

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY GENERAL ORDINANCES," BY AMENDING CHAPTER 110 OF THE CITY CODE ENTITLED "UTILITIES," ARTICLE II, ENTITLED "WATER," DIVISION 1, ENTITLED "GENERALLY" BY AMENDING ARTICLE II AND SECTION 110-38, ENTITLED "TAPPING, MAINS, SERVICE PIPES AND CONNECTIONS," TO REQUIRE A PROPERTY OWNER TO CONNECT TO UPGRADED WATER AND/OR SANITARY SEWER INFRASTRUCTURE AT NO EXPENSE TO THE PROPERTY OWNER; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City Public Works Department seeks to upgrade water and/or sanitary sewer infrastructure and provide connections from public rights of way; and

**WHEREAS**, certain properties are connected to water and/or sanitary sewer mains from the rear of the premises; and

**WHEREAS**, as aging infrastructure is replaced, the Public Works Department needs to have the ability to require for property owners to connect to water and/or sanitary sewer mains at the front of properties at no cost to the property owners, consistent with established practice by the Miami-Dade County Water and Sewer Department, as provided in the Miami-Dade County Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 110, "Utilities," at Article II, entitled "Water," at Division 1, entitled "Generally" of the General Ordinances of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 110**

**UTILITIES**

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**ARTICLE II. WATER**

\* \* \*

**DIVISION 1. GENERALLY**

**Sec. 110-38. Tapping, mains, service pipes and connections.**

- (a) The public works department shall lay the service pipe to the property line of the owner who has signed a contract for water service, provided the property line corresponds to such lot lines as are dedicated and recorded in some subdivision plat. The public works department shall not run service connections into lots or parts of lots that have been divided and no provisions for easements or alleys have been made for water supply lines and recorded.
- (b) If the service supplying a house or building is found not to be large enough due to additions to the building or an increase or change in the number of fixtures, the public works department shall make the larger tap and install the larger service upon the payment of the tapping charge for the size of the new service. No credit shall be given for the service already in place that is found to be insufficient in size.
- (c) The owner shall place a gate valve on the service between the building and the meter box so the supply may be turned off by the owner in case of a break or repairs being made in the building.
- (d) The public works department in every instance reserves the right, at its option, to designate and prescribe the size of a service connection, either upon original installation of a new connection or upon any renewal or replacement of any old connection, and in any case, where a size of service other than that applied for by the owner, or previously existing is so designated and prescribed by the public works department, the owner shall be bound thereby.
- (e) The public works department reserves the right, at its option, where and when, in its discretion, the conditions may or might require it, at any time to require any owner to install on his service connection a tank, check valve, cock or gate valve, pressure regulator or other appliances, apparatus or equipment of such type and design as is approved by the public works department and thereafter to require any change, alteration, substitution or addition of and to any such appliance as aforesaid; and failure upon the part of the owner to comply with such requirements of the public works department within 30 days after written notice to the owner, or within some agreed extension beyond such 30 days also in writing, shall authorize the public works department, at its option and without further notice, to cancel the contract for such service and discontinue the same.
- (f) Where a premises is abutted by two water and/or two sanitary sewer mains, and the premises can validly be connected to either of the abutting water mains or abutting sewer mains in compliance with the Florida Building Code and the City of Miami Beach Public Works Manual, and the premises is currently connected to the water main and/or sanitary sewer main located in the rear of the premises, the public works department may require such premises to connect to the main(s) owned by the public works department which abuts the front of the property and to which such premises may validly be connected, at no cost to the property owner. The public works department or designee shall be responsible for all costs of disconnection of the

main(s) abutting the rear of the premises and connection to the main(s) abutting the front of the premises. An owner of a premises who has previously paid a water and/or sanitary sewer connection fee to the public works department shall not be required to pay an additional connection fees if the premises was lawfully connected to a different main.

(g) Where the public works department and/or designee is performing water and/or sanitary sewer improvements to replace old and substandard infrastructure, in areas where the existing water and/or gravity sanitary sewer mains are located along the rear of the properties and the public works department is planning to install new water and/or gravity sanitary sewer mains in front of the properties within the right of way, the public works department may require such premises to connect to a water and/or sanitary sewer mains owned by the public works department which abuts the front of the property and to which such premises may validly be connected, at no cost to the property owner. The public works department or designee shall be responsible for all costs of disconnection of the water and/or gravity sanitary sewer mains abutting the rear of the premises and connection to the water and/or gravity sanitary sewer mains to the front of the premises. An owner of a premises who has previously paid water and/or sanitary sewer connection fees to the public works department shall not be required to pay an additional water and/or sanitary sewer connection fees if the premises was lawfully connected to a different water and/or gravity sanitary sewer mains.

(h) Should the owner of a premises currently connected to a water main refuse to allow the Department to disconnect the premises from the water main abutting the rear of the premises and to connect the premises to the water main abutting the front of the premises in accordance with Section 32-78(b), the Department shall have the right to terminate water service to such premises, and shall incur no liability therefore.

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**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY.**

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

**SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. 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. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber  
Mayor


\_\_\_\_\_  
Rafael E. Granado  
City Clerk

Verified By: \_\_\_\_\_  
Joe Gomez, P.E., F. FES  
Director of Public Works

Underline denotes additions  
~~Strikethrough denotes deletions~~

(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *FA*      8-20-23  
Date