

ORDINANCE NO. C-17-05

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING SECTION 28-174 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO GRANT A ONE-TIME BILLING ADJUSTMENT FOR UNEXPLAINED WATER CONSUMPTION ON AN ACCOUNT WITH WATER, WASTEWATER, OR SPRINKLING SERVICE, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale supplies water and sewer services on a regional basis to approximately 250,000 residents of central Broward County; and

WHEREAS, areas provided potable water service and wastewater service by the City include Fort Lauderdale, Port Everglades, Lauderdale-by-the-Sea, Oakland Park, Sea Ranch Lakes, Wilton Manors, and portions of unincorporated Broward County; and

WHEREAS, there are occasions when excessive water consumption cannot be explained,

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

SECTION 1. Section 28-174 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 28-174. - One-time credit on the utility bill

- (a) Except as provided in subsection (b), and subject to the requirements set forth in subsection (c), the City Manager or the City Manager's designee is authorized to grant a one-time billing adjustment to a customer who is not eligible for a credit under subsections 28-173 (a) or (b). This one-time

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credit is for the life of the account at the location for which such credit is granted.

(b) A one-time ~~water usage~~ billing adjustment is not authorized in cases in which:

(1) There exists a cross connection with a well or other water source on the subject property; or

(2) The high usage was caused by equipment which was improperly installed, malfunctioned due to manufacturer's defect, or that is covered by any written warranty; or

(3) The customer has had previous water services within the City and has a history of monthly consumption that, during a twelve month period, fluctuated more than twenty-five percent each month, or the customer's account is not in good standing. Good standing, for purpose of this section, means that the account ~~has~~ is not ~~been~~ delinquent ~~in~~ as of the ~~prior twelve months~~ billing period immediately preceding the billing period for which the one-time billing adjustment is requested.

(c) In order to be considered for the one-time billing adjustment, the customer must submit to the Utility Billing & Collections Division within sixty days of the date of the bill indicating high usage, a verified application, together with an affidavit from a licensed plumber stating that the licensed plumber knows of no reason for the high consumption at the subject property. The customer must swear or affirm that the high usage is not the result of an apparent or deliberate act of the customer such as pool filling, frequent use of sprinklers, or hoses left running. In addition, the customer must agree:

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- (1) That Public Works Department personnel have the right to interview the customer and, if applicable, any workers or contractors who were on the property during the high usage period, in addition to inspecting the premises; and
 - (2) That, if the application is approved, the customer will not be eligible for the one-time credit again for the life of the account at the subject property; and
 - (3) To make monthly payments of at least one hundred percent of the twelve-month average while the application is being reviewed and that failure to pay the utility bill or make payment arrangements may result in a disconnection of services and additional fees.
- (d) If the one-time billing adjustment is granted, the City may modify the customer's bill by averaging the prior twelve-months' usage and applying a credit of one-half over the prior twelve-month average usage.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect ten days after its final passage.

PASSED FIRST READING this the 21st day of March, 2017.

PASSED SECOND READING this the _____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

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ATTEST:

City Clerk
JEFFREY A. MODARELLI

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