

# MEMORANDUM

Agenda Item No. 8(0)(2)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

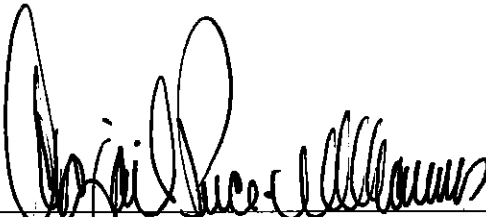
**DATE:** April 10, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution amending  
Implementing Order 10-8  
Rules and Regulations of the  
Miami-Dade Water and Sewer  
Department updating the  
Department's Rules and  
Regulations for the provision  
of water and sewer services

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The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

  
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Abigail Price-Williams  
County Attorney

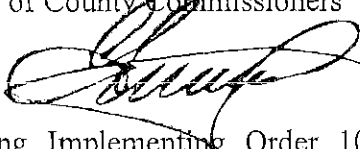
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# Memorandum



**Date:** April 10, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Amending Implementing Order 10-8: Miami-Dade Water and Sewer Department Rules & Regulations updating the Department's Rules and Regulations for the Provision of Water and Sewer Services

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution amending Implementing Order 10-8: Rules and Regulations of the Miami-Dade Water and Sewer Department (WASD) for the provision of water and sewer services by WASD. The Board approved the last update to WASD's Rules and Regulations (R&Rs) on May 3, 2011, pursuant to Resolution No. R-347-11.

## **Scope**

The impact of this agenda item is Countywide.

## **Fiscal Impact/Funding Source**

This amendment to WASD's R&Rs will have a positive fiscal impact to the County. The Department is changing the submittal process for applications, forms and plans from a paper submittal process to an electronic submittal, which will reduce paper storage costs and increase overall efficiency. None of the proposed revisions include new fees or charges.

## **Track Record/Monitor**

WASD's Director, Kevin Lynskey, will oversee the implementation of the proposed changes to the R&Rs.

## **Background**


The proposed revisions to WASD's R&Rs serve to improve the Department's existing business practices and give WASD more flexibility when reviewing the application of the R&Rs. In addition, they offer WASD's customers and the development community more cost-effective solutions to obtain water and sewer services from existing facilities or from newly constructed facilities.

Meetings to discuss the proposed revisions were held with key stakeholder groups. The most significant changes proposed include:

- WASD staff performed a thorough review of its R&Rs and proposed revisions to the R&Rs to make the Department's approval process easier and simpler.
- New language was added providing the Department with more flexibility when reviewing and approving specifications for design, material and construction standards. The Department will have the ability to approve proposed alternatives to existing standards.
- Developers of affordable housing will obtain and provide to the Department the funding commitments, including Letters of Agreements and Developer Agreements, for the affordable housing development at the time the developer requests the Water Verification Form.

- The water main extension requirements for Single Family Homes, Duplexes and Adult Congregated Living Facilities (ACLFs) with six beds were revised in favor of the Customer. Currently, a water main extension is required if 8-inch mains are located within 200 feet. This requirement has been revised to allow customers to use the existing infrastructure if a verification of proper pressure demonstrates that the water meter (currently installed on a water pipeline ranging in size from 2 inches to 6 inches) is sufficient for service at the property.
- A Development Committee appointed by the Director will be formed and meet on a biweekly basis to perform additional reviews beyond standard staff review to determine the applicability of these R&Rs, including but not limited to: water and sewer main extensions; requirements for fire hydrant installations; water service requirements for redevelopment, including new construction replacing facilities and changes of use of existing structures; and oversizing water main extensions.
- The Director may amend the Department's R&Rs, subject to ratification from the Board on an annual basis.
- Applications, forms, and plans submittals will be submitted electronically to the Department unless otherwise approved by the Department.

A more detailed and expansive list of the proposed changes to the R&Rs that have not been discussed in this memorandum are included in a document entitled "Summary List of Proposed Revisions to WASD's Rules & Regulations," which is attached hereto as Attachment A.



Jack Osterholt  
Deputy Mayor

## Attachment A

### Summary List of Proposed Revisions to WASD's Rules & Regulations

**The proposed changes to the Miami-Dade Water and Sewer Department's Rules & Regulations Manual (R&R) are summarized below. Grammatical revisions and changes with no impact are not accounted for in this summary.**

- The Table of Contents was updated and now include page numbers.
- Language was deleted in Section 1.03 entitled "General Information Concerning the Department - Public Information". The Department's New Business office hours were deleted. Language was added to include the Department's Office of Public Affairs (and its location) as the designated office to obtain copies of public records. See R&R at p. 9.
- The title of Section 1.04 "Citations and Cross References" was revised to "Authorities and Delegations" to better reflect the subject matter of the section. See R&R at p. 9.
- Language was added to Section 1.04(2) that designates a Development Committee appointed by the Department Director as the entity that will perform additional reviews to determine the applicability of the Rules and Regulations. In addition, language was added that states that plans prepared under an existing/current set of R&R's will be grandfathered in, as well as material, labor, and construction standards, for a period of three (3) months from the date the Board of County Commissioners ratifies the most recent rule change. See R&R at p. 9.
- Section 1.04(3) was added to authorize the Department Director to amend the R&R's subject to ratification from the Board on an annual basis. See R&R at p. 9.
- R&R terms were updated/added/deleted to Subsection 1.05 entitled "Definitions".
  - Three (3) definitions were revised.
    - Revised the acronym DERM to DRER (Department of Regulatory and Economic Resources) See R&R at p. 11.
    - Revised the definition of Oversizing Credit to clarify the purpose of the credit. See R&R at p. 12.
    - Revised the term PH and rewrote it as pH. See R&R at p. 12.
  - One (1) definition was added.
    - Duplex - two (2) premises served by one (1) or more meters. See R&R at p. 11.
  - One (1) definition was deleted.
    - Sewer Lateral - this is a duplication of the term "Lateral" on page 12 of the R&R's. See R&R at p. 13.
- Section 1.06 entitled "Applications, Forms, Plans Submittals to the Department – Electronic Submittals" was added to require customers to submit all applications, forms, and plans electronically, unless otherwise approved by the Department. See R&R at p. 13. This new requirement also applies to the following Sections of the R&R's:

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### Water Section

- Section 2.02(5) entitled "Developer Agreements". See R&R at p. 16.
- Section 2.04(2)(a) entitled "Application (by Developer or Others)". See R&R at p. 20.
- Section 2.05(1)(b) entitled "Plans Approval". See R&R at p. 24.
- Section 2.05(3) entitled "Conveyance and Ownership". See R&R at p. 28.

### Sewer Section

- Section 3.02(6) entitled "Developer Agreements". See R&R at p. 45.
  - Section 3.04(2)(a) entitled "Application (by Developer or Others)". See R&R at p. 46.
  - Section 3.05(1)(b) entitled "Plans Approval". See R&R at p. 48.
  - Section 3.05(3) entitled "Conveyance and Ownership". See R&R at p. 52.
  - Section 3.05(6)(e) entitled "Sewage Pump Requirements". See R&R at p. 55.
- Language was added to Section 2.02(2) entitled "Applications for Fire Hydrant Service". The new language states that the Department's fire hydrant installation requirement can be waived if the waiver is approved by the Department's appointed Development Committee per Section 2.04(3) of the R&R's, or unless directed otherwise by the Department. See R&R at p. 15. The new waiver language also applies to the other sections of the R&R's as follows:

### Water Section

- Section 2.04(2)(d) entitled "Water Main Extensions". See R&R at p. 21.
  - Section 2.04(2)(e) entitled "Redevelopment". See R&R at p. 21.
  - Section 2.05(1)(g) entitled "Oversizing". See R&R at p. 25.
- Language was added to Section 2.02(4) entitled "Large Volume Water Usage Agreements (Wholesale Agreements)". The new language clarifies that wholesale water agreements apply to municipalities and any other governmental entity approved by the Department. See R&R at p. 16. This clarification also applies to the sewer portion of the R&R's, specifically, Section 3.02(5), p. 45.
  - Language was revised in the Section 2.02(5) entitled "Developer Agreements". The revision changes the submittal requirements for developers to construct water facilities on new or existing properties before the Department prepares an agreement for the provision of water service. The new submittal requirements require the developer to submit a description of the planned development together with a current, signed and sealed site plan, or a current, signed and sealed boundary survey, or current sketch and legal description, or other acceptable plat. See R&R at p. 16. This revision also applies to the following Sections of the R&R's:

### Water Section

- Section 2.04(2)(a) entitled "Application (by Developer or Others)". See R&R at p. 20.

### Sewer Section

- Section 3.02(6) entitled "Developer Agreements". See R&R at p. 45.
- Section 3.04(2)(a) entitled "Application (by Developer or Others)". See R&R at p. 46.

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- Section 2.02(6) entitled "Projects with Mixed Uses" was added to address the issue of mixed-use buildings (residential and commercial) by requiring that new buildings install separate meters for the different uses. On December 19, 2017, a revised mixed-use building rate structure was approved by the Board of County Commissioners for mixed-use buildings. See R&R at p. 16.
- Language was revised in Section 2.02(10)(b) entitled "Floating Meter Service". The revision deletes all language regarding the illegal withdrawal of water with a floating meter outside WASD's service area as there is no impact to WASD if a floating meter is used outside of its service area. See R&R at p. 17.
- Language was added to Section 2.02(10)(e) entitled "Floating Meter Service". The new language states that denial of water service may happen if an entity with the same parent company as the applicant owes a debt to the Department. See R&R at p. 17.
- Language was added to Section 2.02(10)(i) entitled "Floating Meter Service". The new language states that an application for a floating meter may be denied if an entity with the same parent company as the applicant owes a debt to the Department. See R&R at p. 17.
- Language was added to Section 2.02(10)(m) entitled "Floating Meter Service". The new language states that an applicant is responsible for any water used if the floating meter is stolen, unless a police report dated within 30 business days of the date of the theft is provided to the Department within five (5) business days of the police report date. See R&R at p. 18.
- Language was revised in Section 2.02(11) entitled "Change of Occupancy". The revision changes the Department's notification procedures when there is a change of occupancy. The revised language provides customers with additional notification methods. These revisions do not apply to buildings with multiple units. See R&R at pp. 18-19.
- Language was deleted in Section 2.02(12) entitled "Limitation of Use". This section was revised to delete the ordinance number of the County's Re-Metering Ordinance (Ordinance No. 96-137), and refer to it only by name. See R&R at p. 19.
- Language was revised in Section 2.04(1) "Planned Extensions". The term "means" was replaced by the term "mechanism" to better describe funding methods other than special taxing districts for water improvements. See R&R at p. 20.
- Language was revised in Section 2.04(2)(b) entitled "Processing of Application" broadening the current ownership requirements of a property in order to develop a property. The current language requires the developer to obtain a current attorney's opinion of title stating that the developer is the owner in fee simple of the property to be covered by the agreement. The new language states that the developer may also be the long-term lessee of the property and is authorized to develop the property. The revision also exempts federal and state agencies as well the Miami-Dade County School Board from submitting an opinion of title as they may represent themselves in the agreement as owning the property in fee simple. See R&R at p. 20. This new language also applies to the sewer portion of the R&R's, specifically, Section 3.04(2)(b), p. 46.

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- Language was added to Section 2.04(2)(c) entitled "Basis of Payment for Extensions". The new language adds the terms "special construction connection charges" and "installing additional services" as other possible costs to a developer. See R&R at pp. 20-21.
- Language was revised in Section 2.04(2)(e)(1) entitled "Redevelopment". The revision changes water service requirements for redevelopment of properties of single family residences or duplexes. The existing language requires a water main extension if 8 inch mains are located within feasible distance. The new language states that a "Verification of Proper Pressure at Critical Fixture" test shall be performed by the customer demonstrating that a 5/8 inch water meter (installed on a water pipeline ranging in size from 2 inches to 6 inches) is sufficient for service at the property. See R&R at p. 22.
- Language was revised in Section 2.04(2)(e)(6) entitled "Redevelopment". The revision changes the requirement to install a water main extension based on changes to the square foot area. Currently, if there is no increase in the square footage of the property and the owner can demonstrate that the daily rated gallonage of the new use by itself is not 50 percent greater than the previous use, and if the building is considered low to medium hazard content, a water main extension is not required. The new language states that if there is an increase in square footage of 25 percent or less, the new use by itself is not greater than the previous flow and if the building is considered low to medium hazard content, a water main extension is not required. See R&R at p. 22.
- Language was added to Section 2.04(2)(f) entitled "Water Main Extension From Public Right-of-Way" which states that existing water mains less than five (5) years old that have been installed in private roads may be allowed to stay in place as approved by the Department. See R&R at p. 23.
- Language was revised in Section 2.04(3) entitled "Waivers". The revision creates a new process to review requests for water main extensions. Currently, a customer's request for waiver is reviewed by the Director or the Director's designee. The revision changes the process in that a Development Committee appointed by the Department Director will review the request for a waiver. See R&R at p. 23. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.04(3). See R&R at p. 47.
- Language was revised to the third paragraph in Section 2.04(3) entitled "Waivers". The revision pertains to new construction, fire flows standards and water and sewer connection requirements. The existing language states that all standards established in the Department's technical specifications and details for design and construction of water and sewer facilities and any regulatory requirement must be met. The new language states that Department standards must be met, unless directed otherwise by the Department. See R&R at p. 23. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.04(3). See R&R at p. 47.
- Section 2.04(4) entitled "Limitations of Use" was added to page 23 to mirror the language in the sewer portion of the R&R's, specifically, Section 3.04(4). See R&R at p. 48. The language discusses unauthorized connections in the water and sewer system, as appropriate.

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- Language was revised in Section 2.05(1)(d) entitled "Materials and Construction Standards". The revisions are as follows: 1) the term construction was added to clarify that the Department's construction standards shall be met as specified in the Department's "Design and Construction Standard Specifications" manual, 2) the clause "most recent version" was added to clarify that the applicable materials, labor and construction standards are in the most recent version of the Department's "Design and Construction Standard Specifications" manual, 3) the term "Details" was deleted from the title of the Department's "Design and Construction Standard Specifications" manual to reflect the correct title of the manual, and 4) language was added stating that the standards delineated in the Department's "Design and Construction Standard Specifications" manual must be adhered to, unless otherwise directed by the Department. See R&R at p. 24. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.05 (1)(d). See R&R at p. 48.
- Language was deleted in Section 2.05(1)(f) entitled "Costs". The sentence "connection charges are defined hereinafter" does not pertain to this Section; therefore, it was deleted. See R&R at p. 25. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.05(1)(e). See R&R at p. 49.
- Language was revised in the second paragraph of Section 2.05(1)(f) entitled "Costs". The revisions 1) defines the term "Developers of Affordable Housing" according to the United States Department of Housing and Urban Development, or workforce housing as defined in the Code of Miami-Dade County, 2) deletes reference to Florida Statute 420.0004, 3) deletes the term "the County's Office of Economic Development and International Trade" (OEDIT) as it is no longer applicable, and 4) requires that the funding commitments, including Letters of Agreement and Developer Agreements, for the applicant's development be obtained and provided to the Department at the time the applicant requests the Verification Form (which confirms capacity in the water and sewer system). See R&R at p. 25. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.05(1)(e). See R&R at p. 49.
- Language was revised in Section 2.05(1)(h) entitled "Permits". The revision makes a distinction between a building permit and other permits that must be obtained prior to project commencement by the developer's engineer of record and the contractor. See R&R at p. 26. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.05 (1)(h). See R&R at p. 50.
- Language was revised in Section 2.05(2) entitled "Public Easement". The revision corrects the required width of a platted utility ingress/egress easement from 24 feet to 23.5 feet, unless a variance is approved by WASD for combined water and sewer facilities. See R&R at p. 27. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.05 (2). See R&R at p. 51.
- Language was revised in Section 2.06(3)(a) entitled "Modification of Existing Service Line. The revision deletes the word initial two (2) times to make it the responsibility of the current customer to make sure that their service line meets Department standards including modifications, adjustments, repairs and the meter box. See R&R at p. 29.



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- Language was deleted in Section 2.06(3)(g) entitled "Protection of Department's Property". Language regarding the issuance of citations related to tampering was deleted as citations for tampering are issued pursuant to Section 8CC-10: Schedule of Civil Penalties or Chapter 32-121 of the Miami-Dade County Code, not in the Department's Schedule of Rates, Fees and Charges. See R&R at p. 30.
- Language was added to Section 2.06(3)(h) entitled "Access to Premises". The new language states that the Department reserves the right to terminate water service to other properties owned by the customer, if the Department cannot access its own facilities at a property where a bill has not been paid or Department property has been damaged. See R&R at p. 30.
- Language was added to Section 2.06(5) entitled "Installation of Meters". The new language states single family residences are exempt from the backflow preventer requirement unless the requirement is applicable in other sections of the R&R. See R&R at p. 31.
- Language was revised to Section 2.06(6)(f) entitled "Meter – Standard of Accuracy and Certified Test". The existing language refers only to the approval of adjustments (to customer billings) in the event the meter test results show that the meter is measuring greater than the acceptable ranges specified in Section 2.06(6)(b). There is no existing language in the R&R's in the event the meter test results show that the meter is measuring below the acceptable ranges specified in Section 2.06(6)(b). The revised language clarifies that no adjustments will be issued in the event the meter test results show that the meter is measuring below the acceptable ranges specified in Section 2.06(6)(b). See R&R at p. 32.
- Language was added to the first paragraph of Section 2.06(7) entitled "Connections for Service; Unauthorized Connections or Installations". The new language states that in addition to the Department, Chapter 24 of the Miami-Dade County Code may govern the requirement to connect to the water system. See R&R at p. 32. This revision also applies to the sewer portion of the R&R, specifically, Section 3.02(2) entitled "Authorization for Connections". See R&R at p. 44.
- Language was revised to the second paragraph of Section 2.06(7) entitled "Connections for Service; Unauthorized Connections or Installations". The revised language updates the section of Miami-Dade County Code (Chapter 32, Article VIII) which relates to backflow prevention and cross connection. See R&R at p. 32.
- Language was added to the fourth paragraph of Section 2.06(7) entitled "Connections for Service; Unauthorized Connections or Installations". The new language states that a hydroneumatic system may be installed after the Department performs a detailed review of the conditions for connection to the water system. See R&R at pp. 32-33.
- Language was added to the third paragraph of Section 2.06(8) entitled "Installation of Sub-Meters". The new language requires customers with sub-meters installed at cooling towers to submit a monthly meter readings to the Department. All other sub-meters shall be read by Department personnel. The location of the sub-meter must be within a 10-foot radius of the customer's meter. Furthermore, customers installing a sub-meter for the first time and any customer whose existing

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sub-meter is in need of recalibration or replacement is required to purchase and have installed a smart water meter. Smart water meters transmit meter reading data to towers fitted with remote receivers that relay the data to the County through a regional network interface. Smart water meters are not read by Department personnel. See R&R at p. 33.

- Language was revised in Section 2.07(5) entitled "Guarantee Deposits". The revision states that when a residential customer opens an account on a monthly/quarterly basis, the customer may have to pay a guarantee deposit. The existing language states that each residential customer must pay a guarantee deposit. See R&R at p. 34. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.07 (4). See R&R at p. 60.
- Language was deleted in the sixth paragraph of Section 2.07(5) entitled "Guarantee Deposits". The deleted language states that customers may not receive interest on a deposit from the date of payment or partial payment for the period prior to April 1, 1984. With this change, customers will receive interest from the date of the payment or partial payment regardless of the time period. See R&R at p. 35. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.07 (4). See R&R at p. 61.
- Language was revised in Section 2.07(7) entitled "Delinquent Bills". The revision broadens the type of written notification the Department may use to notify a customer that water service may be disconnected due to non-payment. See R&R at p. 35.
- Language was deleted in paragraph 5 of Section 2.07(7) entitled "Delinquent Bills". The language was revised so that the Department Director or the Department Director's designee has the discretion to remove late penalty charges. See R&R at p. 36. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.07 (5). See R&R at p. 61.
- Language was added to Section 2.07(14) entitled "Administrative Hearings", and the term "tampering charges" was deleted. The new language provides a time period for monthly and quarterly customers to request an Administrative Hearing including additional procedures for the hearings and new procedures for the distribution of costs associated with the hearings. The term "tampering charges" was deleted as tampering cases cannot be considered at an Administrative Hearing. See R&R at pp. 37-38. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.07(8). See R&R at pp. 62-63.
- Language was added Section 2.08(6)(d) entitled "Connection Charges". The new language states that interest shall be charged for "Payment Arrangements" prepared by the Department for the payment of connection charges. See R&R at p. 39. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.08(2)(d). See R&R at p. 64.
- The term "connection charges" was added to Section 2.09 entitled "Penalties" which authorizes the Department to discontinue/withhold water service, among other reasons, for non-payment of bills. The new language includes non-payment of connection charges as a reason to withhold service until all costs due to the Department are paid. See R&R at p. 40.

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- Language was added to Section 2.10(1)(e)(1) entitled "Billing Adjustments". The new language specifies that concealed leak credits will not be issued to customers using floating meters. See R&R at p. 41. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.10(1)(e)(1). See R&R at p. 68.
- Section 2.10(1)(f)(1-3) entitled "One-Time Lifetime Adjustments for Extreme Circumstances" was added to the R&R's in accordance with Section 32-101 of the Code. The Director of the Department is given discretion to provide a one-time lifetime billing adjustment to customers who dispute a high bill not resulting from a concealed or visible leak and who meet the Department's criteria. See R&R at pp. 41-42. This new language also applies to the sewer portion of the R&R's, specifically, Section 3.10(1)(g)(1-3). See R&R at p. 69.
- Language was revised in Section 2.12 entitled "Termination of Water Service to Three or More Units Served by the Same Meter". The revision broadens the type of written notification the Department may use to notify a customer that service may be terminated due to non-payment. See R&R at p. 43.
- Section 2.15 entitled "Verification Forms and Ordinance Forms" was added to the R&R's to describe the forms that are part of the approval process to obtain a building permit for proposed development projects or for a property owner. See R&R at pp. 43-44. This revision also applies to the sewer portion of the R&R's, specifically, Section 3.12. See R&R at p. 70.
- Language was revised in Section 3.05(5) entitled "Minimum Size of Force Mains". The existing language states that the size of force mains discharging flows from a private pump station to a County-owned sewer main located in an easement or right-of-way immediately abutting the property may be sized to no less than four (4) inches. The new language revises the standard to six (6) inches, unless a variance is approved by the Department. See R&R at p. 52.
- Language was revised in Section 3.05(6)(a) entitled "Sewage Pump Station Requirements" for clarification purposes including: 1) the appendix in the Department's "Design and Construction Standard Specifications" which was changed from D to E, 2) the clause "most recent version" was added to clarify that the applicable materials, labor and construction standards are in the most recent version of the Department's "Design and Construction Standard Specifications" manual, and 3) Specifications Section U.C. 500 is no longer applicable; therefore, reference to that section is being deleted. See R&R at pp. 52-53.
- Language was revised in Section 3.05(6)(c) entitled "Sewage Pump Station Requirements". The new language states that developers shall execute the "Unity of Title" not the "Covenants in Lieu of Unity of Title" in order for a private sewage pump station to serve the property. Covenants in Lieu of Unity of Title instruments executed prior to December 31, 2016 will continue to be in effect. See R&R at p. 54.
- Language was added in Section 3.05(6)(d) entitled "Sewage Pump Station Requirements". The new language states that pumps with variable speeds may be required at the discretion of the Director or the Director's designee. See R&R at p. 54.

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- Language was added in Section 3.05(7) entitled "Sewage Pump Station Requirements". The new language states that, in addition to all existing County and State approvals currently required, the Department will not approve a sewer extension without approval from any other required pertinent regulatory or applicable agency having jurisdiction. See R&R at p. 55.
- Language was added and deleted in Section 3.06(13) entitled "Discharges Containing Ground Garbage, Approval of Certain Size Grinders Required". The phrase "by non-residential land users" was added and the phrase "equipped with a motor of three fourths (3/4) horsepower (0.76 h.p. metric) or greater" was deleted restricting the application of the existing requirements for garbage that is grinded/diluted to non-residential land users only. See R&R at p. 59.
- Language was added and deleted in Section 3.06(14) entitled "Discharges Containing Acids and Bases: Neutralization is Required". The new language updates the standards by making reference to the Pretreatment Standards in Chapter 24 of the Code. The deleted language was outdated. See R&R at p. 59.
- Language was deleted in Section 3.06(17) entitled "Accidental Release of Unacceptable Discharge". The amount of the additional charge (\$1,500) for failing to report an unacceptable discharge was deleted. This type of additional charge is not under WASD's purview and to date has never been collected by WASD. See R&R at p. 59.
- Section 3.08(3)(c) was added entitled "Refund of Water and Sewer Connection Charges" on page 64 to mirror the language of the water portion of the R&R, specifically, Section 2.08(7)(c). See R&R at p. 39. The language discusses exemptions granted to a project by the Board that are entitled to a refund of water and sewer connection charges.
- Language was added to Section 3.09(5)(a) entitled "Invoicing & Collection" to define a ticket as a "septic waste disposal ticket". See R&R at p. 66.
- Section 3.10(2) was added entitled "Corrected Billing". See R&R at p. 70. The new language mirrors the language in the water portion of the R&R's, specifically, Section 2.10(2). See R&R at p. 42. This section discusses the authority the Department has to correct billing for under-billed or unbilled charges regardless of whether the inaccuracies were caused by the Department, the customer or a third party for a period of four (4) years in accordance with Section 95.011 of the Florida Statutes.
- Exhibit "A" consists of four (4) charts (F-1 through F-4) which illustrate the Department's criteria for water main extensions based on the proposed use of the property, see R&R at pp. 73-76. Those charts were updated and replaced with new charts. See R&R at pp. 77-81. Only the criteria for Chart F-1 which exhibits the water main extension requirements for Single Family Homes, Duplexes and Adult Congregate Living Facilities (ACLF's) with six (6) beds was revised. Chart F-1 was revised in that it was divided into two (2) separate charts, Chart F1-a and Chart F1-b. The revisions are described on the next page.

## Attachment A

### Summary List of Proposed Revisions to WASD's Rules & Regulations

- Chart F1-a - the criteria was revised to include only single family homes and duplexes. The revisions give homeowners a more cost effective solution for new construction or changes of use of existing structures. Currently, a water main extension is required if 8-inch mains are located within 200 feet. This requirement has been revised to allow customers to use the existing infrastructure if a verification of proper pressure demonstrates that a water meter (installed on a water pipeline ranging in size from 2 inches to 6 inches) is sufficient for service at the property. See R&R at p. 77.
- Chart F1-b -- the criteria requirements for Adult Congregated Living Facilities (ACLF's) remain the same but are now represented by Chart F-1b. See R&R at p. 78.
- Chart F-4 was revised for clarification purposes, the criteria was not revised. See R&R at p. 81.
- Chart F-5 was added to the R&R's, it contains the criteria requirements for private pump stations. See R&R at p. 82.
- Exhibit "B" was added to the R&R's, it should be used with the criteria for water main extensions in Chart F-1a. Exhibit "B" contains the minimum required pressure at critical fixture. See R&R at p. 83.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** April 10, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(0)(2)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor'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(0)(2)

4-10-18

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AMENDING IMPLEMENTING ORDER 10-8  
RULES AND REGULATIONS OF THE MIAMI-DADE WATER  
AND SEWER DEPARTMENT UPDATING THE  
DEPARTMENT'S RULES AND REGULATIONS FOR THE  
PROVISION OF WATER AND SEWER SERVICES

**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 amends Implementing Order 10-8 of the Miami-Dade Water and Sewer Department to update the Department's Rules and Regulations for the provision of water and sewer services in substantially the form attached hereto and made a part hereof.

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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of April, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

SED

Sarah E. Davis



## IMPLEMENTING ORDER



MIAMI-DADE

### IMPLEMENTING ORDER NO. 10-8

**TITLE:** Rules and Regulations of the Miami-Dade Water and Sewer Department

**Ordered:** 4/10/2018

**Effective:** 4/24/2018

#### **AUTHORITY:**

The Miami-Dade County Home Rule Charter, and Chapter 2 and 32 of the Code of Miami-Dade County.

#### **SUPERSEDES:**

This Implementing Order ~~rescinds previous Administrative Order 10-8, effective November 3, 2001, and replaces it.~~ supersedes Implementing Order 10-8 effective May 3, 2011 and replaces it.

#### **POLICY:**

This Implementing Order provides the current Rules and Regulations of the Miami-Dade Water and Sewer Department as revised. The Department shall act in accordance with the procedures set forth in the Rules and Regulations in dealing with water and sewer customers.

#### **PROCEDURE:**

The Director of the Miami-Dade Water and Sewer Department shall be responsible for the administration and enforcement of the Department's Rules and Regulations. The Director shall review the Rules and Regulations from time to time to determine the applicability of these Rules and Regulations. The Director may modify these Rules and Regulations subject to ratification from the Board of County Commissioners on an annual basis.

#### **RULES AND REGULATIONS:**

The Rules and Regulations as adopted and established by this Implementing Order are attached hereto and incorporated herein by reference. These Rules and Regulations are subject to the approval of the Board of County Commissioners and will be filed with the Clerk of the Board.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as  
to form and legal sufficiency \_\_\_\_\_

MIAMI-DADE WATER AND SEWER DEPARTMENT  
RULES AND REGULATIONS  
FOR  
WATER AND SEWER SERVICE

Revised, March 2018~~1~~

~~Copies of these Rules and Regulations are obtainable at the Department's New Business Office located at 3575 South LeJuene Road, Miami, Florida, and are a part of the contracts of the Department, and in absence of specific written agreement to the contrary, they apply without modification or change to every consumer and customer to whom the Department renders service. Copies of the Department's Schedule of Rates, Fees and Charges can also be obtained at the Department's New Business office.~~

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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 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 is located at 3575 South LeJeune Road, Miami, Florida; the office is open ; office hours are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except on 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 can be are obtainedable and/or are available for inspection at - the Department's Public Affairs office located at 3071 SW 38<sup>th</sup> Avenue, Miami, Florida 33146 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~~ AUTHORITIES AND DELEGATIONS

- (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 through a Development Committee appointed by the Department Director to determine the applicability of these Rules and Regulations. Plans prepared under an existing/current set of Rules & Regulations will be grandfathered in, as well as material, labor, and construction standards, for a period of three months from the date the Board of County Commissioners ratifies the most recent rule change.
- (2)(3) The Director of the Department may amend these Rules and Regulations subject to ratification by the Miami-Dade County Board of County Commissioners on an annual basis.

## 1.05 DEFINITIONS

Application:	A request to the Department for water and/or sewer service.
Backflow Preventer:	An assembly or device or method that prohibits backflow of water into a potable water system.
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 physical connection or arrangement between a public water system and any other system or source through which it is possible, given pressure differentials, for any substance other than potable water to flow into the public 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.
<del>DRERDERM:</del>	<del>Department of Regulatory and Economic Resources</del> 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 on to a property improvements for which water and/or sewer service is to be rendered by the Department.
Duplex:	<u>Two premises served by one or more meters.</u>
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.
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 waste, hazardous materials, process wastewater or waste 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 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 <del>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.</del>
pPH:	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 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.
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:	<del>See Lateral.</del>
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.

#### 1.06 APPLICATION, FORMS, PLANS SUBMITTAL TO THE DEPARTMENT – ELECTRONIC SUBMITTALS

- (1) ELECTRONIC SUBMITTALS - It is the intent of the Department to make the submittal process of all documentation required by these Rules and Regulations more efficient and less costly by having the documentation submitted in an electronic format, unless otherwise approved by the Department.

## SECTION 2 WATER SERVICE

### 2.01 CLASSES OF WATER SERVICE AVAILABLE

The Department renders water service of the following 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.
- (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 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, - that the Customer at the Customer's expense, shall install a meter of a type approved by the Department and any other agency having jurisdiction, and the Customer will be billed water charges and sewer charges, if applicable, for any and all usage on the fire line from that point forward. 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) OTHER SERVICE - This service is available where sub-metering 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 application form. ~~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 a water main and/or a 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, the Department shall require payment of all water and sewer connection charges, if applicable, as described in Sections 2.05 (1)(f) & (i) herein.

- (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. Unless directed otherwise by the Department, or if a waiver is approved per Section 2.04(3) of these Rules and Regulations, No fire hydrants may not be installed on any existing water main of less than six (6)



inches in diameter for residential zone, eight (8) inches in diameter for all new residential tract home developments or all new medium density residential developments, and 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.

(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.

(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. This applies only to agreements that provide water service to~~Such agreements apply only to other municipalities or other governmental entities, as approved by the Department.~~

(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)). A developer's ~~letter of intent~~ application shall include that includes a description of the planned development together with a current, signed and sealed site plan, or a current, signed and sealed boundary survey, or current sketch and legal description, or other acceptable plat, which must be 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 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. All submittals to the Department for the above documentation shall be in electronic format in accordance with Section 1.06 of these Rules & Regulations, or any other format approved by the Department.

(6) PROJECTS WITH MIXED USES - When a new development includes mixed uses of commercial and residential there must be separate meters for commercial and residential uses. If there is an existing development that has only one meter supplying water for both residential and commercial portions of a development, it will be billed at the Department's commercial rate, or other rate as determined by the Board of County Commissioners.

(67) 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.

(78) 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.

- (89) 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.
- (-109) 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. Denial of water service may happen if an entity with the same parent company as the applicant owes a debt to the Department.
  - (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 11<sup>th</sup> Street.~~
  - (i) Application for a floating meter may be denied if the applicant has past due balances owed the Department or if an entity with the same parent company as the applicant owes a debt to 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 ~~their~~ 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. Applicant shall also be responsible for any water used if the floating meter is stolen, unless a police report dated within thirty (30) business days of the date of theft is provided to the Department. The report shall be submitted to the Department within five (5) business days of the police report date.
- (n) Applicant shall be responsible for delivering all meters issued pursuant to his application to the Department's Meter Shop at ~~1001 NW 11<sup>th</sup> 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 11<sup>th</sup> 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.

(4011) CHANGE OF OCCUPANCY - When change of occupancy takes place on any premises supplied by the Department with water service, customers can make the request to start or discontinue service online via <https://accounts.miamidade.gov/uaa/login>, or call the Department's Customer Service Section at 1-800-565-1800 or send written notice (including letter, fax or email) 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 notification~~ 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 (including letter, fax or email) by the property owner.

(1112) 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 re-metered 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 re-metering said service. Exceptions to this policy are governmental entities which are customers of the Department and which may be allowed to install meters for re-metering provided that such arrangement is authorized by express written consent of the Department. In no case shall a Customer extend 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 re-metering, sale or disposition of service, the Customer's service shall be subject to discontinuance until such unauthorized re-metering, 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.

(1213) 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.

(1314) 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 ~~mechanisms~~, 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. The application shall include a description of the planned development together with a current, signed and sealed site plan, or a current, signed and sealed boundary survey, or current sketch and legal description, or other acceptable plat, 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. All submittals to the Department for the above documentation shall be in electronic format in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department.
  - (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, 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 or is the long-term lessee of the property and is authorized under such lease to develop the property. Federal and state agencies, and the Miami-Dade County School Board may warrant and represent in the agreement itself that they own the property in fee simple, in lieu of submitting an opinion of title.
  - (c) **BASIS OF PAYMENT FOR EXTENSIONS** - The cost to the Developer shall be the payment of the connection charges, construction connection charges, special connection charges and construction costs as further outlined in these procedures and Rules and Regulations. The allocation of costs for oversizing water mains, and installing additional

services, -and rebates in regard to off-site water mains is outlined in Section 2.04 (2)(d) and 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 the Criteria for Water Main Extensions established by the Department (Attached as Exhibit "A"), unless otherwise directed by the Department, or if a waiver is approved per Section 2.04(3) of these Rules and Regulations. 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 (1)(d), Materials and Construction Standards, subject to the Criteria requirements and exemptions as outlined below, and in the flow charts of Exhibit "A", unless otherwise directed by the Department, or if a waiver is approved per Section 2.04(3) of these Rules and Regulations. — ~~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 I, Chapter 24-5 of the Code of Miami Dade County, Florida. In such cases, the applicable extension must be performed. For single family residences or duplexes to be served by existing infrastructure, the Verification of Proper Pressure at Critical Fixture shall be performed by the customer and must be submitted to the Department passing said pressure verification demonstrating that a 5/8-inch water meter is sufficient for service to the property. Refer to Criteria Flow Chart F-1a and Criteria Flow Chart F-1 in Exhibit B, 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.
6. In cases where there is no increase in square foot area, or where there is an increase of 25% or less in square foot area of an existing building, this water main criteria shall not apply if the building use is considered low or medium hazard content and the daily rated gallonage of the new use by itself is no greater than the corresponding flow to the existing water main as shown in Criteria Flow Chart F-4 in Exhibit A. 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. Existing water mains less than five years old may be allowed to remain in place as approved by the Department.

- (3) WAIVERS - A request for a waiver of water main extension shall be reviewed by a Development Committee appointed by the the Department's Director, or the Director's designee, pursuant to procedures approved by the Board of County Commissioners. The Department's Director's or Director's designee'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 systems 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 flows standards, water and sewer connections requirements as cited in Chapter 24 of the County Code, the Department's standards technical specifications and details for design and construction of water and sewer facilities, or any other requirements imposed on the Department pursuant to a consent decree, settlement agreement or water use permit must be met, unless otherwise directed by the Department.

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) LIMITATION OF USE - In no case shall a Customer extend plumbing across a street, alley, lane, court, avenue or other highway, in order to furnish service for an adjacent property through one service line, even though such adjacent property is owned by the Customer. 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 received by the Department for all outstanding service bills, calculated under the proper classifications and rate schedules, and until reimbursement has been made in full to the Department for all extra expenses incurred for clerical work, testing and inspections.

- (54) 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 professional engineer registered in the State of Florida. All submittals to the Department (design, construction, as-builts) and applications shall be submitted to the Department in an electronic format in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department. 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.
  - (d) MATERIALS AND CONSTRUCTION STANDARDS - All materials, ~~and labor and construction~~ shall meet the specifications currently required by the most recent version of the Department's 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) unless otherwise directed 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 Department of Public Works and Waste Management 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 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 Schedule 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 or as specified in the Developer Agreement. In addition, the Developer will pay all construction connection charges and all developer associated expenses connected with the installation costs of the water facility prior to the Department's installation of a water meter. Installation costs are the cost to furnish and install 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~~DRER issuance of an allocation letter for building permits. ~~Connection charges are defined hereinafter.~~

Developers of affordable housing, as defined by US Department of Housing and Urban Development (HUD), set aside for extremely low, very low, low and/or moderate income persons as defined in section 420.0004, Florida Statutes, or workforce housing as defined in Metropolitan Miami-Dade County Code, or by municipal government having jurisdiction over its own program, and which and 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 and said dedicated funding commitments, including Letters of Agreement (LOAs) and Developers Agreements for the applicant's development shall be obtained from such entities or sources 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, unless otherwise directed by the Department, or if a waiver is approved per Section 2.04(3) of these Rules and Regulations. ~~The size of these mains may vary depending on the results of computer model hydraulic analyses conducted by the~~

~~Department and as approved by the Director or the Director's designee.~~ The Department may re-route 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 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 PERMITS~~

1. Building Permits -- A building permit is required for alterations, renovations, and new construction with a verification form or ordinance letter issued by the Department. See Section 2.15.
2. Other Permits -- Permits must be obtained prior to project commencement by the Developer's engineer of record and the contractor from all appropriate governmental agencies, and any other applicable agencies.

~~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 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-three and one-half feet (24.5) feet in width for combined water and sewer facilities, unless a variance is granted by the Department for easements 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 for acceptance of the facilities with -as-built drawings showing data as specified in the Department's most recent version of manual entitled "Design and Construction Standard Specifications" and Details, unless otherwise directed by the Department, 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 an electronic format in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department. - 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, ~~DERMDRER~~, Miami-Dade County Department of Public Works and Waste Management Department and appropriate State agencies, including DOH and any other regulatory or applicable 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 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. 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

pipng, 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 arising 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, Florida, 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. The Department also reserves the right to terminate water service to other properties owned by the Customer, if the Department cannot access its own facilities at a property where a bill has not been paid or the Department property has been damaged.

- (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 (109)(a), 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 32-151 of 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. Unless applicable in other sections of these Rules & Regulations, single family residential uses are exempt from this requirement.

(6) METER - STANDARD OF ACCURACY AND CERTIFIED TEST

- (a) 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) 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 percent and 101.5 percent on high and intermediate test flows, and between 90.0 percent and 101.5 percent on low test flows.
- (c) 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) 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) 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) 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 the prior year's average consumption, or the rate of consumption after the change has been made for any percentage of registration on the percentage of registration on the meter as tested that is greater than the parameters set forth 100 gallons of water as set forth in Section 2.06(6)(b). No adjustment shall be issued for any percentage of registration on the meter as tested that is below the parameters set forth in Section 2.06(6)(b).
  - (g) 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 or as written in Chapter 24 of the Miami-Dade County Code. 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.

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 Chapter 32, Article VIII of the Miami-Dade County Code 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. A hydroneumatic system may be approved by WASD after a detailed review of the conditions, including a determination by WASD that installation of a water main extension that would require a meter larger than 5/8-inch is unfeasible due to location or cost, using the calculation of the distance to an adequately sized water main (6 inches or larger) as further defined under "feasible Distance for Public

Water Mains' in Article 1, Division 1, Chapter 24-5 of the Code of Miami-Dade County, Florida. In such cases, the applicable extension must be performed. In the event WASH allows the installation of a hydroneumatic system on a residential property, the property owner will be required to sign a covenant regarding the hydroneumatic system that will be recorded in the public records at the property owner's expense. In addition, the system needs to provide proper backflow protection. 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 sub-meter 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 sub-meter 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 sub-meter 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 sub-meter 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 sub-meter to the Department's premises for inspection and testing. Unless testing mandates earlier replacement, all sub-meters 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 sub-meter for the Department. It is also the Customer's responsibility to remove and repair the sub-meter whenever necessary. After reinstalling any repaired sub-meter, the Customer shall promptly advise the Department of the completed repair.

Customers with sub-meters installed at cooling towers must submit monthly meter readings. All other sub-meters are read by Department personnel. The location of the sub-meter must always be within a 10-foot radius of the customer's main meter. All customers installing a sub-meter for the first time and any customer whose existing sub-meter must be recalibrated or replaced pursuant to the County's 10-year replacement policy will be required to purchase and have installed a smart water meter. Smart water meters transmit meter reading data to towers fitted with remote receivers that relay the data to the County through a regional network interface. Smart meters are not read by Department personnel.

## 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, 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) 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 84 days 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 ~~may~~ 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 – Sub-meters are normally read by the Department at the same time that the meter for domestic service is read. The readings obtained from the sub-meter are used to reduce sanitary sewage disposal service billings by the amount of water usage indicated on the sub-meter. For certain sub-meter 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 sub-meter. Any credits issued based on estimated readings for the sub-meter will be debited to the Customer's account. Any customer wishing to re-establish the sub-meter for crediting purposes shall be required to re-certify the sub-meter as established by Department policy, with all applicable fees and charges.
- (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 provide written notice at the site ~~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 Director or Department Director's designee, ~~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 their ~~his~~ water and/or sewer bill may contact the Department and request an investigation regarding their ~~his~~ account. If the investigation sustains the original reading and billing, and the Customer wishes to dispute their ~~his~~ bill further, the Customer ~~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 billing credits or denial thereof, may request an administrative hearing. Customers that are billed on a monthly basis must request an administrative hearing within 60 days of the bill date, and Customers that are billed on a quarterly basis must request an administrative hearing within 90 days of the bill date. 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.

One week before the scheduled hearing date, any materials the Department intends to use at the hearing will be available for viewing at the Department at no charge to the customer. If the Customer makes a request for photocopies or an electronic copy of such materials at least two weeks before the hearing, such materials will be provided to the Customer one week in advance of the hearing at a cost of \$.25 per page plus charges for postage or delivery.

Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness ~~him~~ to testify; and to rebut the evidence against the witness ~~him~~; however, the Hearing Officer shall determine whether such evidence is relevant to the dispute at issue and what weight to give such evidence in

making their/his/her ruling.

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.

If a Customer prevails at the administrative hearing or settles with the Department prior to a decision of the Circuit Court appellate division, the cost of the administrative hearing itself will be automatically waived. No other costs incurred in connection with the administrative hearing or appellate process will be waived.

## 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.
- (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 average daily rated gallonage is as specified in Section 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 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. 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 to 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. Interest shall also be charged for "Payment Arrangements" prepared by the Department for payment of connection charges. A payment arrangement is a signed, written agreement between the Lessee and/or Owner and the Department. Should the Lessee fail to pay the connection charges, it shall be the responsibility of the Owner to pay the connection charges. The Department, in its sole discretion, shall determine the length of the payment arrangement, frequency of payments, and the amount of each payment.
- ~~(d)~~(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. ~~F;~~ 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, connection charges, 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, 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, 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, the customer must provide the Department with the following:

- (1) Within thirty (30) days after notification by way of bill, letter, door hanger, email, etc., from the Department advising 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. No concealed leak credits will be issued to customers using floating meters.
- (2) The area of the repair should be left exposed (the 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.

(f) One-Time Lifetime Adjustments for Extreme Circumstances. At the discretion of the Director, the Department may issue a one-time lifetime billing adjustment to customers where there are extreme circumstances that merit an adjustment as delineated below.

- (1) The Director of the Miami-Dade Water and Sewer Department is hereby given discretion to provide a one-time lifetime billing adjustment to a customer who disputes a high bill that is not the result of a concealed or visible leak. The Director's discretion to grant such a credit will be based on his assessment that there are extreme circumstances affecting the customer's account that merit a credit. If awarded, similar to the credit provided in the Department's Rules 2.10(1)(e) and 3.10(1)(e), such credit will be a 50% credit to the water portion of the customer's high bill above the customer's last yearly average consumption and a 100% credit to the sewer portion of the customer's high bill above the customer's last yearly average consumption.

For purposes of this section, the term "extreme circumstances" is defined as those situations in which a customer receives a bill that exceeds six (6) times the past year's average, as applicable, monthly or quarterly consumption but is unable to show the Department that the high bill is due to a leak, concealed or visible, and cannot otherwise explain the high water bill.

- (2) In order to be considered for the one-time lifetime billing adjustment that the Director of the Miami-Dade Water and Sewer Department has been given

discretion to grant, a customer seeking a one-time lifetime adjustment for extreme circumstances must be in good standing with the Department.

For purposes of this section, a customer in "good standing" is defined as a customer who has not had the water disconnected for nonpayment or his/her account placed in collection during the previous 12 months.

In order to request a one-time lifetime billing adjustment, a customer must submit their request on a form proscribed by the Department; and must provide the Department with a notarized affidavit stating that a licensed plumber has checked the residence (inside and out) for leaks (both concealed and visible); that the customer did not leave a hose running inadvertently or otherwise allow water to flow for any period of time; and that there have been no changes in water usage within the household during the billing period (i.e. new landscaping, guests visiting, major household repairs or construction that required increased water usage, problems with one's pool or sprinkler system, or water theft.)

(3) Nothing in this section shall affect the Department's Rules and Regulations that address the procedures and credits allowed when a concealed or visible leak has been discovered in connection with a single-family residential customer's account.

- (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 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 under billing 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 re-bill back to the earliest date for which the Department has meter readings for all the Customers involved, but in no event shall the Department re-bill 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 provide ~~give-written notice at the site location 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 ~~Section~~ 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.

## 2.15 VERIFICATION FORMS AND ORDINANCE FORMS

- (1) VERIFICATION FORMS – This form is used to verify the existence, availability and/or adequacy of the Department's existing infrastructure which is required to sufficiently serve a proposed development project. The form is a requirement for a change of use, new construction or interior renovations within the Department's service area. Any connection charges or other stipulated fees will be calculated and due at the time of issuance of water and/or sewer verification forms, or as stated in the water and sewer agreement. These fees are associated with the intended use of the property and are based and assessed as stipulated in Chapter 24 of the Code of Miami-Dade County and the Department's Schedule of Rates, Fees and Charges. This form is part of the final approval to obtain a building permit.
- (2) ORDINANCE FORMS – This form verifies to the different municipalities that the property owner/tenant has complied with the requirements of Miami-Dade County Ordinance No. 89-95 by

specifying the collection of the required connection charges. These fees are associated with the intended use of the property and are based and assessed as stipulated in Chapter 24 of the Code of Miami-Dade County and the Department's Schedule of Rates, Fees and Charges. This form is part of the final approval to obtain a building permit.

### 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 or as written in Chapter 24 of the Miami-Dade County Code. 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(s) 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) ~~(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. This applies only to agreements that provide sewer service to municipalities or other governmental entities, as approved by the Department.
- (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 EXTENSIONS REQUIRED OF DEVELOPER Section 3.04(2)). A developer's letter of intent to build, accompanied by a site plan must be submitted prior to the Department's preparation of an agreement. Nevertheless, application shall include a description of the planned development together with a current, signed and sealed site plan, or a current signed and sealed boundary survey, or current sketch and legal description, or other acceptable plat, which must be submitted prior to the Department's preparation of an agreement. Final zoning approval must be received at time of agreement execution and recordation by the Department. The Department shall determine whether 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. All submittals to the Department for the above documentation shall be in electronic format in accordance with Section 1.06 of these Rules & Regulations, or any other format approved by the Department.

### 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. The application shall include a description of the planned development together with a current, signed and sealed site plan, or a current signed and sealed boundary survey, or current sketch and legal description, or other acceptable plat-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. All submittals to the Department for the above documentation shall be in electronic format in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department.
  - (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, 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 or is the long-term lessee of the property and is authorized under such lease to develop the property. Federal and state agencies and the Miami-Dade County School Board may warrant and represent in the agreement itself that they own the property in fee simple, in lieu of submitting an opinion of title.
  - (c) BASIS OF PAYMENT FOR EXTENSIONS - The cost to the Developer shall be the payment of the connection charges, construction connection charges, special connection charges, and construction costs as further outlined in these procedures and Rules and Regulations. The allocation of costs for oversizing sewers, additional laterals, and rebates in regard to off-site sewers ~~are~~ is outlined in Section 3.04(2)(d) and 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 sewer 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~~ force 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 Development Committee appointed by the Department's Director. ~~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 connections requirements as cited in Chapter 24 of the County Code, the Department's standards technical specifications and details for design and construction of water and sewer facilities, or any other requirements imposed by the DOH or pursuant to a consent decree, settlement agreement or water use permit must be met, unless otherwise directed by the Department.



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) **LIMITATION OF USE** - In no case shall a Customer extend 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 the Customer~~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 received by the Department for all outstanding service bills~~made of all bills for service~~, calculated under proper classifications and rate schedules, and until reimbursement has been made in full to the Department for all extra expenses incurred for clerical work, testing and inspections.
- (5) **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. All submittals to the Department (design, construction, as-built) and applications shall be submitted to the Department in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department. 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, Miami-Dade County's DRER Department of Environmental Resources Management and the Department.
  - (d) **MATERIALS AND CONSTRUCTION STANDARDS** - All materials, ~~and labor and construction~~ shall meet the specifications currently required by the most recent version of the Department's 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, unless otherwise directed 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 Department of Public Works and Waste Management 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, the Developer will pay all construction connection charges and all developer associated expenses connected with the installation costs of the sewer facilities prior to the Department's rendition of sewer service. Installation costs are the cost to furnish and install 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 ~~DERMDRER~~ allocation letters for actual permits being sought until project build-out and payment is obtained in full, subject to confirmation by Department staff. ~~Connection charges are defined hereinafter.~~

Developers of affordable housing, as defined by US Department of Housing and Urban Development (HUD) set aside for extremely low, very low, low and/or moderate income persons as defined in section 420.0004, Florida Statutes, or workforce housing as defined in Metropolitan Miami-Dade County Code, or by municipal government having jurisdiction over its own program, 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 and said dedicated funding commitments, including Letters of Agreement (LOAs) and Developers Agreements for the applicant's development shall be obtained from such entities or sources 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 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 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 PERMITS

1. Building Permits – A building permit is required for alterations, renovations, and new construction, with a verification form or ordinance letter issued by the Department. See Section 2.15.
2. Other Permits – Permits as required by other agencies must be obtained by the Developer's engineer of record and contractor from all appropriate governmental agencies and any other applicable agencies prior to project commencement.

~~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 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.

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) 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-three and one-half four (243.5) feet in width for combined water and sewer facilities, unless a variance is granted by the Department for easements 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) 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 for acceptance of the facilities with as-built drawings showing data as specified in the most recent version of the Department's manual entitled "Design and Construction Standard Specifications" and Details, of all sewer facilities and appurtenances as located by a licensed surveyor, which have been sealed by the surveyor and certified by the Engineer of Record in an electronic format in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department. ~~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.

- (4) 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.

- (5) ~~\_\_\_\_\_~~ (5) 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 64-inches in diameter, unless a variance is approved by Department staff in order to sufficiently avoid deposition of solids and septic conditions in low-flow applications. ~~subject to approval by the Department.~~

#### (6) SEWAGE PUMP STATION REQUIREMENTS

- (a) Should a sewage pumping station be ~~needed~~ required to serve the property of a Developer, the construction of a public pump station will be required that station will typically be a public pump station. Public pump stations shall be designed to It is the Department's policy to require a public sewage station to serve an area with a geographical extent of every a quarter of a square mile. ~~However, in cases of~~ 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 in the currently approved Comprehensive Development Master Plan of the particular geographical quarter section wherein development is to take place shall dictate the minimum operating capacity of said station; however,~~

The minimum operating station capacity of the station shall be a function of the underlying land use designation of the service area in the current Comprehensive Development Master Plan. The maximum flows anticipated for the geographical area, considering approved land-use, shall be utilized. However, under no circumstance shall pump station capacity be less than 100 gallons per minute (GPM) average daily flows (ADF), shall be 100 gallons per minute (GPM) Average Daily Flow (ADF), not inclusive of operational peak flow demands, when the pump station for stations is 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 conditions or will serve only the subject development or physical terrain conditions~~, the station's required minimum operating capacity ~~will~~ may be reviewed on a case by case basis to determine ~~the actual required capacity 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 'ED' of the most recent version 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 than 1500 pounds (as per the most recent version of the Department's Design and Construction Standard Specifications) Specifications Section U.C. 500-2B5) or exceeding sixty (60) horsepower.~~

- (b) ~~Developments shall dedicate, in the proposed developments, are required to provide space to house an emergency generator at all pump stations, and in cases where the design capacity of a pump station is equal to or greater than 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) and shall install a permanent generator and a separate fuel tank at the sewage pump station.s.~~

~~In accordance with Department standards, if the Developer requires installs a sewage pump station with a capacity of 100 GPM ADF and the Developer 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 will not is not be 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 upstream 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 ~~at 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 most recent version of 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.

- (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 instruments executed prior to December 31, 2016 will continue to be in effect, 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.

- (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. At the discretion of the Director or the Director's designee, pumps with variable speed drives may be required.

- (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 as-built drawings showing data as specified in the most recent version of the Department's manual entitled "Design and Construction Standard Specifications" and Details, of all facilities as located by a licensed surveyor, which have been sealed by the surveyor and certified by the Engineer of Record in an electronic format in accordance with Section 1.06 of these Rules and Regulations, or any other format approved by the Department. ~~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.
- (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.
- (7) APPROVALS - No sewer main extension will be accepted by the Department without the approvals of the Department, ~~DERMDRER~~, Miami-Dade County Department of Public Works and Waste Management Department and appropriate State agencies, including DOH and any other regulatory or applicable agencies having jurisdiction.
- (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.
- (9) 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.
- (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.



- (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 there-from, 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 ~~DRE~~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 regulations.
  - (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 pre-treat 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° Fahrenheit (65° Centigrade).
- d) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 33° and 150° F (1° C and 65° 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° F (65° C) and PH=2.5) in excess of 2 mg/l; any water or waste containing total cyanide in excess of 5 mg/l.
- 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.

- (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.

- (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 County Code 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 the Code, reference shall be made to Standard Methods for the Examination of Water and Wastewater, American Water Works Association, latest edition.

- (13) **DISCHARGES CONTAINING GROUND GARBAGE - APPROVAL OF CERTAIN SIZE GRINDERS REQUIRED** - Any discharge to the Department's sewerage system by non-residential land users 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 IS REQUIRED** - See Pretreatment Standards referenced in Chapter 24 of the Miami-Dade County Code. ~~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 sState or federal 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

- (1) APPLICABILITY - This Section applies only to Customers served directly by wastewater treatment plants operated by the Department.
- (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.
- (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.
- (4) GUARANTEE DEPOSITS - Upon opening an account to be billed on a monthly or a quarterly basis, a guarantee deposit ~~may~~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.

- (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, Director or Department Director's designee, 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.

- (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 the prevailing rate. Said interest charge's imposition shall commence sixty (60) days after the date of the water and sewer charges set forth on Customers' bills.
- (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) 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. Customers that are billed on a monthly basis must request the administrative hearing within 60 days of the bill date and customers that are billed on a quarterly basis must request an administrative hearing within 90 days of the bill date. 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.

One week before the scheduled hearing date, any materials the Department intends to use at the hearing will be available for viewing at the Department at no charge to the customer. If the Customer makes a request for photocopies or an electronic copy of such materials at least two weeks before the hearing, such materials will be provided to the Customer one week in advance of the hearing at a cost of \$.25 per page plus charges for postage or delivery.

Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness; and to rebut the evidence against the witness; however, the Hearing Officer shall

determine whether such evidence is relevant to the dispute at issue and what weight to give such evidence in making their/this/her ruling.

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.

If a Customer prevails at the administrative hearing or settles with the Department prior to a decision of the Circuit Court appellate division, the cost of the administrative hearing itself will be automatically waived. No other costs incurred in connection with the administrative hearing or appellate process will be waived.

### 3.08 RATES AND CHARGES

- (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) 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 24-43.1 (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. 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 to ~~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. Interest shall also be charged for "Payment Arrangements" prepared by the Department for the payment of connection charges. A payment arrangement is a signed, written agreement between the Lessee and/or the Owner and the Department. Should the Lessee fail to pay the connection charges, it shall be the responsibility of the Owner to pay the connection charges. The Department, in its sole discretion, shall determine the length of the payment arrangement, frequency of payments, and the amount of each payment.
- (e) Notwithstanding the foregoing, payment of connection charges shall be a condition precedent to connection to the water and sewer system.

(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.
- (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.

(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.
- (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 ~~their~~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 ~~their~~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 the Department install at ~~their~~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

- (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.

- (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 ~~DRERDERM~~ through the office of its Director and must present such permit to the Department when applying for such permission.
- (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.
- (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.
- (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 septic tank waste disposal 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 ~~DRERDERM~~ 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 plan ~~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.
- (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.
- (7) 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.
- (8) 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 ~~is 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) RATE FORMULA - For septic tank disposal fees, see the Department's Schedule of Rates, Fees and Charges.

### 3.10 BILLING ADJUSTMENTS

- (1) 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.
- (e) 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 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 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. No concealed leak credits will be issued to customers using floating meters.
- (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 to ensure proper working

condition.

- (f) Once per calendar year, Customers may request a credit on the 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.

- (g) One-Time Lifetime Adjustments for Extreme Circumstances - at the discretion of the Director, the Department may issue a one-time lifetime billing adjustment to customers where there are extreme circumstances that merit an adjustment as delineated below.

- (1) The Director of the Miami-Dade Water and Sewer Department is hereby given discretion to provide a one-time lifetime billing adjustment to a customer who disputes a high bill that is not the result of a concealed or visible leak. The Director's discretion to grant such a credit will be based on his assessment that there are extreme circumstances affecting the customer's account that merit a credit. If awarded, similar to the credit provided in the Department's Rules 2.10(1)(e) and 3.10(1)(e), such credit will be a 50% credit to the water portion of the customer's high bill above the customer's last yearly average consumption and a 100% credit to the sewer portion of the customer's high bill above the customer's last yearly average consumption.

For purposes of this section, the term "extreme circumstances" is defined as those situations in which a customer receives a bill that exceeds six (6) times the past year's average, as applicable, monthly or quarterly consumption but is unable to show the Department that the high bill is due to a leak, concealed or visible, and cannot otherwise explain the high water bill.

- (2) In order to be considered for the one-time lifetime billing adjustment that the Director of the Miami-Dade Water and Sewer Department has been given discretion to grant, a customer seeking a one-time lifetime adjustment for extreme circumstances must be in good standing with the Department.

For purposes of this section, a customer in "good standing" is defined as a customer who has not had the water disconnected for nonpayment or their account placed in collection during the previous 12 months.

In order to request a one-time lifetime billing adjustment, a customer must submit their request on a form proscribed by the Department; and must provide the Department with a notarized affidavit stating that a licensed plumber has checked the residence (inside and out) for leaks (both concealed and visible); that the customer did not leave a hose running inadvertently or otherwise allow water to flow for any period of time; and that there have been no changes in water usage within the household during the billing period (i.e. new landscaping, guests visiting, major household repairs or construction that required increased water usage, problems with one's pool or sprinkler system, or water theft.)

- (3) Nothing in this section shall affect the Department's Rules and Regulations that address the procedures and credits allowed when a concealed or visible leak has been discovered in connection with a single-family residential customer's account.

- (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 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 under billing prevented the Customer from knowing about an excessive use or loss of water which the Customer could have corrected if given proper notification.

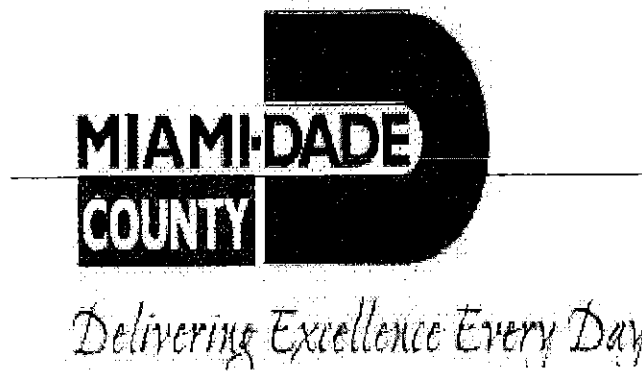
- (a) In correcting amounts billed on the wrong meter, the Department shall re-bill back to the earliest date for which the Department has meter readings for all the Customers involved, but in no event shall the Department re-bill or provide credits for periods beyond four years.

### 3.11 ACQUISITIONS

Acquisitions of any municipal water and sewer utility shall be performed in accordance with Florida Statute Section 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.

### 3.12 VERIFICATION FORMS AND ORDINANCE FORMS

- (1) VERIFICATION FORMS – This form is used to verify the existence, availability and/or adequacy of the Department's existing infrastructure which is required to sufficiently serve a proposed development project. The form is a requirement for a change of use, new construction or interior renovations within the Department's service area. Any connection charges or other stipulated fees will be calculated and due at the time of issuance of water and/or sewer verification forms, or as stated in the water and sewer agreement. These fees are associated with the intended use of the property and are based and assessed as stipulated in Chapter 24 of the Code of Miami-Dade County. This form is part of the final approval to obtain a building permit.
- (2) ORDINANCE FORMS – This form verifies to municipalities that the property owner/tenant has complied with the requirements of Miami-Dade County Ordinance No. 89-95 by specifying the collection of the required connection charges. These fees are associated with the intended use of the property and are based and assessed as stipulated in Chapter 24 of the Code of Miami-Dade County. This form is part of the final approval to obtain a building permit.



## Exhibit “A”

### Flow Chart Criteria for Water Main Extensions

The process flow charts on the following pages shall be utilized 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.



## APPENDIX 'A'

### MIAMI-DADE WATER AND SEWER DEPARTMENT

### FLOW CHART CRITERIA FOR WATER MAIN EXTENSIONS

The following process flow charts shall be utilized 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 procedures 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.

#### PROCEDURES

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

- a. Chart F-1a:  
Single Family Residence, Duplex, Triplex, and Adult Congregate Living Facilities (ACLF) (~~<6 beds~~)
- b. Chart F-1b2:  
~~ACLF with 6 beds maximum with fire line requirement~~ Townhouse Low Density Apartment, Churches and Schools
- c. Chart F-23:  
~~Apartments/Condos/Townhomes, Low/Medium Density Residential (Based on Miami-Dade Zoning) or Churches and Schools~~ High Density Residential and Apartments (As in Chapter 33), Hospitals
- d. Chart F-34:  
~~High Density Residential (Based on Miami Dade Zoning) and Hospitals~~ Commercial, Industrial, Government Offices
- e. Chart F-4:  
Commercial, Industrial & Government Offices

2. Use the applicable flow chart, begin at the shaded area, and follow the appropriate arrows to the condition that applies.

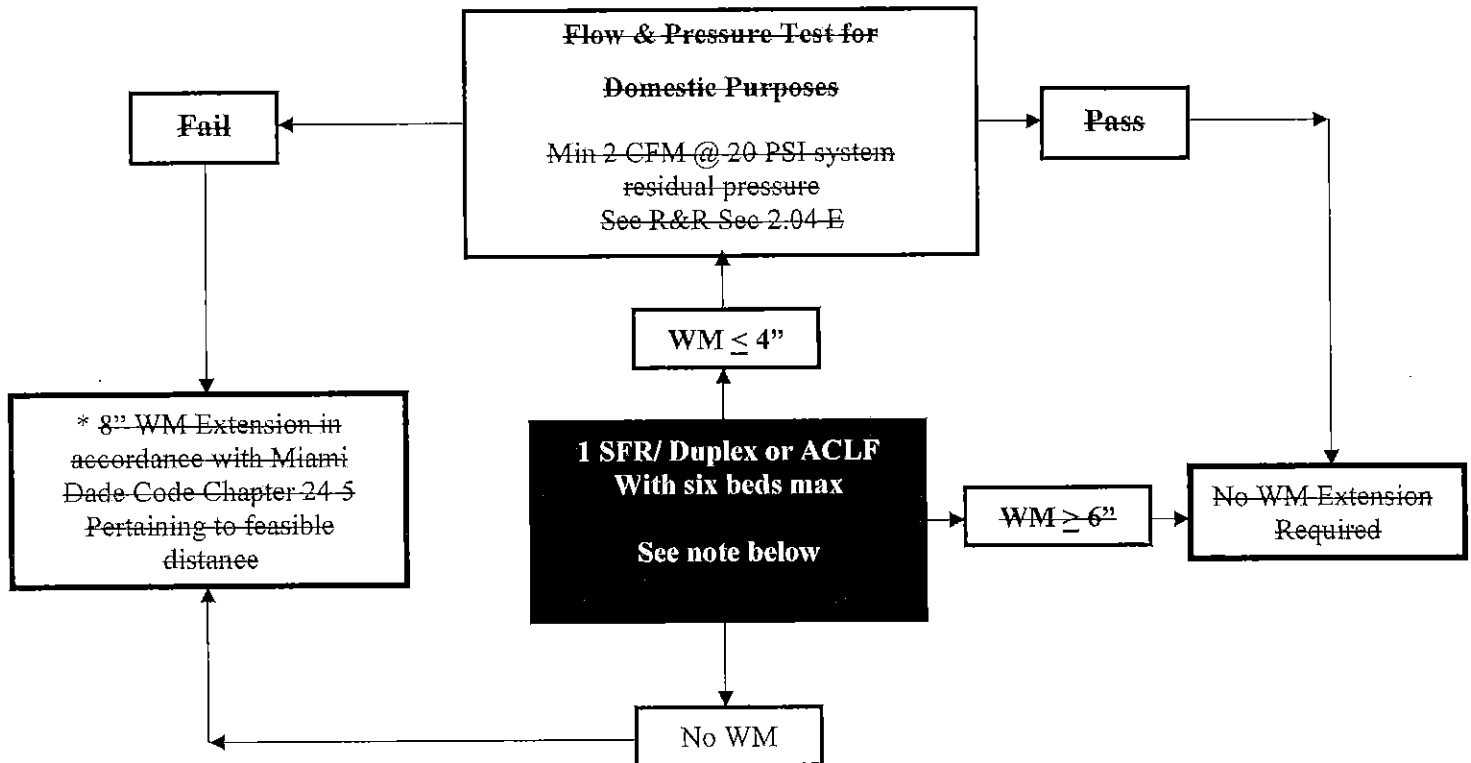
If the listing for the proposed use of the property and/or the item description does not fully identify the proposed development, the Department shall review and make the appropriate determination.

# Criteria for Water Main Extension F-1

Miami Dade Water & Sewer Department

## Notice:

Start at shaded area and follow arrows as applicable.



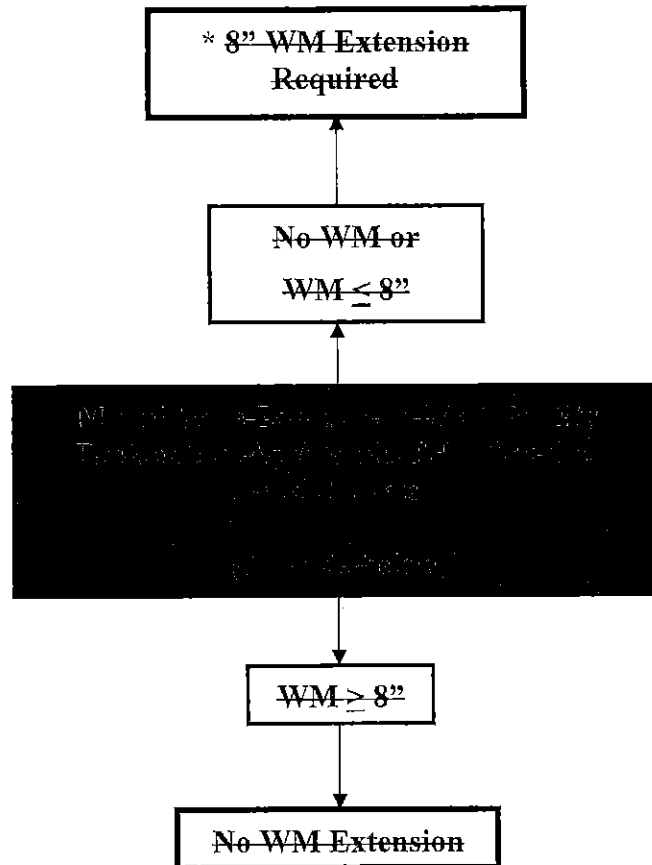
\*The size of water mains in cul-de-sacs downstream of the last fire hydrant shall be 4 inches in diameter.

**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.



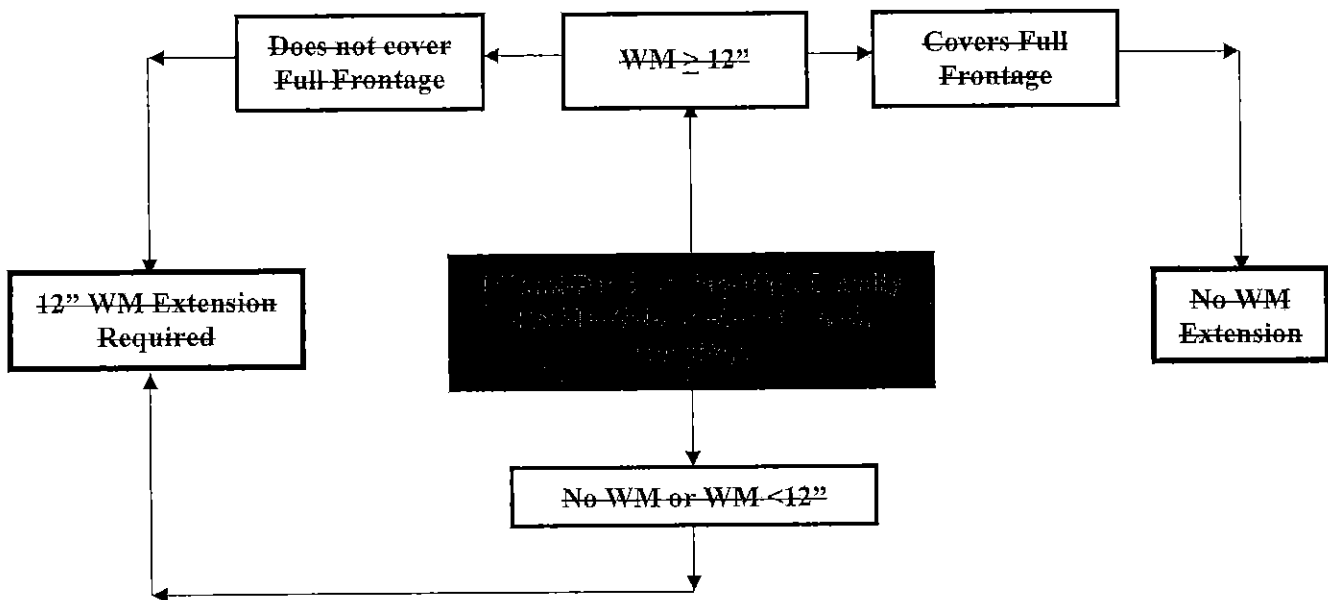
\*The size of water mains in cul-de-sacs downstream  
of the last fire hydrant shall be 4 inches in diameter.

**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  
See 2-103.21 Water Supply for Fire Suppression)  
For more information, refer to Section 2.04(e).

# 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).

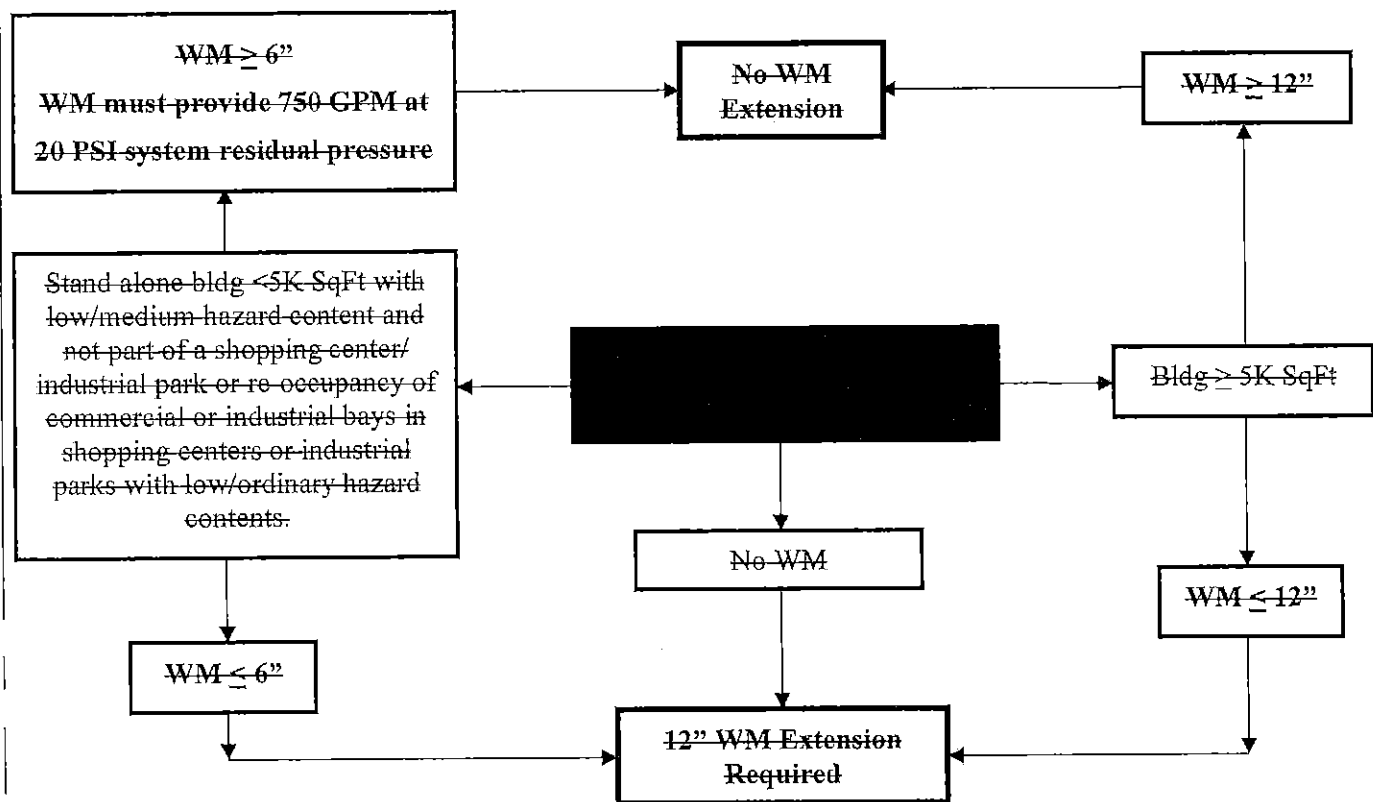
## Criteria for Water Main Extension F-4

Miami-Dade Water & Sewer Department

### Notice:

Start at shaded area and follow arrows as applicable.

For more information, refer to Section 2.04(e)

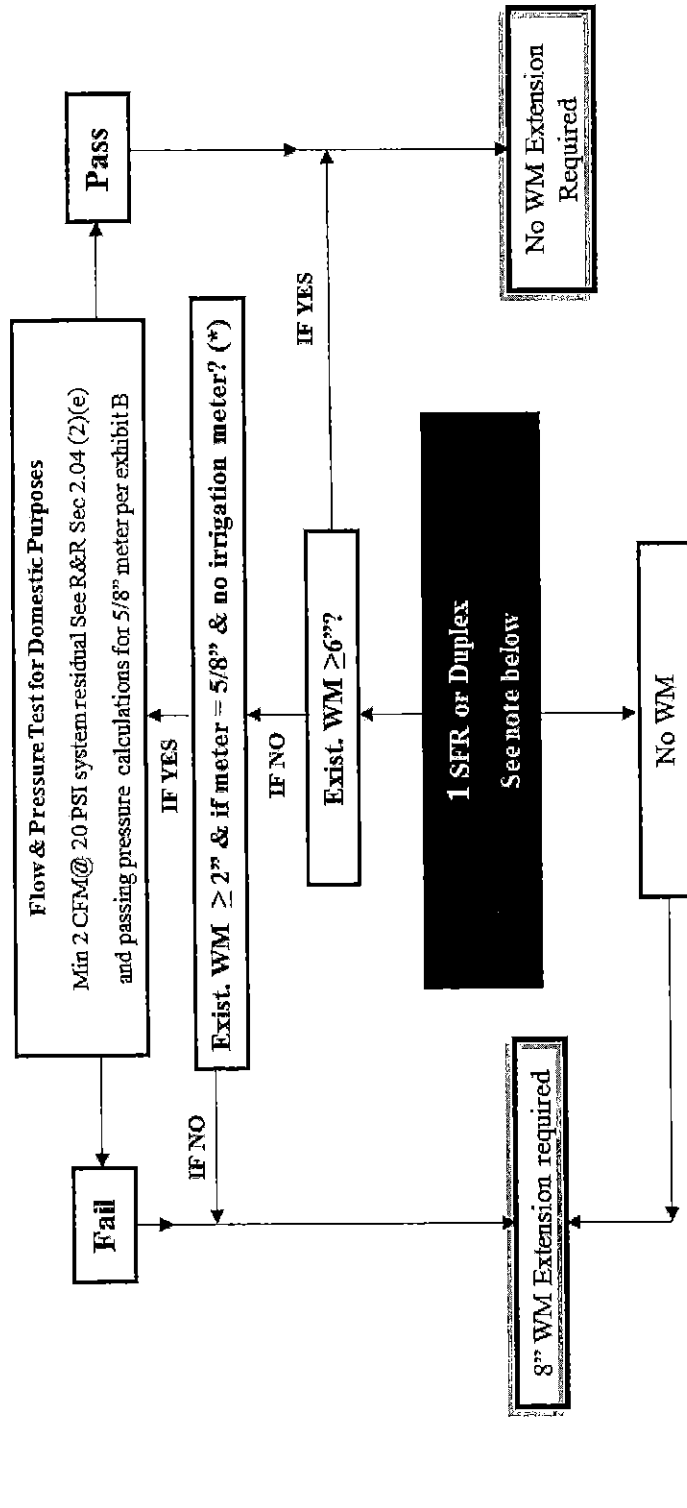


# Criteria For Water Main Extension F-1a

Miami-Dade Water & Sewer Department

## Notice:

Start at shaded area and follow arrows as applicable.



WM= Water main  
SFR= Single family residence  
CFM= Cubic feet per minute  
PSI=Pounds per square inch

Note: The above flow chart applies to SFR, or duplex being developed per property. For tract home developments (3 or more) any WM extension shall be 8-inch min. For more information refer to Section 2.04 (2)

\* Must meet all the three to pass.

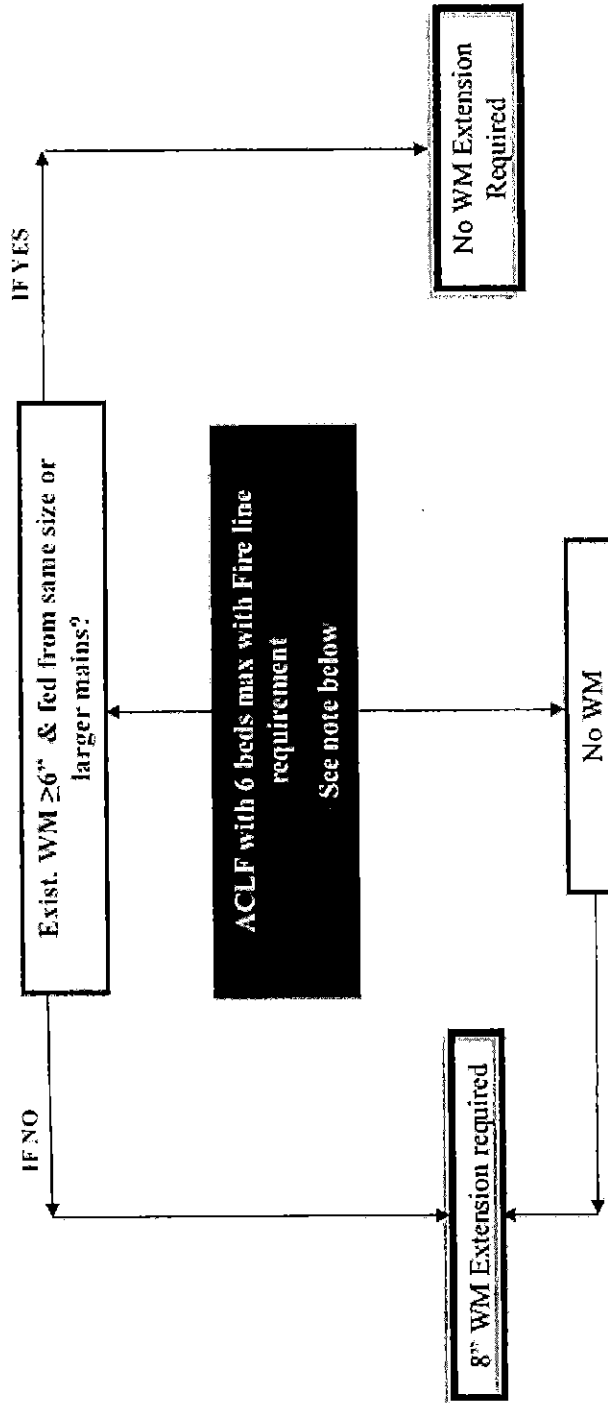
- Transmission mains 20" or larger should not be considered as frontage.

# Criteria For Water Main Extension F-1b

Miami-Dade Water & Sewer Department

## Notice:

Start at shaded area and follow arrows as applicable.



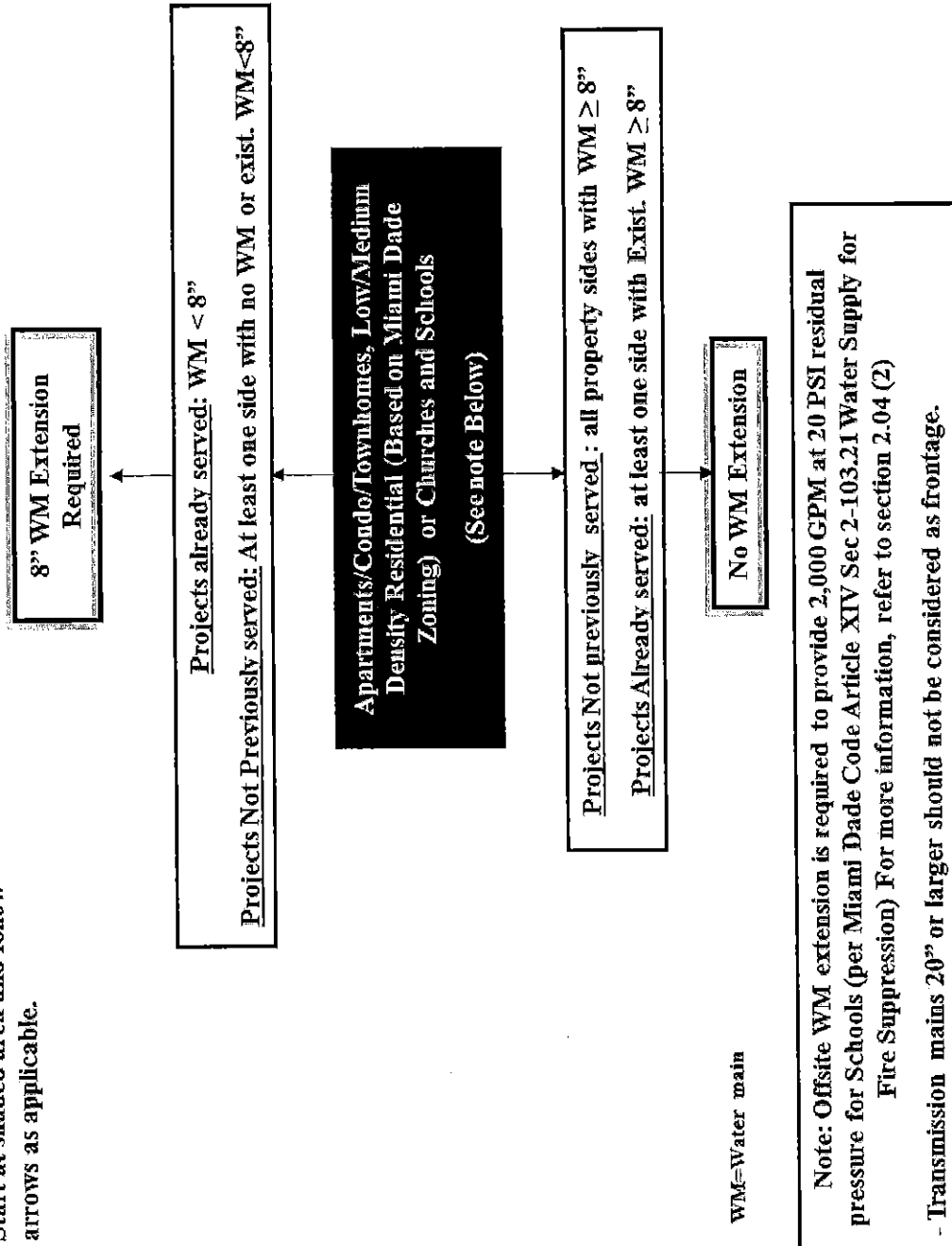
WM = Water main  
ACL F = Adult congregate living facility

Note: Any WM extension will be 8-inch min. On above chart W.M. shall cover at least one full side of the property abutting a public street. For more information, refer to Section 2.0.4 (2)  
- Transmission mains 24\"/>

## Criteria For Water Main Extension F-2

Miami-Dade Water & Sewer Department

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

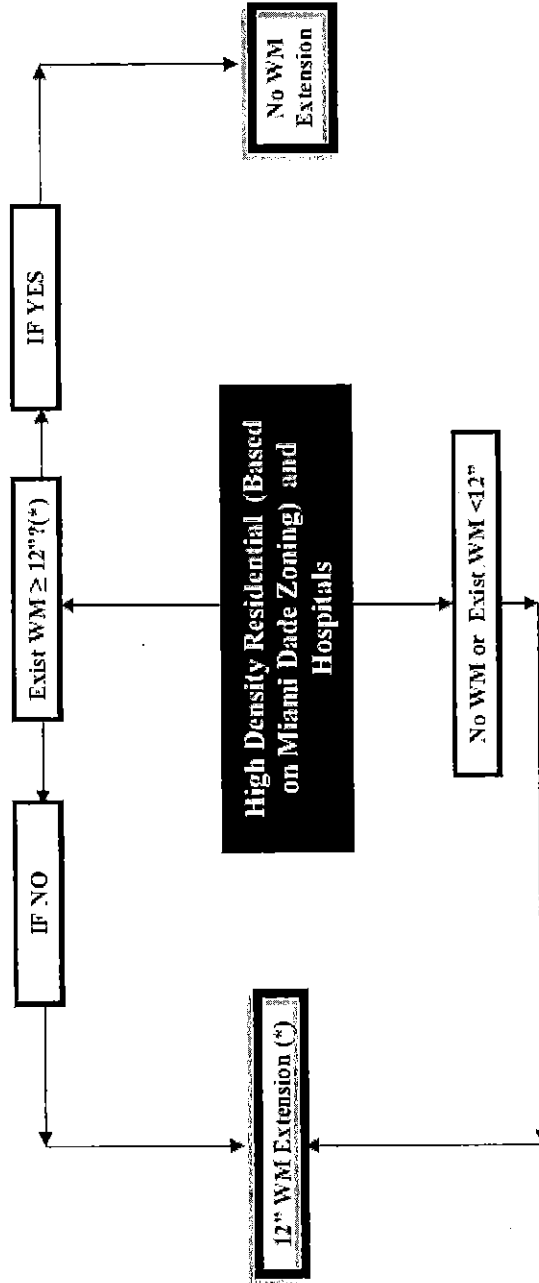




# Criteria For Water Main Extension F-3

Miami-Dade Water & Sewer Department

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



WM= Water main

**Note:** Off site WM extension are required to provide 2000 GPM at 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 (2)

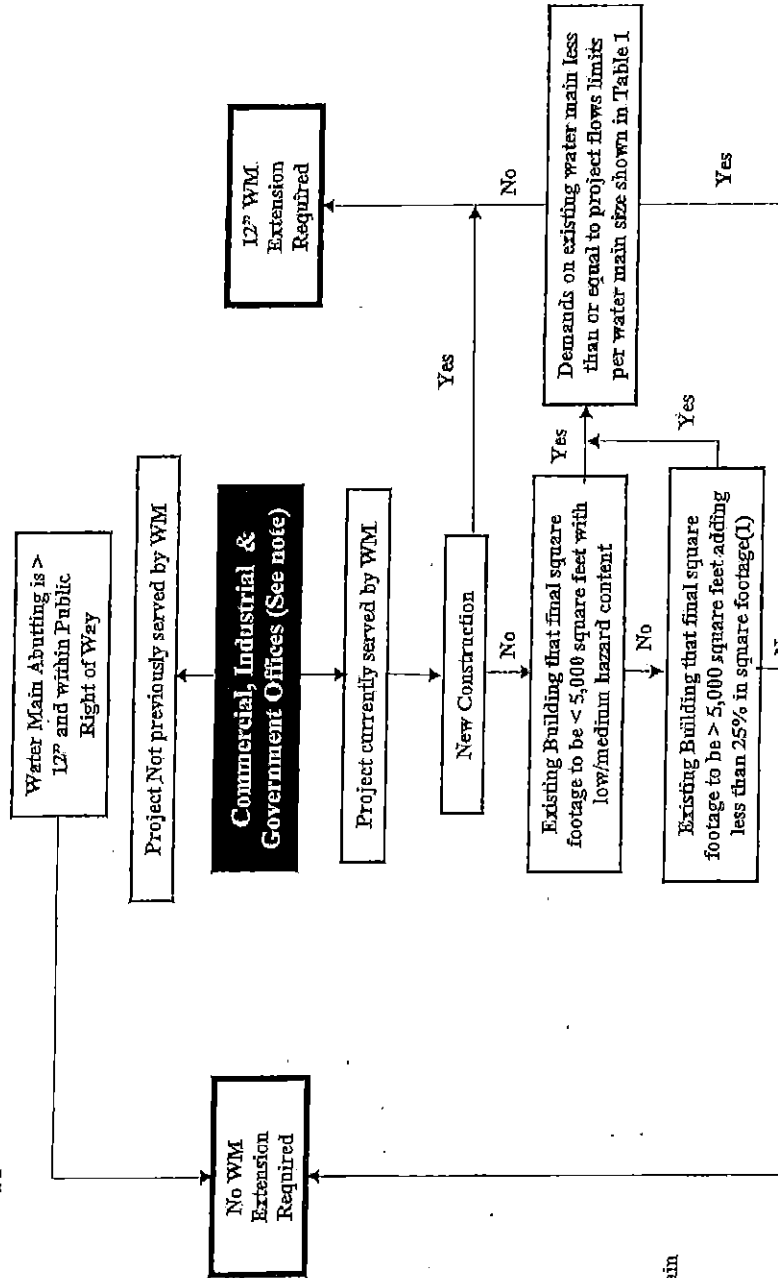
- Transmission mains 20" or larger should not be considered as frontage.  
\* Water main shall cover full frontage of project if is a hospital or needs to have a redundant fire line.

# Criteria For Water Main Extension F-4

Miami-Dade Water & Sewer Department

Notice:

Start at shaded area and follow arrows as applicable.



WM= Water main  
SF=Square feet

Note:

- 1- No WM requirement for change of use projects that are not adding more than 25% in SF, and that doesn't include a fire hydrant or a fire line, and that the Total proposed project flow is not more than the flow shown to the existing main on the table and project is low/medium hazard content.
- 2- All WM, existing or required extensions referred on above chart shall cover one full property side abutting a public street or easement. For more information, refer to section 2.04 (2)
- Transmission mains 20" or larger should not be considered as frontage.

Table 1

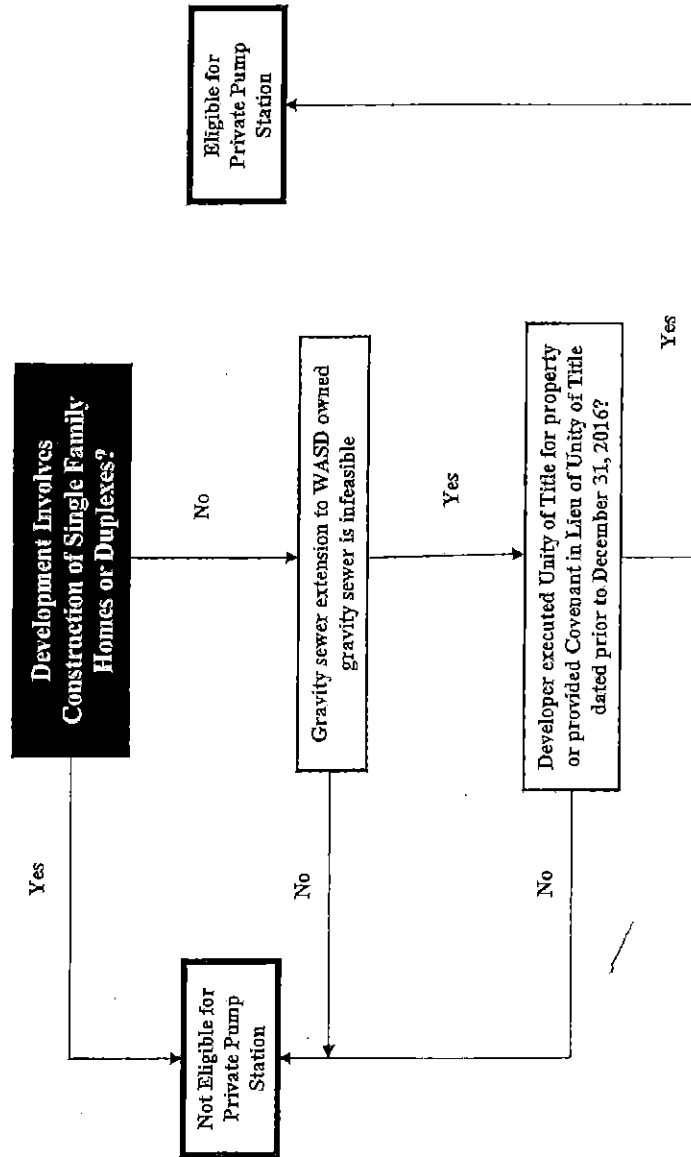
Exist. Main	Project flow (GPD)
2"	450
3"	1,300
4"	2,900
6"	8,400
8"	17,500

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## Criteria for Private Pump Stations F-5

Miami-Dade Water & Sewer Department

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



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## EXHIBIT B

### Verification of proper pressure at critical fixture (to be used with Criteria For Water Main Extension F-1a)

#### Miami-Dade Water & Sewer Department

Project Name :	Project Name
Address:	Address
Building process number:	Building P#
Engineer or Record:	EOR Name
PE license Number:	EOR PE#
Existing Water main size:	0
Location (Front/Rear):	0
Proposed Single Family Residence (SFR) total area (SF):	0
1 Total SFR water demand in fixture units (WFU):	0
2 Total SFR water demand in fixture units (GPM):	0
3 Low observed Pressure at Existing Water main (PSI) (***):	0
Size of water meter: 5/8" (*)	
4 Pressure losses thru 5/8" meter (PSI)	0
Critical Fixture	0
Change in elevation between critical fixture & main (FT):	0
5 Change in elevation between critical fixture & main (PSI):	0.00
6 Minimum required pressure at critical fixture (PSI):	0
Calculation for friction loss due to pipe and fittings to the critical fixture (**)	
Pipe C Factor	0

Run	W.F.U.	Flow	Diameter	Length	Losses
1-2	0	0.0	0	0	0
2-3	0	0.0	0	0	0
3-4	0	0.0	0	0	0
4-5	0	0.0	0	0	0
5-6	0	0.0	0	0	0
6-7	0	0.0	0	0	0
7-8	0	0.0	0	0	0
8-9	0	0.0	0	0	0
9-10	0	0.0	0	0	0
10-11	0	0.0	0	0	0
11-12	0	0.0	0	0	0
12-13	0	0.0	0	0	0
7	Total (PSI)				0

8 Others losses not itemized above (explain)	0.00	
9 Available pressure at critical fixture (3-4-5-7-8)	0.00	
10 Verification of proper pressure at critical fixture (9-6)	0.00	FAIL

Explain 8 here or N/A

\* 5/8" meter is recommended for 18 WFU maximum, on a main with lower pressure of 50 PSI

\*\* Be sure to calculate both ways (cold and hot) and reflect the numbers for the critical path

\*\*\* Pressure test to be performed by WASD upon request

\*\*\*\* This sheet is for calculation on mains larger than 2" and smaller than 6".

Fill applicable information on cells with data shown in red.

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