

PROPOSED ORDINANCE NO. 2021-25

ORDINANCE NO. 1978

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 50 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "WATER AND SEWER REGULATIONS;" PROVIDING FOR COMPREHENSIVE REVISIONS TO THE CITY'S WATER AND SEWER REGULATIONS, AS DETAILED IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN, INCLUDING DEFINITIONS, FEES, PAYMENT REQUIREMENTS AND ENFORCEMENT; PROVIDING THAT ORDINANCE 1964 AMENDING SECTIONS 50.35 AND 50.36 TO BE CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REMAINS IN FULL FORCE AND EFFECT AND UNAFFECTED BY THE CHANGES TO CHAPTER 50 APPROVED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 24, 2019, the City entered into a contractual agreement with Tyler Technologies, Inc. (Tyler-Munis) for the purchase of Software as a Service for the new City Enterprise Resource Planning or "ERP", which will bring many changes to the various City processes relating to the customer service, fees and charges; and,

WHEREAS, in order to accommodate this new ERP software, and to update business practices related to utilities services as recommended by City staff, several changes are required to Chapter 50, entitled Water and Sewer Regulations of the City's Code of Ordinances, of the City's Code of Ordinance, as set forth in the attached Exhibit "A"; and,

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WHEREAS, the City Commission finds that the revisions to Ch. 50 of the City's Code of Ordinances, as detailed in Exhibit "A," attached hereto and incorporated herein, are in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct, and incorporated herein by this reference.

SECTION 2. The City Commission hereby adopts the revisions to Ch. 50 of the City's Code of Ordinances, entitled "Water and Sewer Regulations," as set forth in **Exhibit "A,"** attached hereto and incorporated herein.

SECTION 3. Ordinance 1964, which amended Section 50.35, entitled "Use of Water for Irrigation," and Section 50.36, entitled "Water Shortage Management," adopted to comply with the requirements of the South Florida Management District, shall remain in full force and effect and unaffected by the amendments to Chapter 50 authorized by this Ordinance.

SECTION 4. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

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SECTION 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 6. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 3RD DAY OF NOVEMBER, 2021.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 17TH DAY OF NOVEMBER, 2021.

CITY OF PEMBROKE PINES, FLORIDA

By: [Signature]
MAYOR FRANK C. ORTIS

ATTEST:

[Signature] 11/22/21
MARLENE GRAHAM, CITY CLERK

ORTIS AYE

GOOD NAY

SCHWARTZ AYE

CASTILLO AYE

SIPLE AYE

APPROVED AS TO FORM:

[Signature]
OFFICE OF THE CITY ATTORNEY





City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppines.com

Agenda Request Form

Agenda Number: 20.

File ID: 2021-25

Type: Ordinance

Status: Passed

Version: 2

**Agenda
Section:**

In Control: City Commission

File Created: 09/03/2021

Short Title: Proposed Ordinance 2021-25: Water and Sewer
Regulations

Final Action: 11/17/2021

Title: MOTION TO PASS PROPOSED ORDINANCE 2021-25 ON
SECOND AND FINAL READING.

PROPOSED ORDINANCE 2021-25 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES FLORIDA, AMENDING CHAPTER 50 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "WATER AND SEWER REGULATIONS;" PROVIDING FOR REVISIONS TO THE CITY'S WATER AND SEWER REGULATIONS, AS DETAILED IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN, INCLUDING DEFINITIONS, FEES, PAYMENT REQUIREMENTS AND ENFORCEMENT; PROVIDING THAT ORDINANCE 1964 AMENDING SECTIONS 50.35 AND 50.36 TO BE CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REMAINS IN FULL FORCE AND EFFECT AND UNAFFECTED BY THE CHANGES TO CHAPTER 50 APPROVED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

***Agenda Date:** 11/17/2021

Enactment Date: 11/17/2021

Agenda Number: 20.

Enactment Number: 1978

Internal Notes:

Attachments: 1. Proposed Ordinance 2021-25 with Exhibit A, 2. PP-Memorandum 2013-001 (water sewer services Jass Opinion), 3. Adjacent Cities Research, 4. Final Copy of neighboring cities for research for deposit requirements and amounts compared 06-23-2021 v2, 5. Customer Service Fee Schedule 10-27-21

Indexes:

- | | | | | |
|---|---|------------|-----------------------------------|------|
| 1 | City Commission | 11/03/2021 | pass on First Reading | Pass |
| | Action Text: A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to pass Proposed Ordinance 2021-25 on First Reading. Second and final reading is scheduled for November 17, 2021. The motion carried by the following vote:
Aye: - 4 Mayor Ortis, Commissioner Castillo, Commissioner Siple, and Commissioner Schwartz
Nay: - 1 Vice Mayor Good Jr. | | | |
| 2 | City Commission | 11/17/2021 | adopt on Second and Final Reading | Pass |
| | Action Text: A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to adopt Proposed Ordinance 2021-25 on Second and Final Reading. The motion carried by the following vote:
Aye: - 4 Mayor Ortis, Commissioner Castillo, Commissioner Siple, and Commissioner Schwartz
Nay: - 1 Vice Mayor Good Jr. | | | |
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SUMMARY EXPLANATION AND BACKGROUND:

1. On April 24, 2021, the City entered into a contractual agreement with Tyler Technologies, Inc. (Tyler-Munis) for the purchase of Software as a Services f for the new City Enterprise Resource Planning or "ERP". This new system will bring many changes to the various City processes including Customer Service; the overriding intention being the transition of Customer Service to current, on-line ways of doing business. Customers will be able to setup and manage their accounts completely online.

2. In order to accommodate this new ERP software, and to update business practices related to utilities services as recommended by City staff, several changes are required to Chapter 50, entitled Water and Sewer Regulations of the City's Code of Ordinances, of the City's Code of Ordinance, as set forth in the attached Exhibit "A".

3. No changes to monthly water or sewer rates are proposed in this Ordinance.

4. City staff would like to call attention to the following substantive changes to Chapter 50:

A. The addition of a CUSTOMER SERVICE FEE SCHEDULE - A review of the Customer Service sections of the City Code has revealed a number of outdated charges or fees which need to be updated. City Staff is recommending that a list be compiled and termed the "CUSTOMER SERVICE FEE SCHEDULE" to accurately define and manage these various fees. These include items such as "turn-on and turn-off", backflow delinquents, hydrant meter deposits and the like.

I. It is the City's intent to recover its actual costs and adjust the fees accordingly. Therefore, adjustments due to changes in City costs may be issued by the City Manager on an as-needed basis. Upon approval by the City Manager, the CUSTOMER SERVICE FEE SCHEDULE, and any amendments or adjustments thereto, shall be reported to the City Commission and absent objection will take effect on the dates provided in the schedule. The

draft CUSTOMER SERVICE FEE SCHEDULE is attached.

B. Conversion of Joint Owner-Tenant Accounts to Owner-Only accounts - Since mid-2013, the utility service application process for rented or leased spaces has been a dual application for both Owner and Tenant. This will now revert to Owner-Only accounts. The Utilities Division has reviewed the Commission tapes from April 17, 2013 and June 05, 2013 where this matter was brought forward by Commissioner Shechter. The following main points were discussed by the Commission at that time. Following each point, Utilities Division comments are offered to address each question.

I. The legality of Owner-only accounts - During the April 17, 2013 meeting, the City Attorney's Office stated that there was no legal objection to Commissioner Shechter's item "REQUIRING ALL WATER AND SEWER ACCOUNTS IN THE CITY TO BE OPENED IN THE NAME OF THE PROPERTY OWNER". Further, the City Attorney's Office has provided the attached Memorandum No. 2013-001 which states that Florida law "does not prohibit a municipality from declining to contract with tenants." Therefore, Owner-Only Accounts are legal. A copy of the Memorandum from the City Attorneys office is attached.

II. Proper Identification - In order to open an account in the new system, the property owner will be required to upload to his online account, a PDF copy of his valid, government issued picture ID (passport, state ID, driver's license etc.) and a PDF copy of proof of property ownership such as a warranty deed.

III. Account certification through applicant attestation - In order to open an account in the new system, the property owner will be required to attest to the truthfulness of their application by checking a box during the on-line account sign-up, or account inception. By checking this box, the property owner is attesting to the following statement provided by the City Attorney's Office. This will replace the current notary requirement:

"Pursuant to §837.06, Florida Statutes, a person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duties shall be guilty of a misdemeanor of the second degree, punishable as provided in §§775.082 and 775.083, Florida Statutes. Under the penalties of perjury, I declare that I have read the foregoing application and that the facts asserted in it are true."

IV. Collections through the lien process - The City will continue the process of placing a lien on the property in an effort to collect past-due accounts. Owner-Only accounts will streamline this process and improve collections as it is well known that liens can only be placed on the property. The City currently has no ability to lien tenant/owner accounts.

V. Broward County Property Tax Collection Fraud - During the 2013 Commission discussions, there was a concern that Owner-Only accounts may promote property tax fraud. City Staff placed a call to Broward County Property Appraiser Marty Kiar. Mr. Kiar indicated that his office does use owner-tenant account information as one of several tools at their disposal. He further indicated that, should Pembroke Pines go to Owner-Only accounts, that move would not hamper their fraud process.

VI. Surrounding Cities - Research indicates that surrounding City's including Davie, Hallandale Beach, Weston, Lauderdale Lakes and Margate practice Owner-Only accounts. A copy of this research is attached.

5. Various public outreach initiatives are underway. The following list of outreach components provided to the Mayor, Vice Mayor and Commission on November 4, 2021 for their information (Please note that some of the publish dates are subject to change):

- A. "Coming Soon" flyers/articles have been posted in the City Connect newspaper - June/July 2021; August/September 2021; and already submitted for December/January editions
- B. New Utility Billing System, New Utility Bill and online Citizen Self-Service (CSS) portal notification and City website link information posted on the back of utility bills from May 2021- to current billing (Nov 2021)
- C. Placed "Coming Soon" and general information page on City's website - 5/24/2021
- D. The "Coming Soon" advertisement was placed on city social media - Facebook, Instagram and Twitter: June 7, June 21, July 1 and August 9, 2021
- E. Coming Soon advertisement was placed on Pines Media TV all through June, July and August 2021
- F. Frequently Asked Questions (FAQ) notification with typical questions and answers presently being reviewed and will be posted on website by 11/8/2021
- G. New Bill Explanation power-point presentation for upload to YOUTUBE (to be completed and posted on all media platforms 11/08/2021)
- H. Overview of the New Utility Billing System and Citizen Self-Service portal video under production (anticipated completion and posting on YOUTUBE and all media platforms 11/15/2021)
- I. Citizen Self-Service page-by-page explanation power-point presentation for upload to YOUTUBE and all media platforms to be completed by 11/11/2021

6. The passage of this Ordinance and the changes to Chapter 50: Water and Sewer Regulations are required for the City to "Go-Live" with the ERP software in December 2021. Administration recommends passing proposed ordinance 2021-25.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** There is no additional cost for these changes, but the Utility Department estimates additional revenues of \$418,715. These additional revenues are reimbursements to cover the cost of providing the service.
- b) **Amount budgeted for this item in Account No:** Not Applicable
- c) **Source of funding for difference, if not fully budgeted:** A budget adjustment will be done to increase charges for services and reduce the beginning retained earnings. The net

effect on budgeted revenues is zero.

d) 5 year projection of the operational cost of the project: Not Applicable

e) Detail of additional staff requirements: Not Applicable

CHAPTER 50: WATER AND SEWER REGULATIONS

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms used in this chapter which are not included in this section shall be interpreted in accordance with standard reference books, such as dictionaries and engineering texts and technical papers, as expanded by accepted local usage. In the event of conflict between any portion of a definition in this section and any other reference, the definition herein shall govern insofar as interpretations and applications of the provisions of this chapter are concerned.

BOD. Biochemical Oxygen Demand of a liquid sample. The BOD of the sample is the concentration, in parts per million, of oxygen which will be utilized in the biochemical oxidation of organic matter in the sample, when subjected to a standard laboratory procedure test for five days at a temperature of 200° C.

BUSINESS UNIT. ~~If a customer or one of his renters or lessors offers to the public one or more physically~~ A physically separated, identifiable non-dwelling unit serviced by one water meter s, ~~then each such separate service shall be considered a separate business unit.~~

CITY. City of Pembroke Pines, Broward County, Florida.

COMMERCIAL CUSTOMER. A non-governmental customer that is neither a residential customer nor an industrial customer.

CONNECTION CHARGE. A charge which a developer shall be required to pay for the privilege of connecting to an overall city utility system. There shall be a separate connection charge for each system, as described in the appropriate article of this chapter. The connection charge is not a revenue of the system. It is a reimbursement to the city of the developer's share of the costs incurred by the city in providing the major portions of the overall system, as identified by a master plan for the system. Connection charges shall be paid at the time a property first connects to the city's utility systems. In most cases, these will be one-time charges. However, if a property owner subsequently applies for a Building Permit for new or revised construction on his property, there may be additional connection charges. At the time of application for the new building permit, the city shall compute what the total connection charges would be if the revised property were applying for initial connections to the systems. If the computed charges are higher than the total connection charges previously paid, then the property owner shall be required to pay new connection charges, equal to the difference. If the computed charges are equal to, or less than, those previously paid, there will be no requirement for new charges, or a refund.

CONSTRUCTION CHARGE. A one-time charge which a developer might be required to pay for the privilege of connecting to a sub-portion of a city utility system, located between the owner's property and the portion of the system identified in a city master plan. When required, a construction charge shall be intended as reimbursement of the

developer's share of the costs of constructing the applicable sub-portion of the utility system. In each case, the magnitude and distribution of the construction charge shall have been previously established in one or more developer's agreement between the city and a previous developer, who paid the costs of constructing the sub-portion. Construction charges received by the city from the future developers are used by the city to reimburse the original developer for that portion of the construction costs considered to be for oversized facilities, as defined in this section.

CUSTOMER. ~~The owner of the property individual or corporate entity responsible for payment of the security deposit and monthly service charges. This shall be either the owner of the property or an individual or corporate entity authorized by the owner to open the utility account.~~

DEVELOPER. Owner of a development, as defined in this section. If an agent of the owner has the full legal authority to negotiate with the city for connection to the city's utility services, then the agent shall be considered as the developer.

DEVELOPER'S AGREEMENT. A written agreement entered into between the city and a developer, if funding of the construction of some of the mains of a utility service to serve a development entails the use of special procedures. If used, it shall be negotiated between the developer and the City Manager, or his representative, and shall be accepted by the city by resolution of the City Commission. As a minimum, a developer's agreement shall be required whenever all of the following conditions apply:

(1) The development cannot proceed unless there is some construction of new mains for a public utility system.

(B) The developer is to contribute some or all of the cost of the construction of those mains, either by constructing them himself and then giving title to the city, or by paying some or all of the construction costs incurred by others.

(C) The mains being constructed:

(1) Either are in a portion of the system identified in a master plan, and the value of the developer's contribution to construction costs will be larger than the required connection charge;

(2) Or include one or more oversized facilities in a subportion of the utility system to be situated between the individual lots of the development and the portion of the system identified in the master plan.

(D) The city has determined that future developments will benefit from the current construction and, because of the current developer's excess contribution, he will be entitled to some reimbursement from the future developments, either from their required connection charges or from special construction charges established in the developer's agreement.

DEVELOPMENT. A parcel of land, regardless of size or location, which is proposed for development to the extent that utility services will be required, and for which one or more of the proposed lots will not be able to receive adequate utility service unless one or more new utility mains and/or service laterals are constructed.

DWELLING UNIT. Any collection of one or more rooms which includes at least one bathroom and which normally either is used to provide overnight lodging for only the owner and his immediate family, or is offered as a unit for overnight lodging of others. If a collection of rooms is capable of being offered to the public both as a single unit and as several individual units, then each of the individual units shall be considered a dwelling unit.

ENGINEER. For purposes of this chapter, **ENGINEER** shall mean either the consulting engineering firm engaged by the city for engineering services related to utilities, or an employee of that firm who is registered to practice engineering in the state.

EPA. The United States Environmental Protection Agency, a federal agency responsible for regulation of sewage treatment and disposal, and for issuance of federal grants to aid in construction of sewage facilities.

EPA INDUSTRIAL USER. An industrial customer of the city's sewer system meeting one of the following criteria, as defined in Federal Regulations 40 CFR 35.905;

(1) Any non-governmental, non-residential customer meeting both of the following:

(a) Performs an activity identified in the Federal Standard Classification Manual, 1972, OMB (as amended and supplemented) in either Division A, Agriculture, Forestry, Fishing; or Division B, Mining; or Division D, Manufacturing; or Division E, Transportation, Communications, Electric, Gas, Sanitary Services; or Division I, Services.

(b) Discharges into the city's system non-domestic/ non-sanitary sewage either which exceed 25,000 gallons per day (gpd) of total flow, or which contain an equivalent weight of Biochemical Oxygen Demand (BOD) or Suspended Solids (SS) in excess of the BOD or SS found in 25,000 gpd of sanitary wastes containing 300 PPM of BOD and 300 PPM of SS.

(2) Any non-governmental customer that discharges into the city's system sewage which contain toxics or poisonous solids, liquids, or gases in sufficient quantity (either singly or by interaction with other wastes) to contaminate the sludge of any municipal systems or to injure or interfere with any sewage treatment process; or which constitutes a hazard to humans or animals, or creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the city's system.

(3) Non-applicable.

EPA MAJOR CONTRIBUTING INDUSTRY. A customer of the city's sewer system that is an "EPA Industrial User" and that meets one of the following additional criteria, as defined in Federal Regulations 40 CFR 128.124:

(1) Average work day discharge equal to or greater than 50,000 gpd.

(2) Average work day discharge greater than 5% of the average daily flow treated by the treatment plant receiving the city's flows (presently the City of Hollywood Wastewater Treatment Plant).

(3) Discharge contains a toxic pollutant in toxic amounts, as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

EQUIVALENT RESIDENTIAL CONNECTION (ERC). A unit of measure used to identify the annual average water consumption or sewer generation for an average customer in each of the various categories of customer of the city's utilities. One ERC is defined to be three hundred (300) gallons per day, ~~the annual average consumption per unit for all single-family residences in the city.~~ From time to time, ~~the city shall review consumption data, primarily within the city but when necessary from data available in technical literature, and establish for each category of customer the ERC value of that category.~~

ERC values for various structures shall be calculated based on the Design Flow established by the Broward County Code of Ordinance Chapter 27 Article V, Section 201(a)(3), as may be amended from time to time. The Design Flow for sewer generation shall be considered equal to Water Consumption. ERC values for INDUSTRIAL CUSTOMERS shall be determined by the city on a case-by-case basis. The currently effective ERC values are:

<i>Category</i>	<i>ERC</i>
Single Family Residence with less than 15 Fixture Units	0.5
Each Dwelling Unit in a Multi-Family Residential Unit	0.6
Other Residential Units	1.0
Each Dwelling Unit in a Hotel or Motel	0.5
Commercial Customers	1.0 ERC per business unit having less than 21 fixture units plus additional 1/10th ERC for each two fixture units over 20 per business unit.
Industrial Customers	To be determined on case-by-case basis, based upon the quantity and quality of utility services to be provided

FIRE FLOW. The rate of flow and pressure necessary to provide an adequate capability to fight a fire. Wherever possible there should be two or more primary feeders from a point of supply which may be tapped with a line size capable of delivering the fire flow needed to that specific area of the city wherein the outlet is located. The magnitudes required for an adequate capability are dependent upon many factors. It is the intention that the city's water distribution system be capable of delivering a fire flow equal to the flow calculated in accordance with the "Fire Suppression Rating Schedule", by insurance service office in effect at the time of installation.

EXHIBIT A

FIXTURE UNIT. A measure of the instantaneous rate of flow normally required by a particular type of plumbing fixture. The sum of the fixture units of all plumbing fixtures in a building is a measure of the total water used by that building. From time to time, the city will analyze available consumption data and establish a list of fixture unit values for various types of plumbing fixtures. The current values authorized for use in connection with this chapter are:

<i>Type Fixture</i>	<i>Fixture Units</i>
Bathtub (with or without overhead shower)	2
Bidet	1
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher domestic	2
Floor drains	3
Lavatory Small P.O.	1
Lavatory Large P.O.	2
Lavatory, barber, beauty parlor	2
Lavatory, surgeon's	2
Laundry tray (1 or 2 compartments)	2
Shower stall, domestic	2
Showers (group) per head sinks	3
Combination sink-and-tray	3
Combination sink-and-tray with food disposal unit	3
Kitchen sink, domestic	2
Kitchen sink, domestic with food waste grinder and/or dishwasher	2
Surgeon's sink	3
Flushing rim sink (with valve)	8
Service sinks, combination trap standard	3
Service sink (P-Trap) ordinary	2
<u>Pedicure Chair</u>	<u>2</u>
Pot. scullery, etc., sink	4
Wash sink (circular or multiple) each set of faucets	1

Urinal, pedestal	8
Urinal, wall	4
Urinal stall, washout	4
Water closet, tank operated	4
Water closet, valve operated	8
Automatic dishwasher (domestic)	2
Automatic clothes washer, <u>Commercial</u>	4
Commercial dishwasher	6
Commercial clothes washer	6

FRONTAGE. If a parcel of land abuts only one public right-of-way, and the property line at that right-of-way is composed only of one or more straight lines, then the total length of the abutting property line is the frontage of the property. If a portion of the abutting property line is composed of an arc, then the frontage of that portion shall be measured along lines tangent to the arc. If a parcel abuts two different rights-of-way, then the frontage shall be the shorter of the two. The frontage of a parcel having any other relationship to rights-of-way is defined to be equal to the square root of the total square foot area of the parcel.

GPD. Gallons per day.

GPM. Gallons per minute.

INDUSTRIAL CUSTOMER. A customer that obtains a utility service for the purpose of manufacturing, producing, assembling or processing one or more products, and; either the average quantity of service required for that purpose exceeds 20,000 gallons per day; or the type of sewage generated by that purpose, prior to any pretreatment, is such that without pretreatment the conditions of division (2) of **EPA INDUSTRIAL USER**, as defined herein, would be applicable.

LINE. See **MAIN**.

MAIN. The terms **MAIN**, **LINE** and **PIPE** shall be used interchangeably. The following are some of the types referred to in this chapter:

- (1) Gravity Main: A pipe in a sewer system in which flow is caused by force of gravity.
- (2) Force Main: A pipe in a sewer system in which flow is caused by the force of one or more pumps.
- (3) Distribution Main: Any pipe in a water system by which water is carried from the treatment plant to one or more water service laterals.

(4) Looped Main: A water distribution main which has both of its ends connected to one or more other distribution mains.

MASTER PLAN. A planning document adopted by the city as a guide to expansion of the major portions of a utility system, in order to satisfy projected future needs for service. The city water and sewer systems each have a separate master plan.

(A) The water master plan depicts the sizes and locations of existing and proposed supply and treatment facilities and the approximate sizes and locations of a looped grid of major distribution mains, approximately a mile apart in each direction. Although not depicted in the master plan, it is intended that the city water system also include a system of looped smaller distribution mains interior to each loop depicted in the master plan.

(B) The City of Pembroke Pines has an agreement with the City of Hollywood whereby Pembroke Pines pays Hollywood to receive, treat, and dispose of all Pembroke Pines sewage. The Pembroke Pines Sewer Master Plan depicts a network of major pumping stations and force mains for transmission of sewage to Hollywood. Although not depicted in the master plan, it is intended that the city sewer system also include subsystems of gravity sewers and small pumps and force mains, with each subsystem collecting the sewage from approximately a square mile, and introducing it into the transmission system depicted in the master plan.

METER CHARGE. A charge paid to the city by a developer or property owner as reimbursement to the city for the costs of furnishing and installing the meter and all other facilities at a water service connection, either at the time of initial installation or whenever a change in size or capacity is performed. If the city authorizes a developer to construct a service connection, then acceptance by the city of the completed work shall constitute payment in full of the meter charge, without regard to the magnitude of actual costs incurred by the developer or published schedules of charges.

MULTI-FAMILY RESIDENTIAL UNIT. A residential customer that pays a single monthly service charge but provides utilities to two or more residential dwelling units.

OVERSIZED FACILITY. A pipe or pumping facility which satisfies all of the following:

(1) It is constructed in order to serve a new development and is located in a sub-portion of a city utility system which connects the individual lots of the development to a portion of the system indicated in the master plan.

(2) The developer has contributed to its construction, either by constructing it himself or by making total or partial reimbursement of the costs of construction by others.

(3) The city has determined that adequate service to future nearby developments will not be possible unless the current facility is constructed larger than would be required to serve only the current development. In determining the size that would be required to service only the current development, the city shall use generally accepted design criteria and shall apply all of the provisions of this chapter, such as required minimums, looped distribution mains, fire flows, and the like.

pH. A number, determined by standard laboratory test, which serves as a measure of the concentration of hydrogen ions in a liquid.

PLAN REVIEW CHARGES. Charges paid by a developer to defray costs incurred by the city in reviewing utility plans submitted by the developer. Construction plans for all water and sewer facilities to be constructed by the developer between the service connections of his individual lots and the existing city water and sewer mains must be submitted with the application for connection to the city's utility systems. At that time, the developer shall pay a plan review charge as provided in Ordinance No. 1111, as amended from time to time, as his share of all "normal" plan review costs incurred by the city. "Normal" plan review costs are defined to be all costs associated with: pre-submittal meetings with the city staff and the engineer, the first review of the final plans submitted with the application, the preparation of a letter to the developer itemizing any required plan modifications identified in the first review, and the inspection of a first resubmittal, to verify that the previously identified modifications have been made. "Abnormal" review costs are defined to be any and all review costs that are incurred by the city subsequent to a determination that the first resubmittal has not complied with all requirements identified during the initial plan review. If the city incurs any abnormal plan review costs, the developer shall be required to pay an additional plan review charge in an amount equal to the one-for-one reimbursement of the actual abnormal costs incurred by the city. The additional plan review charge shall be due and payable at the time a final set of construction plans is approved.

PLUMBING. All piping, fittings, and appurtenances on the property owner's side of the service connection, not including the service connection. All plumbing is to be constructed, owned and maintained by the property owner.

PRE-TREATMENT. Any chemical, biological or physical treatment (other than use of a grease trap) applied to sewage by a customer in order to reduce an actual or potential adverse impact upon the sewer system or public health and safety.

RESIDENTIAL CUSTOMER. A customer that utilizes utility services for one or more Dwelling Units, ~~that utilizes at least 95% of each utility service obtained in dwelling units in which each occupant normally retains control of the unit for at least one month at a time.~~

SANITARY SEWAGE. That type of sewage normally originating from dwelling units. That is, sewage generated by bathrooms, preparation and serving of food for family consumption, and laundry in family-size loads. Sewage introduced into the city sewer system by a commercial or industrial customer shall be considered to be sanitary sewage only if its potential as a hazard to public health and safety or as an adverse impact upon the sewer system and/or the sewer treatment processes is similar to, or less severe than that caused by sewage normally originating from dwelling units. The following are some, but not necessarily all, of the criteria which shall be used in identifying sanitary sewage. If any one of these criteria is exceeded, then the sewage in question automatically shall be considered as not being sanitary sewage. The potential as a hazard or adverse impact of any characteristic not listed herein shall be determined by the city on a case-by-case basis.

Characteristics Maximum (or Minimum) For Sanitary Sewage (ppm)

BOD	300
Suspended Solids	300
Grease, Fat or Oil	100 - Instantaneous 20 - Daily Average
Chlorine Demand	15
Surfactants (MBAS)	2
Nitrogen, Total	35
Phosphorus, Total	10
Sulfides	
Dissolved Oxygen	(Mini 0.2mum 1 ppm)
pH	9.5 Maximum (5.5 Minimum)
Temperature	150° F.
Heavy Metals, Phenols, and Other Toxic or Poisonous Substances	Zero

SECURITY DEPOSIT. A deposit which must be made by each customer prior to receiving any utility service. The purpose of the deposit is to ensure payment of the final bill charges on the account, all monthly charges and/or penalties and payment of any reimbursements to the city for the cost of any repairs to city-owned property which are determined by the city to be the responsibility of the customer. Whenever any such amounts are due to the city and have not been paid within the prescribed time, ~~the amounts due will be withdrawn from the deposit. At that time, service will be shut-off until all amounts due are paid, and~~ The required security deposit will be applied towards the final bill charges when the account is closed ~~deposit has been restored to the required amount.~~

SERVICE CONNECTION. A point at or near the property line at which the property owner's plumbing is connected to the city's service lateral. The term **SERVICE CONNECTION** also includes all city-owned fittings and appurtenances at the point of connection. A water service connection includes the city-owned meter box or vault, together with all of its contents, and any valve and valve box installed immediately adjacent to the public side of the meter box or vault. A sewer service connection includes the fitting to which the owner's plumbing is connected, the clean-out and plug, and any markings or devices installed as an aid to locating the service connection.

SERVICE LATERAL. A pipe which connects a service connection to a water distribution main or sewer main.

SEWAGE. Liquid wastes and waterborne solid wastes originating from residential commercial or industrial establishments, together with such ground water, surface water or storm drainage as may unintentionally enter into the sewer system.

SEWER OR SEWER SYSTEM. A network of gravity mains, pump stations and force mains used to transport sewage from points of origin to a treatment/disposal plant.

SEWER RESERVED CAPACITY CHARGE. A one-time charge which a developer or property owner shall be required to pay when a property first is connected to the city's sewer system, in addition to the required sewer connection charge and the sewer construction charge, if required. Commencing in 1975, the city has been required to pay to the city annual "Capital Charges" to reimburse Hollywood for Pembroke Pines' share of costs to construct Hollywood's sewer transmission and treatment facilities. The "Capital Charge" includes payment for facilities sufficient to provide the city not only with the then current needs of the city, but also projected future needs. The sewer reserve capacity charge paid to the city by developers and property owners is intended to reimburse the city for their share of the city's capital charges payments to Hollywood during the period from January 1, 1975, to the date the property begins to receive city sewer services. The amount of the sewer reserve capacity charge is defined to be: (Number of Months from January 1, 1975, to the date service begins) times (Number of ERC's in the Development, as defined herein) times (1.75).

SINGLE-FAMILY RESIDENCE. A detached single-family home. Also, each one of several single family homes which are attached to each other, or are in the same structure, but which each are billed individually for utility services.

SS or SUSPENDED SOLIDS. Solid particles floating or suspended in a liquid that are removable by laboratory filtration.

STORM DRAIN OR STORM DRAINAGE SYSTEM. A system of conduits, open channels and/or sloped ground intended to restrict and/or direct the flow of run-off resulting from rainfall. All run-off from any source, including building roofs and surfaces, shall be directed to a storm drain. There shall be no intentional connections between any storm drain and any sewer, and both type systems shall be designed, constructed and maintained in such a manner as to minimize the likelihood of any unintentional introduction of run-off or ground water into a sewer, and vice versa.

TAPPING CHARGE. A charge paid to the city by a developer or property owner as reimbursement to the city for the costs of furnishing and installing a water or sewer service lateral, and the necessary fittings and valves at the main, either at the time of initial installation or whenever a change in size or capacity is performed. If the city authorizes a developer to construct a service lateral, then acceptance by the city of the completed work shall constitute payment in full of the tapping charge, without regard to the magnitude of actual costs incurred by the developer or published schedules of charges.

§ 50.02 REQUIRED CONNECTIONS TO CITY UTILITIES; POLICY.

It shall be the policy of the city that if a city utility service is available to any facility requiring that type of service, then the city utility system shall be extended to a service

connection and the plumbing of the facility shall be connected to the service connection. Availability shall be determined as follows:

(A) Facility in Existence as of Time This Chapter Adopted. The city shall issue written notice whenever the utility does become available. Within 45 days of the date of notification, the property owner shall have entered into a contract with the city for connection to the utility.

(B) Developments Authorized Subsequent To Adoption Of This Chapter.

(1) If a utility main exists in any right-of-way abutting the property, then that utility shall be considered available. Prior to receipt of a permit for any construction, the developer shall have entered into a contract with the city for the connection.

(2) Zoning, platting and development ordinances and regulations of the city and county establish criteria as to what public facilities and services must be available before a new development can be constructed. If those criteria require availability of either a public water system or a public sewer system, then approval of the development by the city will be contingent upon mutual agreement between the developer and the city as to how and when the city utility system will be extended to the development.

(3) If a new development is approved without a utility being available, then the provisions of § 50.02(A) shall apply to future connection of that utility.

(C) Unless otherwise provided for herein, all utility accounts with the city shall be opened by the property owner, ~~or jointly by the property owner and tenant,~~ in accordance with the application form ~~provided~~ created by the city's ~~Public Works~~ Utilities division. ~~Utility accounts shall not be opened solely in the name of a tenant.~~

§ 50.03 EXTENSION OF CITY SYSTEMS.

Requirements related to extensions of utility systems vary depending upon whether the extension: includes only service laterals and/or service connections, or includes new mains located between one or more service laterals and a portion of the system depicted in the master plan, or includes a portion of the system depicted in the master plan.

(A) Service Laterals and Service Connections.

(1) If a main already exists in a right-of-way abutting a property line, but there is no service lateral, or a replacement lateral is necessary, then the city shall construct the service lateral and service connection, and the developer or property owner shall pay a meter charge (water only) and a tapping charge. If only a new or replacement water service connection is required, then the city shall do the work and a meter charge shall be paid.

(2) If a new main also is required, then both the main and the service lateral shall be constructed at the same time as the new main. A water service connection may, at the discretion of the city, be constructed either at the same time as the lateral or subsequently. If either one is constructed by the developer, title to the completed product shall be transferred to the city. In that event, payment of the tapping and/or meter charge corresponding to the transferred work shall not be required and this fact shall be stated

in the connection contract. The relationship between actual costs incurred by the developer and standard tapping and/or meter charges shall be immaterial, and no credits for any differences shall accrue to either the city or the developer. If either the lateral or the water service connection is constructed by the city, then the corresponding charge shall be paid.

(B) New Mains Not in Master Plan.

(1) In general, any new facilities between those depicted in a master plan and the service laterals for a development shall be constructed by the developer, at his own expense. Drawings and specifications shall be submitted to the City Utility Director for review. Assisted as he sees fit by recommendations of the engineer, the revision and resubmittal. If the director determines that any portion of the work must be an oversized facility, then the developer shall obtain two cost estimates for the portion designated to be oversized - one if built oversized and one if built to the size required to serve only the development, where both sizes are as approved by the utility director. The director also shall obtain two such estimates. The developer and the director then shall negotiate both a contract for the utility connection, which will indicate whether the oversized facility is to be built by the developer or by the city, and a developer's agreement, which will indicate: the amount of reimbursement from future construction charges to which the developer will be entitled because of the oversizing, the specific properties that are considered to be the future beneficiaries of the oversizing, and the specific formula to be used in calculating the construction charges to be paid to the city by the owners when those properties are connected to the system. If the city is to construct the oversized facilities, the developer shall be required to fully reimburse the city for all costs actually incurred, including any costs for engineering services during design and construction. That full reimbursement shall be due and payable at the same time as payment of the required connection charge. Any reimbursements back to the developer for oversizing shall not be made until the city has received construction charges from future beneficiaries of the oversizing, as stipulated in the developer's agreement.

(2) If mutually agreeable, the contract for the connection might stipulate that the city shall construct not only the oversized facility but also all other new facilities needed to serve the development. In this case, the developer shall reimburse the city for all costs for design and construction of all work done by the city, but he shall not receive any subsequent reimbursement from future users for the portions not considered to be oversized.

(C) Master Plan Facilities. In general, all facilities depicted in a master plan are to be built by the city, using funds already available to the city and without immediate one-for-one reimbursement from a specific developer. However, it is intended that connection charges shall reimburse the city for those costs. It shall be the policy of the city that the costs of master plan facilities needed for future developments shall be borne primarily by reimbursements to the city from those developments, and that connection charges paid by those developments shall serve as an equitable means of accomplishing the reimbursements. Accordingly, at a frequency of every two to three years the city will review projected future developments, connection charges to be paid by those developments, and projected costs of existing and new master plan facilities needed to

serve those developments. After each such review, the required connection charges will be adjusted in an attempt to ensure:

(1) Approximate equality between the then current projected total connection charges to be received from future developments and the then current projected costs of master plan facilities constructed to serve those developments.

(2) The ratio of any one connection charge to projected total connection charges from new developments approximately equal to the ratio of the utility services that development is expected to receive from new master plan facilities and the total services to be provided by those facilities.

(3) (a) It may occur that some of the facilities shown in a master plan will be needed to serve a proposed development, but the then current city construction program will not ensure that those facilities will be available at the time the developer desires to start his construction. In such a case, the developer may, if he wishes, request that he be allowed to assist in accelerating the construction of those master plan facilities needed to serve his development. Upon receipt of such a request, the city will attempt to negotiate mutually agreeable terms concerning: whether the needed master plan facilities will be built by the developer or by the city; who shall pay the costs of the construction; and how much, if any, of the master plan costs paid by the developer will be returned to him in the future. The amount of any such reimbursement will be negotiated on a case-by-case basis, and shall be determined in a manner similar to that described for reimbursement of costs for "Oversized" non-master plan facilities, in § 50.03(B).

(b) Regardless of the size of the agreed upon reimbursement for a developer's payment of the costs of master plan facilities, that reimbursement shall be made from future connection charges. The reimbursement initially shall serve as a direct credit against the connection charges which the developer will be required to pay, as established in this chapter. In the event the agreed upon reimbursement exceeds his own connection charges, then the remainder of the reimbursement will be made from future connection charges, as they are received by the city from other developments.

(c) Details of the reimbursement shall be stipulated in a negotiated developer's agreement, which will indicate: the amount of the reimbursement the developer is to receive, the period of reimbursement, whether reimbursement shall be from all connection charges collected in that period or only from those collected from specified geographical locations, and whether all or only a specified fraction of each eligible connection charge shall be used for reimbursement.

§ 50.04 PROCEDURES.

(A) Prior to preparing any detailed plans for either water or sewer facilities to serve a new development, the developer shall submit to the City Utility Director written notification of intention to connect to a city utility. Included with the notification should be a preliminary layout of the proposed development, including general location and proposed size of all proposed utility mains, both interior to the development and those necessary to connect to the existing system. He also should submit data as to projected water requirements, both for daily use and fire flow, and projected sewer requirements, both

flow rates and type sewage. Unless otherwise indicated, it will be assumed that the developer intends to perform construction of all indicated new mains, without regard to location but subject to any future reimbursement to which he might be entitled.

(B) After allowing two weeks for review of his submittal by the city and the engineer, the developer shall make telephone contact with the engineer to schedule a meeting with the Utility Director and the engineer. The purpose of the meeting will be to reach tentative agreement as to design criteria, who will be performing the work, and if there will be a need for any oversizing and/or special construction of any master plan facilities. At the same time, the developer should request information as to whether his development will be subject to any construction charges because of any previous oversizing that had been considered as beneficial to his development.

(C) Subsequently, the developer will submit to the Utility Director a formal application for connection to the city utility, using forms furnished by the Utility Department. Included with the application will be final construction drawings and specifications, signed and sealed by a Professional Engineer registered in Florida, for all public facilities to be constructed by the developer and the required plan review charge. Upon review and approval of the application, the connection contract and developer's agreement, if required, will be executed.

(D) If it has been agreed that the city is to perform any of the work, then prior to the city beginning to prepare the design and construction documents for that work, the developer will make a deposit cash or check with the city equal to 5% of the estimated total costs to be incurred by the city. The deposit shall be made at the same time as submittal of the application for connection to the city system. As soon as the city receives bids for its construction work, the developer shall deposit with the city an amount which, when added to the previous deposit, equals 110% of the total city costs, as then estimated. This deposit shall be in the form of cash, a check, or a letter of credit. Upon completion of the work, a final accounting shall be made, with the developer making a formal payment to the city equal to actual final total costs incurred, and any unused deposit being returned to the developer.

(E) Any connection charges, construction charges, sewer reserve capacity charges, tapping charges, or meter charges which are due on each structure in a development shall be due and payable no later than issuance of a certificate of occupancy for the structure, and evidence of full payment of those charges shall be a prerequisite of issuance of the certificate of occupancy.

(F) In addition to the above requirements, the developer shall be responsible for accomplishing the following prior to receipt of a certificate of occupancy:

(1) Designing and constructing all water and sewer plumbing on the property owner's side of each service connection. Application for permits, and payment of associated permit fees, for construction of this work shall be in accordance with ordinances and regulations for building permits and certificates of occupancy, as administered by the City Building Department. However, in addition to any review done by the Building Department, the portions of plumbing between buildings and service connections also shall be reviewed by the ~~Utility~~ Engineering Department. Therefore, whenever application

is made to the Building Department for a permit which includes plumbing to a service connection, a copy shall be submitted to the ~~Utility-Engineering~~ Department by the developer. It shall be the responsibility of the ~~Utility-Engineering~~ and Building Departments to ensure that review and comment by the ~~Utility-Engineering~~ Department are taken into consideration by the Building Department.

(2) Obtaining all permits required by the Building Department and the City Engineer for any work to be done by the developer in city rights-of-ways or easements. Application and payment of fees shall be as required in ordinances and regulations administered by those departments.

(3) Obtaining all permits required by county and state regulatory authorities for any mains to be constructed by the developer. Application and payment of fees shall be as required by those agencies.

(4) Submitting to the ~~utility director~~ City Engineer the following for any service connections, service laterals, mains, or other portions of the city's utility systems that have been constructed by the developer.

(a) ~~A reproducible mylar and three prints of "as-built" drawings, as signed and sealed reviewed and approved by both the developer's engineer of record and the engineer, one electronic copy in PDF and AutoCAD format.~~

(b) A legal document providing transfer of title to the city for all such property, using forms and/or samples as prepared or approved by the City Attorney.

(c) A one-year maintenance guarantee bond in the amount of 20% of the construction costs. For one year subsequent to approval of the work by the ~~City Utility Director~~ Engineer, any repairs or replacements required by the work either shall be performed by the developer, or the bond shall be used to reimburse the city for costs incurred by the city in correcting the work.

~~(d) Opening an active account for payment of monthly service charges, including payment of required security deposits and fees for opening the account.~~

~~(de)~~ The developer shall provide one emergency generator and/or one emergency by-pass pump at the city's discretion for each new lift station constructed or upgraded.

(e) When required by the City, the developer shall provide a revision to the city's water and/or sewer hydraulic model(s) by retaining a Florida Registered Engineer to providing model output as a result of the subject development. When model output results indicate the subject development will negatively impact the city's facilities, the developer shall enter into a Developer's Agreement for the necessary improvement as determined by the model output and approved by the city.

§ 50.05 GUARANTEE OF DEVELOPER AGREEMENT REIMBURSEMENTS.

(A) § 50.03(B) and (C) describe conditions under which a developer shall be entitled to reimbursement for certain portions of his contribution to construction of extensions of city utility systems. Those divisions also stipulate that the money for said reimbursement shall be obtained by the city from construction and/or connection charges to be paid by

future developers. It shall be the policy of the city that a developer is entitled to receive at least 50% of the agreed reimbursement by no later than five years after the agreement, and the full amount of the agreed reimbursement by no later than ten years. During the first five years, the city will make payments to the developer only when charges from future developers are received by the city in accordance with the formulas established in the developer's agreement. At the end of the first five years, if the total payments made to the developer up to then are less than 50% of the total agreed reimbursement, the city shall use other available city funds to make a payment to the developer in an amount to bring the total to 50%. In the second five years, payments from received construction and/or connection charges again will be made as received, until the total payments to the developer, including adjustments by the city, reach 100% of the agreed reimbursement. Any construction and/or connection charges received by the city subsequent to payment of 100% of the agreed reimbursement shall be retained by the city.

(B) Total to-date payments also will be reviewed annually at the end of the sixth through tenth years. If totals are less than 60% through 100%, respectively, the city again will use other funds to make a payment in an amount needed to bring the total up to the applicable percentage of the agreed reimbursement.

§ 50.06 PUBLIC UTILITIES TO BE IN PUBLIC RIGHTS-OF-WAY EASEMENTS.

It shall be the policy of the city that subsequent to adoption of this chapter all new city utility facilities shall be located either in a public right-of-way or in an easement formally dedicated to public use. Easements shall be used only if specifically approved by the city, and approval shall be made only if it is demonstrated the restriction to locations in rights-of-way will result in undue hardship upon the developer. When used, easements shall be a minimum of 15 feet wide, with all utilities located at least five feet inside the easement.

§ 50.07 MONTHLY SERVICE CHARGES; POLICY

It shall be the policy of the city that monthly charges for use of the city's water and sewer systems shall be sufficient to recover: all administrative costs associated with the systems; all operation and maintenance costs of the systems (including cost to renew and/or replace existing facilities); and all bond debt service associated with the system. It shall be the responsibility of the City Utility Department and the City Finance Department to maintain detailed records of actual expenses incurred by the city in providing water and sewer services, and a breakdown of those expenses at least into the following categories:

(A) Administrative Costs of the Combined Water and Sewer System. For identification purposes, such costs shall be deemed to be essentially the same categories of expenses as are identified under "Customer Accounts Expenses" (Accts 901-905) and "Administrative and General Expenses" (Accts 920-932) in the Uniform System of Accounts for Class A and B Water Utilities published by the National Association of Regulatory Utility Commissioners. For accounting purposes, it shall be assumed that one-half of the combined administrative costs are incurred by the water system, and one-half by the wastewater system.

EXHIBIT A

(B) Separate Costs for Water System Operation and Maintenance (O&M) Costs and Sewer O&M Costs. Included therein shall be the costs of providing for replacement of worn or obsolete facilities. Also included shall be all charges to the city by the city which have been identified by Hollywood as charges to cover O&M costs of Hollywood's sewer system.

(C) Original Construction Costs, Including Associated Debt Service. As in the case of O&M costs, original construction costs shall be separated into those incurred by the water system and those incurred by the wastewater system.

(D) It shall be the policy of the city that administrative costs shall be borne equally by all customers, without regard to gallons of service received. Accordingly, the City Commission shall establish a minimum monthly water charge and a minimum monthly sewer charge. ~~The primary purpose of the minimum charges shall be the recovery of administrative costs. However, it is realized that many users of the systems must subsist on limited fixed incomes. Therefore, it~~ It shall be the policy of the city that payment of the established minimum monthly charges shall entitle each customer to receive the specified ~~an established~~ minimum amount of water and sewer services during that month. ~~Rates established for the purpose of recovering non-administrative costs shall be applied against only so much of those services received each month which are in excess of the quantities which have been designated as being associated with the corresponding minimum monthly charges.~~

(E) It shall be the policy of the city that all users of the city's water and sewer systems shall ensure that all water obtained from the city's water system passes through a city-owned water meter. Each customer shall have one service connection designated as its principal connection, at which one or more meters shall measure all water for which any significant portion ultimately can be introduced into the city sewer system. If a customer desires water for a use in which no significant portion can enter the sewer systems, and if the customer's distribution system for that use has no cross-connections either with the distribution system for another use or the city's sewer system, then that user may, at his option and expense, receive water for that use through a separate secondary service connection. No user of the city's sewer system shall, without the city's explicit consent, introduce into that system any water which has not been measured through that owner's principal service connection. One prerequisite of such city consent shall be the installation, at the user's expense, of a properly designed sewage flow meter which measures all flows, regardless of origin, introduced into the city sewer system by that user.

(F) It shall be the policy of the city that monthly service charges for use of its sewer system shall be based on: either the water flow measured through the customer's principal service connection or the wastewater flow measured by a meter which measures the customer's total wastewater flows. Monthly service charges based on a wastewater flow meter shall be allowed only if the wastewater meter has been installed in connection with the city's explicit consent of the introduction into the sewer system of water originating from some source other than the city's water system. In either event, monthly service charges for use of the sewer system shall be computed by multiplying a rate per 1000 gallons times the metered flow (minus any initial amount which has been designated by

the City Commission as being associated with the minimum monthly sewer charge). The same rate shall be used for all customers that discharge the same type of sewage, without regard to whether the meter used is the principal water meter or an authorized wastewater meter, and without regard to how many gallons are being billed.

(G) It shall be the policy of the city that all O & M costs of its water and sewer systems shall be recovered by the monthly water and sewer service charges, respectively. If authorized by the City Commission, the monthly service charges may be established sufficiently high as to be used to recover not only O & M costs but also other costs, but they shall not be reduced below that necessary to recover O & M costs. ~~In order to ensure this result, the City Utility Department shall submit to the City Commission at a frequency no less than biannually, a report on the O & M expenses and monthly service charge receipts for each system. At a frequency no less than annually, each customer of the city's water and sewer systems shall receive, as an enclosure to a monthly billing, a notification as to so much of the most recent biannual report as reflects what percentage of each monthly service charge is attributable to O & M expenses.~~

(H) It shall be the policy of the city that monthly service charges for water, sewer and sanitation may be suspended for individual accounts under extenuating circumstances and as approved by the City Manager or his designee.

§ 50.08 PROCEDURES.

(A) At the time the plumbing of a lot first is connected to a service connection, the property owner shall open an account with the city for payment of monthly service charges, including payment of required security deposits and fee in accordance with § 50.08 (B) for opening the account. The property shall be added to the applicable monthly billing cycle and, effective with the next scheduled billing date for that cycle, the property owner customer shall begin receiving bills for monthly service charges, in amounts as established in §§ 50.31 through 50.59. Specified minimum monthly charges shall be due and payable, and billed to the customer of record, for each and every month thereafter, without regard to whether the water service has been shut off for any reason.

(B) Effective October 1, 2021, deposits and other fees required for the use of city water and sewer facilities shall be as set forth in the document CUSTOMER SERVICE FEE SCHEDULE, prepared by the Utility Department and approved by the City Manager, for the purposes of recovering city costs. The deposits and fees will be annually adjusted each October 1, and effective that same date for the subsequent year, using the change in the Consumer Price Index for all urban consumers in the United States - Water and Sewerage Maintenance Series published by the Bureau of Labor Statistics for the 12 months ending April of each year or 3% or actual costs, whichever is greater, effective annually as of October 1. It is the City's intent to recover its actual costs and adjust the fees accordingly. Therefore, adjustments due to changes in City costs may be issued by the City Manager on an as-needed basis. Upon approval by the City Manager, the CUSTOMER SERVICE FEE SCHEDULE, and any amendments or adjustments thereto, shall be reported to the City Commission and absent objection will take effect on the dates provided in the schedule.

~~—(B) Deposits required for the use of city water and sewer facilities shall be as set forth in § 50.33.~~

(C) The original property owner shall remain as the customer of record until the account is closed and the his-security deposit has been applied to the final bill. Returned to him. The account will not be closed deposit will not be returned until the department is notified that ownership of the property has changed, sold or otherwise transferred. ~~the property is sold and the new property owner opens an account and makes the required security deposit.~~

(D) Each time that a new utility account is opened, either upon addition of a new service connection or upon changing the customer of record for an existing service connection, the new customer shall pay a fee in accordance with § 50.08 (B) of \$10 ~~to~~ defray the administrative costs involved.

(E) Each bill for water and sewer monthly service charges, plus any other water and sewer charges which are due, shall be due and payable when rendered. If the city has not received payment in full within 20 days after the date of mailing of a utility bill, that bill shall be deemed delinquent. The monthly bill immediately following a delinquent bill shall have a penalty fee added to it. Notwithstanding the first delinquent bill in any one fiscal year, each customer who has two or more delinquent bills in any fiscal year shall be charged a penalty fee. The monthly bill immediately following a second delinquent bill within one fiscal year, shall have a penalty charge added to it. The penalty charge fee shall be equal to 10% of the total of all previous water and sewer billings which had not been received by the city. smaller of either:

~~—(1) So much of the total of all previous water and sewer billings as had not been received by the city within 20 days of the date of mailing the immediately preceding bill; or~~

~~—(2) So much of the immediately preceding bill as was for new water and sewer charges incurred during the month covered by the immediately preceding bill.~~

(F) If a customer believes that a billed monthly service charge is incorrect, he must submit a written protest to the Utility Department within 20 days of the date of the bill. Any bill not protested within 20 days shall be presumed to be correct as billed, without further recourse. Without regard to whether protested or not, all bills are due and payable as received. All timely protests will be reviewed by the city. If the protest is determined to be valid, the excess amount paid will be credited against future billings.

(G) Utility services are billed monthly. If a customer does not pay delinquent balances within 60 days of the past-due date, service will be discontinued and additional charges incurred. When a customer has not paid a bill with a previous balance within 20 days of the billing with a previous balance, payment of all amounts then due shall be taken from the security deposit, and Services shall be resumed only after all amounts then due have been paid, and the security deposits have been renewed. Amounts due prior to resumption of services shall include payment of the standard charges for turn off and turn-on of services, as shown in the schedules of fees and charges in §§ 50.31 through 50.59.

§ 50.09 TEMPORARY TURN-OFF OF SERVICES.

If a customer desires a temporary turn-off of utility services for a period of one month or more, he may make request to do so. Once turned off, a request for resumption of services prior to one month later will be honored only if accompanied by written documentation of the changes in circumstances that have occurred subsequent to the request for turn-off. The turn-off of services will not relieve the customer of payment of all minimum monthly charges during the turn-off period. The turn-off serves only to assist the customer in attempting to avoid damage or unintended consumption due to leaks or unauthorized uses during his absence. The first billing subsequent to the turn-off shall include a fee to reimburse the city for costs incurred. A similar fee shall be paid when service is turned back on.

§ 50.10 CITY COMMISSION APPROVAL FOR CONNECTION TO A CITY UTILITY.

(A) Within City Limits. All new and existing developments located within the city limits, either as established at the time of adoption of this chapter or as amended in the future, shall be required to connect to the city's utility systems when they are available. Such connections shall be made without any action by the City Commission, except as follows:

(1) If a developer's agreement is required, then the developer's agreement shall be accepted by resolution of the City Commission, prior to execution of the connection contract between the developer and the city.

(2) The city utility systems are designed and constructed primarily for use by residential and commercial customers. No industrial customer shall connect to a city utility system unless the connection is specifically authorized in advance by the City Commission.

(3) The City Commission has determined that as of the adoption of this chapter, no existing or presently proposed user of the city's sewer system is an "EPA Industrial User," as defined herein. Further, it has been determined that existing zoning regulations make it highly unlikely that a prospective user shall be an EPA Industrial User. However, it shall be the policy of the city that an EPA Industrial User shall not be permitted to connect to the city's sewer system unless, and until, the city shall have amended this Code so as to incorporate an EPA approvable "Industrial Cost Recovery System," as defined in Federal Regulations 40 CFR 35.

(B) Outside City Limits. With one exception, property located outside the city limits shall not be allowed to connect to a city utility system unless the connection is authorized by the City Commission. The one exception is that Commission approval shall not be required for any connection in that area covered by the developer's agreements identified in Exhibit "H", Agreement for Sale and Purchase, September 27, 1962, between the city and the West Hollywood Water Company and the West Hollywood Utility Company.

§ 50.11 PAYMENT OF INTEREST ON SECURITY DEPOSIT; RETURN OF SECURITY DEPOSIT.

(A) Customers with utility accounts for which the city is holding a security deposit as specified in the City Code shall earn interest as set forth herein. The city shall pay interest on such deposits based on the average rate of return earned for the 12 months ended August 31, less an amount equal to an administrative fee of 30 basis points. Interest will

be prorated for the portion of the year that the deposit was held. The interest earned shall be shown on the customer's account statement for the month of October of each fiscal year. Unless the customer specifically requests a refund of the interest earned, it shall be credited to his next due statement.

~~(B) Master metered residential customers who have demonstrated to the city a satisfactory payment record for a period of three consecutive years shall have their deposit returned to them. The deposit will be returned to the customer which originally made the deposit or the successor in interest. Notwithstanding the foregoing, if subsequent to the return of the deposit the customer shall become delinquent for a period in excess of 30 days, the city may require the customer to pay a new deposit within 15 days of written notice. Such deposit shall also be subject to return in accordance with the provisions of this section.~~

§ 50.12 TAMPERING WITH CITY UTILITY FACILITIES.

Whosoever shall, without consent of the city, operate the valves or controls of, deface, injure, destroy, remove, or otherwise tamper with or tap any pipe, for any use including the use of potable water for irrigation, main meter, meter box, valve or other facility of the utility systems of the city shall make restitution to the city for any costs incurred by the city resulting from the tampering. In addition, the tampering shall be punishable by a fine in accordance with § 50.08 (B) and/or as provided by Section 10.99 of the City Code or by other lawful method provided in the City Code, including but not limited to Code Enforcement penalties authorized by law, of not to exceed \$150, or by imprisonment not exceeding three months, or by both.

§ 50.13 UNAUTHORIZED USE OF CITY UTILITY SYSTEMS.

Whosoever shall, without the permission of the city, take or use water from the city water system, for any use including the use of potable water for irrigation, or introduce any liquid or solid substance into the city sewer system, or make a connection to any utility system shall make restitution to the city for any costs incurred by the city resulting from the unauthorized use. In addition, the unauthorized use shall be punishable by a fine in accordance with § 50.08 (B) and/or as provided by Section 10.99 of the City Code or by other lawful method provided in the City Code, including but not limited to Code Enforcement penalties authorized by law be punished by a fine not exceeding \$250, or imprisonment not to exceed 30 days, or both.

§ 50.14 MODIFICATION OF SERVICE CONNECTIONS AND/OR LATERALS.

If the capacity of an existing service lateral or an existing service connection is inadequate to provide the quantity of service needed by a customer, the modification will be performed by the city, and the property owner shall reimburse the city for all costs actually incurred by the city. At the same time, all security deposits and schedules of charges for the customer shall be adjusted to correspond to the changed capacities.

§ 50.15 PRIVILEGE FEE.

The sewer service provider shall, as compensation for its use of the public rights-of-way, pay the city a privilege fee in the amount equal to 12% of billed revenue from sewer

billed services, or in the amount as thereafter amended by resolution of the City Commission. The utility shall pay the privilege fee to the city on a monthly basis, with each payment being made not later than 30 calendar days after the end of the subject month. This privilege fee is not a payment in lieu of any other tax, fee, or assessment.

WATER

§ 50.31 GENERAL.

Sections 50.01 through 50.14 of this Code of Ordinances apply equally to the city's water and sewer systems. This subchapter contains only those provisions which apply uniquely to the water system.

(Ord. 641, passed 12-15-82)

§ 50.32 CHARGES AT INITIAL CONNECTION TO CITY WATER SYSTEM.

The following one-time water charges shall be paid by a developer at the time of issuance of his certificate of occupancy, or by an existing property owner at the time water service first is made available to his property.

(A) Water Connection Charge. The water connection charge shall be equal to; 1,183.00 per ERC effective January 1, 1992; subsequent years will be adjusted using the change in the Consumer Price Index for all urban consumers in the United States - Water and Sewerage Maintenance Series published by the Bureau of Labor Statistics for the 12 months ending April of each year. These adjustments will be effective on the following October 1.

(B) Water Construction Charge. As established by one or more prior developer's agreements related to sub-portions of the water system to serve the current development.

(C) Reimbursement of City Costs. If the city constructs any facilities specifically to serve the development. See §§ 50.03 and 50.04.

(D) Water Tapping Charge. Each customer shall be charged a water tapping charge in accordance with § 50.08 (B) fFor each water service lateral constructed by the city to serve the property. ~~For a service lateral larger than two inches in diameter, the water tapping charge shall be equal to the sum of all costs actually incurred by the city in furnishing and installing the lateral. For water laterals two inches and smaller in diameter, the water tapping charge per lateral shall be: \$3 per square foot of any paved surface that has to be removed and restored, plus the following lump sum based upon the diameter of the lateral.~~

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<i>Diameter (Inches)</i>	<i>Water Tapping Charge</i>
5/8	\$175
1	225

1½	330
2	450

(E) ~~Water Meter Charge. Each customer shall be charged a water meter charge in accordance with § 50.08 (B) f~~For each water service connection constructed to serve the property. ~~For a service connection having a meter larger than two inches, or having more than one meter which together are equivalent to one meter larger than two inches, the water meter charge shall be equal to the sum of all costs actually incurred by the city in furnishing and installing the service connection. For each service connection having one two inch or smaller meter, the water meter charge shall be:~~

~~(1) Temporary Meter During Construction:~~

~~**Meter Size (Inches) Water Meter Charge**~~

5/8	\$25
1	35
1½	50
2	75

~~(2) Permanent Meter~~

~~**Meter Size (Inches) Water Meter Charge**~~

5/8	\$ 90
1	175
1½	275
2	375

~~(F) Notwithstanding any other subpart of this section, the basic minimum water connection charges shall be subject to an annual increase of at least 3%, effective annually as of October 1.~~

§ 50.33 WATER AND SEWER SECURITY DEPOSITS.

Each customer shall pay a water and sewer security deposit in accordance with § 50.08 (B). ~~security deposits for non-delinquent accounts existing as of the adoption of this chapter shall not be changed to correspond to amounts indicated in this section, so~~

long as the account does not become delinquent. New customers, including the changing of the customer of record for an existing service contract, and existing customers whose accounts are, or become, delinquent shall post and maintain water security deposits as follows:

~~—(A) Residential Customers. The water security deposit shall be equal to \$15 per dwelling unit served. However, this division shall not apply to “Multi-Family Residential Units”, as such term is defined in § 50.01. The water service security deposits for such multi-family residential units shall be governed by the former Chapter 50 of this City Code of Ordinances, relating to water and sewer facilities, until such time as proposed Ordinance 82-56 is enacted.~~

~~—(B) Commercial (other than Laundromat) and Industrial Customers.~~

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<i>Meter Size (Inches)</i>	<i>Water Meter Charge</i>
5/8	\$ 30
1	65
1½	160
2	220
3 or larger	To be determined on case-by-case basis, based upon actual gallonage

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~~—(C) Laundromats. The security deposits above apply only to water. A water customer who also is a sewer customer also shall make a separate sewer security deposit, as established in § 50.33(C). However, laundromats shall make only a single utility security deposit, which shall be the same whether the customer receives only water, only sewer or both. The amount of the utility security deposit for laundromats shall be \$800, or the sum of the two highest billings during the preceding twelve months.~~

~~—(D) Temporary Service During Construction. \$250.~~

~~—(E) Deposits required for new accounts created after June 5, 2013 for the use of city water and sewer facilities shall be \$100 if an account is opened by a property owner and \$300 if an account is opened jointly by a property owner and tenant, payable as follows:~~

~~— Owner: Water and Sewer Deposit, \$100.~~

~~— Tenant: Water and Sewer Deposit, \$200.~~

§ 50.34 MONTHLY WATER SERVICE CHARGES.

(A) Monthly water service charges shall include a minimum charge per month for each dwelling unit and/or business unit served, to cover administrative costs and the thousands of gallons of water received up to a specified minimum per month per dwelling unit and/or

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business unit, plus a charge per 1,000 gallons, or fraction thereof above the stated minimum per unit. Monthly sewer service charges shall be based upon readings of the water meter and shall be as indicated in the following table. In the table, the term "per unit" means per each dwelling unit and/or business unit served by a customer.

<u>Customer Type</u>	<u>Meter (Inches)*</u>	<u>Gallons</u>	<u>Minimum Per Unit 1/1/2018</u>	<u>Gallons Over Minimum 1/1/2018</u>
<u>Single Family/ Multi-Unit</u>	<u>All</u>	<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>
<u>Commercial</u>	<u>5/8</u>	<u>3,000</u>	<u>\$21.96</u>	<u>\$8.49</u>
	<u>1</u>	<u>5,000</u>	<u>\$36.42</u>	<u>\$8.49</u>
	<u>1 1/2</u>	<u>10,000</u>	<u>\$72.81</u>	<u>\$8.49</u>
	<u>2</u>	<u>16,000</u>	<u>\$116.72</u>	<u>\$8.49</u>
	<u>3</u>	<u>30,000</u>	<u>\$218.40</u>	<u>\$8.49</u>
	<u>4</u>	<u>50,000</u>	<u>\$364.10</u>	<u>\$8.49</u>
<u>City of Pembroke Pines accounts</u>	<u>N/A</u>	<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>
<u>Holly Lake</u>		<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>
<u>South Florida State Hospital</u>		<u>1,000</u>	<u>\$8.49</u>	<u>\$8.49</u>
<u>C.B. Smith Park</u>		<u>100,000</u>	<u>\$728.28</u>	<u>\$8.49</u>
<u>Temporary or Construction</u>	<u>5/8</u>	<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>
	<u>1</u>	<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>
	<u>1.5</u>	<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>
	<u>2</u>	<u>3,000</u>	<u>\$17.58</u>	<u>\$6.83</u>

*Meter sizes not shown shall be as determined by the City on a case-by-case basis.

(B) The water and sewer service charges rates and basic minimum charges for subsequent years will be increased administratively using the change in the Consumer Price Index for all urban consumers in the United States - Water and Sewerage Maintenance Series as published by the Bureau of Labor and Statistics for the 12 months ending April of each year. These adjustments will be effective on the following October 1 and will be pro-rated as required by the applicable account billing cycle. The term "per unit" means per each dwelling unit and/or per business unit served by customer.

(C) Notwithstanding any other subpart of this section, the water and sewer service charges rates and basic minimum charges shall be subject to an annual increase of at least 3%, effective annually as of October 1.

(CD) In addition to the above, monthly billings shall include any of the following charges which are applicable:

(1) Water rate surcharge. In order to encourage water conservation during periods of mandated water restrictions by the South Florida Water Management District (SFWMD),

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the following surcharge shall automatically be instituted as an adjustment to the monthly water service charge:

(a) During a Phase I Restriction issued by SFWMD, a 25% surcharge will be added to the water service charge. During a Phase II Restriction issued by SFWMD, a 50% surcharge will be added to the water service charge.

(b) The surcharge will be based on a user's average monthly consumption. The user's monthly consumption shall be based upon the user's water consumption during the 12 months prior to the South Florida Water Management District's declaration of either Phase I or Phase II Water Use Restrictions. For residential users, the surcharge shall apply to consumption which exceeds 70% of the user's average monthly consumption. For commercial users, the surcharge shall apply to consumption which exceeds 90% of the user's average monthly consumption. In no instances shall the surcharge be applied to the water service of any user who consumes 5,000 gallons or less during any billing period.

~~(2) Turn-on/turn-off recovery charges Delinquent Turn-on/turn-off recovery charges.~~ When the city incurs time and expense to secure collection of a delinquent utility account, there shall be assessed a collection fee of \$25 for a turn-on and \$25 for a turn-off ~~feeturn-off and turn-on recovery charge in accordance with § 50.08 (B).~~ ~~This collection fee is based upon the direct estimated costs incurred in securing collection of the delinquent utility accounts.~~ This fee shall not preclude the assessment to disconnect or re-connect- charges, as delineated in division (3) below.

(3) ~~Disconnect or reconnect recovery charges.~~ When the city makes a disconnect or reconnect, irrespective of cause, there shall ~~may~~ be assessed a cost recovery charge in accordance with § 50.08 (B) of \$12. ~~This charge is based on the direct estimated costs incurred in performing these services. The city shall always seek to recover its actual costs and adjust the fees accordingly.~~

(4) *Meter testing charge.* If a customer believes that his or her meter is producing erroneous results, this ~~that fact~~ should be reported to the Utility Department. If an in-place inspection reveals that the meter is, ~~in fact,~~ malfunctioning, the meter will be replaced. Otherwise, no action shall be taken unless the customer requests that the meter be removed and tested. If this is done, and the test indicates that the meter is operating within the accuracies published by the meter manufacturer, then the customer shall pay a meter testing charge equal to the actual costs incurred by the city in conducting the test. Otherwise, there shall be no charge for the test.

(5) *Meter replacement.* If a meter has to be replaced due to damage for which the customer is responsible, charges for replacement shall be in accordance with § 50.08 (B), Water meter charge. ÷

Customer Type	Meter (Inches)	Gallons	Minimum Per Unit 1/1/2018	Gallons Over Minimum 1/1/2018
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Single Multi-Unit	Family/ All	3,000	\$17.58	\$6.83
Commercial	5/8	3,000	\$21.96	\$8.49
	1	5,000	\$36.42	\$8.49
	1 1/2	10,000	\$72.81	\$8.49
	2	16,000	\$116.72	\$8.49
	3	30,000	\$218.40	\$8.49
	4	50,000	\$364.10	\$8.49
City of Pembroke Pines accounts	N/A	3,000	\$17.58	\$6.83
Holly Lakes	-	3,000	\$17.58	\$6.83
S.F.S.H.	-	1,000	\$8.49	\$8.49
C.B. Smith	-	100,000	\$728.28	\$8.49
Hydrantor Construction	5/8	3,000	\$17.58	\$6.83
	1	3,000	\$17.58	\$6.83
	1.5	3,000	\$17.58	\$6.83
	2	3,000	\$17.58	\$6.83

§ 50.35 USE OF WATER FOR IRRIGATION.

[SEE ORDINANCE 1964]

§ 50.36 WATER SHORTAGE MANAGEMENT.

[SEE ORDINANCE 1964]

§ 50.37 ADEQUACY OF WATER QUANTITIES AND PRESSURES.

(A) The city shall attempt to provide in each area of the city the water quantities and pressures normally required for the daily uses and fire flows usually associated with buildings of up to three stories in height which are constructed and utilized in accordance

with the zoning applicable to each area. All extensions to the city water system constructed by a developer also shall be designed and constructed to provide at least that capability in every area that may be served by the extension. However, nothing in this code shall be construed as a guarantee, expressed or implied, that either the city or a developer shall provide any specific quantity or pressure of water.

(B) It shall be the responsibility of each property owner to ascertain the quantity and pressure actually available to the property. In the event the property owner believes the quantity or pressure is not adequate for his purposes, then the property owner shall construct, operate and maintain on his own property such auxiliary pumping and storage facilities as he deems appropriate for his needs. This provision shall be particularly applicable to any structure having a height of more than three stories.

§ 50.38 SEPARATE FIRE SERVICE CONNECTIONS.

(A) Any customer operating structures which have a required fire flow greater than 1,000 gallons per minute may request that he have one or more separate fire service connections. If provided, the customer shall provide two separate plumbing systems on his property, one for normal water uses connected to his standard service connection, and a second system connected to the fire service connection. With the exception of monthly service charges, all provisions and charges of this chapter applicable to standard service connections shall apply individually to each fire service connection.

(B) A fire service connection and the plumbing attached to it shall be reserved exclusively for fire fighting. The fire service connection shall include a backflow preventer, and there shall be no connection of any kind between the owner's fire plumbing and any plumbing connected to the standard service connection. The fire service connection shall include a weighted check valve fitted with a by-pass having a detector meter. No water shall be drawn from a fire service connection except for fire fighting purposes and periodic tests of the fire systems. A city representative shall be present for all tests, and city representatives shall be allowed unlimited access to inspect any and all portions of the fire system.

§ 50.39 [RESERVED].

SEWER

§ 50.51 GENERAL.

Sections 50.01 through 50.14 of this Code of Ordinances apply equally to the city's water and sewer systems. This subchapter contains only those provisions which apply uniquely to the sewer system.

§ 50.52 CHARGES AT INITIAL CONNECTION TO CITY SEWER SYSTEM.

The following one-time sewer charges shall be paid by a developer at the time of issuance of his certificate of occupancy, or by an existing property owner at the time sewer service first is made available to his or her property.

(A) Sewer Connection Charge. The water connection charge shall be equal to; 1,090.00 per ERC for all property located west of Flamingo Road and \$90 per ERC for all property located east of Flamingo Road effective January 1, 1992; \$1,706.00 per ERC for all property located west of Flamingo Road and \$1,336 for all property located east of Flamingo Road effective January 1, 1992; subsequent years will be adjusted using the change in the Consumer Price Index for all urban consumers in the United States - Water and Sewerage Maintenance Series published by the Bureau of Labor Statistics for the 12 months ending April of each year. These adjustments will be effective on the following October 1.

(B) Sewer Construction Charge. As established by one or more prior developer's agreements related to sub-portions of the sewer system to serve the current development.

(C) Reimbursement of City Costs. If the city constructs any facilities specifically to serve the development. See §§ 50.03 and 50.04.

(D) Sewer Reserved Capacity Charge. As defined in § 50.01.

(E) Sewer Tapping Charge. Each customer shall be charged a sewer service tapping charge in accordance with § 50.08(B) For each sewer service lateral constructed by the city to serve the property. ~~For a service lateral larger than eight inches in diameter, the sewer tapping charge shall be equal to the sum of all costs actually incurred by the city in furnishing and installing the lateral. For sewer laterals eight inches and smaller in diameter, the sewer tapping charge per lateral shall be: \$3 per square foot of any paved surface that has to be removed and restored, plus the following lump sum based upon the diameter of the lateral:~~

Diameter (Inches) Sewer Tapping Charge

6	\$300
8	\$350

~~(F) Notwithstanding any other subpart of this section, the basic minimum sewer connection charges shall be subject to an annual increase of at least 3%, effective annually as of October 1.~~

§ 50.53 SEWER SECURITY DEPOSITS.

Each customer shall pay a water and sewer security deposit in accordance with § 50.08(B). ~~Sewer security deposits for non-delinquent accounts existing as of the adoption of this chapter shall not be changed to correspond to amounts indicated in this section, so long as the account does not become delinquent. New customers, including the changing of the customer of record for an existing service contract, and existing~~

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customers whose accounts are, or become, delinquent shall post and maintain sewer security deposits as follows:

~~—(A) Residential Customers. The sewer security deposit shall be equal to \$25 per dwelling unit served. However, this division shall not apply to “multi-family residential units”, as such term is defined in § 50.01. The sewer service security deposits for such multi-family residential units shall be governed by the former Chapter 50 of this City Code of Ordinances, relating to water and sewer facilities, until such time as proposed Ordinance 82-56 is enacted.~~

~~—(B) Commercial (other than Laundromats) and Industrial Customers.~~

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Water Meter Size (Inches)	Sewer Security Deposit
5/8	\$20
1	\$60
1½	\$125
2	\$220
Sewage Meter	To be determined on case by case basis, based upon actual gallnage

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~~—(C) Laundromats. See § 50.33(C).~~

§ 50.54 MONTHLY SEWER SERVICE CHARGES.

Monthly sewer service charges shall include a minimum charge per month for each dwelling unit and/or business unit served, to cover administrative costs and the thousands of gallons of service received up to a specified minimum per month per dwelling unit and/or business unit, plus a charge per 1,000 gallons, or fraction thereof, above the stated minimum per unit. Monthly sewer service charges shall be based upon readings of the water meter or an authorized sewer meter, and shall be as indicated in the following table. In the table, the term “per unit” means per each dwelling unit and/or business unit served by a customer.

Customer Type*	Gallons	Minimum Per Unit 1/1/2018	Gallons Over Minimum 1/1/2018
Single Family / Multi-Unit	3,000	\$22.50	\$6.83
Commercial and C.B. Smith	3,000	\$22.50	\$6.83
Holly Lakes	3,000	\$22.50	\$6.83

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S.F.S.H. South Florida State Hospital	1,000	\$6.83	\$6.83
Everglades Holiday Park and Broward Correctional	0	\$22.50	\$6.83

*Rates not shown shall be as determined by the City Utilities Division on a case-by-case basis, based upon factors that include comparable uses in other jurisdictions, industry standards and other reliable sources of information.

Adjustments.

(A) Pool Credit - In accordance with § 50.55(B), water required to fill a completely drained overflowing or drained from a swimming pool shall not be discharged into the city sewer system. Therefore, water used in filling a completely drained swimming pool shall not be included as the basis for a monthly sewer service charge, ~~if prior notice of the use is furnished to the Utility Department. The prior notice shall include: the location of the pool, intended date and time it will be filled, and the name and address of the builder of the pool. If this is done, t~~ The city shall calculate the volume of water used for filling the pool, and t ~~The sewer service charge for that month then shall be based upon the volume of the pool minus the average of the previous 6-month water consumption. water meter reading minus the volume of the pool.~~

(B) Partial Sewer Credit – Metered water which is leaked to the ground may be eligible for a sewer credit. The customer shall supply a copy of a plumbers repair bill within 60 days of the discovery of the leak. The City may issue a credit based on the difference between the previous 6-month water consumption and the consumption during the month of the leak.

(BC) In addition to the above, monthly billings shall include any of the following charges which are applicable.

(1) Penalty Charges. See § 50.08.

(2) Excess Pollutants Surcharge. An excess pollutants surcharge shall be added to a residential or commercial customer's monthly service charge if that customer's sewage contains either more than 300 ppm of BOD or more than 300 ppm of SS. A surcharge will be added in any month during which any analysis of the user's sewage, either scheduled or unscheduled, indicates a concentration of greater than 300 ppm for either pollutant. Once established, a surcharge will be added for each succeeding month, and shall continue until analysis of samples of the user's sewage taken in each of three consecutive months indicate average concentrations of less than 300 ppm for each pollutant. (See Note, following.)

The surcharge shall be computed for each month by the following formulas:

$$\text{XPS} = (\text{MTG}) \times (\text{XPR}) \times (\text{XBD} + \text{XSS})$$

XPS = Excess Pollutants Surcharge

MTG = User's Metered Thousand Gallons for the month = Same as for base monthly service charge

XPR = Excess Pollutants Rate = (Total O & M costs of city sewer system for preceding fiscal year) divided by (Total Thousands of Gallons of sewage billed to customers by the city during the preceding fiscal year) divided by (300 ppm, maximum concentration in sanitary sewage).

XBD = Excess BOD Concentration = (ppm of BOD in Customer's Sewage) minus 300. See Note, below.

XSS = Excess SS Concentration = (ppm of SS in Customer's Sewage) minus 300. See Note, below.

NOTE: For the first month that an XPS is added, the ppm of pollutants used in computing XBD and XSS shall be the largest concentration determined in any analysis conducted during that month. The same values shall be continued in succeeding months, unless any subsequent analysis is higher, or analyses taken in each of three consecutive months indicate an average concentration that is more than 5% below the current value. Nothing in these provisions shall be construed as a requirement that analyses must be conducted monthly. A three-month series of analyses shall be initiated only if specifically desired by either the city or the customer.

§ 50.55 PROHIBITED DISCHARGES INTO CITY SEWER SYSTEM.

It shall be unlawful for any person knowingly to discharge into the city sewer system any of the following substances, under any circumstances.

- (A) Cooling water or condensate from air-conditioning or refrigeration equipment.
- (B) Overflow or drain water from a swimming pool or water storage tank.
- (C) Discharge from roof drains or any other storm drainage system.
- (D) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, gas or solid.
- (E) Petroleum products used in vehicles, industrial processes, or paving of surfaces.
- (F) Mineral or vegetable distillates, synthetic compounds, vehicles, or pigments from the manufacture or use of paints.
- (G) Any improperly shredded wastes from the preparation, cooking or dispensing of food. Such wastes are properly shredded only if all particles can be freely transported under flow conditions normally prevailing in public sewers, with no particle having any one dimension greater than one-half inch.
- (H) Any wastes containing at any one time more than 100 ppm of any grease, oil, or oily substance; or a daily average concentration of said substances at over 25 ppm.

(I) Any waters or wastes containing any toxic or poisonous or corrosive substance in sufficient quantities as either to constitute a hazard to humans or animals, either during transportation or treatment of the sewage or in the receiving waters of the sewage treatment plant discharge, or to interfere with proper operation and maintenance of the sewage transportation and treatment facilities. This prohibition includes, but is not limited to, prohibiting any of the following substances in concentrations greater than the maximums shown:

<i>Substances</i>	<i>Maximum Concentration (ppm)</i>
Cyanides	0.01
Copper, total	0.5
Chromium, hexavalent	0.5
Chromium, total	1.0
Cadmium	0.5
Zinc, total	1.0
Phenols	0.005

(J) Wastes generated from the cleaning or emptying of any grease trap, pretreatment process, or septic tank.

§ 50.56 REQUIRED USE OF GREASE TRAPS.

Any facility engaged in operations producing greasy wastes, including but not limited to preparation or serving of food for consumption by more than one family, shall install and operate grease traps sufficient to ensure compliance with § 50.55(H). Grease traps shall be inspected and cleaned on a schedule that assures continued proper functioning in accordance with the requirements of the City's Fats Oils and Grease (FOG) program, as promulgated by the City Utility Director.

§ 50.57 PERMITS REQUIRED FOR SOME COMMERCIAL SEWER CUSTOMERS AND ALL INDUSTRIAL SEWER CUSTOMERS.

The city sewer system is designed and constructed primarily for collection and transmission of sanitary sewage. Therefore, it is the policy of the city that any customer engaged in any business that generates liquid wastes which can be expected to have, prior to any pretreatment, one or more characteristics exceeding the limits listed in the § 50.01 definition of sanitary sewage shall:

(A) Include pretreatment process and/or facilities into the design and operation of his business. Unless issued a specific permit to do otherwise, the pretreatment shall ensure

that sewage discharged into the city sewer system meets or exceeds the criteria defined in this section for sanitary sewage.

(B) At the time of application for connection to the sewer system, also apply for a permit to operate the pretreatment processes. The application shall include a description of the waste characteristics prior to pretreatment, a description of the proposed pretreatment to be applied, and a description of the sewage characteristics proposed for discharge into the sewer system. The permit will be issued only if:

(1) The discharge will meet or exceed the criteria for sanitary sewage.

(2) Or, meeting those criteria is not economically feasible, the proposed characteristics are as close to sanitary sewage as is economically feasible, and the proposed characteristics will not produce an unacceptable potential hazard to public health and safety, or potential adverse impact upon the sewer system or treatment processes.

(C) Upon receipt of the permit, pay a permit fee of ~~\$50~~ in accordance with 50.08 (B).

(D) The permit shall stipulate the specific conditions which the operation shall satisfy, and the period for which the permit shall be effective. In general, if the permit allows discharges exceeding the sanitary sewage criteria, then the permit shall stipulate a one year period of effectiveness, and require that the property owner construct and maintain facilities suitable for monitoring and metering the sewage prior to discharge into the sewer system. Prior to the end of the effective period, the property owner shall apply for a new permit. That application shall include analyses of actual characteristics of the wastes before and after pretreatment, performed within ten days of the date of application. Each new permit shall require payment of a new ~~\$50~~ permit fee in accordance with 50.08 (B).

(E) If the permit is for discharges meeting the sanitary sewage criteria, then no special monitoring facilities shall be required. However, the owner shall submit annual analyses of his sewage before and after pretreatment, and the city shall randomly require submittal of unscheduled analyses. The permit shall have an indefinite effective period. However, it shall be canceled at any time that the owner fails to take timely action to correct any violations of the terms of the permit.

(F) If, at any time in the future, the City Commission authorizes connection to the city's sewer system by an "EPA Contributing Industry", as defined herein, then a permit issued to that customer shall require compliance with "Pretreatment Standards for Incompatible Pollutants" as described in Federal Regulations 40 CFR 128.133, and any other regulations as shall be established from time to time by appropriate governmental regulating agencies.

§ 50.58 CONTROL OF INFILTRATION AND INFLOW INTO SEWER SYSTEM.

The intentional introduction into the sewer system of groundwater infiltration or surface inflow of storm waters shall not be allowed. However, it is realized that it can-not be totally prevented. Plumbing to connect to the city sewer system shall be designed, constructed and maintained in such a manner as to minimize such occurrences. If analysis by the city indicates that excessive infiltration or inflow is entering the system through privately

owned plumbing, the customer shall be requested to repair or modify his plumbing so as to reduce the infiltration/inflow to acceptable limits. Failure to comply shall result in a surcharge being added to the customer's monthly service charge. The surcharge shall be equal to the then existing rate per thousand gallons times the city's estimate of thousands of gallons of infiltration/inflow entering the system through the customer's plumbing.

§ 50.59 CLOSE OUT OF SEPTIC TANKS.

Whenever a property being served by a septic tank is connected to the city sewer system, the septic tank shall be abandoned in accordance with the laws of the State of Florida including, but not limited to, completely emptied. ~~The contents of the tank shall be pumped out and disposed of by a contractor licensed for such disposal. In particular, the contents shall not be drained into the adjoining ground, nor discharged into the sewer system. After the tank has been emptied, a hole shall be punched in the bottom of the tank, and the tank shall be filled with sand.~~

§ 50.60 MAINTENANCE OF WATER METER BOXES.

Maintenance of water meter boxes which are provided by the city as part of the water service connection shall be the responsibility of the customer. Water meter boxes must be maintained plumb, level and free of landscaping, plant roots, dirt and debris.