

ORDINANCE NO. 26-01

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 19 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "UTILITIES;" AMENDING ARTICLE III, ENTITLED "WATER AND WASTEWATER SYSTEMS;" BY SPECIFICALLY AMENDING SECTION 19-74, ENTITLED "APPLICATION FOR SERVICE;" AMENDING SECTION 19-107, ENTITLED "DEVELOPER AGREEMENTS;" AMENDING SECTION 19-143, ENTITLED "BONDING REQUIREMENTS;" PROVIDING FOR THE ADMINISTRATIVE APPROVAL OF DEVELOPER AGREEMENTS AND UTILITY CONNECTIONS FOR PROPERTIES LOCATED WITHIN THE CITY; PROVIDING FOR THE ADMINISTRATIVE RELEASE OF BONDS FOLLOWING COMPLETION OF CONSTRUCTION; PROVIDING FOR THE DELEGATION OF AUTHORITY TO THE CITY MANAGER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cooper City ("City") provides certain utilities to residents and businesses in the City, including solid waste collection, water, sewer and wastewater utility services; and

WHEREAS, the City's Code of Ordinances establishes an application process for utility services and, in certain instances, requires developer's agreements for new connections; and

WHEREAS, in accordance with Ch. 180, F.S., the City is obligated to provide utility service to properties located within its municipal boundaries; and

WHEREAS, the City Commission seeks to delegate to the City Manager the authority to approve applications for utility service for properties located within the City, including develop agreements, as applicable; and

WHEREAS, the City Code further establishes bond requirements for developers and provides for a bond reduction upon completion of construction and transfer of improvements to the City; and

WHEREAS, the City Commission seeks to authorize the City Manager to approve bond reductions upon construction completion, subject to the concurrence of the City's Utility Director; and

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

WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, the City Commission finds that this ordinance is in the best interest of the citizens, residents, and business establishments in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1. RECITALS ADOPTED. That each of the above-stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereon.

Section 2. CHAPTER 19 OF CITY CODE AMENDED. That Article III, entitled "Water and Wastewater Systems" of Chapter 19, entitled "Utilities" of the City of Cooper City Code of Ordinances, is hereby amended by specifically amending Section 19-74, entitled "Applications for Service," amending Section 19-107, entitled "Development Agreements," and amending Section 19-143, entitled "Bonding Requirements," to read, as follows:

Sec. 19-74. - Application for service.

Service shall be furnished only upon signed application accepted by City and the conditions of such application are binding upon the customer as well as upon the City. To obtain service, application shall be made at the City. Applications are accepted by the City with the understanding that there is no obligation on the part of the City to render service other than that which is then available from its existing water production and distribution equipment and service lines, and from its existing sewage treatment collection, transmission and treatment facilities. The applicant shall furnish to the City at the time of making application the name of the applicant, the ownership or other interest in or to the property or location and the legal description or street address at which service is to be rendered. Commencing on September 1, 2024, all applications for residential utility service submitted to the City pursuant to this chapter shall be furnished to the City and signed by the property owner and shall be opened in the property owner's name.

Application for service required by firms, partnerships, associations, corporation and others, shall be rendered only by duly authorized parties. When service is rendered under agreement or agreements entered into between the City and an agent of the principal, the use of such service by the principal shall constitute full and complete ratification by the principal of the agreement or agreements entered into between the City and an agent of the principal under which such service is rendered.

The City Manager, subject to the concurrence of the City's Utility Director, is authorized to approve all applications for service pursuant to Ch. 19 of the Town's Code of Ordinances, as amended from time to time, for properties located within the City. All applications for utility service for properties located outside the City's municipal boundaries shall require approval by the City Commission.

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Sec. 19-107. - Developer agreements.

Prior to water and sewer plan approval by City and execution of water and sewer main extension application to state agencies by the City, builder or developer shall be required to execute a "developer's agreement." This agreement shall run with the land and be binding on the developer, its successors, assigns and any other subsequent owner of the land, setting forth such reasonable provisions governing developer and City responsibility pertaining to the installation of service facilities; the interconnection of service lines with the facilities of City; the manner and method of payment of contributions, fees, and charges; guaranteed revenue provisions; standards of construction or specifications; regulations, policies, practices and procedures of the City; prohibitions against improper use of the City's facilities; and other matters normally associated with and contained

in developer agreements. Developer agreements shall only apply to specific parcels of property and are not assignable or transferable in any manner to any other parcel of property. A proposed developer agreement is attached hereto as Schedule G, and made a part hereof by reference. The terms and conditions of the proposed developer agreement may be amended, changed or repealed by resolution of the City Commission. The City Manager, subject to the concurrence of the City's Utility Director, is authorized to approve all developer agreements required by this section, as it may be amended from time to time, for properties located within the City. All developer agreements for properties located outside the City's municipal boundaries shall require approval by the City Commission.

All developer agreements which were executed on or before February 1, 1983 as well as those executed after that date shall be subject to all of the terms and conditions of this article as the same may be amended from time to time.

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Sec. 19-143. - Bonding requirements.

(a) At the time of execution of a developer agreement, developer shall deliver to the City a performance bond, or security in a form acceptable to the City Attorney in the amount of 110 percent of the estimated construction cost as approved by the City.

(b) Upon completion of construction and transfer of improvements to the City by bill of sale together with accepted "as-built" plans as prepared and certified by the engineer of record, the bond may be reduced to no less than 25 percent of the certified completed cost of the improvements. This bond will be subject to release by the City Manager, subject to the concurrence of the City's Utility Director, after one year from the date of reduction.

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 8. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2026.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2026.

JAMES CURRAN
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

ROLL CALL
Mayor Curran _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____
Commissioner Smith _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney