



**Cooper City Commission Meeting  
Agenda Item Request Form**

**Commission Meeting/Workshop Date:** August 20, 2019

**Requesting Department:** Utilities

**Subject:** Ordinance Revision – Allow and Regulate the Remetering of Water Services

**Section:**

*Presentation*

*Consent*

*Regular*

*Discussion*

**Background and Recommendation (attach backup material to Item Request Form):**

This is recommendation for Commission consideration and approval of the attached proposed ordinance to allow and regulate the remetering of water & sewer services for commercial multi-tenant properties.

**General Ledger Account Number(s) and Amount(s):**

N/A

**Approvals:**

Finance Director \_\_\_\_\_

City Manager 

City Clerk \_\_\_\_\_



## COOPER CITY UTILITIES DEPARTMENT MEMORANDUM

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DATE: July 1, 2019

TO: Kathryn Sims, Interim City Manager

FROM: Michael F. Bailey, P.E., Utilities Director/City Engineer

SUBJECT: Ordinance Revision - Allow and Regulate the Remetering Of Water Services

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This is a recommendation for Commission consideration and approval of the attached proposed ordinance to allow and regulate the remetering of water & sewer services for commercial multi-tenant properties.

In 2014, the City Commission approved an ordinance to allow and regulate the remetering (also know as submetering) of multifamily residential properties. Remetering is a practice wherein a property owner installs water meters for each tenant to measure the flow of water for the purpose of recovering utility service expenses by charging tenants for their share of the overall utility bill for the property.

Since adoption of the ordinance, remetering appears to be working smoothly at the one location that was approved by the Commission (Jefferson Monterra apartments).

Recently, the Embassy Lakes Shopping Center approached the Utilities Department for approval to implement remetering in their shops. Staff has no objection to this proposal, but the current ordinance specifically allows remetering in multifamily residential properties only. The attached proposed ordinance will revise the current one so that remetering would not just be limited to multifamily residential properties. All the other terms, conditions, and limitations related to remetering are unchanged in the proposed ordinance.

I recommend Commission consideration and approval of this ordinance on first reading.

**ORDINANCE NO. 19-8-2**

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA AMENDING CHAPTER 19, "UTILITIES," ARTICLE III, "WATER AND WASTE WATER SYSTEMS," DIVISION 1, "GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE CITY OF COOPER CITY'S WATER AND WASTE WATER SYSTEMS," SECTION 19-76, "LIMITATIONS OF USE"; TO PROVIDE FOR THE ELIMINATION OF REFERECES TO RESIDENTIAL, RESIDENTS, OR DWELLINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current language in the City's Code of Ordinances only permits "remetering" for residential properties, and the City Commission desires to clarify that remetering is also permitted for commercial multi-tenant properties as well; and

**WHEREAS**, the City Commission has held a public hearing in accordance with Florida law; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the City to amend the City's Code of Ordinances to clarify that remetering is permitted for multi-tenant commercial properties.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals Adopted.**     That each of the above stated recitals is hereby adopted and confirmed.

**Section 2.**     That Chapter 19, "Utilities", Article III, "Water and Waste Water Systems," Division 1, "General Provisions and Definitions Applicable to the City of Cooper City's Water and Waste Water System," Section 19-76, "Limitations of use," be, and the same is hereby amended to read as follows:

## Sec. 19-76. Limitations of use.

(a) *In general.* Utility service purchased from the city shall be used by the consumer only for the purposes specified in the application for service. The consumer shall not sell or otherwise dispose of such utility service supplied by the city. All utility service furnished by the city to the consumer shall be through city meters and may not, except as expressly authorized below in this Section, be remetered by the consumer for the purpose of selling or otherwise disposing of such service. Water/sewer service furnished to the customer shall be rendered directly to the customer through city's individual meter and may not be remetered by the customer for the purpose of selling or otherwise disposing of water/ sewer service to lessees, tenants, or others and under no circumstances shall the customer or customer's agent or any other individual, association or corporation install meters for the purpose of so remetering said water/sewer service, except for the purpose of the allocation of the direct cost of water and sewer service among multiple residential-users, and then only pursuant to the city's express approval and only to the extent thereof. Subject to the consent of the city commission and pursuant to the terms of limitation of the applicable remetering agreement, a consumer may remeter the water service provided by the city solely for the purposes of determining the use thereof among the consumer's residential-lessees, tenants, or others who shall be lawfully entitled to receive same. In no case shall a customer, except with the written consent of the city, extend his lines across a street, alley, land, court, property line, avenue, or other way, in order to furnish water/sewer service for adjacent property through one (1) meter, even though such adjacent property be owned by him. In case of such unauthorized extension, remetering, sale or disposition of service, customer's water/sewer service is subject to discontinuance until such unauthorized extension, remetering, sale or disposition is discontinued and full payment is made of bills for water/sewer service, calculated on proper classification and rate schedules and reimbursement in full made to the city. Customer shall be responsible for all extra expenses incurred for clerical work, testing and inspections.

(b) *Rules and regulations for remetering.*

1. Initial registrations and annual reports are required of all multitenant residential-properties engaged in remetering. Annual reports, which are to be submitted to the city, shall contain a list of addresses and/or units being remetered and a summary of the billing for that year, including any permitted fees charged by the owner. Each initial application for registration shall contain the following information:

a. Name, address and type of property to be remetered; owner's name, telephone number and tax identification number and/or Social Security number, legal business and trade name, if applicable; names and addresses of any partners, officers, other corporations, entities or trade names through which business is conducted; number of units being remetered; name, address, contact person and telephone number of remeterer, if applicable; and name, address, contact person and telephone number of management company, if applicable.

b. A copy of the remetering agreement with the city and a copy of any materials requested by and within that agreement.

c. A copy of sample lease or agreement that states individual unit is or may be submetered.

d. Date billing is to begin and copy of bill format that meets the requirements of subsection (b).

e. Copies of plumbing and electrical permits, where applicable.

f. Specifications, as approved by American Water Works Association (the "AWWA") standards, of submeters and testing equipment to be used.

g. Comparison report of owner's regular water service charges from the city and charges billed to the ~~residents~~tenants by the owner for the same period of time. This requirement is not necessary during initial registration.

2. Only individual ~~dwellings~~units in a multitenant residential property that is served by a meter installed by the city may be submetered, and each submeter shall serve only one (1) unit.

3. The owner of any property engaged in remetering shall abide by all provisions set forth in the City Code of Ordinances, as well as any federal, state and local law or administrative rule, and the Florida Building Code, all as may be amended from time to time, the AWWA , and all applicable city-developer's agreement for the property.

4. The owner of any remetered property is solely responsible for the costs associated with the remetering of the water meters on the property, including, but not limited to, the cost of the installation of all water submeters and associated plumbing, and shall obtain all required permits prior to the installation of same.

5. The owner of any property engaged in remetering shall test and inspect all submeters within the time intervals recommended by the AWWA and in compliance with AWWA standards. In addition, submeters shall be tested for accuracy of the flow rates and test flow quantities in accordance with applicable AWWA standards. No submeter shall be placed into service unless it has been tested by a certified testing facility in compliance with AWWA standards for accuracy, as evidenced by the manufacturer's information or as tested by the owner, if no manufacturer's information is available. The owner shall also perform a test of the accuracy of a submeter at any time upon reasonable request by the city.

6. The owner of any property engaged in remetering shall distribute information regarding the remetering to all individual users who will receive distributed utility bills. Included in that information will be the name and phone number of the appropriate owner's representative to whom all billing inquiries may be directed.

7. Upon reasonable request of an individual user, the owner of any property engaged in remetering shall make the following available for the individual user's inspection:

a. The direct billing from the city to the owner for the current month and the twelve (12) preceding months.

b. The calculation for the billing for the current month and the twelve (12) preceding months.

c. All submeter readings and user billings for the individual unit for the current month and the twelve (12) preceding months.

d. All submeter test results for the individual unit for the current month and the twelve (12) preceding months.

(c) *Billing for remetering.*

1. The billing process for remetering activities shall be as follows: Sale/rental agreement for submetering. All sale/ rental agreements between the owner and the residenttenant shall clearly state that the unit is or may be submetered, that bills for water service will or may be issued on a submetered basis, and that bills shall not include charges for water service for common areas and facilities. The residenttenant shall initial this provision on the sale/lease agreement. Current residentstenants must be notified of the information required in this section ninety (90) days prior to the implementation of the service, unless notice was otherwise provided in the residenttenant's sale/rental agreement.

2. *Rendering and form of submetered bill.*

a. Bills shall be rendered for the same billing period as that of the city, generally monthly, unless service is rendered for less than that period. Bills shall be rendered as promptly as possible following the reading of the submeters.

b. The billing rate shall be that used by the city in its billing to the owner for water service.

c. The owner shall ensure that water service consumption billed to each individual unit is only for each unit's submetered usage.

d. A separate bill must be issued with the submetered billing information, separate and distinct from any other charges, and shall not be combined with the sale, rental and/or maintenance payment or with any other service provided to the residenttenant.

e. The bill shall reflect only submetered usage and the applicable taxes. No administrative charges shall be charged as part of a remetering bill.

3. Required information. The residenttenant's water service submeter bill shall show all of the following information:

a. The date and submeter reading of the period for which the bill is rendered.

b. The prior and current submeter readings.

c. The total gallons of water service being billed.

d. The computed rate for gallons being billed.

e. The total amount due for water service used and applicable taxes.

f. The name and address of the residenttenant to whom the bill is issued.

g. The name of the company rendering the submetering bill, if applicable, and the address and telephone number of the person from that firm that is to be contacted in case of a billing dispute.

h. The date by which the residenttenant must pay the bill.

i. The name, address, telephone number and email address of the party to whom payment is to be made.

j. If it is an estimated bill, the bill shall be distinctly marked as such.

4. Owners and remeterers shall not impose any extra charges on the residenttenant over and above the water service charges and including the applicable taxes that are billed by the city to the owner. The bill may not include a

deposit, reconnect charge, or additional utility late penalty, except as identified in the lease as being considered as and charged as a portion of the rent on the unit.

5. Estimated remetering bills. Estimated bills shall not be rendered unless:

a. The submeter has been tampered with or bypassed. The estimated billing shall not exceed two (2) billing periods.

b. The submeter is found not to be in conformance with AWWA accuracy standards or has stopped and found not to register for any period. The owner may impose an estimated charge for a period not to exceed one (1) billing period, based on amounts used under similar conditions by the same ~~resident~~ tenant during periods preceding or subsequent thereto, or during the corresponding period in previous years.

(d) *Prohibited practices.*

1. It shall be unlawful for any person, firm, corporation or other business entity to engage in remetering in violation of the provisions of this section or to individually bill for water service other than through a remetering agreement with the city.

2. No unit may be submetered unless all units are submetered in each building served by a master meter.

3. No submeters may be used, in any manner, to avoid water main extensions or payment of appropriate connection charges and other fees due to the city.

4. Partial submetering and its billing based on a proration of water service is prohibited.

5. It shall be unlawful for owners to make a profit from remetering. Charges passed on to lessees shall not exceed the amount that is billed by the city utility division as shown in the master meter(s) for the property.

6. It shall be unlawful for any person, firm, corporation or other business entity to place a submeter in use that is not registering in accordance with the AWWA specifications set forth in this section.

7. Disconnection of water service by an owner and/or remeterer for delinquent bills is strictly prohibited. Water service may only be disconnected for emergency purposes, such as water service line problems, leakage, flooding or in the event that a dangerous condition exists which is related to the service being provided.

(e) *Denial, suspension and revocation.*

1. Any unauthorized extension, remetering, sale or disposition of service, may result in the suspension or denial of an owner's water/sewer service from the city, and be subject to discontinuance until such unauthorized extension, remetering, sale or disposition is discontinued and full payment is made of bills for water/sewer service, calculated on proper classification and rate schedules and reimbursement in full made to the city. The owner of any property that is engaged in remetering shall be solely responsible for all extra expenses incurred by the city for clerical work, testing and inspections.

2. The city may deny, suspend, or revoke a registration issued pursuant to the provisions of this section if it is determined by the city that the applicant or registrant has:

a. Submitted an application that is not filed in accordance with subsection (b), is incomplete or untrue in whole or in part.

- b. Violated any provision of this section.
  - c. Misrepresented or concealed a material fact on the application, renewal application or replacement application.
  - d. Aided or abetted a person who has not obtained a registration to evade or avoid the provisions of this section.
  - e. Engaged in fraudulent conduct in connection with remetering.
  - f. Violated any condition, limitation or restriction of a registration imposed by the city.
  - g. Was enjoined by a court of competent jurisdiction from engaging in the trade or business of remetering or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this section.
  - h. Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance or any other lawful order of the city.
- (f) In no case shall a consumer or owner, except with the written consent of the city, extend water, and sewer lines across a street, alley, lane, court, property line, avenue, or other public thoroughfare or right-of-way in order to furnish utility service for adjacent property even though such adjacent property is owned by said person or entity.

**Section 3.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

**Section 4.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 6.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**PASSED AND FINAL ADOPTION on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_,  
2019.**

ATTEST:

\_\_\_\_\_  
GREG ROSS  
Mayor

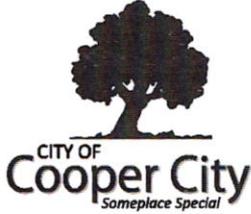
\_\_\_\_\_  
Kathryn Sims  
City Clerk

Approved As To Form:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**

Mayor Ross \_\_\_\_\_  
Commissioner Curran \_\_\_\_\_  
Commissioner Green \_\_\_\_\_  
Commissioner Meltzer \_\_\_\_\_  
Commissioner Pulcini \_\_\_\_\_



**Cooper City Commission Meeting  
Agenda Item Request Form**

**Commission Meeting/Workshop Date:** August 20 2019

**Requesting Department:** Administrative Services/City Clerk

**Subject:** September Commission Meeting Schedule

**Section:**

*Presentation*

*Consent*

*Regular*

*Discussion*

**Background and Recommendation (attach backup material to Item Request Form):**

The September Meeting schedule is the following:

- Tuesday September 10, 2019 - Regular Commission Meeting
- Thursday September 12, 2019 - First Public Hearing on Budget and Millage Rate
- Tuesday September 24, 2019 - Regular Commission Meeting
- Wednesday September 25, 2019 – Second and Final Public Hearing on Budget and Millage Rate

Staff would like direction as to whether the Commission would like to condense the meeting schedule to allow the Regular Meetings to accompany the Budget Hearings

**Proposed Schedule:**

- Thursday September 12, 2019 - First Public Hearing on Budget and Millage followed by Regular Commission meeting
- Wednesday September 25, 2019 – Second and Final Public Hearing on Budget and Millage followed by Regular Commission meeting

Staff requests Commission consensus on the above schedule.

**General Ledger Account Number(s) and Amount(s):**

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**Approvals:**

Finance Director \_\_\_\_\_

City Manager 

City Clerk \_\_\_\_\_