

MEMORANDUM

Agenda Item No. 7(J)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to water conservation; amending article III of chapter 8 of the Code; creating section 8-31(d) of the Code; adopting local technical amendments to the Florida Building Code for new residential and commercial developments to protect and provide for more efficient use of water resources; providing standards for and requiring installation of water submeters in new residential and commercial multiple unit properties where two or more units are served by a single master meter to encourage water conservation in areas of Incorporated and Unincorporated Miami-Dade County; requiring submeter installation to conform to certain technical standards; providing necessary technical modifications to the Florida Building Code 7th edition (2020)

Ordinance No. 23-70

A substitute was presented and forwarded to the BCC with a favorable recommendation at the July 11, 2023 PortMiami, Resiliency, and Sustainability Committee. This substitute differs from the original item as stated in the County Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: September 6, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Ordinance Regarding Water Conservation Requiring Installation of Water Submeters In Multiple Unit Properties Served by a Single Master Water Meter

This substitute differs from the original item by revising Section 602.1.1 of the ordinance to include the AWWA standard C713-19.

Executive Summary

The subject ordinance enacts a Local Technical Amendment to the Florida Building Code to require the installation of water submeters in properties where two or more units are served by a single master meter in new residential and commercial developments. The requirement will also apply to existing buildings undergoing alteration level 2 or level 3, where more than 50% of the existing plumbing supply lines are being replaced. This action complements existing Consumer Protection legislation originally enacted by the Board of County Commissioners (Board) in 1996 and amended in 2008 which regulates water re-metering practices to promote water conservation and to assure fair billing to tenants in residential and commercial multi-unit developments. Adoption of this amendment will appropriately place the requirement into the building code that new multi-unit construction be equipped with water submeters, thereby facilitating individualized billing and ensuring that occupants of new developments are accurately charged for their unit's individual water consumption. The strengthening of re-metering requirements through this amendment is also expected to further achievement of the County's water use efficiency and conservation goals.

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the proposed ordinance creating a Local Technical Amendment to the Florida Building Code 7th Edition (2020) to require installation of water submeters in multiple unit properties where two or more units are served by a single master meter in new residential and commercial developments, as originally intended in Ordinance 08-14.

Scope

This is a local technical amendment to the Florida Building Code being processed pursuant to section 553.73(4)(b), Florida Statutes, and is applicable in Incorporated and Unincorporated areas of Miami-Dade County.

Delegation of Authority

The proposed ordinance delegates authority for enforcement to the respective Building Official of each municipality.

Fiscal Impact/Funding Source

Implementation of this proposed ordinance is anticipated to be fiscally neutral. Any expenses associated with implementation of the proposed changes will be covered by fees generated from building permit application and inspection fees that are already contained within the County's fee schedule.

Social Equity Statement

Multi-unit structures serviced by the County's Water and Sewer Department (WASD) receive water that is recorded thru a master meter, while individual units are not metered. To determine the amount of water consumed by each individual unit under this setup it is necessary to install a submeter at the plumbing entry point into the unit. This setup is known as remetering and allows for a property owner to resell the water to residents based on actual usage. Article XVIII of Chapter 8A of the Code of Miami-Dade County, Florida ("Miami-Dade County Re-metering Ordinance") establishes a means to assure that the practice of remetering water services and billing are just and reasonable. It assures that billing by property owners for water service at multiple unit properties is based on individual unit usage, that residents are charged fairly for the services provided by those engaged in re-metering, and that Owners and Residents are protected from unscrupulous business practices. It also establishes the rights and responsibilities of the Owner, Resident and those engaged in re-metering. Although these provisions have been historically administered by RER's Consumer Protection Division, no equivalent provision exists in the building code to require that new construction require submeters in multi-unit scenarios. Requiring submeters through the building code provides a more effective and practical way to ensure that the necessary infrastructure is built into new construction projects to allow for individual unit billing for water services. The use of a submeter ensures compliance with fair and equitable billing practices that are mandated by the Miami-Dade County Re-metering Ordinance.

While the proposed ordinance may increase the upfront cost of construction on projects where the submeters are to be installed (individual submeters can cost several hundred dollars), this cost is significantly less than retrofitting submeters in existing buildings. Furthermore, the presence of submeters allows for the recovery of ongoing water service costs by building owners, while simultaneously providing consumers with necessary consumption information that can incentivize them to conserve on their water usage. The requirement to have submeters installed in new developments is expected to help with water conservation by making individual units accountable for their water usage. Efficient use and conservation of water reflects responsible use of a limited and precious resource, and will prevent and reduce wasteful, uneconomical, impractical, or unreasonable use of water resources.

Track Record/Monitor

This ordinance will be enforced throughout Miami-Dade by the Building Official of each jurisdiction. Jaime D. Gascon, Division Director, Board and Code Administration Division, Department of Regulatory and Economic Resources (RER) oversees dissemination and enforcement of local technical amendments to the Building Code by local municipal jurisdictions in Miami-Dade. The existing re-metering program, which focuses on consumer

protection measures, is administered by Gregory Baker, Division Chief II, RER Office of Consumer Protection.

Background

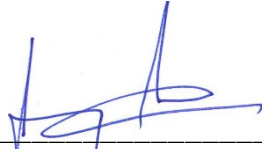
According to the Utility Management and Conservation Association (UMCA), over the years, numerous studies have shown that the submetering of utilities is one of the most effective ways to reduce consumption in multifamily properties. Where structurally practical and economically feasible, the UMCA indicates that submetering is the preferred method of cost allocation. Without submeters, individual units may use water disproportionately and require being subsidized by the other units in the building. Requiring submeters allows for accurate charge of water use by those consuming it.

As part of its water conservation efforts in 2008, the Miami Dade County Board of County Commissioners implemented a suite of water conservation measures through the adoption of Ordinance No. 08-14. Ordinance No. 08-14 included local technical amendments regarding maximum flow rates for plumbing fixtures and requirements that new multifamily residential developments include a submeter for each individual dwelling unit. Those measures, which remain in effect, have been carried forward into the County's current water use permit from the South Florida Water Management District as one of the elements of the indoor water conservation program required of the County under that permit. That current water use permit was issued by South Florida Water Management District on March 8, 2022, and expires December 27, 2065.

Under Ordinance No. 08-14, the requirement that all permit applications for new multifamily residential developments include a submeter for each individual dwelling unit was codified as an amendment to Section 8A-381 of the Code of Miami-Dade County, which regulates consumer protection aspects of re-metering in multifamily dwellings. However, no corresponding technical amendment to the Building Code was adopted at that time to require submeters in new developments. By now including these requirements as a local technical amendment to the Florida Building Code, the County can ensure that there will be streamlined enforcement of the requirement to install submeters during a building's original construction or by the qualifying alteration level 2 or level 3 through the jurisdiction's plumbing plans examiner at the time of plans review and building permit issuance. This will assist the County in satisfying the indoor water conservation elements required by its current water use permit.

Because this local technical amendments is related to water conservation practices or design criteria, section 553.73(4)(k), Florida Statutes, provides that this locally adopted technical amendment will not be voided when the Florida Building Code is updated if the local amendment is necessary to protect or provide for more efficient use of water resources. Indeed, the Florida Legislature recognizes the significant value of water conservation in the protection and efficient use of water resources as noted in section 373.621, Florida Statutes. This is critical since Florida has one of the highest per-capita water use rates in the country.

This proposed local technical code amendment is intended to enable accurate metering of water consumption for individual units in multi-unit buildings, work towards achieving the County and State of Florida water conservation goals and facilitate enforcement of the requirements in Miami-Dade County's Water Re-metering Ordinance that have been incorporated into its current water use permit. The strengthening of the re-metering requirements is expected to increase our community's water conservation achievements, which to date have realized a reduction of 15 million gallons per day in actual finished water demands from 327 million gallons per day in 2006.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(J)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 7(J)
9-6-23

ORDINANCE NO. 23-70

ORDINANCE RELATING TO WATER CONSERVATION;
AMENDING ARTICLE III OF CHAPTER 8 OF THE CODE OF
MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 8-
31(D) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA;
ADOPTING LOCAL TECHNICAL AMENDMENTS TO THE
FLORIDA BUILDING CODE FOR NEW RESIDENTIAL AND
COMMERCIAL DEVELOPMENTS TO PROTECT AND
PROVIDE FOR MORE EFFICIENT USE OF WATER
RESOURCES; PROVIDING STANDARDS FOR AND
REQUIRING INSTALLATION OF WATER SUBMETERS IN
NEW RESIDENTIAL AND COMMERCIAL MULTIPLE UNIT
PROPERTIES WHERE TWO OR MORE UNITS ARE SERVED
BY A SINGLE MASTER METER TO ENCOURAGE WATER
CONSERVATION IN AREAS OF INCORPORATED AND
UNINCORPORATED MIAMI-DADE COUNTY; REQUIRING
SUBMETER INSTALLATION TO CONFORM TO CERTAIN
TECHNICAL STANDARDS; PROVIDING NECESSARY
TECHNICAL MODIFICATIONS TO THE FLORIDA BUILDING
CODE 7TH EDITION (2020); PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

WHEREAS, consistent with Ordinance No. 08-14 and section 373.621, Florida Statutes, this Board finds that the efficient use and conservation of water reflect responsible use of a limited and precious resource that is essential to life, and will prevent and reduce wasteful, uneconomical, impractical, or unreasonable use of water resources; and

WHEREAS, in support of the need for water conservation, this Board finds that significant amounts of water can be saved through the installation of efficient water fixtures, appliances and other water saving measures and equipment; and

WHEREAS, such water use efficiency measures in new developments will help ensure that the County meets its water conservation goals provided in the Water Use Efficiency Plan for the duration of the County's 40-year water use permit issued in March 2022; and

WHEREAS, the Florida Building Code, as amended by local technical amendments pursuant to section 553.73(4)(b), Florida Statutes, is the uniform building code for Miami-Dade County; and

WHEREAS, based on evidence and data regarding the local conditions of water resources and the projected demand for water in Miami-Dade County, this Board finds that there is a local need to strengthen the requirements of the Florida Building Code for Miami-Dade County to meet the water conservation goals provided in the Water Use Efficiency Plan contained in the Water Use Permit and to ensure the availability of potable water to meet the County's projected demand for water and protect the public's health, safety and welfare; and

WHEREAS, this Board finds that the proposed local technical amendments to the Florida Building Code are necessary to protect and provide for more efficient water resources as provided in section 373.621, Florida Statutes, and such amendments are no more stringent than necessary to address this local need,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Incorporates and adopts the foregoing recitals as fully set forth herein.

Section 2. Section 8-31 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE III. - FLORIDA BUILDING CODE

Sec. 8-31. - Local technical amendments to Florida Building Code.

* * *

>>(D) The County hereby adopts the following local technical amendments to Chapter 6 (Plumbing) of the Florida Building Code.

602.1 General.

Structures equipped with plumbing fixtures and utilized for human occupancy or habitation shall be provided with a potable supply of water in the amounts and at the pressures specified in this chapter. In multiple unit properties where two or more units are served by a single master water meter, each unit shall have individual water submeters.

602.1.1 Submeters.

Submeters and their installation must conform to American Water Works Association (AWWA) Standards C700-20, C708-19, C710-20, <<>> C713-19<<² >>or C715-18. All submeters must be rated for a minimum working pressure of 150 psi. A shut-off valve must be installed on the water line on the inlet side of the submeter.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

September 6, 2023

Approved by County Attorney as
to form and legal sufficiency:

Michael B. Valdes

GBK
MBV