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CITY OF MARGATE, FLORIDA

ORDINANCE NO.____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 39 WATER AND SEWERS, DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES; SECTION 39-70 RULES AND REGULATIONS; PROVIDING FOR POLICIES; PROVIDING FOR REPEAL, SEVERABILITY, AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: That the Code of Ordinances of the City of Margate, Florida, Chapter 39 Water and Sewers, Department of Environmental and Engineering Services, Section 39-70 Rules and Regulations, shall be amended to read as follows:

Sec. 39-70. - Rules and regulations.

(1) Policies:

a. Rules, regulations, or policies not specifically provided for by ordinance may be set by resolution of the City Commission.

¹CODING: Words in struck through text are deletions from existing text, words in underscored text are additions to existing text, and shaded text are changes between First and Second Readings.

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

<u>c.</u> Policy dispute. Any dispute between the city and the customer or prospective customer regarding the meaning or application of any provision of this <u>section tariff</u> shall, upon written request by either party, be resolved by the according to administrative policy approved by the City <u>Manager administration</u> with right of appeal to the <u>Ceity Manager commission</u>.

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

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

(3) Signed application necessary. Water/sewer service is furnished only upon signed application or agreement accepted by the city and the conditions of such application or agreement are binding upon the customer as well as upon the city. A copy of the application or agreement for water/sewer service accepted by the city will be furnished to the applicant on request.

The applicant shall furnish to the city the correct name, street address or lot and block number, at which water/sewer service is to be rendered.

(4) Applications by agents. Applications for water/sewer service requested by firms, partnerships, associations,

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corporations, and others, shall be tendered only by duly authorized parties, when water/sewer service is rendered under agreement or agreements entered into between the city and an agent of the principal, the use of such water/sewer service by the principal shall constitute full and complete ratification by the principal of the agreement or agreements entered into between agent and the city and under which such water/sewer service is rendered.

(5) Withholding service. The city may withhold or discontinue water/sewer service rendered under application made by any member or agent of a household, organization or business unless all prior indebtedness to the city of such household, organization or business for water/sewer service has been settled in full.

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

- (6) Extensions. Extensions will be made to the city's facilities in compliance with the rules/orders/tariff issued by the commission.
- (7) Limitation of use. Water/sewer service purchased from the city shall be used by the customer only for the purpose specified in the application for water/sewer service and the customer shall not sell or otherwise dispose of such water/sewer service supplied by the city. Water/sewer service furnished to the customer shall be directly to the customer rendered through individual meter and may not be remetered by the customer the purpose of selling otherwise disposing water/sewer service to lessees, tenants, or others and under no circumstances shall the customer or customer's agent or any other individual, association or corporation install meters for the purpose of so remetering said water/sewer service, except for the purpose of the allocation of the direct cost of water and sewer service among multiple residential users, and then only pursuant to the city's express approval and only to the extent thereof. Subject to the consent of the city commission and pursuant to the terms of limitation of the applicable remetering agreement, a consumer may remeter the water service provided by the city solely for the purposes of determining the use thereof among the consumer's residential lessees, tenants, or others who shall be lawfully entitled to receive same. In no case shall a customer, except with the written consent of the city, extend his lines across a street, alley, land, court,

property line, avenue, or other way, in order to furnish water/sewer service for adjacent property through one (1) meter, even though such adjacent property be owned by him. In case of such unauthorized extension, remetering, sale or disposition of service, customer's water/sewer service is subject to discontinuance until such unauthorized extension, remetering, sale or disposition is discontinued and full payment is made of bills for water/sewer service, calculated on proper classification and rate schedules and reimbursement in full made to the city. Customer shall be responsible for all extra expenses incurred for clerical work, testing and inspections.

- (a) Rules and regulations for remetering.
- 1. Initial registrations and annual reports are required of all multitenant residential properties engaged in remetering. Annual reports, which are to be submitted to DEES, shall contain a list of addresses and/or units being remetered and a summary of the billing for that year, including any permitted fees charged by the owner. Each initial application for registration shall contain the following information:
- a. Name, address and type of property to be remetered; owner's name, telephone number and tax identification number and/or Social Security number, legal business and trade name, if applicable; names and addresses of any partners, officers, other corporations, entities or trade names through which business is conducted; number of units being remetered; name, address, contact person and telephone number of remeterer, if applicable; and name, address, contact person and telephone number of management company, if applicable.
- b. A copy of the remetering agreement with the city and a copy of any materials requested by and within that agreement.
- c. A copy of sample lease or agreement that states individual unit is or may be submetered.
- d. Date billing is to begin and copy of bill format that meets the requirements of subsection (b).
- e. Copies of plumbing and electrical permits, where applicable.
- f. Specifications, as approved by AWWA standards, of submeters and testing equipment to be used.
- g. Comparison report of owner's regular water service charges from the city and charges billed to the residents

by the owner for the same period of time. This requirement is not necessary during initial registration.

- 2. Only individual dwellings in a multitenant residential property that is served by a meter installed by the city may be submetered, and each submeter shall serve only one (1) unit.
- 3. The owner of any property engaged in remetering shall abide by all provisions set forth in the Margate City Code of Ordinances, as well as any federal, state and local law or administrative rule, and the Florida Building Code, all as may be amended from time to time, the American Water Works Association (AWWA), and all applicable developer's agreement for the property.
- 4. The owner of any remetered property is solely responsible for the costs associated with the remetering of the water meters on the property, including, but not limited to, the cost of the installation of all water submeters and associated plumbing, and shall obtain all required permits prior to the installation of same.
- The owner of any property engaged in remetering shall test and inspect all submeters within the time intervals recommended by the AWWA and in compliance with AWWA standards. In addition, submeters shall be tested for accuracy of the flow rates and test flow quantities in accordance with applicable AWWA standards. No submeter shall be placed into service unless it has been tested by a certified testing facility in compliance with AWWA standards for accuracy, as evidenced by the manufacturer's information or as tested bу the owner, manufacturer's information is available. The owner shall also perform a test of the accuracy of a submeter at any time upon reasonable request by the city.
- 6. The owner of any property engaged in remetering shall distribute information regarding the remetering to all individual users who will receive distributed utility bills. Included in that information will be the name and phone number of the appropriate owner's representative to whom all billing inquiries can be directed.
- 7. Upon reasonable request of an individual user, the owner of any property engaged in remetering shall make the following available for the individual user's inspection:
- a. The direct billing from the city to the owner for the current month and the twelve (12) preceding months.

- b. The calculation for the billing for the current month and the twelve (12) preceding months.
- c. All submeter readings and user billings for the individual unit for the current month and the twelve (12) preceding months.
- d. All submeter test results for the individual unit for the current month and the twelve (12) preceding months.
- (b) Billing for remetering.

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

Sale/rental agreement for submetering. All sale/rental agreements between the owner and the resident shall clearly state that the unit is or may be submetered, that bills for water service will or may be issued on a submetered basis, and that bills shall not include charges for water service for common areas and facilities. The resident shall initial this provision on the sale/lease agreement. Current residents must be notified of the information required in this section ninety (90) days prior to the implementation of the service, unless notice was otherwise provided in the resident's sale/rental agreement.

- 2. Rendering and form of submetered bill.
- a. Bills shall be rendered for the same billing period as that of the city, generally monthly, unless service is rendered for less than that period. Bills shall be rendered as promptly as possible following the reading of the submeters.
- b. The billing rate shall be that used by the city in its billing to the owner for water service.
- c. The owner shall ensure that water service consumption billed to each individual unit is only for each unit's submetered usage.
- d. A separate bill must be issued with the submetered billing information, separate and distinct from any other charges, and shall not be combined with the sale, rental and/or maintenance payment or with any other service provided to the resident.
- e. The bill shall reflect only submetered usage and the applicable taxes. No administrative charges shall be charged as part of remetering bill.

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- [Required information.] The resident's water service submeter bill shall show all of the following information:
- The date and submeter reading of the period for which the bill is rendered.
- The prior and current submeter readings.
- The total gallons of water service being billed.
- The computed rate for gallons being billed.
- The total amount due for water service used and е. applicable taxes.
- The name and address of the resident to whom the bill is issued.
- The name of the company rendering the submetering bill, if applicable, and the address and telephone number of the person from that firm that is to be contacted in case of a billing dispute.
- The date by which the resident must pay the bill.
- The name, address and telephone number of the party to whom payment is to be made.
- j. If it is an estimated bill, the bill shall be distinctly marked as such.
- 4. Owners and remeterers shall not impose any extra charges on the resident over and above the water service charges and including the applicable taxes that are billed by the city to the owner. The bill may not include a deposit, reconnect charge, or additional utility late except as identified in the lease as being considered as and charged as a portion of the rent on the unit.
- 5. Estimated remetering bills. Estimated bills shall not be rendered unless:
- The submeter has been tampered with or bypassed. The estimated billing shall not exceed two (2) periods.
- The submeter is found not to be in conformance with AWWA accuracy standards or has stopped and found not to register for any period. The owner may impose an estimated charge for a period not to exceed one (1) billing period, based on amounts used under similar conditions by the same resident during periods preceding or subsequent thereto, or during the corresponding period in previous years.
- (c) Prohibited practices.

- 1. In no case shall a customer, except with the written consent of the city, extend his lines across a street, alley, land, court, property line, avenue, or other way, in order to furnish water/sewer service for adjacent property through one (1) meter, even though such adjacent property be owned by him.
- 2. It shall be unlawful for any person, firm, corporation or other business entity to engage in remetering in violation of the provisions of this article or to individually bill for water service other than through a remetering agreement with the city.
- 3. No unit may be submetered unless all units are submetered in each building served by a master meter.
- 4. No submeters can be used to avoid water main extensions or payment of appropriate connection charges and other fees due to the city.
- 5. Partial submetering and its billing based on a proration of water service is prohibited.
- 6. It shall be unlawful for owners to make a profit from remetering. Charges passed on to lessees shall not exceed the amount that is billed by the utility company as shown in the master meter(s) for the property.
- 7. It shall be unlawful for any person, firm, corporation or other business entity to place a submeter in use that is not registering in accordance with the AWWA specifications set forth in this article.
- 8. Disconnection of water service by an owner and/or remeterer for delinquent bills is prohibited. Water service may only be disconnected for emergency purposes, such as water service line problems, leakage, flooding or in the event that a dangerous condition exists which is related to the service being provided.
- (d) Denial, suspension and revocation.
- 1. Any unauthorized extension, remetering, sale or disposition of service, my result in the suspension or denial of an owner's water/sewer service, and be subject to discontinuance until such unauthorized extension, remetering, sale or disposition is discontinued and full payment is made of bills for water/sewer service, calculated on proper classification and rate schedules and reimbursement in full made to the city. The owner of any property that is engaged in remetering shall be solely responsible for all extra expenses incurred for clerical work, testing and inspections.

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- 2. The city may deny, suspend, or revoke a registration issued pursuant to the provisions of this article if it is determined by the city that the applicant or registrant has:
- a. Submitted an application that is not filed in accordance with subsection (a), is incomplete or untrue in whole or in part.
- b. Violated any provision of this article.
- c. Misrepresented or concealed a material fact on the application, renewal application or replacement application.
- d. Aided or abetted a person who has not obtained a registration to evade or avoid the provisions of this article.
- e. Engaged in fraudulent conduct in connection with remetering.
- f. Violated any condition, limitation or restriction of a registration imposed by the city.
- g. Was enjoined by a court of competent jurisdiction from engaging in the trade or business of remetering or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article.
- h. Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance or any other lawful order of the city.
- (8) Continuity of service. The city will at all times use reasonable diligence to provide continuous water/sewer service, and having used reasonable diligence, shall not be liable to the customer for failure or interruption of continuous water/sewer service. The city shall not be omission caused directly liable for any act or indirectly by strikes, labor troubles, accidents, litigations, breakdowns, shutdowns for emergency repairs, or adjustments, acts of sabotage, enemies of the United States, wars, United States, state, municipal or other governmental interference, acts of God or other causes beyond its control. When the city knows in advance that service will be interrupted, all customers affected by said interruption or discontinuance shall be given not less than twenty-four (24) hours' notice through public announcement.
- (9) Type and maintenance. The customer's pipes, apparatus and equipment shall be selected, installed, used and

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maintained in accordance with the standard practice, conforming with the rules and regulations of the city, and full compliance with all laws and governmental regulations for the maintenance and operation of the customer's pipes and facilities. The customer expressly agrees not to utilize any appliance or device which is not properly constructed, controlled and projected, or which may adversely affect the water/sewer service; and the city reserves the right to discontinue or withhold water/sewer service to such apparatus or device.

- (10) Change of customer's installation. No changes or increase in customer's installation, which will materially affect the proper operation of the pipes, mains, or stations of the city shall be made without written consent of the city. The customer will be liable for any change to the customer's installation resulting from a violation of this rule.
- (11)Inspection of customer's installation. A 1 1 customer's water/sewer installations or changes shall be inspected upon completion by competent authority to insure that customer's piping, equipment, and devices have been installed in accordance with accepted standard practice such local governmental or other governmental inspection is required by local rules or ordinances, the cannot render water/sewer service inspection has been made and a formal notice of approval from the inspecting authority has been received by the city.

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

The city reserves the right to inspect customer's installation prior to rendering water/sewer service and from time to time thereafter but assumes no responsibility whatsoever for any portion thereof.

(12) Protection of city's property. The customer shall exercise reasonable diligence to protect the city's property on the customer's premises, and shall knowingly permit no one but the city's agents, or persons authorized by law, to have access to the city's pipes and apparatus.

In the event of any loss, or damage to property of the city caused by or arising out of carelessness, neglect or misuse by the customer, the cost of making good such loss or repairing such damage shall be paid by the customer.

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

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

- If, after an owner or lessee being provided utility services fails to give clear access to a utility department employee performing his/her duty, upon reasonable notice by the city, the city shall be authorized to:
- a. Terminate water and sewer services;
- b. In order to accomplish subsection a. above, impound any animal which impedes the city from terminating utility services and transport same to a county animal shelter;
- c. Refuse to resume utility services until such time as the city is paid for reasonable costs of impounding the impeding dog.
- (14) Right-of-way or easements. The customer shall grant or cause to be granted to the city and without cost to the city all rights, easements, permits and privileges which are necessary for the rendering of water/sewer service.
- (15) Billing periods. Bills for water/sewer service will be rendered monthly. Bills are due when rendered and shall be considered as received by customer when delivered or mailed to water/sewer service address or some other place mutually agreed upon.

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

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

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- a. Water and/or sewer services shall be authorized only by the owner of the property which said water and/or sewer services shall be supplied.
- b. No parcel of property shall be supplied water and/or sewer services unless and until a document evidencing that the owner of the parcel is responsible for any and all water and/or sewer charges is on file with the utility department of the City of Margate. Further, a deposit required pursuant to this code, must be placed with the utility department of the City of Margate in the name of the owner of the parcel of property.
- Bills are due when rendered, and if not paid within twenty (20) days thereafter, become delinquent, water/sewer service may then, after five (5) days' written notice, be discontinued. Services shall not discontinued for any rental property unless notice of said discontinuation is sent at least five (5) days prior to same, to both the landlord and to the rental property itself. Service will be resumed only upon payment of all past-due bills and penalties, together with a reconnect charge as listed in section 39-71, when performed during regular working hours. After regular working hours, the reconnection charge will be as listed in section 39-71. There shall be no liability of any kind against the city by reason of discontinuance of water/sewer service to the customer for failure of the customer to pay the bills on time. Non-receipt of bills by the customer shall not release or diminish the obligation of the customer with payment thereof, unless bills have respect to returned back to the city for incorrect address.
- Payment οf water and sewer service concurrently. When both water and sewer service provided by the city, payment of any water service bill rendered by the city to a water service customer shall not be accepted by the city without the simultaneous concurrent payment of any sewer service bill rendered by the city, if the charges for water service are not so paid, the city may discontinue both sewer service and water service to the customer's premises for nonpayment of the water service charges or if the charges for sewer service are not so paid, the city may discontinue both water service and sewer service to the customer's premises for nonpayment of the sewer service charge. The city shall not re-establish or reconnect sewer service and water service or either of such services until such times as all sewer service charges and water service charges and all

other expenses or charges established or provided for by these rules and regulations are paid.

- (18) Temporary discontinuance of service. At any time that water/sewer service is not being furnished to the premises, the service availability charge will be applicable during the period of discontinued service.
- (19) Tax clause. Rates and/or charges may be increased or a surcharge added in the amount of the applicable proportionate part of any taxes and assessments imposed by any governmental authority in excess of those in effect after the approval of this rule which are assessed on the basis of meters or customers or the price of or revenues from water sold.
- (20) Change of occupancy. When change of occupancy takes place on any premises supplied by the city with water/sewer service, written notice thereof shall be given at the office of the city not less than three (3) days prior to the date of change by the outgoing customer, who will be held responsible for all water/sewer service used on such premises until such written notice is so received and the city has had reasonable time to discontinue water/sewer service. However, if such written notice has not been received, the application of a succeeding occupant for water/sewer service will automatically terminate the prior account.

For the convenience of its customers, the city will accept telephone orders to discontinue service and will use all reasonable diligence in the execution thereof. However, oral orders or advice shall not be deemed binding or be considered formal notification to the city and failure to comply with same shall not be cause for liability to the city.

- (21) Unauthorized connections, water/sewer. Connections to the city's water/sewer system for any purpose whatsoever are to be made only by employees of the city. Unauthorized connections render the service subject to immediate discontinuance without notice and water/sewer service will not be restored until such unauthorized connections have been removed and unless settlement is made in full for all water/sewer service estimated by the city to have been used by reason of such authorized connection.
- (22) Meters. All water/sewer meters shall be furnished by and remain the property of the city and shall be accessible and subject to its control. The customer shall

provide meter space to the city at a suitable and readily accessible location and when the city considers it advisable, within the premises to be served, adequate and proper space for the installation of meters and other similar devices.

- (23) All water/sewer through meter. That portion of the customer's installation for water/sewer service shall be so arranged that all water/sewer shall pass through the meter. No temporary pipes, nipples, or spaces are permitted and under no circumstances are connections allowed which may permit water to bypass the meter or metering equipment.
- (24) Adjustment of bills. When a customer has been overcharged or undercharged as a result of incorrect application of the rate schedules, incorrect reading of the meter, incorrect connection of the meter, or other similar reasons, the amount may be credited or billed to the customer as the case may be.
- (25) Customer deposit. Before rendering service, the city will require a deposit or guarantee satisfactory to the city to secure the payment of bills; and the city shall give the customers a non-negotiable and nontransferable deposit receipt. The amount of a deposit shall be as per Ordinance No. 82-20 [section 39-71(C) of this Code].
- If customer's water/sewer service is disconnected for nonpayment twice within a six-month period, that customer may be required to maintain a deposit double the current deposit amount at the discretion of the administration.

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

[Note to Municipal Code: The rest of this section shall remain as codified.]

1	SECTION 2 : All ordinances or parts of ordinances										
2	in conflict herewith are and the same is hereby repealed										
3	to the extent of such conflict.										
4	SECTION 3 : If any section, sentence, clause, or										
5	phrase of this ordinance is held to be invalid or										
6	unconstitutional by a court of competent jurisdiction,										
7	then said holding shall in no way affect the validity of										
8	the remaining portions of this ordinance.										
9	SECTION 4 : It is the intention of the City										
10	Commission that the provisions of this ordinance shall										
11	become and be made a part of the City of Margate Code, and										
12	that the sections of this ordinance may be renumbered or										
13	relettered and the word "ordinance" may be changed to										
14	"section", "article" or such other appropriate word or										
15	phrase in order to accomplish such intentions.										
16	SECTION 5 : This ordinance shall become effective										
17	immediately upon adoption at its second reading.										
18	PASSED ON FIRST READING THIS day of,										
19	2016.										
20	PASSED ON SECOND READING THIS day of,										
21	2016.										
22	ATTEST:										
23 24											
25 26	JOSEPH KAVANAGH MAYOR TOMMY RUZZANO CITY CLERK										

RECORD O	F VOT	<u> </u>	1ST	READING	RECORD	OF	VOTE	_	2ND	READING
Simone Peerman Talerico Bryan					Simone Peerman Talerio Bryan					
Ruzzano					Ruzzano	O				