

3. Ordinance 2025-19, amending the Code of Ordinances, Chapter 200, Utilities Code, by including language for an application filing fee for Utility Agreements, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Matthew Morton, City Manager

**THRU:** Gabriel Bowden, Utilities Director

**DATE:** May 15, 2025

**RE:** Ordinance 2025-19, amending the Code of Ordinances, Chapter 200, Utilities Code, Subchapter 'Abbreviations and Definitions', by including language for an application filing fee for Utility Agreements, final reading.

### SUMMARY:

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The Utilities Department is requesting add language to Title X 'Utilities Code' of the Palm Bay Code of Ordinances to allow for the collection of an application filing fee related to Water and Wastewater Agreements, also known as Utility Agreements. The Department has seen an increase in requests for agreements and there are costs associated with processing the agreements. There is a fair amount of staff time from the Utilities Department and City Attorney's Office to draft and process agreement, along with any subsequent revisions that may be requested. The Department is requesting to add language in Chapter 200.02, Abbreviations and Definitions, to allow the Utilities Department to collect an application filing fee for Utility Agreements. Subsequently, staff will prepare a Resolution for Council's consideration to implement a \$250 application filing fee for Utility Agreements concurrent with the second and final reading of this Ordinance.

### REQUESTING DEPARTMENTS:

Utilities

### FISCAL IMPACT:

There is no fiscal impact.

### STAFF RECOMMENDATION:

Motion to approve Ordinance amending Chapter 200.02 'Abbreviations and Definitions' of Title XX 'Utilities Code', Palm Bay Code of Ordinances, providing for an application filing fee for Water and Wastewater (Utility) Agreements.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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**ATTACHMENT:**

1. Ordinance



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Motion to approve Ordinance amending Chapter 200.02 'Abbreviations and Definitions' of Title XX 'Utilities Code', Palm Bay Code of Ordinances, providing for an application filing fee for Water and Wastewater (Utility) Agreements.

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## ORDINANCE 2025-19

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 200, UTILITIES CODE, BY INCLUDING LANGUAGE FOR AN APPLICATION FILING FEE FOR UTILITY AGREEMENTS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XX, Utilities Code, Chapter 200, Utilities Code, Section 200.02, Abbreviations and Definitions, is hereby amended and shall henceforth read as follows:

**“SECTION 200.02 ABBREVIATIONS AND DEFINITIONS.**

\* \* \*

(B) For the purpose of Chapters 200, 201, and 202, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\* \* \*

**UTILITY AGREEMENT.** A written agreement between the City and an applicant which establishes the terms and conditions pursuant to which the City will provide water, wastewater, or reclaimed water services. >>The agreement shall be accompanied by a filing fee as established by resolution of the City Council.<<

\* \* \*

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence, or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative, or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2025-XX, held on \_\_\_\_\_, 2025; and read in title only and duly enacted at Meeting 2025-XX, held on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words that will included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***

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