

ORDINANCE NO. 223

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PRESCRIBING RULES AND REGULATIONS GOVERNING THE SALE AND DISTRIBUTION OF WATER BY SAID CITY, PRESCRIBING CHARGES FOR WATER TO BE PAID BY CONSUMERS AND PROVIDING A PENALTY FOR THE VIOLATION OF SUCH RULES AND REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. That the following rules and regulations as to the sale and distribution of water by the said City and rates to be charged to consumers for water contained in Sections "A" to "O" inclusive in this Section are hereby adopted and promulgated and shall hereafter be observed by officials of said City and by consumers of water supplied by said City.

Section "A" - Definitions

WATER DEPARTMENT

1. The word "Water Department" appearing herein, means "Water Works of the City of Miami Beach, Florida.

OWNER

2. The word "Owner" appearing herein means the person, firm, corporation, or association having an interest, whether legal or equitable, sole or only partial, in any premise which is, or is about to be, supplied with water by the Water Department, and the word "Owners" means all interested;

CONSUMER

3. Where the word "Consumer" is used it is understood to mean party, person, firms, corporation or association using water in any premise supplied by the Water Department.

TERRITORY

4. The word "Territory" means wherever same appears herein, the territory supplied by the Water Department as covered by its mains within the limits of the City and County of Miami Beach and Dade County, Florida.

Section "B" - Schedule of Rates

1. The meter rate for water supply service in the territory shall be in accordance with the following meter rates:

First	12,000	Gals.	@ 40¢	per thousand gallons		
Next	20,000	"	@ 38¢	"	"	"
"	50,000	"	@ 34¢	"	"	"
"	80,000	"	@ 32¢	"	"	"
"	200,000	"	@ 30¢	"	"	"
"	500,000	"	@ 28¢	"	"	"
"	1,000,000	"	@ 27¢	"	"	"
"	2,000,000	"	@ 26¢	"	"	"
Above	3,862,000	"	@ 25¢	"	"	"

2. Every water supply service shall have a quarterly minimum service charge on each service installed, varying with and based upon the size of the service pipe required and installed in accordance with the rules of the Water Department. This minimum service charge shall be in accordance with the following schedule and shall entitle the consumer, without excess charge, to have supplied through the meter the number of gallons of water set forth in the table.

Quarterly minimum Service Charge and Water allowed without Excess Charge

Size of Service	Minimum quarterly Service Charge	Amount of Water allowed per quarter for Minimum Service Charge
$\frac{3}{4}$ "	\$ 4.50	11,500 Gallons
1"	7.50	19,000 "
1 $\frac{1}{2}$ "	15.00	40,000 "
2"	24.00	66,000 "
3"	60.00	175,000 "
4"	150.00	487,000 "
6"	240.00	808,000 "
8"	450.00	1,695,000 "

There will be no meter rental charge.

Each Quarter a Complete Period

3. On all water supply service each and every quarter shall be a complete period in itself, and no excess consumption of water during one quarter shall be charged against the minimum service charge or be added to the consumption of any other quarter or quarters.

Tapping Charge

4. Upon the application of the owner or consumer for water service, on premises to which there has not been made any provisions for water service previously, the following tapping charges shall be made to cover the cost of the tap and the installation of the service to the property line of the lot to be supplied with water service:

$\frac{3}{4}$ " Tap and Service	\$ 20.00
1" " " "	25.00
1 $\frac{1}{2}$ " " " "	45.00
2" " " "	75.00
3" " " "	100.00
4" " " "	125.00
6" " " "	150.00
8" " " "	200.00

Guarantee of Payment Deposit

5. Every owner or consumer making an application for water service will be required to make a deposit with the Water Department called a Guarantee of Payment Deposit, the amount of such deposit shall be according to the size of the service in the following schedule:

$\frac{3}{4}$ " Service	\$ 10.00
1" "	15.00
1 $\frac{1}{2}$ " "	30.00
2" "	50.00
3" "	125.00
4" "	300.00
6" "	500.00
8" "	1000.00

At any time the owner or consumer making such deposit wishes the service to be discontinued, upon the payment of all bills charged against said service, the Guarantee of Payment Deposit will be refunded.

Section "C"

1. In the following Rules and Regulations the regular basis of payment for water service is based upon a certain charge per quarter according to the size of the meter and called a minimum service charge.

2. Where additional charges are placed on property for water service, warranted by unusual conditions, the additional charges are called minimum rates.

3. The property owner, or whoever pays for the water service, is allowed for each quarter the number of thousands of gallons of water the compiled amount the minimum service charge and minimum rates will cover on the following schedule of rates per 1000 gallons:

First	12,000	Gals.	@	40¢	per	thousand	gallons
Next	20,000	"	@	38¢	"	"	"
"	50,000	"	@	34¢	"	"	"
"	80,000	"	@	32¢	"	"	"
"	200,000	"	@	30¢	"	"	"
"	500,000	"	@	28¢	"	"	"
"	1,000,000	"	@	27¢	"	"	"
"	2,000,000	"	@	26¢	"	"	"
Above	3,862,000	"	@	25¢	"	"	"

I - SPECIAL MINIMUM RATES FOR APARTMENTS AND HOTELS

(a) Water service for an apartment house shall be furnished under the following rules. In addition to the minimum service charge placed according to the size of the service supplying the apartment building, additional minimum rates will be added according to the number of apartments in the building, according to the following schedule:

First	4	Apartments	-	Minimum	rate	of	\$2.50	each,	per	quarter.
Next	4	"	"	"	"	"	2.00	"	"	"
"	8	"	"	"	"	"	1.75	"	"	"
"	10	"	"	"	"	"	1.50	"	"	"
"	12	"	"	"	"	"	1.25	"	"	"
		For each additional apartment above	38	1.00	"	"	"	"	"	"

(b) Where an apartment house also contains hotel rooms an additional minimum rate of \$1.00, each, will be placed upon each hotel room.

(c) For Hotels the minimum rate of \$1.00 per room will be placed upon each room in addition to the minimum service charge placed upon the building according to the size of the service.

II - SPECIAL MINIMUM RATES FOR BUILDINGS CONTAINING MORE THAN ONE STORE, OFFICE OR SUITES OF OFFICES, AND ALSO APARTMENTS OR HOTELS IN CONNECTION WITH SUCH STORES, OFFICES OR SUITES OF OFFICES THEREWITH.

(a) Where a building supplied by one meter contains more than one store, office or place of business, and where such store, office or place of business is confined to one separate room, an additional minimum rate will be placed upon each additional store, office or place of business in addition to the service charge placed according to the size of the service, according to the following schedule of minimum rates:

III. SCHEDULE OF MINIMUM RATES FOR STORES, OFFICES, OR PLACES OF BUSINESS OCCUPYING A SINGLE ROOM:

First additional store or office	\$3.50	per	quarter				
Next 4 additional stores or offices	\$2.50	each,	per	quarter			
" 4	"	"	"	"	2.00	"	"
" 8	"	"	"	"	1.75	"	"
" 10	"	"	"	"	1.50	"	"
" 12	"	"	"	"	1.25	"	"
Each additional store or office above 39, \$1.00 each							

b. Where a building supplied by one meter contains more than one store, office, or place of business, and where such stores, offices or places of business occupies a suite of rooms containing two or three rooms each, such stores, offices or places of business will be charged a minimum rate of \$4.50 per quarter, each, in addition to the minimum Service Charge placed according to the size of the service supplying the building.

Where the building supplied by one meter contains stores, offices or places of business that occupy suites of four rooms or more, for each separate room occupied above three in number each said stores, offices or places of business will pay an additional minimum rate of \$1.00 per quarter per room occupied above three in number, in addition to the regular minimum rate of \$4.50 per quarter placed upon each store, office or place of business.

IV. MINIMUM RATES FOR APARTMENTS AND HOTELS OCCUPYING A BUILDING IN WHICH THERE ARE ALSO STORES, OFFICES, OR OTHER PLACES OF BUSINESS

(a). Apartments rented in a building supplied by one meter where there are also stores, offices, or other places of business, will pay the regular minimum rates according to the number of Apartments. Such minimum rates will be placed according to the schedule of minimum rates for Apartment Houses listed below:

First 4 Apartments	-	minimum	rate	of	\$2.50,	each	per	quarter
Next 4	"	"	"	"	2.00	"	"	"
" 8	"	"	"	"	1.75	"	"	"
" 10	"	"	"	"	1.50	"	"	"
" 12	"	"	"	"	1.25	"	"	"
For each additional apartment above 38, \$1.00								

If the Apartments have hotel rooms in connection with the Apartments there will be placed a minimum rate of \$1.00 on each.

(b) Hotels operating in a building served by one meter, where there are also stores, offices, or other places of business, will be charged a minimum rate of \$1.00 for each room.

V. ONE OR MORE SEPARATE RESIDENCES OR DWELLING HOUSES ON ONE METER:

(a) If there is one private residence on one meter the regular service charge will be placed every quarter and no minimum rates will be placed upon the building.

(b) Where there are two or more private residences or dwellings supplied by the same meter, each additional residence will be charged a minimum rate of \$4.50 per quarter.

(c) In case more than one house or premises is allowed on one meter, only the service charge will be placed while the house, houses or building is being built, but as soon as any part of the house, houses or building is occupied, all of the minimum rates shall be collected, the owner

of said house or premises shall pay all of this rate on said meter, and in no case shall this be allowed unless one person, firm or corporation owns all of said house, houses or building.

(d) In cases where a number of houses or premises are supplied thru one meter and one service, if at any time one or more of said houses or premises are sold, or transferred, or otherwise passes under separate ownership, the owners shall be required to disconnect such house or houses and have separate meters installed for each separate owner.

(e) Where the owner of a building containing more than one store, dwelling, or other premises, desires that separate meters shall be installed to each separate store, dwelling or other premises, such additional meters shall be installed upon the payment, in advance, by the owner of the regular tapping charge for a new service for each meter installed.

CONTRACTOR'S METER

(f) Contractors and other persons will be supplied with water for temporary use according to the regular quarterly service charges as provided for water supply. They will be required to deposit Regular guarantee of payment deposit. Such deposit to be held by the City of Miami Beach Water Department as a guarantee of safety of the meter and other equipment of the City Water Department, furnished said Contractor, and for the payment of charges for water used through said meter. The applicant will be charged the regular tapping charge for cost of making the tap, setting the meter, and other expenses in connection therewith, and for the removal of the meter and connections. Upon payment of all charges and the removal and discontinuance of service thru the meter the Water Department is authorized to refund the amount of deposits made by the applicant for such service.

SECTION "D" PRIVATE FIRE SERVICE PROTECTION

1. The charges or rates for special private Fire Service based upon the size of the connection with the Water Department's distributing system thereof, are as follows:

4"	Private Fire Service Connection -	\$ 75.00	per year
6"	" " " " " "	150.00	" "

This private fire service charge is payable in advance per quarter at the same time of the minimum service charge.

The cost of the installation of Private Fire Service is to be paid for by the owner at actual cost plus 10%.

The Water Department will install Fire Line connections into a building up to the property line upon the owner signing a Regular Form of Contract containing the following conditions:

(a) This connection is to be used for Fire purposes only and is to have no connection whatsoever with any taps that may be used for other than fire purposes and because of the danger of pollution shall have no connection with any other source of supply with the exception in case a tank or fire pump is installed as secondary supply there should be a check valve installed in each city connection to prevent the water from these secondary supplies running back into the city mains.

(b) The owner agrees to specifically not draw any water whatever through this connection for any purpose except the extinguishment of fires, or in a periodic test of the fire system.

(c) The owner agrees to notify the Water Department at the time of all tests, so that if desired the Water Department may have a representative present. Such notification however need not be formal and written but may be given by telephone by its office.

(d) Any authorized representative of the Water Department shall have free access to the buildings at any reasonable time for the purposes of inspecting this connection.

(e) At some future time and when the Water Department so desires, the owner agrees to set in this connection at the line dividing the property of the owner and the street or alley, a weighted check valve which shall be satisfactory to the Insurance Companies and also the Water Department; said check valve to be fitted with small by-passes on which will be set a meter which will indicate whether any water is used through this connection and will also show if there is any leakage.

(f) Violation by the owner of either Regulations (a) (b) (c) (d) or (e) of this agreement shall terminate this agreement and the Water Department may disconnect the pipe or stop the flow of water in same.

(g) The right is reserved by the Water Department to shut off the supply at any time in case of accident, or to make alterations, extensions, connections or repairs and if possible the Water Department agrees to give due and ample notice of such shut-off.

(h) The Water Department makes no guarantee as to any certain pressure in this pipe or in the main supplying the same and shall not be, under any circumstances, held liable for loss or damage to the owner for a deficiency or failure in the supply of water, whether occasioned by shutting off of water in case of accident or alterations, extensions, connections or repairs or for any cause whatsoever.

(i) When Fire Line valves or connections are used in case of fire or for any other reason the Water Department shall be immediately notified so used valves or connections may be re-sealed.

SECTION "E" APPLICATION AND CONTRACT

Where made.

1. All applications for water supply service must be made at the office of the Water Department in the City of Miami Beach, Florida, on a blank prepared by the Water Department for that purpose.

By Whom made.

2. The owner or owners of the premises proposed to be connected for water supply service, or his or their agent thereunto duly authorized in writing, must sign the application for service pipe and water supply except as hereinafter provided.

3. Such application becomes a binding contract upon both the owner and the Water Department when the service connection for water supply service applied for has been installed and completed. Prior to the installation and completion of such service connection, the owner may cancel or withdraw the application made, upon his written order so to do, after payment to the Water Department of the actual expense, not less than one dollar (\$1.00) incurred by the Water Department in connection therewith.

Term of Contract.

4. All contracts for water supply service shall expire at the end of the next succeeding calendar quarter from date of application, but all contracts shall continue in force by renewal without act or notice from either party to the other, from quarter to quarter, unless ten (10) days notice in writing is given by either party to the other of a desire to terminate the contract at the expiration of the then calendar quarter, and the charging for and payment of water rates or rents monthly, or in any manner, and at any interval or period, other than quarterly, shall not be construed as altering the period of the contract or any renewal thereof under this rule .

Change of Ownership

5. In the event of any change in ownership of any premises connected to the system of the Water Department shall be immediately notified in writing of such change, giving in such notice the name and address of the new owner. In the absence of such application by such new owner, the use of the Water Department service may, at the option of the Water Department, be taken and construed to be an acceptance by such new owner of all the contract obligations of the preceding owner with and to the Water Department. In the event any owner fails to notify the Water Department in writing, of a change in ownership of any premises for water supply service, such owner shall continue to be liable to the Water Department for all rates and charges, accrued and accruing for such service, until either, the end of the contract period in which he may later notify the Water Department of his desire to cancel, or the Water Department shall, of its own volition, have cancelled the contract with said owner, but this clause shall not preclude the Water Department from also demanding from the new owner the payment of all or any charges and rates which shall, at the time of such demand, be unpaid or unsecured, without regard to whether the same accrued prior or subsequent to such change in ownership, and upon failure of such new owner to comply with such demand within five (5) days after written notice thereof, the Water Department shall have the right to shut off the water supply and discontinue its service. In no case of change in ownership shall the preceding owner or owners be released from any contract obligations to and with the Water Department until the expiration of the contract period, properly terminated in accordance with these rules except at the option of the Water Department, evidenced by a written release from the Water Department.

6. When application for water supply service is made, the service, together with the charges and rates therefor, shall begin on the date of the completion of the service connection by the Water Department, unless the owner shall state in writing in the application that the service connection shall be shut off immediately upon its installation in which event the said connection shall be shut off, and shall thereafter be turned on by the Water Department only upon the request, in writing, of the owner, and the charges and rates for water supply service commence from date of such turn-on, in accordance with these rules in every respect as though such turn-on request had been an original application. Whenever, in a case as hereinabove provided, there shall have been a change in ownership prior to the turn-on of the service connection, the new owner must sign an application for water supply upon the regular form.

7. In case an owner makes application for water service in a house or building already connected to the city mains, but which water service has been previously turned off because of some previous vacancy, there shall be charged a turn-on charge amounting to \$2.00 for each separate turn-on.

8. In case the water service accounts are transferred from one owner to another a charge of \$1.00 shall be made for the transfer of each separate account transferred.

**SECTION "F" CANCELLATION OF CONTRACT AND
DISCONTINUANCE OF SERVICE BY
THE WATER DEPARTMENT.**

All contracts shall be subject to cancellation and service thereunder discontinued by the Water Department.

(a) For misrepresentations or concealment in the application as to the premises or fixtures to be furnished with water supply service, or the use to be made of such service.

(b) For waste or excessive use of water through improper or imperfect pipes, fixtures or appliances, or in any other manner.

(c) For refusal or neglect to make any advance payment, if such is required by the Water Department, or for refusal or neglect to comply with any requirement of the Water Department as to meter or service connection maintenance, alteration or renewal or other requirement relating to the water supply service of the Water Department.

(d) For the use of water supply service for or in connection with or for the benefit of any other premises or purpose than that in the application.

(e) For any interference or tampering, whether by act of commission or omission, with the meter measuring the water supply, or with seals of any meter, or with any meter box or vault, or with service pipes or valves or any seals thereon, or with the curb stop-cock, or with any appliance of the Water Department or with any appliance of the owner, which was or is required by the Water Department for controlling or regulating the water supply service, and for the purpose of this rule, any interference or tampering with any appliance used in connection with or for controlling or regulating the water supply service to any premises, shall be construed and taken to be the act of the owner or consumers using water service at the said premises.

(f) In case of continued vacancy of the premises.

(g) For violation of any rule of the Water Department.

(h) Where there has been a change in ownership of the premises, but no application from the new owner or owners has been made and approved by the Water Department.

(i) Where there has been a discontinuance of the use of water or the service of the Water Department.

(j) Where the contract has been in any way terminated by the owner.

(k) Where any owner or consumer refuses or neglects payment of bill, account or charge, by whomsoever incurred, for or on account of the premises.

(l) Where the Water Department has been or is being defrauded in any way.

SECTION "G"

Tapping, Mains, Service pipes and Connections

1. The Water Department shall lay the service pipe to the property line of the owner who has signed a contract for water service, provided the property line or lines correspond to such lot lines as are Dedicated

and Recorded in some subdivision plat. In other words, the Water Department will not run service connections into lots or parts of lots that have been divided and no provisions for easements or alleys have been made for water supply lines and Recorded.

2. In case the service supplying a house or building is found not to be large enough due to additions to the building or an increase or change in the number of fixtures, the Water Department will make the larger tap and install the larger service upon the payment of the tapping charge for the size of the new service. No credit will be given for the service already in place that is found to be insufficient in size.

3. The owner shall be required to place a valve or stop-cock on the service between the building and the meter box so the supply may be turned off by the owner in case of a break or repairs being made in the building.

Size of Service Connection Prescribed

4. The Water Department in every instance reserves the right, at its option, to designate and prescribe the size of a service connection, either upon original installation of a new connection, or upon any renewal or replacement of any old connection and in any case where a size of service other than that applied for by the owner, or previously existing, is so designated and prescribed by the Water Department, the owner shall be so bound thereby.

Other Requirements Relating to Service

5. The Water Department reserves the right, at its option, where and when, in its discretion, the conditions may or might require it, at any time to require any owner to install on his service connection a tank, check valve or valves, cock or gate valve, pressure regulator or other appliances, apparatus or equipment of such type and design as is approved by the Water Department and thereafter to require any change alteration, substitution or addition of and to any such tank, etc., as aforesaid, and failure upon the part of the owner to comply with such requirements of the Water Department within thirty (30) days after written notice to the owner, or within some agreed extension beyond such thirty (30) days also in writing, shall authorize the Water Department, at its option, and without further notice, to cancel the contract for such service and discontinue the same.

SECTION "H"

METERED WATER SUPPLY SERVICE.

1. All meters shall be furnished and installed by the Water Dept., at its own expense, upon the application of any owner or responsible party paying for the use of such meter a quarterly minimum service charge as heretofore provided, and all meters so furnished and installed shall be and remain the property of the Water Department and subject to the absolute and exclusive control of the Water Department.

2. In every instance of metered water supply service, the owner shall provide and maintain a location for the meter, acceptable to the Water Department. When any meter has once been placed, its position shall not be changed, except by the Water Department with its consent and at the cost of the owner, and in the event any owner makes any change in his premises, which in the discretion of the Water Department requires any change in the location of position of the meter

or meter box, such change in location or position shall be made by the Water Department at the cost and expense of the owner.

Repairs, Renewal and Replacement of Meters.

3. Repairs, renewals and replacements of all water meters, meter boxes, with connections and appliances, shall be made by the Water Department at its own expense where said repairs, renewals and replacements are due to the ordinary wear and tear of service.

Reading of Meters.

4. Reading of meters are to be made quarterly and if the meter is in good order and has been so during the time since the last previous reading, bills are rendered in accordance therewith, but the Water Department reserves the right, at its option, in the case of large users of water supply service, or for any other reason deemed by it to be sufficient thereunto, to read any meter or meters and to render bills thereon, in the same manner as stated above for quarterly readings, at monthly or more frequent intervals. All readings of meters shall be taken as near as practicable on the same calendar day of each quarter.

Testing and Changing Meters.

5. All meters are carefully tested before they are installed, and after their installation they are tested as frequently as circumstances seem to the Water Department to warrant. Should the owner, at any time, question the accuracy of the meter on his service, the Water Department shall, upon his written application, accompanied with a payment of one dollar (1.00) for each meter in question, to cover the cost of test thereof, remove the meter and test it in the presence of the owner or his authorized agent, if such presence is desired by the owner. If the test shows that the meter has been over-registering more than two per cent (2%), the one dollar for each meter so paid shall be returned to the owner, and the bill rendered, based on the last reading of such meter or meters, shall be corrected accordingly. If the test shows that the meter is not over-registering more than two per cent, (2%) as aforesaid, the one dollar paid by the owner shall be retained by the Water Department and in addition thereto, if the test shows that the meter has been under-registering more than two percent (2%), the bill rendered, based on the last reading of such meter or meters, shall be corrected accordingly. The Water Department reserves the right to remove and test any meter at any time, and if such meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily. In the event of such test as last mentioned, the Water Department further reserves the right to make any correction in the bill rendered, based on the last reading of such meter, in accordance with the result of such test.

6. The quantity of water recorded by the meter shall be conclusive on both the owner and the Water Department except when the meter has been found to be defective, or ceases to register. In case the meter has been found to be defective or has ceased to register, the quantity of water supplied since the last reading shall be determined by the average registration of another meter for a period of twenty (20) days, or of the same meter for a like period after it has been repaired and tested, or by mutual agreement the quantity of water supplied may be prorated upon the previous corresponding period from the date of the last reading preceding the time the meter has been or become defective or has failed to register to the time such meter is repaired or replaced.

7. The owner of or consumer at every premise shall pay to the Water Department the sum of five dollars (\$5.00) for each and every time the seal on any meter or its couplings on or for such premise is found

broken or removed, the Water Department hereby reserving the right to put on such seals in or for any premise at any time, and upon the second such offense, the Water Department may, at its option, shut off the supply and discontinue its service, and may further refuse to again turn on the same and resume its service to such premise, so long as the owner of or consumer at the premise at the time of the breaking or removal of such seal shall continue to be the owner of or consumer at the premise.

SECTION "I" PAYMENTS

Where Made

1. Payment of all bills and accounts of the Water Department must be made at its executive office in the City.

2. 5% Discount will be deducted from all Water and Fire Line Rental bills if paid within ten (10) days from date of bill. If all bills are not paid twenty (20) days from date of bill the water service will be discontinued without further notice.

Remittance by Mail

3. The date of cancellation by post office department shall be taken as date of payment for all remittance by mail for bills and accounts due the Water Department.

ABATEMENT AND REFUNDS.

Metered Service Charges.

1. No abatements or deductions on metered service charges will be made or allowed, except for errors in meter readings on which such charges are based, or inaccuracies in the registration of any meter or in the event of error on the part of the Water Department in the making of any charge or in the amount thereof, and then only provided claim for such abatement or deduction is made in writing within ten (10) days after the date of the rendition of the bill or account in dispute.

Other Bills, Accounts or Charges.

2. No abatements or deductions on any bill, account or charge rendered or made by the Water Department for any service or purpose other than metered service, will be made or allowed, unless and only when claim for such abatements or deductions is made in writing within ten (10) days after the date of the rendition of the bill or account in dispute.

No Abatement for Leaks, Etc.

3. Under no circumstances will abatements, allowances, deductions or refunds be made on actual or alleged excessive metered water supply service bills, accounts or charges, for or on account of water used, lost or wasted through leaks, carelessness, neglect, or otherwise, after the same has passed through the meter.

SECTION "J"

DELINQUENT ACCOUNTS

1. All bills and accounts rendered and charges made by the Water Department which are in arrears as provided in these rules, shall be termed delinquent accounts.

All Other Delinquent Accounts

2. All delinquent accounts, including metered water supply service may cause the service of the Water Department to be discontinued and the water supply to be shut off from and to the premises of the owner or con-

sumer from whom such account is in arrears, immediately upon such account becoming delinquent, or as soon thereafter as practicable, without notice, and such service will not be resumed, and the water turned on to such premises until the amount of the delinquent account, and the sum of two dollars (\$2.00) for turning on the supply to each premise so shut off, has been paid.

SECTION "K" TURN-ON AND SHUT-OFF

Curb cock to be used by Water Department

1. The Curb Cock on any and all service connections shall not be in any way used by the owner or his employees or agents for turning on or shutting off the water supply. All such turning on or shutting off the water supply by the owner shall be made with a separate stop-cock, located or to be located on the house side of the service curb cock. All turning on or shutting off of the water supply at and with the curb cock shall be done exclusively by the Water Department.

2. A violation of the above regulation upon the part of the owner, his employee or agents, shall subject the owner or consumer to a penalty of five dollars (\$5.00) for the first offense, and upon the second such offense the Water Department may at its option discontinue the service and shut off the water supply to said premises so long as the owner or consumer continues to reside at said premises.

Charge for Shut-off and Turn-on

3. There shall be no separate charge made for shutting off the water supply to and for any premises, but in every instance, whether such shut-off was originally made for non-payment of any delinquent account or accounts or any other violation of any rule of the Water Works or at the request of the owner, the charge for turning on the water supply shall be \$2.00 payable in advance for each service connected which is so turned on.

4. All requests of the owner or consumer for shut-off or turn-on of water supply shall be made to the Water Department in writing on forms prepared for that purpose.

Accidents, Breakdown, Etc.

5. In case of accidents, breakdowns, shortage of water supply, or any causes beyond its control, or because of any act or omission on the part of the public authorities, or their agents, or any of them, or in case of the making of repairs, renewals or replacements, the Water Department reserves the right to shut off the water supply from any one or any number of premises, without notice and shall in no manner be held responsible for any consequences of such shut-off.

Notice of Shut-off.

6. The Water Department will give notice, in the manner deemed in its discretion to be most effective, of any shut-off of the water supply wherever and whenever the giving of such notice is practicable, but nothing in these rules contained shall be construed to require the giving of such notice under any circumstances.

Shut-off not cause for abatement or Refund

7. The shutting off of the water supply from and the discontinuance of service to, any premise or premises for any cause shall not entitle the owner to any abatement or deduction in or from the water service charges, not to any refund on any such charges paid in advance, during or for the time of such shut-off, unless such period of shut-off continues and extends into the next fiscal quarter following that in which such shut-off was made.

SECTION "L", LEAKS AND WASTE.

1. It shall be the duty of every owner, his agent or tenant, to at all times exercise due diligence to prevent the waste of water, and to this end shall immediately stop all leaks on his premises, and shall notify the Water Department promptly of any leak discovered other than upon his premises, thus to enable the prompt stopping thereof.

When Cause for Shut-off

2. Persisting in any willful waste, or neglect to promptly stop such water through leaks or extravagant and unnecessary use of water supply by or on part of any owner, his agent or tenant, shall be sufficient cause to authorize the Water Department to discontinue its service and shut off the water supply from and to the premises in question, without notice.

When turned on again

3. Whenever the water supply to and for any premises has been shut off because of leaks or waste as in this section provided, the same shall not be turned on again until all cause or causes for shut-off shall have been remedied or removed, and until satisfactory assurance shall have been given to the Water Department that the condition causing the shut-off will not again exist by the owner, or his agent or tenant, and the sum of two dollars (\$ 2.00) shall have been paid to the Water Department to cover the cost of turning on the water supply again.

SECTION "M", SPRINKLING.

Sprinkling during fire

1. All sprinkling during a fire in the vicinity of any owner's premises of which such owner, his agent or tenant has, or may reasonably be presumed to have knowledge or notice of, is prohibited, unless such sprinkling is for protection against such fire.

SECTION "N", PUBLIC FIRE HYDRANTS

Installing Fire Hydrant Service

1. Upon receipt of instructions from the public authorities, the Water Department at its own cost and expense will install, at any location on any public or private highway or throughfare, a standard fire hydrant or plug, having two two and one-half ($2\frac{1}{2}$) inch hose nozzles and one $4\frac{1}{2}$ inch steamer nozzle and six inch cast iron service pipe from the Water Department's street main, and provided further the size of the street main and the surrounding distributing system, and the available pressure on said street main and the surrounding distributing system is, in the discretion of the Water Department, sufficient to enable the giving of proper service at the fire hydrant under normal and ordinary conditions.

To be used for Fire Protection purposes only.

2. All fire hydrants or plugs are to be used for fire protection purposes exclusively. All use of fire hydrants or plugs for sprinkling, sewer flushing, filling, sprinkling, watering or other carts or receptacles, and any use of fire hydrants or plugs other than for strictly fire protection (meaning thereby extinguishment of fires or wetting down surrounding properties during a fire to prevent its spreading) is prohibited unless any such other use is permitted by the Water Department and evidenced by a written permit signed by its superintendent, which said permit shall be exhibited to any and all employees of the Water Department.

3. Permits for use of water from fire hydrants or plugs for any purpose other than for fire protection will not be granted by the Water Department except in cases where such use is deemed by the Water Department to be urgent and other means of obtaining water are not available, but all permits so granted shall be revocable at the pleasure of the Water Department in every instance and without regard or reference to any terms or provisions in such permits to the contrary notwithstanding.

SECTION "O" - GENERAL

Owner responsible for all Acts

1. Each and every owner will be held fully responsible and liable by and to the Water Department for all that is done or omitted on, in or about any premises by any agent or tenant or other persons not in the employ of the Water Department, who may gain access thereto.

2. The tenant in or upon any premises of any owner, shall at all times and for all purposes connected with or arising from the Water Department's water supply service to and for such premises, except the making of the original application for water supply service pipe and contract, be taken and construed to be the properly constituted agent of the owner.

Service of Notices.

3. Any notices in these rules provided to be given shall be deemed to have been properly served if left upon the premises of the owner, or if mailed to the owner, directed to, or left at, his address as shown on records of the Water Department. All notices of a general character, affecting or likely to affect more than one owner, if required by these rules to be given shall be deemed to have been properly given or served if advertised at least once in one of the daily newspapers.

Amendments to Rates and Rules

4. Each and every addition or modification, alteration or amendment to and of any of the rates or rules of the Water Department, shall be and become binding upon, and shall form a part of the contract with each and every owner, upon the expiration of thirty (30) days' notice thereof in writing, to each and every owner affected thereby unless and except any such addition or modification, alteration or amendment is by these rules provided to be and become otherwise effective and binding on every such owner, or any one or more thereof.

Rates and Rules Part of Contract

5. All of the foregoing rates and rules shall be considered and taken to be a part of the contract, so far as the same may be applicable to the class of service covered by and included in such contract, with every owner or consumer who makes application for the water supply service of the Water Department or whose premises are furnished with, or are connected to the system of the Water Department for such service, and every such owner shall be considered as having, and be taken and construed to have expressed his consent to be bound thereby whenever application for such water supply service is made, or so long as the premises of any such owner are furnished with, or are connected to the system of the Water Department for such service.

SECTION 2. Any person, firm or corporation found guilty of a violation of any of the foregoing rules and regulations or who shall fail to observe any of the foregoing regulations or who shall take and use water of said City without paying therefor in accord with Section 1 hereof, or who shall connect his premises with any water main of said City without the permission of said City, shall be fined not exceeding Two Hundred Dollars or be imprisoned in the City Jail not exceeding Ninety Days.

PASSED AND ADOPTED this 1st day of July, A. D., 1925.

John H. Pennington
President of City Council

ATTEST:

C. W. Tomlinson
City Clerk

APPROVED this 1st day of July, A. D., 1925.

Mayor

1st Reading, June 24th, 1925.
2nd Reading, June 17th, 1925
3rd Reading, July 1st, 1925.
Posted, JULY 2nd, 1925.

*This ordinance not approved by the Mayor
but was not vetoed, hence became a law.
CWT*

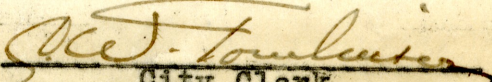


STATE OF FLORIDA)

COUNTY OF DADE)

I, C. W. TOMLINSON, City Clerk in and for the City of Miami Beach, Florida, do hereby certify that Ordinance No. 223 entitled "An Ordinance of the City of Miami Beach, Florida, Prescribing rules and regulations governing the sale and distribution of Water by said City, prescribing Charges for Water To be paid by Consumers and providing a Penalty for the Violation of such Rules and Regulations," having been duly passed and adopted by the City Council of the City of Miami Beach, has been posted by me in three conspicuous places in the City of Miami Beach, one of which was at the door of the City Hall in said City on the 2nd day of July, 1925, and that said Ordinance remained posted for a period of at least thirty days in accordance with the requirements of the City Charter of the said City of Miami Beach.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Miami Beach on this the 15th day of July, A. D., 1925.


City Clerk



Original
Ordinance No 223
"Water Ordinance"