

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH (NMB), AMENDING CHAPTER XIX, ENTITLED “WATER AND SEWERS” OF THE CITY CODE OF ORDINANCES, SPECIFICALLY AMENDING SECTION 19-4 ENTITLED “WATER AND SEWER DEPOSITS”, SECTION 19-9 ENTITLED “DEFINITIONS”, SECTION 19-10.1 ENTITLED “APPLICATION, TERM; CHANGE OF OWNERSHIP; TURN-ON REQUESTS”, SECTION 19-11.3 ENTITLED “CONSUMER RATES-METERED”, SECTION 19-16 ENTITLED “TURN-ON AND SHUT-OFF; CURB COCK TO BE USED BY CITY”, SECTION 19-17 ENTITLED “LEAKS AND WASTE”, SECTION 19-20 ENTITLED “MISCELLANEOUS PROVISIONS”, SECTION 19-31 ENTITLED “RATES AND CHARGES”; PROVIDING FOR PROPERTY OWNER WATER ACCOUNTS AND BILLING CONTINUITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach (“City”) operates and maintains water and sewer utility systems that serve the residents of the City and surrounding communities; and

WHEREAS, the City desires to update its water and sewer regulations to enhance services and to maximize the effective operation and maintenance of the water and sewer utility systems in a cost-efficient manner by adopting best management practices.

WHEREAS, the legislative body of a municipality is authorized to administer such utility, and may establish just and equitable regulations; and

WHEREAS, the City desires to require that all water and sewer accounts be opened and billed in the name of the property owner where currently, Chapter XVIII Solid Waste Management and Chapter XX Stormwater of the City Code already require billing the property owner for City of North Miami Beach properties; and

WHEREAS, the City desires to combine all utilities on one bill to the property owner for simultaneous billing, payment, and collections for efficiency and responsibility of the owner and to eliminate delinquencies caused by tenants and the burden this has placed on the citizens of the City; and

WHEREAS, the City desires to guarantee that all properties have continuous billing from owner to owner of minimum charges for the costs of service availability; and

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WHEREAS, the City Commission finds that the revisions to Chapter XIX of the City's Code of Ordinances, as detailed below, are in the best interests of the citizens and residents of the City; and

WHEREAS, the City Commission deems it to be in the public interest to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida, as follows:

Section 1. The foregoing findings and recitals are true and correct and incorporated herein by reference.

Section 2. Chapter XIX, "Water and Sewers," of the Code of Ordinances of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the following stricken language:

* * *

• **19-4 - WATER AND SEWER DEPOSITS.**

* * *

~~For residential accounts established by tenant, rather than owner, the required deposit shall be twice the amount indicated.~~

* * *

• **19-9 - DEFINITIONS.**

As used in this article:

* * *

Owner shall mean the person, firm, corporation, or association, ~~occupant or tenant~~ having an interest whether legal or equitable, sole or only partial, in any premise which is or is about to be supplied with water by the City and the word "owners" means all interested.

* * *

19-10.1 Application, Term; Change of Ownership; Turn-on Requests.

- a. All applications for water supply service must be made at the customer service office at the City Hall on a blank form prepared by the City for that purpose.

1. All new applications for water service with the city, and accounts established thereof, shall be in the name of the owner of the property. Only the owner of the property seeking service shall be permitted to establish an account. The property owner must provide the proper personal identification (such as driver's license or state identification card) that matches the proof of ownership of the property at which service is desired. Any exceptions to this rule must be authorized by the city manager or his/her designee.
2. Any name changes made to an existing water account and any new connections shall be established in the name of the property owner.
3. Existing tenant accounts may be retained under the tenant's name. If a tenant account becomes delinquent, the tenant shall be required to pay the delinquent balance.
4. When the current tenant vacates a property, the account shall be closed, and a new account shall be established in the name of the property owner.
5. The original property owner shall remain as the account customer of record until a legal document is presented to the city showing proof of transfer of ownership to a new owner, which contains the date of the transfer, name of the new owner, and contact information. Once the legal document is presented, the new owner may apply for water service pursuant to this chapter.

* * *

- f. When application for water supply service is made, the service together with the charges and rates therefor shall begin on the date of the completion of the service connection by the City unless the owner shall state in writing in the application that the service connection shall be shut off immediately upon its installation, in which event the connection shall then be shut off and shall thereafter be turned on by the City only upon the written request of the owner, in which event the charges and rates for water supply service shall commence on the date of such turn-on, except for the minimum charges which commence with completion of the service connection by the City, in accordance with these rules and regulations in every respect as though such turn-on request had been an original application. However, in a case hereinabove provided, where there shall have been a change in ownership prior to a turn-on of the service connection, the new owner shall sign the application for water supply upon the regular form.

* * *

19-11.3 Consumer Rates—Metered.

- a. There shall be a minimum charge, based on the size of the meter, the customer class, and the billing frequency which is billed to each customer account regardless of whether the metered service is on or in an off status and regardless of whether

any water is being consumed.

The following minimum charge rates for metered water apply to retail customers of the utility for the fiscal years 2020, 2021, 2022, 2023, and 2024:

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- **19-16 - TURN-ON AND SHUT-OFF; CURB COCK TO BE USED BY CITY.**

* * *

- i. Whenever the City is required to shut off water service at the main due to the customer restoring service once discontinued, the owner ~~or tenant~~ shall be required to pay all costs and charges including labor and materials in both shutting off and turning on the water at the main prior to restoration of service.

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- **19-17 - LEAKS AND WASTE.**

* * *

- c. Whenever the water supply to and for any premises has been shut off because of leaks or waste as in this section provided, the same shall not be turned on again until all causes for shut-off shall have been remedied or removed, and satisfactory assurance shall have been given by the owner, or his agent ~~or tenant~~, to the City, that the condition causing the shut-off will not again exist,

* * *

- **19-20 - MISCELLANEOUS PROVISIONS.**

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- ~~b. *Tenant Deemed Agent.* The tenant in or upon any premises of any owner shall at all times and for all purposes connected with or arising from the City water supply service to and for such premises, except the making of the original application for water supply service pipe and contract, be taken and construed to be the properly constituted agent of the owner.~~

- eb. *Service of Notices.* Any notices, as prescribed herein, shall be deemed to have been properly served if left upon the premises of the owner or if mailed to the owner, directed to, or left at his address as shown on records of the City. All notices of a general character affecting or likely to affect more than one (1) owner, if required by these rules to be given, shall be deemed to have been

properly given or served if advertised at least once in one (1) of the daily newspapers.

- dc. *Amendments to Rates and Rules.* Each addition or modification, alteration or amendment to any of the rates or rules of the City shall be and become binding upon, and shall form a part of the contract with each owner, upon the expiration of thirty (30) days' notice thereof in writing, to each owner affected thereby unless and except any such addition, modification, alteration or amendment is by these rules and regulations provided to be and become otherwise effective and binding on such owner, or any or more thereof.
- ed. *Rates and Rules Part of Contract.* All of the foregoing rates and rules shall be considered and taken to be a part of the contract, so far as the same may be applicable to the class of service covered by and included in such contract, with every owner or consumer who shall make application for the water supply service of the City or whose premises are furnished with, or are connected to the system of the City for such service, and every such owner shall be considered as having, and be taken and construed to have expressed his consent to be, bound thereby whenever application for such water supply service is made, or so long as the premises of any such owner are furnished with, or are connected to, the system of the City for such service.

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• **19-31 - RATES AND CHARGES.**

The following rates and charges are hereby adopted for all customers of the wastewater service of North Miami Beach, Florida for fiscal year 2020 and 2021.

- a. The following rates for wastewater collection and disposal, based on metered water shall apply to all retail customers:

There shall be a minimum charge, based on the size of the meter, the customer class, and the billing frequency which is billed to each customer account regardless of whether the metered service is on or in an off status and regardless of whether any water is being consumed.

* * *

Section 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

Section 6. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 7. This Ordinance shall become effective immediately upon adoption.

APPROVED on first reading this ____ day of _____, 2025

APPROVED AND ADOPTED on second reading this ____ day of _____, 2025.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSEPH GELLER
CITY ATTORNEY

SPONSORED BY: Mayor and City Commission