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**City of Pompano Beach
UTILITIES ADMINISTRATION**

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MEMORANDUM NO. 22-09

DATE: April 4, 2022
TO: Gregory P. Harrison, City Manager
From: A. Randolph Brown, Utilities Director
VIA: Brian Donovan, Assistant City Manager
SUBJECT: City Ordinance Update / Amendment: Chapter 50: Water

Approval Request:

City Commission approval to update and/or amend City Ordinance Chapter § 50: Water. The request modernizes the code to current Federal, State and County regulatory mandates and applies current City utility standard operational and maintenance requirements and design features. Increase deposits to cover the cost of construction hydrant meter procurement and related/required backflow testing and parts assemble.

Previous cost for hydrant meter procurement was from 2005. There is no fiscal impact proposed in this update.

The following summarizes the proposed changes to the code:

Impacts:

- ❖ Ordinance text changes memorializing development standards and operational amendments to **§ 50.02 WATER DISTRIBUTION; GENERAL. Fiscal Impact: N/A.**
 - Language amendment regarding master metering for site developments removing one acre size qualifier. Removal of one acre lot size stipulation to mastermeter proposed private developments. The amendment would allow for lot developments one acre size or smaller to be master-metered. **§ 50.02 (A)(1)**
 - Developer standard operating instructions regarding proper abandonment of existing unutilized utility connections. Proposed lot developments with existing water services that shall not be utilized will be required to be abandon by the developer/owner as per City specification during construction. The requirement has been historically and is currently imposed during PAM/DRC and E-Plan reviews and pre-construction meetings. The inclusion officially codifies this requirement. **§ 50.02 (A)(1)**
 - **Potable Water Supply Study Requirements.** Proposed Developments, water service connections or will serve or service availability notices where the consumptive use of water

demand is expected to reach or exceed 100,000 gallons of water per day shall conduct a model analysis. The study shall be coordinated with the City's consultant to determine capacity analysis and system improvements required to accommodate the proposed development. **§ 50.02 (A)(1)(B)**

- Amendment regarding water service connection requests within certain right-of-ways. Service requests performed in rights-of-way under the jurisdiction of the State and/or Broward County have become more stringent. The amendment clarifies utility service requests in State or County roadways as the responsibility of the developer/owner and places the liability of proper maintenance of traffic (MOT), installation, permitting, and restoration with the owner/developer.

§ 50.02 (A)(2)

- Adding our City Engineering Standards details for proposed utility construction. The new language references City Engineering Standard details for proposed utility improvements or connections. The City Engineering Standard details are a guide to City standard of utility work execution and materials for developer/owner performed work. **§ 50.02 (A)(2) & § 50.02 (A)(13)(c)**

- Amended Language regarding water meter location placement. The amendment further clarifies required clearance and placement of utility meters for access and maintenance. **§ 50.02 (A)(4)**

- Language regarding prohibited water meter obstruction and City access. The new language prohibits obstructions and devices placed upon City infrastructure that hinder immediate access and operation of the meter. **§ 50.02 (A)(4)**

- Third party cost updates regarding requested water meter accuracy testing. The City has outsourced water meter accuracy testing to a third party. The update reflects the vendors cost to test the meter and provide a detailed report. **§ 50.02 (A)(5)**

- Language amendment referencing the City Backflow manual and the requirement to register tested, repaired and replaced backflow assemblies in to the City's data base as required of federal and state safe drinking water regulations (Florida Administrative Code 62-555). The amendment codifies the Florida Administrative Code and the City backflow manual requirement to register tested, repaired and replaced backflow assemblies into the City's data base. The language is not currently in the City's code of Ordinances and is at times a point of contention with Code Compliance cases. Adding the language mandates the understanding and aids Code Compliance and the City's legal team in backflow enforcement procedures. **§ 50.02 (A)(7)**

❖ **§ 50.03 WATER TARIFF**

- Third party cost update regarding procurement of construction hydrant meters and internal costs associated with backflow testing of returned backflow assemblies. Hydrant meter costs have increased considerable since 2012. The update reflects the incurred cost as it relates to a refundable deposit and required backflow testing of the devices. The update also stipulates a time certain return of the assembly for evaluation and testing to ensure proper operation. **§ 50.03 (D)(5)(3) & § 50.03 (D)(5)(3)(b)(1)**

- Removal of repeating rates in 2023 & 2024 no new rates scheduled for those dates at this time. **§ 50.03 (1)(a)(b)(2)(3)(4)**

❖ **§50.04 Initial Fees and Deposits for New Water Service.**

- Language regarding request to terminate water meter services;

§50.04 Initial Fees and Deposits for New Water Service. The new language is contingent upon right-of-way jurisdiction. Requests to terminate existing water services shall be based upon actual incurred costs. **§50.04 Initial Fees and Deposits for New Water Service (A) (1)**

- ❖ Code language update to reflect South Florida Water Management’s recent guideline with regards to the District’s Year-round Landscape Irrigation Conservation Measures Rule [Chapter 40E-24, Florida Administrative Code (F.A.C.)]; **§50.05 Conservation**. The required City code amendment from South Florida Water Management via Florida Administrative Code is to update and enact efficient water conservation and irrigation standards for all local governments. **§50.05 Conservation**.
- ❖ Time/Date amendment to align typical customer service after-hour functions to comply with City wide expanded hours implementation. The amendment adopts current City business day and hour operations as it relates to after hour services. **§50.08 Reconnection after Cutoff. (A)**
- ❖ Adoption of the Broward County Wellfield Protection Municipal Code. The new language adopts Broward County Wellfield Protection measures as it relates to construction and/or activities within proximity to the City’s raw water supply wells. The code ensures that the City supply wells are protected. **§50.09 Reserved**.
- ❖ Language amendment referencing §50.02 Water Distribution; General requiring connection to the City water distribution system where available. The new language is a reemphasis of prior code section §50.02 Water Distribution General and the requirement to connect to the City’s water distribution system if available. **§50.11 Private Water Supply**
- ❖ Language for capital recovery fee credits for existing water service that shall be abandoned by the adjacent property owner/developer. The new language codifies an existing practice where the developer/owner receives a credit towards proposed services limited to the existing water services/sizes of the development. Although the credit is not required, the new language conditions the practice and incentivizes the owner to retire unutilized existing water services per City specification to receive the credit. **§50.13 Capital Recovery Fees**

Recommendation:

The Utilities department recommends approval of the proposed text amendments. The changes support City Strategic Plan Goal 4, Objectives #1 “sustainable and balanced growth”, and align with Federal, State and local mandates regarding operation and maintenance of the municipal water system. **No fiscal impact.**