



Inst. # 3054684  
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Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, FL  
Rec Fees: \$52.50

**VILLAGE OF INDIANTOWN, FLORIDA  
ORDINANCE NO. 01-2024**

**AN ORDINANCE OF THE VILLAGE OF INDIANTOWN,  
FLORIDA, AMENDING CHAPTER 40, "UTILITIES",  
ARTICLE VII, "WATER AND WASTEWATER CAPITAL  
CONNECTION FEES", OF THE VILLAGE OF  
INDIANTOWN CODE OF ORDINANCES; ADOPTING  
EQUIVALENT RESIDENTIAL CONNECTIONS  
FACTORS FOR MULTI-FAMILY RESIDENTIAL  
DWELLING UNITS; AND PROVIDING FOR FINDINGS,  
CODIFICATION, CONFLICTS, SEVERABILITY, AND AN  
EFFECTIVE DATE.**

**WHEREAS**, on March 23, 2023, the Village Council adopted Ordinance No. 01-2023, which established revised water and wastewater capital connection fees, based on the 2022 Water and Wastewater Capital Connection Fee Study dated September 27, 2022, as supplemented by the Supplemental Technical Memorandum dated March 16, 2023, and Table dated March 8, 2023 (collectively, the "Raftelis Study") commissioned by the Village and performed by Raftelis Financial Consultants, Inc. ("Raftelis"); and

**WHEREAS**, since the adoption of the Raftelis Study, the Village has received inquiries concerning the application of water and wastewater capital connection fee structures to new multi-family residential development, resulting in the Village requesting from Raftelis an equivalent residential connection ("ERC") analysis for multi-family development water and wastewater capital connection fees; and

**WHEREAS**, in response to such request, Raftelis has prepared and submitted to the Village a technical memorandum dated October 27, 2023, providing an equivalent residential connection ("ERC") analysis for multi-family development water and wastewater capital connection fees (the "Multi-Family Residential ERC Technical Memorandum"), in which Raftelis provided a recommended approach to multi-family residential ERC calculations based on numerous factors set forth in the technical memorandum, including Chapter 64-E, Florida Administrative Code; and

**WHEREAS**, the Village Council finds the Multi-Family Residential ERC Technical Memorandum, together with the Study, to be in full compliance with Florida Statutes and applicable Florida case law and has approved the same, and desires to formally adopt and implement the recommendations contained in the Multi-Family Residential ERC Technical Memorandum; and

**WHEREAS**, the Village Council finds that its capital connection fees should cover the capital cost of construction and related costs thereto [engineering, legal, financing (to include principal, interest and other costs of bonds), actual administrative costs and such other related costs] for increases in or expansions of capacity or capital requirements due solely as a result of new development, and that said capital connection fees should not unfairly burden new development; and

**WHEREAS**, the Village Council finds that the capital connection fees assessed hereunder are proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction; and

**WHEREAS**, the Village will collect capital connection fees and maintain capital connection fees in a financial fund separate from its general fund operations and separate from other fees, if any; and the Village will provide for accounting and reporting of capital connection fee collections and expenditures; and

**WHEREAS**, the Village Council finds that the capital connection fees required herein are proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by new residential or commercial construction; and

**WHEREAS**, the Village Council finds that the Study, as supplemented by the Multi-Family Residential ERC Technical Memorandum, prepared by Raftelis sets forth a reasonable methodology and analysis for determining the impact of new development on the necessity for and costs of capital improvements for water and wastewater utilities in the Village, and finds that the calculation of the capital connection fees is based on the most recent and localized data; and

**WHEREAS**, the Village Council is authorized by Ch. 166, Florida Statutes, and other applicable law to enact legislation and implement capital connection fees; and

**WHEREAS**, the Village Council finds that the water and wastewater capital connection fees imposed herein are “water and sewer connection fees” under applicable Florida law, and as such, the adoption and imposition of such water and wastewater capital connection fees is subject to the statutory exemption provided in Sec. 163.31801(12), Fla. Stat., as adopted by Ch. 2019-106, Laws of Florida; and

**WHEREAS**, the Planning, Zoning and Appeals Board sitting as the Local Planning Agency held a duly noticed public hearing on December 7, 2023, and recommended that the Village Council adopt this Ordinance, with a finding that the Ordinance is consistent with the adopted Comprehensive Plan; and

**WHEREAS**, the Village Council considered this Ordinance at its duly noticed meeting of December 14, 2023, and voted to approve the proposed Ordinance on first reading; and

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, AS FOLLOWS:**

**SECTION 1. RECITALS.** The above recitals and “Whereas” clauses are hereby included as legislative findings by the Village Council of the Village of Indiantown, and are otherwise fully incorporated herein, and upon codification of this Ordinance, such findings shall be codified under this section.

**SECTION 2. AMENDMENT OF ARTICLE VII OF CHAPTER 40, “UTILITIES”.** The Village of Indiantown hereby amends the following portions of Article VII of Chapter 40, “Utilities”, of the Village of Indiantown Code of Ordinances to read as follows:

**ARTICLE VII. – WATER AND WASTEWATER CAPITAL CONNECTION FEES**

**Sec. 40-200. – Imposition.**

Water and wastewater capital connection fees are hereby imposed and levied on all development requesting capacity from the Village's water system and/or wastewater system to provide service to their properties and on all properties presently connected to the Village's water system or wastewater collection system when structural changes, additions, or changes in permitted use result in an additional impact to the Village's water system or wastewater system. The water and wastewater capital connection fees will be charged based on water meter size to be installed in accordance with or as otherwise specified in, the fee schedule adopted in this article. Water and wastewater capital connection fees shall be paid for each individual water meter to be installed; provided however,

wastewater capital connection fees shall not be charged for the installation of an irrigation meter. When an existing development increases its water meter size, the development shall pay additional water and wastewater capital connection fees equal to the difference between the current capital connection fees charged for the desired increased water meter size and the existing water meter size. The capital connection fees will be charged over and above any service connection fee, lateral charge, inspection fee, monthly user charge, and monthly service charge as may be established by the Village from time to time.

**Sec. 40-201. – Rates of capital connection fees; time of payment.**

Water and wastewater capital connection fees shall be paid in accordance with this section; provided, however, in the event that the Village provides a connection for only water or wastewater service to a development, only the capital connection fees applicable to the service provided shall be paid. ~~The amounts of such capital connection fees shall be in accordance with the schedule set forth in Exhibit “A”.~~ Water and wastewater capital connection fees shall be due on the date of issuance of a building permit related thereto. The amounts of such capital connection fees shall be in accordance with the following schedule:<sup>1</sup>

<b>Water and Wastewater Capital Connection Fees (Per ERC)</b>	
<b>System</b>	<b>Fee Per ERC</b>
Water	\$2,790
Wastewater	\$1,500
ERC Water (ADF)	250 gpd
ERC Wastewater (MTMA DF)	250 gpd
<u>Multi-family residential dwelling units, as defined in the Village of Indiantown Land Development Regulations, shall be subject to the following ERC factors:</u>	
<u><b>Multi-family ERC Factors</b></u>	
<u>Multi-family Unit Size</u>	<u>ERC Factor per Unit</u>
<u>Fewer than 3 bedrooms and less than 1,201 square feet</u>	<u>0.50</u>
<u>3 or more bedrooms or greater than 1,200 square feet</u>	<u>1.00</u>

<sup>1</sup> Note to code codifier: The text of Exhibit “A” to Ordinance No. 01-2023 has been transferred to the specified schedule, with additions noted in underline.

**SECTION 3. SEVERABILITY.** The provisions of this Ordinance are deemed severable. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance is for any reason whatsoever held to be invalid, illegal, unconstitutional, contrary to law, or against public policy, by any court, administrative agency, or other body with competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This Ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Ordinance as expressed herein.

**SECTION 4. CODIFICATION.** The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Village of Indiantown, and the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3 through 6 of this Ordinance shall not be codified. The codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 5. CONFLICTS.** All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect upon adoption.

**PASSED** on first reading on the 14<sup>th</sup> day of December, 2023.

**ADOPTED** on second reading on the 11<sup>th</sup> day of January, 2024.

Village of Indiantown, Florida

ATTEST:



LaRhonda McBride  
Village Clerk



Susan Gibbs Thomas  
Mayor

REVIEWED FOR FORM  
AND CORRECTNESS:

A handwritten signature in blue ink, appearing to read 'Wade C. Vose', written over a horizontal line.

Wade C. Vose, Esq.  
Village Attorney



