CITY OF POMPANO BEACH Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING "WATER," OF THE CITY OF POMPANO BEACH CODE OF **ORDINANCES** BY **AMENDING SECTION** 50.02, DISTRIBUTION; GENERAL; BY MODIFYING THE COST TO TEST WATER METERS; BY AMENDING SECTION 50.03, "WATER TARIFF," BY DELETING SUBSECTION (D) IN ITS ENTIRETY AND REPLACING SUBSECTION (D) TO PROVIDE FOR MODIFIED RATES AND CHARGES; BY AMENDING SECTION 50.04, "INITIAL FEES AND DEPOSITS FOR NEW WATER SERVICE," TO MODIFY FEES FOR INITIATION OF WATER SERVICE; BY AMENDING **SECTION 50.08.** "RECONNECTION **AFTER** CUTOFF." **MODIFYING** CHARGES FOR DISCONNECTION AND ESTABLISHMENT OF WATER SERVICE; BY AMENDING SECTION 50.12, "CHANGE SERVICE INSTALLATION COSTS," TO MODIFY FEES: **PROVIDING FOR CONFLICTS**; **PROVIDING** SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 180.136, Florida Statutes, written notice of a proposed increase in the rates, charges or fees for water or sewer utility service has been provided to each customer of the utility providing the dates, times and location where such increases will be considered; and

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.

. . .

- (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.
- (1) 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.

. . .

(4) Meters shall be carefully tested before installation 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 overregistering 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 \$165 effective on January 1, 2024, with a required deposit 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.

SECTION 2. That Section 50.03, "Water Tariff," of the City of Pompano Beach Code of Ordinances is hereby amended by deleting Section 50.03, subsection (D) in its entirety and replacing subsection (D) to read as follows:

§ 50.03 WATER TARIFF.

. . .

- (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:

Meter Size Inches	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
3/4	\$17.11	\$18.74	\$20.52	\$22.47	\$24.60	\$26.94
1	22.28	24.40	26.72	29.26	32.04	35.08
1 1/2	31.32	34.30	37.56	41.13	45.04	49.32
2	44.40	48.62	53.24	58.30	63.84	69.90

- (b) Commodity charges per 1,000 gallons:
 - 1. 3/4" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-10,000	\$2.97	\$3.25	\$3.56	\$3.90	\$4.27	\$4.68
11,000- 15,000	4.08	4.47	4.89	5.35	5.86	6.42
16,000- 25,000	5.67	6.21	6.80	7.45	8.16	8.94
>25,000	7.98	8.74	9.57	10.48	11.48	12.57

2. 1"-meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-13,000	\$2.97	\$3.25	\$3.56	\$3.90	\$4.27	\$4.68
14,000- 20,000	4.08	4.47	4.89	5.35	5.86	6.42
21,000- 32,000	5.67	6.21	6.80	7.45	8.16	8.94
>32,000	7.98	8.74	9.57	10.48	11.48	12.57

3. $1\frac{1}{2}$ " meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-16,000	\$2.97	\$3.25	\$3.56	\$3.90	\$4.27	\$4.68
17,000- 24,000	4.08	4.47	4.89	5.35	5.86	6.42
25,000- 40,000	5.67	6.21	6.80	7.45	8.16	8.94
>40,000	7.98	8.74	9.57	10.48	11.48	12.57

4. 2" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-26,000	\$2.97	\$3.25	\$3.56	\$3.90	\$4.27	\$4.68
27,000- 39,000	4.08	4.47	4.89	5.35	5.86	6.42
40,000- 65,000	5.67	6.21	6.80	7.45	8.16	8.94
>65,000	7.98	8.74	9.57	10.48	11.48	12.57

(2) Multiple-family residential classification.

Territory: Applicable within the incorporated limits of the city.

(a) Monthly service charge per meter size:

Meter Size Inches	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
3/4	\$11.76	\$12.88	\$14.10	\$15.44	\$16.91	\$18.52
1	15.81	17.31	18.95	20.75	22.72	24.88
1 1/2	18.92	20.72	22.69	24.85	27.21	29.79
2	30.95	33.89	37.11	40.64	44.50	48.73
3	118.55	129.81	142.14	155.64	170.43	186.62
4	150.45	164.74	180.39	197.53	216.30	236.85
6	226.22	247.71	271.24	297.01	325.23	356.13
8	312.59	342.29	374.81	410.42	449.41	492.10
10	473.85	518.87	568.16	622.14	681.24	745.96

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

same meter:

Effective	Effective	Effective	Effective	Effective	Effective
10/1/23	10/1/24	10/1/25	10/1/26	10/1/27	10/1/28
\$5.41	\$5.92	\$6.48	\$7.10	\$7.77	\$8.51

(c) Commodity charges per 1,000 gallons:

1. Per unit monthly:

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-7,000	\$2.97	\$3.25	\$3.56	\$3.90	\$4.27	\$4.68
8,000- 11,000	4.08	4.47	4.89	5.35	5.86	6.42
12,000- 15,000	5.67	6.21	6.80	7.45	8.16	8.94
>15,000	7.98	8.74	9.57	10.48	11.48	12.57

(3) Commercial classification.

Territory: Applicable within the incorporated limits of the city.

(a) Monthly service charge per meter size:

Meter Size Inches	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
3/4	\$19.53	\$21.39	\$23.42	\$25.64	\$28.08	\$30.75
1	25.35	27.76	30.40	33.29	36.45	39.91
1 1/2	35.73	39.12	42.84	46.91	51.37	56.25
2	50.67	55.48	60.75	66.52	72.84	79.76
3	194.97	213.49	233.77	255.98	280.30	306.93
4	247.56	271.08	296.83	325.03	355.91	389.72
6	372.29	407.66	446.39	488.80	535.24	586.09
8	514.60	563.49	617.02	675.64	739.83	810.11
10	729.04	798.30	874.14	957.18	1,048.11	1,147.68

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

Effective	Effective	Effective	Effective	Effective	Effective
10/1/23	10/1/24	10/1/25	10/1/26	10/1/27	10/1/28
\$10.09	\$11.05	\$12.10	\$13.25	\$14.51	\$15.89

(c) Commodity charges per 1,000 gallons:

1. Base charge:

Effective	Effective	Effective	Effective	Effective	Effective 10/1/28
10/1/23	10/1/24	10/1/25	10/1/26	10/1/27	
\$2.97	\$3.25	\$3.56	\$3.90	\$4.27	\$4.68

2. Base consumption allowance per meter size monthly:

Inches	Gallons
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:

Effective	Effective	Effective	Effective	Effective	Effective 10/1/28
10/1/23	10/1/24	10/1/25	10/1/26	10/1/27	
\$4.30	\$4.71	\$5.16	\$5.65	\$6.19	\$6.78

(d) All accounts opened during construction shall be treated for billing purposes as commercial accounts 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:

Meter Size Inches	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
3/4	\$11.76	\$12.88	\$14.10	\$15.44	\$16.91	\$18.52
1	15.81	17.31	18.95	20.75	22.72	24.88
1 1/2	18.92	20.72	22.69	24.85	27.21	29.79
2	30.95	33.89	37.11	40.64	44.50	48.73
3	118.55	129.81	142.14	155.64	170.43	186.62
4	150.45	164.74	180.39	197.53	216.30	236.85
6	226.22	247.71	271.24	297.01	325.23	356.13
8	312.59	342.29	374.81	410.42	449.41	492.10
10	473.85	518.87	568.16	622.14	681.24	745.96

(b) Consumption charge per 1,000 gallons.

1. 3/4" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-10,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
11,000- 15,000	6.11	6.69	7.33	8.03	8.79	9.63
16,000- 25,000	8.27	9.06	9.92	10.86	11.89	13.02
>25,000	11.04	12.09	13.24	14.50	15.88	17.39

2. 1" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-13,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
14,000- 20,000	6.11	6.69	7.33	8.03	8.79	9.63
21,000- 32,000	8.27	9.06	9.92	10.86	11.89	13.02
>32,000	11.04	12.09	13.24	14.50	15.88	17.39

3. $1\frac{1}{2}$ " meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-16,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
17,000- 24,000	6.11	6.69	7.33	8.03	8.79	9.63
25,000- 40,000	8.27	9.06	9.92	10.86	11.89	13.02
>40,000	11.04	12.09	13.24	14.50	15.88	17.39

4. 2" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-26,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
27,000- 39,000	6.11	6.69	7.33	8.03	8.79	9.63
40,000- 65,000	8.27	9.06	9.92	10.86	11.89	13.02
>65,000	11.04	12.09	13.24	14.50	15.88	17.39

5. 3" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-100,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
101,000- 150,000	6.11	6.69	7.33	8.03	8.79	9.63
151,000- 250,000	8.27	9.06	9.92	10.86	11.89	13.02
>250,000	11.04	12.09	13.24	14.50	15.88	17.39

6. 4" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-127,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
128,000- 190,000	6.11	6.69	7.33	8.03	8.79	9.63
191,000- 318,000	8.27	9.06	9.92	10.86	11.89	13.02
>318,000	11.04	12.09	13.24	14.50	15.88	17.39

7. 6" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-191,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
192,000- 287,000	6.11	6.69	7.33	8.03	8.79	9.63
288,000- 487,000	8.27	9.06	9.92	10.86	11.89	13.02
>478,000	11.04	12.09	13.24	14.50	15.88	17.39

8. 8" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0- 264,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
265,000- 396,000	6.11	6.69	7.33	8.03	8.79	9.63
397,000- 660,000	8.27	9.06	9.92	10.86	11.89	13.02
>660,000	11.04	12.09	13.24	14.50	15.88	17.39

9. 10" meter size.

Usage (Gallons)	Charge Effective 10/1/23	Charge Effective 10/1/24	Charge Effective 10/1/25	Charge Effective 10/1/26	Charge Effective 10/1/27	Charge Effective 10/1/28
0-400,000	\$4.57	\$5.00	\$5.48	\$6.00	\$6.57	\$7.19
401,000- 600,000	6.11	6.69	7.33	8.03	8.79	9.63
601,000- 1,000,000	8.27	9.06	9.92	10.86	11.89	13.02
>1,000,000	11.04	12.09	13.24	14.50	15.88	17.39

- (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 \$1250 to guarantee payment of water consumed and payment for damage to the meter. 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 at the same rates as a three inch commercial service.
- (6) Service outside city limits. All rates, deposits, and charges specified in this chapter will be increased by 25% for water service outside of the incorporated limits of the city. Specific agreements with other governmental entities may govern the rate and charges to be applied pursuant to such agreements.
- (7) In the event that the South Florida Water Management District or other authority having jurisdiction declares a water shortage requiring mandatory curtailment to the extent of a 15% reduction in water usage, the commodity charges listed above shall be increased 18%. In the event that a reduction of water use in excess of 15% is required, the City Commission may establish by ordinance an appropriate surcharge based upon a recommendation of city staff as to the revenue required to comply with debt service covenants or to meet other requirements of the water system.

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:

Service Requirement (Inches)	Water Tapping Fee Effective 11/1/03	Water Tapping Fee Effective 1/1/24
3/4	\$ 680	<u>\$1,040.00</u>
1	725	<u>1,270.00</u>
11/2	950	<u>1,850.00</u>
2	1,030	<u>2,570.00</u>
3 and larger	Installation cost	<u>Installation cost</u>

(2) An additional fee of $$20 ext{ } 40$ shall also be paid, which represents the administrative cost of adding a new account into the system.$

. . .

(B) Customer deposits. The city hereby institutes a customer deposit schedule for the purpose of guaranteeing payment from all new customers equal to three times the average monthly water bill for each class of service, as follows:

(1) Single-family residential classification.

Meter Size (Inches)	Effective 1/1/24 Deposit Amount	
3/4	\$ 85 <u>125</u>	
1	135 <u>175</u>	
11/2	175 <u>230</u>	
2	315 <u>415</u>	

- (2) Multiple-family residential classification: \$35 75 per unit.
- (3) Commercial classification.
 - (a) Commercial business deposit by meter size:

Meter Size (Inches)	Effective 1/1/24	
	Deposit Amount	
3/4	\$ 95 <u>172.50</u>	
1	160 <u>350</u>	
11/2	340 <u>542.50</u>	
2	518 <u>915</u>	
3	1,533 <u>2,095</u>	
4 <u>or greater</u>	2,550 Based on estimate of average usage	
6	3,380	
8	6,533	
10	16,660	

(b) Hotel, apartment hotel and motel deposit per unit: \$35 75.

. . .

SECTION 4. 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 40 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 5:30 p.m. and 7:30 p.m., Monday through Thursday, they shall pay an additional fee of \$35 60 for re-establishing the service outside of normal fieldwork hours. The \$35 60 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.
- (B) In the event that potable or reuse water service which has been cut off is restored without authorization by the city, the city shall remove the meter, and shall not restore service until the customer has paid the entire amount of the delinquent bill, together with a penalty thereon and an additional \$60.75 for the cost of removal and reinstallation of the meter. This \$60.75 charge shall also be applicable to former customers desiring to have a meter re-installed which had been removed at the customer's request. Additionally, any customer whose meter has been removed because of an unauthorized connection shall be required to pay, in addition to any and all other applicable charges, a security deposit equal to the amount required for customers establishing a new account. The fees in subsection (A) and (B) shall be effective on January 1, 2024.

. . .

SECTION 5. That Section 50.12, "Change Service Installation Costs," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 50.12 CHANGE SERVICE INSTALLATION COSTS.

Change service installation costs are as follows. (Material credits are included in costs).

		<u>Effective</u> <u>1/1/24</u>
(A)	Change - 3/4" to 1" - \$ 410	\$1,270.00
(B)	Change - 3/4" to 1½" - 875	1,850.00
(C)	Change - 3/4" to 2" - 1,010	2,570.00
(D)	Change - 1" to 1½" - 840	1,850.00
(E)	Change - 1" to 2" - 975	2,570.00
(F)	Change - 1½ to 2" - 895	<u>2,570.00</u>

(G) Increase in meter size to greater than 2-inch installation cost.

. . .

SECTION 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. 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 8. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this 24th day of October , 2023.

PASSED SECOND READING this 14th day of November, 2023.

Docusigned by:

Reset Hardin

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REX HARDIN, MAYOR

ATTEST:

ternin Alfred

KERVIN ALFRED, CITY CLERK

MEB/jrm 10/24/23 - L:ord/ch50/2024-12 DocuSigned by: