## Chapter 32 WATER AND SEWER REGULATIONS [[1]](#BK_B75FAE2CC373814B549715CE54FB7DB1)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH32WASERE_ARTIINGE.docx)

[ARTICLE II. - RESERVED](../level3/PTIIICOOR_CH32WASERE_ARTIIRE.docx)

[ARTICLE III. - CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY](../level3/PTIIICOOR_CH32WASERE_ARTIIICEPUCONE.docx)

[ARTICLE IV. - DUTIES OF PUBLIC UTILITIES](../level3/PTIIICOOR_CH32WASERE_ARTIVDUPUUT.docx)

[ARTICLE V. - WATER AND SANITARY SEWER CONNECTION](../level3/PTIIICOOR_CH32WASERE_ARTVWASASECO.docx)

[ARTICLE VI. - MIAMI-DADE WATER AND SEWER AUTHORITY DEPARTMENT BILLING PROCEDURES](../level3/PTIIICOOR_CH32WASERE_ARTVIMIDEWASEAUDEBIPR.docx)

[ARTICLE VII. - TAMPERING WITH UTILITY FIXTURES](../level3/PTIIICOOR_CH32WASERE_ARTVIITAUTFI.docx)

[ARTICLE VIII. - CROSS CONNECTION CONTROL PROGRAM](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx)

[ARTICLE IX. - SECURITY AT MIAMI-DADE WATER AND SEWER DEPARTMENT](../level3/PTIIICOOR_CH32WASERE_ARTIXSEMIDEWASEDE.docx)

[ARTICLE X. - DOWNTOWN KENDALL SYSTEM BETTERMENT](../level3/PTIIICOOR_CH32WASERE_ARTXDOKESYBE.docx)

FOOTNOTE(S):

--- (**1**) ---

Annotation—AO 4-78. [(Back)](#BK_75A773DFAA6EF0FC7B0EFA8F25FB534C)

**Charter reference—** Authority to regulate water and sewage matters, § 1.01(A)(9). [(Back)](#BK_75A773DFAA6EF0FC7B0EFA8F25FB534C)

**Editor's note—** Miami-Dade Water and Sewer Authority Department and Advisory Board, §§ 2-340—2-349; moratorium on execution of water supply contracts, § 2-350 et seq.; wells in fields open to public, § 21-111 et seq.; environmental protection, Ch. 24 [(Back)](#BK_75A773DFAA6EF0FC7B0EFA8F25FB534C)

### ARTICLE I. IN GENERAL

[Sec. 32-1. Short title.](#BK_F58D858D71CB82D4A3A5E611995EC234)

[Sec. 32-2. Declaration of legislative intent.](#BK_39ABA804989CC49E3C8D180D7B9CF237)

[Sec. 32-3. Scope of regulations.](#BK_3E45F0B24934873EC6C2D166F07184A9)

[Sec. 32-4. Definitions.](#BK_96CBD3F126C66E56492760C830E8C1C1)

[Sec. 32-5. Limitations on effect of chapter.](#BK_9BBD1F0A01C4E2275E3225B97D81152C)

[Sec. 32-6. Penalties.](#BK_FB9D35916B4A57C499707E1CC846F0EC)

[Sec. 32-7. Minimum standards for individual sewage disposal facilities.](#BK_FB1E03C6507DB61ADF96551CEB4D4B5A)

[Sec. 32-8. Regulation of water use during actual or potential drought situations.](#BK_6D9A490E7451611AB8B8C2F219804315)

[Sec. 32-8.1. Water shortage emergency restrictions.](#BK_A4F7EB661E79B759E926448ADBB655C0)

[Sec. 32-8.2. Permanent landscape irrigation restrictions.](#BK_99899E3C20C0C9D1A837DC27053A3618)

[Secs. 32-9, 32-10. Reserved.](#BK_016CCE915626432CE099BE6A29D6CD10)

Sec. 32-1. Short title.

This chapter shall be known and may be cited as the "Metropolitan Miami-Dade County Water and Sewer System Regulatory Ordinance."

(Ord. No. 60-20, § 1, 7-5-60)

Sec. 32-2. Declaration of legislative intent.

It is hereby determined and declared that the regulation and control of rates, charges, standards of service and service areas of waste and sewage collection and disposal systems, and water supply, treatment and distribution systems of Miami-Dade County is necessary and essential for the protection and preservation of the public health, safety and welfare. The particular public utilities designated and described herein are declared to be vested with a public interest subject to governmental regulation, supervision and control, and this chapter shall be deemed and construed as the exercise of the police power for the proper and necessary protection and preservation of the public health, safety and welfare. The purpose and intent of this chapter is to protect the public interest, health, safety and welfare of the County, its citizens, residents and visitors, by providing for the reasonable uniform regulation, supervision, and control of water and sewerage systems in respect to rates, standards of service, service areas, and other matters pertaining to such public utilities that directly affect the public health, safety and welfare.

(Ord. No. 60-20, § 2, 7-5-60; Ord. No. 75-28, § 1, 5-7-75)

Sec. 32-3. Scope of regulations.

This chapter is intended to and shall govern and be applicable to all waterworks, water supply, treatment, distribution and service systems and all waste and sewage collection and disposal systems operating in whole or in part within the territorial areas or boundaries of Miami-Dade County, Florida, and shall be limited only to those water and sewer public utilities herein designated and defined.

(Ord. No. 60-20, § 3, 7-5-60; Ord. No. 64-23, § 1, 7-7-64)

Sec. 32-4. Definitions.

When the terms defined in this section are used in this chapter, they shall have the meanings ascribed to them in this section, unless the context of this chapter expressly provides to the contrary:

(a) *Board* shall mean the Metropolitan Miami-Dade County Water and Sewer Board created and established by this chapter.

(b) *Commission or County Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(c) *Public utility* shall mean and include any person, firm, corporation, partnership, association, legal entity, political subdivision, special purpose or taxing district, authority, board of governmental agency created by special act of the Legislature, municipality, incorporated city, town or village, and any lessee, trustee or receiver thereof, owning, constructing, operating, managing, or controlling any waterworks, water system or sewer system, or both, located in whole or in part within the incorporated or unincorporated areas of Miami-Dade County, Florida, and serving or purporting to serve the public directly or indirectly, but it shall not mean or include any person, firm, corporation, partnership, association or legal entity whose activities are confined to selling, distributing or furnishing bottled water and not otherwise engaged directly or indirectly in owning, leasing, constructing, operating or managing any waterworks, water system or sewer system.

(d) *Water system* shall mean and include any real estate, attachments, fixtures, impounded water, water mains, laterals, valves, meters, plants, wells, pipes, tanks, reservoirs, systems facility, or other property real or personal, used or useful, or having the present capacity for future use in connection with the obtaining, treatment, supplying, and distribution of water to the public for human consumption, fire protection, irrigation, consumption by business or industry, and without limiting the generality of the foregoing definition shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof, but shall not include property used solely for or principally in connection with the business of bottling, selling, distributing, or furnishing bottled water, nor water systems utilized by manufacturing plants primarily for the purpose of providing water in connection with its manufacturing operations.

(e) *Sewer system* shall mean and include any plant, system, facility, or property used or useful, or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage and sewage effluent and residue for the public, and without limiting the generality of the foregoing definition shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals, and all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof, but shall not include systems for the collection, treatment, purification, or disposal of industrial wastes for manufacturing plants owned or operated by such manufacturing plants.

(f) *Rates* shall mean the compensation imposed by any public utility as herein defined for any service or product and shall include all rates, charges, tolls, fees, costs and rentals, including but not limited to connection charges, the compensation or consideration charged, collected or received under and pursuant to contracts involving contributions in aid of construction to defray costs of installation, refundable or nonrefundable agreements and other advances, and all receipts or revenues collected, directly or indirectly, for providing water or sewer services to the public.

(g) *Certificate* shall mean and be limited to a certificate of public convenience and necessity issued under and pursuant to the provisions of this chapter.

(h) *Service* is used in its broadest and most inclusive sense and includes equipment and facilities furnished but shall not include the quality of water supplied or of the sewage within the utility system.

(i) *Municipality* shall mean any city, town, or village located within the territorial areas of Miami-Dade County, Florida.

(j) *Service area* shall mean the physical territory in which a public utility operates and actually provides water distribution services or sewage collection services for individual consumers or others, or the physical territory in which the public utility is willing or able to assume the responsibility for providing water or sewer services whenever requested by individual consumers or required by the Board. A service area contemplates an exclusive territory allocated and reserved to a particular public utility.

(k) *Environmental Quality Control Board* shall mean that Board established pursuant to [Section 24-7](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-7SAUTPO) of the Code with jurisdiction as provided by [Section 24-7](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-7SAUTPO)(5).

(l) *Statement of approved water service or approved sewage service* shall mean that statement issued by the Environmental Quality Control Board, after a public hearing, approving the public utility's service to its customers.

(m) *Water and Sewer Authority* shall mean the Miami-Dade Water and Sewer Authority as described in Section 32A-1.

(Ord. No. 60-20, § 4, 7-5-60; Ord. No. 62-28, § 2, 7-3-62; Ord. No. 75-28, § 2, 5-7-75)

Sec. 32-5. Limitations on effect of chapter.

Nothing contained in this chapter shall be construed as authorizing the impairment or breach of any bona fide contractual arrangements entered into a good faith by a public utility prior to the effective date of this chapter. Nor shall the provisions of this chapter be construed to impair or defeat the rights of any holders of revenue bonds, trust indentures, mortgages or other instruments evidencing indebtedness of a public utility issued or given in good faith prior to the effective date hereof to receive payment of such financial obligations in accordance with the terms thereof. The Water and Sewer Board in the exercise of its regulatory powers in respect to the rates and charges of public utilities as herein defined shall take into consideration and give full force and effect to such instruments created and existing prior to the effective date of this chapter. Nothing contained in this chapter shall prevent or limit Metropolitan Miami-Dade County in asserting in any court of competent jurisdiction any contractual right it may have relating to either water service or sewage disposal.

(Ord. No. 60-20, § 29, 7-5-60; Ord. No. 75-28, § 3, 5-7-75)

Sec. 32-6. Penalties.

If any person, defined herein as any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally, or any officer, agent, representative or employee thereof, shall knowingly fail or refuse to obey or comply with, or wilfully violate, any of the provisions of this chapter, or any lawful rule or regulation promulgated hereunder, or any lawful order of the Water and Sewer Board issued or rendered under and pursuant to the provisions of this chapter, such person, or its officers, agents, representatives or employees, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court of appropriate jurisdiction.

(Ord. No. 60-20, § 31, 7-5-60; Ord. No. 72-11, § 1, 2-15-72)

**Cross reference—** Authority of the Board to cancel certificates of convenience and necessity in the event of violations, § 32-43; power to seek injunction against violations to stop orders, § 32-21.

Sec. 32-7. Minimum standards for individual sewage disposal facilities.

The minimum standards adopted by the State Board of Health pursuant to the authority of Chapter 381, Florida Statutes, and enumerated in the Rules of the State Board of Health, Chapter 170 C-4 of the Rules and Regulations of the State of Florida, as amended from time to time, are adopted as the minimum permissible standards governing individual sewage disposal facilities in Miami-Dade County. Enforcement hereof shall be effected pursuant to [Section 2-77](../level3/PTIIICOOR_CH2AD_ARTVIIIPUHEDE.docx#PTIIICOOR_CH2AD_ARTVIIIPUHEDE_S2-77PODU)(b) of the Code of Metropolitan Miami-Dade County.

(Ord. No. 67-2, § 1, 1-10-67)

Sec. 32-8. Regulation of water use during actual or potential drought situations.

(a) The County Manager is hereby authorized, after consultation with the executive directors of the Water Management district and the Miami-Dade Water and Sewer Authority, to issue regulations prohibiting or restricting the use of water for any purpose other than personal hygiene, personal consumption and house cleaning. The regulations shall be predicated upon a finding by the County Manager that there exists an actual or potential drought situation which affects or may affect the health, safety, welfare and comfort of the people of Miami-Dade County. The prohibition or restrictions shall be predicated upon the extent of the actual or potential water shortage.

(b) After approval by the County Commission the restrictions shall have the force and effect of law, violations of which shall be punishable in accordance with [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE), Miami-Dade County Code.

(Ord. No. 73-16, §§ 1, 2, 3-8-73; Ord. No. 75-28, § 4, 5-7-75)

Sec. 32-8.1. Water shortage emergency restrictions.

(a) *Intent and purpose.* It is the intent and purpose of this section to protect the water resources of Miami-Dade County from the harmful effects of overutilization during periods of water shortage and allocate available water supplies by assisting the South Florida Water Management District in the implementation of its water shortage plan.

(b) *Definitions.* For the purpose of this section the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

(1) *District* is the South Florida Water Management District.

(2) *Person* means any person, firm, partnership, association, corporation, company, or organization of any kind.

(3) *Water resource* means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

(4) *Water shortage condition* means that situation when sufficient water is not available to meet the present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

(5) *Water shortage emergency* means that situation when the powers which can be exercised under Part II of Chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.

(c) *Application of section.* The provisions of this section shall apply to all persons using the water resource within the geographical areas subject to the water shortage condition or water shortage emergency, as determined by the District, whether from publicly or privately owned water utility systems, private wells, or private connections with surface water bodies. This section shall not apply to persons using treated effluent or saltwater.

(d) *Adoption of water shortage plan.* Chapter 40E-21, Florida Administrative Code, as same may be amended from time to time, is incorporated herein by reference as part of the Code of Metropolitan Miami-Dade County, Florida.

(e) *Declaration of water shortage condition; water shortage emergency.* The declaration of a water shortage condition or water shortage emergency within all or any part of Miami-Dade County by the governing Board of the District or the Executive Director of the District shall invoke the provisions of this section. During such water shortage emergency or water shortage condition, all water use restrictions or other measures adopted by the District applicable to Miami-Dade County, or any portion thereof, shall be subject to enforcement action pursuant to this section. Any violation of the provisions of Chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this section.

Notwithstanding any provision of this Code, the following shall be prohibited in Miami-Dade County upon declaration of a water shortage condition or water shortage emergency by the governing Board of the District or the Executive Director of the District:

(1) Serving of water from any public or private well, water supply or distribution system to any customer of a restaurant unless specifically requested by the customer.

(2) Operation of outdoor fountains or outside aesthetic facilities whose purpose is strictly ornamental or decorative.

(3) Pressure cleaning of impervious services, except for the preparation of surfaces for painting, sealing or waterproofing, or for safety, sanitation, health or medical purposes.

These restrictions shall remain in effect for the duration of the declared water shortage condition or water shortage emergency.

(f) *Enforcement.* Every police officer or sheriff having jurisdiction in the area governed by this section shall, in connection with all other duties imposed by law, diligently enforce the provisions of this section. In addition, the County Manager may also delegate enforcement responsibility for this section to agencies and departments of County government, and as permitted by law, to cities in the service areas governed by this section, in accordance with State and local law.

(g) *Penalties.* Violation of any provision of this section shall be subject to the following penalties:

First violation: Seventy-five dollar ($75.00) fine.

Second and subsequent violations: Fine not to exceed five hundred dollars ($500.00) and/or imprisonment in the County Jail not to exceed sixty (60) days.

Each day in violation of this section shall constitute a separate offense. In the initial stages of a water shortage condition or water shortage emergency, law enforcement officials may provide violators with no more than one (1) written warning. The County, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to emergency prohibitory and mandatory injunctive action, to enforce the provisions of this section.

(h) *Water users to accept provisions of section.* No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this section. The acceptance of water service shall be in itself the acceptance of the provisions thereof.

(Ord. No. 85-25, § 2, 4-16-85; Ord. No. 91-18, § 2, 2-19-91; Ord. No. 01-73, § 1, 4-10-01)

**Editor's note—**

With the adoption of Ord. No. 81-54, on May 7, 1981, as amended in its entirety by 81-57, adopted May 19, 1981, the County enacted water shortage emergency procedures to take effect upon declaration of an emergency by the South Florida Water Management District as long as such emergency exists. Section 3 of Ord. No. 85-25 repealed both Ord. No. 81-54 and Ord. No. 81-57.

Sec. 32-8.2. Permanent landscape irrigation restrictions.

(a) *Intent and purpose.* To protect the water resources of Miami-Dade County, Florida from the harmful effects of over utilization, increase water use efficiency and prevent and curtail wasteful water use practices by providing mandatory year-round landscape irrigation conservation measures and prohibiting the operation of irrigation systems in a manner causing water to be wasted.

(b) *Definitions.* In constructing the provisions of this section, the following definitions shall apply:

(1) *Address* shall mean the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g. the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address it shall be considered "even-numbered".

(2) *Athletic play area* shall mean all golf course fairways, tees, roughs and greens and other athletic play surfaces; including, football, baseball, soccer, polo, tennis and lawn bowling fields, rodeo, equestrian and livestock arenas.

(3) *Even-Numbered Address* means an address ending in the numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with no address or the letters A—M.

(4) *Existing Landscape* shall mean any landscaping where a period of 90 days has lapsed from the date of purchase.

(5) *Irrigation* shall mean the application of water by means other than natural precipitation.

(6) *Irrigation systems* shall mean equipment and devices which deliver water to the landscape being irrigated including, but not limited to, pumping stations, controls, main and submain pipelines, lateral pipelines, emitters, valves, fittings and safety devices.

(7) *Landscape* shall mean all residential, commercial, institutional, industrial or governmental areas which are ornamentally planted including, but not limited to, turf, ground covers, flowers, shrubs, trees, sand, mulch, hedges and similar plant materials, lawns, sod, grass and such other flora, not intended for resale, which are situated in locations including, but not limited to, residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas and public gardens as defined herein.

(8) *Low-Volume Hand Watering* shall mean the watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.

(9) *Low-Volume Irrigation* shall mean the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

(10) *Landscape Irrigation* shall mean the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas and public gardens as defined herein.

(11) *Micro-Irrigation* shall mean the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or techniques such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

(12) *New Landscaping* shall mean any landscaping where the period of time from the date of purchase is ninety (90) days or less.

(13) *Odd-Numbered Address* shall mean an address ending in the numbers 1, 3, 5, 7, 9, or the letters N—Z.

(14) *Public Gardens* shall mean botanical gardens and zoological parks and any planned outdoor space where landscaping is cared for and exhibited and the facility is open to the public at least six (6) months during a twelve-month period.

(15) *Reclaimed Water* shall mean wastewater as defined in Rule 62-40.210, F.A.C.

(16) *User* shall mean any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including users of private or public utility systems, individual wells or pumps.

(17) *Wasteful and Unnecessary* shall mean allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

(18) *Water resource* shall mean water on or beneath the surface of the ground including, but not limited to, natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

(c) *Application of section.* The provisions of this section shall apply to all users of any water resource within Miami-Dade County, whether from publicly or privately owned water utility systems, private wells, or private connections with surface water bodies. The provisions of this section shall not apply to athletic play areas and public gardens as defined herein and users under water use permits issued pursuant to Chapter 40E-2 and 40E-20, F.A.C.

(d) *Permanent landscape irrigation restrictions:*

(i) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures presented within this section, which affect each particular water use.

(ii) The following requirements shall apply to all users unless specified otherwise herein:

(1) Irrigation of existing landscaping shall comply with the following:

(a) It shall be unlawful for any user to irrigate or to cause, let, permit, allow or suffer the irrigation of any residential, commercial, institutional, governmental or industrial landscape areas between the hours of 10:00 a.m. and 4:00 p.m. daily except as otherwise provided herein.

(b) It shall be unlawful for any user to operate or cause, let, permit, allow or suffer the operation of any irrigation system or device in a wasteful and unnecessary manner including, but not limited to, watering paved areas, sidewalks, driveways, and parking lots.

(c) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, including multifamily units and homeowners' associations, and rights-of-way or other locations with no address, as defined in this section shall only conduct necessary landscaping irrigation on Thursday or Sunday or both Thursday and Sunday.

(d) Odd addresses as defined in this section shall only conduct necessary landscape irrigation on Wednesday or Saturday or both Wednesday and Saturday.

(2) Users irrigating new landscaping shall comply with the following:

(a) Irrigation of new landscaping shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m. daily, except as otherwise provided herein.

(b) On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is also allowable without regard to the normal allowable watering days and times.

(c) Irrigation of new landscaping which has been purchased for ninety (90) days or less may be conducted on any day except Friday.

(d) The date of purchase of new landscaping may be demonstrated with a dated receipt or invoice.

(e) Irrigation of new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least fifty (50) percent new landscaping. If a zone contains less than fifty (50) percent new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this paragraph. Targeted watering may be accomplished by low-volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

(3) Landscape irrigation systems may be operated during restricted days and times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed ten (10) minutes per zone.

(4) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or by Florida Green Industries Best Management Practices for Protection of Florida Water Resources Manual, shall be allowed under the following conditions:

(a) Such watering-in shall be limited to one application unless the need for more than one application is stated in the directions for application specified by the manufacturer; and

(b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in paragraphs (d)(ii)(1)(c) and (d)(ii)(1)(d) unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(5) Any landscaping may be irrigated using low volume irrigation, micro-irrigation, low-volume hand watering methods including but not limited to the use of a hose with a self-canceling or closing nozzle, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this section.

(6) Any landscaping may be irrigated with reclaimed water in accordance with federal, State and local water reuse quality standards, or the use of saltwater without regard to the watering days or times allowed pursuant to this section.

(7) Irrigation of new lawns and landscaping shall be allowed between 11:00 a.m. and 12:01 p.m. daily for a period of thirty (30) days or until the lawn or landscaping is considered established, whichever period is shorter.

(e) *Enforcement.* Every police officer or sheriff having jurisdiction in the area governed by this section shall, in connection with all other duties imposed by law, diligently enforce the provisions of this section. Officers may provide violators with no more than one (1) written warning. This section shall also be enforceable in accordance with the provisions of [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this code. The County may take any appropriate legal action, including but not limited to emergency prohibitory and mandatory injunctive action to enforce the provisions of this section.

(f) *Penalties.* Violations of any provision of this section shall be subject to the following penalties:

First violation: Seventy-five dollar ($75.00) fine.

Second and subsequent violations: Fine not to exceed five hundred dollars ($500.00) and/or imprisonment in the County jail not to exceed sixty (60) days.

Each day in violation of this section shall constitute a separate offense.

(Ord. No. 91-18, § 3, 2-19-91; Ord. No. 91-78, § 1, 7-9-91; Ord. No. 09-25, § 1, 4-7-09)

Secs. 32-9, 32-10. Reserved.

### ARTICLE II. RESERVED [[2]](#BK_C0FB9190EAF28EA05FF32CB42601AFA2)

[Secs. 32-11—32-32. Reserved.](#BK_3819D31C9B2C841839222A20826E3DC3)

Secs. 32-11—32-32. Reserved.

FOOTNOTE(S):

--- (**2**) ---

**Editor's note—** Ord. No. 99-144, § 1, adopted Oct. 5, 1999, repealed article II in its entirety. Former article II pertained to the Metropolitan Dade County Water and Sewer Board and derived from Ord. No. 60-20, §§ 5(a)—(k), 27, 30, adopted July 5, 1960; Ord. No. 64-23, § 2, adopted July 7, 1964; Ord. No. 64-39, § 16, adopted Sept. 1, 1964; Ord. No. 67-15, § 10, adopted March 7, 1967; Ord. No. 70-21, § 1, adopted March 11, 1970; Ord. No. 73-6, § 1, adopted Jan. 9, 1973; Ord. No. 75-5, § 1, adopted Jan. 7, 1975; Ord. No. 75-28, §§ 5—7, adopted May 7, 1975; Ord. No. 76-46, § 1, adopted May 18, 1976; Ord. No. 77-14, §§ 1, 2, adopted March 1, 1977; and Ord. No. 92-38, § 3, adopted May 19, 1992. Ord. No. 99-144 transferred the powers and duties of the water and sewer board to the board of county commissioners. [(Back)](#BK_A1CDB92F70D04CC59D15634F4E6F2F47)

### ARTICLE III. CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

[Sec. 32-33. Required.](#BK_A8C05BD48CBD7FB3C274FB7F21A73761)

[Sec. 32-34. Public systems.](#BK_E0CB27927B01D5B77B5950F753A27C8F)

[Sec. 32-35. Contents of certificates; expiration date; construction.](#BK_21B8FC60AA0869BCA375F2CACB0F996D)

[Sec. 32-36. Certificates required for existing systems.](#BK_63DBF203BA4487AEAB19763784AEC965)

[Sec. 32-37. Procedure for obtaining certificates for existing systems.](#BK_2363F8A98B7EEE0FB000EEE59D6ADF7B)

[Sec. 32-38. Determination of property conflicts in existing systems.](#BK_2AB0608E66AEC9B870545794C11F346F)

[Sec. 32-39. Certificates required for new systems.](#BK_42EC0B70A22E413C1B072F77A0E7275A)

[Sec. 32-40. Procedure for certificates for new systems.](#BK_708BB19B869C35446237538E0F93F73A)

[Sec. 32-41. Certificate required for extensions of systems; approval by Board for new water source.](#BK_01EEDC4E029C7391541F0A5741E1978B)

[Sec. 32-42. Transfer of certificate.](#BK_B62CF55DC80FE13B3A0B413EAD32DF47)

[Sec. 32-43. Cancellation of permit for failure to serve.](#BK_95B7BE223A062C803E8485480EE967EB)

[Sec. 32-44. Review and assessment of existing service area.](#BK_650A01A6EFE6EEDE3E2CFAC1262BA4D5)

[Sec. 32-45. Acquisition of public utility by Miami-Dade County or Miami-Dade Water and Sewer Authority.](#BK_092DE772CBF0EBAE01F44FCCBC66A9CA)

[Secs. 32-46—32-49. Reserved.](#BK_96B1E27DE81177C83E143AAA65BD5941)

Sec. 32-33. Required.

It shall be unlawful for any public utility as herein defined to commence the construction of any water system or sewer system anywhere in Miami-Dade County, Florida, or to extend, enlarge, expand or change the service area of any existing system, without first filing an appropriate application and obtaining from the Metropolitan Miami-Dade County Water and Sewer Board a certificate of public convenience and necessity issued pursuant to the provisions of this chapter. Each public utility engaged in the construction or operation or extension of any water or sewer system on the effective date of this chapter shall file with the Board an appropriate application for a certificate within ninety (90) days after the entire membership of the Board has been appointed and duly qualified to act authorizing such public utility to commence or continue such construction, operation or extension.

(Ord. No. 60-20, § 7, 7-5-60)

Sec. 32-34. Public systems.

Any municipality owning or operating a water or sewer system on the effective date of this chapter [[3]](#BK_C48657F5011D829547F6EB267E85C3D7) shall be entitled to receive a certificate of public convenience for the service area actually being served by such municipally owned or operated system as a matter of right, without cost or expense to such municipality, upon the filing of an appropriate application for certificate within the period of time herein specified. Such certificate shall be issued without notice and without public hearing.

(Ord. No. 60-20, § 8, 7-5-60; Ord. No. 70-60, § 1, 7-21-70; Ord. No. 72-94, § 2, 12-6-72)

Sec. 32-35. Contents of certificates; expiration date; construction.

(a) Each certificate of public convenience and necessity issued hereunder for new or existing systems shall contain the name of the public utility to which it is issued, its principal place of business, the nature of the service authorized, and the specific territory or service area in which the public utility is authorized to operate, construct, maintain, repair, remove, or extend lines, facilities or equipment for the supply or distribution of water and the collection and disposal of sewage under, on, over or across, and along any public roads, streets or highways, for the purpose of constructing or operating a water or sewer system. Each certificate shall contain adequate, uniform provisions:

(1) To prevent the creation of any obstruction or conditions which are or may become dangerous to the traveling public.

(2) To require the licensee under said certificate to repair any damage or injury to the road or highway or street by reason of the exercise of the privileges granted in said certificate and to repair said road or highway or street promptly, restoring the same to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.

(3) Whereby the licensee under said certificate shall hold the Board and its members, and the County harmless from the payment of any compensation or damages resulting from the exercise of the privileges granted in said certificate.

(4) To require that, in the event of widening or repair or reconstruction of any such road or highway or street, the public utility under such certificate shall move or remove such water or sewerage lines at no cost to the County.

(5) To require such additional uniform undertakings as may be reasonably necessary for the protection of the County and the public.

(b) Each certificate issued in accordance with the provisions of this chapter shall remain in force and effect until terminated, revoked, or cancelled, upon due notice and hearing, in accordance with the provisions herein contained.

(c) Subject to the limitations contained in this chapter, the certificate shall be construed as vesting in the lawful holder thereof the exclusive right or privilege to operate and serve such certificate. However, no certificate shall be construed as a franchise or to confer any vested property right upon the holder thereof, nor to deny the right of the Board to cancel, terminate or revoke a certificate and grant another certificate to another public utility to render the same type or class of service within the same territory, if the public convenience and necessity and the public interest require it, after due notice and public hearing. The Board may adopt and prescribe rules and regulations governing maps or sketches and the legal descriptions delineating service areas which each holder of a certificate is authorized to serve, to the end that such maps, sketches and descriptions shall be uniform and standardized.

(Ord. No. 60-20, § 9, 7-5-60)

Sec. 32-36. Certificates required for existing systems.

Each and every public utility engaged in the construction, operation or extension of any water system or sewer system on the effective date of this chapter [[4]](#BK_F30D534DECB6CE439BB6A66F9F7C2BFB) shall be entitled to receive from the Board a certificate of public convenience and necessity authorizing such public utility to continue serving the specific territory it served on the effective date of this chapter, if within ninety (90) days after the date on which the entire membership of the Board has been appointed and duly qualified to act, a preliminary application for such certificate shall be made and filed with the Board in the form prescribed by the Board. Each such application, except those filed by municipalities, shall be accompanied by a filing fee of two hundred fifty dollars ($250.00).

(Ord. No. 60-20, § 10, 7-5-60)

Sec. 32-37. Procedure for obtaining certificates for existing systems.

If the Board shall determine that the territory professed to be served by any qualified applicant for a certificate under [Section 32-36](../level3/PTIIICOOR_CH32WASERE_ARTIIICEPUCONE.docx#PTIIICOOR_CH32WASERE_ARTIIICEPUCONE_S32-36CEREEXSY) hereof does not conflict with, overlap or infringe upon any portion of the territory professed to be served by any other applicant and that all requirements of this chapter have been complied with, the Board shall issue to the applicant a certificate of public convenience and necessity authorizing it to continue serving such territory.

(Ord. No. 60-20, § 11, 7-5-60)

Sec. 32-38. Determination of property conflicts in existing systems.

If the territory professed to be served by any applicant for a certificate under [Section 32-36](../level3/PTIIICOOR_CH32WASERE_ARTIIICEPUCONE.docx#PTIIICOOR_CH32WASERE_ARTIIICEPUCONE_S32-36CEREEXSY) hereof conflicts with, overlaps, infringes upon or duplicates any portion of the territory professed to be served by any other applicant, the Board, after notice and public hearing, shall resolve such conflict, overlapping, infringement or duplication in professed service areas by a determination establishing and fixing such boundary line or lines between or among the professed territories as may be required by public convenience and necessity, taking into consideration such other matters as the Board may deem appropriate in the public interest, health and welfare, and the Board shall issue certificates accordingly. In making such determination the Board shall state its reasons therefor and make findings of the facts upon which the determination is predicated.

(Ord. No. 60-20, § 12, 7-5-60)

Sec. 32-39. Certificates required for new systems.

From and after the effective date of this chapter, no public utility or other person shall commence the construction of a water system or sewer system, or any facilities incident thereto, without first obtaining from the Metropolitan Miami-Dade County Water and Sewer Board a certificate of public convenience and necessity issued pursuant to the provisions of this chapter. Notwithstanding any other provision of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the Code of Metropolitan Miami-Dade County, the Water and Sewer Board shall not issue any new or expanded certificate of public convenience and necessity unless and until the Water and Sewer Authority approves any change limitation or modification of its assigned service area where such certificate affects the Authority's assigned service area.

(Ord. No. 60-20, § 13, 7-5-60; Ord. No. 75-28, § 9, 5-7-75)

Sec. 32-40. Procedure for certificates for new systems.

(a) All applications for certificates required under [Section 32-39](../level3/PTIIICOOR_CH32WASERE_ARTIIICEPUCONE.docx#PTIIICOOR_CH32WASERE_ARTIIICEPUCONE_S32-39CERENESY) hereof shall be filed with the Board in compliance with rules and regulations promulgated by the Board and in such form as the Board may from time to time adopt or prescribe. Each such application shall be accompanied by a filing fee of two hundred fifty dollars ($250.00). Upon the filing of an application complying with the rules and regulations of the Board and payment of the filing fee, the Board shall cause the application to be set for public hearing. At least ten (10) days' written notice of such public hearing shall be given by mail to each of the public utilities that have registered with the Board in accordance with the provisions of [Section 32-53](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV1INGE.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV1INGE_S32-53REALPUUT) hereof, and notice shall be given by the Board to the Public Health Department, and notice of such public hearing shall be published once in a newspaper of general circulation in Miami-Dade County at least ten (10) days prior to the date of such public hearing. Pursuant to such notice the Board shall conduct a public hearing to determine whether public convenience and necessity require or permit such construction or operation of said new water or sewer system; and the Board shall take into consideration whether or not in the issuance of the certificate applied for it would be in the public interest, health and welfare and whether the applicant can reasonably be expected to provide adequate service at reasonable rates. After such public hearing the Board shall make its determination of public convenience and necessity and shall state the reasons therefor and make findings of fact upon which the determination is predicated.

(b) The Board may prescribe in the certificate a reasonable time within which the applicant shall provide the services specified in the certificate within the service area described therein. If the services authorized by the certificate are not provided within the time so prescribed, the certificate shall be canceled and rendered null and void; provided, that prior to the expiration of the time prescribed in the certificate the Board shall have the power, for good cause shown, to extend such time and to impose such conditions as will assure the providing of adequate service at reasonable rates and any other reasonable conditions commensurate with the public interest, health and welfare.

(c) The Board shall not grant a certificate for the construction, operation, extension or expansion of a water or sewer system into any territory described in a prior certificate issued to another public utility except in accordance with rules approved by the Board of County Commissioners, or unless the Board shall first determine, after public notice and hearing, that the existing facilities are inadequate to meet the reasonable needs of the public involved, or that the standards of service are inadequate to provide for the reasonable needs of the consumers involved. In the event of any such determination, the Board may revoke, amend, limit or restrict any certificate previously issued. In making any such determination the Board shall be governed by consideration of the public interest, health and welfare, and shall endeavor to provide for the benefit of the consumers affected adequate standards of service at the lowest feasible rates. Any such determination shall embody a statement of the reasons therefor and findings of the facts upon which the determination is predicated.

(Ord. No. 60-20, § 14, 7-5-60; Ord. No. 62-28, § 3, 7-3-62)

Sec. 32-41. Certificate required for extensions of systems; approval by Board for new water source.

No public utility shall extend the facilities of its water and sewer systems without first obtaining for such extension a certificate of public convenience and necessity in accordance with the provisions of this chapter, unless such extension is made in accordance with rules approved by the Board of County Commissioners. Any such applications for extensions of water and/or sewer service areas into previously unassigned areas must be accompanied by a release by the Miami-Dade Water and Sewer Authority issued pursuant to Section 32A-16(a) of the Code. Any action of the Board granting an extension of water and/or sewer systems issued under this section shall incorporate, as a minimum, the applicable conditions of release set out in Section 32A-16(a) of the Code. No public utility shall effectuate a change of more than ten (10) percent in the source of their water supply without the approval of the Board after a public hearing has been conducted. Utilities owned or operated by municipalities shall have the right to extend facilities within their municipal boundaries as a matter of right.

(Ord. No. 60-20, § 15, 7-5-60; Ord. No. 62-28, § 4, 7-3-62; Ord. No. 64-23, § 3, 7-7-64; Ord. No. 74-95, § 1, 11-19-74; Ord. No. 76-67, § 1, 7-20-76)

Sec. 32-42. Transfer of certificate.

(a) *Approval of Board required.* No certificate issued pursuant to the provisions of this chapter shall be sold, in whole or in part, assigned, or transferred by the holder to another, until the same has been approved and authorized by the Board as herein provided. The provisions of this section shall be applicable to municipally owned or operated water and sewer systems.

(b) *Application for approval of transfer.* When any such certificate is proposed to be sold, assigned, or transferred, all of the parties, nominal and actual, to such transaction shall jointly file an application with the Board, in such form as may be prescribed by said Board, and shall set forth, among other things, the details of the transaction, specifying the consideration and the method of payment, the date such transaction is desired to be consummated, a financial statement of the transferee, the certificate authority, if any, held by said transferee under this chapter, the franchise authority, if any, held by the transferee, and any other pertinent facts. Such application shall be accompanied by a fee of one hundred dollars ($100.00). In such application the proposed transferee shall agree to pay all taxes, assessments, and obligations which may be due or owing to the State, County, and any other political subdivision of the State or County, by the transferor to the date of the entry of the order by the Board approving the transfer, as a condition precedent to such approval.

(c) *Notice of filing applications.* Upon the filing of an application for approval of the transfer of a certificate the Board shall issue and serve by mail, upon all parties entitled to notice of hearing on application for certificate to commence construction or operation of a new system, a written notice which shall contain the general pertinent facts of such application. Said notice shall require any objections or protests to such transfer to be filed in writing with the Board, by a date to be fixed in such notice. Any objection or protest filed shall state fully the basis therefor. In the event no such written protest is filed with the Board within the time fixed in such notice, then and in that event, the Board may consider said application and act upon the same as an ex parte matter without the necessity of public hearing, and for the purpose of such consideration, the Board may require either, or both, of the parties to such proposed transfer to appear before it for the purpose of giving testimony, or to produce any such records or information as the Board may direct and find necessary to consider in passing upon said application.

(d) *Public hearing on transfer.* In the event one (1) or more written protests stating material and legal grounds therefor are filed with the Board objecting to the proposed transfer of any such certificate within the time allowed, then the Board shall cause a public hearing to be held, and shall issue and serve, by mail, upon the applicants and all parties who have filed such protests a written notice that a public hearing will be held by the Board at a stated time on the application for, and the protests objecting to, approval of the proposed transfer. At such hearing the applicants shall present testimony and evidence in support of the proposed transfer, and those who have filed written protests shall be entitled to present testimony and evidence in opposition thereto.

(e) *Disposition of application for transfer.* Following a public hearing on an application for approval of transfer of a certificate under this chapter, and written protests thereto, if the Board finds and determines that the proposed transfer is not contrary to the public interest, health, and welfare, it shall enter an appropriate order in the premises. If the Board finds otherwise the application shall be denied. In making its determination of whether or not the transfer is in the public interest, health, and welfare, the Board shall consider, but shall not be limited to, the following factors: The effect of said proposed transfer upon the policy of Miami-Dade County as expressed and codified in [Chapter 32A](../level2/PTIIICOOR_CH32ARE.docx#PTIIICOOR_CH32ARE) of the Code of Metropolitan Miami-Dade County; the effect of said transfer on the consumers of the area of the transferee as to rates, service, and the quality of water and sewer service; the effect of the proposed transfer on the transferor as to its ability to maintain quality of water and sewer service to its existing consumers and to the proposed consumers located within the service area of the transferee; the effect of the proposed transfer based upon the considerations expressed within the comprehensive development master plan, as amended, for Metropolitan Miami-Dade County. The consideration of such factors shall not exclude consideration of factors other than those specifically mentioned above.

(f) *Judicial assignee of permit.* Notwithstanding any of the provisions herein, any executor, administrator, receiver, trustee in bankruptcy or in reorganization, or other court officer, shall be entitled, as judicial assignee, to operate the business of the certificate holder, without the approval of the Board, upon filing with the Board a certified copy of his order of appointment, but any sale, transfer, or assignment by any such judicial officer shall be subject to the terms and conditions hereof. Any sale or transfer accomplished by means of judicial decree or order shall not be subject to the provisions of this section. However, the purchaser at judicial sale or under judicial decree shall register and comply with all other provisions of this chapter.

(Ord. No. 60-20, § 16, 7-5-60; Ord. No. 77-27, § 1, 5-3-77)

Sec. 32-43. Cancellation of permit for failure to serve.

When any public utility fails or refuses, or is unable to provide any reasonable service, or make any reasonable extension of its existing facilities, within the territory authorized to be served by said public utility, as may be directed and required by the Board, the certificate held by said public utility under the provisions of this chapter may be revoked and canceled in whole or in part by the Board after notice and public hearings; and any public utility holding a certificate from the Board authorizing a similar service in contiguous territory may be authorized, after notice and public hearing, to make such reasonable extensions of its facilities into, and render such reasonable service in, the territory covered by any such canceled certificate or portion thereof, as may be justified by the public interest, health, and welfare, and as may be required by public convenience and necessity, provided, however, that no public utility shall be required to extend its facilities into such new territory, except in accordance with rules approved by the Board of County Commissioners. The power to cancel a certificate as provided herein for failure to render service shall be in addition to the power of the Board to cancel a certificate when the existing facilities are inadequate to provide for the reasonable needs of the consumers involved, and in addition to the power to levy and impose fines for violations of this chapter, provided, however, that all such public hearings relating to water quality required by this section shall be heard by the Environmental Quality Control Board as hearing examiner for the Water and Sewer Board. The Environmental Quality Control Board shall thereafter make findings of facts and recommendations to the Water and Sewer Board. The findings of fact relating to water quality shall be binding upon the Water and Sewer Board.

(Ord. No. 60-20, § 18, 7-5-60; Ord. No. 62-28, § 5, 7-3-62; Ord. No. 75-28, § 10, 5-7-75)

**Cross reference—** Similar provisions authorizing fines and imprisonment, § 32-6.

Sec. 32-44. Review and assessment of existing service area.

Board review and assessment of existing service areas assigned pursuant to the terms of this chapter may be initiated at any time by the Board of County Commissioners; Director, Environmental Resources Management of Miami-Dade County; the Director of the Miami-Dade County Health Department; the Director of the Miami-Dade County Department of Planning and Zoning; the Consumer Advocate of Miami-Dade County; or the staff of the Water and Sewer Board, or any other department or agency or instrumentality of Metropolitan Miami-Dade County. The application for a service area review and assessment shall designate the area or areas sought to be reviewed and the reasons of the applicant therefor. Upon receipt of such an application, the Secretary of the Board shall notify the affected utility of its filing and all other utilities adjacent to the service area concerned. In addition, the Secretary shall notify all affected County agencies, instrumentalities or departments of the application. Said notices shall include a copy of the application and shall request information dealing with the quality and capacity of service now being provided or available within the area concerned by the utility, the extent of service that is actually available without water or sewer main extension by the utility; and, the extent to which further development in the area is in accordance with the Miami-Dade County Comprehensive Development Master Plan. The Secretary to the Board shall thereupon schedule the matter for a public hearing in not less than forty-five (45) days from receipt of the application and shall notify all parties of the date thereof and shall publish notice of the time and place of said hearing in a newspaper of general circulation in the existing service area. In the event the Board determines, after due notice and public hearing, that it is required for the public convenience and necessity that a currently unserved portion of an assigned service area should be reassigned, either to another utility or should not be assigned to any utility, the Board shall enter its order accordingly and shall state its reasons therefor and make findings of fact upon which the determination is predicated.

(Ord. No. 76-68, § 1, 7-20-76; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 20, 9-3-98)

Sec. 32-45. Acquisition of public utility by Miami-Dade County or Miami-Dade Water and Sewer Authority.

Notwithstanding any other section of this chapter, upon acquisition by Metropolitan Miami-Dade County or the Miami-Dade Water and Sewer Authority of any public utility, as defined in this chapter, either through merger, transfer, negotiated sale, eminent domain, or otherwise:

(a) Any and all certificates or temporary certificates of public convenience and necessity and designated service areas possessed by the acquired public utility shall be cancelled and terminated and of no further force and effect as to said public utility as of the date upon which Miami-Dade County or the Miami-Dade Water and Sewer Authority assumes the duties and responsibilities of providing water and sewer service to the consumers within the service areas formerly served by the public utility. On that date, Miami-Dade County or the Miami-Dade Water and Sewer Authority shall assume said duties and responsibilities of providing water and/or sewer service without any further action of the Board.

(b) Any and all franchise agreements between the acquired public utility and any municipality shall terminate and cease to exist as of the date upon which change of title from that utility to Miami-Dade County or the Miami-Dade Water Sewer Authority occurs and any municipal charter, ordinance or resolution approving same are specifically repealed.

(c) Any and all outstanding orders of the Board and/or provisions of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the Code that affect the public utility to be acquired shall have no further effect, and shall not be enforced or enforceable against Miami-Dade County, the Miami-Dade Water and Sewer Authority or the acquired public utility as of the date upon which change of title from the utility to Miami-Dade County or the Miami-Dade Water and Sewer Authority takes place. However, said public utility shall be responsible and liable for compliance with said orders and/or provisions of the Board, Director of Environmental Resources Management or Environmental Quality Control Board or other affected County regulatory agency, at all times up to the date upon which change of title occurs or thereafter for orders and/or provisions where compliance was required prior to the date of County or Authority ownership of the acquired public utility. This continuing responsibility and liability of the acquired utility is subject to qualification, however, by the other provisions of this section and said responsibility and liability shall be for specific acts that were required to be performed prior to the date of County or Authority ownership of the acquired utility where said orders or provisions had become or became final by virtue of the expiration of all times for rehearings and appeals, if any, in connection with said specific acts.

(d) Any and all escrowed funds possessed by the acquired public utility or being held on its behalf, escrowed pursuant to Board order or the Code, shall be released to the use of Miami-Dade County or the Miami-Dade Water and Sewer Authority for the purpose of providing water and/or sewer service to consumers within the service area of the acquired public utility. If such funds have been escrowed by the acquired public utility for certain capital projects or other particular purposes, Miami-Dade County or the Miami-Dade Water and Sewer Authority shall assume the responsibility for fulfillment of those specific projects or purposes without the need for such escrow accounts and shall rebate to consumers of the acquired public utility or to those consumers directly responsible for establishing said fund or funds, any of such funds not so utilized for those specific projects or purposes.

(e) Upon acquisition of a public utility, Miami-Dade County or the Miami-Dade Water and Sewer Authority shall be liable to make construction cost refunds to developers for which the acquired utility was liable, except to the extent that such liability is extinguished or assumed by the acquired utility by the terms of the agreement reflecting a sale, merger or transfer or by eminent domain proceedings.

(f) Notwithstanding any provision hereof, as of the date upon which change of title from the acquired public utility to Miami-Dade County or the Miami-Dade Water and Sewer Authority occurs, any and all contracts, agreements, memoranda, understandings or other obligations, whether written or verbal, for service, construction, cost allocations, charges, costs, refunds, reimbursements or other payments, notwithstanding any terms or provisions thereof, shall be modified, amended, revised, construed and entered for all purposes, including, without limitation, the determination of all obligations of Miami-Dade County, the Miami-Dade Water and Sewer Authority and the acquired public utility, as if the charges, rules, regulations, standards, specifications and practices of Miami-Dade County or the Miami-Dade Water and Sewer Authority are in effect on the date that any service, construction, cost allocations, charges, costs, refunds, reimbursements or other payments are to be performed or made had been incorporated originally in such contracts, agreements, memoranda, understandings or other obligations and any provisions of said contracts, agreements, memoranda, understandings or other obligations which are contrary to said charges, rules, regulations, standards, specifications and practices shall be deemed null, void, invalid and unenforceable. The Authority or County Commission shall waive or modify the provisions of this subsection for acquisitions prior to the date hereof in those exceptional circumstances where a developer has substantially altered its position and expended substantial sums of money in reliance on said differing standards and said alteration of position has been authorized or cause by action of the County or Authority.

(g) In the interim period between the date upon which Miami-Dade County or the Miami-Dade Water and Sewer Authority signs a letter of intent with said utility or such other date as may be agreed to between Miami-Dade County or the Miami-Dade Water and Sewer Authority and the acquired utility to purchase that utility, and the date upon which the change of title of that public utility to Miami-Dade County or the Miami-Dade Water and Sewer Authority occurs, the rates, charges, fees, construction standards and specifications imposed by the utility upon consumers within its franchised service area shall remain subject as before to control of the Board. However, any developer, as described in [Section 32-55](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV1INGE.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV1INGE_S32-55COSUDE), who desires to enter into a service agreement with that utility during the interim period described above, shall be required to install improvements and to submit design data that meet the standards set forth in the rules and regulations of Miami-Dade County or the Miami-Dade Water and Sewer Authority. Said developer shall have the right to appear before the Board during the interim period to obtain a waiver or modification of said standards during the interim period where the developer can show mitigating circumstances, that preexisted the date upon which binding contract, agreement or settlement agreement was signed that justify such a waiver or modification.

(h) Notwithstanding any other provision of the Code, personnel rules or any other rules, regulations or administrative orders, the Director of the Miami-Dade Water and Sewer Authority (when the system is acquired by the Authority) or the County Manager (when the system is acquired by the County) may determine that all or certain of the employees of the acquired utility (except for acquired utilities of municipalities) should be retained as employees in those or similar capacities, in the County's service, in order to maintain service continuity and prevent a detrimental interruption of these essential services. In so doing, the determination of the Director or the Manager shall result in the waiver of any requirements for competitive or promotional examinations and the Director or County Manager may place said employees in a job status or classification reasonably comparable to that held by the employee prior to the acquisition, if available. Any employee so hired shall be considered and treated as a new County employee and shall serve a probationary period as determined by the County Manager or Director.

(i) The terms of this section shall be applicable to all public utilities heretofore or hereafter acquired by either Miami-Dade County or the Miami-Dade Water and Sewer Authority.

(Ord. No. 79-9, § 2, 2-13-79)

Secs. 32-46—32-49. Reserved.

FOOTNOTE(S):

--- (**3**) ---

**Editor's note—** Ord. No. 60-20 from which this chapter is derived became effective "thirty (30) days after enactment" on July 5, 1960. [(Back)](#BK_FE2A75A8EB2BB82F24A012154A3C1126)

--- (**4**) ---

**Editor's note—** Ord. No. 60-20 from which this chapter is derived became effective "thirty (30) days after enactment" on July 5, 1960. [(Back)](#BK_F7929078C4C99D444E6DCEBA6A3CF1FF)

### ARTICLE IV. DUTIES OF PUBLIC UTILITIES

[DIVISION 1. - IN GENERAL](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV1INGE.docx)

[DIVISION 2. - RATES](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx)

#### DIVISION 1. IN GENERAL

[Sec. 32-50. Sufficient and efficient service, reasonable rates, required; giving undue preference or advantage prohibited.](#BK_9F61FB6C92D64DABA3A21DB481D3BB87)

[Sec. 32-51. Standards of service.](#BK_7048CFC46FC478290F06638B70E573C3)

[Sec. 32-52. Abandonment of facilities.](#BK_93DAD589D54865805504D52A2782843B)

[Sec. 32-53. Registration of all public utilities.](#BK_3801BD5518001ECD1E3E585C0653D9AA)

[Sec. 32-54. Annual service fee payable to Board.](#BK_1821478243A1158C8BD4C47F04930151)

[Sec. 32-55. Contracts with subdivision developers.](#BK_5E2124FE9EC756909038A0153CEF1E0C)

[Secs. 32-56—32-61. Reserved.](#BK_0818B12E056185D9B756A69AC62D8AE6)

Sec. 32-50. Sufficient and efficient service, reasonable rates, required; giving undue preference or advantage prohibited.

Each public utility shall furnish to each person applying therefor, within the territory authorized to be served by said utility, reasonably sufficient, adequate, and efficient service upon such reasonable terms as may be required by the Board. All rates and charges made, demanded, or received by any public utility for any service rendered, or to be rendered by it, or for any product supplied, or to be supplied by it, and each rule and regulation of such public utility, shall be just and reasonable. No public utility shall make or give any undue or unreasonable preference or advantage to any person or territory, or subject the same to any undue or unreasonable prejudice or disadvantage in any respect.

(Ord. No. 60-20, § 17, 7-5-60)

Sec. 32-51. Standards of service.

The Board shall have the power, and it shall be its duty, to establish reasonable standards of service for each class of public utilities defined herein, after notice and public hearing, and thereafter to enforce such standards. In performing this duty, the Board shall exercise its powers to conduct investigations and inspections, to make examinations and tests, to prescribe standards of measurement for testing or adequacy of the service rendered by any such utility, and to fix fees for the examination and testing of meters and other measuring devices, as provided by law in establishing the general regulatory powers of the Board, and as directed herein.

(Ord. No. 60-20, § 24, 7-5-60; Ord. No. 75-28, § 11, 5-7-75)

**Cross reference—** General regulatory powers of Water and Sewer Board, §§ 32-14—32-21.

Sec. 32-52. Abandonment of facilities.

No public utility, as defined herein, shall abandon any facilities or withdraw any service provided for in its schedule of rates on file with the Board until it first has obtained written authorization therefor from the Board; provided, this shall not apply to the customary discontinuance of services for non-payment of bills as may be provided for in its tariffs. Before authorizing any such abandonment or withdrawal, the Board shall hold a public hearing, after due notice, for the purpose of determining the requirements of public convenience and necessity with reference thereto, and whether the same will be contrary to the public interest.

(Ord. No. 60-20, § 25, 7-5-60)

Sec. 32-53. Registration of all public utilities.

Every public utility, including public utilities owned and operated by municipalities, that on the effective date of this chapter is engaged in operating, constructing, or extending any water system or sewer system in Miami-Dade County, or a part thereof, shall register with the Metropolitan Water and Sewer Board by filing with the Board a written statement under oath setting forth the full legal name of the public utility, its principal place of business and its mailing address, together with a complete description of the service area which such public utility purports or claims to provide water or sewer services, or both, and such service area shall be accurately designated or depicted upon a map or sketch in such form, type or character as shall be prescribed, approved by or acceptable to the Board. Such public utilities shall register with the Board within ninety (90) days after the entire membership of the Board shall have been appointed and duly qualified to serve in accordance with the provisions of this chapter. The Board may extend the time for such registration for good cause shown. The Board shall give to every public utility so registered at least ten (10) days' written notice by mail of any public hearing required by this chapter. No public utility shall be entitled to receive notice of any public hearings under the provisions of this chapter until it has registered as required under this section.

(Ord. No. 60-20, § 6, 7-5-60)

Sec. 32-54. Annual service fee payable to Board.

Each public utility operating under a certificate issued by the Board shall pay to the County each year, as a part of the cost of providing public utility regulation in the public interest, a sum equal to one dollar and fifty cents ($1.50) per each one hundred dollars ($100.00) of the annual gross operating revenues of said public utility derived from its operations conducted within the County pursuant to the authorization contained in said certificate. However, the annual service fee due from each municipality owned or operated public utility shall be applicable only to gross revenues derived from sales made to consumers not within the boundaries of said municipality. Each annual service fee shall be based on such gross revenues for the twelve-month period ending on the anniversary date of said certificate and shall be payable on the first day of the first month following said anniversary date, except that the annual service fee due from each municipality shall be due and payable on November first each year and shall be based upon the revenues for the twelve (12) months ending September thirtieth of that year. Each municipal utility may increase its rates so as to pass through, to its customers, the service fee imposed upon said utility by this section. On a one-time basis only, said rates may be increased after filing and review by the Board without the necessity of notice and public hearing as provided by [Section 32-64](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-64CHRA). Payment of each fee shall be accompanied by a statement, verified by the public utility involved, showing its gross operating revenues upon which such service fee is computed. This statement shall be in such form and detail as the Board shall prescribe and shall be subject to audit by the County. The Board may refund any overpayment of any such fee and may require the utility to pay such additional amount as may be due in case of an underpayment. The service fee payable hereunder shall be used exclusively by the Water and Sewer Board to administer and regulate public utilities in Miami-Dade County, Florida. No part of said fee shall be used for purposes other than public utility regulation.

(Ord. No. 60-20, § 26, 7-5-60; Ord. No. 75-28, § 17, 5-7-75; Ord. No. 79-41, § 1, 6-19-79; Ord. No. 80-98, § 2, 9-16-80)

**Cross reference—** Disposition of fees, § 32-22.

Sec. 32-55. Contracts with subdivision developers.

(a) All public utilities under this chapter are authorized to enter into reasonable contracts with the owner or owners of all or substantially all of the lots in a subdivision or parcels of land in an area not within a service area of another public utility for the purpose of furnishing water or sewer service, or both, to such subdivision or area; provided that any such proposed contract shall either conform to the terms and conditions prescribed by rules approved by the Board of County Commissioners or first be submitted to and approved by the Board. No such contract shall be approved by the Board that is contrary to the public interest or would adversely affect the utility's ability to render adequate and efficient service to its existing customers.

(b) The provisions of this section shall not apply to nor affect any bona fide contract or agreement entered into and delivered prior to the effective date of this chapter, and in respect to such contracts the provisions of this chapter governing the regulation of rates and charges shall apply only to rates and charges for service after the installation and connection of the facilities of the public utilities made under such prior contracts.

(Ord. No. 60-20, § 19, 7-5-60; Ord. No. 62-28, § 6, 7-3-62)

Secs. 32-56—32-61. Reserved.

#### DIVISION 2. RATES

[Sec. 32-62. Schedule of existing rates to be filed.](#BK_ECACFDD02D489FCBB44E8A4249430C87)

[Sec. 32-63. Initial rates declared unlawful; exception.](#BK_FB94C3BAD7942345F8FCCEFC1F90F412)

[Sec. 32-64. Change in rates.](#BK_17B928DC431D285B5A25EDE5DAB2D278)

[Sec. 32-65. Board shall fix just and reasonable rates.](#BK_5ED9D7B805BA27CFE3FD2A8928A5884A)

[Sec. 32-66. Jurisdiction over publicly owned and operated systems.](#BK_145A4E2C535AEC411FF2E6E04064C389)

[Sec. 32-67. Schedule of existing municipal rates to be filed.](#BK_29E542155E9D7E744BE8651C6B1A568D)

[Sec. 32-68. Standard rate structure required for billing of water and sewer service.](#BK_FC3ADEC9ABDC2FBD513291AAD4BF4CAA)

[Sec. 32-69. Base facility charge criteria.](#BK_7588763F4E0F6F28030A829192BE3CFB)

[Sec. 32-70. Base facility charge consumption.](#BK_58985BE72B0CBA28CE1E53B03AC2704A)

[Sec. 32-71. Fire hydrant service.](#BK_43636F4B972AF1157D118BEA28C31F8F)

[Secs. 32-72—32-75. Reserved.](#BK_5B0EA4838ED55080BC536261042E54FF)

Sec. 32-62. Schedule of existing rates to be filed.

Within thirty (30) days after the effective date of this chapter [[5]](#BK_0DFC9AA119D40C1F3D72A25E85F4D54E) each public utility shall file with the Board a preliminary schedule showing all rates, classifications and charges for service of every kind furnished by it, and all rules and regulations in force and effect relating thereto. Thereafter, upon notice from the Board current schedules shall be submitted, in lieu of the preliminary schedules previously filed, and maintained on file with the Board on such forms and under such rules and regulations as the Board may prescribe. Provided, however, the provisions of this section shall not be applicable to charges for contributions in aid of construction, refundable or nonrefundable agreements or other advances.

(Ord. No. 60-20, § 20, 7-5-60; Ord. No. 64-23, § 4, 7-7-64)

Sec. 32-63. Initial rates declared unlawful; exception.

All rates and charges of every public utility in effect and actually being collected or received on the effective date of this chapter\*, shall be the lawful rates and charges for said public utility until changed in accordance with the provisions of this chapter or by court decree.

(Ord. No. 60-20, § 21, 7-5-60; Ord. No. 64-23, § 5, 7-7-64)

Sec. 32-64. Change in rates.

(a) *Application.* Any public utility holding a valid certificate, and not in violation of any of the provisions of this chapter, desiring to change any rate, or change any rule or regulation relating thereto, shall file with the Board a written application showing the change or changes proposed and shall file with such application a written explanation of the reasons for and the reasonableness of the proposed change or changes and a verified financial statement, together with such other information as may be prescribed by rules or regulations adopted by the Board. Notwithstanding any other provision of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the Code ofMetropolitan Miami-Dade County, no application, except as provided in subsections (b), (c) and (d), below, to change any rate or to change any rule or regulation relating thereto may be filed with the Board unless and until such application includes a statement of the Environmental Quality Control Board or DERM, the Director, Environmental Resources Management, of approved water service or approved sewage service, as appropriate to such application issued pursuant to [Section 24-28](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN_S24-28NUINHESANU) or [24-29](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN_S24-29ENPRRE) of the Code. No application for a change in rates may be considered unless the application is filed within one hundred eighty (180) days from the date of issue of such statement of approved service and such statement must be valid at the time the Board renders its decision on the application. A valid statement of approved water or sewer service filed by a public utility shall be conclusive proof of the quality of service furnished to the public by said public utility. The Board shall have the power to request and receive updated information from the Department of Environmental Resources Management regarding statements of approved service. The Board shall consider the quality of service as certified by the Environmental Quality Control Board or the Director of Environmental Resources Management in setting water or sewer rates. However, additional evidence concerning the quality of water or sewer service shall not be considered by the Board.

(b) *Cost pass-through clause.* Any public utility holding a valid certificate, and not in violation of any of the provisions of this chapter, and

(1) Which receives all or any part of its utility service (that is, water and sewer service on a bulk basis) from a governmental agency or based on rates set by a governmental agency and which redistributes all or a portion of that service to its utility consumers;

(2) Which receives electrical power for its water or sewer system operations from a governmental agency, or which pays electrical power rates for water or sewer system operations set by a governmental agency; or

(3) Which is subject to the payment of County or municipal taxes or service fees on its utility property or revenues;

may apply to the Board for an increase or decrease in the rates it charges when the charges for services or service fees or the taxes it is required to pay under (1), (2) or (3) above are changed. Notwithstanding other provisions of this section, the Board shall have the power to determine whether an increase or decrease in rates for service should be granted, after hearing and without the necessity of a statement of approved service from the Environmental Quality Control Board, or DERM, upon verified notice that the charges of or permitted by the governmental agency have changed. Any rate increase granted under this section shall not exceed the amount of the change in charges of or permitted by the governmental agency. Nothing herein shall prohibit the Board, upon its own motion or upon complaint, after notice to the utility and public hearing, from considering, investigating, changing or fixing those portions of the rates and charges of any public utility described in (1), (2) or (3) above.

(c) *Fire-flow surcharge.*

(1) Any public utility holding a valid certificate, and not in violation of any of the provisions of this chapter, which is required to upgrade its water system to meet the fire-flow requirements specified by [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO) of this Code may apply to the Board for a fire-flow surcharge. Notwithstanding other provisions of this section, the Board shall have the power to determine whether a fire-flow surcharge should be granted, after notice and public hearing, without the necessity of a statement of approved service from the Environmental Quality Control Board or DERM. Said surcharge shall be assessed in those areas that require improvements to meet fire-flow standards and shall be based on required fire-flow gallonage, number of building units to be protected, the area of each such unit or any other factor or factors reasonable related to fire-flow protection of the particular area. Any fire-flow surcharge granted under this section shall be set forth separately on each periodic billing.

(2) The funds collected by the utility as such surcharge shall be deposited in a separate account by the utility in a state or national banking institution or federal savings and loan institution at no less than the prevailing rate of interest. No expenditures shall be made of such funds including the interest thereon except for the purpose of constructing water system improvements which have been determined by the Board as needed to meet Miami-Dade County's fire-flow standards. As soon as reasonably possible after the implementation of this fire-flow surcharge, the utility shall present its plans for expenditure of such funds to the Board for approval and thereafter begin construction. Should the utility provide for phased construction of fire-flow improvements, each phase of construction shall be approved by the Board prior to the expenditure of surcharge funds on that phase.

In the event the public utility is prohibited from depositing such surcharge funds in a separate account, or is prohibited from restricting the expenditure of such surcharge funds and interest thereon to fire-flow improvements, or such deposit or expenditure would cause a default, under existing water system financial agreements of the public utility, including, but not limited to, bond covenants, then such public utility may request a waiver of such requirements from the Board of County Commissioners. Such waiver may be granted by resolution of the Board of County Commissioners, after public hearing. Notwithstanding the granting of a waiver by the Board of County Commissioners, the utility, as soon as reasonably possible after the implementation of the surcharge, shall present its plans for expenditure of funds for the fire-flow improvements to the Board for approval, and thereafter begin construction. Furthermore, notwithstanding the granting of a waiver, should the utility provide for phased construction of fire-flow improvements, each phase of construction shall be approved by the Board prior to the expenditure of any funds therefor.

(3) In consideration of the privilege to collect and spend the funds obtained by means of this surcharge, each utility shall include with its application filed with the Board an agreement that said utility shall transfer, deed and convey all improvements constructed with fire-flow surcharge funds to Miami-Dade County or the Miami-Dade Water and Sewer Authority without receiving further consideration, within ten (10) days of the date, if every, upon which Miami-Dade County files its petition for condemnation or upon which Miami-Dade County or the Miami-Dade Water and Sewer Authority signs a contract to purchase that utility.

(4) The utility shall permit the Board, with reasonable notice given, to review on an annual basis the separate surcharge funds account to ensure compliance with the terms of this section. When the Board determines that there are sufficient funds in the trust account reasonably to assure the upgrading of the water system to meet fire-flow standards, it shall immediately order the utility to cease making the surcharge.

(d) *Changes in supplementary charges, rules and regulations.* Any public utility holding a valid certificate, and not in violation of any of the provisions of this chapter, may apply to the Board to change such supplementary charges for turn-on, turn-off, deposit, developer contributions in aid of construction and any other rate which is supplementary to the rates charged for the furnishing of water and sewer service, as well as changes in any rule or regulation relating thereto. Notwithstanding other provisions of this section, the Board shall have the power to determine whether such increase or decrease in supplementary rate or change in rule or regulation relating thereto should be granted, after notice and public hearing and without the necessity of a statement of approved service from the Environmental Quality Control Board or DERM. Nothing herein shall prohibit the Board, upon its own motion or upon complaint, after notice to the utility and public hearing, from considering investigating, changing or fixing the supplementary rates and charges and any rule or regulation relating thereto of any public utility.

(e) *Notice of hearing date.* The public utility shall notify all of its customers of:

(1) The date, time and place of the public hearing as set by the Board;

(2) The present rate charged by the public utility;

(3) The new rate proposed by the public utility in its application to the Board;

(4) The name, address and phone number of the Water and Sewer Board; and

(5) The name, address and phone number of the consumer advocate.

Such notice shall be received not less than fifteen (15) days before the date of the public hearing as set by the Board. Notice under this section may be given by special letter, may be included in the public utility's billing correspondence, or may be stamped on the public utility's billing forms; provided, however, that notice in any form provided herein must be received not less than the said fifteen (15) days before the date of the hearing as set by the Board. Said special letter or other form of notice must be reviewed and approved by the Board's staff prior to mailing.

However, notice of hearing held pursuant to subsections (b) and (d) above, "cost pass-through clause," and "changes in supplementary changes and rules" shall be by one (1) publication in a newspaper of general circulation no less than seven (7) days before the date of the hearing.

(f) *Public hearing.* The Board shall hold the public hearing at the date, time and place as scheduled to determine whether the proposed rates are just, reasonable, sufficient, compensatory or excessive. Every public hearing shall be conducted with all practicable and feasible expedition and with only such continuances or other delays as in the judgment of the Board are imperatively and unavoidably necessary in the public interest. At such public hearing it shall be the burden of the public utility to justify any increase in existing rates by appropriate and proper testimony and evidence. Any continuance or adjournment must be to a date, time and place certain, and such date, time and place must be determined and announced at the public hearing before the continuance or adjournment is made.

(g) *Decision of Board within specified time.* Within sixty (60) days after concluding such public hearing, the Board shall render its decision upon the application, which decision shall embody a statement by the Board of the reasons therefor and finding of the facts upon which the determination is predicated.

(Ord. No. 60-20, § 22, 7-5-60; Ord. No. 69-8, § 1, 2-4-69; Ord. No. 75-28, §§ 12—14, 5-7-75; Ord. No. 77-14, § 3, 3-1-77; Ord. No. 77-41, § 1, 6-21-77; Ord. No. 78-88, § 1, 12-12-78; Ord. No. 78-92, § 1, 12-12-78; Ord. No. 80-73, § 1, 7-1-80; Ord. No. 80-111, § 1, 10-7-80; Ord. No. 83-101, § 1, 11-1-83)

Sec. 32-65. Board shall fix just and reasonable rates.

(a) *Rates must be as filed with Board.* No public utility shall charge or receive, directly or indirectly, any rates not on file with the Board for the particular class of service involved and no change shall be made in any such rates without the approval of the Board, after due notice and public hearing.

(b) *Public hearing on rates.* The Board, after due notice, may hold a public hearing, on its own motion or upon complaint, for the purpose of considering, investigating, changing or fixing the rates and charges of any public utilities. If as a result of any such hearing and investigation, the Board finds that the rates, charges, classifications or practices of any such public utility are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or that the rates and charges are insufficient to yield reasonable compensation for the service rendered, the Board shall determine and fix just and reasonable rates, charges, classifications and practices to be thereafter observed and conformed to by said public utility.

(c) *Investment basis of fixing rates.* In fixing and determining just and reasonable rates and charges the Board shall investigate and determine the actual legitimate costs of the property of each public utility, actually used and useful or having present value for future use in the public service, which costs as determined by the Board shall be utilized for rate-making purposes, and shall be the money honestly and prudently invested by the public utility in such property used and useful in serving the public, less accrued depreciation, and shall not include any goodwill or going-concern value in excess of payments made therefor. Should it be determined by the Board, on its own or after judicial review and remand, that any utility for some presently unforeseen reason (the possibility of which is set forth in the decision of the Supreme Court of the State of Florida in Westwood Lake, Inc. v. Miami-Dade County, Fla. 1972, 264 So. 2d 7) is entitled to recover depreciation on contributed assets, then such amount shall be set forth as a surcharge on each periodic billing. The funds collected by the utility as such surcharge shall be deposited by the utility in a state or national banking institution or federal savings and loan institution at no less than the prevailing rate of interest. Such funds shall be held by the utility in trust for the customers thereof. No expenditures shall be made of such funds including the interest thereon except for the purpose of replacing contributed assets which have been determined by the Board to be in need of replacement or for constructing water system improvements which have been determined by the Board to be in need of replacement or for constructing water system improvements have been determined by the Board to be needed to meet Miami-Dade County fire-flow standards. The Board shall determine that the separate surcharge funds account shall be utilized in the best interests of the utility system in order to ensure sufficient funding for the replacement of contributed assets. In consideration of the privilege to collect and spend on fire-flow improvements the funds obtained by means of this surcharge, each utility shall include with its application filed with the Board an agreement that said utility shall transfer, deed and convey such improvements to Miami-Dade County or the Miami-Dade Water and Sewer Authority without receiving further consideration, within ten (10) days of the date if ever, upon which Miami-Dade County files its petition for condemnation or upon which Miami-Dade County or the Miami-Dade Water and Sewer Authority signs a letter of intent with said utility to purchase that utility. The utility shall permit the Board, with reasonable notice given, to review on an annual basis the separate surcharge funds account to ensure compliance with the terms of this section. When the Board determines that there are sufficient funds in the trust account reasonably to assure replacement of contributed assets as such replacement becomes necessary and for the upgrading of the water system to meet fire-flow standards, it shall immediately order the utility to cease making the surcharge.

(d) *Cash requirements basis of fixing municipal utilities' rates.* Notwithstanding any other provision of this section, the Board, in fixing and determining just and reasonable rates for municipally owned and/or operated utilities pursuant to [Section 32-66](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-66JUOVPUOWOPSY), may utilize a cash requirements approach which shall be the money honestly and prudently necessary to meet operation and maintenance expenditures, debt service reoperation and maintenance expenditures, debt service requirements on outstanding bond issues, and renewals and replacements.

(e) *Decision on rate changes.* The Board shall make a decision on all rate matters within sixty (60) days after conclusion of the public hearings, and such decision shall be in the form of orders which shall embody the reasons for the determination made and findings of fact upon which the decision is predicated. Such orders shall provide the effective date upon which any change in rates shall become effective.

(f) *Cost of rate hearing.* Where a rate hearing is held pursuant to application filed by a public utility, the direct costs to the County shall be paid by the applicant; such costs shall include the salary or fee of any independent consultant attributable to the rate hearing and the cost of providing a full and complete original record of the proceedings before the Board, taken down by a reporter appointed, selected or approved by the Board. Where a rate hearing is initiated by the Board, the Board shall pay these costs of such proceedings.

(Ord. No. 60-20, § 23, 7-5-60; Ord. No. 64-23, §§ 6, 7, 7-7-64; Ord. No. 72-32, § 1, 6-20-72; Ord. No. 72-54, § 1, 9-19-72; Ord. No. 75-28, § 15, 5-7-75; Ord. No. 75-56, § 1, 7-3-75; Ord. No. 78-71, § 1, 10-17-78; Ord. No. 78-88, § 2, 12-12-78; Ord. No. 83-101, § 1, 11-1-83)

**Cross reference—** Statements of approved water or sewer service, § 24-28.

Sec. 32-66. Jurisdiction over publicly owned and operated systems.

(1) Anything herein contained to the contrary notwithstanding, the Metropolitan Miami-Dade County Water and Sewer Board shall have full power and jurisdiction to regulate the rates charged by all municipally owned or operated systems to any consumers not within the boundaries of said municipality and to other municipally or privately owned water or sewer utilities; provided, however, that the Board shall not have jurisdiction in respect to rates charged by municipally owned or operated utilities:

(a) To consumers within the boundaries of that municipality, or

(b) To customers being served by a municipally owned or operated system pursuant to an agreement with Miami-Dade County which by its terms either prescribes the rates to be charged or prescribes a method by which rates shall be established, or

(c) To consumers not within the boundaries of said municipality so long as ninety (90) percent of the gross revenues generated by water and sewer rates are derived from consumers within the boundaries of said municipality and the rates are uniformly applied to consumers inside and outside the municipal boundaries.

(2) Anything herein contained to the contrary notwithstanding, the Metropolitan Miami-Dade County Water and Sewer Board shall have no jurisdiction whatever over the Miami-Dade Water and Sewer Authority or Miami-Dade County.

(3) Neither Miami-Dade County nor the Miami-Dade Water and Sewer Authority shall be required to pay any fees or charges imposed by the provisions of this chapter.

(Ord. No. 60-30, § 1, 10-11-60; Ord. No. 62-28, § 7, 7-3-62; Ord. No. 64-23, § 8, 7-7-64; Ord. No. 70-60, § 2, 7-21-70; Ord. No. 72-94, § 3, 12-6-72; Ord. No. 75-28, § 16, 5-7-75; Ord. No. 75-68, § 1, 9-3-75; Ord. No. 76-62, § 2, 7-6-76; Ord. No. 79-41, § 2, 6-19-79; Ord. No. 83-101, § 1, 11-1-83; Ord. No. 85-17, § 1, 4-2-85)

Annotation—CAO 78-55.

**Cross reference—** Miami-Dade Water and Sewer Authority Department, § 2-340 et seq.

Sec. 32-67. Schedule of existing municipal rates to be filed.

Within thirty (30) days after the effective date of this section [[6]](#BK_C1188040B92BA90055BFF4BE4E3A5EE8), each municipality owned or operated public utility serving an unincorporated area of Miami-Dade County shall file with the Metropolitan Miami-Dade County Water and Sewer Board a preliminary schedule showing all rates, classifications and charges for services of every kind furnished by such public utility and all rules and regulations relating thereto presently in effect. The rates and charges of municipally owned or operated utilities actually being collected or received on the effective date hereof in the unincorporated areas shall be the lawful rates and charges for said public utility in the unincorporated areas until changed in accordance with the provisions of this chapter.

(Ord. No. 60-30, § 1, 10-11-60; Ord. No. 62-28, § 7, 7-3-62; Ord. No. 64-23, § 9, 7-7-64)

Sec. 32-68. Standard rate structure required for billing of water and sewer service.

(a) On or before October 1, 1986, each public utility as defined in [Section 32-4](../level3/PTIIICOOR_CH32WASERE_ARTIINGE.docx#PTIIICOOR_CH32WASERE_ARTIINGE_S32-4DE) may adopt and put into use a standard rate structure, as defined herein, for the purpose of billing retail customers for water and sewer service.

(b) Standard rate structure shall comprise the following components:

(1) Base facility charge to recover the utility's cost associated with readiness to serve the demand on the system created by each customer. The base facility charge shall be billed at a fixed rate at the regular billing cycle and shall be estimated to recover the fixed cost of providing the customer with his maximum month's usage. The monthly billing unit for the base facility charge shall be ten thousand (10,000) gallons, considered as an equivalent residential connection (ERC) or such other gallonage criteria that is historically appropriate for that utility. The charge shall be prorated for the number of days of service provided during the billing cycle.

(2) Customer charge to recover the utility's costs related to such cost components as meter reading, accounting, billing, collections, etc., which shall be billed as a separate item on each invoice issued by the utility or in combination with the base facility charge in paragraph (1) above. This charge shall be a fixed equal amount on each bill issued by the utility.

(3) Commodity charge to recover the utility's costs associated with the pumping and treatment of water and/or sewage including cost of water purchased and sewage disposal fees payable to Miami-Dade Water and Sewer Authority.

(c) (1)  
This standardization of rate structure shall not constitute a change in rates contemplated in [Section 32-64](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-64CHRA) herein. Accordingly, any rate changes arising by virtue of this section may become effective without written notice to customers, public hearing, or a statement of approved water or sewer service generally required from the Environmental Quality Control Board.

(2) Ninety (90) days prior to the proposed effective date of any change in rates resulting from this section, each utility shall file with the Metropolitan Miami-Dade County Water and Sewer Board a schedule of the proposed rates, together with a sworn statement that the annual revenues to be generated by the proposed rate subject to the Board's jurisdiction will not exceed a five (5) percent variance from the annual revenues at the then prevailing rate under the Board's jurisdiction.

(3) This section does not contemplate and shall not constitute any additional revenue source. Any change in rates under the Board's jurisdiction producing additional revenues shall conform with the provisions of Sections [32-64](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-64CHRA) and [32-65](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-65BOSHFIJURERA)

(4) This section shall not increase the existing regulatory provisions of [Section 32-66](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-66JUOVPUOWOPSY), Miami-Dade County Code, and does not in any way supersede any existing municipal or County ordinances except such ordinance that may establish rates which do not conform to the standard rate structure mandated by this section of the Code.

(c) Any municipally owned or operated system servicing no more than two thousand five hundred (2,500) customers within its municipal boundaries shall be exempt from the requirements of this section.

(Ord. No. 84-9, § 1, 2-7-84; Ord. No. 86-21, § 1, 3-18-86; Ord. No. 86-63, § 1, 9-16-86)

Sec. 32-69. Base facility charge criteria.

(a) The monthly billing unit for the base facility charge (BFC) shall be the equivalent residential connection (ERC). An ERC shall be ten thousand (10,000) gallons or the utility may elect to use the actual average monthly consumption of all single-family customers as an ERC. If a utility elects to use a volume other than ten thousand (10,000) gallons as an ERC, that elected volume shall be used by that utility instead of the ten thousand-gallon monthly ERC in complying with this section.

(b) Subsequent to the initial change to the ERC method of billing the base facility charge, the number of ERC billing units assigned to a customer shall be adjusted when the utility proposes a change in rates. The twelve-month period (test year) used in support of the rate change shall be used to determine an average single-family monthly usage ERC and a customer's maximum usage.

(c) A different evaluation and adjustment period may be used to establish customers' billing units provided the revised customers' billing units do not result in an increase in total revenues.

(d) The number of billing units assigned to each customer shall be obtained by dividing the maximum month's use of each customer billed monthly or the estimated maximum month's usage for customers billed quarterly (customer's maximum quarterly usage divided by the number of days usage in that billing period times thirty and four-tenths (30.4) days) by the volume of consumption considered an ERC for that utility.

|  |  |
| --- | --- |
| Customer Maximum Monthly Usage |  |
| Number of Gallons Comprising | = | ;mb=-4;Customer Billing |
| an ERC |  | Units of Service |

(e) The minimum monthly BFC to any customer shall not be for less than one-half of a billing unit. Monthly billing units for customers exceeding the one-half billing unit minimum shall be computed to the nearest one-tenth of a billing unit (ERC).

(Ord. No. 84-9, § 2, 2-7-84)

**Editor's note—**

At the discretion of the editor, §§ 2 and 3 of Ord. No. 84-9, adopted Feb. 7, 1984, have been codified as §§ [32-69](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-69BAFACHCR) and [32-70](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-70BAFACHCO)

Sec. 32-70. Base facility charge consumption.

The base facility charge per billing unit shall be determined by dividing the annual base facility costs for all retail customers by the number of billing units on a utility's system. The number of billing units on a system of a utility using ten thousand (10,000) gallons as an ERC shall be computed as follows:

(1) Multiply by five thousand (5,000) the number of customers with a maximum monthly usage of five thousand (5,000) gallons or less;

(2) Add to the number determined in (1) the total maximum months usage of all customers with a maximum usage in excess of five thousand (5,000) gallons;

(3) Divide the total of (1) and (2) by ten thousand (10,000) gallons to determine the monthly billing units;

(4) Multiple the total monthly billing units by twelve (12) months to obtain the total billing units on that utility's system:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Base facility costs × retail % | | | |  | ;mb=10q;= | Base Facility |
| \_\_\_\_\_ | | | | |  | Charge per 10,000 Gallons |
| [12](../level2/PTIIICOOR_CH12EL.docx#PTIIICOOR_CH12EL) × ( | No. of customers in min. group × one-half of the number of gallons comprising an ERC | + | Maximum monthly usage of all customers with a maximum monthly usage in excess of 5,000 gal. | ) |  |  |

(5) A customer's base facility charge equals the number of billing units assigned to that customer times the base facility charge per billing unit determined in accordance with this section. This amount is multiplied by three (3) for quarterly customers.

(Ord. No. 84-9, § 3, 2-7-84)

Note—See the editor's note for § 32-69

Sec. 32-71. Fire hydrant service.

(a) The Board hereby approves the rates for fire hydrant service as follows:

(1) For all Miami-Dade Water and Sewer Authority Department water customers located within the City of Miami and for all Miami-Dade Water and Sewer Authority Department water customers provided fire protection by Metropolitan Miami-Dade County whenever said customer is located within six hundred sixty (660) feet of a fire hydrant; forty cents ($0.40) per month.

(2) For all Metro-Miami-Dade Water and Sewer Utility water customers provided fire protection by Metropolitan Miami-Dade County whenever said customer is located within six hundred sixty (660) feet of a fire hydrant: thirty-eight cents ($0.38) per month.

(b) The rates for fire hydrant service set forth in subsection (a) shall cover the costs of fire hydrant water service, repairs, maintenance and installation. Said rates shall become effective for all billings based upon fire hydrant service provided on and after January 1, 1984; where fire hydrant service being billed encompasses periods both prior to January 1, 1984, and after, fire hydrant service prior to January 1, 1984, shall be determined by proration according to the number of days for which the old and new rates were in effect.

(c) The fire hydrant service charges authorized herein shall be held and restricted in a separate group of accounts by the Department and by the Metro-Miami-Dade Water and Sewer Utility and funds collected as a result of said charges are to be used solely to reimburse Department costs for fire hydrant water service, repairs, maintenance and installation.

(Ord. No. 84-1, §§ 1—3, 1-17-84)

**Editor's note—**

Ord. No. 84-1, §§ 1—3, adopted Jan. 17, 1984, did not specify manner of amendment; therefore, codification as [§ 32-71](../level4/PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA.docx#PTIIICOOR_CH32WASERE_ARTIVDUPUUT_DIV2RA_S32-71FIHYSE) has been at the editor's discretion.

Annotation—AO 4-78.

Secs. 32-72—32-75. Reserved.

FOOTNOTE(S):

--- (**5**) ---

**Editor's note—** Ord. No. 60-20 from which this chapter is derived became effective "thirty (30) days after enactment" on July 5, 1960. [(Back)](#BK_6FC59CFBAA8E80731CCBD6B7D378A3AD)

--- (**6**) ---

**Editor's note—** Ord. No. 64-23, § 110, provided that said ordinance shall be effective ten (10) days after enactment. [(Back)](#BK_74D0A6512BB6F3E820083FE0701184B2)

### ARTICLE V. WATER AND SANITARY SEWER CONNECTION [[7]](#BK_0873AEF5166DD4FBB8EF16CCF7BF18DE)

[Sec. 32-76. Short title and application.](#BK_AEE6C4BC877634941977D73D2D0A7470)

[Sec. 32-77. Declaration of legislative intent.](#BK_EC7FBDF56287B19038EE8DC4ACA87A8B)

[Sec. 32-78. Connection to public water supply and public sewer disposal in abutting streets and easements required.](#BK_02FBC72EDA851D7BDDE7CCE52A380FD7)

[Sec. 32-79. Notice to connect; procedure.](#BK_FEA1D535C470610BBBBCBFB197D3C611)

[Sec. 32-80. Connection effected by County; lien; recording; redemption.](#BK_23469DD6636C5495FA0E2FBEA19DA732)

[Sec. 32-81. Exceptions.](#BK_BE98370AB5AC175CE001D29DCD6EBDF2)

[Sec. 32-82. Delinquent connection charges.](#BK_D0FCEA5F19F8297516B2D16968FE726A)

[Sec. 32-83. Peak Flows.](#BK_F7413461E23DCD67544ECE47D775CFB4)

[Sec. 32-83.1. Water Conservation Plans.](#BK_4CCBF2FD5883C2C2E41E3F9A9F32A325)

[Sec. 32-84. Water use efficiency standards manual.](#BK_A9693B499D5AF40B73F0E15E43187B5A)

[Sec. 32-85. Alternative water supply for developments of regional impact.](#BK_23A133171C95EDCD7ECD5F0C6AA92351)

[Sec. 32-86. Water use efficiency and conservation education and outreach.](#BK_203245BA18E6C8976DA3985FD5D21364)

[Secs. 32-87—32-90. Reserved.](#BK_FC7499DE86193066F7B642118A2DFCF9)

Sec. 32-76. Short title and application.

This article is to be known as the Miami-Dade County Water and Sanitary Sewer Connection Ordinance and shall apply to all areas of Miami-Dade County.

(Ord. No. 71-47, § 1, 6-1-71)

Sec. 32-77. Declaration of legislative intent.

This Board (Board of County Commissioners) finds that many residences and nonresidential buildings in Miami-Dade County abut streets and easements in which water and/or sewer mains have been laid but obtain their water supply from wells and not from said mains. The sewage disposal for the said residences is provided by septic tanks. The growing population of Miami-Dade County, the increasing contamination of ground water, the easy passage of water through the porous rock and sub-soil underlying much of Miami-Dade County, particularly in times of heavy rains and high ground water level, combined with the continued use of individual wells, and septic tanks, constitutes a danger to the public health of Miami-Dade County and requires the extension of public water supply and public sewage disposal wherever it is physically feasible.

(Ord. No. 71-47, § 1, 6-1-71)

Sec. 32-78. Connection to public water supply and public sewer disposal in abutting streets and easements required.

(a) All premises used or intended for human habitation or occupancy including, but not limited to, establishments to be used for household, domestic, food processing, food handling, restaurant, dairy or bottling processors, public buildings and places of assembly or other establishments where a water supply is or may be used for human consumption or where human wastes may be disposed of, and which abuts a water main owned by a water utility, or a sewage main owned by a sewage utility, shall be connected to the said water and/or sewer main in such manner as to meet the requirements of the South Florida Building Code and the Miami-Dade County Public Works Manual. A water or sewer main shall be deemed to abut a building or premises if it is located in a street or easement adjoining the land on which the building is located and if it traverses one (1) full dimension of the building.

(b) Where a premises is abutted by two water mains, either one of which the premises can validly be connected to in compliance with the South Florida Building Code and the Miami-Dade County Public Works Manual, and the premises is currently connected to the water main located in the rear of the premises, the Miami-Dade Water and Sewer Department may require such premises to connect to a water main owned by the Department which abuts the front of the property and to which such premises may validly be connected, at no cost to the property owner. The Department shall be responsible for all costs of disconnection of the water main abutting the rear of the premises and connection to the water main abutting the front of the premises. An owner of a premises who has previously paid a water connection fee to the Department shall not be required to pay an additional water connection fee if the premises was connected to a different water main pursuant to this Section.

(c) Should the owner of a premises currently connected to a water main refuse to allow the Department to disconnect the premises from the water main abutting the rear of the premises and to connect the premises to the water main abutting the front of the premises in accordance with [Section 32-78](../level3/PTIIICOOR_CH32WASERE_ARTVWASASECO.docx#PTIIICOOR_CH32WASERE_ARTVWASASECO_S32-78COPUWASUPUSEDIABSTEARE)(b), the Department shall have the right to terminate water service to such premises, and shall incur no liability therefore.

(d) The department shall use certified plumbing contractors to disconnect the premises from the rear water main and to connect the premises to the front water main as provided in [Section 32-78](../level3/PTIIICOOR_CH32WASERE_ARTVWASASECO.docx#PTIIICOOR_CH32WASERE_ARTVWASASECO_S32-78COPUWASUPUSEDIABSTEARE)(b).

(Ord. No. 71-47, § 1, 6-1-71; Ord. No. 08-140, § 1, 12-2-08)

Sec. 32-79. Notice to connect; procedure.

If the County Manager finds and determines that buildings subject to the terms of this article have not been connected to water mains of water utilities, or sewer mains of sewer utilities, he shall so notify the record owner of the said buildings in writing and demand that such owner cause the connections to be made by duly licensed contractors or the property owner in accordance with the South Florida Building Code within ninety (90) days of the date of service of the notice as hereinafter provided. The notice shall be served by registered mail, addressed to the owner or owners of the property described as they are known to the Manager or as their names and addresses are shown upon the records of the County Tax Assessor, or other Public Records of Miami-Dade County, Florida, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. In the event that such notice is returned by postal authorities the Manager shall cause a copy of the notice to be served by a law enforcement officer upon the occupant of the land or upon any agent of the owner thereof. In the event that personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer the notice shall be served by physical posting on the said property, and by publication in a newspaper of general circulation at least twice, seven (7) days between publications, and ninety (90) days before the date of connection is required. The notice shall be in substantially the following form:

"NOTICE REQUIRING CONNECTION TO WATER AND/OR SEWER MAIN

Name of owner \_\_\_\_\_

Address of owner \_\_\_\_\_

Our records indicate that you are the owner(s) of the following land in Miami-Dade County, Florida: (describe property)

An inspection of this land discloses, and I have found and determined, that a building is located thereon which is not connected to a water main of the (name of utility) and/or to a sewer main of the (name of utility) located in (name of street or description of easement) abutting the said property.

You are hereby notified that unless the said building is connected to the said main(s) within ninety (90) days of personal service upon you, or of the second publication hereof, Miami-Dade County will proceed to effect said connection and the cost of the work, including advertising costs, connection charges and other expenses necessary to make complete connection to building, will be imposed as a lien on the land if not otherwise paid within ninety (90) days after said connection has been made and the cost thereof ascertained by Miami-Dade County.

|  |  |
| --- | --- |
|  | MIAMI-DADE COUNTY, FL |
|  | By: \_\_\_\_\_ County Manager" |

(Ord. No. 71-47, § 1, 6-1-71)

Sec. 32-80. Connection effected by County; lien; recording; redemption.

If within ninety (90) days after service of the said notice or by physical posting of the notice on the property, or by publication in a newspaper, all as set forth in the preceding section, the connection required thereby has not been effected, the County Manager shall cause the connection to be effected by Miami-Dade County at the expense of the property owner. The cost of the said connection shall constitute a lien upon the real estate served thereby as is hereinafter set out. Upon ordering a connection to be made by the County, the County Manager shall cause to be recorded in the public records a Notice of Water and/or Sewer Connection Lien Pending, which shall include a description of the property and a statement that a connection has been ordered, the cost of which shall under this article constitute a lien. The said notice of water or sewer connection lien shall, eight (8) months after the date thereof, be null and void and constitute no record notice of a pending lien. After causing the connection to be effected the County Manager shall certify to the Director of Finance the expenses, including such connection charges as may have been approved by the appropriate Miami-Dade County agency, incurred in effecting the connection and shall include a copy of the notice above described, whereupon such expense shall become payable within ninety (90) days, after which a special assessment lien and charge will be made upon the property, which shall be payable in ten (10) equal annual installments together with costs of recordation of all documents required to be recorded hereby and with interest at the rate of six (6) percent per annum on the unpaid balance from the date of such certification until paid; provided, however, that the said lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The Director of Finance shall file for record a notice of such lien in the Office of the Clerk of the Circuit Court, and shall keep complete records relating to the amount payable thereon. One-tenth of the amount of liens accruing during any year ending on June first, shall be billed and mailed in the fall of the same year to the owners of land subject to such liens at the same time as tax statements for ad valorem taxes are mailed, and if the said amount shall not be paid on or before April first of the following year, the entire lien and all annual installments thereof shall be delinquent, overdue, and in default, and the entire amount of the lien shall be collected in the same manner as delinquent taxes by advertisement and sale of certificates. Upon full payments of liens provided hereby or tax sale certificates resulting therefrom, the Director of Finance shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of water and sewer connection lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.

(Ord. No. 71-47, § 1, 6-1-71)

Sec. 32-81. Exceptions.

Any owner of property who receives a notice to connect and who would be required to pay a connection charge to a utility, in accordance with the tariffs established by the Metro-County Water and Sewer Board, may petition the said Board for an exception from the connection requirements of this article. Any owner of property who receives a notice to connect and who would be required to pay a connection charge to Miami-Dade County, in the case of a County owned utility system, in accordance with the tariffs established by the Metropolitan Miami-Dade County Water and Sewer Authority, may petition the said Authority for an exception from the connection requirements of this article, If the said Board or Authority shall find that the said connection charge is not just and reasonable, it shall grant an exception from the said connection requirements, provided, however, that the exception shall not conflict with any findings or orders of the Department of Health and Rehabilitative Services, the Florida Department of Environmental Regulation, and/or the Miami-Dade County Department of Environmental Resources Management. Service lines from meters to buildings are the responsibility of property owners and the costs thereof shall not be considered by the said Board or Authority in granting the said exceptions.

(Ord. No. 71-47, § 1, 6-1-71)

Sec. 32-82. Delinquent connection charges.

(a) All water and sewer agreements between Miami-Dade County and developers and property owners offered and executed after the effective date herein shall require that any connection charges unpaid after thirty (30) days from the due date specified in the agreement shall accrue interest at the rate of twelve (12) percent per annum until fully paid.

(b) The interest rate authorized herein may be modified from time to time by the County Manager consistent with the legal rate of interest authorized by Section 687.01, Florida Statutes.

(Ord. No. 85-71, §§ 1, 2, 9-18-85)

**Editor's note—**

Codification of §§ 1 and 2 of Ord. No. 85-71, adopted Sept. 18, 1985, as [§ 32-82](../level3/PTIIICOOR_CH32WASERE_ARTVWASASECO.docx#PTIIICOOR_CH32WASERE_ARTVWASASECO_S32-82DECOCH) has been at the discretion of the editor.

Sec. 32-83. Peak Flows.

(A) *Submission of peak flow data.* Every publicly owned or operated sanitary sewer collection system shall submit its peak flow data to the County for use in the County-wide rainfall dependent peak flow management study no later than February 8, 2007. Peak flow data is defined as the hourly flow rates that the system is expected to discharge into the County system during and resulting from a two year storm event. In the event a publicly owned or operated sanitary sewer collection system fails to provide its peak flow data by said date, the County shall determine and establish the peak flow limit for such publicly owned or operated sanitary sewer collection system and such system shall be bound by such determination and the publicly owned or operated sanitary sewer system shall be subject to the provisions in subsection (B).

(B) *Enforcement; procedure; remedies.* If actual peak flows exceed the data provided by a publicly owned or operated sanitary sewer collection system or the Peak Flow limit as set by the County pursuant to subsection (A), the owner or operator of such system shall be required to pay additional fees in accordance with the Miami-Dade Water and Sewer Department's schedule of rates, fees and charges, as amended, and may be subject to a building moratorium in accordance with section 24-13.2 of this code. In addition to any other judicial or administrative remedies provided by this chapter, the Director of the Miami-Dade Water and Sewer Department, or his designee, is authorized to institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of; any provisions of this chapter; any lawful order of the Director of the Miami-Dade Water and Sewer Department; or any consent agreement.

(Ord. No. 01-104, § 1, 6-5-01; Ord. No. 02-107, § 1, 6-18-02; Ord. No. 06-87, § 1, 6-6-06)

Sec. 32-83.1. Water Conservation Plans.

(A) *Submission of Water Conservation Plan.* Every publicly owned or operated water distribution system supplied potable water, in whole or in part, by Miami-Dade County, shall submit a water conservation plan to the County. All water conservation plans submitted must comply with the South Florida Water Management District Basis of Review for Consumptive Use Permit Application and the Florida Department of Environmental Protection Conserve Florida Guide, as well as the Environmental Protection Agency WaterSense Program. Said Plan shall be updated for the County's approval every five years following submittal and Conserve Florida Guide generated reports shall be filed annually at the close of the fiscal year. All water conservation plans submitted shall consider a twenty year horizon. In the event a publicly owned or operated water distribution system fails to provide its water conservation plan by the close of the fiscal year, the County shall determine and establish the conservation measures to be implemented by said system and the amount of water supplied to such system by the County which could be conserved via implementation of such measures, and such system shall be bound by such determination and the publicly owned or operated water distribution system shall be subject to the provisions in subsection (B).

(B) *Enforcement; procedure; remedies.* Where the County has, pursuant to subsection (A), established the conservation measures and the amount of water supplied to a water distribution system which could be conserved through the implementation of such measures, the owner or operator of such system shall be required to pay additional fees, in accordance with the Miami-Dade Water and Sewer Department's schedule of rates, fees and charges, as amended, for continued use of the water which could be conserved through implementation of the specified conservation measures. The Miami Dade Water and Sewer Department shall develop a water conservation plan for the water distribution system documenting the proposed measures, best management practices and projected water savings.

(Ord. No. 06-177, § 1, 12-5-06)

Sec. 32-84. Water use efficiency standards manual.

The Miami-Dade Water and Sewer Department ("MDWASD"), in consultation with the Planning Department and such other applicable county departments and agencies, shall publish a water use efficiency standards manual to achieve maximum water savings in new residential and commercial developments in the incorporated and unincorporated areas of Miami-Dade County. The manual shall be initially published on January 1, 2009, and may be updated annually on January 1 following approval by the County Commission. Each applicant for water service to a new residential or commercial development in incorporated and unincorporated areas of Miami-Dade County shall include in its application every water use efficiency standard that will be incorporated into the new development. The County or applicable municipality shall review the application for compliance with the manual. In evaluating the application for compliance, the County or applicable municipality will consider the availability of products required to implement the water use efficiency standards. The developer's agreement for water service shall include the water use efficiency standards approved by the County.

(Ord. No. 08-14, § 2, 2-5-08; Ord. No. 08-100, § 2, 9-2-08)

Sec. 32-85. Alternative water supply for developments of regional impact.

Applications for new Developments of Regional Impact ("DRI") with a projected water demand of one million gallons per day or greater shall be evaluated by MDWASD to determine the feasibility of an alternative water supply project. Such projects may include the installation of a reverse osmosis plant, wastewater reclamation facility and reuse distribution system.

(Ord. No. 08-14, § 3, 2-5-08)

Sec. 32-86. Water use efficiency and conservation education and outreach.

The Miami-Dade County Water Use Efficiency Manager shall provide public information, education and outreach on all water use efficiency standards and water conservation programs.

(Ord. No. 08-14, § 4, 2-5-08)

Secs. 32-87—32-90. Reserved.

FOOTNOTE(S):

--- (**7**) ---

**Editor's note—** Ord. No. 71-47, § 1, enacted June 1, 1971, amended Article V, §§ 32-76—32-81, to read as set out. Formerly said article and sections, derived from Ord. No. 65-44, §§ 1—6, enacted June 4, 1965, pertained to water connections. [(Back)](#BK_3B7AB1757C6048AC76A997CAB5C1F085)

### ARTICLE VI. MIAMI-DADE WATER AND SEWER AUTHORITY DEPARTMENT BILLING PROCEDURES [[8]](#BK_1CCDA09D2D71B2ACD98BAFD096868713)

[Sec. 32-91. When service charge billings are due; penalties for delinquency.](#BK_844AADC3A468CD586142085F69AF2FA4)

[Sec. 32-92. Delinquent account notification service for rental property.](#BK_F97C710D49173A4237C35A233AFBED16)

[Sec. 32-93. Water and sewer charges to constitute a lien.](#BK_46BD9D18AC9E2558493C6A12C4DDDC34)

[Sec. 32-94. Recording of liens.](#BK_EE31E785B12D1B61410CFB003B8450EB)

[Sec. 32-95. Minimum lien amount.](#BK_CD0ED850D7BB7EA9388305E6E530225C)

[Sec. 32-96. Evidence of water and sewer service.](#BK_2F07D65ED185E388BA4BAE207E398842)

[Sec. 32-97. Water and sewer certificates of amounts due.](#BK_3E01F0B25E4844F14534D48724D00513)

[Sec. 32-98. Application to Metro-Miami-Dade Water and Sewer Utility and other acquisitions of Metropolitan Miami-Dade County.](#BK_9C87F7F0155E10D54CF5631D49EB60BE)

[Sec. 32-99. Department as collection agent.](#BK_95FB5BD66083760F4A936A8C83F83F0F)

[Sec. 32-100. Administrative procedures.](#BK_79726AF1D5B5EC480811C8BF8837A2A6)

[Sec. 32-101. One-Time Lifetime Credit for Customers.](#BK_D7E070EFD50C536354E67FB9C4772E3A)

[Secs. 32-102—32-120. Reserved.](#BK_BBB62215D5654800873125C918ADCF83)

Sec. 32-91. When service charge billings are due; penalties for delinquency.

(a) Water and sewer charges for service rendered by the Miami-Dade Water and Sewer Department (hereinafter called "Department") shall be billed to customers for such reasonable periods as the County Manager may from time to time establish. If such charges are not fully paid by said customers on or before the past due dates set forth on customers' bills, a ten (10) percent late charge may be added to the water and sewer bill and imposed upon the customer by the Department in accordance with regulations prescribed by the Manager. Unpaid balances of said customers for such charges and late charges shall be subject to an interest charge at the rate of eight (8) percent per annum. Imposition of said interest charge shall commence sixty (60) days after the final bill date for water and sewer charges.

(b) Water and sewer charges and late charges, together with any interest charges, shall be debts due and owing the Department and all of same shall be recoverable by the County or its assignee, on behalf of the Department, in any court of competent jurisdiction.

(Ord. No. 84-10, § 1, 2-7-84; Ord. No. 08-22, § 1, 2-7-08)

Sec. 32-92. Delinquent account notification service for rental property.

(a) The Department shall establish procedures to notify property owners and/or managers of delinquent accounts.

(b) Subscribers to this service shall pay in advance an annual fee of three dollars ($3.00) per monthly account and two dollars and fifty cents ($2.50) per quarterly account.

(c) Tenants who reside in multi-unit property served by one meter may establish a bridge account with the Department for water and sewer service for a period not to exceed one year where the property owner's account is terminated for nonpayment. The Department shall establish procedures for the administration of bridge accounts with tenants that meet specified conditions.

(Ord. No. 84-2, §§ 1, 2, 1-17-84; Ord. No. 12-78, § 1, 10-2-12)

Sec. 32-93. Water and sewer charges to constitute a lien.

Except as otherwise provided by this article, all charges, late charges and interest accruing thereupon, for water and sewer service rendered by the Department after the effective date of Ordinance No. 84-10 to any real property which remain unpaid sixty (60) days after the final bill date for water and sewer charges shall become a lien against and upon the real property to which such water and sewer service has been furnished to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said charges, late charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved for the period of twenty (20) years from the date said charges become a lien as set forth in this section. Said liens may be enforced and satisfied by the County, on behalf of the Department, pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the County and Department, including but not limited to suspension and termination of water service.

(Ord. No. 84-10, § 1, 2-7-84; Ord. No. 99-111, § 1, 9-9-99; Ord. No. 08-22, § 1, 2-7-08)

Sec. 32-94. Recording of liens.

(a) For water and sewer service charges for service rendered during the period of February 13, 1981, through December 31, 1984, which become more than sixty (60) days past due and unpaid, the Department shall cause to be filed in the office of the Clerk of the Circuit Court of Miami-Dade County, Florida, on or before June 30, 1985, a notice of lien or statement showing a legal description of the property against which the lien is claimed, its location by street and number, the name of the owner, an accurate statement of the water and sewer service charges then unpaid, and a copy of such notice of lien shall be mailed within a reasonable time to the owner of the property involved as shown by the records of the Tax Collector of Metropolitan Miami-Dade County. If the Department fails to file a notice of lien on or before June 30, 1985, for water and sewer service charges becoming more than sixty (60) days past due during said period of February 13, 1981, through December 31, 1984, the lien shall not be enforceable by the County. Thereafter, no lien shall be enforceable by the County unless a notice of lien is filed by the County. Liens imposed prior to February 17, 1984, shall not be enforced.

(b) Liens may be discharged and satisfied by payment to the Department of the aggregate amounts specified in the notice of lien, together with interest accrued thereon, and all filing and recording fees. When any such lien has been fully paid and/or discharged, the Department shall cause evidence of the satisfaction and discharge of such lien to be filed with the office of the Clerk of the Circuit Court of Miami-Dade County, Florida. Any person, firm, or corporation or legal entity, other than the present owner of the property involved, who fully pays any such lien shall be entitled to receive an assignment of the lien and shall be subrogated to the rights of the County in respect of the enforcement of such lien.

(Ord. No. 84-10, § 1, 2-7-84; Ord. No. 84-68, § 1, 7-17-84; Ord. No. 08-22, § 1, 2-7-08)

Sec. 32-95. Minimum lien amount.

Notwithstanding other provisions to the contrary herein, the Department shall have the discretion not to file notices of lien for water and sewer service charges, late charges and interest accrued in an amount less than one hundred dollars ($100.00). However, if the Department elects not to file a notice of lien, said charges and interest accrued shall remain as automatic liens as provided in [Section 32-93](../level3/PTIIICOOR_CH32WASERE_ARTVIMIDEWASEAUDEBIPR.docx#PTIIICOOR_CH32WASERE_ARTVIMIDEWASEAUDEBIPR_S32-93WASECHCOLI), and as debts due and owing the Department in accordance with [Section 32-91](../level3/PTIIICOOR_CH32WASERE_ARTVIMIDEWASEAUDEBIPR.docx#PTIIICOOR_CH32WASERE_ARTVIMIDEWASEAUDEBIPR_S32-91WHSECHBIARDUPEDE), herein.

(Ord. No. 84-10, § 1, 2-7-84; Ord. No. 08-22, § 1, 2-7-08)

Sec. 32-96. Evidence of water and sewer service.

The water and sewer service rendered by the Department, as measured by water meters, shall be prima facie evidence of the quantity of water delivered to the customer and of sewage collected from the customer.

(Ord. No. 84-10, § 1, 2-7-84)

Sec. 32-97. Water and sewer certificates of amounts due.

The Department is authorized and directed to execute and deliver upon request written certificates certifying the amount of water and sewer service charges, late charges and interest accrued thereon, which are due and owing to the County and Department, for any real property which is subject to payment of water and sewer charges or the Department may certify that no such charges, late charges or accrued interest are due and owing. Said certificates shall be binding upon the County and the Department.

(Ord. No. 84-10, § 1, 2-7-84)

Sec. 32-98. Application to Metro-Miami-Dade Water and Sewer Utility and other acquisitions of Metropolitan Miami-Dade County.

The provisions of this article shall be applicable to the water and sewer systems owned by Metropolitan Miami-Dade County and operated by the Department, including the Metro-Miami-Dade Water and Sewer Utility, and shall also be applicable to any other water or sewer utility which may be acquired by the County.

(Ord. No. 84-10, § 1, 2-7-84)

Sec. 32-99. Department as collection agent.

The Department is hereby designated and made the agent of Miami-Dade County for the purpose of collecting the debts owed to the Department.

(Ord. No. 84-10, § 1, 2-7-84)

Sec. 32-100. Administrative procedures.

The County Manager shall establish appropriate procedures for administration of the provisions of this article.

(Ord. No. 84-10, § 1, 2-7-84)

Sec. 32-101. One-Time Lifetime Credit for Customers.

(1) The Director of the Miami-Dade Water and Sewer Department is hereby given discretion to provide a one-time lifetime billing adjustment to a customer who disputes a high bill that is not the result of a concealed or visible leak. The Director's discretion to grant such a credit will be based on his assessment that there are extreme circumstances affecting the customer's account that merit a credit. If awarded, similar to the credit provided in the Department's Rules 2.10(1)(e) and 3.10(1)(e), such credit will be a 50 percent credit to the water portion of the customer's high bill above the customer's last yearly average consumption and a 100 percent credit to the sewer portion of the customer's high bill above the customer's last yearly average consumption.

(a) For purposes of this section, the term "extreme circumstances" is defined as those situations in which a customer receives a bill that exceeds six (6) times the past year's average, as applicable, monthly or quarterly consumption but is unable to show the Department that the high bill is due to a leak, concealed or visible, and cannot otherwise explain the high water bill.

(2) In order to be considered for the one-time lifetime billing adjustment that the Director of the Miami-Dade Water and Sewer Department has been given discretion to grant, a customer seeking a one-time lifetime adjustment for extreme circumstances must be in good standing with the Department.

(a) For purposes of this section, a customer in "good standing" is defined as a customer who has not had the water disconnected for nonpayment or his/her account placed in collection during the previous 12 months.

(b) In order to request a one-time lifetime billing adjustment, a customer must submit their request on a form proscribed by the Department; and must provide the Department with a notarized affidavit stating that a licensed plumber has checked the residence (inside and out) for leaks (both concealed and visible); that the customer did not leave a hose running inadvertently or otherwise allow water to flow for any period of time; and that there have been no changes in water usage within the household during the billing period (i.e., new landscaping, guests visiting, major household repairs or construction that required increased water usage, problems with one's pool or sprinkler system, or water theft). Additionally, the customer's licensed plumber must also execute the notarized affidavit before the customer submits it to the Department for consideration for a one-time lifetime adjustment.

(3) The Department shall keep track of adjustments to ensure that a customer receives only one lifetime adjustment based on extreme circumstances.

(a) For residential customers, only one lifetime adjustment will be available to the property owners based on the name(s) appearing on the deed; thus, if there is more than one property owner reflected on a deed, only one lifetime adjustment will be available to the deedholders collectively.

(b) In the case of renters, the one-time lifetime adjustment is limited to one per person for their lifetime regardless of where they are residing. Individuals who have received a one-time lifetime adjustment while renting will not be entitled to any further adjustments under this section, even if they subsequently become property owners or relocate to a different rental property.

(c) With regard to commercial entities (corporations, LLCs, partnerships, etc.), each commercial entity and all related parties will be limited to one lifetime adjustment collectively in the commercial context. For purposes of this section, "related parties" shall mean entities, their principals, corporate officers and managers that have a direct or indirect ownership interest in another entity. Notwithstanding the foregoing, no more than one lifetime adjustment may be awarded in connection with a commercial property every five years regardless of what commercial entity occupies the property.

(4) The Department will provide a report to the Board of County Commissioners on a quarterly basis, which sets forth a detailed accounting of the one-time lifetime adjustments under R1164-04 and this section of the Code per year.

(5) Nothing in this section shall affect the Department's Rules and Regulations that address the procedures and credits allowed when a concealed or visible leak has been discovered in connection with a single-family residential customer's account.

(Ord. No. 11-98, § 1, 12-6-11)

Secs. 32-102—32-120. Reserved.

FOOTNOTE(S):

--- (**8**) ---

**Editor's note—** At the discretion of the editor, Ord. No. 84-2, adopted Jan. 17, 1984, and 84-10, adopted Feb. 7, 1984, have been codified as Art. VI. Ord. No. 84-2 did not expressly amend the Code; Ord. No. 84-10 amended Ch. 2, Art. XXXVII, but did not assign specific section numbers. Said ordinances have been included in Art. VI to keep related material together. [(Back)](#BK_08C88AAC020719B19B1E6139D541C46D)

Annotation—AO 4-78. [(Back)](#BK_08C88AAC020719B19B1E6139D541C46D)

### ARTICLE VII. TAMPERING WITH UTILITY FIXTURES

[Sec. 32-121. Tampering with utility fixtures.](#BK_5DBC699C6B9007FE260B69D35B578AA0)

[Sec. 32-122. Strict liability.](#BK_51574CA544D52E6A701A503EFC21E09B)

[Sec. 32-123. Criminal penalty.](#BK_4A40B47B53477C2F29EF2C457CD6D18B)

[Sec. 32-124. Enforcement; procedure; remedies.](#BK_26739C69DB6E8C7CFF6E1792527B6D48)

[Sec. 32-125. Authority to issue lawful orders.](#BK_60C60FEE0A889F30F0D096844067AB13)

[Sec. 32-126. Remedies cumulative and independent.](#BK_32060C478C78AF404D835801AB6EABCD)

[Sec. 32-127. Attorneys' fees.](#BK_D0C56F989D3F8D933FBA445CA46CC6AF)

[Sec. 32-128. Consent agreements.](#BK_0D591261D3A6D03E38389C4CB99C1D6F)

[Secs. 32-129—32-150. Reserved.](#BK_EE5E405165DAAC9D53D8E2619696C992)

Sec. 32-121. Tampering with utility fixtures.

(1) As used in this Section, "utility" means the Miami-Dade Water and Sewer Department.

(2) It shall be unlawful for any person, without the written consent of the utility:

(a) To alter, tamper or meddle with, injure, remove, bypass or otherwise hinder or disturb, or to cause, permit, suffer, let or allow to be altered, tampered or meddled with, injured, removed, bypassed or otherwise hindered or disturbed, any meters, meter seals, pipes, wire locks, lines, valves, mains, laterals, collectors, connections, interceptors, manholes, appliances, appurtenances or other apparatus or device used for or in connection with any water or sewer system belonging to the utility, in such a manner as to cause loss or damage or to prevent any meter installed for registering water from registering the quantity which otherwise would pass through the same; or to alter or break the wire lock or seal of any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device; or to use, waste, or suffer the waste, by any means, of water passing through any such meter, pipe, or fitting, or other appliance or appurtenance connected with or belonging to the utility, after such meter, pipe or fitting, or other appliance or appurtenance has been tampered with, injured, or altered; or

(b) To make or cause, permit, suffer, let or allow to be made any connection with mains, service pipes or other pipes, appliances, or appurtenances in such manner as to use, without the written consent of the utility, any water, or to cause to be supplied any service, water or sewer, from the utility to any person, firm or corporation through any orifice, faucet or other outlet whatsoever, without such service being reported for payment or such water passing through a meter provided by the utility and used for measuring and registering the quantity of water passing through the same; or

(c) To use or receive the direct benefit from the use of the utility knowing, or under such circumstances as would induce a reasonable person to believe, that such direct benefits have resulted from any tampering with, altering of, or injury to any connection, meter, pipe, conduit, line, meter seal, valve, main, wire lock, lateral, collector, interceptor, manhole or other apparatus or device owned, operated, or controlled by the utility, for the purpose of avoiding payment.

(Ord. No. 99-148, § 1, 10-19-99)

Sec. 32-122. Strict liability.

(1) Whenever a violation of this chapter occurs or exists, any person, individually or otherwise who has a legal, beneficial or equitable interest in the device or instrumentality causing or contributing to the violation or who has a legal, beneficial, or equitable interest in the real property which is receiving the benefit of the utility service shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to impose joint and several liability regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although no longer having any such legal, beneficial or equitable interest in said device or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed and shall be retroactively applied to protect the public health, safety, and welfare and to accomplish the purposes of this Article. provided, however, that no owner of rental property shall be held liable under this section unless the County notifies, in accordance with [Section 32-122](../level3/PTIIICOOR_CH32WASERE_ARTVIITAUTFI.docx#PTIIICOOR_CH32WASERE_ARTVIITAUTFI_S32-122STLI)(2) of the Miami-Dade County Code, said owner of the County's intent to impose liability.

(2) Notice to Owners of Tampering at Rental Property

(a) No citation, order, or action issued or filed pursuant to this Section arising out of tampering at any rental property shall be effective against the owner of said rental property unless that owner is first given notice of the County's intent to issue such citation, order, or action. Said notice shall be by certified mail, with return receipt requested, to the owner of the rental property as shown on the tax records of Miami-Dade County and shall be issued no less than thirty (30) days prior to the issuance or filing of any citation, order, or action pursuant to this Section against such owner. Said notice shall be deemed given upon mailing of said notice by the County, whether or not said notice is received.

Notwithstanding the foregoing, water and sewer service shall not be provided to the rental property until the citation, action, or order is resolved.

(b) In the event that a citation, action, or order is or has been filed or issued pursuant to any provision hereof against a tenant or other person using or occupying a rental property other than the owner of such property as listed on the tax records of Miami-Dade County, the County shall provide a reference to this earlier citation, action, or order in the notice to owners specified in this section.

(c) When used herein, the term "rental property" shall include any property, including a single family home, which is used or occupied, in whole or in part, by any person other than the owner of said property as shown on the tax records of Miami-Dade County, pursuant to a rental agreement, either written or oral, between the owner and a tenant

(Ord. No. 99-148, § 1, 10-19-99; Ord. No. 04-93, § 1, 5-11-04)

Sec. 32-123. Criminal penalty.

If any person shall fail or refuse to obey or comply with, or violate any of the provisions of this chapter or any lawful order of the Director of the Miami-Dade Water and Sewer Department, or his designee, such person, upon conviction of such offense, shall be punished by a fine not to exceed Five Hundred Dollars ($500.00), or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the Court. Each day of each continued violation shall be considered as a separate offense. This shall be cumulative and in addition to any other remedies provided for in this chapter or in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code.

Sec. 32-124. Enforcement; procedure; remedies.

(A) It is unlawful for any person to violate or to cause, permit, allow, let, or suffer any violation of: any of the provisions of this chapter; any lawful orders of the Director of the Miami-Dade Water and Sewer Department, or his designee; and consent agreements. In addition to any other judicial or administrative remedies provided by this chapter, the Director of the Miami-Dade Water and Sewer Department, or his designee, shall have the following judicial remedies:

(1) To institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of: Any of the provisions of this chapter; any lawful order of the Director of the Miami-Dade Water and Sewer Department; or any consent agreement.

(2) To institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than Twenty -Five Thousand Dollars ($25,000.00) for each violation of: Any of the provisions of this chapter; any lawful order of the Director of the Miami-Dade Water and Sewer Department, or his designee; or any consent agreement.

(3) To institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief to recover any sums expended and cost incurred for tracing, investigating, preventing, controlling, abating, or remedying violations of: This chapter, or any lawful order of the Miami-Dade Water and Sewer Department, or his designee; or any consent agreement.

(4) To institute a civil action in a court of competent jurisdiction to recover a monetary amount equal to three (3) times the amount of services unlawfully obtained or $1,000.00, whichever is greater. The Department may add damages and costs to enforce this Article which remain unpaid after sixty (60) days to the customer's bill and enforce a lien when and as authorized by Article VI of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the County Code.

(B) Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalty to be imposed and recovered hereunder.

(C) In addition to a civil penalty or court award of damages, any violator shall be liable for the reasonable costs and expenses incurred by the County in enforcing the provisions of this Article, including but not limited to the labor and materials costs (including overhead and fringe benefits) of enforcement actions, inspections, preparation of enforcement reports, photographs, title searches, postage, court or hearing attendance time, and other demonstrable administrative costs for enforcement and collection. All such sums shall become delinquent if not paid within thirty days after receipt by the violator of the Miami-Dade Water and Sewer Department's bill itemizing the costs incurred in enforcing the provisions of this Article, or after a hearing officer or court order become final (the "due date"). All such delinquent sums shall bear interest at the rate of twelve (12%) percent per annum after the due date. Any sums remaining unpaid after sixty (60) days shall be added to the customer's bill for services and the Miami-Dade Water and Sewer Department shall record and enforce liens as authorized by Article VI of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the County Code.

(Ord. No. 99-148, § 1, 10-19-99)

Sec. 32-125. Authority to issue lawful orders.

(A) Whenever evidence has been obtained or received establishing that a violation of this chapter has been committed, the Director of the Miami-Dade Water and Sewer Department or the Director's designee, shall issue a notice to correct the violation or a citation to cease the violation and cause the same to be served upon the violator and/or the property owner of the place where the violation occurred by personal service or certified mail or by posting in a conspicuous place on the premises where the violation occurred. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. Reasonable time herein means the shortest practicable time to rectify or stop the violation. If notice to correct the violation or citation to cease the violation is not obeyed within the time set forth therein, the Director or the Director's designee, shall have the power and authority to issue any lawful orders to enforce the provisions of this chapter. Any orders issued by the Director or the Director's designee may be enforced by suit brought by him in the appropriate court of competent jurisdiction.

(B) Whenever a violation of this chapter has been committed, the Director or the Director's designee may initiate proceedings against the violator in the appropriate court for such violation, whether or not a notice to correct the violation or citation to cease the violation has been issued.

(Ord. No. 99-148, § 1, 10-19-99)

Sec. 32-126. Remedies cumulative and independent.

All the judicial and administrative remedies in this chapter, municipal ordinances, County ordinances, State laws, and rules and regulations, as all of same may be amended from time to time, are independent and cumulative.

(Ord. No. 99-148, § 1, 10-19-99)

Sec. 32-127. Attorneys' fees.

Upon the rendition of a judgment or decree by any of the courts of this State against any person in favor of the Director of Miami-Dade Water and Sewer Department, or his designee, to enforce any of the provisions of this chapter, the trial court, or, in the event of an appeal in which the Director of Miami-Dade Water and Sewer Department, or his designee, prevails, the appellate court shall adjudge or decree against said person and in favor of the Director of Miami-Dade Water and Sewer Department, or his designee, a reasonable sum as fees or compensation for the attorney who prosecuted the suit in which the recovery was had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all pending or prospective civil actions, legal or equitable, filed by the Director of Miami-Dade Water and Sewer Department, or his designee, to enforce the provisions of this chapter. Cessation, correction or remediation of any violation of the provisions of this chapter, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director of Miami-Dade Water and Sewer Department, or his designee, to enforce the provisions of this chapter, shall be deemed the functional equivalent of a confession of judgement or verdict in favor of the Director of Miami-Dade Water and Sewer Department, or his designee, for which attorneys' fees shall be awarded by the trial court as set forth herein above.

(Ord. No. 99-148, § 1, 10-19-99)

Sec. 32-128. Consent agreements.

The Director of Miami-Dade Water and Sewer Department, or his designee, in the Director's or his designee's discretion, may terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director of Miami-Dade Water and Sewer Department, or his designee, and the persons who are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance by said persons with the applicable provisions of this chapter. The consent agreement may, in the discretion of the Director of the Miami-Dade Water and Sewer Department, or his designee, provide the following: Posting of a surety, bond, or other security to assure compliance; costs and expenses of Miami-Dade Water and Sewer Department for investigation, enforcement, testing, monitoring, and litigation, including attorneys' fees; civil penalties; remedial or corrective action. An executed written consent agreement shall not be evidence of a prior violation of this chapter. Such consent agreement shall not be deemed to impose a limitation upon any investigation or action of the Director of the Miami-Dade Water and Sewer Department, or his designee, in the enforcement of this chapter. The consent agreement shall not constitute a waiver of or limitation upon the enforcement of any federal, State, or local laws and ordinances. Executed written consent agreements are hereby deemed to be lawful orders of the Director of the Miami-Dade Water and Sewer Department, or his designee. Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this chapter, by the persons who executed the consent agreement, their respective officers, directors, agents, servants, employees, and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the consent agreement. Each day during any portion of each such violation occurs constitutes a separate offense under this chapter.

(Ord. No. 99-148, § 1, 10-19-99)

Secs. 32-129—32-150. Reserved.

### ARTICLE VIII. CROSS CONNECTION CONTROL PROGRAM [[9]](#BK_83CD2B4E4782F0BC2B6B71D9B3E739F2)

[Sec. 32-151. Scope and intent.](#BK_C6E57AD5F8A934B520B38503E2AF5C2D)

[Sec. 32-152. Definitions.](#BK_FA4418D7FA6867DAE2E6426F26C9F942)

[Sec. 32-153. Prohibition of uncontrolled cross-connections.](#BK_4D3E35784FFD689B755A0BB6B4A665FA)

[Sec. 32-154. Backflow preventers required.](#BK_0C114B38C3779E30BF5FDB810AE09E6E)

[Sec. 32-154.1. Reclaimed water regulations.](#BK_7E18B91854F98DFAEE3AFD14DD5B518B)

[Sec. 32-155. Fire suppression systems.](#BK_630EDB50D1369F58A814EDB5963185FA)

[Sec. 32-156. Technical requirements.](#BK_2AC9971EB700B65EBAB10A4A138D690C)

[Sec. 32-157. Installation of backflow preventer.](#BK_D2016427F6FA6C0BD85A0E699254F44E)

[Sec. 32-158. Exemptions.](#BK_1FB132D272D7A70B6E7ADB92CA0F31A8)

[Sec. 32-159. Fire hydrants.](#BK_877EB527D300702129ACCA51AB77BEA0)

[Sec. 32-160. Access required.](#BK_93BC5456871AFCC7B11E1A0A43E5E268)

[Sec. 32-161. Obstruction prohibited.](#BK_C23EE73D9EFF270B4CA93829D5EE6AD1)

[Sec. 32-162. Tampering prohibited.](#BK_2978EF08F9E9FAE0F346252C42D02348)

[Sec. 32-163. Testing.](#BK_B7E6E68F0FC85D852E3F6D6DA483BC50)

[Sec. 32-164. Repairs and replacement.](#BK_49BCBE3D35179F7D7117E75B85ABD148)

[Sec. 32-165. Test Reporting.](#BK_1CFE6FF417F02B9EB86D3E0BD7B2F3A0)

[Sec. 32-166. Modifications of facilities.](#BK_EBE0302D5B97F727232E0ACBB0EFA17A)

[Sec. 32-167. Reporting and record-keeping.](#BK_9231697BC24B9E453390A3E144398C1E)

[Sec. 32-168. Enforcement.](#BK_4319C3C127565A8AC82991D6FC553816)

[Sec. 32-169. Fees and charges.](#BK_DBE51DBF5F7D6B448C2B3A771872EAD4)

Sec. 32-151. Scope and intent.

Unless otherwise provided herein, this article applies to water customers of the Miami-Dade Water and Sewer Department, as defined herein. The purpose of this article is to implement the provisions of Section 62-555.360 of the Florida Administrative Code, promulgated under authority of Part VI of Chapter 403, Florida Statutes by the Department of Environmental Protection, which requires public water systems to establish a cross-connection control program to detect and prevent cross-connections that create or may create an imminent and substantial danger to public health. In addition to internal isolation required by the Florida Building Code, new water customers shall provide approved backflow preventers next to the service connection for the containment of their premises.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-152. Definitions.

The following definitions shall apply in this Article:

(a) *Approved backflow preventer* shall mean a backflow preventer as defined herein that is approved by the Department in accordance with applicable State and local regulations including the Florida Building Code.

(b) *ANSI* shall mean American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

(c) *ASME* shall mean American Society of Mechanical Engineers, 345 E. 47 St., New York, N.Y. 10017.

(d) *ASSE* shall mean American Society of Sanitary Engineering, 28901 Clemens Rd., Westlake, Ohio 41445.

(e) *Auxiliary water supply* shall mean any water supply on or available to the premises other than the public potable water supply. Auxiliary water supplies include, but are not limited to, another provider's potable water supply; a private water supply such as a well for domestic, irrigation or fire flow purposes; natural source(s) such as a spring, lake, river, stream, canal or ocean; used water; reclaimed water; and industrial fluids.

(f) *AWWA Manual M14 3rd Ed.* shall mean American Water Works Association Manual of Water Supply Practices "Recommended Procedure for Backflow Prevention and Cross-Connection Control", as amended.

(g) *AWWA* shall mean the American Water Works Association, 6666 W. Quincy Ave., Denver, Colorado 80235.

(h) *Backflow* shall mean the reversal of flow of water or inflow of other substances into a potable water distribution system through a cross-connection. Backflow may degrade the quality of the potable water below required standards.

(i) *Backpressure* shall mean any elevation of pressure in the downstream piping system above the supply pressure at the point of consideration, which could cause a reversal of the normal direction of flow.

(j) *Backflow preventer* shall mean a mechanical assembly or device or means that prohibits backflow into a potable water system. Only the following types may be approved:

(1) *Air gap separation (AG)* shall mean unobstructed vertical physical separation between the free-flowing discharge end of a potable water supply pipeline and the flood level rim of an open or non-pressure receiving vessel. An approved air gap separation shall be at least double the diameter of the supply pipe measured vertically above the top of the rim of the vessel. In no case shall an air gap separation be less than one (1) inch.

(2) *Double check detector assembly (DCDA)* shall mean a specially designed assembly composed of a line-size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to three (3) gallons per minute (gpm) and shall show a registration for all rates of flow. The DCDA is used only on fire systems.

(3) *Double check valve assembly (DC)* shall mean an assembly composed of two (2) single, independently acting approved check valves, including tightly closing resilient seated shutoff valves located at each end of the assembly, and fitting with properly located resilient seated test cocks suitable for testing the water tightness of each check valve. A check valve is a valve that is drip-tight in the normal direction of flow when the inlet pressure is one (1) psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g., clapper) shall be internally weighted or otherwise internally loaded to promote rapid and positive closure. This assembly shall be used only to protect against a nonhealth hazard.

(4) *Pressure vacuum breaker (PVB)* shall mean an assembly consisting of an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve, with properly located resilient-seated test cocks and tightly closing resilient-seated shutoff valves attached at each end. The PVB prevents backsiphonage, but it is not effective, and should not be used, in backpressure conditions.

(5) *Reduced pressure detector assembly (RPDA)* shall mean a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow preventer. The meter shall register accurately for only very low rates of flow up to three (3) gpm and shall show a registration for all rates of flow. The RPDA is used only on fire systems.

(6) *Reduced pressure principle backflow preventer (RP)* shall mean an assembly containing within its structure a minimum of two (2) independently acting approved check valves, together with an automatically operating pressure differential relief valve located between the two (2) check valves. The first check valve reduces the supply pressure by a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. These units are equipped with tightly closing resilient seated shut-off valves located at each end of the assembly, and with properly located resilient seated test cocks.

(k) *Backsiphonage* shall mean a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

(l) *Building Official* shall mean that official designated by the appointing authority, as defined in the Florida Building Code.

(m) *Certified backflow preventer tester* shall mean a person who has satisfactorily completed a nationally recognized backflow preventer testing training program that meets or exceeds any existing Florida Department of Environmental Protection (FDEP) standards or that is determined by Miami-Dade County to meet the requirements of the latest edition of AWWA M14 Manual. After satisfactorily completing a backflow preventer testing training program, as described above, the person shall be required to pass a written examination administered under the direction of Miami-Dade County Construction Trades Qualifying Board (CTQB). All testers are required to be re-certified by Miami-Dade County CTQB every two years. Backflow preventer testers who are currently certified as of the date of the ordinance from which this subsection derives will be permitted to test backflow preventers in Miami-Dade County until such time as the Miami-Dade County exam is first administered or until the existing certification expires whichever occurs later, but not to exceed two (2) years. In no event shall the training institute also serve as an examiner for the Miami-Dade County test. Code inspector shall have the meaning and powers defined in [Section 8CC-3](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-3ENPR) of the County Code.

(n) *Cross connection* shall mean any temporary or permanent physical connection or arrangement between a public water system and any other system or source through which it is possible, given pressure differentials, for any substance other than potable water to flow into the public water system.

(o) *Department* shall mean the Miami-Dade Water and Sewer Department, including its director, employees, agents, designees, and successors.

(p) *Existing water customer* shall mean a water customer as defined herein for which a water meter is installed and operating on or before January 1, 2002.

(q) *Florida Fire Prevention Code* shall mean rule 69A-60 Florida Administrative Code.

(r) *Industrial fluid* shall mean any fluid or solution which is intended to be or has been used in or results from activities of manufacture, production, fabrication, repair, packaging, processing or sale of goods or services or growing of agricultural crops or for fire suppression purposes. This may include, but is not limited to: polluted used waters; polluted auxiliary water; all types of process waters; chemicals in fluid form, including pesticides and fertilizers; fuels and oils; acids and alkalies; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances.

(s) *Internal isolation* shall mean fixture isolation and/or isolation of an area or zone within a customer's premises, downstream of the service connection. Fixture isolation means installing an approved backflow preventer at the source of the potential contamination. Area or zone isolation is confining the potential source of contamination within a specific area.

(t) *NFPA* shall mean National Fire Protection Association, Quincy, Massachusetts.

(u) *Nonhealth hazard* shall mean substances which, although not dangerous to health, may impart offensive solids, color, odor or taste to the public water supply.

(v) *New water customer* shall mean a water customer, as defined herein, who applies for the provision of water service after January 1, 2002.

(w) *Reclaimed water* shall mean waste water which has received at least secondary treatment and basic disinfection and is approved for reuse in compliance with regulations of State agencies.

(x) *Service connection* shall mean the terminal end of water delivery from the public water system, that is, where the utility loses jurisdiction and sanitary control over the water at its juncture with the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system.

(y) *State agencies* shall mean the Department of Environmental Protection, the Department of Health, the State Fire Marshal, their successors, and any other instrumentality of the State of Florida charged under provisions of Part VI of Chapter 403, Florida Statutes or other statute or regulation with testing, inspecting, certifying, enforcing, or otherwise assuring compliance with environmental, health and safety standards, especially those for safe drinking water.

(z) *Tampering* shall mean dismantling, removal, or rendering ineffective after installation, testing and certification, except in order to effect an approved replacement.

(aa) *Used water* shall mean any water supplied to a customer's water system after it has passed through the service connection.

(ab) *Water customer* shall mean any individual, municipality, corporation, partnership, firm, association or other entity receiving water service from the Department for consumption or usage within its premises or for resale to ultimate consumers.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-153. Prohibition of uncontrolled cross-connections.

It shall be unlawful for any water customer to install or maintain any cross connections without providing backflow prevention to protect the public water supply. To the extent required by law, educational materials shall be provided by the Department to water customers and to relevant businesses and employees, alerting them to the dangers of backflow through cross-connections and to prevention measures.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01)

Sec. 32-154. Backflow preventers required.

Certain water customers of the Department shall install a backflow preventer as provided herein. Backflow preventers installed in the facilities listed in (c) and (d) below shall be tested by a certified backflow preventer tester.

(a) Water customers who own or operate or use or engage in the types of businesses, facilities, substances, and activities listed in (c) or (d) below shall install an approved backflow preventer of the type indicated below at the service connection entering their property, within the deadlines listed herein. The same deadlines apply to installation of backflow preventers on Classes 3, 4 and 5 fire suppression systems, as defined in [Section 32-155](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-155FISUSY) serving the premises. New water customers who own or operate or use or engage in the types of businesses, facilities, substances, and activities listed in (c) or (d) below shall have an approved backflow preventer as a condition of issuance of building permits or of a certificate of occupancy, and the permanent installation of a water meter. This requirement is not limited to those facilities, premises, uses or situations listed herein but also applies to any others distinctly determined by the Department to require such protection. Failure to install a required backflow preventer as required herein, will result in civil penalties to be levied against the responsible party, pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County. In the event that the customer provides proof that a plumbing permit has been obtained from the applicable building department, and installs the required backflow preventer, within 90 days of notice of the violation, the Miami-Dade Water and Sewer Department may choose to waive the applicable penalties.

(b) In the event that the use of a property is changed to one listed in (c) or (d) below, and such property does not have a backflow preventer, the property owner must notify the Department of the new use and comply with this article.

(c) Backflow preventers shall be installed by existing water customers in the following facilities by June 1, 2007.

|  |  |
| --- | --- |
| Facility: | Backflow Preventer\* |
| Beverage processing or bottling plant | RP |
| Chemical and petroleum manufacturing, storage, processing or treatment, including any facility where chemicals are used in processing a product, or where chemical baths are employed | RP |
| Construction sites | DC |
| Correctional facilities | RP |
| Dyeing plant | RP |
| Exterminating companies | RP |
| Funeral home; morgue | RP |
| Health care facilities: clinics, skilled |  |
| Nursing, intermediate care, veterinary, Ambulatory surgical centers | RP |
| Plating (chemical, electrochemical, Mechanical), including any plant with A chromium, cadmium or other plating Operation or a galvanizing, anodizing, Stripping, oxidizing, etching, passivating, Or pickling operation | RP |
| Power plant | RP |
| Radioactive materials present | RP |
| Reclaimed water customer | RP |
| Sewage or stormwater treatment plant, Pumping station, or any premises With a wastewater pump | RP |

\* Abbreviations refer to types of preventers described in [Section 32-152](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-152DE)(j).

AG = Air gap

DC = Double check value

PVB = Pressure vacuum breaker

RP = Reduced pressure principle backflow preventer

(d) Backflow preventers shall be installed by existing water customers in the following facilities by January 1, 2014:

|  |  |
| --- | --- |
| Facility: | Backflow Preventer |
| Agricultural premises, including livestock, poultry, and produce packing | RP |
| Aircraft plants and aircraft |  |
| Repair service | RP |
| Automotive manufacturing | RP |
| Automotive repair | RP |
| Auxiliary water supply present | RP |
| Brewery, winery, distillery | RP |
| Buildings with four stories or more above ground, or with booster pumps | RP |
| Car washes | RP |
| Cold storage plant, dairy, ice manufacture | RP |
| Cooling system, space heating hot-water or steam boiler, single-wall heat exchanger, or double-wall heat exchanger supplied from the public water system | RP |
| Customer of any type with a history of inadequately protected cross-connections | RP |
| Film processing or manufacture | RP |
| Food processing facility, including cannery, packing house, rendering plant, reduction plant, and any industrial facility where animal or vegetable matter is processed; not including food preparation | RP |
| Health care facility: health maintenance organizations, offices of health care providers, dialysis centers | RP |
| Irrigation systems using potable water if no backpressure | PVB |
| If backpressure may exist | RP |
| Laboratory, including those within schools and other businesses | RP |
| Laundry or dry cleaner with processing facilities on site, excluding self-service laundromats | RP |
| Marina, shipyard, boat storage or service facility, including piers and docks, where an outlet supplies water to vessels | RP |
| Metal manufacturing, cleaning, processing or fabricating plant | RP |
| Motion picture studio where water is used for scene tanks or special effects | RP |
| Oil (animal, vegetable or mineral) or gas production, development, processing, blending, storage, refinery, transmission and/or tank maintenance, testing and repair | RP |
| Paper manufacturing or processing plant | RP |
| Premises with multiple interconnected service connections | RP |
| Premise located within an Industrial District (IU) zoned area | RP |
| Restricted access facility where testers are prohibited entry by law and/or which is exempt from the inspection provisions of the plumbing code | RP |
| Rubber (natural or synthetic) or rubber goods manufacture, excluding small molding or tire retreading operations | RP |
| Sand or gravel pit, classifying or processing plant | RP |
| Tanker type vehicles if feasible | AG |
| Otherwise | RP |
| Travel trailer and recreational vehicle parks | RP |

(e) When an addition is made to an existing building and the addition is twenty-five (25) percent or more of the area of the existing building, a water customer who owns, operates, uses or engages in a business, facility, substance or activity of a type listed in (c) or (d) above shall install an approved backflow preventer of the appropriate type. When repairs and alterations amounting to more than fifty (50) percent of the value of the existing building are made during any twelve (12) month period, a water customer who owns, operates, uses or engages in a business, facility, substance or activity of a type listed in (c) or (d) above shall install an approved backflow preventer of the appropriate type. The value of a building or structure shall be the estimated cost of constructing a new building of like size, design and materials at the site of the original structure, assuming such site to be clear. Cost of additions, alterations and repairs shall be construed as the total cost of labor, materials and services based on current prices for new materials.

(f) All consecutive water systems (wholesale or volume customers) distributing the Department's potable water to their customers must have cross-connection control programs duly approved by their governing authorities, which are operated and maintained in accordance with Chapter 62-555.360, Florida Administrative Code. Any non-complying consecutive water systems may be required to install an approved backflow preventer assembly at the interconnection between the Department and the consecutive system. All consecutive water systems shall use reasonable good faith efforts to comply with the compliance dates specified in [section 32-154](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-154BAPRRE)

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01; Ord. No. 06-158, § 1, 10-24-06; Ord. No. 11-35, § 2, 6-7-11)

Sec. 32-154.1. Reclaimed water regulations.

All customers of properties using reclaimed water as an auxiliary source of water supply shall install a reduced pressure principle backflow preventer (RP) assembly on the potable water service connection. The RP assembly shall be installed immediately adjacent to the water meter serving the property. Existing customers must effect this installation before December 31, 2010. New water customers who own or operate such facilities shall install a RP assembly as a condition to permitting, issuance of a certificate of occupancy, and installation of a water meter. The Department shall set forth specific limitations and requirements, in accordance with all rules and regulations promulgated by State agencies, in each customer agreement for use of reclaimed water. No reclaimed water shall be provided by the Department except under terms of an agreement with the customer.

(Ord. No. 01-169, § 1, 10-23-01)

Sec. 32-155. Fire suppression systems.

(a) Fire suppression systems will be classified on the basis of water source and arrangement of supplies as follows:

Class 1 Direct connections from public service connection only; no pumps, antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells, or other safe outlets.

Class 2 Same as Class 1 except that booster pumps may be installed in the connections. (Booster pumps do not affect the potability of the system.) It is necessary that pressure in the water main is not reduced below 20 psi to avoid drawing too much water from the main.

Class 3 Direct connection from the service connection, plus one (1) or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; pressure tanks. (All storage facilities are filled or connected to public water only; the water in the tanks is to be maintained in a potable condition. Otherwise, Class 3 systems are the same as Class 5.)

Class 4 Similar to Class 1 and Class 2, but with an auxiliary water supply dedicated to Fire Department use and available to the premises, such as an auxiliary supply located within 1700 feet (518m) of the pumper connection.

Class 5 Directly supplied from the service connection and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

(b) New water customers and existing water customers who are installing new fire suppression systems shall install backflow preventers on all fire suppression systems in accordance with the table below and within the applicable deadline provided in [Section 32-154](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-154BAPRRE)(c) and (d):

|  |  |
| --- | --- |
| Class | Minimum Level of Protection\* |
| Class 1 | DCDA |
| Class 2 | DCDA |
| Class 3 | DCDA |
| Class 4 | RPDA |
| Class 5 | RPDA |

\* Abbreviations refer to types of preventers described in [Section 32-152](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-152DE)(i).

DCDA = double check detector assembly

RPDA = reduced pressure detector assembly

(c) Existing water customers with Class 1 and Class 2 fire suppression systems are not required to install backflow preventers.

(d) All existing systems being modified or upgraded shall have provision for any additional head loss caused by inclusion of the required backflow preventer in the modification design.

(e) Exemptions may be granted to water customers with existing systems who can demonstrate to the satisfaction of the Department and the Miami-Dade Fire Rescue Department that installation of a backflow preventer would degrade the effectiveness of the fire protection system to a level unacceptable for fire suppression purposes.

(f) All installations, testing, maintenance, repairs and replacements of backflow preventers used for fire suppression systems shall be performed by a certified Fire Protection Contractor as defined in Section 633.021(5), Florida Statutes, and certified in accordance with Section 633.521, Florida Statutes.

(g) In accordance with NFPA-13, all fire department connections shall be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-156. Technical requirements.

All approved backflow preventers shall conform to specifications set forth in the applicable building code and to rules and regulations promulgated by State agencies. The following specifications are adopted until and unless superseded:

(a) Air Gap (AG) shall conform to ANSI/ASME standard A 112.1.2-1991.

(b) All other preventers shall have satisfactorily passed a laboratory and field evaluation in accordance with the latest editions of either Section 10 of the ninth edition of the University of Southern California's Manual of Cross-Connection Control and been approved by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USC-FCC & HR); or with ANSI/AWWA Standard C510-97 or C511-97. They are required to be testable in line.

(c) Reduced Pressure Principal Backflow Prevention Assembly (RP) shall conform to ASSE Standard 1013 or ANSI/AWWA Standard C511-97.

(d) Double Check Valve Assembly (DC) shall conform to ASSE Standard 1024 or ANSI/AWWA Standard C510-97.

(e) Pressure Vacuum Breaker Assembly (PVB) shall conform to ANSI/ASSE Standard 1020-1990.

(f) Double Check Detector Assembly (DCDA) shall conform to ANSI/ASSE Standard 1048-1995.

(g) Reduced Pressure Detector Backflow Assembly (RPD) shall conform to ANSI/ASSE Standard 1047-1995.

(h) Further specifications for backflow preventers and their installation, and additional and modified ones for specific purposes, may be provided in standard details and/or written specifications issued by the Department, in accord with standards adopted by the Florida Building Code and any regulations promulgated by State agencies.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-157. Installation of backflow preventer.

(a) Water customers, at their own expense, shall prepare plans and shall obtain a permit for the required backflow preventer. For properties located in unincorporated Miami-Dade County, the Miami-Dade County Building Official shall review said plans and charge a fee in accordance with Administrative Order No. 4-63A, as may be modified from time to time, for the review of each backflow preventer and the issuance of a permit. In the case of fire suppression systems, the Miami-Dade Fire Rescue Department shall charge a fee in accordance with Administrative Order No. 4-45 to review and inspect each installation. The applicable municipal Building Official and municipal Fire Department may impose a similar fee for similar services. Permitting procedures and standard details shall be established and modified from time to time by means of agreements between and among applicable County, municipal and State agencies.

(b) The backflow preventer installer must be a validly licensed contractor possessing a certificate of competency appropriate for the preventer type and location involved.

(c) The backflow preventer shall be installed at the customer's expense on the customer's property immediately adjacent to the water meter serving that property. The customer shall provide adequate space for a backflow preventer on the customer's property. The backflow preventer shall be readily accessible for maintenance and testing. No part of it may be beneath the ground surface or submerged under water, and it must not be subject to flooding by a ten-year storm.

(d) The installation shall be located at the front property line at one (1) side of the property in accordance with the Department's standard details. All backflow preventers that are installed where visible from an area accessible to the public shall be shielded from public view by a visual barrier as listed below:

1) A barrier wall not more than six (6) inches above the highest point of the body of the assembly whereas the stems of the shutoff valves are visible from outside of the wall structure; or

2) A recessed covered space which is part of the building envelope; or

3) A manufactured cover for small diameter assemblies up to two (2) inches

Such barriers shall be at least two (2) feet apart from the backflow preventer and must not obstruct access for maintenance and testing. Existing backflow preventer installations, shall be exempt from the installation of a visual barrier. Additionally, any such barrier shall be a minimum of seven and one-half (7-½) feet apart from any fire department connection including, but not limited to siamese connections and post indicator valves. Said fire department appliances are to be installed in accordance with the Florida Fire Prevention Code, and NFPA standards 13 and 24.

(e) Upon completion of the installation, satisfactory testing shall be performed as provided in [Section 32-163](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-163TE)(b). Testing requires a water shutdown usually lasting five (5) to thirty (30) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two (2) separate meters, provisions shall be made for a parallel installation of backflow preventers. The existence of any unprotected bypass around a backflow preventer when the apparatus is in need of testing, repair or replacement is unlawful.

(f) The customer shall install plumbing lines of sufficient size to compensate for pressure losses which may result from operation of a backflow preventer. Provision must be made for thermal expansion.

(g) It shall be unlawful for any water connections to exist between the water meter and the backflow preventer.

(h) It shall be unlawful for any person to remove a backflow preventer from service without the express written consent of the Miami-Dade Water and Sewer Department, except for the purposes of replacement, as described in [Section 32-164](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-164RERE) (c). Unauthorized removal will be considered tampering, as described in [Section 32-162](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-162TAPR) of the Code of Miami-Dade County.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-158. Exemptions.

(a) Buildings of three (3) stories or less without booster pumps which contain only dwelling units (including single family residences, town homes, small apartment buildings), and all other structures or facilities not listed in [Section 32-154](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-154BAPRRE), shall be exempt from the requirement of installation of a backflow preventer, provided that:

(1) No cross-connections exist or are subsequently installed on the property;

(2) No uses or facilities listed in [Section 32-154](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-154BAPRRE) receive water through the same service connection; and

(3) Any auxiliary water supply is not cross-connected.

(b) Buildings of four (4) stories or more which contain only dwelling units (including condominium residences and apartment buildings) shall be exempt from the requirement of installation of a backflow preventer, provided that:

(1) A certified plumber trained in cross-connection control conducts an annual inspection of the building's plumbing system to determine whether a cross-connection exists;

(2) Each inspection shall be reported to the Department within five (5) days of such inspection; and

(3) If an inspection of the building indicates a cross-connection, such cross-connection shall be eliminated pursuant to the provisions of this section.

(c) Exemptions from or exceptions to the Department's standard details may be granted by the applicable Building Official or his designee for installation of backflow preventers where physical limitations are present, provided that the preventer as installed is tested satisfactorily and certified.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01)

Sec. 32-159. Fire hydrants.

Except for the use of fire hydrants for fire suppression purposes, any use of fire hydrants and fire systems by any person other than the Department or the applicable County or municipal Fire Department without the prior written approval of both, is prohibited and such person may be ordered to cease and desist by the applicable Fire Department.

(Ord. No. 99-165, § 1, 12-7-99)

Sec. 32-160. Access required.

(a) Any code inspector, certified backflow preventer tester, or authorized representative of the Department, at any reasonable time upon reasonable notice and presentation of proper credentials, and upon consent by the property owner or person in charge of the property, building or place, may enter, monitor, sample, test, and inspect, as often as may be necessary, any structure, property, premises, building or place, public or private, residential or nonresidential within the water distribution system of the Department, for the purpose of assuring that no cross connections exist and that approved backflow preventers are in place where required. This right of access includes the right to effect any emergency actions necessary, including but not limited to disconnecting water service. Inspections of the facilities listed in [Section 32-154](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-154BAPRRE), which pose the greatest potential hazard to the public water supply, are deemed to be a public necessity.

(b) No person shall refuse reasonable entry or access to the duly authorized representative who requests entry for any of the purposes set forth in (a) above and who presents appropriate credentials identifying himself.

(c) No person shall obstruct, hamper, or interfere with any such inspection, entry, monitoring, testing, or sampling.

(d) An inspection, entry, monitoring, testing and sampling, pursuant to this section may be conducted only after:

(1) Consent for the entry, inspection, testing, monitoring and sampling is received from the owner or person in charge of the property, building, premises or place; or

(2) An inspection warrant as provided in this section or by law is obtained.

(e) An inspection warrant is authorized by this article and may be issued by a judge of any County Court or Circuit Court of this State which has jurisdiction of the place or thing to be searched.

(f) The Department Director or his designee is hereby authorized and empowered to obtain all search or inspection warrants reasonable and necessary to carry out the responsibilities, powers and duties set forth in this article, in accordance with the requirements of the Constitutions of the United States of America and the State of Florida.

(Ord. No. 99-165, § 1, 12-7-99)

Sec. 32-161. Obstruction prohibited.

It shall be unlawful for any water customer to maintain or place anything on or near a backflow preventer or other related equipment which obstructs access to the backflow preventer.

(Ord. No. 99-165, § 1, 12-7-99)

Sec. 32-162. Tampering prohibited.

The intentional tampering with a backflow preventer, rendering it out of compliance with this article, is prohibited.

(Ord. No. 99-165, § 1, 12-7-99)

Sec. 32-163. Testing.

(a) *Testing standards.* All required tests of backflow preventers shall be accomplished in accordance with the procedures in the latest editions of [Chapter 8](../level2/PTIIICOOR_CH8BUCO.docx#PTIIICOOR_CH8BUCO) of AWWA Manual M14 and Section 9 of the University of Southern California's *Manual of Cross-Connection Control.*

(b) *Initial.* All backflow preventers shall be installed under a plumbing, mechanical or fire permit obtained from the Building Official. The backflow preventer shall be tested by a certified backflow preventer tester as defined herein and certified as testing satisfactory prior to final plumbing approval being granted and prior to the installation of the permanent water meter. Where a permanent water meter is not yet installed, the certified tester shall obtain water for testing the backflow preventer cia a method approved by the Department.

(c) *Annual.*

(1) All backflow preventers must be tested annually to assure that they are performing satisfactorily by a certified backflow preventer tester.

(2) The first annual testing of each backflow preventer installed subsequent to enactment of this article shall occur within twelve (12) months of installation.

(d) *Change of Occupancy or Ownership.* Inspection of premises and satisfactory testing of an existing backflow preventer may be required before initiation of water service to a new customer or issuance of a new certificate of occupancy.

(e) *Deficiencies.* If deficiencies are identified during any testing, the tester shall provide the water customer and the Department with a listing of the defects, on a form acceptable to the Department, within five (5) days of the test, which warns the customer that defects must be repaired within thirty-five (35) days of the Department's receipt of the report. Retesting shall be performed at or before the end of that period.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-164. Repairs and replacement.

(a) It is the customer's responsibility to assure that all defects listed by backflow preventer testers are corrected.

(b) Failure to complete repairs and have the backflow preventer certified as testing satisfactory within thirty-five (35) days of the Department's receipt of the report listing any deficiency shall result in a civil violation notice. The time allowed for correction shall be ten (10) days. Failure to correct the defect and comply with the civil violation notice may result in a civil action by the County.

(c) If a backflow preventer cannot be repaired to test satisfactorily, the customer shall replace it with the type required in [Section 32-154](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-154BAPRRE) and have the replacement tested and certified.

(d) All repairs and replacement of a backflow preventer shall be done with a valid permit.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01)

Sec. 32-165. Test Reporting.

Upon completion of testing, a test report form approved by the Department shall be completed by the certified backflow preventer tester and submitted to the customer and to the Department, no later than ten (10) days following the test. If the backflow preventer required repair before testing satisfactorily, that fact shall be indicated.

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-166. Modifications of facilities.

Water customers shall notify the Department of any change of use of their premises or installation of fixtures or facilities which may affect the performance of existing backflow preventers or which may require installation of new backflow preventers. An evaluation of cross-connection protection needs must be performed by the Department before any such new uses or fixtures or facilities receive water service.

(Ord. No. 99-165, § 1, 12-7-99)

Sec. 32-167. Reporting and record-keeping.

(a) All incidents of suspected or actual backflow shall be reported to the Department by all persons with knowledge.

(b) The Department shall retain all records incident to the cross-connection control program which are mandated by this article and by rules and regulations promulgated by State agencies pursuant to provisions of Part VI of Chapter 403, Florida Statutes.

(Ord. No. 99-165, § 1, 12-7-99)

Sec. 32-168. Enforcement.

The following enforcement actions are authorized separately or in combination.

(a) The Department may take emergency action to eliminate a cross connection involving a health hazard, or to stop and prevent backflow, by any practicable means, including disconnection of water service and installation of an approved backflow preventer, billing the customer for the cost of labor, applicable permit fees, and materials (including overhead and fringe benefits).

(b) The Department may refuse water service to a customer in violation of the provisions of this Article, or to a customer who does not pay costs of Department emergency action to prevent backflow within sixty (60) days. Water service may be withheld until the violation is corrected, the costs paid, fines for violations of this Chapter under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) paid, and the affected premises or facilities are certified to be in compliance with all requirements stated herein.

(c) The Department may add any costs of emergency action to prevent backflow which remain unpaid after sixty (60) days to the customer's bill for services and record and enforce a lien when and as authorized by Article VI of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the County Code.

(d) Any person who violates any provision of this Article or any lawful rule, regulation or written order promulgated under it is liable for any damage caused by such violation to Miami-Dade County, including, but not limited to damage to the public water supply and costs of rectifying harm, and is also liable directly or indirectly for all damage to other parties. The County may undertake court actions to recover its damages, to restrain, abate or correct violations of this Article, to permit access and corrective action, and to prevent use and occupancy of any premises where a probable violation of this Article could endanger human health. The term "damages" herein shall be understood to include all those which may be recoverable in civil actions in the courts of Florida.

(e) This article may be enforced by code, invoking all applicable provisions of Chapters 8CC and 10 of the County Code, and the Florida Building Code, including, but not limited to, civil violation notices, administrative hearings, court appeals, and assessment of fines and costs with further penalties for non-payment.

(f) In addition to any civil penalty or court award of damages, any violator shall be liable for the reasonable costs and expenses incurred by the County in enforcing the provisions of this Article including, but not limited to, the labor and material costs (including overhead and fringe benefits) of emergency enforcement actions, inspections, permit fees, preparation of enforcement reports, photographs, title searches, postage, court or hearing attendance time, and other demonstrable administrative costs for enforcement and collection. All such sums shall become delinquent if not paid within thirty (30) days after receipt by the violator of the Department's bill itemizing the costs incurred in enforcing the provisions of this Article, or after a hearing officer or court order becomes final (the "due date"). All such delinquent sums shall bear interest at the rate of twelve (12) percent per annum after the due date.

(g) In lieu of the lien for unpaid civil penalties provided in [Section 8CC-7](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-7REUNCIPEUNPECOLIINBEPALIFOPRISPELICEUSOCZOAPVIUNCIPELI) of the County Code, if the violator is a water customer, the Department may include the amount of any ordered civil penalty including costs and expenses in the water customer's bill for service and record a lien in accord with the provisions of Article VI of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the County Code.

(h) Upon the rendition of a judgment or decree by any of the courts of this State, including appellate courts, against any person and in favor of the County to enforce compliance with this article or to award damages to the County, the court shall adjudge a reasonable sum as fees for the attorney acting on behalf of the County in that civil action, in addition to court costs.

(i) The following funds when received by the County shall be deposited in a separate County fund, for use by the Water and Sewer Department for administration and enforcement of this Article:

(1) All civil penalties plus costs and expenses of enforcement, collected under [Section 8CC-10](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-10SCCIPE) for violations of this Article.

(2) All damages, costs and attorney fees awarded as a result of court actions, pursuant to [Section 32-168](../level3/PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR.docx#PTIIICOOR_CH32WASERE_ARTVIIICRCOCOPR_S32-168EN)(d), (f) and (h).

(Ord. No. 99-165, § 1, 12-7-99; Ord. No. 01-169, § 1, 10-23-01; Ord. No. 06-158, § 1, 10-24-06)

Sec. 32-169. Fees and charges.

Fees and charges imposed herein shall be subject to annual review and modification. The County Manager is hereby authorized to establish future modifications to the Department's fees by separate administrative order, which fees shall not become effective until approved by the Board of County Commissioners.

(Ord. No. 99-165, § 1, 12-7-99)

FOOTNOTE(S):

--- (**9**) ---

**Editor's note—** Ord. No. 99-165, § 1, adopted Dec. 7, 1999, amended chapter 32 with the addition of article VII, sections 32-101—32-119. To avoid duplication of articles, the provisions of said ordinance have been included as article VIII, sections 32-151—32-169 at the discretion of the editor. [(Back)](#BK_C13634F67DB7177AB786860020BCF661)

### ARTICLE IX. SECURITY AT MIAMI-DADE WATER AND SEWER DEPARTMENT

[Sec. 32-170. Legislative intent.](#BK_EE1262E334F03E4C8E45178BFDF4EE5B)

[Sec. 32-171. Definitions; applicability of Article provisions; disclaimer of liability; right of access of public officers and employees; offenses and penalties.](#BK_C4E421FD7E3E4AD2C9C6F7A374D3B656)

[Sec. 32-172. Identification cards for persons.](#BK_B6F4BF9A8E078EE4BBAE6861BC5C2AC7)

[Sec. 32-173. Administrative Review procedure.](#BK_7ED9B538BB0C2B34575B83C6CFB0EA0B)

[Sec. 32-174. Identification.](#BK_30678AFFEDECAD599C5A5FDE28E4453B)

[Sec. 32-175. Fees.](#BK_BB3A0B4F2E0A76D8CCDD016924CBB9F0)

[Sec. 32-176. False Reports or Threats.](#BK_C86D325A64B6BD5E81C92A82E4CD346A)

[Sec. 32-177. Forgery and counterfeit.](#BK_5342E0F3AB8750B6458F1F53FF989DA8)

[Sec. 32-178. Audits by Inspector General's Office.](#BK_ED1BB145AC4B9DE01133D3E239434C6B)

[Secs. 32-179—32-200. Reserved.](#BK_2C5D5FB6B3E6F772F4A85CEA0639E06A)

Sec. 32-170. Legislative intent.

The intent of the County Commission in enacting this Article is to accomplish the following goals and purposes at the Miami-Dade Water and Sewer Department.

(1) Improve security.

(2) Retain certain of the present identification procedures, and adopt certain new procedures providing greater security protection.

(3) Establish rules and regulations governing security at Miami-Dade Water and Sewer Department facilities.

(4) Protect the public health, safety and welfare by preventing crime, detecting, arresting and prosecuting violators of Article IX of [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the Code of Miami-Dade County.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-171. Definitions; applicability of Article provisions; disclaimer of liability; right of access of public officers and employees; offenses and penalties.

The following definitions shall apply in this Article:

(1) *Authorized* shall mean acting under or pursuant to a written contract, license, permit, instruction or other evidence of right issued by the Board or the Manager or his designee.

(2) *Board* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(3) *County* shall mean the County of Miami-Dade in the State of Florida.

(4) *Department* shall mean the Miami-Dade Water and Sewer Department.

(5) *Director* shall mean the administrative head of the Miami-Dade Water and Sewer Department, the assistant or acting Director, appointed by the County Manager.

(6) *Law Enforcement Officer* shall mean any person employed and vested with the police power of arrest under federal, State or County authority.

(7) *Operational directives* shall refer to instructions, directives, rules and regulations pertaining to the operation of the Miami-Dade Water and Sewer Department prepared and promulgated from time to time by the Director. When approved by the Board of County Commissioners, these operational directives shall have the same force and effect as County ordinances.

(8) *Person* shall be as defined in Section 1.01(3), Florida Statutes, and shall include municipal, governmental and public bodies and their agents, when such bodies or agents are using the water and sewer facilities.

(9) *Restricted area* shall mean any sensitive area operated, maintained or occupied by WASD that is deemed to have critical security or public safety status by the Director.

(10) *WASD* shall mean the Miami-Dade Water and Sewer Department.

(11) *WASD* Facility shall include, but not be limited to, water treatment and supply plants, wastewater treatment plants, office buildings, wellfields, pump stations, and any other facility operated, maintained or occupied by WASD.

32-171.1 *Applicability of Article IX of* [*Chapter 32*](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) *provisions.*

(a) Any permission granted to a person, corporation, partnership, or other legal entity by the Board, County Manager or Director, directly or indirectly, expressly or by implication, to enter upon a WASD facility or restricted area, is conditioned upon compliance with this Article and operational directives and the payment of any and all fees or charges established and payable to the County; such fees and charges shall include any and all fees or charges established or approved by the Board or the County Manager and entry on WASD property by any person shall be deemed to constitute an agreement by such person to comply with such rules and regulations and to pay any such fees and charges.

(b) It shall be unlawful for any person to do or commit any act forbidden by or to fail to perform any act required by these rules and regulations or to fail to pay any fees established and payable pursuant to this Article.

(c) The Department, through its Director, may from time to time cause to be issued operational directives applicable to WASD property. If any such operational directive contains a requirement that fees and charges be paid for any operation or use of a WASD facility or property as defined in the operational directive, such fees and charges shall be established in accordance with the provisions of this Article.

32-171.2 *WASD liability.* The County assumes no responsibility or liability for any loss, injury or damage to persons or property at a WASD facility.

32-171.3 *Access of public employees and law enforcement officers.* Authorized County employees, law enforcement officers, and employees of local, state and federal regulatory agencies shall have free and full access to and from any and all WASD facilities to make inspections and/or enforce the provisions of this Article. No person shall obstruct or interfere with any Law Enforcement Officer, employees of local state or federal regulatory agencies, or any designated County or Department employee conducting such inspection and/or enforcement or in the performance of any other power or duty required of such officer or employee.

32-171.4 *Offenses and penalties.* Every person who violates any provision of this Article shall be punished by a fine not to exceed five hundred dollars ($500.00), or imprisonment in the Miami-Dade County Jail for a period of not more than sixty (60) days, or both.

32-171.5 *Emergencies.* The Director is empowered to take such action as the Director deems necessary when an emergency exists at a WASD facility or property which, in the Director's judgment, presents an immediate threat to public health, security, safety or welfare, or to the operation of a WASD facility or property; provided, however, that in the exercise of such power the Director shall promptly notify the governmental agency(ies) or County department(s) having been assigned by the Board or County Manager primary responsibility for the handling and resolution of such emergency, and provided further that the Director's power herein granted shall cease upon the assumption of jurisdiction over such emergency by the governmental agency(ies) or County department(s) and such assumption of responsibility shall not be inconsistent with the requirements of any emergency procedure or program for a WASD facility or property adopted and approved by the Board. No action shall knowingly be taken by the Director hereunder or by any County department(s) contrary to any regulation or order of the Federal, State or County agency having appropriate jurisdiction.

32-171.6 *Trespassing.* Whoever, without being fully authorized, licensed or invited, willfully enters or remains on a WASD facility or property, or a portion thereof, or having been authorized, licensed or invited to a WASD facility or property, or portion thereof, is warned or ordered by authorized Department personnel or a law enforcement officer to depart, and refuses to do so, commits the offense of trespass.

32-171.7 *Other laws.* All applicable provisions of the laws of the State of Florida, now in existence or hereafter enacted, are hereby adopted by reference as part of these rules and regulations.

32-171.8 *Jurisdiction.* The violation of any provision hereof shall be triable in the Miami-Dade County Court.

32-171.9 *Severability.* If any provision of these rules and regulations or the application thereof to any person or circumstances is held invalid, the remainder of these rules and regulations and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-172. Identification cards for persons.

32-172.1 *Persons who may enter restricted area.* No person shall have entry to any restricted area unless such person possesses a current WASD issued identification card authorizing such access or whose access is otherwise expressly authorized under this Article. Identification cards shall be worn conspicuously on the outer garment of the bearer, in plain view above the waist.

32-172.2 *Plan for issuance.* The Director shall devise, maintain and, as required, revise a plan for the issuance of identification cards to all WASD employees and non-WASD employees working in a restricted area.

Such plan shall provide for ready identification of various clearance levels based on the most appropriate color scheme as determined by the Director. Such color scheme shall specifically identify limited and unlimited security access for WASD employees, non-restricted public access, and distinguish various levels of access for consultants, contractors, contract employees, public officials, and other public employees.

With the exception of temporary identification cards, each identification card shall:

(a) Be issued for a period not to exceed one (1) year;

(b) Contain a photo of the cardholder

(c) Contain a physical description of the cardholder, to include but not be limited to height, weight, and date of birth of cardholder;

(d) Contain the name, title, and employer, or in the case of a WASD employee the employing division or section, of cardholder; and

(e) Contain a unique serial number not to be repeated on any other identification card.

32-172.3 Employees who are required to maintain an operational license to operate, or have direct oversight or control over the operation of any Water or Wastewater Treatment Facility, or who are critical to security or public safety at any Miami-Dade Water and Sewer Facility, shall be classified as exempt employees if agreed to in the applicable Collective Bargaining Agreement and to the extent allowed by law shall be required to submit to both a Federal and State Criminal Background Check and an annual Drug & Alcohol Screening test consistent with Miami-Dade County Personnel Policies and Procedures and applicable Collective Bargaining Agreements. Such positions shall include Water/Wastewater Division Chiefs, Assistant Superintendents, Chief Water Treatment Plant Operators, Chief Wastewater Treatment Plant Operators, Treatment Plant Operator 1, Treatment Plant Supervisors and Treatment Plant Operator 2. Said employees who fail the criminal or drug screening provisions shall be subject to existing Miami-Dade County Personnel Policies and Procedures.

32-172.4. *Application.*

(a) The application for a permanent identification card is to be a public record filed in writing, maintained in WASD's employment records and shall contain the applicant's:

(1) Full current name and any previous names and aliases used:

(2) Current residential address and all residential addresses within the past (5) years;

(3) Date and place of birth;

(4) Current employer and any previous employer within the past five (5) years;

(5) Social Security number and driver's license number as well as copies of each to be made by WASD Security Division personnel from original documents;

(6) Specific reason for entry into the restricted areas;

(7) A photo of applicant taken by the Department at the time of application submission;

(8) Fingerprints authenticated by the Miami-Dade Police Department on an identification record form furnished by the Director of the Miami-Dade Police Department.

(9) Prior felony convictions or entries of findings of guilt (whether pursuant to a plea of guilty or nolo contendere or a judgment of conviction entered by a court of competent jurisdiction);

(10) Signed authorization to conduct a criminal, financial or other background check on the applicant; and

(11) Signatures of applicant and employer for non-WASD employees or immediate supervisor for WASD employees.

(b) Pending final action on an application for an identification card or for individuals at a WASD facility for no more than five (5) total days per calendar year, the Director or his or her designee may issue a temporary identification card to non-WASD employees.

(c) In addition to the information required in subsection (a) above, the Director may require the applicant to produce such further facts and evidence as may be necessary to determine whether or not the applicant possesses the qualifications necessary for an identification card.

(d) The making of a false statement in the application for an identification card under this section shall be grounds for refusal to issue the card and also shall be a violation of this Article.

(e) The Director may conduct or request Miami-Dade Police Department ("MDPD") to conduct a criminal and/or financial background check on any applicant and may conduct or require such other background checks as the Director deems necessary.

(f) Any applicant for a WASD identification card who, within the last five (5) years, (i) has had a felony conviction or (ii) against whom a finding of guilty has been entered on a felony charge shall not be issued an identification card for any restricted area except in the case of a Grandfathered Applicant, whose access shall be governed by subsection (g).

(g) Any Grandfathered Applicant for a WASD identification card who within the last two (2) years, (i) has had a felony conviction or (ii) against whom a finding of guilty has been entered on a felony charge for the following crimes: (a) theft, (b) smuggling, (c) the possession with intent to sell or distribute, sale, or trafficking of narcotics or any other controlled substance, (d) dishonesty, fraud, or misrepresentation, (e) felony theft under Chapter 812, Florida Statutes, or its federal counterpart, or (f) any violent crime committed with a weapon; or (g) any crime directly related to the Grandfathered Applicant's position of employment, shall not be issued an identification card for access to any restricted area. If a conviction or a finding of guilty on one of the above-listed crimes has occurred more than two (2) years but less than five (5) years from the effective date of this article, the Director has the discretion to issue an identification card to a Grandfathered Applicant under such terms and conditions as the Director deems appropriate to meet the Department's security needs.

A "Grandfathered Applicant" for purposes of this subsection means a person employed at WASD as of the effective date of this article or who, prior to the effective date of this article, was employed at WASD.

(h) Any applicant denied an identification card based on subsection (f) or (g) above may appeal the decision to an appeals committee. The appeals committee shall consist of five members, a member of the Miami-Dade Police Chiefs' Association, excluding the Director of the Miami-Dade Police Department, on a rotating basis, each member to serve for a period of one (1) year, a member of Miami-Dade County Inspector General's Office, a representative of the employee's employer or, at the employer's option, the association representing the employer, the WASD Director or his or her designee, and a union, labor or employee representative. The appeals committee shall determine whether the employee shall be issued an identification card based on procedures issued by the County Manager in an administrative order.

32-172.5 *Identification card for persons.* Identification cards issued by the Department shall at all times remain the property of the County. As such, the Department shall at all times have the right to confiscate or demand return of the identification card of any person who violates the provisions of this Article and to demand the return of the identification card of all persons employed by a company violating this Article or whose lease, contract, permit or license agreement with the County allowing use of a WASD facility has expired or has been canceled or is terminated. The identification card shall be valid for one (1) year from the date of issuance, unless sooner canceled or surrendered. Application for or acceptance of a card or pass under [Section 32-172](../level3/PTIIICOOR_CH32WASERE_ARTIXSEMIDEWASEDE.docx#PTIIICOOR_CH32WASERE_ARTIXSEMIDEWASEDE_S32-172IDCAPE) or entry into any restricted area by any person shall subject such person to the reporting requirements of Section 32-172.5.

32-172.6 *Report of changes in data on application for identification card for a person.* Any holder of a personal identification card shall report in writing to the Director (i) immediately any felony arrests, convictions, or findings of guilt, and (ii) within ten (10) days of the change any other change of data in an application for a personal identification card. Failure to report such changes within the time provided or the making of a false statement in any change in information submitted shall constitute grounds for suspending the use of the card; false statements or material omissions in the change information shall be a violation of this Article. The Director or his designee may suspend or revoke the use of the card based on any felony arrest, conviction, finding of guilt or other just cause, and may reinstate the use of the card when, in his discretion, circumstances warrant, provided, however, that such power to suspend, revoke or reinstate may not be exercised in conflict with a decision of the appeals committee as set forth in Section 32-172.3 (h). Any person whose identification card has been suspended or revoked may appeal the decision to the appeals committee set forth in Section 32-172.3 (h).

32-172.7 *Denial of identification card.* An application for an identification card to enter into any restricted area shall be denied by the Director if the applicant refuses to answer or falsely answers any questions listed in [Section 32-172](../level3/PTIIICOOR_CH32WASERE_ARTIXSEMIDEWASEDE.docx#PTIIICOOR_CH32WASERE_ARTIXSEMIDEWASEDE_S32-172IDCAPE) or refuses to produce documents to verify statements made on the application.

32-172.8 *Identification card or pass for a person; Loss, transfer, alteration or possession of altered identification cards, passes or department documents.*

(a) A person who has lost his or her valid identification card, after identifying himself or herself to the satisfaction of the WASD Security Division, shall be issued a new identification card after such person submits a completed application for a replacement card and, upon payment of a replacement charge as set by Administrative Order.

(b) An identification card for a person shall not be transferable at any time for any purpose.

(c) No person shall retain or have in his or her possession and shall promptly return to the Director or his or her designee, any card, permit, pass, badge or other means of identification issued by the Director after it has expired or when such person is no longer employed at the WASD facility or upon request by the Director or his or her designee that it be returned or when otherwise required by ordinance or otherwise. Such retention shall constitute a violation of this Article.

(d) No person shall forge, counterfeit, alter, erase, obliterate or transfer any identification card, permit, pass, lease, record, form, badge or other instrument or document issued or maintained by the County Manager or Director, pursuant to this Article. No person shall have in his possession any forged, counterfeited, altered, erased, obliterated or transferred identification card, permit, pass, lease, record, form, badge or other instrument or document issued or maintained by the County Manager or Director pursuant to this Article. No person shall have in his possession the identification card of another individual.

(e) In the event that any person who has an application on file for an identification card enters a restricted area without valid identification card or being otherwise authorized, such person may have the identification card or other authorization under this Article suspended or revoked.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-173. Administrative Review procedure.

32-173.1 *Administrative review.* Any person, including the County, aggrieved with any action or inaction by the Director and/or the Department, may file a written request with the County Manager within ten (10) days of the action or inaction. Such person shall be entitled to an appeal before a hearing examiner assigned by the County Manager or his designee from a list supplied by the American Arbitration Association. Such hearing examiners may be paid a fee for their services but shall not be deemed County officers or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) or otherwise. The hearing examiner shall conduct a hearing after notice and shall transmit his findings of facts, conclusions, and any recommendations together with a transcript of all evidence taken before him and all exhibits received by him, to the Manager who may sustain, reverse or modify the action at issue. Such hearings shall be conducted insofar as is practicable in accordance with the rules of civil procedure governing the procedure in the Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. Any interested party may procure the attendance of witnesses and the production of records at such hearings in the manner provided by [Section 2-50](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-50OATEPRRE). Any person appearing before a hearing examiner under the provisions of this section has the right, at his own expense, to be accompanied, represented and advised by counsel or other qualified representative. (Counsel shall mean a member of the Florida Bar).

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-174. Identification.

32-174.1. *Identification cards.* Failure to produce identification cards by all persons required to possess identification cards pursuant to this Article within a WASD facility shall be cause for immediate removal from the WASD facility and shall be grounds for such further actions as may be authorized by law.

32-174.2. *Duty to report violations.* All law enforcement officers and persons required to possess identification cards pursuant to this Article shall be under a continuing duty to promptly report the presence of (1) any unauthorized persons in a restricted area and (2) any unauthorized person on a WASD facility without a conspicuously-placed identification card.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-175. Fees.

The fee schedule for all identification cards required by this Article shall be set and established by an administrative order of the County Manager and approved by the Board of County Commissioners.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-176. False Reports or Threats.

No person shall make any threat involving the operations, including but not limited to, water and wastewater treatment at a WASD facility, or any false report regarding the conduct of operations at any WASD facility.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-177. Forgery and counterfeit.

No person shall make, possess, use, offer for sale, sell, barter, exchange, pass or deliver any forged, counterfeit, or falsely altered pass, permit, identification badge, certificate, placard, sign or other authorization purporting to be issued by or on behalf of the Department, nor shall any information electronically or magnetically encoded thereof be knowingly altered or erased.

(Ord. No. 02-68, § 1, 4-23-02)

Sec. 32-178. Audits by Inspector General's Office.

The Office of the Miami-Dade County Inspector General (IG) shall, on a random basis, perform audits and monitor compliance with the provisions of this Article. The Inspector General shall submit a report and appropriate recommendations to the Board of County Commissioners following such audits. However, the Inspector General shall have the discretion to exclude from such reports any information that may compromise security at a WASD facility or affect the public's safety.

(Ord. No. 02-68, § 1, 4-23-02)

Secs. 32-179—32-200. Reserved.

### ARTICLE X. DOWNTOWN KENDALL SYSTEM BETTERMENT [[10]](#BK_58A8C90575C10B33993E8C351D0AB090)

[Sec. 32-201. Agreement.](#BK_8EDA734672028023CD66AE79682BD2F3)

[Sec. 32-202. Lump sum payment.](#BK_C903E6D46501193AC0EA6F582E77A453)

[Sec. 32-203. Special water construction connection charge.](#BK_64973152F8BCC17A0E5E9B88BC02A2B2)

[Sec. 32-204. Special sewer construction connection charge.](#BK_4CBC158F2F1BE73A84AE1FF8147FB4C4)

[Sec. 32-205. Collection of charges.](#BK_0B7194B017DFD54DAE278A9D4A3F87CF)

[Sec. 32-206. Properties exempt from charges.](#BK_96743D2639190543D2E013EDD4F59972)

[Sec. 32-207. Termination of authority.](#BK_EFFB311545908CC59C7A895B81EEE8E8)

[Sec. 32-208. Other charges.](#BK_0D642093B50ABEF3AF9437DCE25BA09D)

Sec. 32-201. Agreement.

This Board finds that it is in the best interest of Miami-Dade County to waive competitive bidding procedures and the provisions of Administrative Order 3-2 and hereby authorizes the Miami-Dade Water and Sewer Department (Department), to enter into an agreement with Downtown Dadeland Residential Condominiums, LLC, to install new water and sewer lines in North Kendall Drive; formal bidding being waived by two-thirds (2/3) vote of the Board, pursuant to Section 255.20(1)(a)(10) of the Florida Statutes and Section 4.03(D) of the Home Rule Charter.

(Ord. No. 03-95, § 2, 4-22-03)

Sec. 32-202. Lump sum payment.

The Board hereby authorizes the Department to pay Downtown Dadeland Residential Condominiums, LLC, a maximum lump sum amount of $572,897 for the installation of new water and sewer lines within a certain limited area of the Downtown Kendall Urban Center District.

(Ord. No. 03-95, § 3, 4-22-03; Ord. No. 06-128, § 2, 9-12-06)

Sec. 32-203. Special water construction connection charge.

The Board hereby approves the imposition of a special water construction connection charge of $0.58 per average daily gallon per day of water capacity at the time water service is requested for all buildings and properties located south of North Kendall Drive, east of the Palmetto Expressway (S.R. 826) and northwest of the Metrorail Corridor, which utilize the new water system capacity provided by the new water lines.

(Ord. No. 03-95, § 4, 4-22-03; Ord. No. 06-128, § 2, 9-12-06)

Sec. 32-204. Special sewer construction connection charge.

The Board hereby approves the imposition of a special sewer construction connection charge of $0.73 per average daily gallon per day of sewer capacity at the time sewer service is requested for all buildings and properties located south of North Kendall Drive, between the Palmetto Expressway (S.R. 826) and Dadeland Boulevard, and lying northwest of the Metrorail Corridor, system capacity provided by the new sewer lines..

(Ord. No. 03-95, § 5, 4-22-03; Ord. No. 06-128, § 2, 9-12-06)

Sec. 32-205. Collection of charges.

The Department is hereby authorized and empowered to charge and collect the special water and sewer construction connection charges from property owners and developers who receive new or increased water and sewer service from the new lines and the capacity provided thereby after the effective date herein and to require payment of said charges as a condition precedent to the provision of water and/or sewer service. Connection charges as required in this Section shall be supplemental to all other charges, including connection charges, due the Water and Sewer Department.

(Ord. No. 03-95, § 6, 4-22-03; Ord. No. 06-128, § 2, 9-12-06)

Sec. 32-206. Properties exempt from charges.

Properties and buildings located south of North Kendall Drive, east of the Palmetto Expressway (S.R. 826) and northwest of the Metrorail Corridor which are receiving water and/or sewer service or have previously obtained contractual commitment for water and/or sewer service from the Department on the effective date of this ordinance shall not be subject to payment of the special water and sewer construction connection charges; however, the charge shall be imposed for additional water and/or sewer capacity furnished after said date.

(Ord. No. 03-95, § 7, 4-22-03; Ord. No. 06-128, § 2, 9-12-06)

Sec. 32-207. Termination of authority.

The authority to charge and collect the special water and sewer construction connection charges shall terminate when the Department has been reimbursed for actual project construction costs of the new water and sewer lines, including engineering costs.

(Ord. No. 03-95, § 8, 4-22-03)

Sec. 32-208. Other charges.

The special water and sewer construction connection charges shall be required in addition to other charges including standard water and sewer connection charges.

(Ord. No. 03-95, § 9, 4-22-03)

FOOTNOTE(S):

--- (**10**) ---

**Editor's note—** Ord. No. 03-95, §§ 2—9, adopted April 22, 2003, did not specifically amend the Code. Hence, its inclusion herein as article X, sections 32-201—32-208, was at the discretion of the editor. Ord. No. 06-128, § 2, adopted Sept. 12, 2006, changed the title of article X from Downtown Dadeland Residential Condominiums to Downtown Kendall System Betterment. [(Back)](#BK_9DC327C9C9DFA7283893CA7BEA036672)