Memorandum

MIAMI-DADE COUNTY

Date:	May 3, 2011
To:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Resolution rescinding Administrative Order 10-8 and adopting Implementing Order 10-8 to provide for the Rules and Regulations for the provision of water and sewer services by the Miami-Dade Water and Sewer Department

Agenda Item No. 8(R)(1)(E)

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution rescinding Administrative Order 10-8 and approving Implementing Order 10-8 to provide for the Rules and Regulations (R&Rs) for the provision of water and sewer services by the Miami-Dade Water and Sewer Department (WASD).

This is a first in a series of efforts that will be undertaken by WASD to update and modernize the R&Rs as the current R&Rs were last approved on October 23, 2001. WASD will review the R&Rs on an annual basis, propose revisions and seek approval from the Board to implement the desired changes with the objective of better serving all our customers.

SCOPE OF AGENDA ITEM

The impact of this agenda item is countywide.

FISCAL IMPACT/FUNDING SOURCE

The revisions proposed below to WASD's R&Rs do not have a fiscal impact to the County. There are no new fees or charges proposed in this agenda item.

TRACK RECORD/MONITOR

WASD's Engineering & Capital Improvements Division will monitor proposed changes to the R&Rs.

BACKGROUND

The proposed revisions to WASD's R&Rs serve to update and improve the Department's business practices. Meetings to discuss and gather input on the proposed changes were held with key stakeholder groups, including: the Builders Association of South Florida, the Latin Builders Association, the Building Owners and Managers Association and their technical consultants. The comments and suggestions recommended by these industry leaders (as recently as February 2011) were carefully considered, and where appropriate, incorporated into the document. WASD's proposed business practices are comparable to those of other local and state-wide utilities.

Given that the R&Rs last update was in 2001, the proposed revisions will bring the R&Rs Manual up to date to reflect the Department's current business processes. The revisions include:

- Language was added stating that the Department Director or the Department Director's designee may perform additional reviews to determine the applicability of these R&Rs (see page 9, section 1.04(2)).

- Terms were updated and other terms added to the R&Rs (see pages 9-13, section 1.05).

- Language was added explaining that customers who fail to maintain fire line sprinkler systems and waste water through leaks, or those who allow the usage of fire lines for unauthorized purposes, are fined. The fines referred to are existing fines (see pages 13-14, section 2.01(2).)

- Language was added regarding payment of connection charges and construction connection charges for applications of domestic water service where water service already exists and the use of the property changes and results in increased usage. Payment is due prior to the department's approval of the increased usage to assist the department with the timely collection of connection charges. (For water service, see pages 14-15, section 2.02 (1); for sewage disposal service, see page 40, section 3.02(1)).

- Language was added to give WASD the option of installing water services greater than 2-inches upon a Customer's or Developer's request for water service to a property not previously receiving water service (see page 15, section 2.02(1)).

- Language was added to require the developer to submit a letter of intent and a site plan prior to the department preparing an agreement to provide water service and/or sewage disposal service for new or existing properties requiring the construction of water and sewer facilities. This will enable the department to properly evaluate and determine which facilities are needed to best provide the service. (For water service, see page 16, section 2.02(5); for sewage disposal service, see pages 40-41, section 3.02(6).)

- Language was added to the R&Rs which provides for deposits, penalties and fees for the use of floating meters used by contractors at construction sites and service vehicles (water trucks, pest control trucks, sweep trucks) to extract water from fire hydrants (see pages 17-18, section 2.02 (9)).

- The procedures for customers to obtain floating meters for construction and service vehicles are delineated to facilitate the process (see pages 17-18, section 2.02(9)).

- Language was added further defining criteria used by the department for water and sewer main extensions. In the event a new main is required to be installed in a public right-of-way where no previous department owned main existed, or where a department owned main is deemed to be of sub-standard size, the developer may also be required to install services to serve abutting properties from the newly installed main as the department deems necessary to serve the public's interest, safety and welfare. The developer will be reimbursed for costs associated with the required installation(s). (For water services, see pages 20-21, section 2.04(2)(d); for sewer services, see page 42, section 3.04(2)(d).)

- Language was added stating that vacant properties or previously occupied land inside the urban boundary line already served by WASD designated to be redeveloped, change its use, or otherwise improved must comply with the Department's water service requirements (see page 21, section 2.04(2)(e)(1-5)).

- Language was added regarding property already receiving water from the County and is designated to be redeveloped or improved. When property already receives water service from the County and is to be redeveloped or improved, certain water service requirements must be met unless there is no increase in the square footage area of the existing building and it can be demonstrated that the daily rated gallonage of the new use by itself is not 50 percent or greater than the daily rated gallonage of the previous use of the building (see pages 21-22, section 2.04(2)(e)).

- Language was added explaining the process followed by the department to consider requests for waivers of water and sewer main extensions. Regarding new construction, fire flow standards, water and sewer connection requirements as cited in Chapter 24 of the Miami-Dade County Code, the department's standard technical specifications and details for design and construction of water and sewer facilities, or any requirements imposed on the department pursuant to a consent decree, settlement agreement, or a water use permit must be met. (For water main extensions see page 22, section 2.04(3), for sewer main extensions, see pages 42-43, section 3.04(3).)

- The phrase "or the like" was added to the following existing language "Such water main extensions shall not be installed on private property except within easements in private paved roads that are open to public access *or the like" (*see page 22, section 2.04(2)(f)).

- Language was added regarding the construction of water pipes in accordance with Florida Administrative Code Rule 62-555.314, and Part III of Chapter 62-610 of the Florida Administrative Code which provides the horizontal and vertical distances that shall exist between water pipes and sewer pipes laid to avoid contamination of the public water system (see pages 23-24, section 2.05(1)(d)(e)).

- Language was added regarding the collection of connection charges for properties zoned for commercial use, for single family residential projects, and for affordable housing as defined in Section 420.0004 Florida Statutes to improve timeliness of revenue collection. (For connection charges related to water, see page 24, section 2.05(1)(f); for connection charges related to sewer, see page 44, section 3.05 (1)(e).)

- Language was added to support the 2.5 percent transaction fee WASD collects for the developer-to-developer payment amount for construction connection charges to compensate for WASD's administrative expenses. This transaction fee is not a new fee as WASD is already collecting this fee. (For fees related to water, see page 25, section 2.05 1(i); for fees related to sewer, see page 45, section 3.05 1(i).)

- Language was added to further define WASD's requirement of public easements to access water and sewer facilities in public right-of ways and to establish criteria for public easements in private roadways, the allowable uses and limitations as well as what constitutes a permitted encroachment. (For projects related to water service, see pages 25-26, section 2.05(2); for projects related to sewer service, see page 46, section 3.05(2).)

- Language was added regarding the installation of approved water distribution lines for multi-unit development projects in which the development abuts an existing department owned main, the department may require that the installation of service connections be performed by the developer's forces in conjunction with the department's in-house forces (see page 27, section 2.05(6)).

- Language was added regarding the department's criteria to establish permanent water service by installation of a water meter (to measure the water delivered to the customer) for projects under construction and for commercial, institutional and industrial zoning classifications, as well as the use of temporary spacers to provide for proper spacing for the meter to be installed (see page 29, section 2.06(5)).

- The residential and commercial accounts which qualify for quarterly and monthly billing are clarified specifying that the department will normally not bill accounts on a monthly basis unless the average monthly consumption exceeds 100,000 gallons (see page 31, section 2.07(2)).

- Language was added regarding Administrative Hearings to preclude the discussion of service charges, liens, water and sewer rates, tampering charges, stormwater fees, fees or charges billed on behalf of other entities as existing County ordinances and agreements provide other avenues for customers to address concerns with such items. (For water related fees and charges, see page 35, section 2.07(14); for sewer related fees and charges, see page 58, section 3.07(8)).)

- Language was added regarding the determination and collection of connection charges based on prior use of the property. The language outlines new policies to assist the department with the timely collection of connection charges including the issuance of a credit for previous use of the property, the right of the department to conduct an audit, collect unpaid connection charges, charge interest when connection charges are not paid, and establish the payment of connection charges as a precedent to connect to the water and sewer system. (For charges related to water service, see page 36, section 2.08 (6)(a-e); for charges related sewer service, see pages 58-59, section 3.08 (2)(a-e).)

- WASD will administer the refund of connection charges in accordance with Ordinance 96-74, for projects located in designated enterprise zones. At this time, there are no rules in WASD' s R&Rs which govern the refund of connection charges for projects in enterprise zones. Chapter 2 of the Code of Miami-Dade County allows for the refund of connection charges once approved by the Board; however, this business practice is not incorporated into WASD's R&Rs. This rule change will incorporate the business practice into WASD's R&Rs. (See pages 36-37, section 2.08(7)(c).)

- Provision for a one-time account adjustment for a concealed or hidden leak to comply with Resolution R-1164-04 is included. (For account adjustments related to water service, see pages 37-38, section 2.10(1)(e); for account adjustments related to sewer service, see pages 62-63, section 3.10(1)(e).)

- Language was added regarding the criteria set by the department for billing adjustments to water and sewer service bills to better define the types of adjustments available to customers as well as the maximum loss for concealed and visible leaks for water and sewer. (For the water portion of a bill, see pages 37-38, section 2.10(1); for the sewer portion of a bill, see pages 62-63, section 3.10(1).)

- Language was added regarding water use efficiency measures required for new residential, industrial, commercial, institutional development, and remodeling projects to comply with the County's ongoing conservation policies (see page 39, section 2.14).

- Language was added clarifying requirements of Section 62-604.400 of the Florida Administrative Code Statute which states that all pumping stations receiving flow from one or more pump stations through a force main or pump stations discharging through pipes 12-inches or larger shall be equipped with uninterrupted pumping capabilities including an in-place permanent generator (see pages 47-48, section 3.05(6)(b)).

- Language was added referring to Section 24-42.4 of the Code: Sewer Discharge Limitations and Pretreatment Standards, and the existing Table in the R&Rs detailing limitations of material and substance discharges was deleted, as Section 24-42.4 of the Code contains the most recent sewer discharge limitations and pretreatment standards (see pages 53-54, section 3.06(12)).

- Criteria and review process for water main extensions are clarified to allow developers to better plan their projects (see pages 65-71, Exhibit A).

Assistant County Manager

cmo07411

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(R)(1)(E)

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(R)(1)(E)
5-3-11

RESOLUTION NO. _____

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 10-8 AND ADOPTING IMPLEMENTING ORDER 10-8: RULES AND REGULATIONS OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board rescinds Administrative Order 10-8 and adopts Implementing Order 10-8: Rules and Regulations of the Miami-Dade Water and Sewer Department, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or Mayor's designee to exercise any and all rights conferred therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto
Lynda Bell
Sally A. Heyman
Jean Monestime
Rebeca Sosa

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The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman

MIAMI-DADE WATER AND SEWER DEPARTMENT

RULES AND REGULATIONS

FOR

WATER AND SEWER SERVICE

Revised, February 2011~~October 2001~~

Copies of these Rules and Regulations are obtainable at the Department' s New Business Office located at ~~offices of the Department,~~ 3575 South LeJeune Road , Miami, Florida, and are a part of the contracts of the Department, and in the absence of specific written agreement to the contrary, they apply without modification or change to ~~each and~~ every c~~C~~onsumer ~~and/or~~ c~~C~~ustomer to whom the Department renders service. Copies of the Department's ~~separate~~ Schedule of Rates, Fees and Charges can also be obtained at the ~~are also obtainable at the~~ Department's New Business o~~O~~ffice.~~Department's offices.~~

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SECTION 1 PURPOSE, PROCEDURES AND DEFINITIONS

1.01 PURPOSE

The Miami-Dade Water and Sewer Department (hereinafter called Department) is a department of Miami-Dade County, Florida, created for the purposes of developing and operating a countywide water and wastewater~~sewer~~ system, providing potable water, sewage collection and disposal services, and governing the distribution and sale of water and the collection of sewage. These Rules and Regulations, approved by the Board of County Commissioners under Implementing Order 10-8 (pursuant to Section 1.01 of the Home Rule Charter), are promulgated pursuant thereto and in the absence of binding specific written agreement to the contrary, they apply without modification or change to each and every Customer to whom the Department renders service.

These Rules and Regulations supersede and annul any and all Rules and Regulations inconsistent herewith under which the Department has previously supplied water service and/or sewage service.

1.02 SEVERABILITY

These Rules and Regulations, insofar as they are in conflict or inconsistent with any valid statute, ordinance or other type of legislation now in effect, shall be null and void; but in the event that any sentence, paragraph or any portion of these Rules and Regulations should be declared unconstitutional or void by any court of competent jurisdiction, such decision shall in no way affect the validity of the remaining portions hereof unless such court order or decision shall so direct.

1.03 GENERAL INFORMATION CONCERNING THE DEPARTMENT – PUBLIC INFORMATION

The Department's New Business Office ~~main office~~ is located at 3575 South LeJeune Road, Miami, Florida; office hours are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except holidays. Copies of these Rules and Regulations, contracts and agreements for water service and sewer service, the public records of the Department and all other forms, documents and information are obtainable and/or available for inspection at the main office. Fees for copies of documents shall be assessed as specified in the Miami-Dade County's Administrative Order 4-48, as currently in effect and as may be amended in the future.

1.04 CITATIONS AND CROSS-REFERENCES

(1) Whenever these rules refer, cite, or cross-reference Implementing Orders, Ordinances of Miami-Dade County, the Florida Statutes, the Florida Administrative Code, or other laws of the State of Florida or the United States, such references shall refer to the cited authority as it may be amended from time to time, without consistent repetition of "as amended from time to time."

(2) The Director of the Department or the Department Director's appointed designee may perform additional reviews to determine the applicability of these Rules and Regulations.

1.045 DEFINITIONS

Application:	A request to the Department for water and/or sewer service.
Backflow Preventer:	An ~~n mechanical~~ assembly or device or methodans that prohibits backflow of water into a potable water system.~~prevents the reversal of water flow from customers' premises into the public water supply.~~
Backflow:	The undesirable reversal of flow of a liquid, gas, or other substance in a potable water distribution piping system as a result of a cross-connection.
BCC:	The Board of County Commissioners of Miami-Dade County, Florida.

Billing Period:	The time interval between two consecutive meter reading dates used for billing purposes.
BOD (biochemical oxygen demand):	The quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.
COD (chemical oxygen demand):	A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater under standard laboratory procedures expressed in milligrams per liter.
Connection Charges:	Charges for the usage of the Department's facilities based on the estimated average daily water usage and/or sewage flow in gallons per day, paid by a Developer or Customer for utilizing portions of the Department's water and/or sewer system funded by the Department; connection charges shall be held in a special fund to be utilized solely to defray the cost of new or expanded facilities.
Construction Connection Charges:	Charges, payable to the Department, for a Developer's or Customer's utilization of water and/or sewer facilities paid for by other parties, including the Department.
Construction Cost:	The cost to a Developer, less the Department's oversizing costs, if any, described herein, for the design and construction of all facilities as required to serve the Developer's property and to connect to the Department's water and/or sewer system.
Contractor:	A person or firm licensed by the State of Florida and/or Miami-Dade County to install water and sewer utilities within right-of-ways or easements.
Cooling Water:	The water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other similar sources.
County:	Miami-Dade County, a political subdivision of the State of Florida.
Cross Connection:	Any temporary or permanent ~~type of joining or linking of conduits that will allow for a~~ physical connection or arrangement between ~~the~~a public water system~~supply~~ and any other system or~~fluid~~ source through which it is possible, given pressure differentials, for~~which may permit~~ any substance other than potable water to flow into the public~~potable~~ water system.
Customer:	Any individual, corporation, partnership, firm, association, governmental agency, or other entity recognized under Florida law receiving water and/or sewer service from the Department in accordance with established rates and charges.
Customer's Installation:	All pipes, shut-off valves, fixtures and appliances or apparatus of every kind and nature used in connection with or forming a part of an installation for utilizing potable water for any purpose which are located on the Customer's side of the point of delivery.
Department:	The Miami-Dade Water and Sewer Department, an agency and instrumentality of Miami-Dade County.
~~DEP:~~	~~The State of Florida Department of Environmental Protection.~~
DERM:	The Department of Environmental Resources Management, an agency and instrumentality of Miami-Dade County.
Developer:	Any individual, corporation, partnership firm, association or governmental agency

	constructing or placing onto a property improvements for which water and/or sewer service is to be rendered by the Department.
Development:	A defined geographic location where building construction by a developer is to occur.
Director:	The executive officer of the Department or his designated representative.
Distribution System:	A network of pipes, pumping facilities, storage facilities and appurtenances designed to convey and distribute potable and/or reclaimed water.
DOH:	The State of Florida Department of Health.
Domestic Sewage:	Wastewater derived from toilets, showers, sinks, baths and other facilities designed for human sanitation, whether originating in residential or other premises.
Domestic Water:	Potable water furnished by the Department utilized for residential, commercial or industrial purposes, as opposed to water used for irrigation or construction purposes.
Effluent:	Sewage, water or other liquid after some degree of treatment, flowing out of any treatment device, pumping station or related facilities.
Extension:	A pipeline added to an existing water and/or sewer main of the Department for the purpose of serving one or more customers.
Facilities	Facilities are the water supply and sewer systems operated by the Department.
FDEP:	The State of Florida Department of Environmental Protection.
Fire Hydrant Assembly:	An assembly including pipe, fire hydrant, isolating valves, fittings, and tee on the Department's water main.
Fire Lines:	The pipe, isolating valves, backflow preventer and fittings on the Department's water main which provide a water supply to premises for fire suppression purposes.
Force Main:	A pressure sewer main for the transmission of sewage toward its treatment/disposition point.
Frontage:	The portion of a property adjacent to the right-of-way or easement along which a proposed or existing water and/or sewer main is installed. ~~For irregularly shaped lots, the length of the frontage will be that boundary of the lot which has a length closest to that generated by taking the square root of the number of square feet of the property involved.~~
Garbage:	Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
Grease or Fats:	Any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.
Guarantee Deposit:	The amount placed with the Department by each Customer as security for payment

	of the water and/or sewer bill.
Hauler:	Any person engaged in transportation or conveyance of liquid wastes to the Department's wastewater treatment plants for disposal.
High-Strength Surcharge:	That part of the sewer service charge which shall be applied to sewage which exceeds the sewage discharge limitations established in Section 24 of the Code of Miami-Dade County to cover added operation and maintenance costs.
Industrial Waste:	Hazardous wastes, hazardous materials, process wastewater or wastes other than domestic sewage.
Influent:	Sewage, raw or partly treated, flowing into any sewage treatment device, pumping station or related facilities.
Inspection Chamber:	An accessible structure through which sewage flows and from which samples of said sewage may be collected for the purpose of being tested.
Interceptor	A large diameter gravity flow sewer main or force main for the transmission of sewage, which has been designed to receive sewage from one or more collecting sewer systems or pumping stations.
Lateral:	Pipe extending from the sewer main to the point of delivery.
Meter:	A device used for the measurement of water quantity supplied or sewage discharged for billing or other purposes.
Multiple Units:	One premise with two or more units served by a single meter.
Oversized Main:	A water and/or sewer main that is larger than what is required~~needed~~ for immediate development but which the Department may require for the purpose of providing future service to the area.
Oversizing Credit:	A unit amount, as established in the Department's Schedule of Rates, Fees and Charges, based upon the pipe size of an oversized water, gravity sewer, or sewer force main multiplied by the length of said main. The credit is either paid to the Developer or Customer who installed said oversized main or credited to water and/or sewer connection charges to be paid by the Developer or Customer.
PH:	The logarithm of the reciprocal of the hydrogen - ion concentration in grams per liter of solution. This is a measure of the acidity/alkalinity of a fluid.
Planned Extension:	Future main extensions scheduled by the Department.
Point of Delivery:	The point where the Department water and/or sewage piping or meter is connected with the facilities of the customer and where water and/or sewer service to the Customer begins.
Pretreatment Facilities:	Structures, devices or equipment for the purpose of reducing the amount of pollutants, elimination of pollutants or the alteration of the nature of pollutants in wastewater to a less harmful state prior to discharging the pollutants into a publicly-owned treatment plant.
Property:	Any unit or piece of real property, including any and all structures located on a piece of land, viewed individually or in whole.

Property Owner:	The record title holder of premises served or to be served by the Department.
Reclaimed Water:	Wastewater that has received at least high level~~secondary treatment and basic~~ disinfection treatment, as stated in Chapter 62-610 of the FAC, and is approved for reuse in compliance with State and County regulations and customer agreements.
~~Reclaimed Water Distribution System:~~	~~A network of pipes, pumping facilities, storage facilities and appurtenances designed to convey and distribute reclaimed water from one or more domestic wastewater treatment facilities to one or more users of reclaimed water.~~
Scavenger Waste:	Liquid waste from sources such as septic tanks which are removed from premises by means other than sewer service.
Service:	Rendering of water and/or sewer service including the availability of service to a property.
Service Charge:	The charge established for the water supply and sewage disposal service by the Department.
Sewage:	A combination of the water-carried wastes from residences, office buildings, industrial plants or institutions, together with such infiltration as may be present.
Sewer Lateral:	See Lateral
Suspended Solids:	Solids that either float on the surface of or are coarsely dispersed in water, sewage or other liquids and which are removable by laboratory filtering or sedimentation.
Toxic Substance:	Any substance, whether gaseous, liquid or solid which, when discharged to the water and/or sewer systems in sufficient quantities may tend to: interfere with any sewage treatment process, constitute health hazard to human beings or animals, inhibit aquatic life, or create a hazard in the receiving waters of the sewage treatment plant.
Water Service	Pipe extending from the water main to the point of delivery of property at the property line or easement line of the property to be serviced.
Water Verification Form	Form used by the Department to verify the availability of water supply and sewer facilities to serve the applicant's project.

SECTION 2 WATER SERVICE

2.01 CLASSES OF WATER SERVICE AVAILABLE

The Department renders water service of the following~~four~~ general classes:

(1) DOMESTIC WATER SERVICE - This service covers the normal use of water in faucets, sinks, baths, urinals, toilets, water heaters, boilers, refrigerators and other similar fixtures or apparatus in residences, apartments, hotels, stores, offices and industrial buildings.

~~(5)~~ (2) WATER SERVICE FOR FIRE LINE (SPRINKLER) SYSTEMS - This service is intended to provide an emergency supply of water exclusively for fire protection purposes. The portion of the Customer's Installation to which this service is rendered must be in facilities entirely separate and apart from the facilities of Customer's Installation used for domestic water service. No disconnection of fire lines is permissible unless

the Customer involved can provide proof of demolition of the existing structure, or can provide a letter from the appropriate fire department authorizing such disconnection of service. Fire lines shall only be used to supply water for emergency fire protection purposes~~.~~, and customers are responsible for maintaining all fire lines. Should the ~~e~~Customer use or tolerate the use or waste of any water supplied by the fire protection water service for any purpose other than emergency fire protection, the Department will deliver a written notification to the Customer instructing the Customer to cease such use. After one month of unauthorized use, the Department will send a second written notice of violation. If the unauthorized use or waste of water has not been corrected within one month after the second notice by the Department, the Customer will be subject to a daily charge, as established in the Department's Schedule of Rates, Fees, and Charges, and capped in accordance with the provisions of Chapter 8CC-4(c) of the Miami-Dade County Code, as may be amended from time to time, until such time as the unauthorized usage or waste has been corrected. Further, if after seven days of the Department issuing an initial charge against the fire line account as indicated previously, the Customer has not taken the appropriate steps to correct the problem or halt the unauthorized usage, the Department will continually transfer all outstanding charges from the Customer's fire line account to the Customer's domestic account, and proceed with collection and service termination on the domestic account until such charges are paid in full. The Department will require, upon discovery of said unauthorized usage by the Customer, ~~the customer shall, at the customer's cost,~~ that the Customer at the Customer's~~-~~ expense, shall install a meter of a type approved by the Department and any other~~applicable regulatory~~ agency having jurisdiction, and the ~~e~~Customer will be billed ~~for such use, or shall cease such use.~~ water charges and sewer charges, if applicable, for any and all usage on the fire line from that point forward. ~~such use, or shall cease such use.~~ Charges as specified will continue to accrue until corrective action is implemented and all payments are made by the Customer as described herein.

(3) SHORT TERM (TEMPORARY) WATER SERVICE - This service covers the provision of water service for short periods of time, not to exceed one year, and upon application only, for street, building, sewer and similar construction, circuses, fairs, exhibitions, displays, lunch carts, camps, ships and boats, or similar events as approved by the Director. Temporary water service for construction purposes shall require clearance from the Florida Department of Health, including satisfactory test results. Temporary water service will be supplied only when the Department has available unsold capacity of mains, pipes, pumps and other equipment for the service requested. Applicants for such temporary service shall pay to the Department in advance the cost of installing and removing any facilities necessary to furnish the service. Such service will be rendered only to the designated locations, only within the period of time specified in the contract for service and only for the utilization of the contracting party.

(4) FIRE HYDRANT SERVICE – This service is to provide an emergency supply of water exclusively for fire protection services through hydrants owned and maintained by the County.

(5) FLOATING METER SERVICES FOR CONSTRUCTION, PEST CONTROL TRUCKS, SWEEP TRUCKS AND WATER TRUCKS – This service allows the customer to apply for water only service at available un-metered service lines or from fire hydrants. This service is strictly for construction and other trucks extracting water from a fire hydrant.

(6~~5~~) OTHER SERVICE - This service is available where submetering or separate metering is required because the permanently designated usage will not be incorporated in sanitary sewage flow for billing purposes.

2.02 REQUESTS AND AGREEMENTS FOR SERVICE

(1) APPLICATIONS FOR DOMESTIC WATER SERVICE - To obtain domestic water service from an existing distribution main, where water service already exists to the property and no change in size and/or use of the property is being made, the Department will accept applications and deposits by mail, in person, by telephone, or by electronic request. In order for the Department to render a correct bill, the Department may require the customer to produce proof of the date of occupancy, as in the case where metered service is reconnected without Department knowledge or consent. Applications

for new domestic water service from existing metered service installations are accepted in person, by telephone or by electronic requests from Customers. Customer must provide acceptable identification, such as a Driver's License or Social Security Number or other form of identification acceptable to the Department. If a Customer cannot provide identification, then the Department may require that the Customer complete an Account Application Agreement form. The guarantee deposit may be billed to the Customer. In the event the use of property changes and results in increased usage, payment of connection charges and construction connection charges will be required prior to the Department's approval of increased usage. Usage of water service shall constitute acceptance by the Customer of these Rules and Regulations and the contract with the Department. Applications are accepted by the Department with the understanding that there is no obligation on the part of the Department to render service other than what is then available from its existing facilities, as determined by the Department. The Department reserves the right to conduct appropriate credit checks, through a national credit database, on Customers applying for water service. Deposit amounts may be determined by credit risk analysis.

Upon a Customer's or Developer's request for water service to a property not previously receiving water service, the Department shall require that the Customer or Developer of said property install water main extensions as described in Section 2.04 (2) herein and said installation shall be based on the Criteria established by the Department for water main extension requirements (Attached as Exhibit "A"). If there are adequately sized water mains abutting the entire frontage of property, including both sides of a corner lot as described in Section 2.04(2)(d), the Department shall require advance payment of a service installation fee for water services two (2) inches or less to defray installation costs. Services greater than 2 inches may be installed at the expense of the Customer or the Developer unless otherwise determined by the Department. Section 2.06 herein describes fees for various types of services. Prior to the Department's installation of a water meter and/or the rendition of water and sewer service to the Developer's property, ~~At the same time,~~ the Department shall require payment of all water and sewer~~connection charges, described in Section 2.08 (6) herein, and construction~~ connection charges, if applicable, as described in Sections 2.05 (1)(f) & (i) herein.

~~(2) APPLICATIONS FOR WATER SERVICE FOR FIRE LINE (SPRINKLER) SYSTEMS - To obtain such service, application should be made in person at the Department. In case of a new fire line and/or combination fire line and domestic water service installation, it is necessary that the Department be provided both plot plans and plumbing plans for a cost estimate. After the cost has been determined, it will be necessary for the applicant to sign an agreement or contract for service or to provide a letter authorizing the installation. Every applicant shall prepay the estimated cost of the installation from the water main to the property line including an isolating valve, a detection check meter for determining leakage or illegal usage (plus the extension of the proper size main if necessary), street repair, sidewalk repair, labor, concrete vault for detection check valve, other related materials and such other costs as may be incurred in the installation, and comply with all requirements of other local, state and federal agencies, in accordance with the provisions in Section 2.04, 2.05 and 2.06 herein.~~

(~~3~~2) APPLICATIONS FOR FIRE HYDRANT SERVICE - A Developer or Customer requesting the installation of fire hydrants shall be required to pay the installation cost, including the tapping sleeve, isolating valve, fire hydrant assembly, pipe, fittings, street repair, sidewalk repair, swale restoration, labor, materials and such other costs as may be incurred in the installation. No fire hydrants may be installed on any existing water main of less than six (6) inches in diameter for residential zone, eight (8) inches for all new residential tract home developments or all new medium density residential developments, twelve (12) inches in diameter for commercial, industrial, business and for high density population zones. A fire hydrant service charge shall be required as described in Section 2.08(3). Fire hydrants may be installed by contractors utilizing plans approved by the Department and shall be subject to inspection by the Department.

(~~4~~3) APPLICATIONS BY AGENTS - Applications for service requested by firms, partnerships,

associations, or others, shall be submitted in writing to the Department only by duly authorized agents, legally empowered to represent them. When service is rendered under a contract entered into between the Department and an agent of the prospective Customer, the use of such service by the Customer shall constitute full and complete ratification of such contract. Where a condominium building is served by a master meter, the Department is authorized to accept applications for service, contract with, bill and require guarantee deposits from condominium associations, as representatives of individual unit owners or occupants.

(~~5~~4) LARGE VOLUME WATER USAGE AGREEMENTS (WHOLESALE AGREEMENTS) - Water service on a volume basis may be obtained in accordance with the terms and conditions outlined in contractual agreements with the Department. Such agreements apply only to other municipalities.

(~~6~~5) DEVELOPER AGREEMENTS - Agreements for the provision of water service for new or existing properties requiring the construction of water facilities shall, upon request by a Developer, be prepared by the Department (see WATER EXTENSIONS REQUIRED OF DEVELOPER, Section 2.04(2)). ~~Final zoning approval of a property~~A developer letter of intent that includes a description of the planned development together with a site plan, must be ~~obtained~~submitted prior to the Department's preparation of the agreement. Nevertheless, final zoning approval must be obtained at time of agreement execution and recordation by the Department. The Department shall determine ~~when~~whether the construction of water facilities is required. In accordance with County Administrative Order 3-29, the Department will not prepare or offer an agreement to the Developer if the Developer is in arrears to the County.

(~~7~~6) PRIOR INDEBTEDNESS - The Department shall withhold or discontinue service rendered under an application made by any member or agent of a family, household, organization or business until all prior indebtedness to the Department of such family, household, organization or business has been paid in full. The amount of a prior debt owed to the Department shall be deducted from any refund or credit.

(~~8~~7) MULTIPLE UNITS SERVED THROUGH SAME METER - When multiple units are served through the same meter, the water service account must be in the name of the property owner who must accept full responsibility for the payment for all service rendered, since no method is available to the Department for prorating charges for service among the occupants of the units.

(~~9~~8) SHORT TERM SERVICE - Short Term (or Temporary) Water Service will be supplied only when the Department has available unsold capacity of mains, pipes, pumps and other equipment for the service requested. Applicants for such temporary service shall pay to the Department in advance the cost of installing and removing any facilities necessary to furnish the service. Short Term Service will be rendered only to the designated locations and only within the period of time specified in the contract providing therefore, and shall be utilized only by the contracting party.

~~(a) During construction, a customer, contractor, or developer may request temporary metered service (floating meter) for construction purposes only from fire hydrants or services that have been approved by the Department, DEP and DOH.~~

~~(b) Prior to establishing permanent water service by the installation of an approved Department water meter, a customer, contractor or developer may request a temporary spacer to be installed in the service line. These spacers are to be used only to provide the proper spacing for the meter to be installed and must be removed prior to occupancy.~~

~~The Department reserves the right to discontinue service if any alteration of or tampering with the Department's meter or other facilities occurs, or if spacers are not used in compliance with the specifications set forth by the Department.~~

(9) FLOATING METER SERVICE – Temporary water only service to be supplied from available un-metered service lines or from fire hydrants for construction and service truck operation is conditioned on the following requirements:

(a) During construction, a customer, contractor or developer may only request temporary metered service (floating service) for construction purposes. Temporary service for processed water during construction may only be obtained from fire hydrants or services that have been approved by the Department, the applicable Fire Department having jurisdiction, FDEP, and DOH.

(b) Any and all water used for approved uses must be drawn through a properly permitted floating meter issued by the Department, attached to services or fire hydrants within the service area of the Department. If the floating meter is used outside the service area, it may be removed and the customer charged with illegal withdrawal of water. Any unauthorized use of and/or tampering with fire hydrants will result in a fine as described in Section 8CC-10 of the Miami-Dade County Code, Schedule of Civil Penalties.

(c) Floating meters shall not be used to obtain certificates of occupancy or to provide domestic service for dwellings, sales offices or any commercial buildings. The exception to this rule shall be for temporary construction office trailers provided that applicant submits copy of a service contract for a holding tank (no connection to public sewers), and that DOH approval of the water facilities is obtained.

(d) Applicants shall be responsible for proper instruction of all subcontractors and employees who will draw water from hydrants or service through the meter in accordance with applicable Fire Department regulations and/or those of this Department.

(e) If a floating meter account becomes delinquent and meter is eligible for confiscation, the Department may disconnect water service at any other location served by the Department that is in the same name or has the same Federal Tax ID or Social Security number as the floating meter account.

(f) Floating meters shall not be set in a meter box with a fixed rigid connection, nor rigidly affixed to a hydrant or the contractor's equipment. The Department provides a flexible hose to be attached to the inlet side of meter. Meter must be visible at all times within 10 feet of the service or hydrant and remain painted in the Department's color code at issuance.

(g) No floating meter attached to a hydrant shall be left unattended or attached overnight or for any extended period of time when not needed for construction purposes. Floating meters attached to a hydrant shall be removed from the hydrant immediately upon detection or suspicion of fire in the vicinity.

(h) To terminate a floating meter account, the meter and all appurtenances and equipment issued must be returned to the Department's Meter Shop located at 1001 NW 11th Street.

(i) Application for a floating meter may be denied if the applicant has past due balances owed the Department.

(j) If the floating meter is to be used on a vehicle, the vehicle license and identification numbers and the address where the vehicle is stored overnight must be provided at the time of application.

(k) If floating meter is to be used from a hydrant, a permit from the Fire Department having jurisdiction must be obtained for each hydrant meter issued. This permit must at all times be carried in the vehicle and/or construction site.

(l) The floating meter application and the Fire Department permit are not transferable to any other party.

(m) Applicant shall be responsible for the safety and protection of floating meters in his possession, as well as the prevention of any illegal devices or bypasses installed, tampering with the meter, its registration dial, coupling, or appurtenances. Meters are not to be loaned to others for any purposes at any time.

(n) Applicant shall be responsible for delivering all meters issued pursuant to his application to

the Department's Meter Shop at 1001 NW 11th Street, for periodic inspection and reading verification on a quarterly basis, as notified by mail to do so by the Department. Failure to bring in a meter for inspection when notified will result in a charge, as established in the Department's Schedule of Rates, Fees, and Charges, and after two consecutive occurrences the floating meter shall be confiscated and the account closed.

(o) Applicant shall be responsible for payment of all billings when received. Any delinquency in payment will result in the revocation of this service, confiscation of the meter and closing of the account. No deduction shall be allowed for claims of water usage outside of the Department's service area.

(p) Floating meters issued for use on unmetered domestic services (1" meters only) shall not be used on a fire hydrant (2" meters only). If found using an incorrect meter size on a hook-up, the customer will be subject to fines and penalties by the Department as described in Section 8CC-10 of the Miami-Dade County Code, Schedule of Civil Penalties, and confiscation of the meter.

(q) Applicant shall be responsible for any damage to fire hydrants, unmetered services or appurtenances as a result of the applicant's usage of the floating meter. Applicant shall also be responsible for the cost of any damages and agrees to pay such costs when a bill is rendered.

(r) If the register of the floating meter has been damaged so that the meter is unable to accurately register water usage or is tampered with, the applicant will forfeit their full deposit and the deposit will not be applied toward outstanding charges.

(s) If the floating meter or backflow device is found to be tampered with, the customer may be subject to a tampering citation, as provided in Sections 8CC-10 and 32-121 (Tampering With Utility Fixtures) of the Code of Miami-Dade County, Florida.

(t) Charges for lost equipment will be billed to the customer in addition to an estimated bill for consumption based on partial usage, with a minimum charge, as well as forfeiting the deposit.

(u) Applicant shall be responsible for the repair or replacement cost of a floating meter that has been damaged, tampered with, or lost. Damaged or inoperative meters must be returned for repairs to the Department's Meter Shop at 1001 NW 11th Street immediately or no later than 72 hours after notification by the Department.

(v) The Department offers a service to read the meter in the field for a charge specified in the Schedule of Rates, Fees, and Charges.

(10) CHANGE-OF OCCUPANCY - When change of occupancy takes place on any premises supplied by the Department with water service, written notice thereof shall be given to the Department not less than two (2) days prior to the date of change by the outgoing Customer, such outgoing Customer to be held responsible for all water service rendered to such premises until such written notice has been received by the Department. The application of a successor occupant for water service will automatically terminate the prior account. For the convenience of its Customers, the Department will accept telephone orders to discontinue or to transfer water service and will use all reasonable diligence in the execution thereof. A request for a disconnection or change of occupancy for multiple units must be in writing by the property owner.

(11) LIMITATION OF USE - Water Service purchased from the Department shall be used by the Customer only for the purposes specified in the application for service, and the Customer shall not sell or otherwise dispose of such service to other parties. Except as provided in Miami-Dade County Re-metering Ordinance (Ordinance No. 96-137), water service furnished to the Customer will be rendered directly to the Customer through the Department's meter and shall be for the Customer's own use and shall not be remetered by the Customer for the purpose of selling or otherwise disposing of water service to lessees, tenants or others, and under no circumstances shall the Customer or the Customer's agent or any other individual, association or corporation install a meter for the purpose of so remetering said service. Exceptions to this policy are governmental entities which are customers of the Department and which may be allowed to install meters for remetering provided that such

arrangement is authorized by express written consent of the Department. In no case shall a Customer extend ~~his~~service lines across a street, alley, lane, court, avenue or other highway, in order to furnish service for adjacent property through one meter, even though such adjacent property is owned by said customer. In case of such unauthorized remetering, sale or disposition of service, the Customer's service shall be subject to discontinuance until such unauthorized remetering, sale or disposition has been discontinued and full payment has been made of all bills for service, calculated under proper classifications and rate schedules, and until reimbursement in full has been made to the Department for all extra expenses incurred for clerical work, testing and inspections.

(12) CUSTOMER'S RESPONSIBILITY - The Customer is responsible for all water metered to the service location until such time as service is discontinued for one of the following reasons:

(a) The Department receives written notice from the Customer to discontinue service as of a certain advance date, or receives an application for water service from a successor occupant. While the Department will process an oral request, an oral notice will not be considered binding and the Customer remains responsible for any charges accruing after such oral request.

(b) Payment for service, deposit or other billed fees and charges is not received by the Department within the specified period.

(13) MULTIPLE UNIT STRUCTURE SERVED BY INDIVIDUAL WATER METERS - To ensure that each unit within a shopping center, apartment or condominium is served by the correct water meter, the Department shall require the contractor, builder or developer to maintain the water and/or sewer account in their name until such time as all interior plumbing work has been completed and a water meter has been obtained from the Department. The contractor, builder or developer will at this time provide access to each unit or store being constructed. After the Department has determined that no cross connections of plumbing exist, each apartment, store or unit will be accepted for individual billings.

2.03 CONTINUITY OF SERVICE

The Department will at all times use reasonable diligence to provide continuous service, and having exercised reasonable diligence, will not be liable to the Customer for failure or interruption of service. The Department will not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, acts of war or terror, litigation, shutdowns for repairs or adjustments, interference by governmental agencies, failure of electric power, acts of God or other causes beyond its control. When the Department can provide water service to a property from either of two mains, the removal of one such main from service shall not be considered to be an interruption of service.

2.04 EXTENSIONS TO THE DISTRIBUTION SYSTEM

(1) PLANNED EXTENSIONS - The Department may, from time to time, through the creation by Miami-Dade County of water improvement special taxing districts or by other means, plan water extensions in specific areas of the County. The costs of these extensions and terms of payment may be set forth individually by County ordinance or resolution. In such cases where the Department installs at its cost water mains, the Department shall require a construction connection charge from property owners connecting to such mains, in an amount as specified in the Department's Schedule of Rates, Fees and Charges, to reimburse the Department for its costs. In addition, per annum simple interest rate will accrue from date of completion as authorized from time to time by Section 687.01, Florida Statutes.

(2) WATER MAIN EXTENSIONS REQUIRED OF DEVELOPER- Where properties are to be served by water main extensions required of Developers, water facilities shall be extended on the following basis:

(a) APPLICATION (BY DEVELOPER OR OTHERS) - An application shall be required for extension of water service under the provisions hereof, and shall be in writing and signed by the Developer or Developers desiring Department water service. Said application shall be filed with the Department and shall include an application fee as specified in the Department's Schedule of Rates, Fees and Charges, a typed legal description of the property on 8.5" x 11" paper, with two (2) certified original boundary surveys of the proposed site, and shall indicate the name, street address, lot and block number, the street frontage of each site, tax folio number of the property, proof of zoning, proposed usage, and such other additional information which may be required by the Department. Each applicant shall agree to connect to and use the Department water service for his property. ~~No water mains, or connections to mains, will be extended until the charges for water service, as further outlined, have been provided for.~~

(b) PROCESSING OF APPLICATION - Upon receipt by the Department of a proper application requesting a water main extension, it will be evaluated, and if not feasible, returned with the proper explanation. If feasible and if the Developer decides to proceed further with the project, ~~and final zoning of the project has been approved,~~ the Department shall, at the Developer's request, prepare and submit an agreement specifying all terms and conditions for service and related costs, other than construction costs, to the Developer, as indicated in section 2.02(5). The Department will require of the Developer a current attorney's opinion of title, in a form acceptable to the Department, that states that the Developer is the owner in fee simple of the property to be covered by the agreement.

(c) BASIS OF PAYMENT FOR EXTENSIONS - The cost to the Developer shall be the payment of the connection charges, construction connection charges and construction costs as further outlined in these procedures and Rules and Regulations. The allocation of costs for oversizing water mains and rebates in regard to off-site water mains is outlined in Section 2.05(1) (g) and (i) hereinafter.

(d) WATER MAIN EXTENSIONS - In addition to any required off-site mains, each Developer or owner of property who requests water service shall install, as required by the Department, a water main along one entire boundary line of said property which actually abuts a public road or street and may also require said Developer or property owner to install additional water mains as the Department may deem necessary to promote the public interest and the orderly development of a county-wide water system ~~in accordance with guidelines and~~ in accordance with the Criteria for Water Main Extensions established by the Department (Attached as Exhibit "A"). Such additional mains may be required by the Department to be installed along all or part of the boundaries of the remainder of the property, or through the property that is to receive water service. In the event a new water main is required to be installed in a public right-of-way where no previous Department owned main existed, or where a Department owned main is deemed to be of sub-standard size, the developer may also be required to install services to serve abutting properties from the newly installed main as the Department deems necessary to serve the public's interest, safety, and welfare. The Department shall reimburse the developer an amount specified in the Department's Schedule of Rates, Fees, and Charges, for costs associated with the installation of additional water services to serve the abutting properties not owned by the developer.

Any water system that will feed more than one fire hydrant within a residential or commercial development shall be designed to be looped with two points of connection or an alternate approved design wherever feasible to achieve water quality and fire flow objectives. Separate connections for fire lines, fire hydrants and water services may be served from a common header subject to Department approval. Furthermore, no dead end mains shall be allowed when access to an existing abutting main exists or may be established via easements.

(e) REDEVELOPMENT - When property already served by the Department is to be redeveloped, its use changed or otherwise improved, the Department shall require the Developer to improve the water facilities serving the property so as to comply with prevailing Department standards~~.~~, pursuant to subpart (d) of this Section and Section 2.05 (1d), Materials and Construction Standards, subject to the Criteria requirements and exemptions as outlined below, and in the flow charts of Exhibit "A". Furthermore, the following guidelines shall apply for each type of proposed project based on the following considerations: Redevelopment to include new construction replacing existing facilities, and changes of use of existing structures.

When the property to be served is vacant or previously occupied land within the Miami-Dade County urban development boundary where existing water facilities are serving the project site, the Department may, at its sole discretion, perform additional infrastructure analyses consisting of field investigation of flow and pressure provided by existing mains for a period of no less than seven (7) days to determine if capacity is available from the existing main as indicated in Section 2-103.21 of the Code Miami-Dade County and stated below.
The following water service requirements must be met in order for the listed uses below to be served by existing infrastructure:

1. Single Family Residence or duplex not part of any multi-unit development project, abutting a main 2-inches and 4-inches producing a minimum of two (2) CFM (Cubic feet per minute) at 20 PSI residual pressure at the point of service for domestic flows. The maximum meter size shall be 5/8 inches as per MDWASD standard detail WS 2.10. However, this shall not apply when adequately sized water mains (8-inches) are located within prescribed (200 foot minimum) distance or as further defined under "Feasible Distance For Public Water Mains" in Article I, Division 1, Chapter 24-5 of the Code of Miami-Dade County, Florida. In such cases, the applicable extension must be performed. Refer to Criteria Flow Chart F-1 in Exhibit A.

2. Re-occupancies (classified as of low to medium hazard) of commercial bays in retail shopping centers and industrial parks; and provided that the existing main serving the site is 6-inch and larger and provides 750 GPM at 20 PSI residual pressure. Refer to Criteria Flow Chart F-4 in Exhibit A.

3. New commercial/industrial stand-alone buildings not more than 5,000 SQ FT. or re-occupancies of space within existing buildings not more than 5,000 SQ.FT. with low to medium hazard or ordinary content and fronting a 6-inch main producing a fire flow of at least 750 GPM at 20 PSI residual pressure. Refer to Criteria Flow Chart F-4 in Exhibit A.

4. Existing schools with an existing main, 8-inch minimum in size and fronting the site to be improved, which provides for sufficient fire flow to meet 2,000 GPM at 20 PSI residual pressure as per the Code of Miami-Dade County, Florida, no new offsite water main needs to be installed. Refer to Criteria Flow Chart F-2 in Exhibit A.

5. New and existing churches will be evaluated according to the appropriate zoning and/or fire flow categories in Chapter 2-103.21 of the Miami-Dade County Code.

In cases where there is no increase in square foot area of an existing building, these water main criteria shall not apply if the owner can demonstrate that the daily rated gallonage of the new use by itself is not 50 percent or greater than the daily rated gallonage of the

previous use of the building. In cases where there is a change of use in an existing building which results in an increase to the total daily rated gallonage by 50 percent or greater, a new water main may be required if such change in use will cause a reduction below 750 GPM at 20 PSI residual pressure in the level of domestic and fire flow service provided by the existing infrastructure.

(f) WATER MAIN EXTENSION FROM PUBLIC RIGHT-OF-WAY - Water mains shall be extended so that service to a Developer's property will be from mains located in public rights-of-way or easements in private paved roads abutting each individual parcel of the Developer's property that will receive service from a meter. Such water main extensions shall not be installed on private property except within easements in private paved roads that are open to public access or the like~~,~~ unless said water main extension serves a contiguous development site and will be installed in a Department approved platted utility easement. Refer to section 2.05(2) for water main extensions to be located in easements.

(3) WAIVERS

A request for a waiver of water main extension shall be reviewed by the Department's Director or the Director's designee, pursuant to procedures approved by the Board of County Commissioners. The Director's decision will constitute final action by the Department. If the applicant disagrees with the Director's decision, the applicant has the option of requesting an appeal with a hearing examiner, appointed by the Clerk of the Court.

The hearing examiner must be a licensed professional engineer in the State of Florida with experience in the design, construction and operation of water and sewer systems. The hearing examiner may not revise or substitute decisions reached by the Department regarding future infrastructure needs, scheduling of improvements or future growth patterns. In order to prevail in an appeal to the Clerk of the Court, the customer must show by a preponderance of the evidence that the Department failed to follow its rules and regulations or improperly implemented them.

The Department shall establish procedures for waiver requests and criteria for granting and/or denying such requests. Any person may request a waiver from the Department's rules and regulations relating to water system extensions including issues such as the length of a water main extension as it pertains to front coverage of existing single family properties not served by the Department, or in cases where a property owner can demonstrate that a change of use will not cause a reduction in the level of service in accordance with the standards described in Section 2.04 (2)(e) of these Rules. Any request for a waiver of a water main extension from Section 2.04(2)(e)(1-5) shall meet the fire flows specified in Section 2-103.21 of the Miami-Dade County Code. Regarding new construction, fire flow standards, water and sewer connection requirements as cited in Chapter 24 of the County Code, the Department's standard technical specifications and details for design and construction of water and sewer facilities, or any requirements imposed on the Department pursuant to a consent decree, settlement agreement or water use permit must be met.

Any person aggrieved by the hearing examiner's decision may seek review in the Circuit Court of the Eleventh Judicial Circuit, Appellate Division. An appeal shall be filed within thirty (30) days of the date of the written decision being appealed..

(~~3~~4) RIGHT TO REFUSE SERVICE - The Department shall have the right at all times to refuse to extend service on the basis of a use detrimental to the water system, lack of payment of required fees, or for any reason which, in the opinion of the Department, will cause the extension not to be in the public interest. No payment of any costs, submitting of any petition, or any other act to receive water service, shall guarantee water service.

2.05 CONSTRUCTION OF WATER MAINS; CONNECTIONS

(1) WATER MAIN CONSTRUCTION BY DEVELOPER - Water mains to be constructed by a Developer shall be constructed in accordance with the following provisions:

(a) PLAT APPROVAL - In the case of subdivisions, the application shall be accompanied by two copies of a recorded plat, or, in the case of a new subdivision, an approved tentative plat, or preferably a master tentative plat or a large scale development plan plus a plan showing location of proposed water main extensions.

(b) PLANS APPROVAL - Prior to construction, the Developer shall have plans and applications prepared and submitted to the Department and to other appropriate State and Miami-Dade County agencies for approval. Said plans must be signed and sealed by ~~a~~n professional engineer registered in the State of Florida. Construction shall not commence until all necessary approvals have been issued.

(c) OTHER GOVERNMENTAL APPROVAL - Prior to final acceptance, all such water main extensions shall be approved by the appropriate local and State agencies which have jurisdiction and the Department. ~~, the Miami-Dade County Department of Environmental Resources Management, and the Department.~~

(d) MATERIALS AND CONSTRUCTION STANDARDS - All materials and labor shall meet the specifications currently required by the Department in its manual entitled "Design and Construction Standard Specifications and Details", as currently in effect and as may be amended from time to time by the Department. In order to provide adequate distribution and fire protection service, the normal minimum size for a water main extension shall be 8-inch for single-family residential developments and 12-inch for commercial, public buildings, industrial, business and high density residential developments. Water pipes shall be no closer than specified in F.A.C. Rule 62-555.314 and Part III of Chapter 62-610 of the F.A.C. All construction shall be performed under the inspection of the Department and in strict compliance with the standards of the Department and either the appropriate municipality, Miami-Dade County Public Works Manual, or the Florida Department of Transportation, whichever is applicable.

(e) CONNECTION TO EXISTING SYSTEM - The Developer's contractor may connect a water main line extension ~~of~~to the Department's existing water system under supervision by Department personnel. When a tapping sleeve is required for the connection to an existing main, the following procedure is required:

1. The contractor must perform the following:

   a) Excavate and dewater.
   b) Provide lifting equipment on-site for tapping machine.
   c) Furnish and install tapping sleeve and valve, under inspection of Department inspector.
   d) Pressure test tapping sleeve and valve, under inspection of Department inspector.
   e) Provide support blocking under tapping sleeve and valve.

2. Department personnel shall perform the actual tapping operations.

3. The Developer must pay to the Department prior to the tapping operation, the Department's Pipe Tapping Charge as specified in the Department's Scheduel of Rates, Fees and Charges. Rates.

4. The Department reserves the right to accept or reject proposed connections,

including water service lines, fire lines, if the minimum horizontal separation between water and sewer lines does not meet the Department's minimum requirement in accordance with F.A.C. Rule 62-555.314 and Part III of Chapter 62-610 of the F.A.C. Additional conditions such as pipe materials and/or minimum vertical separation may be required and the Department will review them on a case by case basis.

(f) COSTS - The Developer will pay connection charges at time of issuance of water verification forms. In addition, ~~T~~the Developer will pay all ~~connection charges,~~ construction connection charges~~, and construction costs~~ and all developer associated expenses connected with the installation costs of the water facility prior to ~~connecting to~~ the Department's ~~system~~ installation of a water meter ~~unless otherwise specified in an agreement between the Developer and the Department. Construction cost will be~~ Installation costs are the cost to furnish and install~~of~~ water mains and/or services of sufficient capacity to supply water to the proposed development from the nearest adequately-sized Department water mains, along with all required restoration. Furthermore, developers of properties zoned for commercial uses shall pay all applicable connection charges at the time of water verification form, and tenants occupying a portion of the commercial space shall pay the difference, if any, between the usage paid for and actual usage, as specified in Section 24-43.1 (5) of the Code of Miami-Dade County, at time of the respective verification form. Developers of single family residential projects shall pay connection charges at time of issuance of water verification form and with DERM [illegible] allocation letter for building permits. Connection charges are defined hereinafter.

Developers of affordable housing set aside for extremely low, very low, low and/or moderate income persons as defined in section 420.0004, Florida Statutes, and which have obtained dedicated funding commitments from Miami-Dade County, as administered by the County's Office of Economic Development and International Trade (OEDIT) or the applicable entity with jurisdiction, or from other public funding sources as defined in Chapter 420 of the Florida Statutes, shall pay connection charges prior to the installation of a water meter. Written verification of affordable housing designation for the applicant's development shall be obtained from OEDIT and provided to the Department at time of water verification form request.

(g) OVERSIZING - The Department reserves the right to oversize any extension and will pay for such oversizing on the basis of additional costs beyond that necessary to serve only the subject development including fire flow requirements. Water mains on half-section lines and section lines shall be no less than twelve (12) inch diameter and sixteen (16) inch diameter, respectively. [illegible] depending on the results of computer model hydraulic analyses conducted by the Developer and as approved by the Director or the Director's designee. The Department may relocate the above mentioned mains to another location in cases where arterial roadway alignments do not correspond geographically with the established section lines. The Department will pay an amount as specified in the Department's Schedule of Rates, Fees and Charges multiplied by the length of the oversized main. The amount will be determined by the Department based on construction costs. The Department will credit the Developer for the cost of the Department's share of oversized water mains and this credit will be in the form of a payment from the Department to the Developer, said payment to be made within ninety (90) days after the conveyance of the facilities to the Department of the oversized water mains. The Department also reserves the right to limit the amount of its participation in the cost of oversizing, depending on current economic conditions or other factors. The rates of credit related to the difference in diameter between the pipe required for the Developer's project and the pipe required by the Department to be installed are specified in the Department's Schedule of Rates, Fees and Charges. Should the amount of credit to be due to the developer exceed that amount listed in

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Section 255.05, Florida Statutes, the developer shall post a bond sufficient to insure payment of all suppliers and laborers. Should a developer fail to post a bond, that developer shall indemnify and hold harmless the County against all claims against the County brought by a subcontractor or supplier for payment on the developer's project. The bond shall remain in effect one year from completion of the project.

(h) CONSTRUCTION PERMIT - A permit for construction must be obtained by the Developer's Contractor from all appropriate governmental agencies.

(i) REPAYMENT POLICY - In those cases where a Developer does not utilize all of the capacity of a water main extension he has paid for, other parties may make connections to it. A construction connection charge will be imposed on such other parties connecting with the Developer's main, provided that said connection is either a service connection, the sole water main connection to serve another party's property, or an additional water main connection required ~~in order to provide adequate service for said property~~by the Department. The construction connection charge shall be based on a rate per front foot of the connecting property abutting the water main, measured along the route of the water main constructed by the Developer. Such rates are specified in the Department's Schedule of Rates, Fees and Charges. In addition, per annum simple interest will accrue on the construction connection charge from the date of the Developer's bill of sale for the water main extension at the rate authorized from time to time by Section 687.01, Florida Statutes. The Department will retain a Developer Repayment Fee from all individual repayments due to a Developer from construction connection charges collected by the Department to compensate the Department for its administrative costs. The Developer Repayment Fee will be based on the total amount collected (including interest), multiplied by the rate as specified in the Department's Schedule of Rates, Fees and Charges. In addition, the Department will retain any amount owed from a prior debt, which will be deducted from the repayment to the customer. The Department will credit the Developer and this credit will be in the form of a payment from the Department to the Developer to be made within ninety (90) days after the conveyance of the facilities to the Department. If a connecting property is a corner lot with two sides fronting mains installed by the same Developer or different Developers, both sides will be used for computing the construction connection charges. This policy also applies to water mains installed by the Department as system betterments. In the event the Department has oversized a water main and paid a Developer for such oversizing as provided hereinabove, construction connection charges which may be imposed on future connecting properties will be paid first to the Department up to an amount equal to the oversizing credit.

The Department will make every reasonable effort to collect applicable construction connection charges from those others as specified by agreement between the Department and the Developer. The Department will make repayments to the Developer but shall only be liable for monies collected less the Developer Repayment Fee and less amount retained for oversizing. However, said charges will not be required or collected by the Department for residential buildings occupied or under construction prior to the date of the Department's service agreement with the Developer. A Developer shall not be repaid sums in excess of his original investment, less his use, in the water main extension. Such repayments shall only be made during a twelve (12) year period commencing with the date of the Developer's bill of sale for the water main extension. It shall be the Developer's responsibility to provide the Department with a current mailing address during the twelve (12) year period.

(2) PUBLIC EASEMENT REQUIRED - No water main facility will be installed under the provisions outlined herein and accepted by the Department for operation and maintenance unless it is in a public right-of-way; or an easement with a minimum width of twelve (12) feet, with twenty-five (25) feet of vertical clearance above the finished grade.; or a platted utility ingress/egress easement twenty (20) feet in width or twenty-four (24) feet in width for combined water and sewer facilities. For water

facilities located in private roadways, the preferred mode of dedication of access rights shall be via tracts specifically reserved by plat for ingress/egress and maintenance of utilities versus particular surveyed easement instruments. The pipe shall be installed at the center of the easement, unless otherwise approved by the Department in cases of utility easements. The Department shall have 24-hour access to the easement for emergency purposes, reading meters and disconnection of service. Furthermore, Department approved platted utility easements containing water and sewer facilities serving contiguous developments through unpaved lands shall be provided with a swing arm gate at the side abutting a public right-of way, a fence or wall abutting the adjacent development, a permanent sign indicating the presence of Department facilities on site, and an asphalt approach apron to the easement from the street right-of way, or an alternate method approved by the Department to secure access. Conveyance of all easements shall be by a separate document in recordable form to be approved by the Department and shall be accompanied by a written certification by an attorney licensed to practice law in the State of Florida that the Developer is the owner in fee simple of the property to be conveyed by easement and that upon execution by the Developer, a valid and enforceable easement in the Developer's property will be vested to the Department. No water main facilities installed under the provisions outlined herein shall be installed under any building. No encroachments will be allowed within the Department's easement, unless approved in writing by the Department. Permitted encroachments are limited to ground cover vegetation, as well as certain surface treatments such as asphalt paving and concrete decks. Limitations of use shall apply to certain encroachments as follows: underground and overhead utility crossings limited to perpendicular crossings; brick pavers and stamped ornamental concrete at entrances and driveway approaches providing owner responsibilities for replacement and maintenance; aerial crossings with certain signs, such as billboards or shopping center marquee signs, as well as any buildings or related permanent structures, but which must maintain a minimum clearance of 25-feet.

(3) CONVEYANCE AND OWNERSHIP - All water main facilities and appurtenances including fire hydrants to be owned by the Department shall be conveyed to the Department by proper Bill of Sale immediately after the Department's acceptance, in writing, of the construction of said facilities. The Developer shall provide proof of satisfactory bacteriological test results from DOH. The Developer shall also provide copies of paid bills and/or lien waivers, releases or satisfactions together with a breakdown of the actual cost of said facilities. Concurrently with the documents required above, the Developer shall furnish the Department with ~~one (1) set of Mylar~~ as-built drawings showing data as specified in the Department's manual entitled "Design and Construction Standard Specifications and Details" of all water main facilities and appurtenances as located by a licensed surveyor, along with four (4) prints of the as-built drawings and one digital compact disc (CD) original (unrestricted file), which have been sealed by the surveyor and certified by the Engineer of Record. In addition, the Developer shall furnish the Department with a maintenance bond or alternate security deposit acceptable to the Department, for a period of one (1) year from the Department's final acceptance of said facilities, in the amount of twenty-five (25) percent of the total actual cost of construction of said facilities, to protect the Department against losses resulting from any and all defects in materials or improper installation of said facilities. When accepted and properly conveyed to the Department for ownership, maintenance and operation, said facilities shall become and remain the property of the Department and no person shall, by the payment of any charges provided for herein, or by causing any construction of facilities accepted by the Department, acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege to have his property connected thereto for water service in accordance with these procedures and regulations. No permanent~~,~~ domestic meters may be installed on facilities that have not been properly conveyed to the Department.

(4) APPROVALS - No water main extension will be accepted by the Department without the approval of the Department, DERM, Miami-Dade County Public Works Department and appropriate State agencies, including DOH and any other regulatory agencies having jurisdiction. .

(5) UNAUTHORIZED WORK ON WATER SYSTEM - No person shall tamper with, work on, uncover, make connection with, or in any way alter or damage any Department water main or appurtenance

thereto without written permission of the Department. The Department shall prosecute such offending person or persons to the full extent of the law. All materials illegally connected to the Department's water system will be confiscated by the Department and held as prima facie evidence for further legal action. Violators shall be cited in accordance with Section 8CC of the Miami-Dade County Code and Section 812.14, Florida Statutes, as currently in effect and as may be amended in the future.

(6) CONSTRUCTION BY DEPARTMENT - The installation of all water services 2 inches or less~~less than four (4) inches~~ in diameter in public rights-of-way or easement areas which are to be connected to existing Department-owned water mains must be completely performed by Department personnel, including the connections, and the Developer shall pay the Department its standard service line installation charges as specified in the Department's Schedule of Rates, Fees and Charges prior to any such installation. For new multi-unit development projects requiring the installation of approved water distribution lines and which said development also abuts an existing Department owned main, the Department may require that the installation of permitted service connections be performed via a job order in conjunction with the Developer's contractor and the Department's distribution forces. The installation of water services four (4) inches and greater in size, fire lines and fire hydrants, shall be installed by the Customer's Contractor utilizing plans approved by the Department, subject to the Department's inspection, and in accordance with the procedure described herein. ~~In the event the Customer desires Department installation of water services four (4) inches and greater, the Customer shall provide the Department with both Plot Plans and Plumbing Plans for a cost estimate. After the cost has been determined, the Department will install such adequate service line upon application of the Customer and advance payment of the total estimated cost of such larger service line. After installation, the Customer shall pay the total costs incurred by the Department.~~

The Department will attempt to install the service at the location requested by the Customer. However, the Department reserves the right to install said service at any location within the perimeter boundaries of the Customer's property.

2.06 CONNECTIONS FOR SERVICE AND METERS; SERVICE INSTALLATION FEES

(1) SERVICE INSTALLATION FEES - The Department will provide a service line capable of serving the size of meter requested for a lot or parcel adjacent to an existing main owned by the Department upon advance payment by the Customer of a service installation fee and any other applicable fee as specified in the Department's Schedule of Rates, Fees and Charges. At its option, the Department may install a second 5/8-inch meter on a 1-inch service line upon advance payment by the Customer of an amount specified in said Schedule. The minimum size of service line between a water main and a meter shall be 1-inch.

(2) SERVICE AVAILABILITY FROM EXISTING SYSTEMS - Water service to any structure upon any given property shall only be rendered from Department-owned mains in public rights-of-way or easements abutting said property. The determination as to the availability of service from existing facilities shall be at the sole discretion of the Department in accordance with guidelines and criteria established by the Department. The Department shall have the right to require extensions of its water mains and other facilities for proper service or to require such permanent legal agreements that the Department deems necessary in order to carry out the intent of this Section.

(3) CUSTOMER'S OBLIGATIONS -

(a) MODIFICATION OF EXISTING SERVICE LINE - The initial Customer of an existing service line has the responsibility for the service line to meet Department standards. Any modifications, adjustments or repairs to the service and meter box required to meet Department standards shall be at the expense of the initial Customer and shall be completed prior to the installation of a water meter by the Department.

(b) CUSTOMER'S INSTALLATION - Each Customer's Installation shall include that part of the

service line to be extended by the Customer at his expense to a point designated by the Department, provided that such designated point is on the property line of the premises adjacent to a public street, avenue, court, lane, etc. The Customer's Installation shall be extended to the Department's meter and curb cock, ordinarily located at the front property line at one side of the lot.

(c) TYPE AND MAINTENANCE - The Customer's water pipes, apparatus and equipment shall be selected, installed, used and maintained in accordance with standard practice, conforming to the Rules and Regulations of the Department, and in full compliance with all laws and governmental regulations applicable thereto. The Customer expressly agrees to abstain from utilizing any apparatus or device that may adversely affect service, and the Department reserves the right to withhold or to discontinue service whenever any such apparatus or device is used.

(d) CHANGE OF CUSTOMER'S INSTALLATION - No changes or increases in the Customer's Installation, which will materially affect the proper operation of the pipes, mains or sewage pump stations of the Department, shall be made without the written consent of the Department. The Customer will be liable for any damage resulting from a violation of this rule.

(e) INSPECTION OF CUSTOMER'S INSTALLATION - All installations for water service or changes therein should be inspected upon completion by a competent authority to insure that piping, equipment and devices have been installed in accordance with accepted standard practice and in compliance with such local rules and building codes as may be in effect. Where inspection is required by governmental rules or ordinances, the Department shall discontinue service if the inspecting authority notifies the Department that the installation has not been approved.

The Department reserves the right to inspect the Customer's Installation prior to rendering service and from time to time thereafter, but assumes no responsibility whatsoever for any portion thereof.

(f) INDEMNITY TO DEPARTMENT AND COUNTY - The Customer shall indemnify, hold harmless and defend the Department and County from and against any and all liability, proceedings, suits, costs or expenses for loss, damage or injury to persons or property, in any manner directly or indirectly connected with or arisinggrowing out of the transmission and use of water by the Customer at or on the Customer's side of the point of delivery.

(g) PROTECTION OF DEPARTMENT'S PROPERTY - The Customer shall properly protect the Department's property on the Customer's premises, and shall permit no one to have access thereto except the Department's agents or persons authorized by law.

In the event that the Department determines that the water meter or service serving a Customer has been tampered with, the Customer will be notified by mail and a citation will be issued, pursuant to Section 8CC-10 or 32-121 (Tampering With Utility Fixtures) of the Code of Miami-Dade County, Florirda, if it is determined that the Customer is at fault. In addition, the Department will take any other legal action necessary to protect its property. The citation amount is specified in the Department's Schedule of Rates, Fees and Charges. Where the customer is a resident in a multi-unit building, the Department shall also notify the owner of that building of the customer's tampering and may pursue legal action against said owner if justified.

When service lines, meters, mains or other equipment are damaged by contractors, construction companies, governmental agencies or others, such damage will be repaired by

the Department and the cost thereof charged to the party or parties causing the damage.

In the event of any loss or damage to property of the Department caused by or arising out of carelessness, neglect or misuse by the Customer, or by unauthorized parties with the customer's sanction, the cost of making good such loss or repairing such damage shall be paid by the Customer.

(h) ACCESS TO PREMISES - The duly authorized agents of the Department shall have access at all reasonable hours to the premises of the Customer for the purpose of installing, maintaining and inspecting or removing the Department's property, reading meters or other purposes incident to performance under or termination of the Department's contract with the Customer, and in such performance shall not be liable for trespass. If access is not granted for the purposes indicated above, a notice will be left for the Customer stating that Department personnel will return within forty-eight (48) hours. If access is not granted for two (2) consecutive billing periods, service will be subject to termination. A service charge in the amount shown in the Department's Schedule of Rates, Fees and Charges will be made for each attempt after the initial attempt to gain access. Those charges will be applied on the Customer's next bill.

(i) RIGHT OF WAY - The Customer shall grant or cause to be granted to the Department and without cost to the Department all rights, easements, permits and privileges which in its opinion are necessary for the rendering and maintaining of service.

(4) LOCATION OF WATER METERS - The Customer shall provide meter space for use of the Department at a suitable and readily accessible location, preferably in the sidewalk, not in a driving surface, and adjacent to the Customer's property. Adequate and proper space for the installation of meters and other similar devices, shall be provided by the Customer within the premises to be served, and at no cost to the Department. Whenever two or more meters are utilized to supply the Customer's premises, such meters will be grouped and the Customer's Installation brought out by the Customer to a meter location designated by the Department. Customers and their agents (such as employees or contractors), are prohibited from placing any obstacles on or about meters, valves and other equipment which in any way obstructs free access to such equipment.

(5) INSTALLATION OF METERS - The Department will install and properly maintain at its own expense all meters and metering equipment as may be necessary to measure the water delivered to the Customer. Sub-meters inside the Customer's property to measure water not entering a sewer system may be purchased and installed by the Customer at his own expense, upon written agreement with the Department. The Department requires approval, prior to the Customer's installation, of meter type, size and installation location.

Title to meters and metering equipment shall be and remain in the Department except only such meters and other metering equipment sold to the Customer under written agreement.

Prior to establishing permanent water service by the installation of an approved Department water meter, a customer, contractor or developer may request a temporary spacer to be installed in the service line. These spacers are to be used only to provide the proper spacing for the meter to be installed and must be removed prior to occupancy. No permanent meter will be installed for any type of project under construction as indicated in section 2.02 (9a), Floating Meter Service. No meter will be installed for commercial, institutional, and industrial zoning classifications by the Department until a backflow prevention device is installed and tested, and certification has been obtained in accordance with the provisions of Section 32-151of the Code of Miami-Dade County, Florida. The backflow prevention installer must be a validly licensed contractor possessing a certificate of competency appropriate for the prevention type and location involved. Single family residential uses are exempt from this requirement.

(6) METER - STANDARD OF ACCURACY AND CERTIFIED TEST

(a~~d~~) No meter will be installed by the Department unless first tested and determined to be legally accurate. The Department will use all practicable means to maintain the accuracy of its meters.

(b~~e~~) In accordance to the standards established by the American Water Works Association (AWWA), a "legally accurate" meter is defined as a meter that has been tested by the Department and is determined to register between 98.5 and 101.5 percent on high and intermediate test flows, and between 90.0 and 101.5 on low test flows.

(c~~f~~) Upon written request from a customer, the Department will remove a meter from service and conduct a test that shall be certified by the Department and Miami-Dade County Consumer Protection Division.

(d~~g~~) The minimum charge for a certified test will be as specified in the Department's Schedule of Rates, Fees and Charges, of which a portion shall be paid by the Department to the Miami-Dade Consumer Protection Division for services rendered by that Division.

(e~~h~~) If a meter tested at the request of a customer is determined by certified test to be legally accurate, the customer shall pay the test charge specified in the Department's Schedule of Rates, Fees and Charges. If a meter is determined not to be legally accurate, the customer will not be required to pay the test charge.

(f~~i~~) If a meter is determined not to be legally accurate, the customer's billing will be adjusted for the time periods in question, but not to exceed the two periods just prior to removal of the meter. The adjustment will be based on the percentage of registration on the meter as tested that is greater than 100 gallons of water as set forth in Section 2.06(6)(b).

(g~~j~~) For a meter determined not to be registering at the time of the meter test, the Department will estimate the bill for the billing periods in question. The estimate will be based either on registration of a 30-day period as recorded on a legally accurate meter installed to serve the customer's premises or on a comparison with the amount of water used during the corresponding billing periods of the previous year.

(7) CONNECTIONS FOR SERVICE; UNAUTHORIZED CONNECTIONS OR INSTALLATIONS - Connections to the Department's system for any purpose whatsoever are to be made only by its employees or contractors with the full approval of the Department. No connection of any description, temporary or otherwise, is permitted on the Customer's Installation between that portion of the Customer's Installation for domestic water service and that portion of the Customer's Installation for fire protection purposes. ~~Any connection between domestic service and fire line service is strictly prohibited.~~

That portion of the Customer's Installation for domestic water service shall be so arranged that all domestic water service shall pass through the meter. No temporary pipes, nipples or spacers are permitted except during construction as authorized by the Department, and under no circumstances are connections allowed which may permit water to by-pass the meter or metering equipment. Any such connection, unless authorized by the Department, will constitute tampering and the Department shall pursue all legal remedies against the offending party in accordance with Ordinance No. 01-169 which relates to Backflow Prevention & Cross-Connection.

Any and all physical connections or arrangements of pipes are prohibited between two separate piping systems on the customer's property, one of which contains potable water from the Department's water

mains and another containing a liquid from any other source such as a private well supply. If the Department determines that such an interconnection exists, it shall terminate service and remove the water meter immediately. Service will not be restored until any such interconnection has been severed and proof of severance has been provided to the Department.

No booster pumps may be installed in the plumbing system of any residential Customer. Booster pumps installed in the plumbing systems of multi-family, commercial or industrial Customers are permitted but only with the approval of the Department and only with the inclusion of proper back-flow preventer devices.

Any unauthorized connections or installations shall render the service subject to a citation in the amounts specified in the Department's Schedule of Rates, Fees and Charges. In addition, water service will be immediately discontinued without further notification and any illegal connections to the Department's water service line will be confiscated and held as evidence until such time as all citations, service charges and estimated billings are paid in full.

(8) INSTALLATION OF SUBMETERS - With the approval of the Department, a Customer may install, at the Customer's expense, a submeter within that portion of his plumbing that is being used exclusively to measure water that is not returned to the Department's sanitary sewer system. The Department reserves the right to require that the submeter be made by particular manufacturers, register in cubic feet, and be located as designated by the Department. The Department will sell submeters at a cost not to exceed the Department's purchase price for the submeter and related parts, plus the inventory carrying cost and sales tax. The Department will require a final inspection of the submeter installation in order to assure that all Department standards are complied with and to record the information on the Department's billing system. The Department's cost of the process shall be recovered by the Department by assessing a fee at the time the submeter is entered into the billing system. This charge is specified in the Department's Schedule of Rates, Fees and Charges. If requested by the Department, the Customer shall deliver the submeter to the Department's premises for inspection and testing. Unless testing mandates earlier replacement, all submeters shall be replaced at least once every ten (10) years. The replacement meter must meet the same standards as the meter initially installed. The replacement shall be at the customer's expense. Meters larger than 5/8-inch may, as an alternative, be rebuilt and certified as accurate by the Department's Meter Shop, at the Customer's expense.

It is the Customer's responsibility to insure access to and readability of the submeter for the Department. It is also the Customer's responsibility to remove and repair the submeter whenever necessary. After reinstalling any repaired submeter, the Customer shall promptly advise the Department of the completed repair.

2.07 BILLING PROCEDURES

(1) APPLICABILITY - This section applies to all Customers of the Department.

(2) BILLING PERIODS; DUE DATE - Bills for service will be rendered either monthly or quarterly. The Department shall determine which accounts should be billed monthly or quarterly based upon amount of consumption, either actual or anticipated. The Department will normally not bill accounts on a monthly basis unless the average monthly consumption exceeds 133 ccfs or 100,000 gallons. Bills are due when rendered and shall be considered as having been received by the Customer when delivered or mailed to the service address or to some other place mutually agreed upon.

Non-receipt of bills by the Customer shall not release or diminish the obligation of the Customer with respect to the payment thereof.

When a customer's payment is returned for non-sufficient funds or any other reason, the Department

will only accept payment of that bill equal to the returned check amount made by cash, cashier's check or money order. In addition, ~~W~~when a Customer has two payments returned for non-sufficient funds or another reason within one year, the Department will only accept payments made by cash, a cashier's check or a money order for the payment of bills for a period of one (1) year following the date of the second returned check. The Department reserves the right to require payment of a deposit or to increase the amount of the deposit.

(3) ~~LIFELINE~~MINIMUM BILLS - Where service billable on a quarterly basis is provided for a period of between 84 to 98 days and the consumption is 1500 cubic feet or less, the minimum charge will be as specified for such accounts in the Department's Schedule of Rates, Fees and Charges. Where service on a monthly basis is provided for a period of between 23 to 37 days and the consumption is 500 cubic feet or less, the minimum charge will be as specified for such accounts in the Department's Schedule of Rates, Fees and Charges.

(4) BILLING PRORATION - Where service billable on a quarterly basis is provided for a period of less than 84days or more than 98 days the charge will be computed by making a charge based upon the minimum billing amount prorated on a daily basis, or upon the prescribed rate for the quantity of water used, whichever is greater.

Where service billable on a monthly basis is provided for a period of less than 23 days or more than 37 days the charge will be computed by making a charge based on a daily basis, or upon the prescribed rate for the quantity of water used, whichever is greater.

(5) GUARANTEE DEPOSITS - Upon opening an account to be billed on a monthly or a quarterly basis, a guarantee deposit shall be paid by each residential Customer, as established in the Department's Schedule of Rates, Fees and Charges.

Any commercial customer (including multi-unit customers such as condominium associations) upon opening an account to be billed on a monthly basis shall be required to pay a guarantee deposit of approximately 2.5 times the anticipated monthly billing, as established in the Department's Schedule of Rates, Fees and Charges.

Any commercial customer upon opening an account to be billed on a quarterly basis shall be required to pay a guarantee deposit approximately 1.5 times the anticipated quarterly billing, as established in the Department's Schedule of Rates, Fees and Charges.

The guarantee deposit is required as security for payment of the Customer's water bill. The deposit may be paid at the time of application or may be billed to the Customer with the next regularly scheduled bill. If the guarantee deposit amount is not received by the Department within the time specified on the bill sent to the customer, water service may be terminated until such time as the deposit and service fees are paid in full. The deposit amount is refundable to the Customer upon termination of service, provided there are no outstanding bills for the same Customer on any other accounts with the Department. However, deposits are returned according to the following criteria: closing an account or after two (2) years with no service cuts or tampering violations combined with a record of less than three (3) late payments for a quarterly customer and less than five (5) late payments for a monthly customer in a two (2) year service period.

The Department reserves the right to conduct appropriate credit checks, through a national credit database, on Customers applying for water service. Deposit amounts may be determined by credit risk analysis.

Deposits shall earn simple interest at a rate established by the Department, which rate shall be periodically reviewed. The Customer shall be entitled to receive interest from the date of payment or date of partial payment, except that no interest shall be accrued for the period prior to April 1, 1984.

Return of deposits shall be in the form of a credit adjustment on the regularly scheduled or final billing.

A Customer requesting a temporary portable (floating) meter shall pay a guarantee deposit specified in the Department's Schedule of Rates, Fees and Charges. This deposit is security for the value of the meter and connections loaned to the Customer as well as for payment of the water bill.

Governmental agencies, churches, synagogues, recognized charitable agencies and public utilities having reciprocal letters of agreements with the Department are not required to pay guarantee deposits.

In lieu of a cash deposit for each water meter, Developers of major subdivisions requiring a substantial number of individual water meters during construction may place with the Department a letter of credit or other form of financial guarantee acceptable to the Department in an amount equal to the required deposits for all the units contemplated to be completed during the subsequent twelve month period. That amount may be adjusted annually. Any service charges, penalties, violation fees or other fees owed by the Developer may be withdrawn from the financial guarantee by the Department.

(6) SUBMETER ACCOUNTS – Submeters are normally read by the Department at the same time that the meter for domestic service is read. The readings obtained from the submeter are used to reduce sanitary sewage disposal service billings by the amount of water usage indicated on the submeter.

For certain submeter accounts, the Department may require the Customer to provide the Department with monthly or quarterly readings by telephone. Failure to provide such readings by the date established by the Department will result in no sewage disposal service billing reductions being allowed for two billing periods. In addition, the Department may terminate the agreement to receive credits from the submeter. Any credits issued based on estimated readings for the submeter will be debited to the Customer's account. Any customer wishing to re-establish the submeter for crediting purposes shall be required to re-certify the submeter as established by Department policy, with all applicable fees and charges.

(~~5~~7) DELINQUENT BILLS - Bills are due when rendered, and if payment is not actually received at one of the Department's offices designated to collect payments on or before the past due date set forth on the Customer's original bill, a 10% late charge to defray Department costs and expenses shall be added to the water and/or sewer bill. If payment is not actually received within forty (40) days of the date rendered, the service may be subject to disconnection and termination of the account with the Department. If the Department makes two attempts to collect payment or disconnect service for non-payment at the service address, the Department will leave a door hanger to notify the customer that if the past due amount is not paid within five business days, the Department will take the necessary additional steps to remove the meter. If the meter is removed due to non-payment, the Customer's account will then be subject to a meter removal charge, as established in the Department's Schedule of Rates, Fees and Charges. Service will not be reinstated until the past due balance and the meter removal charge have been paid in full. Furthermore, in cases where access to the meter has been intentionally blocked to prevent the disconnection of service, the customer will be subject to a charge as established in said schedule. Upon termination of service, the guarantee deposit shall be applied to the outstanding bill for that Customer and a final bill shall be rendered showing the balance due. Any remaining credit balances from the deposit shall be either credited to any outstanding balances in other accounts belonging to the Customer or refunded to the Customer.

Service will not be reinstated until the final bill is paid in full and the Customer makes application for service and pays a guarantee deposit at the then established rate.

A Customer's water service shall be discontinued and no new application shall be accepted at any other location when there remains an outstanding final bill for unpaid water and/or sewer service at

any other location at which water service was rendered in that customer's name.

Removal of late penalty charges may be allowed at the discretion of the Department, not to exceed once in a twelve-month period.

(8) TERMINATION - The Department shall have the right to terminate water and/or sewer service to those customers who have failed to pay in full the total amount due as indicated on their bill for service, including but not limited to, water and sewer hydrant charge, stormwater utility charges, water and sewer connection charges and any other fees and charges lawfully imposed. Further, if the Department disconnects service for non-payment, and the customer cuts the lock or turns the service back on, without making proper payment or other agreements or arrangements with the Department, the Customer may be subject to a charge, as determined in the Department's Schedule of Rates, Fees, and Charges. The Department may grant payment arrangements to customers who have exhibited good faith in the payment of their bills, and have provided evidence of need or unusual circumstances. A payment arrangement is a signed, written agreement between the Customer and the Department. The Department, in its sole discretion, shall determine the length of the payment arrangement, frequency of payments, and the amount of each payment.

(9) INTEREST ON UNPAID WATER AND SEWER SERVICE CHARGES - Unpaid balances, including late charges for water and sewer service rendered by the Department, and payment arrangements, shall be subject to interest charged at the prevailing legal rate. Said interest charge's imposition shall commence sixty (60) days after the past due date of the water and sewer charges as set forth on the Customer's bill and shall be cumulative with any interest imposed under Section (7).

(10) LIEN FOR UNPAID WATER AND SEWER SERVICE CHARGES - To the extent allowed by law, all charges, late charges and interest accruing thereupon, for water and sewer service rendered to any real property by the Department after the effective date of the ordinance, which remain unpaid sixty (60) days after the past due date of the water and sewer charges, shall become a lien against and upon the real property to which such water and sewer service has been furnished to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said charges, late charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved, for a period of twenty (20) years from the date said charges become a lien as set forth in Section 32-93 of the Code of Miami-Dade County. Said liens may be enforced and satisfied by the Department pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the Department including, but not limited to, suspension and termination of water service. Certificates of Lien will be issued by the Department when requested. The normal response time will be seven (7) working days. For 24 hour requests, the response time will be within one (1) working day. A service charge for each address will be required in the amount specified in the Department's Schedule of Rates, Fees and Charges. The Department reserves the right to lien property in accordance with any applicable State statute or Section of the Code of Miami-Dade County and nothing in this section shall work to limit this right.

(11) BILLS FROM ANOTHER LOCATION- - A Customer's water service shall be discontinued if that Customer has failed to pay the Department for water service rendered to that Customer at another location if the balance for service to that other location is at least thirty (30) days past due, based on the past due date on the original notice sent to the Customer at the other location. Service shall be discontinued in accordance with the deadline specified on a notice sent to the Customer at the new address.

(12) EVIDENCE OF CONSUMPTION - Meter registration will determine the amount of service rendered by the Department. The meter readings shall serve as prima facie evidence of the quantity of water

delivered to the Customer.

(13) CUSTOMER SERVICE COMPLAINTS - DUE PROCESS

A Customer desiring to dispute his water and/or sewer bill may contact the Department and request an investigation regarding his account. If the investigation sustains the original reading and billing, and the Customer wishes to dispute his bill further, he will be advised by the Customer Relations Section that he is entitled to request a certified meter test [see Section 2.06(6)]. An investigation is not a prerequisite for a customer to request that a meter be tested pursuant to Section 2.06(6) herein.

After the certified test has been completed, the Customer will be notified as to the results of the test. If the meter is found to be accurate, and the Customer still desires to dispute his billing, he may request in writing a hearing pursuant to Section 2.07 (14) herein.

(14) ADMINISTRATIVE HEARING - Any Customer of the Department who wishes to dispute the accuracy, amount or calculation of any water and/or sewer service billings credits or denial thereof, may request an administrative hearing. The following matters are not to be considered at Administrative Hearings: service charges, liens, Water and Sewer rates, tampering charges, stormwater fees, fees or charges billed on behalf of other entities. Upon receipt of such a request, the Department shall establish a date and time for the hearing and notify the Customer, in writing. Each administrative hearing shall be attended by a representative of the Department and presided over by a Hearing Officer.

The Hearing Officer will consider all facts, evidence, testimony, and other information presented at the hearing and will make an appropriate ruling. In addition, the Hearing Officer's ruling will be conveyed in writing to the Customer. The ruling of the Hearing Officer will constitute final Department action on the matter. No customer shall be entitled to a hearing for disputes over billings more than four years old. The Hearing Officer shall not recommend adjustments of billings over four years old.

Except as to those matters reviewable by the County Commission as expressly set forth in the Code of Miami-Dade County, a decision of the Hearing Officer shall constitute final administrative action from which there shall be no further administrative appeal. Any person aggrieved by the decision of the Hearing Officer may seek review in the Circuit Court for Miami-Dade County, Florida, or a Court having competent jurisdiction in accordance with Florida law.

2.08 RATES AND CHARGES

(1) RATES FOR DOMESTIC WATER SERVICE - The rates specified in the Department's Schedule of Rates, Fees and Charges shall apply to all Customers of the Department.

(2) RATES FOR WATER SERVICE FOR FIRE PROTECTION PURPOSES - The fixed rates for water service by means of firelines for fire protection purposes, based on the size of the connection, are specified in the Department's Schedule of Rates, Fees and Charges. In addition, a customer shall pay for water usage through a fireline as measured by the fireline meter, based on the Department's retail rates.

(3) FIRE HYDRANT SERVICE CHARGE - A Fire Hydrant Service Charge, as specified in the Department's Schedule of Rates, Fees and Charges, shall apply for all customers within the Department's service area within 660 feet of a fire hydrant on the Department's water mains. This charge covers the cost of installation, replacement, repair and maintenance of those fire hydrants, in addition to the cost of water service. This charge does not apply to accounts for temporary meters, fire lines or for sprinkler irrigation service.

(4) REIMBURSEMENT FOR EXTRA EXPENSES - The Customer shall reimburse the Department for all extra expenses (such as for special trips, inspections, disconnecting and reconnecting service, replacement or repair of damaged or missing Department property, additional clerical expenses, and similar services) incurred by the Department because of a delinquent bill, the Customer's violation of the contract for service or the Department's Rules and Regulations or any additional cost not directly related to water and sewer service which is incurred by the Department in providing service to a Customer. However, in no event shall the charge be less than $5.00.

(5) TAX CLAUSE - All of the Department's rates, including minimum and other charges and service guarantees, are dependent upon Federal, State, County, Municipal, District and other Governmental taxes, license fees and other impositions, and may be increased or a surcharge added if and when any or all of such taxes, license fees and other impositions are imposed or increased.

~~(5)~~ (6) CONNECTION CHARGES - Connection charges are computed as a rate, specified in the Department's Schedule of Rates, Fees and Charges, per average daily rated gallon for new or increased usage within any given project. Said charges shall be held in a special fund or funds by the Department to be utilized solely to defray the cost of new and expanded facilities to the extent new usage requires new and expanded facilities. Limitations on expenditures from this fund shall be retroactive to July 1, 1974. The ~~basis of calculation for~~ average daily rated gallonage is as specified~~found i~~in Section 24.43.1 (5) ~~24-13(5)~~ of the Code of Miami-Dade County as currently in effect and as may be amended in the future. For usages not shown in said Section, the Department shall estimate the daily gallonage. The gallonages in said Section are for the sole and express purpose of calculating connection charges and will be used for that purpose regardless of the actual water or sewer requirements of individual developments or building units. ~~However, if the Department has no records indicating prior usage of the building, and if the property owner or developer can demonstrate that the average daily gallonage of the building as previously used is greater than the average daily gallonage of the proposed use, connection charges shall not be collected. The Department's evaluation of this demonstration shall be binding.~~ Determination of connection charges based on prior use of the property ~~age~~ shall be subject to the following conditions:

(a) Credit for previous use of the property ~~age,~~ based on Chapter 24 flows, shall be applied when the customer provides proof of previous usage (e.g. certificate of use and occupancy, local business tax receipt) and water or sewer connection, or proof of payment of connection charges to the Department.

(b) The Department reserves the right to audit and field check usages and collect any unpaid connection charges in accordance with the applicable statute of limitations as stated in Florida Statute §95.11.

(c) The Department shall collect additional water and sewer connection charges at prevailing rates, in cases where there is increased usage or where applicable water and sewer connection charges were not collected.

(d) In the event that connection charges are not paid when due, interest shall be paid in accordance with the Code of Miami-Dade County.

(e) Notwithstanding the foregoing, payment of connection charges shall be a condition precedent to connection to the water and sewer system.

(7) EXCEPTIONS -

(a) SUBDIVISION - a property owner in a subdivision may connect into an approved subdivision water main without fee providing that Developer has paid the entire connection charges and construction costs for the water main facilities in the subdivision.

(b) CHARGES ESTABLISHED BY THE DEPARTMENT AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS - In areas where other charges have been or may be established by the Department and approved by the County Commission, such

charges shall supersede charges outlined in this Section until same have been lawfully changed or altered.

(c) REFUND OF WATER AND SEWER CONNECTION CHARGES - Projects located within designated enterprise zones and which have been granted exemptions by resolution of the Board of County Commissioners are entitled to a refund of water and sewer connection charges paid as applicable. The paid connection charges shall be refunded to the payer if so determined by the Board pursuant to Section 2-348.1 of the Miami-Dade County Code.

2.09 PENALTIES

The Department may discontinue water service to any Customer for any infraction of these procedures and regulations, for non-payment of bills, or for any reason that may be detrimental to the water system; further, the Department has the right to withhold service until the reason for the discontinuance is corrected and all costs due the Department are paid. These costs may include delinquent billings, turn-off and turn-on fees, and payment for any damage caused to the water system. Should a discontinued water service be turned on without authorization, the Department shall have the right to have the water meter removed and to make an appropriate charge.

2.10 BILLING ADJUSTMENTS -

(1) TYPES OF ADJUSTMENTS - Billing adjustments will be made to the water portion of a Customer's bill for the following reasons:

(a) Incorrect meter reading.

(b) Over or under estimate, which may occur when the Department is unable to gain access to the property (see Section 2.06 (3) (h)).

(c) Leakage occurring at the outlet side of the water meter, which would cause registration to occur on the water meter.

(d) Acts of Vandalism - Customer shall report such acts immediately to the Department and request termination of service until the Customer's plumbing can be fully repaired. The Customer shall then submit to the Department, in writing, the nature of the vandalism, the date of occurrence, the date of repair, and police case number. Adjustments will be determined similarly to those for concealed leaks as described in Section 2.10(e) and 3.10.

(e) Concealed Leaks- The Department anticipates that the customer will maintain all private plumbing in good working condition. For customers billed on a quarterly basis and who have acted within the 30 days indicated below to detect and repair concealed leaks occurring underground or behind walls, ~~for leakage occurring underground or behind walls,~~ the Department will assume 50% of water loss, as determined by Department.~~,~~ Such water loss shall be based on the previous year's average, or in case of seasonal users, on the corresponding billing period from the previous year, assuming that the bill was not a Test Meter Stop or High Bill or, if the customer has held the account for less than (1) one full year,~~or~~ on the rate of consumption after repair(s) has been made. For a combination of visible and concealed leaks, a maximum 25% of water loss will be assumed, as determined by the Department. This adjustment shall be applied to the billing period in which the repair was made and the previous billing period.

The Department shall also provide a one-time lifetime adjustment to its quarterly customers, equal to 100% of the difference, in the event of a concealed or hidden leak that results in a bill that exceeds by six (6) times the past year's average water quarterly consumption. In order to qualify for the adjustment, the Customer shall be required to make the necessary repairs and submit to the Department the information specified below. A corrected bill shall be issued which shall be based either on the previous year's average consumption or on the rate of consumption after the repair has been made.

In order to be considered for an adjustment~~make an adjustment~~, the customer must provide the Department with the following:

(1) Within ~~fifteen~~thirty (~~15~~30) days after notification by way of bill, letter, door hanger, email, etc., from the Department advising ~~to the Customer that a possible~~a plumbing problem may exist, the Customer must provide the Department with a letter from the company or person who has made the repair. This letter must contain the date the repair was made, the location and the material used to make the repair. There will be a charge to provide a concealed leak credit~~.~~ as specified in the Department's Schedule of Rates, Fees and Charges~~.~~ unless the repair was performed by a licensed plumber and the plumber's license number is provided in the letter.

(2) The area of the repair should be left exposed (the ~~c~~Customer must insure that hazardous conditions do not exist as a result of the repair), for inspection by the Department's investigator.

(3) The investigator's report will indicate if the repair has been made and if the repair has, in fact, reduced the excess consumption. In order to make a proper evaluation, the investigator may request that the Customer provide access to the property in order to determine if there is any other leakage occurring on the property. However, the investigator is not obligated to check any other plumbing fixtures.

(4) No adjustments will be made for leaks occurring in toilets, hot water heaters, solar water heaters, washing machines, valves, spigots, or any other item or plumbing fixture or pipe which can be visually inspected~~.~~ periodically to ensure proper working condition.

If the customer is billed on a monthly basis, adjustments shall not be made for water loss for any leaks occurring on the Customer's plumbing, including visible, hidden or concealed leaks.

(2) CORRECTED BILLING –The Department shall take all required action to correct the billing for all overbilled charges and shall have the authority to correct the billing for any underbilled or unbilled charges, whether the billing inaccuracies were caused by the Department, the Customer or a third party, for a period limited to four (4) years, in accordance with Florida Statutes, Sec. 95.011. If true readings or consumptions are not available for the period of time covered by the rebilling, the Department shall use actual consumption recorded at the service location during another time period to calculate the rebilling. If it is not possible to determine the actual consumption for any time period, the Department shall base the rebilling on the average anticipated consumption.

A condominium association shall be liable for back billed charges regardless of a ~~turnover~~ change in condominium membership. This also applies to all other multiple units served through one meter.

A Customer may be given an appropriate credit on back billed amounts if the error which caused the underbilling prevented the Customer from knowing about an excessive use or loss of water which the Customer could have corrected if given proper notification.

(a) In correcting amounts billed on the wrong meter, the Department shall rebill back to the earliest date for which the Department has meter readings for all the Customers involved, but in no event shall the Department rebill or provide credits for periods beyond four years.

(b) Corrected billing and/or adjustments related to the accuracy of the meter's registration of water consumption are discussed in Section 2.06 (6).

2.11 INVESTIGATIVE PROCEDURES

(1) HIGH BILL POLICY - Any account which indicates a single billing cycle consumption that exceeds 100 percent of the previous year's average shall be automatically investigated by the Department without charge to the Customer. Additionally, any account which indicates a single billing cycle consumption that exceeds the previous year's average by more than a 50 percent average, shall be investigated by the Department, at the Customer's request, without charge to the Customer. The investigator will determine if the meter has been correctly read and attempt to determine whether there is continuing registration, which may indicate leakage on the Customer's property. However, it is not the responsibility of the investigator to check any internal or external plumbing belonging to the Customer.

(2) CHECK READ - The Department, at the request of the Customer, will re-verify any meter consumption which is 25% higher than the previous year's average at no charge to the Customer. If the Customer requests that the meter reading be verified and consumption is less than a 25% increase over the previous year's consumption, and the meter is found to have been read correctly, a service charge as specified in the Department's Schedule of Rates, Fees and Charges will be applied to the Customer's account. If the meter is found to have been read incorrectly, no charge will be made, and an adjustment will be made to the billing.

2.12 TERMINATION OF WATER SERVICE TO THREE OR MORE UNITS SERVED BY THE SAME METER

If a bill for a multiple unit is delinquent (see Section 2.07 (7)), the Department will mail a certified letter to the owner or manager, fourteen (14) days prior to the termination of water service, requesting payment of the water and/or sewer bill. Seven (7) days prior to the termination of service, the Department will attempt to give written notification in the form of door hangers to all residents of such unit, describing the Department's intent to terminate service on a given date. The applicable regulatory agencies will be notified prior to termination of service.

2.13 ACQUISITIONS

Acquisitions of any municipal water and sewer utility shall be performed in accordance with Florida Statute FS 125.3401, "The Purchase and Sale, or Privatization of Water, Sewer, or Wastewater Reuse Utility By County." The Department shall recover actual costs for the preparation of a valuation report at the request of wholesale municipal customers offering to sell their water and sewer utility assets. The actual amount is to be paid by wholesale municipal customers making the request.

2.14 WATER USE EFFICIENCY MEASURES

Each applicant for water service to a new residential, industrial, commercial, or institutional development in incorporated and unincorporated areas of Miami-Dade County shall include in its application water-use efficiency standards detailed in Section 8-31 of the Code of Miami-Dade County. These requirements apply to all new construction regardless of the water source (i.e. wells). These requirements also apply to remodeling permits of an amount greater than 50% or more of a structure's market value.

SECTION 3 SEWAGE COLLECTION AND DISPOSAL SERVICE

3.01 CLASSES OF SEWAGE DISPOSAL SERVICE AVAILABLE

The Department renders sewage disposal service of four general classes:

(1) CUSTOMERS WITH DEPARTMENT WATER SUPPLY - A retail Customer of water supplied by the Department who receives sewage disposal service through existing sewers owned by the Department.

(2) CUSTOMERS WITH OTHER SOURCES OF WATER SUPPLY - A Customer who disposes of sewage through the Department's Sewage Disposal System and is supplied with water from sources, public or private, other than the Department.

(3) INDUSTRIAL WASTES - Sewage or liquid wastes from any manufacturing or industrial plant, building or premises, not including storm water, which shall be such as to impose a burden upon the Sewage Disposal System in addition to the burden imposed by the average sewage entering the sewer system. Charges for disposal of said high strength sewage are established by Ordinance No. 92-15. Such charges are amended from time to time and included in the Department's Schedule of Rates, Fees and Charges. The Department has the right to require pre-treatment of industrial wastes.

(4) SEPTIC TANK WASTES - All septic tank and/or sewage treatment plant sludge digester wastes which are transported to a Department-owned treatment plant by tank trucks. A charge for treatment and disposal of these wastes will be made in accordance with the- Department's Rates Fees and Charges.

3.02 REQUESTS AND AGREEMENTS FOR SERVICE

(1) WITH WATER SERVICE APPLICATION - -When sewage disposal service is available to the property, applications for sewage disposal service are automatic with water service application.

(2) AUTHORIZATION FOR CONNECTIONS - Connections to the sewage disposal system, either direct or indirect, must be authorized by the Department in advance of said connections. Connections of service laterals directly to the interceptor system shall not be permitted.

(3) CONNECTIONS TO SEWERS - Where existing service laterals have been provided, the Customer shall pay the entire expense of connection to the facilities within his property. It is the Customer's responsibility to ensure that an existing service lateral meets Department standards. Any modifications, adjustments or repairs to a lateral required, in order to meet Department standards shall be at the expense of the Customer and shall be completed prior to the rendering of sewer service by the Department. Where existing service laterals have not been provided, the Customer shall be responsible for the installation and connection from the sewer main to the facilities within the Customer's property. All such connections shall be performed by a Contractor with plans approved by the Department and shall be subject to inspection by authorized personnel of the governmental agency(ies) having jurisdiction. In addition, the Customer shall pay all connection charges and construction connection charges, if any.

(4) SERVICE AVAILABILITY FROM EXISTING SYSTEMS - Sewer service to any structure upon any given property shall only be rendered from Department-owned sewers in public rights-of-way or easement areas abutting said property. The determination as to the availability of service from existing facilities shall be at the sole discretion of the Department. The Department shall have the right to require extensions of its facilities for proper service or to require such permanent legal agreements, which the Department deems necessary in order to carry out the intent of this section, in accordance with Section 3.04 (2).

(5) LARGE VOLUME SEWAGE DISPOSAL SERVICE CONTRACTS - Sewage disposal service on a volume basis may be obtained in accordance with terms and conditions outlined in contracts with the County. Such contracts apply only to other municipalities.

(6) DEVELOPER AGREEMENTS - Agreements for the provision of sewage disposal service for new or existing properties requiring the construction of sewer facilities shall, upon request by a Developer, be prepared by the Department (see SEWER MAIN EXTENSIONS REQUIRED OF DEVELOPER, Section 3.04 (2)). A builder's letter of intent to build, accompanied by a site plan ~~Final zoning~~

~~approval of a property~~ must be ~~obtained~~submitted prior to the Department's preparation of the agreement. Nevertheless, final zoning approval must be received at time of agreement execution and recordation by the Department. The Department shall determine whether~~when~~ the construction of sewer facilities is required. In accordance with County Administrative Order 3-29, the Department will not prepare or offer an agreement to the Developer if the Developer is in arrears to the County.

3.03 CONTINUITY OF SERVICE

The Department will at all times use reasonable diligence to provide continuous service, and having used reasonable diligence, will not be liable to the Customer for failure or interruption of service. The Department will not be liable for any act or omission caused directly or indirectly by strikes, labor troubles, accidents, litigation, shutdowns for repairs or adjustments, interference by governmental agencies, failures of electric power, acts of God or other causes beyond its control. When the Department can provide sanitary sewage service to a property from one of two mains, the removal of one such main from service shall not be considered to be an interruption of service.

3.04 EXTENSIONS

(1) PLANNED EXTENSIONS - The Department may from time to time, through the creation by Miami-Dade County of special taxing districts or by other means, plan sewer extensions in specific areas of the County. The costs of these extensions and terms of payment may be set forth individually by County ordinance or resolution. In such cases where the Department installs at its own cost sewer mains, the Department shall require a construction connection charge from property owners connecting to such mains, in an amount as specified in the Department's Schedule of Rates, Fees and Charges, to reimburse the Department for its costs. In addition, per annum simple interest rate will accrue from date of completion as authorized from time to time by Section 687.01, Florida Statutes.

(2) SEWER MAIN EXTENSIONS AND PUMP STATIONS REQUIRED OF DEVELOPER- Where properties are to be served by sewer main extensions required by developers, sewer facilities shall be extended on the following basis:

(a) APPLICATION - (BY DEVELOPERS OR OTHERS) - An application shall be required for extension of sewer service under the provisions hereof, and shall be in writing and signed by the Developer or Developers desiring Department sewer service. Said application shall be filed with the Department and shall include an application fee as specified in the Department's Schedule of Rates, Fees and Charges, a typed legal description of the property on 8.5" x 11" paper, with two (2) certified original boundary surveys of the proposed site, and shall indicate the name, street address, lot and block number, the street frontage of each site, tax folio number of the property, proof of zoning, proposed usage, and such other additional information which may be required by the Department. Each applicant shall agree to connect to and use the Department's sewer service for his property. ~~No sewers, or connections to sewers, will be extended until the charges for sewer service, as further outlined, have been provided for.~~

(b) PROCESSING OF APPLICATION - Upon receipt by the Department of a proper application requesting a sewer main extension, it will be evaluated, and if not feasible, returned with the proper explanation. If feasible, and if the Developer decides to proceed further with the project, ~~and final zoning of the project has been approved,~~ the Department shall, at the owner's request, prepare and submit an agreement specifying all terms and conditions for service and related costs, other than construction costs, to the Developer. The Department will require of the Developer a current attorney's opinion of title, in a form acceptable to the Department that states that the Developer is the owner in fee simple of the property to be covered by the agreement.

(c) BASIS OF PAYMENT FOR EXTENSIONS - The cost to the Developer shall be the payment of the connection charges and construction costs as further outlined. The allocation of costs for oversizing sewers and rebates in regard to off-site sewers are outlined in Section 3.05 (1) (f) and (i) hereinafter.

(d) SEWER EXTENSIONS - In addition to any required off-site sewers, each Developer or owner of property who requests sewer service shall install, as required by the Department, a gravity sewer main along one entire boundary line of said property which actually abuts a public road or street, provided that further extension of the system is feasible. However, in its sole discretion, the Department may require said Developer or property owner to install additional gravity or force sewer mains as the Department may deem necessary to promote the public interest and the orderly development of a county-wide sewer system in accordance with guidelines and criteria established by the Department. Such additional gravity or force sewer mains may be required by the Department to be installed along all or part of the boundaries of the remainder of the property, or through the property that is to receive sewer service. At the discretion of the Department, temporary clean-outs at the property line may be allowed in lieu of an extension to a proposed manhole location. In the event a new gravity main is required to be installed in a public right-of-way where no previous Department owned gravity main existed, or where a Department owned gravity main is deemed to be of sub-standard size, the developer may also be required to install service laterals to serve abutting properties from the newly installed gravity main. The Department shall reimburse the developer an amount specified in the Department's Schedule of Rates, Fees, and Charges, for costs associated with the installation of additional sewer laterals to serve the abutting properties not owned by the developer.

(e) REDEVELOPMENT - When property already served by the Department is to be redeveloped, its use changed or otherwise improved, the Department shall require the Developer to improve the sewer facilities serving the property so as to comply with prevailing Department's standards. If a sewer main is required as specified above, and the property to be served is vacant or previously occupied land within the Miami-Dade County urban development boundary where existing sewer facilities are adjacent to or in the immediate vicinity of the project site, the Department may, at its sole discretion, perform additional infrastructure review to determine applicability of the required main as needed. However, in the event that existing facilities are not sufficient to provide sewer collection and transmission service to the property, taking into account current demands, the developer shall be required to install said main.

(f) SEWER MAIN EXTENSION FROM PUBLIC RIGHT-OF-WAY - Sewers shall be extended so that service to a Developer's property will be from sewers located in public rights-of-way or easements abutting each individual parcel of the Developer's property which will receive service. Refer to Section 3.05 (2) for sewer extensions to be located in easements.

(3) WAIVERS

A request for a waiver of sewer main extension shall be reviewed by the Department's Director or the Director's designee, pursuant to procedures approved by the Board of County Commissioners. The Director's decision will constitute final action by the Department. If the applicant disagrees with the Director's decision, the applicant has the option of requesting an appeal with a hearing examiner, appointed by the Clerk of the Court.

The hearing examiner must be a licensed professional engineer in the State of Florida with experience in the design, construction and operation of water and sewer systems. The hearing examiner may not revise or substitute decisions reached by the Department regarding future infrastructure needs,

scheduling of improvements or future growth patterns. In order to prevail in an appeal to the Clerk of the Court, the customer must show by a preponderance of the evidence that the Department failed to follow its rules and regulations or improperly implemented them.

The Department shall establish procedures for waiver requests and criteria for granting and/or denying such requests. Any person may request a waiver from the Department's rules and regulations relating to sewer system extensions including issues such as the length of a sewer main extension as it pertains to front coverage of existing single family properties not served by the Department, or in cases where a property owner can demonstrate that a change of use will not cause a reduction in the level of service in accordance with the standards described in Section 3.04 (2)(d) of these Rules. Regarding new construction, water and sewer connection requirements as cited in Chapter 24 of the County Code, the Department's standard technical specifications and details for design and construction of water and sewer facilities, or any requirement imposed by the DOH or pursuant to a consent decree, settlement agreement or water use permit must be met.

Any person aggrieved by the hearing examiner's decision may seek review in the Circuit Court of the Eleventh Judicial Circuit, Appellate Division. An appeal shall be filed within thirty (30) days of the date of the written decision being appealed.

(~~4~~3) LIMITATION OF USE - In no case shall a Customer extend ~~his~~ plumbing across a street, alley, lane, court, avenue or other highway, in order to furnish service for an adjacent property through one service lateral, even though such adjacent property is owned by him. In case of such unauthorized connection, the Customer's service shall be subject to discontinuance until such unauthorized connection has been discontinued and full payment has been made of all bills for service, calculated under proper classifications and rate schedules, and until reimbursement in full has been made to the Department for all extra expenses incurred for clerical work, testing and inspections.

(~~5~~4) RIGHT TO REFUSE SERVICE - The Department shall have the right at all times to refuse to extend service on the basis of a use detrimental to the sewer system, lack of payment of required fees, or for any reason which, in the opinion of the Department, will cause the extension not to be in the public interest. No payment of any costs, submitting of any petition, or any other act to receive sewer service shall guarantee sewer service.

3.05 CONSTRUCTION OF SEWERS; CONNECTIONS

(1) SEWER CONSTRUCTION BY DEVELOPER - Sewers to be constructed by a Developer shall be constructed in accordance with the following provisions:

(a) PLAT APPROVAL - In the case of a subdivision, the application shall be accompanied by two copies of a recorded plat, or, in the case of a new subdivision, an approved tentative plat, or preferably a master tentative plat or a large scale development plan plus a plan showing the location of proposed sewer extensions.

(b) PLANS APPROVAL - Prior to construction, the Developer shall have plans and applications prepared and submitted to the Department and to other appropriate State and Miami-Dade County agencies for approval. Said plans must be signed and sealed by an engineer registered in the State of Florida. Construction shall not commence until the necessary approvals have been issued.

(c) OTHER GOVERNMENTAL APPROVAL - Prior to final acceptance, all such sewer extensions shall be approved by the appropriate State agencies, Dade County Department of Environmental Resources Management and the Department.

(d) MATERIALS AND CONSTRUCTION STANDARDS - All materials and labor shall meet

the specifications currently required by the Department in its manual entitled "Design and Construction Standard Specifications and Details", as currently in effect and as may be amended from time to time by the Department. All construction shall be performed in strict compliance with the plans approved by the Department and under the inspection of the Department and in strict compliance with the standards of the Department and either the appropriate municipality, Miami-Dade County Public Works Manual, or Florida Department of Transportation, whichever is applicable.

(e) COSTS -- The Developer will pay connection charges at time of issuance of sewer verification forms. In addition, ~~T~~the Developer will pay all construction connection charges ~~and construction costs,~~ and all developer associated expenses connected with the installation costs of the sewer facilities prior to ~~connecting to~~ the Department's ~~system~~ rendition of sewer service. ~~unless otherwise specified in an agreement between the Developer and the Department. Construction cost will be~~Installation costs are the cost to furnish and install~~of~~ sewer lines and/or services of sufficient capacity to collect the sewage in the proposed development and transport it to the nearest adequately sized Department sewer., along with all required restoration. Furthermore, developers of properties zoned for commercial uses shall pay all applicable connection charges at the time of water verification form, and tenants occupying a portion of the commercial space shall pay the difference, if any, between the usage paid for and actual usage, as specified in Section 24-43.1(5) of the Code of Miami-Dade County at time of the respective verification form. Developers of single family residential projects shall pay connection charges at time of sewer verification form and in accordance with DERM allocation letters for actual permits being sought until project buildout and payment is obtained in full, subject to confirmation by Department staff. Connection charges are defined hereinafter.

Developers of affordable housing set aside for extremely low, very low, low and/or moderate income persons as defined in section 420.0004, Florida Statutes, and which have obtained dedicated funding commitments from Miami-Dade County, as administered by the County's Office of Economic Development and International Trade (OEDIT) or the applicable entity with jurisdiction, or from other public funding sources as defined in Chapter 420 of the Florida Statutes, shall pay connection charges prior to connecting to the Department's system. Written verification of affordable housing designation for the applicant's development shall be obtained from OEDIT and provided to the Department at time of sewer verification form request.

(f) OVERSIZING - The Department reserves the right to oversize any extension and will pay for such oversizing on the basis of additional costs beyond that necessary to serve only the subject development. The Department will pay an amount as specified in the Department's Schedule of Rates, Fees and Charges multiplied by the length of the oversized main. The amount will be determined by the Department based on construction costs. The Department will credit the Developer for the cost of the Department's share of oversized sewer mains and this credit will be in the form of a payment from the Department to the Developer, said payment to be made within ninety (90) days after the conveyance of the facilities to the Department of the oversized sewer mains. The Department also reserves the right to limit the amount of its participation in the cost of oversizing, depending on current economic conditions or other factors. The rates of credit related to the difference in diameter between the pipe required for the Developer's project and the pipe required by the Department to be installed are specified in the Department's Schedule of Rates, Fees and Charges. Should the amount of credit to be due to the Developer exceed the amount listed in Section 255.05, Florida Statutes, the developer shall post a bond sufficient to insure payment of all supplier and laborers. Should a developer fail to post a bond, that developer shall indemnify and hold harmless the County against all claims against the County brought by a subcontractor or supplier for payment on the developer's project. The bond shall remain in effect for one year

from date of completion of the project.

(g) MAINTENANCE BOND - Sewers installed under this Section shall become part of the Department's system; however, before acceptance, a maintenance bond, equal to the amount of 100 percent of the construction cost for pumping stations, 50 percent of the construction cost for gravity sewers and 25 percent of the construction cost for force mains, shall be required to guarantee all work and materials for a period of one year after acceptance by the Department. Terms and conditions of the bond must meet the Department's standards.

(h) CONSTRUCTION PERMIT - A permit for construction must be obtained by the Developer's Contractor from all appropriate governmental agencies.

(i) REPAYMENT POLICY - In those cases where a Developer does not utilize all of the capacity of a gravity sewer or force main extension he has paid for, owners of other properties adjacent to such facility may make connections to it by paying a construction connection charge. This construction connection charge will be based on a rate per foot of the connecting property abutting the gravity sewer or force main, measured along the route of the gravity sewer main or force main constructed by the Developer. Such rates are specified in the Department's Schedule of Rates, Fees and Charges. In addition, per annum simple interest will accrue on the construction connection charges from the date of the Developer's bill of sale for the sewer main extension at the rate authorized from time to time by Section 687.01, Florida Statutes. The Department will retain a Developer Repayment Fee from all individual repayments due to a Developer from construction connection charges collected by the Department to compensate the Department for its administrative costs. The Developer Repayment Fee will be based on the total amount collected (including interest), multiplied by the rate as specified in the Department's Schedule of Rates, Fees and Charges. In addition, the Department will retain any amount owed from a prior debt, which will be deducted from the repayment to the customer. The Department will credit the Developer and this credit will be in the form of a payment from the Department to the Developer to be made within ninety (90) days after the conveyance of the facilities to the Department. If a connecting property is a corner lot with two sides fronting on the mains installed by the same Developer, the longer of the two sides will be used for computing the construction connection charge. Said charges will not be required or collected by the Department for residential buildings occupied or under construction prior to the date of the Department's service agreement with the Developer. This policy also applies to gravity sewers and force mains installed by the Department. In the event the Department has oversized a gravity sewer or force main and paid a Developer for such oversizing as provided hereinabove, construction connection charges which may be imposed on future connecting properties will be paid first to the Department up to an amount equal to the oversizing credit.

In those cases where a Developer does not utilize all the capacity of a sewage pumping station and force main combination, others may utilize such station by paying a construction connection charge. This construction connection charge will be calculated by dividing the pumping station ~~rated capacity~~design capacity as determined by the ADF into the actual cost of the pumping station and force main plus ten (10) percent for engineering and overhead less the Department's force main oversizing credit, if any, and multiplying the resulting rate per gallon by the connecting project's estimated gallonage. This policy also applies to force mains installed by a Developer solely to provide additional capacity in a pumping station constructed by other parties.

~~Per annum simple interest will accrue on all construction connection charges from the date of the Developer's bill of sale for the sewer facilities at the rate authorized from time to time by Section 687.01, Florida Statutes.~~

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The Department will make every effort to collect applicable construction connection charges from those others as specified by agreement between the Department and the Developer. The Department will make repayments to the Developer but shall only be liable for monies collected less the Developer Repayment Fee. A Developer shall not be repaid sums in excess of his original investment, less his use, in the sewer facilities. Such repayments shall only be made during a twelve (12) year period commencing with the date of the Developer's bill of sale for the sewer facilities. It shall be the Developer's responsibility to provide the Department with a current mailing address during the twelve (12) year period.

(2~~1~~) PUBLIC EASEMENT REQUIRED - No sewer main facility will be installed under the provisions outlined herein and accepted by the Department for operation and maintenance unless it is in a public right-of-way; or easement with a minimum width of fifteen (15) feet with twenty-five (25) feet minimum vertical clearance above the finished grade~~.~~; or a platted utility ingress/egress easement twenty (20) feet in width or twenty-four (24) feet in width for combined water and sewer facilities. For sewer facilities located in private roadways, the preferred mode of dedication of access rights shall be via tracts specifically reserved by plat for ingress/egress and maintenance of utilities versus particular surveyed easement instruments. The pipe shall be installed at the center of the easement, unless otherwise approved by the Department in cases of utility easements and the Department shall have 24-hour access to the easement for emergency purposes. Furthermore, Department approved platted utility easements containing water and sewer facilities serving contiguous developments through unpaved lands shall be provided with a swing arm gate at the side abutting a public right-of way, a fence or wall abutting the adjacent development, a permanent sign indicating the presence of Department facilities on site, and an asphalt approach apron to the easement from the street right-of way or an alternate method approved by the Department to secure access. Conveyance of all easements shall be by a separate document in recordable form to be approved by the Department and shall be accompanied by a written certification by an attorney licensed to practice law in the State of Florida that the Developer is the owner in fee simple of the property to be conveyed by the easement and that upon its execution by the Developer, a valid and enforceable easement in the Developer's property will be vested to the Department. No sewer main facilities to be owned and operated by the Department shall be installed under any building. No encroachments will be allowed within the Department's easement, unless approved in writing by the Department. Permitted encroachments are limited to ground cover vegetation, as well as certain surface treatments such as asphalt paving and concrete decks. Limitations of use shall apply to certain encroachments as follows: underground and overhead utility crossings limited to perpendicular crossings; brick pavers and stamped ornamental concrete at entrances and driveway approaches providing owner responsibilities for replacement and maintenance; aerial crossings with certain signs, such as billboards or shopping center marquee signs, as well as any buildings or related permanent structures, but which must maintain a minimum clearance of 25-feet.

(3~~2~~) CONVEYANCE AND OWNERSHIP - All sewer facilities and appurtenances to be owned by the Department shall be conveyed to the Department by proper Bill of Sale immediately after the Department's acceptance, in writing, of the construction of said facilities. The Developer shall also provide copies of paid bills and/or lien waivers, releases or satisfactions together with a breakdown of the actual cost of said facilities. Concurrently with the documents required above, the Developer shall furnish the Department with ~~one (1) set of Mylar~~ as-built drawings showing data as specified in the Department's manual entitled "Design and Construction Standard Specifications and Details", of all sewer facilities and appurtenances as located by a licensed surveyor, along with four (4) prints of the as-built drawings and one digital compact disc (CD) original (unrestricted file), which have been sealed by the surveyor and certified by the Engineer of Record. In addition, the Developer shall furnish the Department with a maintenance bond or alternate security deposit acceptable to the Department, for a period of one (1) year from the Department's final acceptance of said facilities, in the amount of twenty-five (25) percent of force mains, fifty (50) percent for gravity sewers and one hundred (100) percent for sewage pump stations of the actual cost of construction of said facilities, to protect the Department against losses resulting from any and all defects in materials or improper

installation of facilities. When accepted and properly conveyed to the Department for ownership, maintenance and operation, said facilities shall become and remain the property of the Department, and no person shall by the payment of any charges provided for herein, or by causing any construction of facilities accepted by the Department, acquire any interest or right in any of these facilities, or any portion thereof, other than the privilege to have his property connected thereto for sewer service in accordance with these procedures and regulations.

(~~43~~) MINIMUM SIZE, VELOCITY, AND LENGTH OF GRAVITY SEWERS - The minimum size of a service lateral shall be six (6) inches in diameter. The minimum size of all sewer lines shall be eight (8) inches in diameter. The minimum design velocity in gravity sewers shall be two (2) feet per second.

The minimum depth of cut to invert shall be three (3) feet for service laterals and four (4) feet for main line sewers.

The minimum inside diameters of sewer manholes shall be twenty (20) inches for the cover frame opening and forty-eight (48) inches at the base.

New gravity sewers shall discharge into existing gravity sewers where possible. In the event that a pumping station is required, the design of the tributary gravity system shall be such as to permit the present or future extension of the system's gravity service area to the maximum practical extent. The design and layout of the system shall be subject to approval by the Department as to conformance with Department standards and its master sewer plan. The Developer shall include provisions required by the Department to carry out the intent of such master planning and will be reimbursed for the additional cost of oversized facilities.

(~~54~~) MINIMUM SIZE OF FORCE MAINS - The minimum size of force mains shall be eight (8) inches inside diameter. New force mains shall discharge into existing force mains. Force mains discharging flows from a private pump station to an existing Department owned main located in an easement or right-of-way immediately abutting the property may be sized to no less than 4-inches in diameter to sufficiently avoid deposition of solids and septic conditions, subject to approval by the Department.

(~~65~~) SEWAGE PUMP STATION REQUIREMENTS

(a) Should a sewage pumping station be required to serve the property of a Developer, that station will typically be a public pump station. It is the Department's policy to require a public sewage station to serve every quarter of a square mile. ~~A sewage pump station larger than 100 Gallons Per Minute (Peak) must be equipped with a permanent emergency generator housing to be built by the Developer. In order to keep the pump station no deeper than twenty-four (24) feet and the gravity system as shallow as possible, the location of the sewage pump station shall be as close as possible to the geographical center of the quarter of a square mile.~~ Accordingly, for new developments located on undeveloped land having no physical or geographical limitations to the pump station service area, the required station shall generally be designed to serve an area comprising one quarter of the applicable section, township, and range where the development is to be situated. The planned underlying land use designation of the particular geographical quarter section wherein development is to take place shall dictate the minimum operating capacity of said station; however, the minimum station capacity shall be 100 gallons per minute (GPM) Average Daily Flow (ADF), not inclusive of operational peak flow demands, for stations serving a full quarter section.

For development projects not occupying a full quarter section and that require a dedicated pump station for which the service area is limited to the development itself or by geographical or physical terrain conditions, the station's required minimum operating capacity may be reviewed on a case by case basis to determine actual required GPM

operational rating and pumping station structure type. In a master planned large scale development, all required pump stations shall be installed concurrently with any required off-site sewer collection and transmission systems necessary to receive flows from any and all parcels (including out-parcels) delineated by the master plat of the overall development, and prior to the sale and development of any parcels thereof. In order to keep the pump station no deeper than twenty-four (24) feet, as measured from the top of the slab to the bottom floor elevation (depicted as "h" in appendix 'D' of the Department's Design and Construction Standard Specifications), and the gravity system as shallow as possible, the location of the sewage pump shall be as close as possible to the geographical center of the quarter of a square mile. Also, wet-dry well configurations shall be used when stations require the installation of pumps weighing more then 1500 pounds (as per Specifications Section U.C. 500-2B5) or exceeding sixty (60) horsepower.

(eb) —Developers, in the proposed developments, are required to provide space to house an emergency generator and to install an in-place permanent generator at sewage pump stations with a design capacity of 100 GPM Average Daily Flow (ADF), not inclusive of peak flow demands, in order to comply with Department standards and with Section 62-604.400 of the Florida Administrative Code Statute (FAC), whichever is the most restrictive, in all cases.

In accordance with Department standards, if the Developer installs a sewage pump station with a capacity of 100 GPM ADF or more, not inclusive of operational peak flow demands, the Developer will be required to provide adequate space at the pump station site for a generator house and a separate fuel tank. If the Developer requires a sewage pump station with a design capacity of 100 GPM ADF, and will use less than one half (1/2) of the total capacity of the sewage pump station, unless otherwise mandated by Section 62-604.400 of the Florida Administrative Code (FAC), the Developer is not required to install the in-place permanent emergency generator. If the proposed development to be constructed by the Developer requires a sewage pump station with a design capacity of 100 GPM ADF, and will use more than one half (1/2) of the total capacity of the sewage pump station, the Developer installing the sewage pump station is required to also install the in-place permanent generator.

In accordance with Section 62-604.400 of the Florida Administrative Code (FAC), all pumping stations that receive flow from one or more pump stations through a force main or pump stations discharging through pipes 12-inches or larger shall be equipped for uninterrupted pumping capabilities, including an in-place permanent generator. The Developer installing the sewage pump station, the generator housing, and the in-place generator may be eligible to receive construction connection charges. The minimum size of the pump station site shall be forty-five (45) feet by sixty-five (65) feet or the equivalent as approved by the Department. The Department must approve the location of the site and the site plan. The smaller side of the pump station site shall abut either a public dedicated right-of-way or at least a 20' wide paved ingress/egress utility and access easement.

If the required sewage pump station capacity is less than 100 GPM ADF, and it is not required to install an in-place generator under Section 62-604.400 of the FAC, an electrical power connection for portable engine driven generating equipment shall be provided pursuant to Section 62-604.400 of the FAC. In addition, the Department may, at its discretion, require portable generators, in accordance with the Department's Design and Construction Standard Specifications and Details Section UC500, at stations having unusual characteristics, or when an existing pump station is being upgraded, or when an institution (hospital or school designated as shelter site) requiring uninterrupted service is added and no space exists for an in-place permanent generator.

~~(b~~c) ~~-~~A private sewage pump station will be allowed to serve the property if all of the three following conditions are satisfied:

(1) single family or duplex building units will not be constructed on the Developer's property, and

(2) the Developer executes the Department's Unity of Title or Covenant in Lieu of Unity of Title instrument, and

(3) a gravity sewer extension to a Developer's property from an existing County-owned gravity sewer, or from a gravity sewer to be installed under an executed service agreement with other parties , is unfeasible, based on sound engineering practices.

Notwithstanding the conditions listed above, the use of a private pumping station will not be allowed if there are other unimproved properties which may be served by means of gravity sewer extensions from a public pumping station installed on the Developer's property.

(~~c~~d) In cases where the Developer will connect to the Department's existing sewer system, the Developer may be required to make improvements to the existing force main system and/or the existing sewage pump station, or in the case of the installation of a new sewage pump station, the Developer may be required to make improvements to the existing force main system.

(~~d~~e) The Developer shall convey to the Department fee simple title to the property on which a sewage pumping station and emergency generator to be owned by the Department is situated, subject only to title exceptions and restrictions which are acceptable to the Department. The land shall be sufficient for ownership and proper operation by the Department of said station and emergency generator. Concurrently, the Developer shall also furnish the Department with ~~one (1) set of Mylar~~ as-built drawings showing data as specified in the Department's manual entitled "Design and Construction Standard Specifications and Details", of all facilities as located by a licensed surveyor, four (4) prints of the as-built drawings and one digital compact disc (CD) original, which have been sealed by a surveyor and certified by the Engineer of Record, as well as five (5) sets of appropriate manuals for operation of the sewage pump station and other mechanical and electrical equipment. In addition, the Developer shall also provide the Department with a letter from Miami-Dade County showing the address issued to the site.

~~(e) Developers who are required, in accordance with Department standards, to install a sewage pump station with capacity exceeding more than one hundred (100) GPM (peak), will be required to provide adequate space and generator housing at the pump station site for a future emergency generator. The Department must approve the size of the site and the site plan. The next Developer or the next project connecting to said sewage pump station will be required to pay to the Department a contribution toward the design, purchase and installation of an emergency generator prior to the provision of water and/or sewer service. When only one Developer will use the sewage pump station and/or the proposed development to be constructed by the Developer will use more than one half (1/2) of the total capacity of the sewage pump station, it shall be the responsibility of the Developer installing the sewage pump station to also install the emergency generator. The timing for the installation of the generator shall be as described in the agreement between the County and the Developer and must be completed prior to reaching the mid-point of the development, measured in number of meters installed. The Developer installing the sewage pump station and the generator housing may be eligible to receive construction connection charges.~~

(f) The Developer will be entitled to reimbursement of a portion of its cost of installing a sewage pumping station and force main as other parties utilize that station, in accordance with Section 3.05 (1) (i) herein.

(~~2~~7) APPROVALS - No sewer main extension will be accepted by the Department without the approvals of the Department, DERM, Miami-Dade County Public Works Department and appropriate State agencies, including DOH.

(~~3~~8) UNAUTHORIZED WORK ON SEWER SYSTEM - No person shall tamper with, work on, uncover, make connection with, or in any way alter or damage any Department sewer or sewer appurtenance without written permission of the Department. Further, no unauthorized person shall cause storm water, ground water, or any other unauthorized water or material to enter the sanitary sewer system, including sanitary sewage from septic tank trucks. This shall include the connection of downspouts of air conditioning condensate lines into the sewer system, raising of manhole lids to allow for drainage, the dumping of garbage, refuse or other wastes in manholes, the draining of swimming pools into sewers or any other means of causing or allowing any substance not considered sanitary sewage or not legally paid for as sanitary sewage, to enter the sewer system. The offending person shall pay the total cost of all charges attributable to such tampering and be subject to all penalties as may be provided by law. The Department shall prosecute such offending person or persons to the full extent of the law. All materials illegally connected to the Department's sewer system will be confiscated by the Department and held as prima facie evidence for further legal action. Violators shall be cited in accordance with Section 8CC of the Miami-Dade County Code and Section 812.12, Florida Statutes, as currently in effect and as may be amended in the future.

(49) COMMON HOUSE CONNECTIONS - A single connection serving two or more properties will not be permitted. In no case will common plumbing to two or more lots or parcels be allowed. All apartment buildings and townhouses with individual water meters shall also be required to have individual sewer laterals.

(~~5~~10) EXTENT OF DEPARTMENT MAINTENANCE - The Department shall not be responsible for the repair and maintenance of house connections to the service laterals nor for privately owned pumping stations, force mains and sewers. The Department shall be responsible only for the repair and maintenance of all public sewers, pumping stations, and force mains in the Department's system and shall make a diligent effort to inspect and keep these facilities in good repair.

(~~6~~11) CUSTOMER'S MAINTENANCE - The Customer shall be responsible for the maintenance of the plumbing from the connection at the point of delivery into and including the house plumbing. If a single lateral is utilized exclusively for one property, as opposed to a common lateral utilized for two (2) adjacent properties, the Customer shall have the added responsibility for keeping the service lateral, in addition to the plumbing, free from obstructions. In either case, the Department shall have the right to inspect the house connection and plumbing and to discontinue water and/or sewer service to any Customer or property owner who fails to maintain the plumbing to the extent that it may or does cause harm to the sewer facilities. If the Department is requested by a Customer to investigate a complaint regarding the sewer system and it is determined that the problem is within the plumbing for which the Customer is responsible, a call-out fee shall be charged as established in the Department's Schedule of Rates, Fees and Charges.

In the case of municipally or privately owned utilities, the Department's responsibility for the cost of maintenance ends at the point of connection to the Department system. The Department retains all rights to insist on proper maintenance of the utilities' facilities and to exclude infiltration and/or harmful wastes by the owners.

3.06 REGULATION OF DISCHARGES

(1) PURPOSE - It is the purpose of this section to establish rules and regulations concerning discharges to the System, including the determination of the acceptability of discharges; the pretreatment of discharges; and establishing specific limitations on certain discharges. This Section shall not supersede any County ordinance or State statute and Customers shall be bound by such ordinances and statutes.

(2) ACCESS TO PREMISES FOR INSPECTION OF DISCHARGE - INSPECTION CHAMBER MAY BE REQUIRED - The Department shall at all times have free access to the premises of any user of its facilities, and free access to the premises of any person reasonably believed by the Department to be a user or possible user of its facilities, for the purpose of inspecting, sampling, or testing the discharge emanating therefrom, in order to determine whether such discharge, or potential discharge, is acceptable or unacceptable to the Department. Where necessary, the Department may require the owner of any premises which discharges to the System to install a suitable inspection chamber together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the discharge, or potential discharge. Such chambers, when required, shall be constructed in accordance with plans approved by the Department. The chamber shall be installed at the owner's expense and shall be maintained by him so as to be safe and accessible at all times.

(3) ACCEPTABILITY OR UNACCEPTABILITY OF DISCHARGE - DETERMINATION BY DEPARTMENT - The Department, working in conjunction with the Department of Environmental Resources Management, shall determine the acceptability or unacceptability of any discharge to the System. Such a determination shall be made on the basis of sound engineering and operational evaluations taking into consideration the nature and concentration of the discharge, its point of entry into the system, its compatibility with other discharges in the system, its compatibility with the treatment facility receiving it, and all other factors pertinent to the effect of the discharge on any part of the system or treatment process.

(4) UNACCEPTABLE DISCHARGES - Unacceptable discharges shall include, but not necessarily be limited to those which have been determined by the Department to:

(a) Contain materials or substances which would constitute a hazard to life and limb of personnel engaged in inspection, maintenance, and operation of the System.
(b) Contain materials or substances which are toxic as defined in these regu lations.
(c) Contain materials or substances which are in any way deleterious to any part of the system.
(d) Contain concentrations of any toxic or deleterious materials or substances in excess of any limits set thereon in accordance with these regulations.
(e) Cause the Department to incur excessive expense in the handling or treatment thereof.
(f) Be incompatible with the treatment process or inhibit the performance of the treatment process at a Department treatment facility.
(g) Be of such volume or contain such BOD, suspended solids, or other material load which would cause the treatment facility to exceed its design capabilities.
(h) Cause a treatment facility of the Department to fail to meet effluent requirements set by State and Federal regulatory agencies or cause such effluent to have a degrading effect on the receiving body of water.
(i) Contain viable pathogenic organisms in such quantities as to be a hazard to public health.
(j) Cause a treatment facility of the Department to fail to meet effluent requirements as established under the Department's Operation Permit for its sewage treatment plants.

(5) UNACCEPTABLE DISCHARGES - REFUSAL OF SERVICE - The Department may refuse the

service of the Department's facilities to any person whose discharge is determined by the Department to be unacceptable in accordance with the provisions of this section.

(6) UNACCEPTABLE DISCHARGES - PRETREATMENT PERMITTED - Any person whose discharge has been determined by the Department to be unacceptable in accordance with the provisions of this section may apply to the Department for permission to pretreat such discharge by the use of a method of pretreatment designed to render said discharge acceptable.

(7) ACCEPTABLE METHODS OF PRETREATMENT – REVIEW BY DEPARTMENT – REFUSAL OF PRETREATMENT METHOD - The acceptability of a pretreatment method for any given discharge, an application for which has been made in accordance with these regulations and the terms for the installation and use thereof, shall be reviewed by the Department. Such a review shall be made on the basis of sound engineering and operational evaluations taking into consideration all factors pertinent to the effect of the discharge both before and after pretreatment on any part of the System.

(8) INSPECTION OF PRETREATMENT FACILITY BY DEPARTMENT- Pretreatment facilities shall at all times be subject to inspection by the Department in order to determine if such facilities are efficiently performing the function for which they are installed.

(9) COST OF PRETREATMENT TO BE BORNE BY USER - All costs incident to pretreatment and all expenses incident to the acquisition, installation, operation, maintenance, and repair of pretreatment facilities shall be borne by the user. In addition, any extraordinary administrative or investigative expenses incurred by the Department as a result of the installation and use of pretreatment facilities shall be charged to the user.

(10) DISCHARGE OF CERTAIN MATERIALS AND SUBSTANCES PROHIBITED - No person shall release or cause to be released or allow to run, leak, or escape into the Department's sewerage system any discharge containing any materials or substances considered by the Department to be toxic as defined in these regulations or to be in any way deleterious to any part of the Department's sewerage system or treatment process. Certain materials shall by their nature be considered by the Department to be toxic or deleterious except in small quantities or concentrations. Should Customer release or cause to be released or allow to run, leak or escape into the Department's sewerage system any discharge containing any such materials or substances, Customer will be held liable for any damages to the system caused by such release. Such materials or substances shall include, but not necessarily be limited to:

a) Construction materials, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastic, wood, paunch manure, fur, wax, or any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system;
b) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquids, solids, or gases;
c) Steam or hot water above 150^{O} Fahrenheit (65^{O} Centigrade);
d) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 33^{O} and 150^{O} F (1^{O} C and 65^{O} C);
e) Any waters or wastes having a PH lower than 5.5 or higher than 10 or having any other corrosive property apt to cause damage or hazard to structures, equipment of the sewerage system, or personnel employed in its operations;
f) Any water or waste containing readily releasable cyanide (cyanide released at a temperature of 150^{O} F (65^{O} C) and PH=2.5) in excess of 2 mg/1; any water or waste containing total cyanide in excess of 5 mg/1;
g) Coal tar, its derivatives and waste;
h) Any liquids or wastes containing toxic or poisonous substances in sufficient quantities or rate

of flow as to injure or interfere with any of the sewage treatment process, to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters;

(~~12~~11) DISCHARGE OF CERTAIN MATERIALS PERMITTED CONDITIONALLY - Certain toxic substances and pathogenic bacteria, admission of which into the System would otherwise be prohibited, shall be acceptable in a discharge if, (1) reduced by treatment at the source to a point that will meet the general purposes of these rules and regulations or come within any applicable standards set thereon now or hereafter in accordance with these regulations or (2) discharged in such small concentrations so as to not be injurious to personnel, sewers, any biochemical, biological, or other sewage treatment process, or receiving waters. Such substances shall include, but not necessarily be limited to:

a) Any alcohols, antibiotics, arsenic, arsenicals, bromine, iodine, chlorine, copper, copper salts, cresols, creosotes, fluorine, formaldehydes, mercury, mercuricals, phenols, phenol derivatives, silver, silver compounds, silvermides, toxic dyes (organic and mineral), or zinc;
b) Any strong oxidation agents such as chromates, dichromates, permanganates, or peroxides;
c) Any chemical compounds producing toxic, flammable, or explosive gases either upon acidification, alkalization, oxidation or reduction;
d) Any strong reducing agents such as nitrates, sulphides, sulfites, and thiosulphates;
e) Any waste from industrial processes, hospital procedures or commercial processes containing viable pathogenic organisms.

(~~13~~12) SPECIFIC LIMITATIONS ON CERTAIN MATERIALS AND SUBSTANCES IN DISCHARGES - COMPATIBILITY WITH REGULATORY AGENCY REQUIREMENTS - Section 24-42.4, Sewer Discharge Limitations and Pretreatment Standards, of the Miami-Dade Code~~Table 1~~ lists the maximum allowable values for certain materials in, or characteristics of, wastewater entering the Department's sewerage system. The Department reserves the right to establish standards for substances not contained in this list. In setting additional standards, the Department will follow the standards of the Federal Water Pollution Control Act. In defining and interpreting the values in ~~Table 1~~the Code, reference shall be made to Standard Methods for the Examination of Water and Wastewater, American Water Works Association, latest edition.

~~TABLE 1~~

~~Chemical Physical or Biological Characteristic~~	~~Standards*~~
~~Biochemical oxygen demand~~	~~145 lbs/day not exceeding 200 milligrams/liter~~
~~Total suspended solids~~	~~145 lbs/day not exceeding 200 milligrams/liter~~
~~Oil and grease~~	~~100.0 mg/1 or 50 mg/1 as a daily average.~~
~~Dissolved hydrocarbons~~	~~2.0 mg/1~~
~~Temperature~~	~~150°F and shall not cause the plant influent to exceed~~

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	104°F (40°C) or inhibit biological activity.
pH	5.5-9.5 or capable of causing damage or hazard to structures, equipment, or personnel of the sewage system.

**Industrial users discharging more than 25,000 gpd are subject to the Federal Pretreatment Regulations*

Arsenic	0.1 mg/1
Barium	50.0 mg/1
Cadmium	0.5 mg/1
Sources operational after 8/31/82	0.25 mg/1
Chromium	
Hexavalent	0.5 mg/1
Total	1.0 mg/1
Copper	0.5 mg/1
Lead	0.3 mg/1
For battery manufacturing	0.1 mg/1
Mercury	0.01 mg/1
Nickel	1.5 mg/1
Selenium	0.5 mg/1
Silver	0.4 mg/1
Thallium	0.05 mg/1
Zinc	1.0 mg/1
Total metals	2.0 mg/1
Total toxic organics	2.0 mg/1
Total hazardous organic materials, testing shall be limited to those organics reasonably expected to be present	2.0 mg/1
Cyanides, total	0.1 mg/1
Phenols	2.0 mg/1
Polychlorinated biphenyls	0.008 mg/1

The above limitations are intended to apply generally to all industrial users within the Department's sewerage system. If and when State or Federal regulatory agency regulations require a specific pretreatment concentration for a specific industry, whichever is the more stringent concentration level between these regulations and such regulations will apply.

(13) DISCHARGES CONTAINING GROUND GARBAGE - APPROVAL OF CERTAIN SIZE

GRINDERS REQUIRED - Any discharge to the Department's sewerage system containing garbage may be made acceptable by means of grinding and dilution, provided however that the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 h.p. metric) or greater shall be subject to review and approval by the Department prior to such installation and operation and to periodic inspection by the Department thereafter.

(14) DISCHARGES CONTAINING ACIDS AND BASES - NEUTRALIZATION REQUIRED - Any water or wastes which are unacceptable pursuant to these regulations shall be neutralized, diluted or subjected to some other acceptable method of pretreatment in order to render it acceptable to the Department in accordance with the provisions of this section prior to its discharge to the System. If necessary, the use of automatically operating and diluting or neutralization and monitoring equipment shall be required. If, upon neutralization, the discharge is sufficiently high in ionic strength as to continue to be unacceptable, further pretreatment shall be required.

(15) DISCHARGE OF ODORS - CONTROL BY OWNER REQUIRED - It shall at all times be the responsibility of the owner to eliminate or control the emission of offensive odors from building sewers to the System or the development of offensive odors in the System as the result of a discharge. Whenever the Department determines that offensive odors emanating from building sewers or resulting from a discharge are present in the System, it shall require the owner to take whatever steps are necessary to eliminate such odors from the System. The cost of any devices which may be necessary to eliminate or control such odors and all attendant expenses shall be borne by the owner.

(16) PREVENTION OF ACCIDENTAL RELEASE OF UNACCEPTABLE SUBSTANCES - There shall be no connection to the System from any vessel, tank, container, or receptacle of any kind used to receive, hold, store, or in any other way handle any toxic or deleterious materials or substances, the discharge of which is prohibited by these regulations, through which quantities of such materials or substances could accidentally or otherwise be discharged directly or indirectly into the System. Persons who in the course of their business or otherwise transport, store, receive, ship, or in any other way handle or process any such materials or substances shall take precautions to prevent accidental spillage of such substances to any connection to the System by way of floor drains, basins, catch basins, down spouts, gutters, manholes, or any other such connection. Whenever the Department determines that accidental spillage has occurred through any connection to the System as described above, it shall require the owner to eliminate the connection.

(17) ACCIDENTAL RELEASE OF UNACCEPTABLE DISCHARGE - NOTIFICATION - CHARGES - In the event of any accidental release to the System of any unacceptable discharge or of any substance or materials considered by the Department to be toxic or deleterious as provided in this chapter, it shall be the responsibility of the user to notify the Department immediately, and in no case later than one (1) hour following such a discharge, at telephone number (305) 274-WASA (9272), so that remedial action can be taken. Costs incurred to correct any damage resulting from such a discharge shall be charged to the user and failure to report such a discharge shall result in an additional charge of $1,500 in addition to cost of correction. Each such discharge shall be considered separately and costs and charges levied accordingly. Each day on which there is such a discharge shall be and is hereby deemed to be a separate discharge and charges shall be levied accordingly. Such charges shall be collected by the Department in the same manner as all other charges set by the Department. This charge shall be assessed in addition to any penalty applicable under County ordinance or State law.

(18) SPECIAL AGREEMENTS - APPLICATION TO DEPARTMENT - Whenever necessary or expedient in order to carry out the provisions of these regulations, the Department may enter into special agreements with users of the Department's facilities setting forth terms under which the discharge of such users will be acceptable to the Department.

(19) DISCHARGE OF UNPOLLUTED WATER WHERE STORM SEWER IS AVAILABLE - Whenever separate storm and sanitary sewers are provided, required, or in use in any area of the Department, all

unpolluted water including all storm water, surface water, ground water, roof-runoff, uncontaminated cooling water, sub-surface drainage, or unpolluted industrial process water shall be discharged to the storm sewer. Whenever, in such areas, any such unpolluted water is found to be discharged to a sanitary sewer, the Department shall require the customer to cease such discharge and require such discharge to be connected to the storm sewer at the expense of the user.

(20) FAILURE TO COMPLY WITH DISCHARGE REGULATIONS - CHARGES - Any failure to comply with any provision of these regulations shall result in an additional charge against the person or premises so failing to comply in the amount specified in the Department's Schedule of Rates, Fees and Charges. In addition, said person or premises shall be liable for any damages which occur to the System as a result of such failure to comply with any provision of these regulations, and each such failure to comply shall be and is hereby deemed to be a distinct and separate failure and charges shall be applied and billed accordingly. Failure to pay such charges shall result in the termination of water and/or sewer service.

3.07 BILLING PROCEDURES

(~~13~~1) APPLICABILITY - This Section applies only to Customers served directly by wastewater treatment plants operated by the Department.

(~~14~~2) BILLING PERIODS; DUE DATE - Bills for sewage disposal service will be based on metered sewage flows or metered water consumption and will be rendered either monthly or quarterly in connection with water bills, or for a shorter period if so stated in the applicable schedule or if notice of a different billing period is given to the Customer.

(~~15~~3) MINIMUM SEWER CHARGES - Each bill for sewage disposal service rendered to Customers includes the fixed rate specified in the Department's Schedule of Rates, Fees and Charges.

(~~16~~4) GUARANTEE DEPOSITS - Upon opening an account to be billed on a monthly or a quarterly basis, a guarantee deposit shall be paid by each residential Customer, as established in the Department's Schedule of Rates, Fees and Charges.

Any commercial Customer (including multi-unit customers such as a condominium association) upon opening an account to be billed on a monthly basis shall be required to pay a guarantee deposit of approximately 2.5 times the anticipated monthly billing, as established in the Department's Schedule of Rates, Fees and Charges.

Any commercial Customer upon opening an account to be billed on a quarterly basis shall be required to pay a guarantee deposit of approximately 1.5 times the anticipated quarterly billing, as established in the Department's Schedule of Rates, Fees and Charges.

The guarantee deposit is required as security for payment of the Customer's water and/or sewer bill. The deposit may be paid at the time of application or may be billed to the Customer with the next regularly scheduled bill. If the guarantee deposit amount is not received by the Department within the time specified on the bill sent to the customer, water service may be terminated until such time as the deposit and service fees are paid in full. The deposit amount is refundable to the Customer upon termination of service, provided there are no outstanding bills for the same Customer on any other accounts with the Department. However, deposits are returned according to the following criteria: closing an account, or after two (2) years with no service cuts or tampering violations combined with a record of less than three (3) late payments for a quarterly customer and less than five (5) late payments for a monthly customer in a two (2) year service period.

The Department reserves the right to conduct appropriate credit checks, through a national credit database, on Customers applying for sewer service. Department amounts may be determined by credit

risk analysis.

Deposits shall earn simple interest at a rate established by the Department, which rate shall be periodically reviewed. The Customer shall be entitled to receive interest from the date of payment or date of partial payment, except that no interest shall be accrued for the period prior to April 1, 1984. Return of deposits shall be in the form of a credit adjustment on the regularly scheduled or final billing.

Governmental agencies, churches, synagogues and recognized charitable agencies and public utilities having reciprocal agreements with the Department are not required to pay guarantee deposits.

In lieu of a cash deposit for each water meter, Developers of major subdivisions requiring a substantial number of individual meters may place with the Department a letter of credit or other form of financial guarantee acceptable to the Department in an amount equal to the required deposits for all the units contemplated to be completed during the subsequent twelve month period. That amount may be adjusted annually. Any service charges, penalties, violation fees or other fees owed by the Developer may be withdrawn from the financial guarantee by the Department.

(~~17~~5) DELINQUENT BILLS - Bills are due when rendered, and if not actually received at one of the Department's offices designated to collect payments on or before the past due date set forth on the Customer's original bill, a 10% late charge to defray Department costs and expenses shall be added to the water and/or sewer bill. If payment is not actually received within forty (40) days of the date rendered, the service may be subject to disconnection and termination of the account with the Department. Upon termination of service, the guarantee deposit shall be applied to the outstanding bill for that Customer and a final bill shall be rendered showing the balance due. Any remaining credit balances from the deposit shall be either credited to any outstanding balances in other accounts belonging to the Customer or refunded to the Customer.

Service will not be reinstated until the final bill is paid in full and the Customer makes application for service and pays a guarantee deposit at the then established rate.

A Customer's water service shall be discontinued and no new application shall be accepted at any new location when there remains an outstanding final bill for unpaid water and/or sewer service at any other locations. Removal of late penalty charges may be allowed at the discretion of the Department, not to exceed once in a twelve month period.

Sewer service, as such, will not be discontinued under normal circumstances; however, in cases where discontinuance is required for any reason including but not limited to non-payment, the Department shall instead discontinue the water service.

(~~18~~6) INTEREST ON UNPAID WATER AND SEWER SERVICE CHARGES - Unpaid balances, including late charges for water and sewer service and payment arrangements rendered by the Department shall be subject to an interest charge at ~~a~~ the prevailing rate. Said interest charge's imposition shall commence sixty (60) days after the past due date of the water and sewer charges set forth on Customers' bills.

(~~19~~7) LIEN FOR UNPAID WATER AND SEWER SERVICE CHARGES - To the extent allowed by law, all charges, late charges and interest accruing thereupon, for water and sewer service rendered to any real property by the Department after the effective date of the ordinance, which remain unpaid sixty (60) days after the past due date of the water and sewer charges, shall become a lien against and upon the real property to which such water and sewer service has been furnished to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said charges, late charges, and interest accrued thereupon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of county ad valorem taxes and superior in rank and dignity to all other

liens, encumbrances, titles and claims in, to or against the real property involved, for a period of twenty (20) years from the date said charges become a lien as set forth in Section 32-93 of the Code of Miami-Dade County. Said liens may be enforced and satisfied by the Department pursuant to Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the Department including, but not limited to, suspension and termination of water service. Certificates of Lien will be issued by the Department's Lien Unit whenever requested. The normal response time will be seven (7) working days. For twenty-four (24) ~~24~~hour requests, the response time will be within one (1) working day. A service charge for each address will be required in the amount specified in the Department's Schedule of Rates, Fees and Charges. The Department reserves the right to lien property in accordance with any applicable State statute or Section of the Code of Miami-Dade County and nothing in this section shall work to limit this right.

(8) ADMINISTRATIVE HEARING - Any Customer of the Department who wishes to dispute the accuracy, amount or calculation of any water and/or sewer service billing credits or denial thereof, may request an administrative hearing. The following matters are not to be considered at Administrative Hearings: service charges, liens, Water and Sewer rates, tampering charges, stormwater fees, fees or charges billed on behalf of other entities. Upon receipt of such a request, the Department shall establish a date and time for the hearing and notify the Customer, in writing. Each administrative hearing shall be attended by a representative of the Department and presided over by a Hearing Officer. The Hearing Officer will consider all facts, evidence, testimony, and other information presented at the hearing and will make an appropriate ruling. In addition, the Hearing Officer's ruling will be conveyed in writing to the Customer. The ruling of the Hearing Officer will constitute final Department action on the matter. No customer shall be entitled to a hearing for disputes over billings more than four years old. The Hearing Officer shall not recommend adjustments of billings over four years old. Except as to those matters reviewable by the County Commission as expressly set forth in the Code of Miami-Dade County, a decision of the Hearing Officer shall constitute final administrative action from which there shall be no further administrative appeal. Any person aggrieved by the decision of the Hearing Officer may seek review in the Circuit Court for Miami-Dade County, Florida, or a Court having competent jurisdiction in accordance with Florida law.

3.08 RATES AND CHARGES

(~~2~~1) RATES FOR SEWAGE COLLECTION AND DISPOSAL - The rates specified in Section 3 of the Department's Schedule of Rates, Fees and Charges shall apply to retail customers within the Department's service area. The sewage disposal service charge may be revised independently of changes in water rates. Increases or decreases in water rates do not affect the sewage disposal service charge. The sewage disposal service charges for marinas with sewage pumpout capabilities shall be based on 40 percent of the water usage of the marina.

(~~2~~1~~2~~) CONNECTION CHARGES - Connection charges are computed as a rate, specified in the Department's Schedule of Rates, Fees and Charges, per average daily rated gallon for new or increased usage within any given project. Said charges shall be held in a special fund or funds by the Department to be utilized solely to defray the cost of new and expanded facilities to the extent new usage requires new and expanded facilities. Limitations on expenditures from this fund shall be retroactive to July 1, 1974. The basis of calculation for average daily rated gallonage is found in Section ~~24-13(5)~~24-43.1 (5) of the Code of Miami-Dade County as currently in effect and as may be amended in the future. For usages not shown in said Exhibit, the Department shall estimate the daily gallonage. The gallonages in said Section are for the sole and express purpose of calculating connection charges and will be used for that purpose regardless of the actual water or sewer requirements of individual developments or building units. ~~However, if the Department has no records indicating prior usage of the building and if the property owner or developer can demonstrate that the average daily gallonge of the building as previously used is greater than the average daily~~

~~gallonage of the proposed use, connection charges shall not be collected. The Department's evaluation of this demonstration shall be binding.~~ Determination of connection charges based on prior use of the property shall be subject to the following conditions:

(a) Credit for previous use of the property based on Chapter 24 flows, shall be applied when the customer provides proof of previous usage (e.g. certificate of use and occupancy, local business tax receipt) and water or sewer connection, or proof of payment of connection charges to the Department.
(b) The Department reserves the right to audit and field check usages and collect any unpaid connection charges in accordance with the applicable statute of limitations as stated in Florida Statute §95.11.
(c) The Department shall collect additional water and sewer connection charges at prevailing rates, in cases where there is increased usage or where applicable water and sewer connection charges were not collected.
(d) In the event that connection charges are not paid when due, interest shall be paid in accordance with the Code of Miami-Dade County.
(e) Notwithstanding the foregoing, payment of connection charges shall be a condition precedent to connection to the water and sewer system.

(~~22~~3) EXCEPTIONS -

(a) SUBDIVISION - a subdivider or property owner in a subdivision may connect into an approved subdivision sewer without fee providing that a previous subdivider has paid the entire connection charges and construction costs for the sewers in the subdivision.

(b) CHARGES ESTABLISHED BY DEPARTMENT AND APPROVED BY BOARD OF COUNTY COMMISSIONERS - In areas where other charges have been or may be established by the Department and approved by the County Commission, such charges may supersede charges outlined in this Section until same have been lawfully changed or altered.

(~~23~~4) OTHER CHARGES -

(a) TURN-OFF AND TURN-ON FEES - Where property is serviced with Department water, there will be no turn-off and turn-on fees, as such, for sewer service; however, to enforce these procedures and regulations, water service may be discontinued and the existing charges for water service turn-on and turn-off shall prevail. In this regard, water service may be turned off due to an infraction of these Rules and Regulations and will not be turned on until such time as the infraction is corrected and all costs due the Department are paid.

(b) MISCELLANEOUS CHARGES - Miscellaneous charges shall be made for any work done by the Department beyond normal maintenance or extension charges as outlined previously. This work, which will include such items as moving connections, relocating manholes, or any other work done at the property owner's request for the benefit of the property owner, shall be charged for at direct cost plus appropriate overhead. Payment in full for the estimated cost will be required prior to doing this type of work with appropriate refunds, if any, when the work is completed. Work will not commence until a written understanding between the parties has been executed.

(c) TEMPORARY EMERGENCY TREATMENT RATES - In cases where a Customer desires to use any portion of the sewers or sewage treatment facilities for disposal of sewage on a temporary basis, and is not properly connected to the sewer system, he may apply for such service through the Department which will compute the costs and require payment in full prior to the use of the system. Should this service be desired on a permanent basis, a proper charge will be estimated and an agreement establishing terms and costs shall be entered into

between the Department and the Customer using the service. It is the intent of the Department to discourage this type of service except in the case of municipalities and private utilities, and to this end the Department reserves the right to refuse to accept and also to discontinue this type of service.

(d) REIMBURSEMENT FOR EXTRA EXPENSES - The Customer shall reimburse the Department for all extra expenses (such as special trips, inspections, replacement or repair of damaged or missing Department property, and additional clerical expenses) incurred by the Department because of a delinquent bill, the Customer's violation of the contract for service or the Department's Rules and Regulations, or any additional cost not directly related to water and sewer service which is incurred by the Department in providing service to the Customer.

(e) TAX CLAUSE - All of the Department's rates including minimum and other charges and service guarantees, are dependent upon Federal, State, County, Municipal, District and other Governmental taxes, license fees and other impositions, and may be increased or a surcharge added if and when any or all of such taxes, license fees and other impositions are imposed or increased.

(~~24~~5) CREDIT FOR SEWAGE DISPOSAL CHARGE FOR WATER NOT ENTERING SEWER SYSTEM -Where water used for lawn sprinkling, gardening, or commercial-industrial purposes does not enter the sanitary sewer system, relief from payment of the Sewage Disposal Service Charge on the presently metered total water consumption has been provided for as follows:

(a) WATER SUBMETER - A customer may install on his metered water line at his own expense, subject to inspection by the Department and service fees as specified in the Department's Schedule of Rates, Fees and Charges, a sub-meter to measure the water that does not enter the sewer system. The Sewage Disposal Service Charge will be billed on the difference in consumption between the two meters, provided, however, that the credit to be given shall not reduce the Sewage Disposal Service Charge to an amount less than the required minimum charge.

(b) SEWAGE METER - A Customer may install at his own expense and subject to approval of the Department a specially designed and constructed sewage meter for accurately measuring all sewage discharge from the premises. Such meters are practical only on large flow installations.

(c) SEPARATE WATER METER - A Customer may have installed by the Department at his own expense, a separate metered connection with the water main to measure the water which does not get into the sewer system. The bill for water used through such connection will not include the Sewage Disposal Service Charge.

Unless water diverted from the sewer system is specifically metered by one of the methods listed above, sewage flows will be deemed to be equal to water consumption as metered at the service location.

3.09 DISPOSAL OF SCAVENGER AND SEPTIC TANK WASTES

(~~25~~1) PURPOSE - It is the purpose of this Section to establish regulations for the disposal of scavenger and septic tank wastes delivered by private haulers to the Department's treatment facilities and to fix treatment charges therefore. The regulations herein do not supersede any applicable State law or County ordinance.

(~~26~~2) PERMIT - As a prerequisite to obtaining permission to dispose of septic tank wastes and wastes from package sewage treatment plants or other mechanically operated sanitary sewage treatment plants at the Department's facilities, any hauler wishing to obtain such permission must obtain a permit for scavengers issued by DERM through the office of its Director and must present such permit to the Department when applying for such permission.

(~~27~~3) PERMISSION OF DEPARTMENT - All haulers of scavenger or septic tank wastes and wastes from package sewage treatment plants or other mechanically operated sanitary sewage treatment plants wishing to dispose of such wastes at the Department's facilities must first obtain the permission of the Department to do so by making application to the Department.

(~~28~~4) GUARANTEE DEPOSIT - All haulers of scavenger or septic tank wastes and wastes from package sewage treatment plants or other mechanically operated sanitary sewage treatment plants who have obtained permission to dispose of such wastes at the Department's facilities in accordance with these regulations, shall, prior to so disposing of any wastes at a Department facility, deposit with the Department an amount specified in Section 6 of the Department's Schedule of Rates, Fees and Charges as a guarantee of payment of treatment charges for the disposal of such wastes. Monies so collected by the Department will be kept in a special account and will be withdrawn in the event that treatment charges are not paid. Whenever the Department shall be required to so withdraw funds, the hauler shall not be permitted to dispose of wastes at the Department's facilities until his deposit has been reestablished and all outstanding charges have been paid. These deposits are specifically excluded from earning interest.

(~~29~~5) INVOICING AND COLLECTION - The source document for billing the septic tank waste disposal charges shall be the septic tank waste disposal ticket. Upon completion of the disposal of septic tank waste at the Central or South District treatment plant, the truck operator will be provided with the third copy of the ticket as proof that the service was provided.

(a) The ticket will serve as authorization for the Department to charge the company's account. The ticket is not intended as a request for payment.

(b) Monthly invoices listing that month's tickets will be mailed by the 10th of the following month to all customers receiving the service. Payment will be due no later than 10 days after the billing date on the 20th of the month.

(c) All charges not paid by the 21st of the month will be considered as past due. All charges not paid by the end of the month will subject the company to termination of service procedures.

(d) A notice of intent to terminate waste disposal privileges will be mailed to each delinquent account outstanding at the end of the following month. This notice will require payment of all charges, current and past due. Failure to comply with this notice within ten (10) days will result in the termination of waste disposal privileges and application of the customer's deposit to the unpaid balance.

(e) If the company fails to respond to the notice of intent by the cut-off date, on the next working day the Department will notify both verbally and with follow-up memoranda to the wastewater treatment plants and to DERM that the delinquent customer's waste disposal privileges have been terminated.

(f) A formal, certified notice of termination of such privileges will be mailed to the customer one day after the cut-off date. Included in this notice will be a statement of payment required to re-open the account.

(g) Should the septic tank company request a payment settlement, the customer shall agree in writing to pay all outstanding charges and shall include a partial payment of at least one-third (1/3) of those charges.

(h) After a customer's waste disposal privileges have been terminated, a minimum reinstatement deposit as specified in Section 3.09 (5) (d) herein will be required.

(~~30~~6) ANALYSIS REQUIRED - All haulers of scavenger wastes which include industrial wastes as defined

in these regulations can be required by the Department to present an analysis by an independent laboratory, certified by the State of Florida, of such wastes to the Department's Assistant Plant Superintendent of the receiving facility at least forty-eight (48) hours prior to the intended time of disposal of such wastes. The analysis will be reviewed to determine if said wastes are compatible with the treatment process. Permission for the disposal of such waste will be given if such waste is not determined to be harmful in accordance with these regulations.

(~~3~~17) REFUSAL OF SERVICES - The Department may refuse the services of its facilities if the scavenger waste material to be delivered to the treatment facility is determined to:

(a) Be deleterious to the treatment facility or appurtenances thereto;
(b) Cause unusual expense in the handling and treatment thereof;
(c) Inhibit the performance of the treatment process;
(d) Cause the plant to fail to meet effluent limits set by State and Federal regulatory agencies.
(e) Cause a violation of the treatment facilities permit.

(~~3~~28) DISPOSAL POINT - Until such times as new disposal points are constructed, the only permitted Department locations for the disposal for septic tank wastes or other scavenger waste are at the Central and South District Wastewater Treatment Plants. No hauler shall discharge any septic tank waste or other scavenger waste into any sewer, manhole, catch basin or any appurtenance thereto or into any watercourse.

(~~3~~39) REPORTING INFORMATION - All haulers of septic tank waste or other scavenger waste may be required from time to time to report to the Department information pertaining to the source of such waste or other information which may be necessary for the proper administration of these regulations.

(~~3~~410) TREATMENT CHARGES FOR SEPTIC TANK WASTE - Treatment charges for septic tank waste or wastes from package sewage treatment plants or other mechanically operated sanitary sewage treatment plants shall be reviewed by the Department each year and posted at the Department's disposal point and are included in the Department's Schedule of Rates, Fees and Charges.

(~~3~~511) FORFEITURES OF SERVICES FOR NON-COMPLIANCE - Haulers of septic tank wastes or other scavenger wastes shall forfeit the right to use the services of the Department's wastewater treatment facilities for non-compliance with any section of these regulations.

(~~3~~612) RATE FORMULA - For septic tank disposal fees, see the Department's Schedule of Rates, Fees and Charges.

3.10 BILLING ADJUSTMENTS

(~~3~~71) TYPES OF ADJUSTMENTS – Billing adjustments will be made to the sewer portion of the Customer's bill for the following reasons:

(a) Incorrect meter reading.
(b) Over or under estimate, which may occur when the Department is unable to gain access to the property (see Section 2.06 (3) (h).
(c) Leakage occurring at the outlet side of the water meter, which would cause registration to occur on the water meter.
(d) Acts of Vandalism-Customer shall report such acts immediately to the Department and request termination of service until the Customer's plumbing can be fully repaired. The Customer shall then submit to the Department, in writing, the nature of the vandalism, the date of occurrence, the date of repair, and police case number. Adjustments will be determined similarly to those for concealed leaks as described in Sections 2.10 (e) and 3.10.

(~~ae~~)- Concealed Leaks- The Department anticipates that the Customer will maintain all private plumbing in good working condition. For those customers who have acted in an expeditious manner to detect and repair concealed leaks occurring underground or behind walls, the Department will adjust 100% of ~~the~~ sewer service charges based on the water loss, as determined by the Department. For a combination of visible and concealed leaks, a maximum of 50% of sewer loss will be assumed, as determined by the Department. Such water loss shall be based on the previous year's average, or~~,~~ in case of seasonal users, on the corresponding billing period from the previous year, assuming that the bill was not a Test Meter Stop or a High Bill, or, if the customer has held the account for less than one (1) full year, on the rate of consumption after the repairs have been made. This adjustment shall be applied to the billing period in which the repair was made and the previous billing period.

The Department shall also provide a one-time lifetime adjustment to its quarterly customers, equal to 100% of the difference, in the event of a concealed or hidden leak that results in a bill that exceeds by six (6) times the past year's average water quarterly consumption. In order to qualify for the adjustment, the Customer shall be required to make the necessary repairs and submit to the Department the information specified above. A corrected bill shall be issued which shall be based either on the previous year's average consumption or on the rate of consumption after the repair has been made.

In order to be considered for~~make~~ an adjustment, the Customer must provide the Department with the following:

(1) Within thirty (30) days after notification by the Department to the Customer that a possible plumbing problem may exist, the Customer must provide the Department with a letter from the company or person who has made the repair. This letter must include the date the repair was made, the location of the repair, and the materials used to make the repair. The water bill will serve as notification to the Customer of a higher-than-normal consumption. There will be a charge to provide a concealed leak credit, as specified in the Department's Schedule of Rates, Fees and Charges unless the repair was performed by a licensed plumber, and the plumber's license number is provided in the letter.

(2) The area of the repair should be left exposed (the Customer must ensure that hazardous conditions do not exist as a result of the repair), for inspection by the Department's investigator.

(3) The investigator's report will indicate if the repair has been made and if the repair has, in fact, reduced the excess consumption, with no continuous registration occurring at the time of the investigation. In order to make a proper evaluation, the investigator may request that the Customer provide access to the property to determine if there is any other leakage occurring on the property. However, the investigator is not obligated to check any other plumbing fixtures.

(4) No adjustments will be made for visible leaks (leaks occurring in toilets, hot water heaters, solar water heaters, washing machines, valves, spigots, or any other item or plumbing fixture or pipe which can be visually inspected ~~and periodically inspected~~ to ensure proper working condition.)

~~While the Department may grant a sewer adjustment of up to 100 percent, the Department may grant a lesser adjustment in situations where there is a combination of a concealed leak and a visible leak, as determined by the Department.~~

(~~b~~f) Once per calendar year, Customers may request a credit on the ~~wastewater~~sewer portion of their bill after they have fully emptied and re-filled the water from their swimming pool. Customers must contact the Department and request a form that must be returned to the Department with all pertinent information. The adjustment will be calculated using the

volume of the pool, and there must be a corresponding increase in consumption during the billing period in which the pool was emptied and re-filled. There will be a service charge for the processing of the credit request as established in the Department's Schedule of Rates, Fees and Charges.

~~(2) ADMINISTRATIVE HEARING~~

~~Any customer of the Department who wishes to dispute water and/or sewer service billings may request an administrative hearing. Upon receipt of such request, the Department shall establish a date and time for the hearing and notify the Customer, in writing. Each administrative hearing shall be attended by a representative of the Department and presided over by a Hearing Officer. The Hearing Officer will consider all facts, evidence, testimony, and other information presented at the hearing and will make an appropriate ruling. In addition, the Hearing Officer's ruling will be conveyed in writing to the Customer. The ruling of the Hearing Office will constitute final Department action on the matter. No customer shall be entitled to a hearing for disputes over billings more than four years old. The Hearing Office shall not recommend adjustments of billings over four years old. Except as to those matters reviewable by the County Commission as expressly set forth in the Code of Miami-Dade County, a decision of the Hearing Officer shall constitute final administrative action from which there shall be no further administrative appeal. Any person aggrieved by the decision of the Hearing Officer may seek review in the Circuit Court for Miami-Dade County, Florida, or a court having competent jurisdiction in accordance with Florida Law.~~

3.11 ACQUISITIONS

Acquisitions of any municipal water and sewer utility shall be performed in accordance with Florida Statute FS 125.3401, "The Purchase and Sale, or Privatization of Water, Sewer, or Wastewater Reuse Utility By County." The Department shall recover actual costs for the preparation of a valuation report at the request of wholesale municipal customers offering to sell their water and sewer utility assets. The actual amount is to be paid by wholesale municipal customers making the request.

Exhibit "A"

Flow Chart Criteria for Water Main Extensions

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APPENDIX 'A'

MIAMI-DADE WATER AND SEWER DEPARTMENT

FLOW CHART CRITERIA FOR WATER MAIN EXTENSIONS ~~REQUIREMENTS~~

The following process flow charts shall be ~~is a list of the criteria~~ utilized ~~by the Miami-Dade Water and Sewer Department (Department)~~ to determine when water main extensions are required in the development or redevelopment of properties within the Department's water service area pursuant to Section 2.04, Extensions to the Distribution System, of these rules and using the procedure below. Requirements under Section 2.04 have been translated to case specific flow charts based on the proposed use of the property and included in this Exhibit.

~~This criteria shall only apply to new developments, new service requests to existing structures, increases to the existing area of buildings by 50 percent or greater, or increases to the existing total daily rated gallonage by 50 percent or greater.~~

~~However, in cases where there is no increase in square foot area of an existing building, these water main criteria shall not apply to existing buildings whose daily rated gallonage increases by 50 percent or more, if the owner can demonstrate that the daily rated gallonage of the new use by itself is not 50 percent or greater than the daily rated gallonage of the previous use of the building or by the application of water use efficiency measures contained in the County's Water Use Efficiency Ordinance 8-31. In addition, pursuant to Section 2.04(e) of these Rules concerning Redevelopment, certain uses therein must meet specific water service requirements in order to be served by the existing infrastructure. and when the Department has no records indicating prior usage. The Department's evaluation of this demonstration shall be binding. Water mains 36-inch in diameter and larger, shall not be tapped for water service nor be considered to provide frontage on properties.~~

~~In residential areas, undersized water mains (mains that are less than four (4) inch in diameter) that are considered inadequate (determined by a flow and pressure test conducted by the Distribution DivisionMeter Section of the Department) shall not be tapped for water service or water main extensions, nor shall they be considered to provide frontage on properties. Water main extensions will be required in accordance with the criteria. Refer to Section 2.04 (e)(1) of these Rules for detailed guidelines.~~

~~Existing Low Pressure water mains, regardless of size, generally located in the City of Miami Civic Center and downtown areas, shall not be tapped for water services, fire hydrants or water main extensions, nor shall they be considered to provide frontage on properties.~~

~~Properties serviced by contaminated well water requesting water service from the Department, shall provide a certificate or proof of contamination from the State of Florida Department of Environmental Protection or the Department of Health, if existing water mains do not comply with the requirements.~~

~~The Department will not require a water main extension from existing single family residential units being served by wells that desire to connect to the County's water system, provided the following conditions are satisfied:~~

~~a) The County has existing water mains accessible and available to the connecting property.~~

~~b) New water service to the connecting property must meet all requirements set forth in the Department's latest Rules and Regulations, including the Standard Details Manual.~~

~~c) The owner of the connecting property must execute a "Declaration of Restrictive Covenant", which is to be prepared and approved by the Department.~~

~~d) The property owner of the connecting property must pay all costs incurred in the installation of the new water service, including recording fees and fees for the preparation of an Opinion of Title for the Covenant.~~

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PROCEDURES

1. Based on the proposed use of the property in question, find the applicable flow chart ~~list~~:

a. Chart F-1:
~~a.~~ Single Family Residence, Duplex, Triplex, and Adult Congregate Living Facilities (ACLF) (≤6 beds)
~~b. Duplex or Triplex~~
~~c.~~b. Chart F-2:
~~c.~~ Townhouse, ~~and~~ Low Density Apartment, Churches and Schools

c. Chart F-3:
High Density Residential and Apartments (As in Chapter 33), Hospitals

d. Chart F-4:
~~Business,~~ Commercial, Industrial, Government Offices ~~Public Buildings, Hospitals, Industrial and High Density Apartments.~~

2. Use the applicable ~~list~~flow chart, begin at the shaded area, and follow the appropriate arrows to the condition that applies. ~~determine the "Item Description" that best identifies the proposed development or redevelopment and obtain the assigned letter (A, B, C, D. E,) under the "Use Condition Format" column.~~

~~3. Find and use the applicable "Condition Format" and determine the conditions that best identify the property and follow the requirements listed.~~

If the listing for the proposed use of the property and/or the item description does not fully identify the proposed development, the Department shall review and make the appropriate determination.

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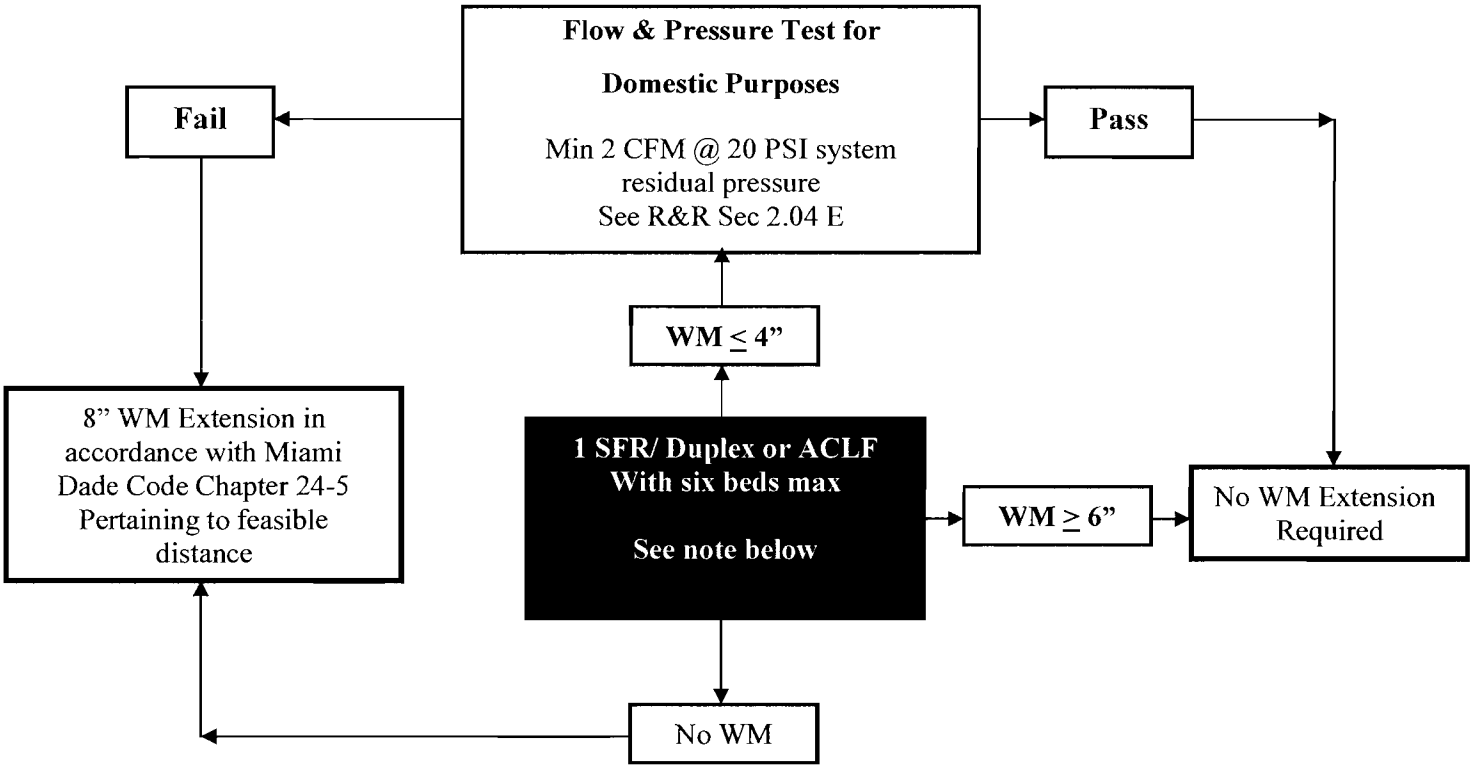
Criteria for Water Main Extension F-1

Miami-Dade Water & Sewer Department

Notice:
Start at shaded area and follow arrows as applicable.

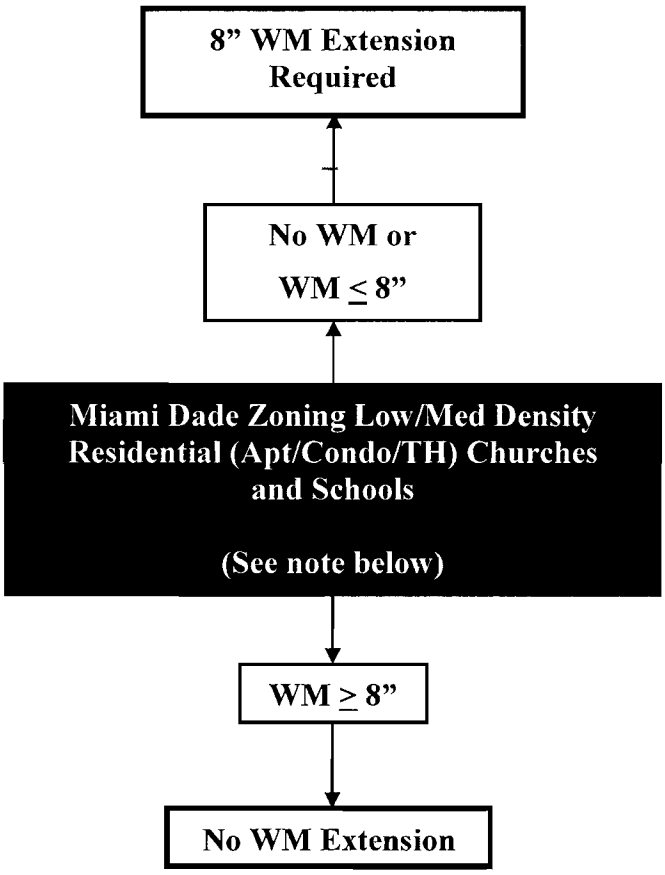


Note: The above flow chart applies to SFR, or duplex being developed per property, for tract home developments any WM extension will be 8-inch min. All WM extensions to cover one full frontage.
For more information, refer to Section 2.04(e).

Criteria for Water Main Extension F-2

Miami-Dade Water & Sewer Department

Notice:
Start at shaded area and
follow arrows as applicable.



Note: Offsite WM extension may be required to provide 2000 GPM with a 20 PSI residual pressure for Schools (per Miami Dade Code Article XIV Sec 2-103.21 Water Supply for Fire Suppression) For more information, refer to Section 2.04(e).

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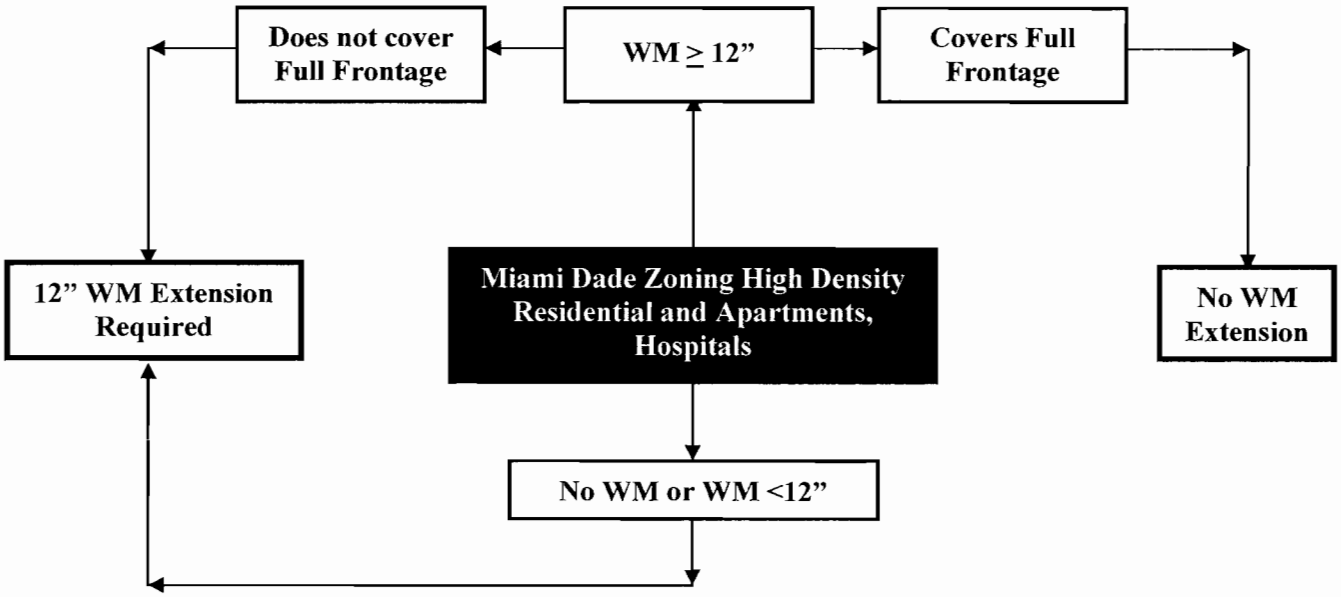
- Criteria for Water Main Extension F-3

Miami-Dade Water & Sewer Department

Notice:
Start at shaded area and
follow arrows as applicable.



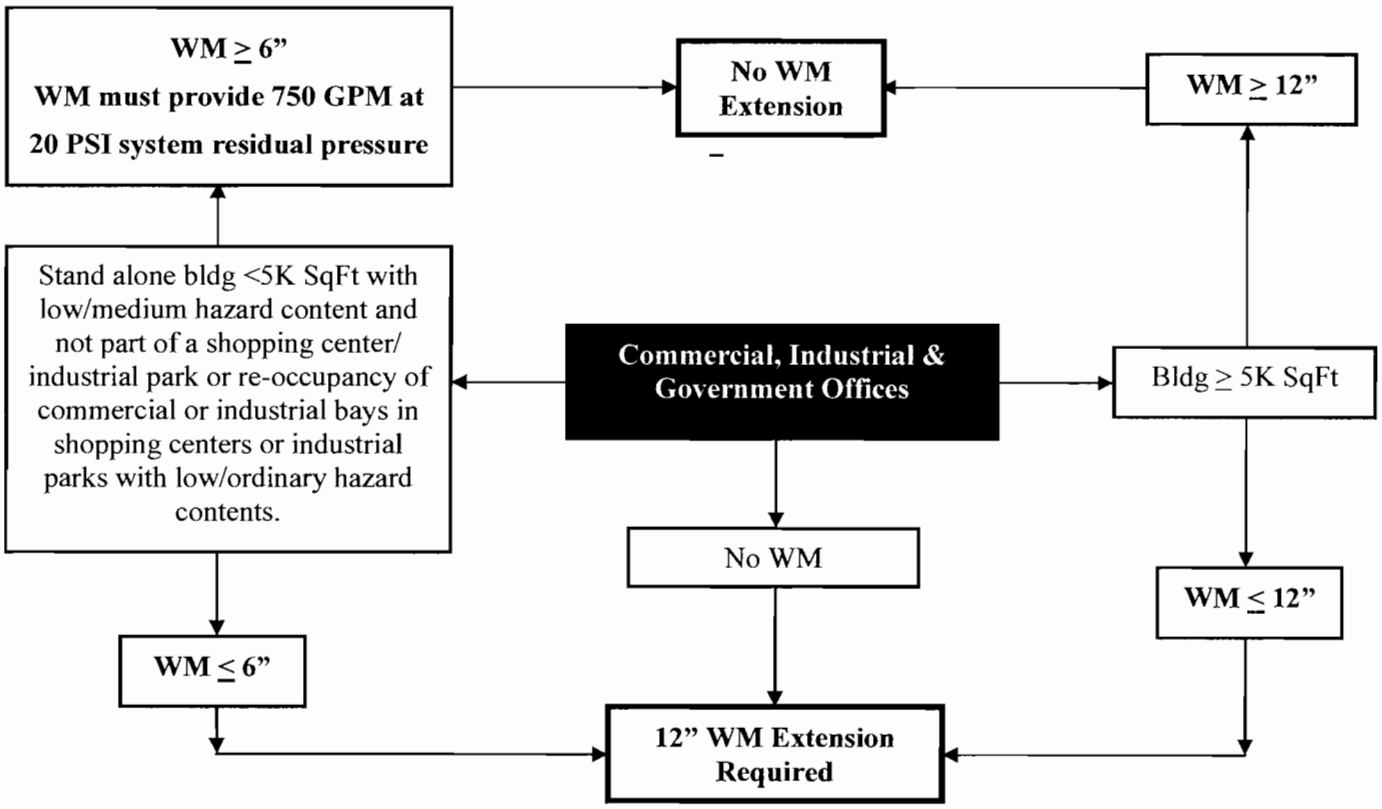
Note: Off site WM extension maybe required to provide 2000 GPM with a 20 PSI residual pressure minimum for Hospitals and High Density Residential per Miami Dade Code Article XIA Sec 2-103.21 Water Supply for Fire Suppression. For more information, refer to Section 2.04(e).

Criteria for Water Main Extension F-4

Miami-Dade Water & Sewer Department

Notice:
Start at shaded area and follow arrows as applicable.

For more information, refer to Section 2.04(e)



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~~**SINGLE FAMILY RESIDENCE (SFR)**~~

~~**ITEM**~~	~~**DESCRIPTION**~~	~~**USE CONDITION FORMAT**~~
~~1)~~	~~SFR replacing a vacant lot.~~	~~"A"~~
~~2)~~	~~SFR replacing a SFR with an existing water service.~~	~~"B"~~
~~3)~~	~~SFR replacing a SFR with no existing water service.~~	~~"A"~~
~~4)~~	~~Attached addition to an existing SFR where the addition is 50% or greater in area of the original structure.~~	~~"A"~~
~~5)~~	~~Detached addition to an existing SFR where the addition will be an apartment, residence or duplex.~~	~~"A"~~

DUPLEX OR TRIPLEX

ITEM	DESCRIPTION	USE CONDITION FORMAT
1)	Duplex or triplex replacing a vacant lot.	"A"
2)	Duplex or triplex replacing a SFR.	"A"
3)	Duplex or triplex replacing a duplex or triplex with an existing water service.	"B"
4)	Duplex or triplex replacing a duplex or triplex with no existing water service.	"A"
5)	Attached addition to an existing duplex or triplex where the addition is 50% or greater in area of the original structure.	"A"
6)	Duplex or triplex on a non-contaminated well requesting service.	"A"
7)	Duplex or triplex on a contaminated well requesting service. (Proof of contamination required.)	"B"

~~**TOWNHOUSES AND LOW DENSITY APARTMENTS**~~

	~~**ITEM DESCRIPTION**~~	~~**USE CONDITION FORMAT**~~
~~1)~~	~~Townhouses or Low Density Apartments replacing a vacant lot.~~	~~"C"~~
~~2)~~	~~Townhouses or Low Density Apartments replacing a SFR or Duplex.~~	~~"C"~~
~~3)~~	~~Townhouses or Low Density Apartments replacing Townhouses or Low Density Apartments with the same number of units.~~	~~"C"~~
~~4)~~	~~Townhouses or Low Density Apartments replacing a Business.~~	~~"C"~~

BUSINESS, COMMERCIAL, PUBLIC BUILDINGS, HOSPITALS, INDUSTRIAL AND HIGH DENSITY APARTMENTS

	ITEM DESCRIPTION	USE CONDITION FORMAT
1)	Any of the above replacing a vacant lot.	"D"
2)	Any of the above replacing a SFR.	"D"
3)	Any of the above replacing a Duplex.	"D"
4)	Any of the above replacing existing Townhouses or Low Density Apartments.	"D"
5)	Any of the above replacing the same.	"D"
6)	Addition to an existing structure or a change in use on any of the above where the addition or change in use will be a 50% or greater increase of the original total daily rated gallonage.	"D"
7)	Any of the above on a non-contaminated well requesting service.	"D"
8)	Any of the above on a contaminated well requesting service. (Proof of contamination required.)	"E"
9)	Additions to any of the above on a contaminated or non-contaminated well requesting service, regardless of the existing or proposed total daily rated gallonage.	"D"

CONDITION FORMAT (A)

A) If the property is an interior lot.

1) If no main exists, minimum 8-inch main extension is required to cover the entire frontage of the property.

2) If a main exists:

a) If the main is less than 2-inch, minimum 8-inch main extension is required to cover the entire frontage of the property.

b) If the main is 2-inch and covers the entire frontage of the property and a test, conducted by the Department, determines that the 2-inch main does have adequate flow and pressure, no water main extension is required. (Maximum domestic water meter size to be installed shall be 5/8-inch. No irrigation service shall be provided.) If the main does not cover the entire frontage of the property, a minimum 8-inch extension is required along the remainder of the property.

c) If the main is 2-inch and a test, conducted by the Department, determines that the 2-inch main does not have adequate flow and pressure, minimum 8-inch main extension is required to cover the entire frontage of the property.

d) If the main is 4-inch or larger but it does not cover the entire frontage of the property, minimum 8-inch main extension is required along the remainder of the property.

e) If the main is 4-inch or larger and it covers the entire frontage of the property, no main extension is required.

B) If the property is a corner lot.

1) If no main exists, minimum 8-inch main extension is required to cover at least one entire frontage of the property.

2) If a main exists:

a) If the main is less than 2-inch, minimum 8-inch main extension is required to cover at least one entire frontage of the property.

b) If the main is 2-inch and covers both frontages of the property and a test, conducted by the Department, determines that the 2-inch main does have adequate flow and pressure, no water main extension is required. (Maximum domestic water meter size to be installed shall be 5/8-inch. No irrigation service shall be provided.)

c) If the main does not have adequate flow, an 8-inch water main is required at least in one frontage of the property.

d) If the main is 2-inch but only covers one frontage of the property, minimum 8-inch main extension is required to cover the other side of the property.

e) If the main is 4-inch or larger and it covers both frontages of the property, no main extension is required.

f) If the main is 4-inch or larger but only covers one frontage of the property:

1) If the main was installed for the property in question, no main extension is required.
2) If the main was installed as part of a Special Taxing District and the property in

question is part of the District, no main extension is required. If the main was installed by another developer or as part of a County's system betterment or a Special Taxing District and the property in question is not a part of the District, minimum 8-inch main extension is required along the remainder of the property. If the property in question is subdivided in such a way that it is fronting two parallel right-of-ways and one of them is abutting an existing adequate main and the property can obtain water service from that existing main, no main extension is required, unless it is a half-section line or a section line or if in the Department's master plan for Water Distribution Systems requires that a main be installed.

CONDITION FORMAT (B)

A) If the property is an interior lot.

1) If no main exists, minimum 8-inch main extension is required to cover the entire frontage of the property.

2) If a main exists, no main extension is required (regardless of existing main size or if it does not cover the entire frontage of the property).

B) If the property is a corner lot.

1) If no main exists, minimum 8-inch main extension is required to cover at least one entire frontage of the property.

2) If a main exists, no main extension is required (regardless of existing main size or if it does not cover the entire frontage of the property).

CONDITION FORMAT (C)

A) If the property is an interior lot.

1) If no main exists, minimum 8-inch main extension is required the entire frontage of the property.

2) If a main exists:

a) If the main is less than 8-inch, minimum 8-inch main extension is required to cover the entire frontage of the property.

b)If the main is 8-inch or larger but it does not cover the entire frontage of the property, minimum 8-inch main extension is required along the remainder of the property,

c) If the main is 8-inch or larger and it covers the entire frontage of the property, no main extension is required.

B) If the property is a corner lot.

1) If no main exists, minimum 8-inch main extension is required to cover at least one entire frontage of the property.

2)If a main exists:

a) If the main is less than 8-inch, minimum 8-inch main extension is required to cover at least one entire frontage of the property.

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b) If the main is 8-inch or larger and it covers both frontages of the property, no main extension is required.

c) If the main is 8-inch or larger but only covers one frontage of the property:

1) If the main was installed for the property in question, no main extension is required.

2) If the main was installed as part of a Special Taxing District and the property in question is part of the District, no main extension is required.

3) If the main was installed by another developer or as part of a system betterment or a Special Taxing District and the property in question is not a part of the District, minimum 8-inch main extension is required along the remainder of the property.

~~CONDITION FORMAT (D)~~

~~A) If the property is an interior lot.~~

~~1) If no main exists, minimum 12-inch main extension is required to cover the entire frontage of the property.~~

~~2) If a main exists:~~

~~a) If the main is less than 12-inch, minimum 12-inch main extension is required to cover the entire frontage of the property.~~
~~b) If the main is 12-inch or larger but it does not cover the entire frontage of the property, minimum 12-inch main extension is required along the remainder of the property.~~
~~c) If the main is 12-inch or larger and it covers the entire frontage of the property, no main extension is required.~~

~~B) If the property is a corner lot.~~

~~1) If no main exists, minimum 12-inch main extension is required to cover at least one entire frontage of the property.~~

~~2) If a main exists:~~

~~a) If the main is less than 12-inch, minimum 12-inch main extension is required to cover at least one entire frontage of the property.~~
~~b) If the main is 12-inch or larger and it covers both frontages of the property, no main extension is required.~~
~~c) If the main is 12-inch or larger but only covers one frontage of the property:~~

~~1) If the main was installed for the property in question, no main extension is required.~~
~~2) If the main was installed as part of a Special Taxing District and the property in question is part of the District, no main extension required.~~
~~3) If the main was installed by another developer or as part of a system betterment or a Special Taxing District and the property in question is not a part of the District, minimum 12-inch main extension is required along the remainder of the property.~~

~~CONDITION FORMAT (E)~~

~~A) If the property is an interior lot or a corner lot.~~

~~1) If no main exists, follow Condition Format (D).~~

~~2) If a main exists:~~

~~a) Service can be provided (regardless of existing main size or if it does not cover the entire frontage of the property) with the following condition: The owner of the property must execute and submit to the Department a "Declaration of Restrictive Covenants" that is provided by the Department for a water main extension according to Condition Format (D).~~

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