whatsoever, and the District and each and every Owner, person, firm, corporation, agency or organization that uses or is required to use such service shall pay the rates, fees, and charges established by the Governing Board.

(8) Administrative Credits. The Executive Director, or his or her designee, may authorize a credit or refund to an account in certain situations, including billing errors, clerical

errors, excessive payments by the customer, meter adjustments, and application of grant funds. In each case, the affected customer must provide a signed written request for refund that quantifies the requested refund, documents the justification for the refund, and states whether the refund should be provided as a credit to the customer's account unless the customer specifically requests a refund check at the same time the customer requests the refund. In no circumstance shall such credit or refund exceed \$10,000 without prior authorization of the Governing Board.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6),(8), (9), (11), and (19), and Section 8. History - New 12-9-76. Formerly 31-3.16, 31-3.18 and 31-10.09. Rules 31-3.016 & 31-3.018 moved, consolidated and renumbered 31-10.009(4), (5) and (6) by amendment on 6-15-2000. Amended 9-26-78, 10-11-80, 3-23-00, 6-15-00, 3-15-2012, 3-19-2015, 3-17-2016, 3-17-22.

**31-10.010 Payment of Certain Rates, Fees and Charges; Developer Agreement.**

(1) Applicants for service requiring less than ten (10) E.C.s must execute an Application for Sewer Service appropriate for the use and shall pay all Connection Charges at the time of application. Applications for Sewer Service forms are provided on the District's website at <https://loxahatcheeriver.org> and may be obtained from the District office.

(2) Applicants desiring to reserve service availability for 10 Equivalent Connections or more must execute a standard developer agreement, as developed and provided by the District ("Standard Developer Agreement"), which is provided on the District's website at <https://loxahatcheeriver.org> and also may be obtained from the District office, and pay all charges and fees required by the agreement. Applicants must also provide plans and specifications with sufficient detail to calculate the number of Equivalent Connections contemplated on the lot or parcel of land.

The following matters are addressed in the Standard Developer Agreement:

- (a) The reservation of the agreed service availability in the Regional Wastewater System on the subject property in terms of Equivalent Connections.
- (b) Payment required to reserve sewer service availability.
- (c) Construction of off-site facilities under certain conditions.
- (d) Dedication of facilities and land to the District.
- (e) Describing the reservation of service availability in terms of the equivalent connections as non-assignable, non-transferable, and running with the land, and describing exceptions.
- (f) Requiring payment of a Quarterly Service Availability Standby Charge and prepayment of twelve (12) months thereof.

- (g) Describing payment and obligations and providing for recovery of costs and attorney's fees.
- (h) Subject the Owner to the rates, fees and charges of the District as established from time to time but fixing the rate for the Regional Transmission System Line Charge, Administrative Charge, and Plant Connection Charge.

(2) Applicants desiring to reserve service availability for concurrency in the Regional Wastewater System must sign a "Concurrency Reservation Agreement," which is provided on the District's website at <https://loxahatcheeriver.org> ("Concurrency Reservation Agreement") and also may be obtained from the District office, and make all payments required by the agreement. Applicants must also provide plans and specifications with sufficient detail to calculate the number of Equivalent Connections contemplated on the lot or parcel of land. The following matters are addressed in the Concurrency Reservation Agreement:

- (a) The reservation of the agreed service availability in the regional wastewater system on the subject property in terms of equivalent connections.
- (b) Requiring payment of a Quarterly Service Availability Standby Charge and prepayment of twelve (12) months thereof.
- (c) Providing a duration of the shorter of twelve (12) months or thirty (30) days after applicant obtains a development order.
- (d) Providing for the unexpired portion of the prepaid Quarterly Service Availability Standby Charge to be refunded to the applicant if the development order is denied, or credited to the Service Availability Standby Charge if a Standard Developer's Agreement is entered into by the applicant within thirty (30) days of the development order.
- (e) Describing the reservation of service availability in terms of the equivalent connections as non-assignable, non-transferable, and running with the land, and describing exceptions.
- (f) Describing payment, including rates, fees, and charges of the District, and obligations and providing for recovery of costs and attorney's fees.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6),(8), (9), (11), and (19), and Section 8. History-New 12-9-76. Amended, 9-26-78, 5-21-81, 5-24-84. Formerly 31-10.10. Amended 5-10-93, 3-20-08, 3-19-09, 3-18-10, 3-15-2012, 3-17-22.

**31-10.012 Exceptions to the Payment of Connection Charges.**

- (1) Connection Charges shall not apply to those residential and non-residential buildings

and structures referred to in the Agreement for Sale between the Village of Tequesta and the District, dated May 23, 1973.

(2) Those residential and non-residential buildings and structures which have escrowed, paid or committed capital improvement charges and have executed legally binding agreements where capital improvement charges are referred to in such agreements, said agreements shall be enforced according to their tenor, except that the capital improvement charges shall be treated as Plant Connection Charges, and except that where capital improvement charges may be increased or subjected to assessment and reassessment from time to time, there shall be no increase over the amount of capital improvement charges as stated in said agreements, and said provision providing for assessment and reassessment of capital improvement charges shall not be enforced.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Section 6(6), (8), (9) (11), (12), and (27), and Section 8. History - New 12-12-79. Formerly 31-10.12, Amended 3-15-2012.

**31-10.013 Irrigation Quality Water User; Rates, Fees and Charges for Irrigation Quality Water Service; Irrigation Quality Water Agreements.**

(1) “I.Q. Water” is defined as Irrigation Quality Water provided by the District, regardless of the original source of the I.Q. Water. I.Q. Water also may be referred to as “reuse water” or “reclaimed water”, which is further defined in Chapter 62-610, Florida Administrative Code.

(2) “Wholesale I.Q. User” is defined as user of I.Q. Water, for which the I.Q. Water is pumped by the District to a storage facility, such as ponds, lakes, or tanks, at an off-site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(3) “Retail I.Q. User” is defined as a user of I.Q. Water, for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes or tanks, at an off-site location. The I.Q. Water is then pumped by the District from the storage facility, into the lines that deliver I.Q. Water to the User’s property for further distribution and irrigation by the User.

(4) “Nano I.Q. User” is defined as a user of I.Q. Water, where the I.Q. Water was originally made available by blending the Town of Jupiter’s nanofiltration concentrate and for which the I.Q. Water is pumped by the District, to a storage facility, such as ponds, lakes, or tanks, at an off-site location. The I.Q. Water is then pumped by a party other than the District, into the lines that irrigate the User’s property.

(5) Rates, Fees and Charges for Wholesale, Retail, and Nano I.Q. Water Rates are those rates, fees and charges approved, set, and levied by the Governing Board based on the total cost to

the District of construction, reconstruction, labor, materials, equipment, acquisition, property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to construction, operation, and improvement of the I.Q. Water system and provision of I.Q. Water.

(6) The District's rate for I.Q. Water are:

(a) Wholesale I.Q. Users shall pay the following rates for their requested G.P.D.

For the period of April 1, 2023 thru March 31, 2024 \$0.4715 per 1,000 gallons.

For the period of April 1, 2024 thru March 31, 2025 \$0.4856 per 1,000 gallons.

For the period of April 1, 2025 thru March 31, 2026 \$0.5002 per 1,000 gallons.

For the period of April 1, 2026 thru March 31, 2027 \$0.5152 per 1,000 gallons.

For the period of April 1, 2027 thru March 31, 2028 \$0.5307 per 1,000 gallons.

(b) Retail I.Q. Users shall pay the following rates for their requested G.P.D.

For the period of April 1, 2023 thru March 31, 2024 \$0.6378 per 1,000 gallons.

For the period of April 1, 2024 thru March 31, 2025 \$0.6569 per 1,000 gallons.

For the period of April 1, 2025 thru March 31, 2026 \$0.6766 per 1,000 gallons.

For the period of April 1, 2026 thru March 31, 2027 \$0.6969 per 1,000 gallons.

For the period of April 1, 2027 thru March 31, 2028 \$0.7178 per 1,000 gallons.

(c) Nano I.Q. Users shall pay the following rates for their requested G.P.D.

For the period of April 1, 2023 thru March 31, 2024 \$0.8349 per 1,000 gallons.

For the period of April 1, 2024 thru March 31, 2025 \$0.8766 per 1,000 gallons.

For the period of April 1, 2025 thru March 31, 2026 \$0.9204 per 1,000 gallons.

For the period of April 1, 2026 thru March 31, 2027 \$0.9480 per 1,000 gallons.

For the period of April 1, 2027 thru March 31, 2028 \$0.9765 per 1,000 gallons.

The District may revise its schedule of rates, fees, and charges in accordance with the Loxahatchee River Environmental Control District Act codified in Chapter 2021-249, Laws of Florida, all applicable District rules, and all relevant laws. It is the District's intention to evaluate the sufficiency of I.Q. Water rates during the annual Rate Study, which typically occurs in February and March with potential rate adjustments implemented April 1<sup>st</sup>. The I.Q. Rate shall be billed monthly or such other billing cycle period as the District may determine.

(7) The Start Up Fee of the District for Retail I.Q. Users shall be the greater of (a) six (6) months of charges at the Retail I.Q. Rate for the requested gallons per day, or (b) \$3,500.00. The

Application Fee of the District for Wholesale I.Q. Users shall be the greater of (a) six (6) months of charges at the I.Q. Rate for the requested gallons per day, or (b) \$18,000.00.

(8) All persons, firms and corporations (hereinafter called “Applicant”) desiring to reserve service availability in the regional I.Q. Water system of the District where said I.Q. Water is Available or is proposed to be Available, as determined by the District, prior to receiving District approval, shall sign a Standard Irrigation Quality Water Agreement and pay the charges and fees specified therein.

Specific Authority Chapter 2101-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Sections 6(6), (8), (9), (11), (12), and (27), and Section 8; History-New 7-23-97, Amended 11-1-98, 3-16-06, 3-18-10, 3-21-2013, 3-19-2015, 3-21-2019, 2-20-2020, 3-17-22, 3-17-23.

### **31-10.014 Low Pressure Pump Unit Delivery Procedures & Delivery Charge.**

(1) All Owners in an area serviced by a low pressure sanitary sewer system, shall be responsible for taking possession of the Low Pressure Pump Unit (“**Pump Unit**”) upon notification the Pump Unit is available for pick up at the District. A Property Owner that does not pick up the Pump Unit shall be subject to the following delivery procedures and delivery charge. The First Delivery Notice to the Owner shall provide:

- (a) Owner is delinquent with installation of the low pressure pumping system for their wastewater service.
- (b) The District has been holding their Pump Unit since the completion of the sewer project.
- (c) The Pump Unit was included in their assessment and is their responsibility to install.
- (d) The District will no longer hold the Pump Unit for their pick up and installation.
- (e) If not picked up within thirty (30) days, the Pump Unit will be delivered at an additional Delivery Charge of \$300.00 to the Owner (the “Delivery Charge”).
- (f) The Pumping Unit will be delivered in good working order, suitable for District’s future maintenance.
- (g) If the Owner fails to have the Pump Unit installed within forty-five (45) days and there is damage to the Pump Unit components, the Owner will be responsible for the cost to provide a Pump Unit in good working order for District maintenance in the future.

2. If the Pump Unit is not picked up within thirty (30) days after the First Delivery Notice, the Second Delivery Notice shall be sent to the Owner which shall provide:

- (a) Pump Delivery will be made on a date and time certain.

- (b) The Pump Unit and appurtenances will be delivered to the most accessible location on the Property or a mutually convenient location as discussed with Owner.
  - (c) A written report will be made of each delivery with photographs of the Pump Unit placement at time of delivery and condition of surrounding area. The District will request written receipt from the Owner for the Pump Unit, however it is not mandatory for the Property Owner to provide or for the District to obtain.
  - (d) The written report shall be signed by two District personnel, witnessed and notarized, and made part of the District's records.
3. After delivery, the Owner will be provided written notification that their Pump Unit has been delivered and an Invoice will be provided for the Delivery Charge.
4. All correspondence to be provided by certified mail with return receipt and regular mail.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Sections 6(6), (8), (9), (10), and (19), and Section 8. History-New 3-15-2012. Amended 3-17-22.

**31-10.015 Termination/Abandonment of Easements – Application Fee.**

- (1) Property Owners may request a Termination/Abandonment of easement. Requests shall be accompanied by an application and application fee in the amount of \$546.80.
- (2) The application fee for termination/abandonment of easements shall increase (or decrease) based upon the annual increase (or decrease) in the Engineering News Record Construction Cost Index published in the February edition of each year.

Specific Authority Chapter 2021-249, Laws of Florida. Law Implemented Chapter 2021-249, Laws of Florida, Sections 6(9). History-New 10-20-2023.