ORDINANCE NO. 4819-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE I (IN GENERAL), TO AMEND AND RESTATE SECTION 90-12 (REVIEW AND ADJUSTMENT OF USER CHARGES) TO ESTABLISH PROVIONS FOR ADJUSTMENTS DUE TO LEAKS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, the City Commission of the City of West Palm Beach is vested with the authority to adopt ordinances to protect the health, safety and welfare of the City's inhabitants and visitors; and

WHEREAS, the City Commission has previously enacted ordinances and regulations regarding the City's drinking water system, the requirements for water meters, and adjustments for water charges; and

WHEREAS, the City Commission deems it appropriate to clarify the requirements and process for adjustments to water charges due to leaks.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby makes the following findings:

1. It is in the best interest of both the City's water utility and its customers to formalize the policy and procedure for adjustments for water charges due to leaks.

SECTION 2: Chapter 90 (Utilities), Article I (In General), Section 90-12 (Review and Adjustment of User Charges) of the Code of Ordinances is hereby amended to formalize the policy and procedure for leak adjustments, and is re-stated in its entirety, and shall now read as follows:

Sec. 90-12. - Review and adjustment of user charges.

(a) *Duty to inspect and repair*. Any user or customer who believes that there is a leak or the water facilities serving his account on the user's side of the meter are in need of repair shall be required to obtain the services of a certified plumber to inspect and repair the leak or problem, if necessary. The inspection and/or repair shall occur within seven (7) days of discovering or receiving notice of a leak or need for repair. Failure to make needed repairs in a timely manner will void any request for a billing adjustment.

(b) *Application*. Any user or customer who believes his bill is in error for any reason may request a review of the bill by submitting: 1) a copy of the contested bill; 2) a repair bill from a certified plumber (if applicable); and 3) a leak adjustment form to the public utilities customer service division within 30 days of the date of the contested bill. The city will review the application and may make a field investigation if deemed necessary by the city.

(c) *Adjustments due to leak on customer's side of meter*. If it is determined that a leak occurred on the customer's side of the water meter which was not caused by any act or omission of the customer or user, and the user made needed repairs within 7 days of discovering the leak or receiving his water bill, the user's charges may be adjusted to credit 100% of all water usage and sewer charges in excess of average billing (a minimum four month average, but not to exceed 12 months). An adjustment will be made for only one billing cycle. Such an adjustment may be made once in any 36-month period.

(d) *Adjustments for meter inaccuracy*. If a meter measuring a user's water usage becomes inaccurate, as determined by the city, not caused by any act or omission of the customer or user, then the customer's bill may be recalculated based on average billings (based on a minimum four month average, but not to exceed 12 months).

(e) *Final approval*. The public utilities director shall have final approval of any adjustment of user charges pursuant to this section. The determination of the public utilities director shall be final and is not subject to appeal.

~~(a) Any user who believes his user charge is unjust and inequitable may make written application to the city requesting a review of his user charge. Such written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.~~

~~(b) Review of the request shall be made by the city and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength date and the new charges shall be applicable to the next billing cycle/period.~~

SECTION 3: Authority is hereby granted to codify the text amendments set forth in Section 2 of this Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6: This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

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FIRST READING THIS 5TH DAY OF NOVEMBER, 2018.
SECOND READING AND PASSAGE THIS 19TH DAY OF NOVEMBER, 2018.

ATTEST:

X

CITY CLERK
Signed by: Hazeline F Carson

CITY OF WEST PALM BEACH BY ITS CITY COMMISSION:

X

PRESIDING OFFICER
Signed by: Paula Jean Ryan

APPROVED AS TO FORM AND LEGALITY:

11/16/2018

X

CITY ATTORNEY
Signed by: Nancy DeSimone Urcheck