

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 50, “WATER,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.02, “WATER DISTRIBUTION; GENERAL,” TO PROVIDE ADDITIONAL REQUIREMENTS FOR CONNECTION TO AND USE OF THE CITY’S WATER SYSTEM; AMENDING SECTION 50.03, “WATER TARIFF,” TO MODIFY RATES AND CHARGES; BY AMENDING SECTION 50.04, “INITIAL FEES AND DEPOSITS FOR NEW WATER SERVICE,” TO PROVIDE FEES FOR TERMINATION OF SERVICE TO COVER COSTS; BY AMENDING SECTION 50.05, “CONSERVATION,” TO PROVIDE INTENT AND PURPOSE, DEFINITIONS, TO MODIFY IRRIGATION REQUIREMENTS AND PROCEDURES, AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; BY AMENDING SECTION 50.08, “RECONNECTION AFTER CUTOFF,” TO MODIFY PROCEDURES FOR RECONNECTION; BY CREATING SECTION 50.09, “BROWARD COUNTY WELLFIELD PROTECTION MUNICIPAL CODE – ARTICLE XIII,” TO ADOPT THE COUNTY’S PROVISIONS FOR WELLFIELD PROTECTION; BY AMENDING SECTION 50.11, “PRIVATE WATER SUPPLY,” TO MODIFY REQUIREMENTS; AND BY AMENDING SECTION 50.13, “CAPITAL RECOVERY FEES,” TO PROVIDE FOR A WATER CAPITAL RECOVERY FEE CREDIT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days’ notice has been given by publication in a paper of general circulation in the City, notifying the public of its proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission has been held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had the opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 50.02, “Water Distribution; General,” of the City of Pompano

Beach Code of Ordinances is hereby amended to read as follows:

§ 50.02 WATER DISTRIBUTION; GENERAL.

(A) All premises intended for human habitation or occupancy or other establishments where a water supply is or may be used for human consumption and to which the city water distribution system is available shall be connected to the city water distribution system.

(1) Each structure requiring water service which is now or may in the future be under individual ownership or control shall have an individual water meter. New developments ~~greater than one acre in size~~, which include private roads, shall be master metered. Developments with existing water services that shall be unutilized after final construction completion shall be required to cut, cap and/or plug the service at the main to city specification.

(B) Developments or requested water service connections that propose water consumption expected to meet or exceed 100,000 gallons per day will be required to undergo and coordinate a system capacity study with the city’s consultant. The study will assess the water system and project impacts under average daily and maximum daily demand conditions to include system pressure, fire flow, water age and quality. All associated costs of the impact study will be the responsibility of the owner/developer. All required improvements to the system due to the project will be at the cost of the developer.

(~~21~~) All connections to the city water distribution system within the city’s public right-of-way shall be made by the city or the city’s authorized contractor or a contractor with a permit approved by the City Engineering Department. All connections to the city water distribution system outside of the city’s public right-of-way shall be made by the contractor with a permit approved by the City Engineering Department. Services installed by the contractor shall be a minimum of four feet in length from the connection to the curb stops. All services shall adhere to the most current City Engineering Standard details. All tapping fees and deposits shall be paid in full before the water service or fire line is installed.

(~~32~~) The city shall be responsible for the maintenance of mains and service lines within the public right-of-way and on private property up to and including the water meter and any city-owned dual check devices. Maintenance of water service lines beyond the last city-owned device shall be the property owner or water customer’s responsibility.

(43) All water meters shall be furnished and installed by the city and shall belong to the city. The city reserves the right to remove any meter at any time from any premises when it is deemed necessary. Meters ~~may~~ shall be located ~~either on or adjacent to the customer’s property~~ just behind or adjacent to the customer’s recorded property line in a position determined by the policies of the Utilities Department. The customer shall not install any fitting, except backflow, in the service line on their side of the meter within ~~two~~ three feet of the meter. The customer shall not place shrubbery or any other obstruction within a three-foot

radius of the meter. Any obstruction or device placed upon city utility infrastructure that limit or hinder immediate access to inspect, maintain, repair or interfere with the proper operation of the service is prohibited. New water service installations used during building construction shall be inspected and approved by the Utilities Department prior to the issuance of the certificate of occupancy by the Building Department.

(54) Meters shall be carefully tested before installation in accordance with AWWA standards. After its installation should any customer question the accuracy of the meter through which he is served, the city shall upon the customer's written request accompanied with a deposit as set forth herein for each meter in question to cover the cost of the test, remove the meter and test it in the presence of the customer or his authorized agent. If the test shows that the meter has been over-registering more than 2%, the deposit for each meter shall be returned to the customer and the bill rendered based on the last reading of the tested meter shall be corrected accordingly. If the test shows that the meter is not over-registering more than 2%, the deposit shall be retained by the city and in addition thereto, if the test shows that the meter has been under-registering more than 2%, the bill rendered shall be corrected accordingly. The cost to test meters 5/8-3/4 inches through two inches shall be \$200 with a required deposit for meters sizes 5/8 – 3/4 inches through two inches shall be \$60 of \$100. The required deposit for meters larger than two inches shall be the actual cost of testing as determined by the Utilities Department at the time the test is required. The deposit requested herein and remaining balance may be added to the next bill.

(65) The city reserves the right to shut off water temporarily whenever necessary for the purpose of making alterations or repairs. It is expressly stipulated by and between the city and the water customer that no claim shall be made against the city for or on account of temporary shut-offs, low pressure, the bursting or breaking of any main or service pipe, or other disruption of supply.

(76) It shall be unlawful for any customer or owner to have a cross-connection on their potable water system on their property. The Utilities Director or his authorized designee, shall have the authority to require a customer to install an approved backflow preventer on all of the customer's water service connections, or to repair or replace same if defective, as directed by the Utilities Department and at a location designated by the Utilities Department. The containment backflow prevention assembly or device shall be subject to the approval, inspection, and discretionary testing or inspection by Utilities Department personnel or authorized designee. It shall be the customer's responsibility to maintain any individually owned approved backflow preventer in proper working condition. Testing shall be performed by approved, licensed contractors that have met the requirements set by the Utilities Department for working on the utility distribution system. Installation, repairs and testing shall be in accordance with ~~current~~ the requirements of the Utilities Department's most current version of the backflow manual and any additional criteria set forth in Chapter 54 of the City Ordinances. All backflow assemblies shall be tested, ~~and~~ certified and registered with the city's database and/or database provider a minimum of once per year. Additional testing shall be performed as directed by the

Utilities Director when necessary. Repairs, ~~and~~ maintenance, replacement and all associated registration costs and testing fees shall be the responsibility of the owner regardless of the installation location of the approved backflow preventer. Permits for all new installations and replacements of backflow preventers shall be obtained from the Building Department. Failure by the customer to install, repair, replace or test and register a backflow prevention assembly or device within 15 working days, after being directed to do so by the Utilities Department, shall be a violation and may result in termination of the customer's water service. For purposes of enforcement, discontinuance procedures as described in § 54.10(A), will apply.

(87) All new dedicated fire line connections to private property shall be provided with an approved type fire line meter that has been tested in accordance with AWWA standards. The meter shall be capable of accurately recording flow. The customer shall pay all costs involved in the installation of the fire line and meter. The meter shall be installed by the city.

(98) Should the city have reason to believe that water is being used from any existing unmetered fire line for other than fire protection purposes, the city shall install a meter of an approved type in the fire line at the city's expense. If the meter indicates that there is leakage or use of water from the fire line for other than fire protection purposes, the customer shall be required to pay all costs to install said meter. Additionally, a back flow prevention assembly shall be installed. The city may terminate both fire and domestic water service to the customer until the customer has deposited with the city the cost as determined by the city of the fire meter installation.

(109) The customer shall not draw any water through a dedicated fire line connection except for the purpose of extinguishing fires or for periodic tests of the fire system; these tests shall be made in the presence of a representative of the Utilities Department. The Utility Department will be contacted 48 hours prior to any testing of the fire systems. Authorized representatives of the Utilities Department shall have free access to the structure being protected by the fire line at any reasonable time for the purpose of inspecting water lines and equipment and investigation of unauthorized use of water through the fire protection system. The city may seal fire line valves and connections. If a seal is broken, the customer shall immediately notify the Utilities Department.

(110) All buildings in excess of two stories shall meet the requirements of applicable Building Codes for the installation of a booster pump system.

(121) No person except authorized city personnel in the discharge of their duties shall open or interfere with fire hydrants, valves, water services, curb cocks, valve boxes, water lines, or meters, unless previous permission has been obtained from the Utilities Department. Any person damaging any fire hydrant, valve, water service, curb cock, valve box, water line, other utility appurtenances or meter, either accidentally or intentionally shall pay the cost of the repair or replacement as determined by the Utilities Department within five days after being notified to do so. The city reserves the right to place this cost on a customer's account.

~~(1312)~~ City personnel and/or authorized agents of the city shall be authorized to conduct inspections of metered irrigation lines which are under continuous pressure, as required by Florida Department of Environmental Protection. All pressurized pipe shall conform with all standards in the latest edition of the Florida Building Code in effect, for domestic water service.

~~(B C)~~ Any person violating any of the above provisions shall be subject to having their water service terminated and shall be subject to the penalties in § 10.99.

~~(C D)~~ Any party or entity extending or improving the city water system shall adhere to the most current city engineering standard details and continue such extension/improvement as follows:

(1) If the length of the property line along a public roadway is greater than or equal to 50% of the total distance between the adjacent mains, the developer shall continue the water main improvements to the closest intersecting main of the same size or larger.

(2) If the distance to the next adjacent main is under 50%, the city shall compensate the entity or party for the cost of pipe and appurtenances based upon prevailing city-awarded bid prices, to complete the run.

(3) If the extension/improvement is an increase in pipe size, the new system shall be moved to the new main by the developer.

(4) All abandoned mains may be left in place. If left in place, the mains shall be cut and capped or properly abandoned according to AWWA standards.

...

SECTION 2. That Section 50.03, “Water Tariff,” of the City of Pompano Beach Code of

Ordinances is hereby amended to read as follows:

§ 50.03 WATER TARIFF.

(A) Basis of Tariff. The costs of providing water and related services will be recovered by the city through a system of rates and charges which shall include any and all applicable taxes. The revenue requirements to be recovered through water rates shall be equal to the budgeted annual operating and maintenance expenses, debt interest, depreciation, debt services and capital construction coverage necessary to provide said water service.

...

(D) There is hereby levied and established a system of rates and charges for water furnished by the city against each and every person, firm, partnership, corporation, or other legal entity requiring water service in accordance with the following schedule:

(1) Single-family residential classification.

Territory: Applicable within the incorporated limits of the city.

(a) Monthly service charge per meter size:

<i>Meter Size Inches</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
3/4	\$14.60	\$15.48	\$16.41	\$17.11	\$17.11	\$17.11
1	18.96	20.10	21.34	22.28	22.28	22.28
1 1/2	26.74	28.34	30.04	31.32	31.32	31.32
2	37.91	40.18	42.59	44.40	44.40	44.40

Commodity charges per 1,000 gallons:

1. 3/4" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 10,000	\$2.54	\$2.69	\$2.85	\$2.97	\$2.97	\$2.97
11,000-15,000	3.48	3.69	3.91	4.08	4.08	4.08
16,000-25,000	4.84	5.13	5.44	5.67	5.67	5.67
>25,000	6.81	7.22	7.65	7.98	7.98	7.98

2. 1" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 13,000	\$2.54	\$2.69	\$2.85	\$2.97	\$2.97	\$2.97
14,000-20,000	3.48	3.69	3.91	4.08	4.08	4.08
21,000-32,000	4.84	5.13	5.44	5.67	5.67	5.67
>32,000	6.81	7.22	7.65	7.98	7.98	7.98

3. 1½” meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 16,000	\$2.54	\$2.69	\$2.85	\$2.97	\$2.97	\$2.97
17,000- 24,000	3.48	3.69	3.91	4.08	4.08	4.08
25,000- 40,000	4.84	5.13	5.44	5.67	5.67	5.67
>40,000	6.81	7.22	7.65	7.98	7.98	7.98

4. 2" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 26,000	\$2.54	\$2.69	\$2.85	\$2.97	\$2.97	\$2.97
27,000- 39,000	3.48	3.69	3.91	4.08	4.08	4.08
40,000- 65,000	4.84	5.13	5.44	5.67	5.67	5.67
>65,000	6.81	7.22	7.65	7.98	7.98	7.98

(2) Multiple-family residential classification.

Territory: Applicable within the incorporated limits of the city.

(a) Monthly service charge per meter size:

<i>Meter Size Inches</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
3/4	\$10.04	\$10.64	\$11.28	\$11.76	\$11.76	\$11.76
1	13.50	14.31	15.17	15.81	15.81	15.81
1 1/2	16.15	17.12	18.15	18.92	18.92	18.92
2	26.42	28.01	29.69	30.95	30.95	30.95
3	101.21	107.28	113.72	118.55	118.55	118.55

4	128.44	136.15	144.32	150.45	150.45	150.45
6	193.13	204.72	217.00	226.22	226.22	226.22
8	266.87	282.88	299.85	312.59	312.59	312.59
10	404.53	428.80	454.53	473.85	473.85	473.85

(b) Monthly service charge for each additional unit on the same meter:

<i>Effective 10/1/19</i>	<i>Effective 1/1/20</i>	<i>Effective 10/1/21</i>	<i>Effective 10/1/22</i>	<i>Effective 10/1/23</i>	<i>Effective 10/1/24</i>
\$4.62	\$4.90	\$5.19	\$5.41	\$5.41	\$5.41

Commodity charges per 1,000 gallons:

1. Per unit monthly:

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 7,000	\$2.54	\$2.69	\$2.85	\$2.97	\$2.97	\$2.97
8,000- 11,000	3.48	3.69	3.91	4.08	4.08	4.08
12,000- 15,000	4.84	5.13	5.44	5.67	5.67	5.67
>15,000	6.81	7.22	7.65	7.98	7.98	7.98

(3) Commercial classification.

Territory: Applicable within the incorporated limits of the city.

(a) Monthly service charge per meter size:

<i>Meter Size Inches</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
3/4	\$16.67	\$17.67	\$18.73	\$19.53	\$19.53	\$19.53
1	21.64	22.94	24.32	25.35	25.35	25.35

1 1/2	30.50	32.33	34.27	35.73	35.73	35.73
2	43.25	45.85	48.60	50.67	50.67	50.67
3	166.42	176.41	186.99	194.97	194.94	194.94
4	211.35	224.03	237.47	247.56	247.56	247.56
6	317.83	336.90	357.11	372.29	372.29	372.29
8	439.32	465.68	493.62	514.60	514.60	514.60
10	622.40	659.74	699.32	729.04	729.04	729.04

(b) Monthly service charge for each additional unit on the same meter:

<i>Effective 10/1/19</i>	<i>Effective 1/1/20</i>	<i>Effective 10/1/21</i>	<i>Effective 10/1/22</i>	<i>Effective 10/1/23</i>	<i>Effective 10/1/24</i>
\$8.61	\$9.13	\$9.68	\$10.09	\$10.09	\$10.09

(c) Commodity charges per 1,000 gallons:

1. Base charge:

<i>Effective 10/1/19</i>	<i>Effective 1/1/20</i>	<i>Effective 10/1/21</i>	<i>Effective 10/1/22</i>	<i>Effective 10/1/23</i>	<i>Effective 10/1/24</i>
\$2.54	\$2.69	\$2.85	\$2.97	\$2.97	\$2.97

2. Base consumption allowance per meter size monthly:

<i>Inches</i>	<i>Gallons</i>
3/4	10,000
1	13,000
1½	16,000
2	26,000
3	100,000
4	127,000

6	191,000
8	264,000
10	400,000

3. Incremental use charge:

<i>Effective 10/1/19</i>	<i>Effective 1/1/20</i>	<i>Effective 10/1/21</i>	<i>Effective 10/1/22</i>	<i>Effective 10/1/23</i>	<i>Effective 10/1/24</i>
\$3.97	\$3.89	\$4.12	\$4.30	\$4.30	\$4.30

(d) All accounts opened during construction shall be treated for billing purposes as commercial accounts and shall be billed pursuant to the schedule set forth herein. The permanent classification of the account will be established upon issuance of the certificate of occupancy.

(4) Irrigation classification.

Availability: Applicable to water service for individually metered irrigation and lawn sprinkling.

Territory: Applicable within the incorporated limits of the city.

(a) Monthly service charge per meter size:

<i>Meter Size Inches</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
3/4	\$10.04	\$10.64	\$11.28	\$11.76	\$11.76	\$11.76
1	13.50	14.31	15.17	15.81	15.81	15.81
1 1/2	16.15	17.12	18.15	18.92	18.92	18.92
2	26.42	28.01	29.69	30.95	30.95	30.95
3	101.21	107.28	113.72	118.55	118.55	118.55
4	128.44	136.15	144.32	150.45	150.45	150.45
6	193.13	204.72	217.00	226.22	226.22	226.22
8	266.87	282.88	299.85	312.59	312.59	312.59
10	404.53	428.80	454.53	473.85	473.85	473.85

(b) Consumption charge per 1,000 gallons.

1. 3/4" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 10,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
11,000- 15,000	5.22	5.53	5.86	6.11	6.11	6.11
16,000- 25,000	7.06	7.48	7.93	8.27	8.27	8.27
>25,000	9.42	9.99	10.59	11.04	11.04	11.04

2. 1" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 13,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
14,000- 20,000	5.22	5.53	5.86	6.11	6.11	6.11
21,000- 32,000	7.06	7.48	7.93	8.27	8.27	8.27
>32,000	9.42	9.99	10.59	11.04	11.04	11.04

3. 1½" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 16,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
17,000- 24,000	5.22	5.53	5.86	6.11	6.11	6.11
25,000- 40,000	7.06	7.48	7.93	8.27	8.27	8.27
>40,000	9.42	9.99	10.59	11.04	11.04	11.04

4. 2" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 26,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
27,000- 39,000	5.22	5.53	5.86	6.11	6.11	6.11
40,000- 65,000	7.06	7.48	7.93	8.27	8.27	8.27
>65,000	9.42	9.99	10.59	11.04	11.04	11.04

5. 3" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 100,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
101,000- 150,000	5.22	5.53	5.86	6.11	6.11	6.11
151,000- 250,000	7.06	7.48	7.93	8.27	8.27	8.27
>250,000	9.42	9.99	10.59	11.04	11.04	11.04

6. 4" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 127,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
128,000- 190,000	5.22	5.53	5.86	6.11	6.11	6.11
191,000- 318,000	7.06	7.48	7.93	8.27	8.27	8.27
>318,000	9.42	9.99	10.59	11.04	11.04	11.04

7. 6" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 191,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
192,000- 287,000	5.22	5.53	5.86	6.11	6.11	6.11
288,000- 487,000	7.06	7.48	7.93	8.27	8.27	8.27
>478,000	9.42	9.99	10.59	11.04	11.04	11.04

8. 8" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 264,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
265,000- 396,000	5.22	5.53	5.86	6.11	6.11	6.11
397,000- 660,000	7.06	7.48	7.93	8.27	8.27	8.27
>660,000	9.42	9.99	10.59	11.04	11.04	11.04

9. 10" meter size.

<i>Usage (Gallons)</i>	<i>Charge Effective 10/1/19</i>	<i>Charge Effective 1/1/20</i>	<i>Charge Effective 10/1/21</i>	<i>Charge Effective 10/1/22</i>	<i>Charge Effective 10/1/23</i>	<i>Charge Effective 10/1/24</i>
0- 400,000	\$3.90	\$4.13	\$4.38	\$4.57	\$4.57	\$4.57
401,000- 600,000	5.22	5.53	5.86	6.11	6.11	6.11
601,000- 1,000,000	7.06	7.48	7.93	8.27	8.27	8.27
>1,000,000	9.42	9.99	10.59	11.04	11.04	11.04

(5) Water from fire hydrants.

(a) Water sold to consumers through the city fire hydrants shall be sold under the following terms and conditions.

1. The rate for service shall be sold at the same rates as a two inch commercial service.

2. Spray companies using provided services from an approved location on a continuous basis to provide effluent for their lawn and garden spray trucks shall pay a flat rate of \$45 per month payable in advance at an annual rate. Each truck for which the \$45 charge has been paid shall display the permit as provided by the city. The flat rate charge and service condition will remain in effect until such time that the city establishes a bulk watering system with applicable consumption rates.

3. The city shall furnish a suitable hydrant-type water meter with attached testable backflow to the consumer. The consumer shall deposit with the city the sum of ~~\$750~~ \$1250 to guarantee payment of water consumed and payment for damage to the meter. ~~One~~ Two hundred dollars of this deposit will be retained by the city as a service charge for installation and removal of the meter and for testing of the attached backflow assemble. The remaining amount will be returned to the consumer upon return of the meter in good and working condition and upon payment for water consumed. The hydrant-type water meter shall be returned by the consumer to the Utilities Department for an annual inspection and backflow test twelve months from the initial time of possession.

(b) Water sold to consumers through fire lines shall be sold ~~under the following terms and conditions:~~

a. ~~There shall be no monthly meter service charge.~~

b. ~~All flows shall be sold at the same rates as a three inch commercial service.~~

...

SECTION 3. That Section 50.04, “Initial Fees and Deposits for New Water Service,” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 50.04 INITIAL FEES AND DEPOSITS FOR NEW WATER SERVICE.

A system of charges shall be applicable to all requests for new water service both inside and outside of the incorporated limits of the city as follows:

(A) Water tapping fees.

(1) Prior to the initiation of water service, the following water tapping fees and deposits shall be paid before water tap-ins are made or service is commenced:

...

(4) The fee for relocating a water meter and/or terminating an existing water service at the request of a customer shall be based upon the actual cost incurred by the city for the relocation, or termination of service.

...

SECTION 4. That Section 50.05, “Conservation,” of the City of Pompano Beach Code of Ordinances is hereby deleted in its entirety and replaced to read as follows:

§ 50.05 CONSERVATION.

(A) Intent and Purpose. It is the intent and purpose of this section to establish a regulatory framework which will protect the water resources of the City of Pompano Beach, and to implement procedures to promote water conservation through the efficient use of landscape irrigation by assisting Broward County in the implementation of its mandatory year-round landscape irrigation conservation measures. The County’s Code Article II, Section 36-55 is consistent with Rules 40E-24.201 and 40E-24.301, F.A.C. This section will increase water use efficiency; prevent and curtail wasteful irrigation practices by providing mandatory landscape irrigation conservation measures; and prohibit the operation of irrigation systems in a manner causing water to be wasted.

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

ADDRESS. 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.”

ATHLETIC PLAY AREA. All golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, lawn bowling fields, and rodeo, equestrian and livestock arenas.

CONSUMPTIVE USE PERMIT” (CUP). A permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.

DISTRICT. The South Florida Water Management District, a government entity created under Chapter 373, Florida Statutes.

EVEN-NUMBERED ADDRESS. An address ending in the number 0, 2, 4, 6 or 8; rights-of-way or other locations with no address; or the letters A-M.

EXISTING LANDSCAPING. Any landscaping which has been planted in the ground for more than ninety (90) days.

LANDSCAPING. Shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which 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.

LANDSCAPE IRRIGATION. 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.

LAW ENFORCEMENT OFFICIAL(S). The city's law enforcement officers and code enforcement inspectors, or any local government employee who may be responsible for enforcing this Ordinance.

LOW VOLUME HAND WATERING. The watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.

LOW VOLUME IRRIGATION. 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.

MICRO-IRRIGATION. The application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or micro-spray, and subsurface irrigation.

NEW LANDSCAPING. Any landscaping which has been planted and established for ninety (90) days or less.

ODD-NUMBERED ADDRESS. An address ending in the number 1, 3, 5, 7 or 9; or the letters N-Z.

RECLAIMED WATER. Wastewater that has received at least secondary treatment, and basic disinfection and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.

USER. 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 uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.

WASTEFUL AND UNNECESSARY. 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; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

WATER RESOURCE. 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.

WATER SHORTAGE. When the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.

WATER SHORTAGE EMERGENCY. When the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply; or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

(C) Application. The provisions of this section shall apply to each user providing landscape irrigation from all water resources within the boundaries and outside service areas of the City of Pompano Beach. The provisions of this Ordinance shall not apply to athletic play areas or agricultural operations (including nurseries), and irrigation accomplished using reclaimed water or saltwater.

Declaration of a water shortage condition and/or water shortage emergency within all or parts of the City and outside service areas by the South Florida Water Management District's Governing Board or Executive Director shall supersede this section for the duration of the applicable declaration, in accordance with Ordinance § 50.05 Conservation. A water shortage usually occurs due to drought.

Such a declaration would apply to all users using the water resource within the geographical areas subject to a water shortage or water shortage emergency, as determined by the District, whether from public or privately-owned water utility systems, private wells or private connections with surface water bodies, but shall not apply to users using reclaimed water or saltwater.

(D) Year-Round Permanent Landscape Irrigation Measures. The following requirements or exceptions shall apply to all users, unless otherwise specified.

(1) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided below.

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

(a) Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays, and/or Sundays.

(b) Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Wednesdays and/or Saturdays.

(3) Irrigation of new landscaping shall comply with the following provisions:

(a) New Landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.

(b) A 90 day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

(c) Irrigation of new landscaping which has been in place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.

(d) Irrigation of new landscaping which has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.

(e) Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this section if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 50% 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. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

(4) Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair 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 10 minutes per zone.

(5) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such

watering-in is required by the manufacturer, or by federal, state or local law, shall be allowed under the following conditions:

(a) Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and

(b) Such watering-in shall be accomplished during normal watering days and times listed above unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(6) Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.

(7) In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.

(8) In the event the District imposes restrictions on landscape irrigation for new and existing installations which are more restrictive than those imposed by this section, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.

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

(E) Additional Measures. Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, Florida Statutes and Ordinance § 50.05 Conservation.

(F) Variance Relief

(1) Any user affected by this section may apply for a variance to the City Manager or his designee. A variance from specific day or days identified in this section may be granted if strict application of the restrictions would lead to unreasonable or unfair result, provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, damage to property, or other hardship on the applicant, or those the application serves. Relief may be granted only upon a demonstration that such hardship exists, is peculiar to the person or the affected property, is not self-imposed, and further demonstrates that granting the variance would be consistent with the general intent and purpose of this section.

(2) Examples of circumstances for application for a variance include, but are not limited to:

(a) Two or more properties which share a common source of water; or

(b) A public or private water system experiencing or anticipating distribution problems; or

(c) A user maintains an irrigation system that uses soil moisture sensors or weather-based irrigation controllers; or

(d) Where a contiguous property is divided into different zones, a variance may be granted so that each zone may be irrigated on days different than other zones of the property; or

(e) Where a user maintains, manages, or owns a non-residential property, such as a house of worship or weekly market (farmer/flea), where the primary day of use, operation, or attendance for the property coincides with the prescribed watering day for the address.

However, no single zone may be irrigated more than two (2) days per week unless a user maintains an irrigation system that uses soil moisture sensors or weather-based irrigation controllers.

(3) Upon receipt of an application for variance from the requirements of this section, the City Manager or his designee shall render a decision on the variance within 20 business days. Denials of variance relief may be appealed to the City Commission within 30 days of the user's receipt of the notice of denial. Any notice of denial or subsequent appeal shall be sent by certified mail, return receipt requested.

(4) A variance application and/or granting a variance under provisions of this section, shall operate prospectively, shall not stay or abate the enforcement of the provisions of this Ordinance, and shall not affect any prior or pending enforcement actions against the affected person that have been initiated pursuant to the provisions of this Ordinance.

(5) If a variance is granted, the user shall be required to post a notice at each parcel to which the variance pertains.

(6) A variance is invalid if it has expired or if the user or its agent violates the terms of the variance.

(7) Recognition of District Variances. The City of Pompano Beach recognizes and adopts all irrigation variances or waivers issued by the District.

(G) Enforcement. Every law enforcement official 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 by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The City of Pompano Beach City Manager may also delegate enforcement responsibility for this section to other departments of the city, in accordance with state and local law.

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

First violation: One written warning shall be issued.

Second violations: Fine not to exceed \$50.00 per violation.

Third and subsequent violations: Mandatory hearing before the Special Magistrate for Code Enforcement, with a fine not to exceed \$500.00 plus costs, or prosecution in the County Court with penalties pursuant to § 10.99.

(1) Wasteful and unnecessary water use violations that are irreparable or irreversible in nature which shall include without limitations, a broken irrigation system and/or water pipe that allows water to flow from a broken sprinkler head, outdoor faucet, or other malfunctioning plumbing or irrigation system component, or other water system malfunction that continuously disperses a high quantity of water, shall be subject to a violation each day such violation occurs, which shall constitute a separate offense. The city, in addition to the criminal sanctions, may take any other appropriate legal action, including, emergency injunctive action to enforce Code provisions.

(2) Notice of alleged violations shall be provided to the alleged violator by a local law enforcement official(s), code inspector or any other person designated by the city by certified mail, return receipt requested, to the owner of the property in question at the address listed with the tax collector's office for tax notices, or property appraiser's records, and at any other address provided to the city. If notice is provided by certified mail and returned unclaimed or refused, notice may be provided by posting same in a conspicuous location at the subject property.

(3) The penalties listed above do not preclude the city from seeking relief in any court of competent jurisdiction.

SECTION 5. That Section 50.08, "Reconnection After Cutoff," of the City of Pompano

Beach Code of Ordinances is hereby amended to read as follows:

§ 50.08 RECONNECTION AFTER CUTOFF.

(A) In the event a water consumer whose water service has been cut off desires to have service re-established, they shall pay the entire amount of the delinquent bill prior to re-establishment. Their account shall also be assessed a disconnect fee of \$20 which will be added to the next bill rendered. In the event a water consumer desires to have their water service re-established between the hours of ~~4:30~~ 5:30 p.m. and 7:30 p.m., Monday through ~~Friday~~ Thursday, they shall pay an additional fee of \$35 for re-establishing the service outside of normal fieldwork hours. The \$35 fee shall be added to the next bill rendered. Service shall not be established between the hours of 7:30 p.m. and 8:00 a.m. on weekdays or on a Friday, Saturday, Sunday or on legal holidays observed by the city. The Finance Director or his or her designee shall have discretion to alter normal fieldwork hours as circumstances require. There shall be no additional fee for re-establishing service during normal fieldwork hours.

...

SECTION 6. That Section 50.09, “Broward County Wellfield Protection Municipal Code–Article XIII,” of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 50.09 BROWARD COUNTY WELLFIELD PROTECTION MUNICIPAL CODE - ARTICLE XIII

(A) The Broward County Wellfield Protection Municipal Code as amended from time to time is hereby adopted in its entirety as § 50.09, WELLFIELD PROTECTION.

(B) It shall be unlawful for any person, firm, or corporation to violate any of the requirements of the Broward County Wellfield Protection Code Article XIII, as adopted by this section. Each such person, firm, or corporation shall be deemed to be in violation of a separate offense for each and every day during which any violation of any of the provisions of said section is committed or continued, and upon conviction thereof, shall be punished.

(C) It shall be unlawful for any person, firm, or corporation to fail to comply with the requirements contained within any prohibition, restriction or license or order of environmental assessment of hazardous containment or remedial action issued by the Broward County Environmental Protection and Growth Management Department. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day the violation of this provision occurs.

SECTION 7. That Section 50.11, “Private Water Supply,” of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 50.11 PRIVATE WATER SUPPLY.

(A) Any persons who use water for human consumption or in the preparation of food within the city limits where the city water distribution system is available shall be connected to the city water distribution system and shall be is required to use city water, as noted in § 50.02 Water Distribution; General. Likewise within the city limits where the city water distribution system is not available ~~or install~~ a water system shall be installed which meets the requirements of the city plumbing code, and is suitable for bacteriological water tests taken by the County Health Department for analysis at the State Board of Health laboratory.

~~(B) Water samples shall be taken twice yearly by the County Health Department for the protection of the occupant, visitors, and customers, and any time during the year when deemed necessary by the Health Department.~~

...

SECTION 8. That Section 50.13, “Capital Recovery Fees,” of the City of Pompano Beach

Code of Ordinances is hereby amended to read as follows:

§ 50.13 CAPITAL RECOVERY FEES.

(A) Prior to the issuance of a building permit or at the time of installation of the meter if a building permit is not issued by the City of Pompano Beach because the property is located outside of the corporate boundaries, each new applicant requesting new water or wastewater service from the city will be required to pay an initial capital recovery fee pursuant to this section.

(B) A base capital recovery fee of \$985 per Equivalent Residential Customer Unit (ERC) for each water tap purchased shall be charged on the basis of the meter size requested as follows:

...

(F) No capital recovery fee shall be collected for meters that supply dedicated fire protection systems or emergency life-sustaining contingency redundant connections when used as a secondary source of potable water as approved by the City Manager.

(G) City Building permitted developments where proposed water services are equal to or greater than existing water services of the subject lot specified to be unutilized after final construction completion are eligible for a water capital recovery fee credit. The credit difference will be limited to the size of the existing unutilized water service connection retired by the owner/developer at the main per City specification.

SECTION 9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 11. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
4/5/22
L:ord/ch50/2022-158