

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES  
ENTITLED "UTILITIES" BY AMENDING SECTION 74-  
369 TO ADJUST THE EQUIVALENT STORMWATER UNIT  
RATE (ESU); PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT  
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that an adjustment to the ESU rate would promote the health, safety and welfare of the citizens of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 74-369 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 74-369. Equivalent stormwater unit (ESU) rate.**

The user fee charged on each ESU shall be ~~\$5.00~~ \$5.87. This rate may be adjusted by Resolution of the city commission each October 1, by up to 100 percent of the percentage increase in the CPI-(U), the U.S. City Averages (as of June). The city commission shall enact an ordinance amendment to this section in order to increase the ESU in excess of the CPI. ~~—There shall be an annual cap of five percent on any CPI increase. A CPI increase shall be approved by the city commission by Resolution.~~

---

---

\*(Coding: Added language is underlined; deleted language is ~~struck~~ through.)

Section 2. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19 day of September, 2006.

Read and passed on final reading at a regular meeting held this 3 day of October, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 4 day of October, 2006.

Filed with the Clerk October 4, 2006.

  
\_\_\_\_\_  
HARRY BETHEL, VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK