

AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF WATER FURNISHED TO OWNERS AND CONSUMERS BY THE CITY OF MIAMI BEACH; REGULATING THE RATES THEREFOR; PENALTIES FOR VIOLATION THEREOF; CREATION OF LIENS FOR PAST DUE AND UNPAID ACCOUNTS; AND REPEALING ORDINANCE NO. 253, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the following rules and regulations for the sale and distribution of water by the City of Miami Beach 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 the City of Miami Beach, 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, association, occupant or tenant 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.

SECTION "B" SCHEDULE OF RATES. MONTHLY RATES.

1. The meter rate for water supply service in the territory shall be 25¢ per 1,000 gallons.

2. Every water supply service shall have a monthly 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.

MONTHLY MINIMUM SERVICE CHARGE AND WATER ALLOWED WITHOUT EXCESS CHARGE.

Size of service	Minimum Monthly Service Charge	Amount of Water Allowed per month.
3/4"	\$ 1.50	6,000 Gallons
1"	2.00	8,000 Gallons

Size of service	Minimum Monthly Service Charge	Amount of Water Allowed per month
1½"	\$ 3.00	12,000 Gallons
2"	4.50	18,000 Gallons
3"	10.00	40,000 Gallons
4"	20.00	80,000 Gallons
6"	30.00	120,000 Gallons
8"	50.00	200,000 Gallons

There shall not be a rental charge on meters.

EACH MONTH A COMPLETE PERIOD.

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

TAPPING CHARGE.

4. Upon the application of the owner or consumer for water service, on premises to which there has not been made any previous service for water, 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:

¾"	Tap and Service	\$ 20.00
1"	" " "	25.00
1½"	" " "	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 shall 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:

¾"	Service	\$ 10.00
1"	"	15.00
1½"	"	30.00
2"	"	50.00
3"	"	125.00
4"	"	300.00
6"	"	500.00
8"	"	1,000.00

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 shall be refunded.

If at any time the consumer's bill exceeds the amount of the deposit the Water Department reserves the right to demand an additional deposit equal to twice the amount of any previous monthly bill on that service.

SECTION "C"

1. In cases where a number of houses or premises are supplied through 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.

2. 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.

3. Contractors and other persons will be supplied with water for temporary use according to the regular monthly 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 for 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.

4. Contractors or any other consumer desiring water for temporary use will not be allowed to use water from Fire Hydrants.

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	\$ 2.00 per month.
6"	Private Fire Service Connection	3.00 per month.
8"	Private Fire Service Connection	5.00 per month.

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 shall 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 shall 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 shall not draw any water whatever through this connection for any purpose except the extinguishment of fires, or for periodic tests of the Fire System, which tests shall be made in the presence of a representative of the Water Department.

(c) Any authorized representative of the Water Department shall have free access to the buildings at any reasonable time for the purpose of inspecting any equipment of the Water Department.

*See Ord #304
amending
this paragraph*

(d) At some future date when convenient with the Water Department, and if and in the event the said Water Department so desires and instructs said owner, the owner shall set in this connection at the line dividing the property of the owner and the street or alley, a weighted check valve, which check valve shall be satisfactory to the Insurance Companies, and also to the Water Department; said check valve shall be fitted with a by-pass, on which shall be set a meter, the purpose of which shall be to indicate whether or not water is being used through this connection, and for the further purpose of showing any leakage, if same exists.

(e) Violation by the owner of any of the Regulations in this section shall terminate the Regulations as set forth in Paragraphs (a) (b) (c) and (d), and because of such violation the Water Department may disconnect said pipe or pipes, or stop the flow of water through same.

(f) 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.

(g) The Water Department shall not make any guarantee as to a 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.

(h) When Fire Line Valves or connections are used in case of fire or for any other reason whatsoever, the owner shall immediately notify the Water Department and the Water Department shall forthwith re-seal the used valves or connections.

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 month from date of application, but all contracts shall continue in force by renewal without act or notice from either party to the other, from month to month, 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 month, and the charging for and payment of water rates or rents weekly,

or in any manner, and at any interval or period, other than monthly, 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 or occupancy of any premises connected to the system, the Water Department shall be immediately notified in writing of such change, giving in such notice the name and address of the new owner or occupant. In the absence of such application by such new owner or occupant, the use of the Water Department's service may, at the option of the Water Department, be taken and construed to be an acceptance by such new owner or occupant 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 or occupancy 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 or occupant 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 or occupancy, and upon failure of such new owner to comply with such demand within twenty-four (24) hours 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 of 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 this Ordinance 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 said 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 shall commence from date of such turn-on in accordance with this Ordinance 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 the application for water supply upon the regular form.

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, and interference or tampering with any appliance used in connecting with or for controlling or regulating the water supply service to any premises, shall be construed and taken to be the act of the owners 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 where said water supply is furnished.

(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 gate valve 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 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 Department at its own expense, upon the application of any owner or responsible party paying for the use of such meter a monthly 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 or 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 monthly and if the meter is in good order and has been in good condition 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 monthly readings at weekly or more frequent intervals. All readings of meters shall be taken as near as practicable on the same calendar day of each month.

TESTING AND CHANGING METERS.

5. All meters shall be carefully tested before they are installed, and after their installation they shall be 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 per cent (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 occurrence of such offence, 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. Water service will be discontinued without further notice on all accounts not paid within ten days of date of bill.

Remittance by Mail.

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

Abatement and Refunds. Metered Service Charges.

4. No abatements or deductions on metered service charges shall

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.

5. 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.

6. 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 consumer 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.

3. When an owner or consumer vacates or sells property leaving a delinquent bill against such property vacated or sold, the Water Department may, at its option, refuse service on any other service the same owner or consumer may be using or intends to use in the future until the date the original delinquent account is paid regardless of whether the other accounts of the owner or consumer are in good standing or not.

CREATION OF LIENS FOR PAST DUE AND UNPAID ACCOUNTS.

4. When water is furnished to the owner, occupant or occupants of premises, the charge for such water service shall be and constitute a lien against the premises, and shall become effective and binding as such lien from the date upon which the account becomes due, unpaid and in arrears. Liens accrued as set out in this paragraph shall be of the same dignity as liens acquired by virtue of city charter. The remedy provided in this paragraph shall be cumulative and shall not be construed to waive the right of the city to require payment of any bill in arrears before renewing water service to the premises in question.

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, 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 Section "K", Paragraph 1 of this Ordinance upon the part of the owner, his employees or agents, shall subject the owner or consumer to a penalty of Five Dollars (\$5.00) for the first offence and upon the second offence 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 continue 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 when such shut off was originally made for non-payment of any delinquent account or any other violation of any rule of the Water Department a \$2.00 turn-on charge shall be collected, also in cases where the same person requires a turn-on at a service where the last cut off had been in his name a \$ 2.00 turn-on fee shall be collected.

4. All requests of the owner or consumer for shut-off or turn-on of water supply ~~service~~ 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 City of Water Department, 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 this Ordinance 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, nor 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 month 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.

2. Persisting in any wilful waste, or neglect to promptly stop

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 be 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 again turning on said water supply.

SECTION "M" SPRINKLING.

Sprinkling during Fire.

1. All sprinkling during a fire in the vicinity of any owner's premises of which said 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 City authorities, the Water Department at its own cost and expense will install, at any location on any public or private highway or thoroughfare, a standard fire hydrant or plug, having two and one-half ($2\frac{1}{2}$) inch hose nozzles and one four and one-half ($4\frac{1}{2}$) 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.

Hydrant or plug to be used for Fire
Protection purposes only.

2. All fire hydrants or plugs shall be used for fire protection purposes exclusively. All use of fire hydrants or plugs for sprinkling, sewer flushing, filling, 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 shall 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 or discretion 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, as prescribed herein, 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 this Ordinance provided to be and become otherwise effective and binding on every such owner, or any 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 shall make 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 in this Ordinance, 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 accordance with Section 1 hereof, or who shall connect his premises with any water main of said City without the permission of said Water Department, shall be fined not exceeding Two Hundred Dollars (\$200.00) or be imprisoned in the City Jail not exceeding ninety days.

SECTION 3. Ordinance No. 253 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. The invalidity of any section or paragraph of this Ordinance shall not affect the validity of the remainder thereof.

PASSED AND ADOPTED this 8th day of June, A. D., 1928.

John H. Lee
President of City Council

ATTEST:

C. W. Tomlinson
City Clerk

APPROVED BY ME this 8th day of June, A. D., 1928.

1st reading, May 16th, 1928.
2nd reading, May 16th, 1928.
3rd reading, June 8th, 1928.
Posted, June 11th, 1928.

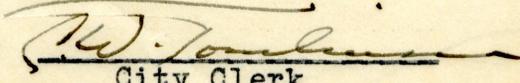
W. H. Sumner
Mayor



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. 256, entitled "AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF WATER FURNISHED TO OWNERS AND CONSUMERS BY THE CITY OF MIAMI BEACH; REGULATING THE RATES THEREFOR; PENALTIES FOR VIOLATION THEREOF; CREATION OF LIENS FOR PAST DUE AND UNPAID ACCOUNTS; AND REPEALING ORDINANCE NO. 253, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH", having been duly passed and adopted by the City Council of the City of Miami Beach, Florida, 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 11th day of June, A. D., 1928, 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 16th day of July, A. D., 1928.


City Clerk



Original

Ordinance No. 256.

State Ordinance.