



ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF WEST MIAMI AMENDING ORDINANCE 2008-03; DELETING CHAPTER 15, ARTICLE III, SECTION 15.51; AMENDING CHAPTER 15, ARTICLE III, SECTION 15.52; AUTHORIZING CITY ADMINISTRATION TO HAVE THE OPTION OF CONTRACTING FOR WATER SERVICES DIRECTLY WITH PROPERTY OWNERS OR WITH TENANTS RENTING FROM PROPERTY OWNERS; IMPOSING A DEPOSIT FOR WATER SERVICE UPON REAL PROPERTY LOCATED IN THE CITY OF WEST MIAMI; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the past, there have been instances where tenants/non-owner occupants of real estate property in the City of West Miami have requested and obtained water services from the City of West Miami, and

WHEREAS, in these instances, after receiving water services bills, tenants/non-owner occupants have moved out of the real estate property without paying for said obligations due the City which are unenforceable against the real property, and

WHEREAS, the City of West Miami is regularly impacted by the non-payment of these utilities and use of services by tenants/non-owner occupants, and

WHEREAS, the Mayor and City Commission deem it necessary to delete Chapter 15, Article III, Section 15.51; and

WHEREAS, the Mayor and City Commission deem it necessary to amend Ordinance 2008-03 and Chapter 15, Article III, Section 15.52 increasing the deposit to water service in order to deter the losses on delinquent accounts and authorizing the City Manager or his/her designee to contract for water services directly with the property owner or the tenant of the property.

THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA as follows:

Section 1. Chapter 15, Article III, Section 15.51 shall be deleted.

Section 2. Chapter 15, Article III, Section 15.52 of the City Code shall be amended in its pertinent parts as follows:

That the City Administration may, at its option:

- a. contract directly with owner(s) and/or tenants for water services, and
- b. request a deposit or other security from owner and/or tenant of real property, at the option of the City Manager, and
- c. require, if services are contracted with the property owner, that the deposit for water services from owner of property be in the amount of \$350.00, and
- d. require, if services are contracted with the tenant of the property, that the deposit for water services from Tenant be in the amount of \$350.00, and
- e. the City may withdraw from the security deposit collected and deposited in the City by tenant/non-owner occupant or owner for the purpose of payment, arrears of amounts due for services rendered to the tenant/non-owner occupants or owners.
- f. the City may discontinue services to a tenant/non-owner occupant or owner who is in arrears of thirty (30) days or more.

Section 3. In the event that the City Administration determines to contract for water services directly with the owner of the real property, upon non-payment of such charges, within thirty (30) days after the overdue bills are thereafter mailed to the property owner, at the last mailing address on record for such owner, then such delinquent charges shall become a lien on that real estate or any real estate owned by the owner of the subject property without further action on the part of the City, recording same with the Clerk of Miami-Dade County and thereafter, may be collected in the same manner as provided by law for collection of delinquent real estate taxes, such liens having the same priority and dignity as real estate taxes.

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

Section 5. Severability. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and shall remain in full force and effect.

Section 6. Codification. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of West Miami, as an addition

or amendment thereto. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

Section 7. Effective Date. This Ordinance shall become effective when passed by the City Commission and signed by the Mayor.

PASSED on First Public Reading **May 15th, 2019.**

PASSED on Second Reading, Public Hearing **June 5th, 2019.**

PASSED AND ADOPTED, by the City Commission of the City of West Miami, Florida, in regular session assembled, this 5th day of June, 2019.

APPROVED:




RHONDA A. RODRIGUEZ, MAYOR

ATTEST:



ANNERY GONZALEZ, CMC
CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:



JOSE A. VILLALOBOS, CITY ATTORNEY

The Prime Sponsor of the foregoing Ordinance is Commissioner Juan M. Blanes. It was offered by Commissioner Candida Blanca, who moved its adoption. The motion was seconded by Vice-Mayor Luciano L. Suarez. The vote was as follows:

ROLL CALL VOTE:

MAYOR RHONDA A. RODRIGUEZ	<u>Y</u>
VICE-MAYOR LUCIANO L. SUAREZ	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER ERIC DIAZ-PADRON	<u>Y</u>