



**Legislation
11.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

| | |
|--------------|----------------------------------|
| TO: | Mayor and City Commission |
| FROM: | Hamid Nikvan, NMB Water Director |
| VIA: | Mario A. Diaz, City Manager |
| DATE: | April 15, 2025 |

Ordinance No. 2025-02 (First Reading) Code Amendment to Allow For Only Property Owners to
RE: Open Water and Sewer Accounts and Establish Recurring Minimum Charges (Hamid Nikvan, NMB Water Director)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

FISCAL/ BUDGETARY

IMPACT:

ATTACHMENTS:

Description

- Ordinance
- Other Cities Codes
- Miami Beach_Sample
- Miami Beach_Add Tenant Sample
- Memo

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH (NMB), AMENDING CHAPTER XIX, ENTITLED “WATER AND SEWERS” OF THE CITY CODE OF ORDINANCES, SPECIFICALLY AMENDING SECTION 19-4 ENTITLED “WATER AND SEWER DEPOSITS”, SECTION 19-9 ENTITLED “DEFINITIONS”, SECTION 19-10.1 ENTITLED “APPLICATION, TERM; CHANGE OF OWNERSHIP; TURN-ON REQUESTS”, SECTION 19-11.3 ENTITLED “CONSUMER RATES-METERED”, SECTION 19-16 ENTITLED “TURN-ON AND SHUT-OFF; CURB COCK TO BE USED BY CITY”, SECTION 19-17 ENTITLED “LEAKS AND WASTE”, SECTION 19-20 ENTITLED “MISCELLANEOUS PROVISIONS”, SECTION 19-31 ENTITLED “RATES AND CHARGES”; PROVIDING FOR PROPERTY OWNER WATER ACCOUNTS AND BILLING CONTINUITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach (“City”) operates and maintains water and sewer utility systems that serve the residents of the City and surrounding communities; and

WHEREAS, the City desires to update its water and sewer regulations to enhance services and to maximize the effective operation and maintenance of the water and sewer utility systems in a cost-efficient manner by adopting best management practices.

WHEREAS, the legislative body of a municipality is authorized to administer such utility, and may establish just and equitable regulations; and

WHEREAS, the City desires to require that all water and sewer accounts be opened and billed in the name of the property owner where currently, Chapter XVIII Solid Waste Management and Chapter XX Stormwater of the City Code already require billing the property owner for City of North Miami Beach properties; and

WHEREAS, the City desires to combine all utilities on one bill to the property owner for simultaneous billing, payment, and collections for efficiency and responsibility of the owner and to eliminate delinquencies caused by tenants and the burden this has placed on the citizens of the City; and

WHEREAS, the City desires to guarantee that all properties have continuous billing from owner to owner of minimum charges for the costs of service availability; and

WHEREAS, the City Commission finds that the revisions to Chapter XIX of the City’s Code of Ordinances, as detailed below, are in the best interests of the citizens and residents of the City; and

WHEREAS, the City Commission deems it to be in the public interest to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida, as follows:

Section 1. The foregoing findings and recitals are true and correct and incorporated herein by reference.

Section 2. Chapter XIX, “Water and Sewers,” of the Code of Ordinances of the City of North Miami Beach is hereby amended by adding the following underlined language and deleting the following stricken language:

* * *

• **19-4 - WATER AND SEWER DEPOSITS.**

* * *

~~For residential accounts established by tenant, rather than owner, the required deposit shall be twice the amount indicated.~~

* * *

• **19-9 - DEFINITIONS.**

As used in this article:

* * *

Owner shall mean the person, firm, corporation, or association, ~~occupant or tenant~~ having an interest whether legal or equitable, sole or only partial, in any premise which is or is about to be supplied with water by the City and the word "owners" means all interested.

* * *

19-10.1 Application, Term; Change of Ownership; Turn-on Requests.

a. All applications for water supply service must be made at the customer service office at the City Hall on a blank form prepared by the City for that purpose.

1. All new applications for water service with the city, and accounts established thereof, shall be in the name of the owner of the property. Only the owner of the property seeking service shall be permitted to establish an account. The property owner must provide the proper personal identification (driver's license or state identification card) that matches the proof of ownership of the property at which service is desired.
2. Any name changes made to an existing water account and any new connections shall be established in the name of the property owner.
3. If water service is suspended by any means and the water account is not in the name of the owner of the property, the water service shall only be reestablished if the property owner applies for water service pursuant to this chapter.
4. Any existing account established in a tenant(s) name that becomes delinquent for more than 60 days will be terminated and water service shall only be reestablished in the name of the property owner.
5. Where there is a separate solid waste and/or stormwater bill in the property owner's name which becomes delinquent for more than 60 days the water account whether delinquent or current will be terminated and reestablished combined with the solid waste and stormwater bill so that the property owner will be required to bring all utility charges current in order to be provided with water, sewer (where available), solid waste, and stormwater service.
6. The original property owner shall remain as the account customer of record until a legal document is presented to the city showing proof of transfer of ownership to a new owner, which contains the date of the transfer, name of the new owner, and contact information. Once the legal document is presented, the new owner may apply for water service pursuant to this chapter.

* * *

f. When application for water supply service is made, the service together with the charges and rates therefor shall begin on the date of the completion of the service connection by the City unless the owner shall state in writing in the application that the service connection shall be shut off immediately upon its installation, in which event the connection shall then be shut off and shall thereafter be turned on by the City only upon the written request of the owner, in which event the charges and rates for water supply service shall commence on the date of such turn-on, except for the minimum charges which commence with completion of the service connection by the City, in accordance with these rules and regulations in every respect as though such turn-on request had been an original application. However, in a case hereinabove provided, where there shall have been a change in ownership prior to a turn-on of the service connection, the new owner shall sign the application for water supply upon the regular form.

* * *

19-11.3 Consumer Rates—Metered.

- a. There shall be a minimum charge, based on the size of the meter, the customer class, and the billing frequency which is billed to each customer account regardless of whether the metered service is on or in an off status and regardless of whether any water is being consumed.

The following minimum charge rates for metered water apply to retail customers of the utility for the fiscal years 2020, 2021, 2022, 2023, and 2024:

* * *

- **19-16 - TURN-ON AND SHUT-OFF; CURB COCK TO BE USED BY CITY.**

* * *

- i. Whenever the City is required to shut off water service at the main due to the customer restoring service once discontinued, the owner ~~or tenant~~ shall be required to pay all costs and charges including labor and materials in both shutting off and turning on the water at the main prior to restoration of service.

* * *

- **19-17 - LEAKS AND WASTE.**

* * *

- c. Whenever the water supply to and for any premises has been shut off because of leaks or waste as in this section provided, the same shall not be turned on again until all causes for shut-off shall have been remedied or removed, and satisfactory assurance shall have been given by the owner, or his agent ~~or tenant~~, to the City, that the condition causing the shut-off will not again exist,

* * *

- **19-20 - MISCELLANEOUS PROVISIONS.**

* * *

- ~~b. *Tenant Deemed Agent.* The tenant in or upon any premises of any owner shall at all times and for all purposes connected with or arising from the City water supply service to and for such premises, except the making of the original application for water supply service pipe and contract, be taken and construed to be the properly constituted agent of the owner.~~

- eb. *Service of Notices.* Any notices, as prescribed herein, shall be deemed to have been properly served if left upon the premises of the owner or if mailed to the owner, directed to, or left at his address as shown on records of the City. All notices of a general character affecting or likely to affect more than one (1) owner, if required by these rules to be given, shall be deemed to have been properly given or served if advertised at least once in one (1) of the daily newspapers.
- ec. *Amendments to Rates and Rules.* Each addition or modification, alteration or amendment to any of the rates or rules of the City shall be and become binding upon, and shall form a part of the contract with each owner, upon the expiration of thirty (30) days' notice thereof in writing, to each owner affected thereby unless and except any such addition, modification, alteration or amendment is by these rules and regulations provided to be and become otherwise effective and binding on such owner, or any or more thereof.
- ed. *Rates and Rules Part of Contract.* All of the foregoing rates and rules shall be considered and taken to be a part of the contract, so far as the same may be applicable to the class of service covered by and included in such contract, with every owner or consumer who shall make application for the water supply service of the City or whose premises are furnished with, or are connected to the system of the City for such service, and every such owner shall be considered as having, and be taken and construed to have expressed his consent to be, bound thereby whenever application for such water supply service is made, or so long as the premises of any such owner are furnished with, or are connected to, the system of the City for such service.

* * *

- **19-31 - RATES AND CHARGES.**

The following rates and charges are hereby adopted for all customers of the wastewater service of North Miami Beach, Florida for fiscal year 2020 and 2021.

- a. The following rates for wastewater collection and disposal, based on metered water shall apply to all retail customers:

There shall be a minimum charge, based on the size of the meter, the customer class, and the billing frequency which is billed to each customer account regardless of whether the metered service is on or in an off status and regardless of whether any water is being consumed.

* * *

Section 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

Section 6. This Ordinance shall become effective immediately upon adoption.

APPROVED on first reading this ___ **day of** _____, **2025**

APPROVED AND ADOPTED on second reading this ___ **day of** _____, **2025**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSEPH GELLER
CITY ATTORNEY

SPONSORED BY: Mayor and City Commission

Bradenton

- **Sec. 70-38. - Application for water service.**

Application for water services must be made by the owner or agent of the property to the utility department, stating the street number where such services are desired and the purposes for which they are required.

- **Sec. 70-93. - Application for services.**

(e)

Signatures required. Applications must be signed by the owner of the premises or his duly authorized agent and signed by the director or the city administrator or designee and showing payment to him of the physical connection charges, impact fees and deposits provided for in this article prior to the initiation of the services.

Coral Springs

- **Chapter 22 - WATER**

- **Sec. 2203. - Applications for water.**

(a) Applications for water service shall be made at water billing, financial services department on appropriate forms furnished for that purpose and same must be signed by the owner of the property or the owner of the property's authorized agent.

(b) All applications for water service with the city, and accounts established thereof, shall be in the name of the owner of the property.

(c) On or after August 5, 2021, if water service is suspended by any means and the water account is not in the name of the owner of the property, the water service shall only be reestablished if the owner of the property applies for water service pursuant to this section.

(d) Owners of property that receive water service by the city shall cause their water account to be placed in their name no later than August 5, 2022.

- **Sec. 2211. - Water deposits.**

(a) The city, through water billing, financial services department, shall collect a service deposit from the owner of property or the owner of the property's authorized agent securing water connection with the city's water system, which shall include any services as well as turn-ons of old connections.

Davie

Chapter 25 - UTILITIES

ARTICLE III. - WATER AND SEWER

- **Sec. 25-30. - Town water and sewer accounts.**

(a) Only the owner of the property seeking service shall be allowed to create a town utility account.

(b) Any name changes made to an existing town utility account and any new connections or accounts being opened after this section is adopted shall be placed in the name of the property owner. Any new landlord tenant lease or the renewal of a landlord tenant lease, after the adoption of this section, shall have the property owner become the town utility account holder. The property owner shall notify the town budget and finance department, utility division of the renewal or change in lease, within seven (7) business days.

(c) Three (3) years from the passage of this section, any town utility account that is not in the name of the property owner shall be transferred to the property owner. The town budget and finance department, utility division shall begin the transfer three (3) years from the passage of this section and shall complete the transfer within a reasonable amount of time. The property owner shall not be liable for the outstanding tenant balance upon transfer.

(d) The property owner shall remain as the account customer of record until an executed legal document showing proof of transfer of ownership to a new owner, which includes the new owners billing and contact information is presented. Once the legal document is presented, the account can be established in the new owner or owners' names.

(e) Upon transferring or creation of a town utility account, the property owner shall not have to pay a deposit.

(Ord. No. 2018-007, § 2(Exh. A), 3-21-18)

Hallandale Beach

- **Chapter 30 - UTILITIES**

- **Sec. 30-5. - Applications for services; water meter required; change of ownership; new and expanded properties; water and wastewater impact and AGRC fees.**

- (a) *Applications for services.*

- (1) Before any person shall be entitled to city utility services, they must execute and sign a written application with the city and pay a security deposit in the amount established by resolution.
 - (2) Water, sewer, stormwater, and solid waste accounts shall be established in the name of the property owner.
 - (3) Any existing account established in a tenant(s) name upon the effective date of this chapter shall be reestablished in the name of the property owner by January 1, 2016.
 - (4) Charges for utility services shall be rendered to the utility customer on one bill provided that the charges shall be listed separately thereon, and provided further that no customer shall pay the charges for any thereof without simultaneously paying the charges for all the others thereof.

- **Sec. 30-10. - Delinquent accounts; disconnection and reconnection charges; meter removal.**

- (b) *Sixty-day delinquent owner accounts.* If any utility bill is not paid within 60 days from the original bill date, all services shall be subject to:

- (1) Meter removal (if tampering occurs);
 - (2) Base/usage charges will continue to accrue and billed monthly.

- (c) *Sixty-day delinquent tenant accounts.* If any utility bill is not paid within 60 days from the original bill date, all services shall be subject to:

- (1) Meter removal (if tampering occurs);
 - (2) Account finalized;
 - (3) Deposit applied to final bill.

- (d) Reconnection of services. Customer must pay delinquent bill in addition to any disconnection/reconnection fee in full by 5:00 p.m. in order to have service restored same day. Payments received after 5:00 p.m. will be restored the next business day. Any 60-day delinquent accounts finalized shall be established in the name of the property owner for reconnection of services, and a new deposit charged, pursuant to [section 30-5](#).

- (e) Base/availability charges shall apply after disconnection. If water services have been disconnected at any time after the first day of the next billing period, monthly base charges and any usage for that month shall apply.

(Ord. No. 2014-22, § 2, 8-20-2014)

Jupiter

- **ARTICLE III. - WATER SERVICE**

- **Sec. 20-56. - Definitions.**

Property owner means the individual, association or corporation listed in the tax roll of the county where the property is situated at the time of all determination by the town.

(Ord. No. 12-97, § 20-63, 5-6-1997)

- **Sec. 20-58. - Application for water service and deposits required.**

- (a) Proof of applicant identity; deposit not a guarantee.

(1) An application for water service may only be made by the legal owner of the property seeking water service (hereinafter referred to as the "consumer"). Before any consumer receives water service from the town, the consumer shall submit an application to the town on a form created by the town for such purpose. The application shall be submitted together with a financial deposit for each meter the consumer wants to be supplied with water. The deposit shall serve as a guarantee to the town for payment of charges for water utility services provided to the consumer based on the applicable rates, fees and charges.

- **Sec. 20-59. - Application by agents.**

Customer deposits for water service requested by firms, partnerships, associations, corporations and others shall be tendered only by duly authorized parties. When water service is rendered under agreement entered into between the town and an agent of the principal, the use of such water service by the principal shall constitute full and complete ratification by the principal of the agreement entered into between the agent and the town and under which such water service is rendered.

Lauderhill

- **Chapter 21 - WATER AND SEWER SERVICE**

- **Sec. 21-46. - Rules and regulations.**

- *Water/sewer service.* To obtain service, an application, if required, should be made at the office of 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 that which is then available from its existing water production and distribution equipment and service lines or its sewage treatment or collection system.
- The applicant shall furnish to the department the correct name, street address and lot and block number at which service is to be rendered.
- *Service supplied only to owners.* Utility service shall be provided to property owners, and not to tenants. Acceptance of utility service by owners or tenants shall constitute an agreement by the owner to pay for the service.

Change of ownership. When a change of ownership of a property supplied with water and sewer service shall occur, it shall be the obligation of the parties to the transaction to determine each party's obligation for its portion of fees and costs incurred by this section.

Miami Beach

- **Sec. 110-1. - Responsibility of owner of premises.**

Every owner will be held fully responsible and liable by and to the city for all that is done or omitted on, in or about any premises in connection with the city water, sewer or stormwater utility service by any agent or tenant or other persons not in the employ of the public works department, who may gain access thereto.

- **Sec. 110-2. - Tenant as agent of owner.**

The tenant in or upon any premises of any owner shall at all times and for all purpose connected with or arising from the water supply, sewer and/or stormwater utility services to and for such premises, except the making of the original application for water supply service pipe and contract, be taken and construed to be the properly constituted agent of the owner.

- **Sec. 110-36. - Application and contract.**

- (a) All applications for water supply service shall be made at and approved by the public works department on a blank prepared for that purpose.
- (b) The owners of the premises proposed to be connected for water supply service or their agents duly authorized in writing shall sign the application for service pipe and water supply, except as hereinafter provided.
- (c) Such application shall become a binding contract upon both the owner and the city when the service connection for water supply service applied for has been installed and completed.
- (e) In the event of any change in ownership or occupancy of any premises connected to the system, the public works department shall be immediately notified in writing

of such change, giving in such notice the name and address of the new owner or occupant.

Naples

- **Sec. 30-11. - Application for service, billing procedure, regulations.**

(a) *Application for service.*

(3) Utility service is furnished only upon signed application of the property owner, accepted by the city, and the conditions of such application or agreement are binding upon the property owner as well as the city.

(5) Applications for service requested by firms, partnerships, associations, corporations and others shall be tendered only by duly authorized individuals. When service is rendered under agreement or agreements entered into between the city and an agent of the property owner, the use of such service by the property owner shall constitute full and complete ratification by the property owner of the agreement or agreements entered into between agent and the city under which such service is rendered. A tenant of property shall not be construed to be an agent.

(c) Accounts and bill delivery addresses.

(1) Accounts shall be established in the name of the property owner.

(2) Bills shall be sent to the address requested in the service application.

(3) Changes of address for billing purposes must be approved by the property owner. Approval can be by letter, change of address form or by e-mail.

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North Lauderdale

- **Sec. 70-4. - Water, sewer, and stormwater management rates.**

(c) **Water, sewer and stormwater management accounts shall be established in the name of the property owner.**

(1) **If a property ownership changes, it is the new property owner's responsibility to establish an account in their name.**

b. **If a property owner produces an enforceable lease effective prior to November 13, 2007, for a tenant in whose name an account was legally established prior to November 13, 2007,**

the account may remain in the name of the tenant until expiration of the term of the lease provided to the city.

- (4) Failure of the property owner to establish an account in their name or failure to provide the city of a current mailing address shall not release or diminish the obligation of the property owner to pay charges accrued on the property.

North Port

- **Chapter 78 - UTILITIES**

- **Sec. 78-23. - Definitions.**

Applicant means the owner of residential real property or the person or legal entity which has the legal right to utilize commercial real property by means of any form of legal means which real property is to be served by water, wastewater or reclaimed water service. The terms "applicant", "developer", and "property owner" are synonymous and may be used interchangeably herein.

Customer means any person, firm or corporation who has entered into an agreement to receive water, wastewater and/or reclaimed water service from the city and who is liable for the payment of that water, wastewater and/or reclaimed water service.

- **Sec. 78-24. - General terms and conditions regarding water, wastewater and reclaimed water service.**

o **Amended by** Ordinance No. 2024-33

- (a) *Signed application required.* Water, wastewater and reclaimed water service may be furnished only after a signed application or agreement and payment of any applicable water and wastewater capacity fees as well as any applicable new account charges are accepted by the city. The conditions of such application or agreement are binding upon the customer as well as upon the city. A copy of the application or agreement for water, wastewater and reclaimed water service accepted by the city will be furnished to the applicant upon request. The applicant shall furnish to the city, proof of ownership for residential, or proof of tenancy for commercial accounts the correct name and street address at which water, wastewater and reclaimed water service is to be rendered.

All unpaid amounts due to the city for water, wastewater, reclaimed water, backflow or any miscellaneous utilities services to a property shall become immediately due and payable in full upon any transfer of ownership of the property.

Liability. (Residential). The property owner shall, as to the city, have sole liability for all amounts due and owing to the city as a result of services provided by the city utilities department. (Commercial) As a courtesy, commercial properties are allowed to be put

in the name of a tenant however, should an account remain unpaid for more than 120 days, the account will immediately be put back in the name of the property owner.

Pembroke Pines

CHAPTER 50: WATER AND SEWER REGULATIONS

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

CUSTOMER. The owner of the property or an individual or corporate entity authorized by the owner to open the utility account.

(C) The original property owner shall remain as the customer of record until the account is closed and the security deposit has been applied to the final bill. The account will not be closed until the department is notified that ownership of the property has changed, sold or otherwise transferred.

§ 50.02 REQUIRED CONNECTIONS TO CITY UTILITIES; POLICY.

(C) Unless otherwise provided for herein, all utility accounts with the city shall be opened by the property owner, in accordance with the application provided by the city's Utilities division.

(Ord. 641, passed 12-15-82; Am. Ord. 1754, passed 6-19-13; Am. Ord. 1978, passed 11-17-21)

Punta Gorda

Sec. 17- 8. Billing, penalties, delinquencies and collections.

(a) Bills shall be rendered monthly for all residential and non-residential uses, whether occupied or vacant, situated within the City's service area. Requests for service disconnection or account closure to avoid monthly charges will not be honored. It shall be the responsibility of the property owner to provide written notice of the correct and current mailing address for bills and changes thereto.

Weston

CHAPTER 111: WATER AND SEWER SERVICES

§ 111.11 UTILITY SERVICE CUSTOMERS, RESIDENTIAL.

111.11(A) **ITDD** . For residences provided service by ITDD , only the Owner of a property where Utility service is obtained for use in Dwelling Units may be a residential customer of the Utility , even if that property is occupied by residents other than

the Owner . A Tenant of a Residential Property where Utility service is provided may not contract directly with the Utility for use of the Utility service.

Today Date: _____

Request to OPEN account

Please check document(s) submitted with this request:

_____ Fully executed HUD/closing statement

_____ RECORDED warranty deed

Date of Closing: _____

Service Address: _____

Name of Buyer: _____
(according to warranty deed)

Phone Number: _____

E-mail Address: _____

Mail bills to: _____

I, _____, (PRINT name of property owner, or corporate officer)

request to OPEN a new utility account due to recent purchase of a property.

Signature of property owner/corporate officer

Please provide copy of ID - front & back

UTB Account - Change or Add TENANT to account

DATE: _____ Utility Account # : _____

Service Address: _____

Owner Name on Account: _____

Owner Phone #: _____ Owner e-mail address: _____

I, _____, request the following change(s) be made to my Utility account
(PRINT name of property owner, or corporate officer) _____

Change or Add Name of tenant: _____

Mail bills to: _____

Tenant Phone #

Tenant e-mail address

Signature of property owner/corporate officer

Please provide copy of ID front & back

Disclaimer:
Adding a tenant to the utility account does not transfer or imply responsibility for payment or account management to the tenant. The property owner remains solely responsible for all charges, fees, and obligations related to the utility account. Any agreements made between the property owner and the tenant regarding utility payments are private arrangements and do not alter the account holder's liability with the utility provider. The utility provider holds the property owner accountable for all outstanding balances and service issues.



City of North Miami Beach
17011 NE 19th Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO: Mario A. Diaz, City Manager
Hamid Nikvan, Public Utilities Director
Tarik Rahmani, Chief Financial Officer
Sophia Taylor, Finance Director
Samuel Zamacona, Public Works Director

FROM: Ernesto Salazar, Customer Service Manager
Roslyn Weisblum, Utility Analyst

DATE: February 21, 2025

RE: CODE AMENDMENT TO ALLOW FOR ONLY PROPERTY OWNERS TO
OPEN WATER AND SEWER ACCOUNTS AND ESTABLISH RECURRING
MINIMUM CHARGES

Attached is the draft ordinance requiring that only property owners may open water and sewer accounts within the North Miami Beach Water and Sewer Utility (NMB Water) service area.

Objective:

The City seeks to amend the Code to allow only property owners to open water and sewer accounts. This applies to residential and non-residential accounts. Owners will be billed minimum charges whether services are active or inactive.

Fiscal Impact:

Water and sewer charges could be consolidated with solid waste and stormwater (where applicable) on a single bill. This ensures collections or allows for liens on delinquent properties, eliminating uncollectible. Charging all metered accounts, a minimum fee would also help recover infrastructure costs.

Location:

Properties within the water service area of the City of North Miami Beach Water and Sewer Utility.

Scope of Work:

Amend Chapter XIX of the City Code “WATER AND SEWERS” to allow only Property Owners to open Water and Sewer accounts in their name and establish recurring minimum charges. Present the Draft Ordinance to the attorney for review. Present the Code amendments to the Public Utilities Commission. Present the Code amendments to the City Commission via Ordinance Approval. Communicate the change to the citizens.

Benefits:

In the interest of saving the City of North Miami Beach millions of dollars in uncollectible and non-liable funds, the City could amend the Code to allow for property owners only to open water and sewer accounts in their name. When an owner establishes service, the City effectively maintains the ability to seek collections on outstanding accounts, which includes the ability to place a lien on the property. Allowing tenants to establish accounts in their name eliminates the lien stop-gap protection leading to the Utility’s higher receivable collection balances. These uncollectibles not only include the water and sewer charges but the utility tax as well. Over the past ten years the growth of tenant balances has significantly increased. The city already has in its Code of Ordinances that owners only are assessed for solid waste and stormwater. All these charges could be billed together on one utility bill which would be easily collectible, or a lien could be placed on the property yielding no uncollectibles for the utilities. This would not only save by eliminating uncollectibles, but it would also save on operational and administrative costs due to the frequent turnover of tenant customers and the collection efforts devoted to these accounts. Also, by charging all metered accounts a minimum charge for the availability of service and readiness-to-serve, a portion of the capital costs of the water and sewer infrastructure would be recovered.

The following are some of the municipal water utilities in Florida that only allow the property owner to open an account:

- Hallandale Beach
- Miami Beach
- Coral Springs
- Pembroke Pines
- Davie
- Jupiter
- Naples
- Weston
- Lauderhill
- North Lauderdale
- North Port
- Bradenton
- Punta Gorda
- Fort Lauderdale – (ordinance in progress)

Attached are excerpts from these municipal Codes regarding property owner only accounts (in alphabetical order). Also attached are the applications for service from Miami Beach regarding property owner only.

Legal Precedent:

In addition, in the 4th District Court of Appeal opinion in *Jass Properties, Inc. v. City of North Lauderdale*, 4th DCA Case No. 4D11-7830 (November 21, 2012), the 4th District Court of Appeal agreed that Statute 180.135 does not prohibit city from declining to contract with tenants. The appellate court further observed that nothing in state law “prevents a city from enacting an ordinance designed to constrain costs that might otherwise be borne by the taxpayers.”

Please review the attached for discussion.