

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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reading discrepancies, the City will require the customer to show proof of meter calibration at the customer's expense.

- (b) In no case shall a customer, except with the written consent of the city, extend his or her lines across a street, alley, land, court, property line, avenue, or other way, in order to furnish water/sewer service for adjacent property through one (1) meter, even though such adjacent property be owned by said customer.
- (c) In the case of such unauthorized extension, remetering, sale or disposition of service, and/or failure to maintain resale records as detailed herein, customer's will be assessed a one (1) time fine of one thousand dollars (\$1000.00) plus administrative fees and, at the City's discretion, such water/sewer service is subject to disconnection until such unauthorized extension, remetering, sale or disposition is discontinued. A separate violation may be initiated and/or fine amount, consistent with the fine schedule set forth in Section 1-8, "General penalty for violation of Code; continuing violation and other remedies and administrative fees," may be imposed for each day that the customer has not reimbursed the end-user(s) for any charges over and above the City's charges and full payment is made of bills for water/sewer service, calculated on proper classification and rate schedules, as determined by the City in its sole discretion. and reimbursement in full made to the city. Customer shall be responsible for all extra expenses incurred for clerical work, testing and inspection. Notwithstanding anything in the above to the contrary, the city and customer may by written agreement vary from the terms and conditions set forth in this subsection.
- (d) The collection of lawfully ordered fines and fees assessed against a customer pursuant to this Section may be accomplished through the City's utility billing process as part of the City's monthly billing statement in furtherance of the delivery of such services.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

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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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