

RULES OF THE
DUNES COMMUNITY DEVELOPMENT DISTRICT

**CHAPTER IV
STORMWATER UTILITY SERVICE**

EFFECTIVE AS OF OCTOBER 8, 2021

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4.1 PURPOSE.

The purpose of these Rules is to establish a dedicated revenue for stormwater management services within the Dunes Community Development District (“District”); providing definitions; providing for and establishing rates, fees and charges for utility service; providing for adjustments; and providing an effective date. The revenue collected will support the District’s management and operation of the stormwater drainage system, including the system of storm and surface water management facilities, inlets, conduits, pipes, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and natural waterways. For the purpose of this chapter, Yacht Harbor will not receive charges as the District does not perform stormwater services within this community. Additionally, only administrative fees will be charged for Island Estates as the District’s responsibility for stormwater services within Island Estates is limited and not typical of the rest of the District. Nothing in these Rules shall prohibit the District from charging fees to areas outside the boundaries of the District that drain to the District’s Stormwater Management System.

4.2 NECESSITY.

To establish uniform regulations pertaining to service charges related to the stormwater management system owned and operated by the District. Without proper long-term funding of the stormwater management system, the District will experience increased risk of system failure in the future which can impact public health and safety and increase long-range repair/replacement costs.

4.3 GENERAL.

The District does hereby establish uniform policies and comprehensive rates, fees, charges, and service schedules for its stormwater utility system affecting all consumers thereof.

4.4 FINDINGS.

The Board of Supervisors finds as follows:

- (1) That the District maintains a system of storm and surface water management facilities, inlets, conduits, pipes, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and natural waterways.
- (2) That those elements of the District storm and surface water management system that provide for the collection, storage, treatment, and conveyance of stormwater benefit and provide services to all developed property within the District.
- (3) That the cost of operating and maintaining the stormwater management system and the financing of existing and future repairs, replacements, improvements, and

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extensions thereof should, to the extent practicable, be allocated in relationship to the contribution to the need for services.

- (4) That the stormwater management system requires scheduled maintenance, rehabilitation and replacement.
- (5) That real property either uses or benefits from the presence and operation of a stormwater management system.
- (6) That the use of the stormwater management system is dependent on land use, impervious area and other factors that influence runoff.
- (7) That Florida local governments have authority to establish a stormwater management utility (SMU) pursuant to the home rule powers provided in the Florida Constitution and Florida Statutes.

4.5 ABBREVIATIONS AND DEFINITIONS.

The following terms and phrases, when used herein, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning. Words used in the present terms shall include the future, and the singular number includes the plural, and the plural the singular.

(1) CONSTRUCTION ACTIVITY: Construction activity means any on-site activity which will result in the creation of a new stormwater discharge, including the building, assembling, expansion, modification or alteration of the existing contours of the site, the erection of buildings or other structures, or any part thereof, or land clearing.

(2) DEVELOPED REAL PROPERTY: Developed real property means the condition of property altered from its natural state by the addition to or construction on such property of impervious ground cover or other manmade physical improvements such that the hydrology of the property or portion thereof is affected.

(3) DWELLING UNIT: Dwelling unit means a structure or the part of a structure that is used as a home, residence, or sleeping place, including but not limited to, a single-family homes, town homes, and condominiums.

(4) EQUIVALENT RESIDENTIAL UNIT (ERU): ERU means the statistical median impervious area of residential developed property per dwelling unit within the District. The numerical value of one (1) ERU shall be three thousand three hundred twenty (3,320) impervious square feet.

(5) F.A.C.: Stands for the Florida Administrative Code.

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- (6) F.S.: Stands for Florida Statutes.
- (7) IMPERVIOUS AREA: Impervious area means any part of any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall including areas that have been cleared, graded, paved, graveled or compacted, or covered with structures and excluding all lawns, landscape areas, water and other areas designated by the District Manager or his designee.
- (8) NONRESIDENTIAL PROPERTY: Nonresidential property means all property zoned or used for commercial, industrial, retail, governmental or other nonresidential purposes and all developed real property in the District not classified as residential property as defined in this chapter.
- (9) PERSON: Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (10) PREMISES: Premises means any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (11) RESIDENTIAL PROPERTY: Residential property means all single-family detached residential dwelling structures, single-family attached dwelling structures and condominium units.
- (12) STORMWATER: Stormwater means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
- (13) STORMWATER MANAGEMENT SYSTEM: Stormwater management system means all natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet either inside or outside the District. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention and retention basins, ponds, and other stormwater conveyance and treatment facilities, whether public or private. The District assumes no responsibility above Elevation 4.0 in the lake system for any activities whatsoever. The District does not have any obligation for the maintenance of lake banks above this elevation. Maintenance of those lands located above elevation 4.0 are the sole responsibility of the landowner.

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(14) STORMWATER MANAGEMENT UTILITY FEE: Stormwater management utility fee means the dollar value periodically determined and assigned to each ERU as a charge for stormwater services and expressed as a dollar value per ERU per month.

4.6 DUTIES AND POWERS OF THE DISTRICT MANAGER OR DESIGNEE.

The District Manager or Designee has the following authority:

- (1) To prepare plans and designs for improvements to the District stormwater management system.
- (2) To construct improvements to the District stormwater management system.
- (3) To promulgate regulations for the use of the District stormwater management system and provisions to enforce such regulations.
- (4) To perform routine maintenance and minor improvements to the District stormwater management system.
- (5) To evaluate the quality of water being discharged to the District stormwater management system.
- (6) To fund staff and special consultants; contract for services; purchase or lease property or rights to property; construct facilities, and perform utility functions related to the construction, operation and maintenance of the District stormwater management system.

4.7 STORMWATER MANAGEMENT UTILITY ENTERPRISE FUND ACCOUNT.

A stormwater management utility enterprise fund account shall be managed and tracked in the District general ledger into which all revenues from stormwater management utility fees, connection charges, grants and other funding sources are deposited and from which all expenses for the stormwater management utility are paid.

4.8 STORMWATER MANAGEMENT UTILITY FEES.

- (1) Determination of Equivalent Residential Unit (ERU): For the purposes of this chapter, an equivalent residential unit (ERU) shall be equivalent to 3,320 square feet of impervious area per dwelling unit.
 - a. The fee for residential developed property (which includes both single-family and condominium properties) is the rate for one (1) ERU multiplied by the number of dwelling units existing on the Premises, (i.e., Fee = ERU × number of dwelling units).
 - b. The fee for nonresidential property is the rate for one (1) ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the

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total impervious area in square feet of the nonresidential property by the square footage for one (1) ERU, as set forth in Section 42. The resulting calculation is $\text{Fee} = \text{ERU rate} \times (\text{parcel impervious area expressed in square feet divided by the square footage for one (1) ERU})$.

- (2) Monthly Rates: The stormwater management utility fee to be applied to residential and nonresidential properties shall be established via resolution and listed in Rate Schedule D. Rates may vary by service district or neighborhood depending on services provided by the District.
- (3) Exemptions and Credits:
 - a. Except as provided in this section or as exempted by applicable law, no public or private property located in the District shall be exempt from stormwater management utility fees nor shall any public or private property be exempt to receive a credit or offset against such stormwater management utility fees. No exemption, credit, offset or other reduction in stormwater management utility fees shall be granted based on the tax status, economic status, race, religion, age or sex of the owner of the property being served or based on any other condition unrelated to the provision of stormwater management systems and facilities.
 - b. Roadways shall be exempt from stormwater management utility fees. Private driveways are not considered roadways and are not exempt.
 - c. Credits. A feepayer may obtain credit against a portion of the monthly stormwater management utility fee by the construction and maintenance of permitted onsite stormwater retention facilities serving the property for which credit is sought or by demonstrating that the properties are not contributing stormwater runoff to or benefitting from the District stormwater management system. Available credits are described in the District's Policies and Procedures Manual
 - d. Appeals. The District Manager shall be guided by a Policies and Procedures Manual for the purpose of reviewing applications for credits, adjusting fees and hearing and resolving appeals related to this chapter.

4.9 BILLING AND ENFORCEMENT.

- (1) Stormwater management service charges will be billed on the regular monthly utility bill received by customers of the District.
 - a. Billing to a property will be initiated in the month following issuance of the Certificate of Occupancy on the property.
 - b. Stormwater management service charges are billed and collected by the

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District as a designated and separate item from other utility charges. However, in the event that stormwater management service charges are not paid, the District Manager or Designee may provide for the discontinuance of water, wastewater or reclaimed water utility service to stormwater users who fail or refuse to pay stormwater user fees, including the right not to accept payment of the water utility bill from any user without receiving at the same time payment of any stormwater fees owed by such user and not to re-establish utility services until such time as all past due stormwater fees owed by such user have been paid.

- c. Property owners are ultimately responsible and liable for payments for developed real property and will be billed individually for stormwater management service charges if no other District utility services are provided to the premises. Nothing in this section shall be interpreted as prohibiting property owners from passing these costs to tenants.

Specific Authority: Chapter 190.035(1); 120.54, Florida Statutes

Law Implemented: Chapter 190.031, 190.035(1), 190.036, 190.037, 190.041, 190.012(1)
Florida Statutes

History: Adopted 10-8-2021