

ORDINANCE NO. C-12-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 28-76 OF ARTICLE II, SEWERS AND SEWAGE DISPOSAL, DIVISION 3, ENTITLED "RATES AND CHARGES", AND AMENDING SECTIONS 28-143 AND 28-144 OF ARTICLE III, MUNICIPAL WATER SUPPLY SYSTEM, DIVISION 1, ENTITLED "GENERALLY", OF CHAPTER 28 OF THE CODE OF ORDINANCES, ENTITLED "WATER, WASTEWATER AND STORMWATER", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Public Works Department has proposed certain changes to Chapter 28, entitled "Water, Wastewater and Stormwater," of the Code of Ordinances to provide for a water and sewer rate adjustment to be made by the City Manager when an excessive consumption by the customer is the result of a known leak and the customer has provided a sworn affidavit stating that the customer knows of the reason for such high consumption and a statement by a licensed plumber that the leak in the customer's plumbing system has been repaired; and

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

SECTION 1. That Section 28-76 entitled "Wastewater user rates," of Division 3, entitled "Rates and Charges," of Article II, entitled "Sewers and Sewage Disposal" shall be amended to add a new subsection (i) and the remaining sections are renumbered as follows:

Sec. 28-76. – Wastewater user rates.

...

(g) Should water consumption of an unusually and inexplicably large volume be recorded by an accurate meter for a customer whose account shows no prior history of such high water consumption, the city manager or designee may, upon receipt of a sworn affidavit from the customer that the customer knows of no reason for such high consumption and a

CAR 12-0960
EXHIBIT 3

statement by a licensed plumber that there are no leaks in the customer's plumbing system, reduce the customer's wastewater commodity charge to a rate equal to the customer's previous twelve month average consumption rate by one half (1/2) the amount by which the charge exceeds the billing based upon the customer's average water consumption.

(h) Should water consumption of an unusually large volume be recorded by an accurate meter, which consumption is the result of a leak in the consumer's water system, and such consumption results in a loss of water which does not enter the sewer system, the city manager or designee may, upon receipt of a sworn affidavit from the customer stating that the water did not enter the sewer system and a sworn affidavit from a licensed plumber that a leak in the customer's water system has been repaired, reduce or credit the customer's wastewater commodity charge by reducing the rate charged to a rate equal to the customer's previous twelve month average consumption rate. the amount determined by the city to be attributable to the leak.

(i) Should excessive water consumption be the result of a known water leak in the consumer's water system and such consumption results in a loss of water that discharges to the sewer system, the city manager or designee may, upon receipt of a sworn affidavit from the customer stating that the water did enter the sewer system and a sworn affidavit from a licensed plumber that the leak in the customer's water system has been repaired along with a copy of the repair invoice describing the type and location of the leak, and the repairs made, reduce or credit the customer's wastewater commodity charge by reducing the rate charged to a rate equal to the customer's previous twelve month average consumption rate.

- (i)
- (j) ...

- (k)
- (l) ...

SECTION 2. That Section 28-143 entitled "Water rates," of Division 1, entitled "Generally," of Article III, entitled "Municipal Water Supply System" shall be amended to add a new subsection (e) and the remaining section is renumbered as follows:

...

- (d) Should water consumption of an unusually and inexplicably large volume be

recorded by an accurate meter for a customer whose account shows no prior history of such high water consumption, the city manager or designee may, upon receipt of a sworn affidavit from the customer that the customer knows of no reason for such high consumption and a statement by a licensed plumber that there are no leaks in the customer's plumbing system, modify reduce the customer's bill by reducing the rate applied to the excessive usage quantity to a rate equal to the customer's previous twelve month average consumption rate. one-half the amount by which the bill exceeds the billing for the customer's average water consumption.

(e) Should water consumption resulting in a large volume be recorded by an accurate meter as the result of an identified leak which was repaired by a licensed contractor, the city manager or designee may, upon receipt of a sworn affidavit from the customer stating that the excessive usage was caused by a leak which was repaired, evidenced by means of a copy of the repair invoice from a licensed plumber describing the type and location of the leak, and the repairs made, may modify the customer's bill by reducing the rate applied to the excessive usage quantity to a rate equal to the customer's previous twelve month average consumption rate.

(e)

(f) ...

SECTION 3. That Section 28-144 entitled "Sprinkling meter charges," of Division 1, entitled "Generally," of Article III, entitled "Municipal Water Supply System" shall be amended to add a new subsection (c) as follows:

...

(c) Should water consumption resulting in a large volume be recorded by an accurate meter for a customer as the result of an identified leak which was repaired by a licensed contractor, the city manager or designee may, upon receipt of a sworn affidavit from the customer stating that the excessive usage was caused by a leak which was repaired, evidenced by means of a copy of the repair invoice from a licensed plumber describing the type of leak, the location of the leak, and the repairs made, may modify the customer's bill by reducing the rate applied to the excessive usage quantity to a rate equal to the customer's previous twelve month average consumption rate.

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

C-12-

be affected thereby, but shall remain in full force and effect.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon final passage.

PASSED FIRST READING this the _____ day of _____, 2012.

PASSED SECOND READING this the _____ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH