

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 39, "WATER AND SEWERS, DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES," ARTICLE III, "REGULATION OF SEWER USE," SECTION 39-28, "VIOLATIONS OF ARTICLE; PENALTIES; LIABILITY FOR RESULTING DAMAGE," ARTICLE VII - "UTILITY RULES, REGULATIONS AND RATES," SECTION 39-70, "RULES AND REGULATIONS," SECTION 39-71 "RATES ESTABLISHED," SECTION 39-72, "SERVICE AVAILABILITY CHARGE MANDATORY; WATER SHUTOFF NOT SEPARATION FROM SYSTEM; PROCEDURE FOR EXCUSE FROM SERVICE AVAILABILITY CHARGE; RECONNECTION TO SYSTEM," SECTION 39-73, "CONNECTION CHARGES," SECTION 39-74, "IMPLEMENTATION OF WATER AND SEWER CONNECTION CHARGES" OF THE CODE OF ORDINANCES OF THE CITY OF MARGATE, FLORIDA; PROVIDING FOR WATER AND WASTEWATER UTILITY RATES OUTSIDE OF MARGATE MUNICIPAL BOUNDARIES; PROVIDING FOR RATES, FEES, AND CHARGES TO BE APPROVED BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR PROSECUTION, ENFORCEMENT, PENALTY, AND RECOVERY OF COSTS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: That Chapter 39, "Water and Sewers, Department of Environmental and Engineering Services," Article III, "Regulation of Sewer Use," Section 39-28, "Violations of article; penalties; liability for resulting damage," of the Code of Ordinances of the City of Margate, Florida, shall be amended to read as follows:

1 **Sec. 39-28. Violations of article; penalties; liability for**
2 **resulting damage.**

3 ~~(a) Notice of violation. Any person found to be violating any~~
4 ~~provision of this article except section 39-26 shall be served~~
5 ~~by the Ceity with written notice stating the nature of the~~
6 ~~violation and providing a reasonable time limit for the~~
7 ~~satisfactory correction thereof. The offender shall, within~~
8 ~~the period of time stated in such notice, permanently cease~~
9 ~~all violations.~~

10 ~~(b) Continuation of violation after notice; penalties. Any~~
11 ~~person who shall continue any violation beyond the time limit~~
12 ~~provided for in section 39-28(a) shall be guilty of a~~
13 ~~misdemeanor and, on conviction thereof, shall be fined in the~~
14 ~~amount not exceeding five hundred dollars (\$500.00) for each~~
15 ~~violation. Each day in which any such violation shall continue~~
16 ~~shall be deemed a separate offense.~~

17 ~~(c) Liability for damages resulting from violations. Any person~~
18 ~~violating any of the provisions of this article shall become~~
19 ~~liable to the city for any expense, loss or damage occasioned~~
20 ~~the city by reason of such violation.~~

21 In the event of any loss, or damage to the City's wastewater
22 or water system, including but not limited to pipes, hydrants,
23 meters, valves, and any other part of the infrastructure, caused
24 by or arising out of violation of any provision of this Article,
25 carelessness, neglect or misuse, the following shall apply:

26 1. First violation/incident: The actual cost of making
27 good such loss, and/or replacing or repairing such damage
28 shall be paid by the violator (Violator shall be as defined in
29 Section 1-8 - Penalties.).

30 2. Repeat violation/incident: The actual cost of making
31 good such loss, and/or replacing or repairing such damage, as
32 well as, all administrative and legal costs, shall be paid by

1 the violator. (Repeat violation shall be as defined in Section
2 1-8 - Penalties.)

3 3. Nothing in this Section shall prohibit enforcement,
4 prosecution, and penalties as provided for by Section 1-8 and
5 1-8.1 of the Code of Ordinances.

6
7 **SECTION 2:** That Chapter 39, "Water and Sewers,
8 Department of Environmental and Engineering Services,"
9 Section 39-70 "Rules and regulations," of the Code of
10 Ordinances of the City of Margate, Florida, shall be amended
11 to read as follows:

12 **Sec. 39-70. Rules and regulations**

13 (1) *Policies.*

14 a. Rules, regulations, or policies not specifically
15 provided for by ordinance may be set by resolution of
16 the Ceity Ceommission.

17 b. Any rule, regulation, or policy not specifically
18 provided for by ordinance or resolution shall be at the
19 discretion of the Ceity Manager or designee.

20 c. *Policy dispute.* Any dispute between the Ceity and the
21 customer or prospective customer regarding the meaning
22 or application of any provision of this section shall

1 upon written request by either party be resolved
2 according to administrative policy approved by the
3 Ceity Manager with right of appeal to the Ceity
4 Manager.

5 (2) *General information.* In the event that a portion of these
6 rules and regulations is declared unconstitutional or void
7 for any reason by any court of competent jurisdiction, such
8 decision shall in no way affect the validity of the remaining
9 portions of the rules and regulations for
10 water/~~sewer~~wastewater service unless such court order or
11 decision shall so direct.

12 The Ceity shall provide service to all customers requiring
13 such service within the territory described in its
14 certificate upon such terms as are set forth in this tariff.

15 (3) *Signed application necessary.* Water/~~sewer~~wastewater service
16 is furnished only upon signed application or agreement
17 accepted by the ceity and the conditions of such application
18 or agreement are binding upon the customer as well as upon
19 the Ceity. A copy of the application or agreement for
20 water/~~sewer~~wastewater service accepted by the Ceity will be
21 furnished to the applicant on request.

1 The applicant shall furnish to the Ceity the correct name,
2 street address or lot and block number, at which
3 water/~~sewer~~wastewater service is to be rendered.

4 (4) *Applications by agents.* Applications for
5 water/~~sewer~~wastewater service requested by firms,
6 partnerships, associations, corporations, and others, shall
7 be tendered only by duly authorized parties, when
8 water/~~sewer~~wastewater service is rendered under agreement or
9 agreements entered into between the Ceity and an agent of
10 the principal, the use of such water/~~sewer~~wastewater service
11 by the principal shall constitute full and complete
12 ratification by the principal of the agreement or agreements
13 entered into between agent and the Ceity and under which
14 such water/~~sewer~~wastewater service is rendered.

15 (5) *Withholding service.* The Ceity may withhold or discontinue
16 water/~~sewer~~wastewater service rendered under application
17 made by any member or agent of a household, organization or
18 business unless all prior indebtedness to the Ceity of such
19 household, organization or business for
20 water/~~sewer~~wastewater service has been settled in full.

21 Service may also be discontinued for any violation by the
22 customer or consumer of any rule or regulation set forth in this
23 tariff.

1 (6) *Extensions.* Extensions will be made to the Ceity's
2 facilities in compliance with the rules/orders/tariff issued
3 by the Ceommission.

4 (7) *Limitation of use.* Water/~~sewer~~wastewater service purchased
5 from the Ceity shall be used by the customer only for the
6 purpose specified in the application for
7 water/~~sewer~~wastewater service and the customer shall not
8 sell or otherwise dispose of such water/~~sewer~~wastewater
9 service supplied by the Ceity. Water/~~sewer~~wastewater service
10 furnished to the customer shall be rendered directly to the
11 customer through Ceity's individual meter and may not be
12 remetered by the customer for the purpose of selling
13 otherwise disposing of water/~~sewer~~wastewater service to
14 lessees, tenants, or others and under no circumstances shall
15 the customer or customer's agent or any other individual,
16 association or corporation install meters for the purpose of
17 so remetering said water/~~sewer~~wastewater service, except for
18 the purpose of the allocation of the direct cost of water
19 and ~~sewer~~wastewater service among multiple residential
20 users, and then only pursuant to the Ceity's express
21 approval and only to the extent thereof. Subject to the
22 consent of the Ceity Ceommission and pursuant to the terms
23 of limitation of the applicable remetering agreement, a

1 consumer may remeter the water service provided by the Ceity
2 solely for the purposes of determining the use thereof among
3 the consumer's residential lessees, tenants, or others who
4 shall be lawfully entitled to receive same. In no case shall
5 a customer, except with the written consent of the Ceity,
6 extend his lines across a street, alley, land, court,
7 property line, avenue, or other way, in order to furnish
8 water/~~sewer~~wastewater service for adjacent property through
9 one (1) meter, even though such adjacent property be owned
10 by him. In case of such unauthorized extension, remetering,
11 sale or disposition of service, customer's water/
12 ~~sewer~~wastewater service is subject to discontinuance until
13 such unauthorized extension, remetering, sale or disposition
14 is discontinued and full payment is made of bills for
15 water/~~sewer~~wastewater service, calculated on proper
16 classification and rate schedules and reimbursement in full
17 made to the Ceity. Customer shall be responsible for all
18 extra expenses incurred for clerical work, testing and
19 inspections.

20 (a) *Rules and regulations for remetering.*

21 1. Initial registrations and annual reports are required
22 of all multitenant residential properties engaged in
23 remetering. Annual reports, which are to be submitted

1 to DEES, shall contain a list of addresses and/or units
2 being remetered and a summary of the billing for that
3 year, including any permitted fees charged by the
4 owner. Each initial application for registration shall
5 contain the following information:

6 a. Name, address and type of property to be remetered;
7 owner's name, telephone number and tax identification
8 number and/or Social Security number, legal business
9 and trade name, if applicable; names and addresses of
10 any partners, officers, other corporations, entities or
11 trade names through which business is conducted; number
12 of units being remetered; name, address, contact person
13 and telephone number of remeterer, if applicable; and
14 name, address, contact person and telephone number of
15 management company, if applicable.

16 b. A copy of the remetering agreement with the Ceity and a
17 copy of any materials requested by and within that
18 agreement.

19 c. A copy of sample lease or agreement that states
20 individual unit is or may be submetered.

21 d. Date billing is to begin and copy of bill format that
22 meets the requirements of subsection (b).

23 e. Copies of plumbing and electrical permits, where
24 applicable.

1 f. Specifications, as approved by AWWA standards, of
2 submeters and testing equipment to be used.

3 g. Comparison report of owner's regular water service
4 charges from the Ceity and charges billed to the
5 residents by the owner for the same period of time.
6 This requirement is not necessary during initial
7 registration.

8 2. Only individual dwellings in a multitenant residential
9 property that is served by a meter installed by the
10 city may be submetered, and each submeter shall serve
11 only one (1) unit.

12 3. The owner of any property engaged in remetering shall
13 abide by all provisions set forth in the Margate City
14 Code of Ordinances, as well as any federal, state and
15 local law or administrative rule, and the Florida
16 Building Code, all as may be amended from time to time,
17 the American Water Works Association (AWWA), and all
18 applicable developer's agreement for the property.

19 4. The owner of any remetered property is solely
20 responsible for the costs associated with the
21 remetering of the water meters on the property,
22 including, but not limited to, the cost of the
23 installation of all water submeters and associated

1 plumbing, and shall obtain all required permits prior
2 to the installation of same.

3 5. The owner of any property engaged in remetering shall
4 test and inspect all submeters within the time
5 intervals recommended by the AWWA and in compliance
6 with AWWA standards. In addition, submeters shall be
7 tested for accuracy of the flow rates and test flow
8 quantities in accordance with applicable AWWA
9 standards. No submeter shall be placed into service
10 unless it has been tested by a certified testing
11 facility in compliance with AWWA standards for
12 accuracy, as evidenced by the manufacturer's
13 information or as tested by the owner, if no
14 manufacturer's information is available. The owner
15 shall also perform a test of the accuracy of a submeter
16 at any time upon reasonable request by the City.

17 6. The owner of any property engaged in remetering shall
18 distribute information regarding the remetering to all
19 individual users who will receive distributed utility
20 bills. Included in that information will be the name
21 and phone number of the appropriate owner's
22 representative to whom all billing inquiries can be
23 directed.

1 7. Upon reasonable request of an individual user, the
2 owner of any property engaged in remetering shall make
3 the following available for the individual user's
4 inspection:

5 a. The direct billing from the Ceity to the owner for the
6 current month and the twelve (12) preceding months.

7 b. The calculation for the billing for the current month
8 and the twelve (12) preceding months.

9 c. All submeter readings and user billings for the
10 individual unit for the current month and the twelve
11 (12) preceding months.

12 d. All submeter test results for the individual unit for
13 the current month and the twelve (12) preceding months.

14 (b) *Billing for remetering.*

15 1. The billing process for remetering activities shall be
16 as follows:

17 *Sale/rental agreement for submetering.* All sale/rental
18 agreements between the owner and the resident shall
19 clearly state that the unit is or may be submetered,
20 that bills for water service will or may be issued on a
21 submetered basis, and that bills shall not include
22 charges for water service for common areas and
23 facilities. The resident shall initial this provision

1 on the sale/lease agreement. Current residents must be
2 notified of the information required in this section
3 ninety (90) days prior to the implementation of the
4 service, unless notice was otherwise provided in the
5 resident's sale/rental agreement.

6 2. *Rendering and form of submetered bill.*

7 a. Bills shall be rendered for the same billing period as
8 that of the city, generally monthly, unless service is
9 rendered for less than that period. Bills shall be
10 rendered as promptly as possible following the reading
11 of the submeters.

12 b. The billing rate shall be that used by the city in its
13 billing to the owner for water service.

14 c. The owner shall ensure that water service consumption
15 billed to each individual unit is only for each unit's
16 submetered usage.

17 d. A separate bill must be issued with the submetered
18 billing information, separate and distinct from any
19 other charges, and shall not be combined with the sale,
20 rental and/or maintenance payment or with any other
21 service provided to the resident.

22 e. The bill shall reflect only submetered usage and the
23 applicable taxes. No administrative charges shall be
24 charged as part of remetering bill.

- 1 3. *[Required information.]* The resident's water service
2 submeter bill shall show all of the following information:
3 a. The date and submeter reading of the period for which
4 the bill is rendered.
5 b. The prior and current submeter readings.
6 c. The total gallons of water service being billed.
7 d. The computed rate for gallons being billed.
8 e. The total amount due for water service used and
9 applicable taxes.
10 f. The name and address of the resident to whom the bill
11 is issued.
12 g. The name of the company rendering the submetering bill,
13 if applicable, and the address and telephone number of
14 the person from that firm that is to be contacted in
15 case of a billing dispute.
16 h. The date by which the resident must pay the bill.
17 i. The name, address and telephone number of the party to
18 whom payment is to be made.
19 j. If it is an estimated bill, the bill shall be
20 distinctly marked as such.
21 4. Owners and remeterers shall not impose any extra
22 charges on the resident over and above the water
23 service charges and including the applicable taxes that
24 are billed by the Ceity to the owner. The bill may not

1 include a deposit, reconnect charge, or additional
2 utility late penalty, except as identified in the lease
3 as being considered as and charged as a portion of the
4 rent on the unit.

5 5. Estimated remetering bills. Estimated bills shall not
6 be rendered unless:

7 a. The submeter has been tampered with or bypassed. The
8 estimated billing shall not exceed two (2) billing
9 periods.

10 b. The submeter is found not to be in conformance with
11 AWWA accuracy standards or has stopped and found not to
12 register for any period. The owner may impose an
13 estimated charge for a period not to exceed one (1)
14 billing period, based on amounts used under similar
15 conditions by the same resident during periods
16 preceding or subsequent thereto, or during the
17 corresponding period in previous years.

18 (c) *Prohibited practices.*

19 1. In no case shall a customer, except with the written
20 consent of the Ceity, extend his lines across a street,
21 alley, land, court, property line, avenue, or other
22 way, in order to furnish water/~~sewer~~wastewater service

1 for adjacent property through one (1) meter, even
2 though such adjacent property be owned by him.

3 2. It shall be unlawful for any person, firm, corporation
4 or other business entity to engage in remetering in
5 violation of the provisions of this article or to
6 individually bill for water service other than through
7 a remetering agreement with the Ceity.

8 3. No unit may be submetered unless all units are
9 submetered in each building served by a master meter.

10 4. No submeters can be used to avoid water main extensions
11 or payment of appropriate connection charges and other
12 fees due to the Ceity.

13 5. Partial submetering and its billing based on a
14 proration of water service is prohibited.

15 6. It shall be unlawful for owners to make a profit from
16 remetering. Charges passed on to lessees shall not
17 exceed the amount that is billed by the utility company
18 as shown in the master meter(s) for the property.

19 7. It shall be unlawful for any person, firm, corporation
20 or other business entity to place a submeter in use
21 that is not registering in accordance with the AWWA
22 specifications set forth in this article.

23 8. Disconnection of water service by an owner and/or
24 remeterer for delinquent bills is prohibited. Water

1 service may only be disconnected for emergency
2 purposes, such as water service line problems, leakage,
3 flooding or in the event that a dangerous condition
4 exists which is related to the service being provided.

5 (d) *Denial, suspension and revocation.*

6 1. Any unauthorized extension, remetering, sale or
7 disposition of service, my result in the suspension or
8 denial of an owner's water/~~sewer~~wastewater service, and
9 be subject to discontinuance until such unauthorized
10 extension, remetering, sale or disposition is
11 discontinued and full payment is made of bills for
12 water/~~sewer~~wastewater service, calculated on proper
13 classification and rate schedules and reimbursement in
14 full made to the Ceity. The owner of any property that
15 is engaged in remetering shall be solely responsible
16 for all extra expenses incurred for clerical work,
17 testing and inspections.

18 2. The Ceity may deny, suspend, or revoke a registration
19 issued pursuant to the provisions of this article if it
20 is determined by the Ceity that the applicant or
21 registrant has:

- 1 a. Submitted an application that is not filed in
2 accordance with subsection (a), is incomplete or untrue
3 in whole or in part.
- 4 b. Violated any provision of this article.
- 5 c. Misrepresented or concealed a material fact on the
6 application, renewal application or replacement
7 application.
- 8 d. Aided or abetted a person who has not obtained a
9 registration to evade or avoid the provisions of this
10 article.
- 11 e. Engaged in fraudulent conduct in connection with
12 remetering.
- 13 f. Violated any condition, limitation or restriction of a
14 registration imposed by the Ceity.
- 15 g. Was enjoined by a court of competent jurisdiction from
16 engaging in the trade or business of remetering or was
17 enjoined by a court of competent jurisdiction with
18 respect to any of the requirements of this article.
- 19 h. Failed to comply with the terms of a cease and desist
20 order, notice to correct a violation, written assurance
21 of compliance or any other lawful order of the Ceity.
- 22 (8) *Continuity of service.* The Ceity will at all times use
23 reasonable diligence to provide continuous
24 water/~~sewer~~wastewater service, and having used reasonable

1 diligence, shall not be liable to the customer for failure
2 or interruption of continuous water/~~sewer~~wastewater service.
3 The Ccity shall not be liable for any act or omission caused
4 directly or indirectly by strikes, labor troubles,
5 accidents, litigations, breakdowns, shutdowns for emergency
6 repairs, or adjustments, acts of sabotage, enemies of the
7 United States, wars, United States, state, municipal or
8 other governmental interference, acts of God or other causes
9 beyond its control. When the Ccity knows in advance that
10 service will be interrupted, all customers affected by said
11 interruption or discontinuance shall be given not less than
12 twenty-four (24) hours' notice through public announcement.

13 (9) *Type and maintenance.* The customer's pipes, apparatus and
14 equipment shall be selected, installed, used and maintained
15 in accordance with the standard practice, conforming with
16 the rules and regulations of the Ccity, and in full
17 compliance with all laws and governmental regulations for
18 the maintenance and operation of the customer's pipes and
19 facilities. The customer expressly agrees not to utilize any
20 appliance or device which is not properly constructed,
21 controlled and projected, or which may adversely affect the
22 water/~~sewer~~wastewater service; and the Ccity reserves the

1 right to discontinue or withhold water/~~sewer~~wastewater
2 service to such apparatus or device.

3 (10) *Change of customer's installation.* No changes or increase in
4 customer's installation, which will materially affect the
5 proper operation of the pipes, mains, or stations of the
6 ceity shall be made without written consent of the ceity. The
7 customer will be liable for any change to the customer's
8 installation resulting from a violation of this rule.

9 (11) *Inspection of customer's installation.* All customer's
10 water/~~sewer~~wastewater installations or changes shall be
11 inspected upon completion by competent authority to insure
12 that customer's piping, equipment, and devices have been
13 installed in accordance with accepted standard practice and
14 such local governmental or other governmental inspection is
15 required by local rules or ordinances, the ceity cannot
16 render water/~~sewer~~wastewater service until such inspection
17 has been made and a formal notice of approval from the
18 inspecting authority has been received by the ceity.

19 Any matters pertaining to permitting, construction,
20 connections or inspections of the water and sewer system must be
21 done in consultation with the utility department.

22 The ceity reserves the right to inspect customer's
23 installation prior to rendering water/~~sewer~~wastewater service and

1 from time to time thereafter but assumes no responsibility
2 whatsoever for any portion thereof.

3 (12) *Protection of Ceity's property.*

4 a. The customer shall exercise reasonable diligence to protect
5 the Ceity's property on the customer's premises, and shall
6 knowingly permit no one but the Ceity's agents, or persons
7 authorized by law, to have access to the Ceity's pipes and
8 apparatus.

9 b. In the event of any loss, or damage to property of the
10 Ceity including but not limited to pipes, hydrants, meters,
11 valves, and any other part of the infrastructure, caused by or
12 arising out of violation of this Article, carelessness, neglect
13 or misuse by the customer, the following shall apply:

14 1. First violation/incident: The actual cost of making
15 good such loss, and/or replacing or repairing such damage
16 shall be paid by the violator (Violator shall be as defined in
17 Section 1-8 - Penalties.)~~customer.~~

18 2. Repeat violation/incident: The actual cost of making
19 good such loss, and/or replacing or repairing such damage, as
20 well as, all administrative and legal costs, shall be paid by
21 the violator. (Repeat violation shall be as defined in Section
22 1-8 - Penalties.)

1 3. Nothing in this Section shall prohibit enforcement,
2 prosecution, and penalties as provided for by Section 1-8 and
3 1-8.1 of the Code of Ordinances.

4 (13) *Right to premises.* The duly authorized agents of the Ceity
5 shall have access to the premises of the customer for the
6 purpose of installing, maintaining and inspecting or
7 removing Ceity's property, reading meters and other purposes
8 incident to performance under or termination of the Ceity's
9 utility service for the customer and in such performance
10 shall not be liable for trespass.

11 It shall be unlawful for any owner or lessee of property to
12 keep a dog or any other animal in such a manner that it impedes
13 the duties of any utility department employee where said employee
14 is properly attempting to execute his/her duties whether same be
15 on public or private property. The penalty for violation of this
16 Section shall be as prescribed in Section 1-8 of this Code.

17 If, after an owner or lessee being provided utility services
18 fails to give clear access to a utility department employee
19 performing his/her duty, upon reasonable notice by the Ceity, the
20 Ceity shall be authorized to:

21 a. Terminate water and sewer services;

1 b. In order to accomplish subsection a. above, impound
2 the~~any~~ animal which impedes the Ceity from terminating
3 utility services and transport same to a county animal
4 shelter;

5 c. Refuse to resume utility services until such time as
6 the Ceity is paid for reasonable costs of impounding
7 the impeding ~~dog~~animal.

8 (14) *Right-of-way or easements.* The customer shall grant or cause
9 to be granted to the Ceity and without cost to the Ceity all
10 rights, easements, permits and privileges which are
11 necessary for the rendering of water/~~sewer~~wastewater
12 service.

13 (15) *Billing periods.* Bills for water/~~sewer~~wastewater service
14 will be rendered monthly. Bills are due when rendered and
15 shall be considered as received by customer when delivered
16 or mailed to water/~~sewer~~wastewater service address or some
17 other place mutually agreed upon.

18 Nonreceipt of bills by customer shall not release or diminish
19 obligation of customer with respect to payment ~~thereof, unless~~
20 bills have been returned to the city for incorrect address.

21 (16) *Contract with owners.* Terms of payment and delinquent bills.

- 1 a. Water and/or ~~sewer~~wastewater services shall be
2 authorized only by the owner of the property which said
3 water and/or ~~sewer~~wastewater services shall be
4 supplied.
- 5 b. No parcel of property shall be supplied water and/or
6 sewer services unless and until a document evidencing
7 that the owner of the parcel is responsible for any and
8 all water and/or ~~sewer~~wastewater charges is on file
9 with the utility department of the City of Margate.
10 Further, a deposit required pursuant to this code, must
11 be placed with the utility department of the City of
12 Margate in the name of the owner of the parcel of
13 property.
- 14 c. Bills are due when rendered, and if not paid within
15 twenty (20) days thereafter, become delinquent, and
16 water/~~sewer~~wastewater service may then, after five (5)
17 days' written notice, be discontinued. Services shall
18 not be discontinued for any rental property unless
19 notice of said discontinuation is sent at least five
20 (5) days prior to same, to both the landlord and to the
21 rental property itself. Service will be resumed only
22 upon payment of all past-due bills and penalties,
23 together with a reconnect charge as listed in the

1 Schedule of Fees and Charges approved by Resolution of
2 the City Commission~~section 39-71~~, when performed during
3 regular working hours. After regular working hours, the
4 reconnection charge will be as listed in ~~section 39-~~
5 ~~71~~the Schedule of Fees and Charges approved by
6 Resolution of the City Commission. There shall be no
7 liability of any kind against the Ceity by reason of
8 discontinuance of water/~~sewer~~wastewater service to the
9 customer for failure of the customer to pay the bills
10 on time. Non-receipt of bills by the customer shall not
11 release or diminish the obligation of the customer with
12 respect to payment thereof, unless bills have been
13 returned back to the Ceity for incorrect address.

14 (17) *Payment of water and ~~sewer~~wastewater service bills*
15 *concurrently.* When both water and ~~sewer~~wastewater service
16 are provided by the ~~eity~~, payment of any water service bill
17 rendered by the Ceity to a water service customer shall not
18 be accepted by the Ceity without the simultaneous or
19 concurrent payment of any ~~sewer~~wastewater service bill
20 rendered by the Ceity, if the charges for water service are
21 not so paid, the Ceity may discontinue both ~~sewer~~wastewater
22 service and water service to the customer's premises for
23 nonpayment of the water service charges or if the charges

1 for ~~sewer~~wastewater service are not so paid, the Ceity may
2 discontinue both water service and ~~sewer~~wastewater service
3 to the customer's premises for nonpayment of the
4 ~~sewer~~wastewater service charge. The Ceity shall not re-
5 establish or reconnect ~~sewer~~wastewater service and water
6 service or either of such services until such times as all
7 sewer service charges and water service charges and all
8 other expenses or charges established or provided for by
9 these rules and regulations are paid.

10 (18) *Temporary discontinuance of service.* At any time that
11 water/~~sewer~~wastewater service is not being furnished to the
12 premises, the service availability charge will be applicable
13 during the period of discontinued service.

14 (19) *Tax clause.* Rates and/or charges may be increased or a
15 surcharge added in the amount of the applicable
16 proportionate part of any taxes and assessments imposed by
17 any governmental authority in excess of those in effect
18 after the approval of this rule which are assessed on the
19 basis of meters or customers or the price of or revenues
20 from water sold.

21 (20) *Change of occupancy.* When change of occupancy takes place on
22 any premises supplied by the Ceity with
23 water/~~sewer~~wastewater service, written notice thereof shall

1 be given at the office of the Ceity not less than three (3)
2 days prior to the date of change by the outgoing customer,
3 who will be held responsible for all water/~~sewer~~wastewater
4 service used on such premises until such written notice is
5 so received and the Ceity has had reasonable time to
6 discontinue water/~~sewer~~wastewater service. However, if such
7 written notice has not been received, the application of a
8 succeeding occupant for water/~~sewer~~wastewater service will
9 automatically terminate the prior account.

10 (21) *Unauthorized connections, water/~~sewer~~wastewater.* Connections
11 to the city's water/~~sewer~~wastewater system for any purpose
12 whatsoever are to be made only by employees of the Ceity.
13 Unauthorized connections render the service subject to
14 immediate discontinuance without notice and
15 water/~~sewer~~wastewater service will not be restored until
16 such unauthorized connections have been removed and unless
17 settlement is made in full for all water/~~sewer~~wastewater
18 service estimated by the Ceity to have been used by reason
19 of such authorized connection.

20 (22) *Meters.* All water/~~sewer~~wastewater meters shall be furnished
21 by and remain the property of the Ceity and shall be
22 accessible and subject to its control. The customer shall
23 provide meter space to the Ceity at a suitable and readily

1 accessible location and when the Ceity considers it
2 advisable, within the premises to be served, adequate and
3 proper space for the installation of meters and other
4 similar devices.

5 (23) *All water/~~sewer~~wastewater through meter.* That portion of the
6 customer's installation for water/~~sewer~~wastewater service
7 shall be so arranged that all water/~~sewer~~wastewater shall
8 pass through the meter. No temporary pipes, nipples, or
9 spaces are permitted and under no circumstances are
10 connections allowed which may permit water to bypass the
11 meter or metering equipment.

12 (24) *Adjustment of bills.* When a customer has been overcharged or
13 undercharged as a result of incorrect application of the
14 rate schedules, incorrect reading of the meter, incorrect
15 connection of the meter, or other similar reasons, the
16 amount may be credited or billed to the customer as the case
17 may be.

18 (25) *Customer deposit.* Before rendering service, the Ceity will
19 require a deposit or guarantee satisfactory to the Ceity to
20 secure the payment of bills; and the Ceity shall give the
21 customers a non-negotiable and nontransferable deposit
22 receipt. The amount of a deposit shall be as ~~per~~ provided in
23 the Schedule of Fees and Charges as approved by Resolution

1 of the City Commission Ordinance No. 82-20 [section 39-71(C)
2 of this Code].

3 If customer's water/~~sewer~~wastewater service is disconnected
4 for nonpayment twice within a six-month period, that customer may
5 be required to maintain a deposit double the current deposit
6 amount at the discretion of the administration.

7 Upon final settlement of customer's account, any unused
8 balance of the deposit will be refunded. Refund is contingent
9 upon surrender to the Ceity of the applicable deposit receipt or,
10 when the receipt cannot be produced, upon adequate
11 identification. The additional deposit may be refunded, at the
12 customer's request if the customer's water/~~sewer~~wastewater
13 service is not disconnected for nonpayment for a one-year period
14 following the collection of the additional deposit. Upon final
15 settlement of customer's account, the Ceity shall refund the net
16 amount thereof after deducting such funds that may be due the
17 city.

18 (26) *Request for meter test by customer.* Should any customer
19 request a bench test of his water/~~sewer~~wastewater meter, the
20 Ceity will require a deposit to defray cost of testing; such
21 deposit not to exceed the ~~following~~ schedule of fees as
22 provided for by the Schedule of Fees and Charges approved by
23 Resolution of the City Commission.÷

Meter Size	Fee
5/8 inch by 3/4 inch and 1 inch:	As listed in section 39-71
1&half inches and 2 inches:	As listed in section 39-71
Above 2 inches:	Negotiated

If the meter is found to register in excess of the accuracy limits prescribed by this tariff, the deposit will be refunded; but if below such accuracy limit, the deposit will be retained by the Ceity as a service charge for conducting the test.

(27) *Adjustment of bills for meter error.* In meter tests made by the city, the accuracy of registration of the meter and its performance in service shall be judged by its average error. The average meter error shall be considered to be the average of the errors at the test rate flows.

Fast meters. Whenever a meter tested is found to register fast in excess of the tolerance provided in the meter accuracy requirements provision herein, the utility shall refund to the customer the amount billed in error for one-half the period since the last test, said one-half period not to exceed six (6) months except that if it can be shown that error was due to come cause, the date of which can be fixed, the overcharge shall be computed back to but not beyond such date. The refund shall not include any part of any minimum charge.

Meter accuracy requirements. All meters used for measuring quantity of water delivered to a customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure. Before being installed for the use of any customer, every water/~~sewer~~wastewater meter, whether new, repaired, or removed from service for any cause, shall be adjusted to register within the accuracy limits set forth in the following table:

Accuracy Limits in Per cent <u>Percent</u>				
Meter Type	Maximum Rate	Intermediate Rate	New	Repaired
Displacement	98.5–101.5	98.5–101.5	95–101.5	90–101.5
Current	97–103	97–103	95–103	90–103
Compound ¹	97–103	97–103	95–103	90–103

¹ The minimum required accuracy for compound meters at any rate within the "changeover" range of flows shall be eighty-five (85) per cent.

(28) *City's right to inspect.* The Ceity shall have the right to inspect all property within the service area at reasonable times and with reasonable notice to determine if the provisions of these rules and regulations are being complied with. The Ceity's right shall be no greater than is

1 necessary to accomplish the purposes of compliance with
2 these regulations.

3 (29) *Service calls.* Service calls shall be defined as any request
4 for investigation or maintenance whereby the cause for same
5 is a known or unknown malfunction.

6 ~~There is no charge for all service calls that are determined~~
7 ~~that the cause of the service call was the responsibility of the~~
8 ~~utility department or the equipment of the Ccity.~~

9
10 **SECTION 2:** That the Code of Ordinances of the City of
11 Margate, Florida, Chapter 39, Water and Sewers, Department
12 of Environmental and Engineering Services, Section 39-71.
13 Rates established, shall be amended to read as follows:

14 **Sec. 39-71. - Rates established.**

15 (a) [*Rates established.*] The rates established by resolution of
16 the City Commission herein are for the single-family,
17 multifamily and nonresidential/commercial water and
18 wastewater services provided by the Department of
19 Eenvironmental and Engineering Services for users inside
20 and outside municipal boundaries.

21 (b) [*Applicability.*] The rates ~~listed below~~ are applicable to
22 all users connected to the system.

~~(c) [Inside municipal boundaries.] Water and wastewater rates inside Margate municipal boundaries are hereby established as follows:~~

~~WATER SYSTEM USER RATES INSIDE MARGATE MUNICIPAL BOUNDARIES~~

		Rates Effective October 1, 2015
Single-Family		
Service availability charge, per unit		\$11.40
Consumption charge (per 1,000 gallons)		
0-6,000		3.41
6,001-15,000		4.26
15,001-25,000		5.12
Over 25,000		5.96
Multifamily		
Service availability charge, per unit		8.53
Consumption charge (per 1,000 gallons/unit)		
0-6,000		3.41
6,001-15,000		4.26
15,001-25,000		5.12
Over 25,000		5.96
Nonresidential/Commercial		
Service availability charge		

Meter size (in inches)	
5/8"	11.40
3/4" and 1"	43.76
1 1/4" and 1 1/2"	62.07
1 3/4" and 2"	147.51
3"	366.24
4"	559.54
6"	742.67
8"	915.33
10"	1,423.84
Consumption charge (per 1,000 gallons)	
All gallons	4.26

WASTEWATER SYSTEM USER RATES INSIDE MARGATE MUNICIPAL
BOUNDARIES

	Rates Effective October 1, 2015
Single-Family	
Service availability charge, per unit	\$28.94
Multi-family	
Service availability charge, per unit	23.14
Nonresidential/Commercial	

Service availability charge	
Meter size (in inches)	
5/8"	22.29
3/4" and 1"	32.40
1 1/4" and 1 1/2"	60.78
1 3/4" and 2"	196.79
3"	457.25
4"	761.10
6"	1,478.80
8"	2,170.47
10"	2,821.61
Consumption charge (per 1,000 gallons)	
All gallons	5.26

(~~cd~~) [Outside municipal boundaries.] Water and wastewater rates outside of Margate municipal boundaries are subject to a 25% outside-municipality surcharge as allowed per Florida Statute 180.191. ~~hereby established as follows:~~

~~WATER SYSTEM USER RATES OUTSIDE MARGATE MUNICIPAL BOUNDARIES~~

	Rates Effective October 1, 2015
Single-Family	

Service availability charge, per unit	\$14.25
Consumption charge (per 1,000 gallons)	
0-6,000	4.26
6,001-15,000	5.32
15,001-25,000	6.41
Over 25,000	7.45
Multifamily	
Service availability charge, per unit	10.67
Consumption charge (per 1,000 gallons/unit)	
0-6,000	4.26
6,001-15,000	5.32
15,001-25,000	6.41
Over 25,000	7.45
Nonresidential/Commercial	
Service availability charge	
Meter size (in inches)	
5/8"	14.25
3/4" and 1"	54.70
1 1/4" and 1 1/2"	77.58
1 3/4" and 2"	184.40
3"	457.81
4"	699.43

6"	928.34
8"	1,144.17
10"	1,779.80
Consumption charge (per 1,000 gallons)	
All gallons	5.32

~~WASTEWATER SYSTEM USER RATES OUTSIDE MARGATE MUNICIPAL~~
~~BOUNDARIES~~

	Rates Effective October 1, 2015
Single-Family	
Service availability charge, per unit	\$36.18
Multifamily	
Service availability charge, per unit	28.93
Nonresidential/Commercial	
Service availability charge	
Meter size (in inches)	
5/8"	27.87
3/4" and 1"	40.51
1 1/4" and 1 1/2"	75.98
1 3/4" and 2"	246.00
3"	571.57

4"	951.38
6"	1,848.50
8"	2,713.08
10"	3,527.01
Consumption charge (per 1,000 gallons)	
All gallons	6.58

~~On October 1, 2016, and each October 1 thereafter through fiscal year 2021, the rates established above in subsections 39-71(c) and (d) shall be adjusted by an amount that is equal to the percentage change in the Consumer Price Index (CPI), as published by the U.S. Department of Labor, Bureau of Labor Statistics, or its successor agency for all urban consumers in the Miami-Fort Lauderdale area, during the most recent twelve (12) consecutive month period from June of the previous year. The rate adjustment shall be subject to a cap not to exceed five (5) per cent for any year and a floor of not less than one (1) per cent.~~

(e) *[Flow meters.]* Where a customer believes that significant recycling of water through water-cooled air conditioning and like improvements will substantially diminish the amount of water being discharged into sanitary ~~sewers~~wastewaters, then said customer may make application to the department of

1 environmental and engineering services and may pay for the
2 cost and installation of a flow meter to measure the
3 recycling of water provided. Monthly water recycling shall
4 be deducted from the charges as provided for in subparagraph
5 (a) after payment of the service availability charge and
6 capacity reservation charge.

7 (1) All meters measuring recycled water shall be accessible
8 to the Ceity so that employees of the Department of
9 Environmental and Engineering Services may read
10 same.

11 (2) There shall be periodic inspections to determine that
12 recycled water is being utilized for the use intended.

13 (3) A sample calculation shall be as follows:

14 Credit to be calculated by multiplying the number of gallons
15 which registers on the flow meter connected to the air
16 conditioning cooling water tower by applicable
17 wastewater rate per thousand (1,000) gallons. This
18 amount would then be subtracted from the sewer portion
19 of the monthly utility billing.

20 (f) [*Deposits.*] The water and sewer utility deposits provided by
21 customers for new accounts may be returned to say customers
22 based upon the following:

(1) The customer's account has not been shut off due to nonpayment of account for a period of one (1) year (any time considered shall be from the date the deposit was received by the City ~~and after April 1, 1981~~).

(2) The customer shall submit a request in writing to the City of Margate for return of said deposit.

(3) Notwithstanding the above, should the administration of the Ccity determine that a customer's account has not demonstrated that same has been paid in a consistent, timely manner based upon previous records, or that there is a likelihood that security is necessary to ensure the prompt payment of water and wastewater~~sewer~~ charges, then that customer shall not be entitled to a refund of his deposit.

All new accounts (or account where deposits have been returned but customers had water and wastewater~~sewer~~ service subsequently disconnected for nonpayment of bills) shall be required to pay the following deposits and fees as provided in the Schedule of Fees and Charges Resolution as adopted by the City Commission:

	Fees
Residential Class	
5/8" Meter	\$105.00

1" Meter	\$170.00
1½" Meter	\$210.00
2" Meter	\$495.00
Multifamily Class	
All Meter Sizes (Per Unit)	\$85.00
Commercial Class	
¾" Meter	\$135.00
1" Meter	\$495.00
1½" Meter	\$830.00
2" Meter	\$1,685.00
Over 2" shall be by agreement	

(g) *[Late, nonpayments.]* The following provision shall apply to late and nonpayment policy:

(1) There shall be a non-payment bill fee, as provided for in the Schedule of Fees and Charges approved by Resolution of the City Commission, ~~of forty dollars (\$40.00)~~ for discontinuance or resumption of water/wastewater services whether or not service is physically turned off.

~~(h) Fire hydrant charge. A fire hydrant charge of three dollars thirty-five cents (\$3.35) per account per year shall be~~

~~applicable to each single family, multiple unit and commercial account throughout the service area.~~

(h~~±~~) *Schedule of meter fees.* The following ~~schedule of meter fees~~ shall be as provided for by the Schedule of Fees and Charges approved by Resolution of the City Commission and shall be applicable to all classifications of customers at initial commencement of service at any location~~.~~:

Meter Size (inches)	Fee
5/8" meter	\$190.00
1" meter	\$240.00
1 1/2" meter	\$490.00
2" meter	\$580.00
All over 2" shall be by agreement	

~~(j) Miscellaneous charges.~~

~~(1) Turn on and turn off meter for convenience of customer, during regular working hours \$10.00~~

~~(2) Service calls, other than turn on or turn offs for convenience of customers during regular working hours \$15.00~~

~~(3) Application for service, new customer, during regular working hours \$15.00~~

~~(4) Turn on meter, other than during regular working
hours50.00~~

~~(5) Turn on and reset meter, when meter has been removed
due to tampering, only done during regular working
hours50.00~~

~~(6) Adjust meter box, raising or lowering at request of
customer due to the customer's changing the grade of his
yard50.00~~

~~(7) Meter bench test at customer's request, if meter proves
faultyn/e~~

~~If meter proves accurate:~~

~~$\frac{5}{8}$ by $\frac{3}{4}$ inch and 1-inch meter30.00~~

~~1 $\frac{1}{2}$ inch to 2-inch meter50.00~~

~~Above 2 inches: By agreement~~

~~(8) No meter-Jumper190.00~~

~~(9) To restore service after service line has been removed
because of nonpayment and/or because of jumper60.00~~

~~(10) Unauthorized transfer of meter by developer40.00~~

~~(11) Fine line charge per year; except single-family
dwellings previously occupied as a community residential
home, as defined in F.S. Ch. 419:~~

1 ~~4-inch line~~370.00

2 ~~6-inch line~~860.00

3 ~~8-inch line~~1,475.00

4 ~~(12) — Lock charge~~20.00

5 ~~(13) — Returned checks issued to the city (for any reason,~~
6 ~~including water and sewer payments) to be charged in~~
7 ~~accordance with that provided by Florida Statute.~~

8 ~~(14) — Sewer plug, if customer is on sewer only~~130.00

9 ~~..... or actual cost,~~

10 ~~..... whichever is greater~~

11 ~~(15) — Call-back of meter installation if developer's lines~~
12 ~~are not correctly installed, per trip~~30.00

13 ~~(16) — Cost and billing for labor and replacement shall be the~~
14 ~~current actual time and material, plus six (6) per cent~~
15 ~~administrative fee.~~

16
17 **SECTION 4:** That Chapter 39, "Water and Sewers,
18 Department of Environmental and Engineering Services,"
19 Section 39-72, "Service availability charge mandatory; water
20 shutoff not separation from system; procedure for excuse
21 from service availability charge; reconnection to system,"
22 of the Code of Ordinances of the City of Margate, Florida,

shall be amended to read as follows:

Sec. 39-72. - Service availability charge mandatory; water shutoff not separation from system; procedure for excuse from service availability charge; reconnection to system.

(A) From and after the effective date of this section, any individual commercial use or unit, whether it be a part of a common structure or apart from same, which has facilities for water and/or sewer shall be required to have a metered connection to the water/~~sewer~~wastewater system of the Ceity and pay respective service availability charges.

(1) Multiuse and multitenant structures may utilize a master meter, subject to the following conditions:

(a) Service availability charges for any structure utilizing a master meter shall be calculated based upon each individual use or unit as if said use or unit were separately metered pursuant to the paragraph above.

(b) Any master meter that is two (2) inches in diameter or greater shall be a compound meter. If an existing meter is not a compound meter, then the existing meter shall be replaced with a compound meter at the expense of the property owner.

1 (c) Any structure or use utilizing a master meter shall
2 have the water usage evaluated on an annual basis. If
3 it is found that water usage has increased beyond the
4 reserved or previously purchased equivalent residential
5 connections (ERCs) then the property owner shall pay
6 additional impact fees for the difference of ERCs
7 required for the structure or use.

8 (B) Water and sewer availability charges shall be paid
9 regardless of water consumption for any particular month. It
10 is expressly established herein that water shut off or
11 disconnection from the Ccity water and sewer facility shall
12 not constitute separation from the system, excusing payment
13 of the water and sewer availability charges except as
14 provided in subsection (C).

15 (C) In order for a structure or parts of a structure which have
16 facilities for water and sewer service to be disconnected
17 and excused from payment of water and sewer availability
18 charges, the owner of said structure or parts of structure
19 must do the following:

- 20 (1) Remove all internal facilities which allow for the use
21 of water and/or sewer service, including all sinks,
22 toilets, tubs, spigots, etc.
- 23 (2) Request that the water meter(s) involved be removed.

1 (3) Notify both the Ceity ~~B~~uilding ~~Deartment and the
2 ~~D~~eartment of Eenvironmental and Engineering
3 Services (DEES) that all water and ~~sewer~~wastewater
4 facilities have been removed and that service
5 availability charge should be terminated as to the
6 subject as to the subject structure or part of
7 structure.~~

8 (D) Should water and sewer service be requested to a structure
9 subsequent to disconnection as provided for in subsection
10 (C) above, there shall be paid by the individual requesting
11 reestablishment of service a charge as provided for in the
12 Schedule of Fees and Charges approved by Resolution of the
13 City Commission ~~of three hundred dollars (\$300.00).~~

14 (E) Should a user which is a trailer park wish to disconnect
15 service so as to be excused from the payment of water and
16 sewer availability charges, said trailer park must comply
17 with paragraphs (C) (1) through (3) above and also make such
18 alterations which, in the opinion of the ~~D~~eartment of
19 Eenvironmental and Engineering Services, would permanently
20 decrease their capacity to use water and sewer from the
21 Ceity.
22

23 SECTION 5: That Chapter 39, "Water and Sewers,

1 Department of Environmental and Engineering Services,"
2 Section 39-73, "Connection charges," of the Code of
3 Ordinances of the City of Margate, Florida, shall be amended
4 to read as follows:

5 **Sec. 39-73. Connection charges**

- 6 (a) There shall be paid by all users (a user shall be defined as
7 an owner, builder, occupant, tenant, or other prospective
8 consumer of water and ~~waste water~~wastewater service)
9 connecting into the water and/or ~~waste water~~wastewater
10 system, at the time application is made for a building
11 permit, water and ~~waste water~~wastewater connection charges
12 as as provided for in the Schedule of Fees and Charges
13 approved by Resolution of the City Commission ~~listed in~~
14 ~~Tables 1, 2, and 3~~ to defray costs relating to construction
15 of production, certain transmission, storage, pumping, and
16 treatment facilities for water supply service, and ~~waste~~
17 ~~water~~wastewater collection, conveyance, pumping, treatment,
18 and disposal facilities; provided, however, that the Ceity
19 may require and accept the prepayment of connection charges
20 whenever it shall determine that such prepayments are
21 required in the funding of all or part of the capital costs
22 of new utility facilities.

- (b) All connection charges shall be paid by the user on the basis of the number of equivalent residential connections (ERC's) proposed to be connected into the water or ~~waste~~ waterwastewater system. An ERC equates all classes of utility users to a common denominator (i.e., a detached single-family residential unit has a value of 1.0 ERC). All other types and classes of users shall be equated to this value as listed in the Schedule of Fees and Charges approved by Resolution of the City Commission ~~Tables 1, 2, and 3.~~
- (c) Either upon initial connection to the system, or upon each change of type or expansion of occupancy, or type of use, or nature of business, all nonresidential users, including commercial and industrial users and public facilities, shall have their ERC value redetermined based on the actual measured and recorded water consumption. The actual use shall be determined after said change occurs or after initial connection to the system and when the facility reaches the degree of occupancy, activity, or use that allows for the accurate measurement of maximum expected water consumption (as determined by the city). The actual measured water consumption shall be used as the basis for redetermining the ERC value as follows: The maximum monthly flow for a previous one-year period (converted to a daily

1 flow value in gallons per day) shall be divided by three
2 hundred thirty-five (335) gallons per day per ERC to derive
3 the redetermined ERC value, which shall be calculated to the
4 nearest one-hundredth (0.01) ERC. Payment of any additional
5 water and/or wastewater connection charge, based upon the
6 redetermined ERC value, shall be due and payable by the user
7 within thirty (30) days after written notice of the
8 redetermined ERC value and additional connection charge is
9 received by the user or owner of said establishment.

10 (d) Upon each change of type or expansion of occupancy, or type
11 of use, or nature of business, the owner of said
12 establishment and the owner of the building or land upon
13 which said establishment or business is situated, shall
14 notify the department of environmental and engineering
15 services of said change or new use or business.

16 Upon notification of the above, a redetermination will be made
17 by the Department of Environment and Engineering Services at
18 the earliest practicable time to ascertain the potential
19 incremental increase in water and/or wastewater flow resulting
20 from the change of type or expansion of occupancy, or type of
21 use, or nature of business. An additional water and/or wastewater
22 connection charge conforming to the connection charges provided
23 for in the Schedule of Fees and Charges, approved by Resolution

1 of the City Commission, listed in Tables 1, 2, and 3 shall be
2 imposed, if applicable. The charge shall extend only to the
3 additional usage of the water and wastewater system engendered by
4 the above-described changes. Payment of any additional water and
5 wastewater connection charge, based upon the redetermined ERC
6 value, shall be due and payable by the user or owner within
7 thirty (30) days after written notice of the redetermined ERC
8 value and additional connection charge is received by the user or
9 owner of said establishment.

10 (e) The new connection charges set forth under paragraph (a)
11 shall become effective on the effective date of this section
12 and said initial connection charges under paragraph (a)
13 shall apply to: All users issued a building permit after the
14 effective date of this section; and all users issued a
15 building permit prior to the effective date of this section
16 and who have not connected to the system or become a
17 customer within one hundred eighty (180) days after the
18 effective date of this section.

19 Paragraphs (b), (c) and (d) shall apply to all users,
20 irrespective of the date on which they have connected to the
21 utility system of the City of Margate.

22 (f) All monies received by the Ceity from water and ~~waste~~
23 ~~water~~wastewater connection charges, plus interest, if any,

1 shall be deposited in a utility capital improvement account
2 and monies shall be expended from that account only for the
3 purposes of:

4 (1) Extending, oversizing, or constructing new additions
5 to:

6 a. Water supply facilities;

7 b. Water and ~~waste water~~wastewater treatment plants;

8 c. ~~waste water~~Wastewater collection systems;

9 d. Water distribution systems;

10 e. Water and ~~waste water~~wastewater pumping systems and
11 storage facilities;

12 f. ~~waste water~~Wastewater disposal facilities;

13 g. Water and ~~waste water~~wastewater sludge handling and
14 disposal facilities.

15 h. Alternative water supply facilities and wastewater
16 reuse facilities.

17 i. Any portion of debt service associated with debt issued
18 to finance improvements listed above.

19 (2) Engineering, legal, and administrative expenses
20 incurred in conducting the aforementioned projects and
21 in establishing and administering the new connection
22 charge program.

23 (g) Failure to comply with this Section shall be enforced:

- (1) Pursuant to Section 1-8 of the City Code;
- (2) By termination of water and/or ~~waste water~~wastewater;
- or
- (3) By both (1) and (2).

~~Table 1~~

~~WATER CONNECTION CHARGE SCHEDULE~~

Water Service Category	Connection Charge	ERC Value Per Unit
Single-family residence:		
—(One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each residence)	\$1,790.00 (each residence)	1.0
Single-family residence:		
—(One $\frac{3}{4}$" meter for each residence)	\$2,685.00 (each residence)	1.5
Duplexes:		
—(One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each residential unit)	\$1,790.00 (each unit)	1.0
Triplexes:		
—(One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each residential unit)	\$1,790.00 (each unit)	1.0

Townhouse:		
— (One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each residential unit in each building)	\$1,790.00 (each unit)	1.0
Mobile home residence:		
— (One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each mobile home pad)	\$1,790.00 (each mobile home pad)	1.0
Mobile home residence:		
— (One meter to serve more than one residential unit, meter size to be determined by city department of environmental and engineering services)	\$961.23 (each mobile home pad)	0.537
Multifamily residence:		
— (One meter to serve more than one residential unit (apartments and condominiums))	\$961.23 (each residential unit)	0.537
Commercial/industrial/public facilities:	See Table 3	See Table 3
Sprinkler meters:		
— $\frac{5}{8}$-inch meter		—2
— 1-inch meter		—6

1½-inch meter		9
2-inch meter		15
Larger than 2-inch meter	By individual negotiation with the administration.	

~~Water and Wastewater = \$1,790.00 + \$1,920.00 = \$3,710.00~~

~~Table 2~~

~~WASTE WATER CONNECTION CHARGE SCHEDULE~~

Waste Water Service Category	Connection Charge	ERC Value Per Unit
Single-family residence:		
— (One ½" × ¾" meter for each residence)	\$1,920.00 (each residence)	1.0
Single-family residence:		
— (One ¾" meter for each residence)	\$2,880.00 (each residence)	1.5
Duplexes:		
— (One ½" × ¾" meter for each residential unit)	\$1,920.00 (each unit)	1.0

Triplexes:		
— (One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each residential unit)	\$1,920.00 (each unit)	1.0
Townhouse:		
— (One $\frac{5}{7}$" $\times$ $\frac{3}{4}$" meter for each residential unit in each building)	\$1,920.00 (each unit)	1.0
Mobile home residence:		
— (One $\frac{5}{8}$" $\times$ $\frac{3}{4}$" meter for each mobile home pad)	\$1,920.00 (each mobile home pad)	1.0
Mobile home residence:		
— (One meter to serve more than one residential unit, meter size to be determined by city department of environmental and engineering services)	\$1,267.20 (each mobile home pad)	0.66
Multifamily residence:		
— (One meter to serve more than one residential unit (apartments and condominiums)	\$1,267.20 (each residential unit)	0.66
Commercial/industrial/public facilities	See Table 3	See Table

Table 3

~~COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITIES~~~~FLOW ESTIMATES AND CONNECTION CHARGES~~~~Average Water Consumption and Waste Water Flow Estimates~~~~Type of Use or Establishment (gpd-gallons per day)~~~~(1) Assembly halls, auditoriums, and movie theaters:~~~~(a) Without food service, gpd/seat3~~~~(b) With food service, gpd/seat5~~~~(2) Barber shops, gpd/chair55~~~~(3) Beauty shops, gpd/station270~~~~(4) Bowling alleys:~~~~(a) Without food service, gpd/sq. ft.0.24~~~~(b) With food service, gpd/sq. ft.0.29~~~~(5) Car washes:~~~~(a) Customer stall type, gpd/sq. ft.1.5~~~~(b) Automatic and drive through, gpd/sq. ft.4.8~~~~(6) Houses of worship:~~~~(a) Without kitchen facilities, gpd/seat3.0~~~~(b) With kitchen facilities, gpd/seat5.0~~

~~(7) Clubs:~~

~~(a) Country or golf, gpd/member65~~

~~(b) Swimming or pool, gpd/member15~~

~~(c) Lodges and fraternal organizations, gpd/member10~~

~~(8) Cocktail lounges, gpd/seat10~~

~~(9) Department stores, gpd/sq. ft.0.22~~

~~(10) Detention centers and jails, gpd/beds100~~

~~(11) Dance halls:~~

~~(a) Without food service, gpd/sq. ft.0.24~~

~~(b) With food service, gpd/sq. ft.0.29~~

~~(12) Factories and industrial facilities:~~

~~(a) Without showers and without industrial wastes,
gpd/employee/shift25~~

~~(b) With showers and no industrial wastes,
gpd/employee/shift35~~

~~(c) Industrial flows to be computed and added to (a) or (b)
above.~~

~~(13) Hospitals, gpd/bed350~~

~~(14) Hotels/motels:~~

~~(a) Without food service and/or meeting facilities,
gpd/room250~~

- ~~(b) With food service and/or meeting facilities,~~
~~gpd/room350~~
- ~~(15) Institutions (resident), gpd/person100~~
- ~~(16) Commercial laundries, gpd/sq. ft.0.25~~
- ~~(17) Laundromats, gpd/sq. ft.2.2~~
- ~~(18) Light industrial use with no industrial wastes,~~
~~gpd/employee15~~
- ~~(19) Nursing, rest, and boarding homes, gpd/bed135~~
- ~~(20) Office buildings:~~
- ~~(a) General offices, gpd/sq. ft.0.24~~
- ~~(b) Medical offices, gpd/sq. ft.0.60~~
- ~~(21) Restaurants:~~
- ~~(a) Conventional, gpd/seat30~~
- ~~(b) Conventional, 24-hour, gpd/seat40~~
- ~~(c) Fast food, gpd/seat40~~
- ~~(22) Service, filling, or gas stations, gpd/sq. ft. of~~
~~enclosed space0.30~~
- ~~(23) Schools:~~
- ~~(a) Nursery, kindergarten, elementary, and junior high,~~
~~gpd/student15~~
- ~~(b) Senior high, gpd/student25~~

~~(c) Boarding schools, gpd/student75~~

~~(24) Stadiums, frontons, ballparks, gpd/seat3~~

~~(24.1) Sprinkler meters:~~

~~5/8-inch meter2 (ERC value)~~

~~1-inch meter6 (ERC value)~~

~~1½-inch meter9 (ERC value)~~

~~Larger than 2-inch meter By~~

~~individual negotiation with the administration.~~

~~(25) Supermarkets and grocery stores, gpd/sq. ft. of total~~
~~roof area0.15~~

~~(26) Tourist campgrounds and recreational parks:~~

~~(a) With central toilet facilities, gpd/space125~~

~~(b) With individual waste water service for each space,~~
~~gpd/space180~~

~~(27) Warehouses:~~

~~(a) Without water closets, gpd/sq. ft.0.15~~

~~(b) With water closetsAdd 200 gpd/water closet~~

~~(28) The following commercial uses or establishments will be~~
~~assigned a minimum of 1.0 ERC per unit in the absence of~~
~~actual water consumption data for similar commercial units:~~

~~(a) Appliance stores;~~

~~(b) Book stores;~~

- ~~(c) Camera and hobby shops;~~
- ~~(d) Card shops;~~
- ~~(e) Gift shops;~~
- ~~(f) Hardware stores;~~
- ~~(g) Jewelry stores;~~
- ~~(h) Paint stores;~~
- ~~(i) Record and tape stores;~~
- ~~(j) Travel agencies; and~~
- ~~(k) Similar retail establishments.~~

~~Notes:~~

~~(a) Each commercial use, unit, or establishment shall have a minimum of 1.0 ERC or 1.0 ERC per water meter, whichever is greater.~~

~~(b) Where an applicant furnishes one year's water consumption records for an equal or similar establishment not conforming to any of the above, these records may be used in determining connection fees. Records furnished must be certified by the water utility serving the establishment and based upon full occupancy. In the event that the applicant's establishment does not conform to any of the above and Florida records from similar establishments cannot be furnished, the applicant's registered engineer shall submit a certified and sealed flow estimate for~~

~~review and possible approval by the director of
environmental and engineering services.~~

~~(c) Matters of interpretation and definition shall rest
with the city administration.~~

~~Sample Calculation:~~

~~Apply the following factors to the above data to obtain the
appropriate connection charge for the intended use:~~

~~Example: Assume a hospital with one hundred (100) beds. Refer
to Item 13 of Table 3 to ascertain flow value. Calculate
all ERC values to the nearest one hundredth (0.01) ERC.~~

~~Total ERC value (100 beds × 350 gpd/bed) divided by (335 gpd/ERC)
= 104.48 ERCs~~

~~Water connection charge: 104.48 ERCs × \$1,790.00 per water ERC
= \$187,019.20~~

~~Sewer connection charge: 104.48 ERCs × \$1,9203,550.00 per
sewer ERC = \$200,601.60~~

~~Total connection charges: 104.48 ERCs × \$37105,545.00/ERC =
\$387,620.80~~

SECTION 6: That Chapter 39, "Water and Sewers, Department
of Environmental and Engineering Services," Section 39-74,

1 "Implementation of water and sewer connection charges," of
2 the Code of Ordinances of the City of Margate, Florida,
3 shall be amended to read as follows:

4 **Sec. 39-74. Implementation of water and ~~sewer~~wastewater**
5 **connection charges.**

6 (a) It shall be the policy of the City of Margate that all water
7 and wastewater~~sewer~~ facilities which are determined by the
8 administration to be needed to serve new and prospective
9 users of the Margate Water and Wastewater~~Sewer~~ Systems shall
10 be constructed at the cost of said new and prospective users
11 of the Margate Water and Wastewater~~Sewer~~ System, except as
12 provided herein.

13 (b) In order to implement the above-described policy of the City
14 of Margate, those portions of the water and wastewater~~sewer~~
15 connection charges as enacted by the Ccity which are
16 necessitated by the cost of new facilities for new and
17 prospective users shall be prepaid by said users in cash at
18 the time that said new users indicate to the Ccity that they
19 desire water and/or ~~waste water~~wastewater plant capacity
20 specifically built and reserved for said users. This
21 Section hereby implements the connection charge prepayment
22 provisions of section 39-73(a) of the City Code.

1 (c) No new water and/or wastewater~~sewer~~ capacity shall be
2 approved unless allocation of water and/or wastewater~~sewer~~
3 capacity has been requested and paid for prior to the City
4 of Margate constructing the same, except as provided herein.

5 (d) Prepayment of connection charges shall be ~~one thousand nine~~
6 ~~hundred twenty dollars (\$1,920.00) per sewer ERC and one~~
7 ~~thousand seven hundred ninety dollars (\$1,790.00) per water~~
8 ~~ERC, for a total prepayment of three thousand seven hundred~~
9 ~~ten dollars (\$3,710.00) per ERC. Such connection charges~~
10 ~~shall be subject to adjustment as provided in the Schedule~~
11 ~~of Fees and Charges approved by Resolution of the City~~
12 ~~Commission~~~~section 39-73.~~

13 (e) The Ceity Ceommission may allocate water and sewer capacity
14 to prospective new users who have not complied with
15 paragraph (c) above but who pay all current appropriate
16 charges including those in paragraph (d) above on the
17 following terms: That any prospective user of water and/or
18 wastewater~~sewer~~ capacity within the Margate Utility Service
19 Area, which is generally the geographic area including the
20 City of Margate, and the portion of the City of County
21 [Coconut] Creek south of Coconut Creek Parkway, all of which
22 comprise the area supplied by the City of Margate with ~~waste~~
23 ~~water~~wastewater and water service, which comes before the

1 Ceity Ceommission of the City of Margate for a variance from
2 the above terms showing the following:

3 (1) That they seek capacity for no more than ten (10)
4 equivalent residential units;

5 (2) That they have never requested a variance to the above
6 terms on any prior occasion; and,

7 (3) That they satisfy the Ceity Ceommission that they were
8 not given the opportunity to participate in the reservation
9 of capacity program before said plant capacity was built,
10 or that hardship not of their own making existed preventing
11 them from availing themselves of said opportunity.

12 (f) Notwithstanding the above, and upon payment of all currently
13 applicable charges (including those contained in paragraph (d)
14 above), the Ceity Ceommission may allocate more than five (5)
15 equivalent residential units to any prospective user where it
16 finds that the approval of the prospective new user serves a
17 community-wide public purpose other than the construction of
18 said project, the generation of tax revenue or the creation of
19 employment within the City of Margate. Such finding of
20 community-wide public purpose by the Ceity Ceommission
21 includes the preservation of the integrity of the City of
22 Margate Utility Service Area which includes the geographic
23 area including the City of Margate and the portion of the City

1 of Coconut Creek south of Coconut Creek Parkway, all of which
2 comprise the area supplied by the City of Margate with ~~waste~~
3 ~~water~~wastewater and water service.

4 (g) The Ceity Commission may allocate water and sewer capacity
5 to a new user who has complied with paragraphs (a), (b), (c),
6 and (d) above and is therefore a part of the prepayment
7 program on the following terms:

8 (1) That the user request a variance before the Ceity
9 Commission of the City of Margate demonstrating the
10 following:

11 a. That the user demonstrate a hardship in that the user
12 is unable to construct a specific development or
13 developments without additional ERCs for water and/or
14 sewer;

15 b. That the user demonstrate that any contemplated
16 development or developments have been considered by the
17 Development Review Committee of the City of Margate for
18 site plan review;

19 c. That the user demonstrate that the user or his
20 predecessor in good faith underestimated its need upon
21 joining the prepaid program;

22 d. That the user demonstrate that it has not requested a
23 prior variance pursuant to this section.

1 (2) The Ceity Ceommission, with input from the
2 administration, shall grant no more than ten (10) ERCs or
3 an additional ten (10) per cent over and above the ERCs
4 that an original participant/purchaser in the prepaid
5 program had previously purchased in said program, whichever
6 is greater, but only upon a finding that the user or its
7 predecessor had, at the time of joining the prepaid
8 program, reasonably anticipated prospective uses for the
9 property which is the subject of the variance. No more than
10 ten (10) ERCs or ten (10) per cent over the original
11 purchase of ERCs shall be granted to any subsequent users
12 and all subsequent users shall take subject to, and
13 limitation of, the previous variances granted to users who
14 are successors to the same original participant/purchaser
15 in the program.

16 There shall be a specific finding by the
17 administration upon the grant of every variance,
18 pursuant to his section, that the number of ERCs
19 granted will not exceed the anticipated treatment
20 capacity of the plant upon peak flow with the variance
21 granted.

1 (3) Any user granted a variance shall pay current
2 connection fees, and all other current charges for any ERCs
3 granted.

4 (4) That the Ceity Ceommission of the City of Margate may
5 refuse to grant any variance and thus allocate additional
6 ERCs, pursuant to this section, when it determines, based
7 upon information supplied to it by the administration, that
8 remaining capacity must be preserved in order to properly
9 provide for those reservations which have been prepaid and
10 no variance has been requested.

11
12 SECTION 7: All ordinances or parts of ordinances in
13 conflict herewith are and the same is hereby repealed to
14 the extent of such conflict.

15 SECTION 8: If any section, sentence, clause, or phrase
16 of this ordinance is held to be invalid or unconstitutional
17 by a court of competent jurisdiction, then said holding
18 shall in no way affect the validity of the remaining
19 portions of this ordinance.

20 SECTION 9: It is the intention of the City Commission
21 that the provisions of this ordinance shall become and be
22 made a part of the City of Margate Code, and that the
23 sections of this ordinance may be renumbered or relettered

1 and the word "ordinance" may be changed to "section",
2 "article" or such other appropriate word or phrase in order
3 to accomplish such intentions.

4 SECTION 10: This ordinance shall become effective
5 immediately upon adoption at its second reading.

6
7 PASSED ON FIRST READING THIS ____ day of ____ 2023.

8 PASSED ON SECOND READING THIS ____ day of ____ 2023.

9 ATTEST:

10
11
12 _____
13 JENNIFER M. JOHNSON
CITY CLERK

MAYOR ANTHONY N. CAGGIANO

14 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

15
16 Arserio _____
17 Ruzzano _____
18 Caggiano _____
19 Schwartz _____
20 Simone _____
21

Arserio _____
Ruzzano _____
Caggiano _____
Schwartz _____
Simone _____