

ORDINANCE NO. 2019-037

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 20, "UTILITIES," ARTICLE III, "WATER AND WASTEWATER REGULATIONS," SECTION 20-34, "LIMITATION OF USE," TO PROVIDE CLARIFICATION THAT THE CITY PROHIBITS RESALE OF WATER OR SEWER SERVICE UNLESS IT IS SOLD AS A DIRECT PASS-THROUGH COST TO THE END-USER, AND TO PROVIDE THAT THE CITY MAY AUDIT ANY CUSTOMER THAT ENGAGES IN REMETERING AND RESALE OF WATER/SEWER TO SERVE AN END-USER; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it has come to the attention of City staff that the language in Section 20-34, "Limitation of Use," needs clarification to ensure practical compliance in the community; and

WHEREAS, there are currently instances of remetering and resale of water/sewer within the City, and to the extent that such activity does not result in any increased fees or charges, aside from those directly billed from the City of Coconut Creek's Utility Billing Division, no written agreement is necessary to meet the underlying intent of Section 20-34 of the City's Code; and

WHEREAS, City staff proposes to clarify the regulation such that remetering and resale of water/sewer is prohibited except when such resale is limited to a direct pass-through cost, originating from the City, billed to the end-user through the reseller, and the City has the opportunity to audit the reseller's records to ensure compliance, should the need arise; and

WHEREAS, the City Commission finds and determines that this Code amendment is within its Home Rule Authority, consistent with its Broward County Large User (Water

and Wastewater) Agreements, and is in the best interests of the City's residents.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 20, "Utilities," Article III, "Water and Wastewater Regulations," Section 20-34, "Limitation of use," to read as follows:

Sec. 20-34. - Limitation of use.

(a) Water/sewer service purchased from the city shall be used by the customer only for the purpose specified in the application for water/sewer service and the customer shall not sell or otherwise dispose of such water/sewer service supplied by the city. Water/sewer service furnished to the customer shall be rendered directly to the customer through city's individual meter and may not be remetered by the customer for the purpose of selling water/sewer service to lessees, tenants, or others unless such sale is a direct pass-through cost to the end-user. ~~Under no circumstances shall~~ If the customer or customer's agent or any other individual, association or corporation undertakes to install meters for the purpose of so remetering the water/sewer service, the individual or entity remetering must ensure that no administrative or other costs are added to the total owed to the City for such services delivered to the end-user.

(1) A customer that engages in remetering and the resale of water/sewer service to an end-user or end-users shall be exclusively responsible for all extra expenses incurred for clerical work, installation, testing and inspection of such activities, and must include a provision within its contract with end-user(s) for such service that is consistent with this Section 20-34, as may be amended from time to time. Meters installed in furtherance of the remetering and resale process must comply with all applicable laws and regulations of the City, as well as all laws, governmental regulations, and industry standards, including but not limited to those prepared by American Water Works Association.

(2) In addition, a customer that engages in remetering to serve an end-user or end-users must maintain such records as are necessary to demonstrate proof of compliance with the limitations of this section, and consents to a City-initiated audit of such records. The City may from time to time request in writing billing records from the customer, and refusal to provide said records shall constitute a violation of this section. Twenty four (24) months of billing records shall be kept at all times by a customer engaged in the resale of water/sewer service. In the case of meter

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PASSED FIRST READING THIS 24TH DAY OF OCTOBER, 2019.

PASSED SECOND READING THIS 14TH DAY OF NOVEMBER, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Absent</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>

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Remetering requirements.docx
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10/7/19

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