

**ORDINANCE NO. 2019-05**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER XIX, "WATER AND SEWERS," SECTION 19-12 "PAYMENT OF BILLS FOR WATER SERVICE," AND SECTION 19-32 "BILLS-SURCHARGES ON DELINQUENT ACCOUNTS" TO PROVIDE FOR PAYMENT PLANS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, the City of North Miami Beach (the "City") has a water and sewer utility ("NMB Water") which provides water and sewer service to residential, multi-family and commercial customers, both within and outside the City's limits; and

**WHEREAS**, many NMB Water customers have had difficulty in promptly paying for the services provided and the City's code does not allow for the creation of a payment plan policy; and

**WHEREAS**, the ability to establish a payment plan policy would alleviate some of the financial strain for NMB Water customer's while ensuring the City is in compliance with existing bond covenants that obligate the City to compel prompt payment of amounts owed for services rendered; and

**WHEREAS**, pursuant to Section 166.041 (c)(2), Florida Statutes, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of the time and dates of the public hearings; and

**WHEREAS**, two (2) public hearings were held before the Mayor and City Commission pursuant to the published notice described above; and

**WHEREAS**, the Mayor and City Commission finds that the adoption of this Ordinance through its police powers is in the best interests of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA<sup>1</sup>:**

**Section 1.** The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

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<sup>1</sup> Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strikethrough~~.

**Section 2.** Chapter XIX, is amended as follows:

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**19-12 - PAYMENT OF BILLS FOR WATER SERVICE.**

**19-12.1 Payment, Adjustment.**

- a. Payments of all bills and accounts of the City ~~musts~~ shall be mailed or dropped off made at the cashier's office located at the City Hall, or shall be paid using the City's online or telephone bill payment service.
- b. Water service will be discontinued without further notice on all accounts not paid within thirty (30) days of date of bill.
- c. The date of cancellation by the Post Office Department shall be taken as date of payment for all remittances by mail for bills on accounts due the City.
- d. No abatements or reductions on meter charges shall be refunded or allowed except for errors on meter readings when such charges are based on inaccuracy in the registration of any meter or in the meter of an error on the part of the City in making any charge or in the amount thereof and then only provided claim for such abatement or adjustment is made in writing within ten (10) days after the date of the rendition of the bill or account in dispute.
- e. No abatement or reduction on any bill, account or charge rendered or made by the City for any service or purpose other than meter service will be made or allowed, unless only when claim for such abatement or deduction is made in writing within ten (10) days after date of the rendition of the bill or account in dispute.
- f. Under no circumstances will abatements, allowances, deductions, or refunds be made on actual or alleged excessive meter water supply service accounts or charges on account of water used, or lost or wasted through leaks, carelessness or neglect or otherwise, after the same has passed through the meter.
- g. Notwithstanding the foregoing the City may establish a payment plan policy, said policy shall be prominently posted at the cashier's office located at City Hall and on the City's website.

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**19-32 - BILLS—SURCHARGES ON DELINQUENT ACCOUNTS.**

A penalty or surcharge shall automatically be imposed upon all delinquent customers of sewer service, in the amount of ten (10%) percent of the prior billing cycle's sewer charges or of any outstanding previous balance due at the time of each billing whichever is lower, and said surcharge shall be added on at the time of said billing and shall be due and owing to the City by the said delinquent customer.

Notwithstanding the foregoing the City may establish a payment plan policy, said policy shall be prominently posted at the cashier's office located at City Hall and on the City's website.

**Section 3.** All ordinances or parts of ordinances in conflict therewith be and the same are hereby repealed to such extent of the conflict.

**Section 4.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** It is the intention 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 be effective ten (10) days after adoption on second reading.


**APPROVED** on first reading this **20<sup>th</sup> day of August, 2019.**

**APPROVED AND ADOPTED** on second reading this **17<sup>th</sup> day of September, 2019.**

ATTEST:

  
ANDRISE BERNARD, CMC  
CITY CLERK

(CITY SEAL)

  
ANTHONY F. DEFILLIPO  
MAYOR

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

  
SARAH L. JOHNSTON  
CITY ATTORNEY

SPONSORED BY: Commissioner McKenzie Fleurimond